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The text of the documents contained in this publication is printed identical to the originals on file in the Office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

JESSE WHITE
Secretary of State

(Printed by authority of the General Assembly of the State of Illinois.)
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EFFECTIVE DATES OF PUBLIC ACTS

1970 CONSTITUTION, ARTICLE IV

"§ 10. Effective Date of Laws
The General Assembly shall provide by law for a uniform effective date for laws passed prior to July 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to July 1. A bill passed after June 30 shall not become effective prior to July 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date."

5 ILLINOIS COMPILED STATUTES CHAPTER 75

75/1. Effective Date of Laws
"§1 (a) A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date." (a) A bill passed prior to July 1 of a calendar year that does not provide for an effective date in the terms of the bill shall become effective on January 1 of the following year, or upon its becoming a law, whichever is later.
(b) A bill passed prior to July 1 of a calendar year that does provide for an effective date in the terms of the bill shall become effective on that date if that date is the same as or subsequent to the date the bill becomes a law; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."

75/2. Special Effective Dates
"§2 A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."
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VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change.)
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
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IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change.)
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
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VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change.)
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by changing Sections 3-7 and 3-8 as follows:

(110 ILCS 805/3-7) (from Ch. 122, par. 103-7)
Sec. 3-7. The election of the members of the board of trustees shall be nonpartisan and shall be held at the time and in the manner provided in the general election law.

Unless otherwise provided in this Act, members shall be elected to serve 6 year terms. The term of members elected in 1985 and thereafter shall be from the date the member is officially determined to be elected to the board by a canvass conducted pursuant to the Election Code, to the date that the winner of the seat is officially determined by the canvass conducted pursuant to the Election Code the next time the seat on the board is to be filled by election.

A board of trustees of a community college district which is contiguous or has been contiguous to an experimental community college district as authorized and defined by Article IV of this Act may, on its own motion, or shall, upon the petition of the lesser of 1/10 or 2,000 of the voters registered in the district, order submitted to the voters of the district at the next general election the proposition for the election of board members by trustee district rather than at large, and such proposition shall thereupon be certified by the secretary of the board to the proper election authority in accordance with the general election law for submission.

If the proposition is approved by a majority of those voting on the proposition, the State Board of Elections, in 1991, shall reapportion the trustee districts to reflect the results of the last decennial census, and shall divide the community college district into 7 trustee districts, each of which shall be compact, contiguous and substantially equal in population to each other district. In 2001, and in the year following each decennial census thereafter, the board of trustees of community college District #522 shall reapportion the trustee districts to reflect the results of the census, and shall divide the community college district into 7 trustee districts, each of which shall be compact, contiguous, and substantially equal in population to each other district. The division of the community college district into trustee districts shall be completed and formally approved by a majority of the members appointed to the State Board of Elections with respect to the initial division of the community college district into 7 trustee districts in 1991, and by a majority of the members of the board of trustees of community college District #522 in 2001 and in with respect to the year following each decennial census thereafter, not less than 60 days before the last date established by the general election law for the submission of nominating petitions for the next regularly scheduled election for community college trustees. At the same meeting of the board of trustees, the board shall, publicly by lot, divide the trustee districts as equally as possible into 2 groups. Beginning in 2003 and every 10 years thereafter, trustees or their successors from one group shall be elected for successive terms of 4 years and 6 years; and members or their successors from the second group shall be elected for successive terms of 6 years and 4 years. One member shall be elected from each such trustee district.

Each member elected in 2001 shall be elected at the 2001 consolidated election from the trustee districts established in 1991. The term of each member elected in 2001 shall end on the date that the trustees elected in 2003 are officially determined by a canvass conducted pursuant to the Election Code.

Each member must on the date of his election be a citizen of the United States, of the age of 18 years or over, and a resident of the State and the territory which on the date of the election is included in the community college district for at least one year immediately preceding his election. In the event a person who is a member of a common school board is elected or appointed to a board of trustees of a community college district, that person shall be permitted to serve the remainder of his or her term of office as a member of the common school board. Upon the expiration of the common school board term, that person shall not be eligible for election or appointment to a common school board during the term of office with the community college district board of trustees.

Whenever a vacancy occurs, the remaining members shall fill the vacancy, and the person
so appointed shall serve until a successor is elected at the next regular election for board members and is certified in accordance with Sections 22-17 and 22-18 of the Election Code. If the remaining members fail so to act within 60 days after the vacancy occurs, the chairman of the State Board shall fill that vacancy, and the person so appointed shall serve until a successor is elected at the next regular election for board members and is certified in accordance with Sections 22-17 and 22-18 of the Election Code. The person appointed to fill the vacancy shall have the same residential qualifications as his predecessor in office was required to have. In either instance, if the vacancy occurs with less than 4 months remaining before the next scheduled consolidated election, and the term of office of the board member vacating the position is not scheduled to expire at that election, then the term of the person so appointed shall extend through that election and until the succeeding consolidated election. If the term of office of the board member vacating the position is scheduled to expire at the upcoming consolidated election, the appointed member shall serve only until a successor is elected and qualified at that election.

Members of the board shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in connection with their service as members. Compensation, for purposes of this Section, means any salary or other benefits not expressly authorized by this Act to be provided or paid to, for or on behalf of members of the board. The board of each community college district may adopt a policy providing for the issuance of bank credit cards, for use by any board member who requests the same in writing and agrees to use the card only for the reasonable expenses which he or she incurs in connection with his or her service as a board member. Expenses charged to such credit cards shall be accounted for separately and shall be submitted to the chief financial officer of the district for review prior to being reported to the board at its next regular meeting.

Except in an election of the initial board for a new community college district created pursuant to Section 6-6.1, the ballot for the election of members of the board for a community college district shall indicate the length of term for each office to be filled. In the election of a board for any community college district, the ballot shall not contain any political party designation.

Sec. 3-8. Following each election and canvass, the new board shall hold its organizational meeting on or before the 14th day after the election, except that in 1999, 2001, and 2003 (except District #522) the board shall organize within 14 days after the first Tuesday after the first Monday of November in each of those 3 years. In 2003 in District #522, the new board shall hold its organizational meeting on or before the 14th day after the consolidated election. If the election is the initial election ordered by the regional superintendent, the organizational meeting shall be convened by the regional superintendent, who shall preside over the meeting until the election for chairman, vice chairman and secretary of board is completed. At all other organizational meetings, the chairman of the board, or, in his or her absence, the president of the community college or acting chief executive officer of the college shall convene the new board, and conduct the election for chairman, vice chairman and secretary. The board shall then proceed with its organization under the newly elected board officers, and shall fix a time and place for its regular meetings. It shall than enter upon the discharge of its duties. The terms of board office shall be 2 years, except that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers for the remaining one year period. Terms of members are subject to Section 2A-54 of the Election Code.

Special meetings of the board may be called by the chairman or by any 3 members of the board by giving notice thereof in writing stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before the meeting or by personal service 24 hours before the meeting.

At each regular and special meeting which is open to the public, members of the public and employees of the community college district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the comprehensive health insurance plan.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 8 as follows:

(215 ILCS 105/8) (from Ch. 73, par. 1308)
Sec. 8. Minimum benefits.

a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of $1,000,000 per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

b. Outline of benefits. Covered expenses shall be limited to the usual and customary charge, including negotiated fees, in the locality for the following services and articles when prescribed by a physician and determined by the Plan to be medically necessary for the following areas of services, subject to such separate deductibles, co-payments, exclusions, and other limitations on benefits as the Board shall establish and approve, and the other provisions of this Section:

(1) Hospital services, except that any services provided by a hospital that is located more than 75 miles outside the State of Illinois shall be covered only for a maximum of 45 days in any calendar year. With respect to covered expenses incurred during any calendar year ending on or after December 31, 1999, inpatient hospitalization of an eligible person for the treatment of mental illness at a hospital located within the State of Illinois shall be subject to the same terms and conditions as for any other illness.

(2) Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than dental and mental and nervous disorders as described in paragraph (17), which are rendered by a physician, or by other licensed professionals at the physician's direction. This includes reconstruction of the breast on which a mastectomy was performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; and prostheses and treatment of physical complications at all stages of the mastectomy, including lymphedemas.

(2.5) Professional services provided by a physician to children under the age of 16 years for physical examinations and age appropriate immunizations ordered by a physician licensed to practice medicine in all its branches.

(3) (Blank).

(4) Outpatient prescription drugs that by law require a prescription written by a physician licensed to practice medicine in all its branches subject to such separate deductible, copayment, and other limitations or restrictions as the Board shall approve, including the use of a prescription drug card or any other program, or both.

(5) Skilled nursing services of a licensed skilled nursing facility for not more than 120 days during a policy year.

(6) Services of a home health agency in accord with a home health care plan, up to a maximum of 270 visits per year.

(7) Services of a licensed hospice for not more than 180 days during a policy year.

(8) Use of radium or other radioactive materials.

(9) Oxygen.

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(10) Anesthetics.
(11) Orthoses and prostheses other than dental.
(12) Rental or purchase in accordance with Board policies or procedures of durable medical equipment, other than eyeglasses or hearing aids, for which there is no personal use in the absence of the condition for which it is prescribed.
(13) Diagnostic x-rays and laboratory tests.
(14) Oral surgery (i) for excision of partially or completely unerupted impacted teeth when not performed in connection with the routine extraction or repair of teeth; (ii) for excision of tumors or cysts of the jaws, cheeks, lips, tongue, and roof and floor of the mouth; (iii) required for correction of cleft lip and palate and other craniofacial and maxillofacial birth defects; or (iv) for treatment of injuries to natural teeth or a fractured jaw due to an accident.
(15) Physical, speech, and functional occupational therapy as medically necessary and provided by appropriate licensed professionals.
(16) Emergency and other medically necessary transportation provided by a licensed ambulance service to the nearest health care facility qualified to treat a covered illness, injury, or condition, subject to the provisions of the Emergency Medical Systems (EMS) Act.
(17) Outpatient services for diagnosis and treatment of mental and nervous disorders provided that a covered person shall be required to make a copayment not to exceed 50% and that the Plan's payment shall not exceed such amounts as are established by the Board.
(18) Human organ or tissue transplants specified by the Board that are performed at a hospital designated by the Board as a participating transplant center for that specific organ or tissue transplant.
(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

c. Exclusions. Covered expenses of the Plan shall not include the following:
(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.
(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.
(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.
(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.
(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.
(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.
(7) Dental care, dental surgery, dental treatment, any other dental procedure involving the teeth or periodontium, or any dental appliances, including crowns, bridges, implants, or partial or complete dentures, except as specifically provided in paragraph (14) of subsection b of this Section.
(8) Eyeglasses, contact lenses, hearing aids or their fitting.
(9) Illness or injury due to acts of war.
(10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.
(11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.
(12) Routine maternity charges for a pregnancy, except where added as optional
coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.

(13) (Blank).

(14) Any expense or charge for services, drugs, or supplies that are: (i) not provided in accord with generally accepted standards of current medical practice; (ii) for procedures, treatments, equipment, transplants, or implants, any of which are investigational, experimental, or for research purposes; (iii) investigative and not proven safe and effective; or (iv) for, or resulting from, a gender transformation operation.

(15) Any expense or charge for routine physical examinations or tests except as provided in item (2.5) of subsection b of this Section.

(16) Any expense for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.

(17) Any expense incurred for benefits provided under the laws of the United States and this State, including Medicare, Medicaid, and other medical assistance, maternal and child health services and any other program that is administered or funded by the Department of Human Services, Department of Public Aid, or Department of Public Health, military service-connected disability payments, medical services provided for members of the armed forces and their dependents or employees of the armed forces of the United States, and medical services financed on behalf of all citizens by the United States.

(18) Any expense or charge for in vitro fertilization, artificial insemination, or any other artificial means used to cause pregnancy.

(19) Any expense or charge for oral contraceptives used for birth control or any other temporary birth control measures.

(20) Any expense or charge for sterilization or sterilization reversals.

(21) Any expense or charge for weight loss programs, exercise equipment, or treatment of obesity, except when certified by a physician as morbid obesity (at least 2 times normal body weight).

(22) Any expense or charge for acupuncture treatment unless used as an anesthetic agent for a covered surgery.

(23) Any expense or charge for or related to organ or tissue transplants other than those performed at a hospital with a Board approved organ transplant program that has been designated by the Board as a preferred or exclusive provider organization for that specific organ or tissue transplant.

(24) Any expense or charge for procedures, treatments, equipment, or services that are provided in special settings for research purposes or in a controlled environment, are being studied for safety, efficiency, and effectiveness, and are awaiting endorsement by the appropriate national medical specialty college for general use within the medical community.

d. Deductibles and coinsurance.

The Plan coverage defined in Section 6 shall provide for a choice of deductibles per individual as authorized by the Board. If 2 individual members of the same family household, who are both covered persons under the Plan, satisfy the same applicable deductibles, no other member of that family who is also a covered person under the Plan shall be required to meet any deductibles for the balance of that calendar year. The deductibles must be applied first to the authorized amount of covered expenses incurred by the covered person. A mandatory coinsurance requirement shall be imposed at the rate authorized by the Board in excess of the mandatory deductible, the coinsurance in the aggregate not to exceed such amounts as are authorized by the Board per annum. At its discretion the Board may, however, offer catastrophic coverages or other policies that provide for larger deductibles with or without coinsurance requirements. The deductibles and coinsurance factors may be adjusted annually according to the Medical Component of the Consumer Price Index.

e. Scope of coverage.

(1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem appropriate and that it believes to be generally reflective of and commensurate with health insurance coverage that is provided in the individual market in this State.
(2) The benefit plans approved by the Board may also provide for and employ various
cost containment measures and other requirements including, but not limited to,
preadmission certification, prior approval, second surgical opinions, concurrent utilization
review programs, individual case management, preferred provider organizations, health
maintenance organizations, and other cost effective arrangements for paying for covered
expenses.

f. Preexisting conditions.
   (1) Except for federally eligible individuals qualifying for Plan coverage under Section
       15 of this Act or eligible persons who qualify for the waiver authorized in paragraph (3) of
       this subsection, plan coverage shall exclude charges or expenses incurred during the first 6
       months following the effective date of coverage as to any condition for which medical
       advice, care or treatment was recommended or received during the 6 month period
       immediately preceding the effective date of coverage.
   (2) (Blank).
   (3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this
       subsection shall be waived to the extent to which the eligible person (a) has satisfied similar
       exclusions under any prior individual health insurance policy that was involuntarily
       terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan
       coverage within 63 days following the involuntary termination of that individual health
       insurance coverage.

     g. Other sources primary; nonduplication of benefits.
     (1) The Plan shall be the last payor of benefits whenever any other benefit or source of
         third party payment is available. Subject to the provisions of subsection e of Section 7,
         benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or
         payable by Medicare or any other government program or through any health insurance
         coverage or group health plan, whether by insurance, reimbursement, or otherwise, or
         through any third party liability, settlement, judgment, or award, regardless of the date of the
         settlement, judgment, or award, whether the settlement, judgment, or award is in the form
         of a contract, agreement, or trust on behalf of a minor or otherwise and whether the
         settlement, judgment, or award is payable to the covered person, his or her dependent, estate,
         personal representative, or guardian in a lump sum or over time, and by all hospital or
         medical expense benefits paid or payable under any worker's compensation coverage,
         automobile medical payment, or liability insurance, whether provided on the basis of fault
         or nonfault, and by any hospital or medical benefits paid or payable under or provided
         pursuant to any State or federal law or program.
     (2) The Plan shall have a cause of action against any covered person or any other person
         or entity for the recovery of any amount paid to the extent the amount was for treatment,
         services, or supplies not covered in this Section or in excess of benefits as set forth in this
         Section.
     (3) Whenever benefits are due from the Plan because of sickness or an injury to a
         covered person resulting from a third party's wrongful act or negligence and the covered
         person has recovered or may recover damages from a third party or its insurer, the Plan shall
         have the right to reduce benefits or to refuse to pay benefits that otherwise may be payable
         by the amount of damages that the covered person has recovered or may recover regardless
         of the date of the sickness or injury or the date of any settlement, judgment, or award
         resulting from that sickness or injury.

         During the pendency of any action or claim that is brought by or on behalf of a covered
         person against a third party or its insurer, any benefits that would otherwise be payable
         except for the provisions of this paragraph (3) shall be paid if payment by or for the third
         party has not yet been made and the covered person or, if incapable, that person's legal
         representative agrees in writing to pay back promptly the benefits paid as a result of the
         sickness or injury to the extent of any future payments made by or for the third party for the
         sickness or injury. This agreement is to apply whether or not liability for the payments is
         established or admitted by the third party or whether those payments are itemized.
Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

(4) Benefits due from the Plan may be reduced or refused as an offset against any amount otherwise recoverable under this Section.

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party's wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may recover damages from a third party that is liable for the damages, the Plan shall have the right to recover the benefits it paid from any amounts that the covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act, without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

(2) If any action or claim is brought by or on behalf of a covered person against a third party or the third party's insurer, the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, shall notify the Plan by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought, filing proof thereof in the action or claim. The Plan may, at any time thereafter, join in the action or claim upon its motion so that all orders of court after hearing and judgment shall be made for its protection. No release or settlement of a claim for damages and no satisfaction of judgment in the action shall be valid without the written consent of the Plan to the extent of its interest in the settlement or judgment and of the covered person or his personal representative.

(3) In the event that the covered person or his personal representative fails to institute a proceeding against any appropriate third party before the fifth month before the action would be barred, the Plan may, in its own name or in the name of the covered person or personal representative, commence a proceeding against any appropriate third party for the recovery of damages on account of any sickness, injury, or death to the covered person. The covered person shall cooperate in doing what is reasonably necessary to assist the Plan in any recovery and shall not take any action that would prejudice the Plan's right to recovery. The Plan shall pay to the covered person or his personal representative all sums collected from any third party by judgment or otherwise in excess of amounts paid in benefits under the Plan and amounts paid or to be paid as costs, attorneys fees, and reasonable expenses incurred by the Plan in making the collection or enforcing the judgment.

(4) In the event that a covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, recovers damages from a third party for sickness or injury caused to the covered person, the covered person or the personal representative shall pay to the Plan from the damages recovered the amount of benefits paid or to be paid on behalf of the covered person.

(5) When the action or claim is brought by the covered person alone and the covered person incurs a personal liability to pay attorney's fees and costs of litigation, the Plan's claim for reimbursement of the benefits provided to the covered person shall be the full amount of benefits paid to or on behalf of the covered person under this Act less a pro rata share that represents the Plan's reasonable share of attorney's fees paid by the covered person and that portion of the cost of litigation expenses determined by multiplying by the ratio of

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the full amount of the expenditures to the full amount of the judgement, award, or settlement.

(6) In the event of judgment or award in a suit or claim against a third party or insurer, the court shall first order paid from any judgement or award the reasonable litigation expenses incurred in preparation and prosecution of the action or claim, together with reasonable attorney's fees. After payment of those expenses and attorney's fees, the court shall apply out of the balance of the judgment or award an amount sufficient to reimburse the Plan the full amount of benefits paid on behalf of the covered person under this Act, provided the court may reduce and apportion the Plan's portion of the judgement proportionate to the recovery of the covered person. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking the reduction. The court may consider the nature and extent of the injury, economic and non-economic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Plan shall pay its pro rata share of the attorney fees based on the Plan's recovery as it compares to the total judgment. Any reimbursement rights of the Plan shall take priority over all other liens and charges existing under the laws of this State with the exception of any attorney liens filed under the Attorneys Lien Act.

(7) The Plan may compromise or settle and release any claim for benefits provided under this Act or waive any claims for benefits, in whole or in part, for the convenience of the Plan or if the Plan determines that collection would result in undue hardship upon the covered person.

(Source: P.A. 90-7, eff. 6-10-97; 90-30, eff. 7-1-97; 90-655, eff. 7-30-98; 91-639, eff. 8-20-99; 91-735, eff. 6-2-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved May 1, 2001.
Effective May 1, 2001.

PUBLIC ACT 92-0003
(House Bill No. 3033)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act is amended by changing Section 3 as follows:

(820 ILCS 315/3) (from Ch. 48, par. 283)
Sec. 3. If a claim therefor is made within one year of the date of death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee, compensation in the amount of $10,000 shall be paid to the person designated by a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty prior to January 1, 1974, and $20,000 if such death occurred after December 31, 1973 and before July 1, 1983, $50,000 if such death occurred on or after January 1, 1983 and before January 1, 1996 and before the effective date of this amendatory Act of 1995, and $100,000 if the death occurred on or after January 1, 1996 and before the effective date of this amendatory Act of the 92nd General Assembly, and $118,000 if the death occurred on or after the effective date of this amendatory Act of the 92nd General Assembly and before January 1, 2003. Beginning January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year increased by a percentage thereof equal to the percentage increase, if any, in the index known as the "Employment Cost Index, Wages and Salaries, by Occupation and Industry Group: State and Local Government Workers: Public Administration", as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

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If no beneficiary is designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty, the compensation shall be paid as follows:

(a) when there is a surviving spouse, the entire sum shall be paid to the spouse;
(b) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;
(c) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and
(d) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty and no surviving spouse, descendant, parent, nor dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation.

(Source: P.A. 89-323, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved May 18, 2001.
Effective May 18, 2001.

PUBLIC ACT 92-0004
(House Bill No. 2917)

AN ACT to reapportion the State into congressional districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois Congressional Reapportionment Act of 2001.
Section 5. Congressional districts. The State of Illinois is divided into 19 congressional districts as follows:
Congressional District No. 1 shall be comprised of the following units of census geography:
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New matter indicated by italics - deletions by strikeout.

Congressional District No. 2 shall be comprised of the following units of census geography:
Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0979, 0982; MCD/CCD(s): Bloom; Within the MCD/CCD of Bremen: Within Tract/BNA 824800: Within block group 3: Block(s): 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034; Within Tract/BNA 824900: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065; Within Tract/BNA 829902: Within block group 4: Block(s): 4016, 4017, 4021; Within the MCD/CCD of Thornton: Within Tract/BNA 826800: Within block group 1: Block(s): 1007, 1011, 1012, 1013, 1014, 1015, 1016; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065; Within Tract/BNA 823102: Block groups: 1; Within block group 2: Block(s): 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040; Block group(s): 3; Within block group 4: Block(s): 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065; Within Tract/BNA 823200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040; Block group(s): 2; Tract/BNA(s): 823302, 823303; Within Tract/BNA 823304: Within block group 3: Block(s): 3006, 3007; Within block group 4: Block(s): 4014, 4015, 4016, 4017; Within block group 5: Block(s): 5002, 5003, 5006, 5007, 5011, 5012; Block group(s): 6, 7; Tract/BNA(s): 823400, 823500, 823602, 823603, 823604, 823605.

New matter indicated by italics - deletions by strikeout.
Congressional District No. 3 shall be comprised of the following units of census geography:

Within the County of Cook: Within the MCD/CCD of Berwyn: Within Tract/BNA 814600: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Block group(s): 2, 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5002, 5003, 5004, 5005, 5006, 5007; Within Tract/BNA 814700: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Block group(s): 2, 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5002, 5003, 5004, 5005, 5006, 5007; Tract/BNA(s): 814800, 814900, 815000, 815100, 815200, 815300, 815400, 815500; Within the MCD/CCD of Chicago: Within Tract/BNA 311500: Within block group 1: Block(s): 1008; Within Tract/BNA 340500: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009; Within Tract/BNA 370200: Within block group 1: Block(s): 2004, 2005; Within block group 3: Block(s): 3013; Tract/BNA(s): 560100, 560200, 560300, 560400, 560500, 560600, 560700, 560800, 560900, 561000, 561100, 561200, 561300, 570200, 570300, 570500; Within Tract/BNA 590100: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 590200: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1011, 1012, 1013, 1014; Block group(s): 2; Within block group 3: Block(s): 3009, 3010; Within Tract/BNA 590300: Within block group 1: Block(s): 1019; Within Tract/BNA 590500: Within block group 1: Block(s): 1000, 1001, 1002, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024; Tract/BNA(s): 590600, 590700, 600100, 600200, 600300, 600400, 600500; Within Tract/BNA 600600: Within block group 1: Block(s): 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Block group(s): 2, 3; Within Tract/BNA 600700: Block groups: 1; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017; Block group(s): 1; Tract/BNA(s): 600800, 600900, 601000, 601100, 601200, 601300, 601400, 601500; Within Tract/BNA 601600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, Within Tract/BNA 601700: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021; Block group(s): 2; Within block group 3: Block(s): 1000, 1001, 1002, 1003, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021; Tract/BNA(s): 610600, 610700, 610800; Within Tract/BNA 611000: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002; Tract/BNA(s): 611100; Within Tract/BNA 611200: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 611300: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 611400: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 611500: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2011, 2012, 2013; Within Tract/BNA 611600: Block groups: 1; Within block group 2: Block(s): 2003; Tract/BNA(s): 620200, 620300; Within Tract/BNA 630100: Within block group 1: Block(s): 1000, 1002, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 1030; Tract/BNA(s): 630600; Within Tract/BNA 630700: Within block group 1: Block(s): 1000, 1003, 1004, 1005, 1006, 1007; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006; Within block group 4: Block(s): 4003, 4004, 4005, 4006; Within Tract/BNA 630800: Within block group 3: Block(s): 3000, 3001; Within block group 4: Block(s): 4000, 4001; Tract/BNA(s): 640100, 640200, 640300, 640400, 640500, 640600, 640700, 640800, 650100, 650200, 650300, 650400, 650500, 660300, 660400, 660500; Within Tract/BNA 660600: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004; Block group(s): 5; Within Tract/BNA 660800: Within block group 4: Block(s): 4001, 4002; Within
Congressional District No. 4 shall be comprised of the following units of census geography:

Within the County of Cook: Within the MCD/CCD of Berwyn: Within Tract/BNA 814600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013; Within block group 5: Block(s): 5000, 5001, 5004, 5005, 5008, 5009, 5010, 5013, 5014.

Within Tract/BNA 814700: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within block group 5: Block(s): 5000, 5001; Within the MCD/CCD of Chicago: Within Tract/BNA 051400: Within block group 2: Block(s): 2003, 2005; Within Tract/BNA 051500: Within block group 1: Block(s): 1002, 1004, 1005, 1006, 1007, 1010, 1011; Within Tract/BNA 070700: Within block group 2: Block(s): 2008, 2009; Tract/BNA(s): 140700: Within Tract/BNA 140800: Within block group 3: Block(s): 3003, 3004; Block group(s): 4, 5; Tract/BNA(s): 160500; Within Tract/BNA 160600: Within block group 2: Block(s): 2003, 2004; Block group(s): 3, 4; Within block group 5: Block(s): 5001, 5002, 5005; Within Tract/BNA 160700: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005; Block group(s): 4, 5; Within block group 6: Block(s): 6002, 6003; Tract/BNA(s): 160800; Within Tract/BNA 190100: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within Tract/BNA 190200: Within block group 2: Block(s): 2000, 2007; Within block group 3: Block(s): 3000, 3007; Within block group 4: Block(s): 4000, 4007; Within Tract/BNA 190500: Within block group 1: Block(s): 1020; Within Tract/BNA 190600: Within block group 4: Block(s): 4005, 4006; Within block group 5: Block(s): 5004, 5007; Within block group 6: Block(s): 6000; Within Tract/BNA 190700: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007; Within block group 4: Block(s): 4002, 4003, 4004, 4005; Within Tract/BNA 190800: Within block group 1: Block(s): 1000, 1003, 1004; Within block group 2: Block(s): 2000, 2003, 2004, 2005; Block group(s): 3; Within block group 4: Block(s): 4004, 4005; Tract/BNA(s): 190900, 191000, 191100, 191200, 191300, 191400; Within Tract/BNA 200100: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011; Tract/BNA(s): 200200, 200300, 200400, 200500, 200600, 210100; Within Tract/BNA 210200: Within block group 1: Block(s): 1000, 1001, 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024; Within Tract/BNA 210400: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008; Within block group 2: Block(s): 2000, 2001, 2002, 2004, 2005, 2006; Within block group 3: Block(s): 3000, 3005, 3006, 3008, 3009; Tract/BNA(s): 210600, 210700, 210800, 210900, 220100, 220200, 220300, 220400, 220500, 220600, 220700, 220800, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222400, 222500, 222600, 222700, 222800, 222900, 230100, 230200, 230300, 230400; Within Tract/BNA 230500: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 230600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within block group 5: Block(s): 5000, 5001, 5004, 5005, 5008, 5009, 5010, 5013, 5014;
New matter indicated by italics - deletions by strikeout.
Congressional District No. 5 shall be comprised of the following units of census geography:

Within the County of Cook:

- Within the MCD/CCD of Undefined:
  - Within Tract/BNA 000000: Within block group 0: Block(s): 0993
- Within the MCD/CCD of Chicago:
  - Within Tract/BNA 020700: Block

These units are further divided by block groups within each tract/borough (BNA) as follows:

- **Within Tract/BNA 611400:**
  - Block groups: 1, 2

- **Within Tract/BNA 630100:**
  - Block groups: 1, 2

- **Within Tract/BNA 630700:**
  - Block groups: 3, 4

- **Within Tract/BNA 630900:**
  - Block groups: 1, 2

- **Within Tract/BNA 630900:**
  - Block groups: 3, 4

- **Within Tract/BNA 630900:**
  - Block groups: 5, 6

- **Within Tract/BNA 814200:**
  - Block groups: 1, 2

- **Within Tract/BNA 814400:**
  - Block groups: 1, 2

- **Within Tract/BNA 816600:**
  - Block groups: 1, 2

- **Within Tract/BNA 817400:**
  - Block groups: 1, 2

- **Within Tract/BNA 817500:**
  - Block groups: 1, 2

- **Within Tract/BNA 818000:**
  - Block groups: 1, 2

- **Within Tract/BNA 818400:**
  - Block groups: 1, 2

- **Within Tract/BNA 818600:**
  - Block groups: 1, 2

- **Within Tract/BNA 818700:**
  - Block groups: 1, 2

- **Within Tract/BNA 819200:**
  - Block groups: 1, 2

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Constitutional District No. 6 shall be comprised of the following units of census geography:


Congressional District No. 6 shall be comprised of the following units of census geography:

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5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023,
5024, 5025, 5026, 5027, 5028; Within block group 6: Block(s): 6000, 6004, 6005, 6006; Within
2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036,
2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2052, 2053,
2054, 2055, 2062, 2063, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104,
2105; Within block group 3: Block(s): 3000, 3001, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3999;
Tract/BNA(s): 804503, 804504, 804505, 804701; Within the MCD/CCD of Maine: Tract/BNA(s):
760900; Within Tract/BNA 770600: Within block group 2: Block(s): 2009, 2010, 2011, 2015, 2016,
2017, 2018, 2019, 2020, 2021; Block group(s): 3, 4, 5; Tract/BNA(s): 770700; Within Tract/BNA
806501: Within block group 2: Block(s): 2001, 2007; Within the MCD/CCD of Schaumburg: Within
Tract/BNA 804606: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2004, 2005, 2006,
2026, 2027, 2028, 2029, 2030, 2031; Within block group 3: Block(s): 3007, 3022; Tract/BNA(s):
804607; Within Tract/BNA 804803: Within block group 1: Block(s): 1000, 1051, 1052, 1093, 1094,
1095, 1102, 1103, 1104, 1105, 1106, 1107, 1108; Within the County of DuPage: MCD/CCD of:
Addison, Bloomingdale, Chicago, Milton; Within the MCD/CCD of Wayne: Within Tract/BNA
841302: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,
1009, 1010, 1011, 1012, 1013, 1014, 1016, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027,
1997, 1998, 1999; Block group(s): 3, 4; Tract/BNA(s): 841303, 841304; Within Tract/BNA 841305:
Within block group 2: Block(s): 2000, 2001, 2002, 2034, 2035, 2036, 2045, 2046, 2047, 2049, 2050,
2051, 2052, 2061, 2062, 2063, 2064, 2065, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077;
Tract/BNA(s): 841306, 841307; Within the MCD/CCD of Winfield: Within Tract/BNA 841401:
Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1017, 1018, 1019, 1020, 1021, 1022,
1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038,
1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055,
2021, 2022, 2023, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038,
2039, 2040; Within block group 3: Block(s): 3043; Within Tract/BNA 841402: Block groups: 1, 2,
3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5009, 5010,
5011, 5012, 5013, 5014, 5015; Within the MCD/CCD of York: Tract/BNA(s): 842800, 842900,
843000, 843100, 843200, 843300, 843400, 843500, 843600, 843700, 843800, 843900, 844000,
844100, 844201, 844202, 844301, 844302, 844303, 844401; Within Tract/BNA 844402: Within
block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,
1012, 1013, 1015, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028, 1029, 1030, 1031, 1032, 1997,
1998, 1999; Block group(s): 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009; Block
group(s): 4, 5; Within Tract/BNA 844500: Block groups: 1, 2; Within block group 3: Block(s): 3004;
Within Tract/BNA 844601: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002,
2021, 2024, 2025, 2026, 2027, 2028, 2031; Within Tract/BNA 844602: Block groups: 1; Within
Congressional District No. 7 shall be comprised of the following units of census geography:
Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within
block group 0: Block(s): 0983, 0985, 0986, 0987, 0988, 0989, 0990, 0991; Within the MCD/CCD
2006, 2007, 2008; Within Tract/BNA 070900: Within block group 1: Block(s): 1010; Block
group(s): 2; Within Tract/BNA 071000: Block groups: 2; Within Tract/BNA 071100: Within block
group 1: Block(s): 1004, 1005, 1006, 1007; Within block group 2: Block(s): 2004, 2005, 2006, 2007,
2008, 2009; Within Tract/BNA 071200: Within block group 3: Block(s): 3001; Tract/BNA(s):
071500, 071600, 071700, 071800, 071900, 072000, 080100, 080200, 080300, 080400, 080500,
080600, 080700, 080800, 080900, 081000, 081100, 081200, 081300, 081400, 081500, 081600,
081700, 081800, 081900; Within Tract/BNA 230500: Within block group 3: Block(s): 3004, 3005,
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2017, 2020; Block group(s): 3; Within block group 4: Block(s): 4007; Within Tract/BNA 861608:
Within block group 1: Block(s): 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012; Block group(s):
2; MCD/CCD(s): Wauconda, Zion; Within the County of McHenry: MCD/CCD of: Burton, Dorr,
Greenwood, Hebron, McHenry; Within the MCD/CCD of Nunda: Within Tract/BNA 870803: Block
2014; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009,
3010, 3011, 3012, 3013, 3014, 3015; Within Tract/BNA 870808: Within block group 1: Block(s):
1000, 1001, 1002; Within Tract/BNA 870809: Block groups: 1; Within block group 2: Block(s):
Within Tract/BNA 870810: Block groups: 1, 2; Tract/BNA(s): 870811; Within Tract/BNA 870812: Block
groups: 1, 2; MCD/CCD(s): Richmond.

Congressional District No. 9 shall be comprised of the following units of census geography:
Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within
block group 0: Block(s): 0994, 0995, 0996, 0997; Within the MCD/CCD of Chicago: Tract/BNA(s):
010000, 010200, 010300, 010400, 010500, 010600, 010700, 010800, 010900, 020100, 020200,
020300, 020400, 020500, 020600; Within Tract/BNA 020700: Block groups: 1, 2; Within block
group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006; Block group(s): 6; Within Tract/BNA
020800: Block groups: 1, 2, 7, 8; Tract/BNA(s): 020900, 030100, 030200, 030300, 030400, 030500,
030600, 030700, 030800; Within Tract/BNA 030900: Block groups: 1; Within block group 2: Block(s):
1000, 1004; Within block group 3: Block(s): 1000, 1001, 1002, 3003; Within block group 4: Block(s):
4000, 4001, 4002, 4003; Tract/BNA(s): 032000, 032100; Within Tract/BNA 060600: Within block
group 1: Block(s): 1000; Within Tract/BNA 060700: Within block group 1: Block(s): 1001; Within
Tract/BNA 060800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006,
1007, 1008; Within Tract/BNA 060900: Within block group 1: Block(s): 1000, 1001, 1002, 1003,
1011, 1999; Within Tract/BNA 061900: Within block group 1: Block(s): 1000, 1001, 1002, 1003,
1004, 1005, 1015, 1020, 1021, 1024, 1025, 1026, 1027, 1030, 1999; Within Tract/BNA 063200:
Block groups: 1; Within Tract/BNA 063300: Block groups: 1; Tract/BNA(s): 090100, 090200,
090300; Within Tract/BNA 100200: Within block group 4: Block(s): 4011, 4012; Within block
group 5: Block(s): 5005, 5006, 5008, 5009, 5010; Within block group 6: Block(s): 6001, 6002, 6003,
6004, 6005, 6006, 6009, 6010; Within Tract/BNA 100300: Block groups: 1, 2, 3, 4, 5, 6; Tract/BNA(s):
100400, 100500; Within Tract/BNA 100600: Within block group 1: Block(s): 1000; Within block
Group 5: Block(s): 5000; Within Tract/BNA 130100: Block groups: 1, 2, Within block group 3:
Block(s): 3007; Within Tract/BNA 770600: Block groups: 1, Within Tract/BNA 770700: Block
groups: 1; Within block group 2: Block(s): 2037; Within block group 3: Block(s): 3018, 3019;
Tract/BNA(s): 770900, 808100, 810400; MCD/CCD(s): Evanston; Within the MCD/CCD ofLEYDEN:
Tract/BNA(s): 770700, 770900, 805702; Within the MCD/CCD of Maine: Tract/BNA(s): 090100,
090300; Within Tract/BNA 770600: Block groups: 1; Within block group 2: Block(s): 2000, 2001,
Block group(s): 6; Tract/BNA(s): 805201, 805202, 805301, 805302, 805401, 805402, 805501, 805502,
805600, 805701, 805801, 805802, 805901, 805902, 806001, 806002, 806003, 806004, 806101,
806102, 806200, 806300, 806400; Within Tract/BNA 806501: Block groups: 1; Within block group
the MCD/CCD ofNew Trier: Tract/BNA(s): 800900, 801000; Within Tract/BNA 801100: Within block
group 2: Block(s): 2015, 2017, 2018, 2019, 2020, 2021, 2022; Block group(s): 3; Within Tract/BNA
801300: Within block group 1: Block(s): 1017, 1018, 1019; Within block group 2: Block(s): 2015;
Within block group 3: Block(s): 3015; Tract/BNA(s): 801400; MCD/CCD(s): Niles, Norwood Park.

Congressional District No. 10 shall be comprised of the following units of census geography:
Within the County of Cook: Within the MCD/CCD of Elk Grove: Within Tract/BNA 805001: Block
groups: 2; Within block group 4: Block(s): 4002; Within Tract/BNA 805106: Block groups: 2, 3;
Within Tract/BNA 805109: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002,
4003, 4004, 4005, 4006, 4007, 4008, 4009; Tract/BNA(s): 805110; Within the MCD/CCD of New
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Congressional District No. 11 shall be comprised of the following units of census geography:
Within the County of Bureau: MCD/CCD of: Arispie, Berlin, Bureau, Clarion, Concord, Dover;
Within the MCD/CCD of Hall: Within Tract/BNA 965000: Block groups: 1; Within block group 2:
2030, 2031, 2032, 2033, 2034, 2035, 2036, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050,
2051, 2052, 2053, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2069, 2070, 2071, 2072, 2105; Within
Tract/BNA 965100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006,
1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022,
1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038,
1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054,
1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069; Block
group(s): 2; Within block group 3: Block(s): 3007, 3008; Within Tract/BNA 965200: Within block
group 4: Block(s): 4011, 4012; MCD/CCD(s): Indiantown, La Moille, Leepertown, Macon, Manlius,
Mineral, Neponset, Ohio, Princeton, Selby, Walnut, Westfield, Wyanet; The County(s) of Grundy,
Kankakee, La Salle; Within the County of Livingston: MCD/CCD of: Round Grove; Within the
County of McLean: MCD/CCD of: Allin; Within the MCD/CCD of Bloomington: Tract/BNA(s):
000302, 001401, 001402, 002001; Within Tract/BNA 002002: Within block group 5: Block(s): 5005,
5006, 5015, 5016, 5019, 5022, 5023, 5024, 5026, 5027, 5028, 5029, 5030, 5034; Within Tract/BNA
002101: Within block group 1: Block(s): 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018,
1019, 1020, 1021, 1025, 1028, 1032, 1036, 1037, 1038, 1039, 1047, 1049, 1050, 1051; Within block
group 2: Block(s): 2007, 2027, 2029, 2030, 2031, 2032, 2041, 2043, 2044; Within Tract/BNA
002102: Within block group 1: Block(s): 1026, 1027, 1028; Within the MCD/CCD of Bloomington
City: Tract/BNA(s): 000301, 000302; Within Tract/BNA 001301: Block groups: 2; Within block
group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3015, 3016, 3017; Tract/BNA(s): 001302,
001303, 001401, 001402, 001500, 001600; Within Tract/BNA 001700: Block groups: 1; Within
2015, 2016, 2017, 2018, 2019; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007,
3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021; Within
Tract/BNA 001901: Within block group 3: Block(s): 3019; Tract/BNA(s): 002001; Within
Tract/BNA 002002: Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5007, 5008,
5009, 5010, 5011, 5012, 5013, 5014, 5017, 5018, 5020, 5021, 5025, 5033; Within Tract/BNA
2035, 2036, 2037, 2038, 2039, 2040, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054;
Tract/BNA(s): 005201, 005301; MCD/CCD(s): Dale, Danvers, Downs, Dry Grove, Empire, Funks
Grove, Gridley; Within the MCD/CCD of Hudson: Within Tract/BNA 005100: Within block group
4: Block(s): 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4024, 4025, 4026, 4027, 4028, 4029,
4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045,
4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061,
4062, 4986, 4987, 4988, 4989; Within block group 5: Block(s): 5000, 5001, 5063, 5064, 5065, 5066,
5067, 5068, 5069; MCD/CCD(s): Mount Hope; Within the MCD/CCD of Normal: Tract/BNA(s):
000102; Within Tract/BNA 000104: Block groups: 1; Within block group 2: Block(s): 2009, 2010,
Within Tract/BNA 000105: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009,
1010, 1011, 1012, 1013, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044,
1045; Tract/BNA(s): 000200, 000301, 000302; Within Tract/BNA 000400: Within block group 1:
Block(s): 1000, 1001, 1004, 1006, 1007, 1008, 1009, 1010; Within block group 2: Block(s): 2001,
2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043; Within block group 3: Block(s):
3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008; Tract/BNA(s): 001401; MCD/CCD(s): Randolph,
White Oak; Within the County of Will: MCD/CCD of: Channahon; Within the MCD/CCD of Crete:
Tract/BNA(s): 883700; Within Tract/BNA 883803: Block groups: 1; Within block group 2: Block(s):
group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012,
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2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 1, 2, 3, 4, 5; Within block group 6: Block(s): 6014, 6015, 6017, 6028, 6029; Within block group 7: Tract/BNA(s): 824111; Within Tract/BNA 824112: Block groups: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5088, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5120, 5990, 5991, 5997, 5998; Tract/BNA(s): 021300: Within Tract/BNA 021400: Within block group 5: Block(s): 5000, 5001, 5003, 5004, 5005; MCD/CCD(s): East Marion, Grassy, Herrin, Lake Creek, Stonefort, West Marion.

Congressional District No. 13 shall be comprised of the following units of census geography: The County(s) of Alexander, Franklin, Jackson; Within the County of Madison: MCD/CCD of: Alton, Chouteau, Granite City, Nameoki, Venice, Wood River; The County(s) of Monroe, Perry, Pulaski, Randolph, St. Clair, Union; Within the County of Williamson: MCD/CCD of: Blairsville, Carterville, Corbin, Crab Orchard; Within the MCD/CCD of CREAL Springs: Within Tract/BNA 020800: Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5088, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5120, 5990, 5991, 5997, 5998; 

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2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2991, 2992, 2993; Within
Tract/BNA 823901: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007,
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,
1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039,
1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055,
1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066; Within block group 2: Block(s):
2020, 2021, 2022, 2023, 2024, 2025, 2992; Within Tract/BNA 823903: Within block group 1:
Block(s): 1011, 1015, 1016, 1017, 1018, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035,
1036, 1037, 1038, 1039, 1040, 1041, 1042; Within block group 2: Block(s): 2000, 2001, 2002, 2003,
2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2033; Within block group
3: Block(s): 3001, 3002, 3006, 3007, 3008, 3014, 3015, 3016, 3017; Within block group 4: Block(s):
4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015; Within the County
of DuPage: MCD/CCD of: Downers Grove, Lisle, Naperville; Within the MCD/CCD of Winfield:
Within Tract/BNA 841602: Within block group 1: Block(s): 1012, 1013, 1014, 1015, 1016, 1017,
1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033,
1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1997, 1998, 1999; Block group(s): 2,
3; Within block group 4: Block(s): 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4029, 4030, 4031,
4032, 4033, 4034, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046; Within
Tract/BNA 841603: Within block group 1: Block(s): 1034, 1037; Within block group 2: Block(s):
2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2058, 2059, 2060, 2990; Within
the MCD/CCD of York: Within Tract/BNA 844402: Within block group 1: Block(s): 1014, 1016,
1017, 1018, 1025, 1026; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3010,
3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018; Within Tract/BNA 844500: Within block group
3: Block(s): 3000, 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014,
3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029; Block
group(s): 4, 5; Within Tract/BNA 844601: Within block group 2: Block(s): 2017, 2018, 2022, 2023,
2029, 2030, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045,
2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061,
2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077,
2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2998, 2999;
Within Tract/BNA 844602: Within block group 2: Block(s): 2019, 2020, 2021, 2022, 2023, 2024,
2025, 2026, 2027, 2028, 2029, 2030, 2031; Within the County of Will: MCD/CCD of: Du Page,
Homer, Lockport; Within the MCD/CCD of Plainfield: Tract/BNA(s): 880404, 880405; Within
Tract/BNA 880406: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006,
4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4024, 4025, 4033, 4034, 4035,
4036, 4039, 4041, 4042, 4044, 4045; MCD/CCD(s): Wheatland.
Congressional District No. 14 shall be comprised of the following units of census geography:
Within the County of Bureau: MCD/CCD of: Fairfield, Gold, Greenville; Within the County of
DeKalb: MCD/CCD of: Afton, Clinton, Cortland, DeKalb, Milan, Paw Paw, Pierce, Sandwich,
Shabbona, Somonauk, Squaw Grove; Within the MCD/CCD of Sycamore: Within Tract/BNA
000400: Within block group 1: Block(s): 1028, 1029, 1030, 1031, 1032, 1037, 1038, 1039, 1040,
1041, 1044, 1045, 1051, 1053, 1054, 1056, 1057, 1058; Within block group 2: Block(s): 2061, 2062,
2079, 2080, 2081, 2082; Within Tract/BNA 000500: Within block group 2: Block(s): 2000, 2001,
2022, 2023, 2024, 2025, 2026, 2036, 2037, 2038, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047,
2048, 2049, 2050, 2051; Tract/BNA(s): 000600, 000700; MCD/CCD(s): Victor; Within the County
of DuPage: Within the MCD/CCD of Wayne: Tract/BNA(s): 841301; Within Tract/BNA 841302:
Within block group 1: Block(s): 1015, 1017, 1018; Block group(s): 2; Within Tract/BNA 841305:
2027, 2028, 2029, 2030, 2031, 2032, 2033, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2048,
2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2066, 2067, 2068, 2078, 2079, 2080, 2081, 2082,
2083, 2084, 2085, 2086, 2087; Block group(s): 3; Within the MCD/CCD of Winfield: Within
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Congressional District No. 16 shall be comprised of the following units of census geography:

The County(s) of Boone, Carroll; Within the County of DeKalb: MCD/CCD of: Franklin, Genoa, East Eldorado, Rector; The County(s) of Vermilion; Within the County of Wabash: MCD/CCD of: 3046; Tract/BNA(s): 870807; Within Tract/BNA 870808: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3073, 3074, 3077; MCD/CCD(s): South Macon; Within the MCD/CCD of South Wheatland; Within Tract/BNA 002601: Within block group 1: Block(s): 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3038, 3039, 3040, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3073, 3074, 3077; MCD/CCD(s): East Eldorado, Rector; The County(s) of Vermilion; Within the County of Wabash: MCD/CCD of: Coffee, Compton, Mount Carmel, Wabash; Within the County of White: MCD/CCD of: Emma, Gray, Hawthorne, Heralds Prairie, Phillips.

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2058, 2059, 2060, 2061, 2062; Within Tract/BNA 870810: Block groups: 3; Within Tract/BNA(s): 870902; MCD/CCD(s): Riley, Seneca; The County(s) of Ogle, Stephenson; Within the County of Whiteside: MCD/CCD of: Clyde; Within the MCD/CCD of Coloma: Within Tract/BNA 001400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1999; Within block group 2: Block(s): 2000, 2001, 2006, 2007, 2008, 2012, 2013, 2014, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2998; MCD/CCD(s): Fulton, Garden Plain, Genesee, Jordan, Mount Pleasant, Newton; Within the MCD/CCD of Sterling: Within Tract/BNA 000900: Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2063, 2064, 2065; Within block group 3: Block(s): 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3055; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4045, 4046, 4047, 4048, 4049, 4998, 4999; Within Tract/BNA 001200: Within block group 1: Block(s): 1000, 1009, 1010, 1011, 1012; Within block group 3: Block(s): 3998; Within Tract/BNA 001300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023; Block group(s): 2; Within Tract/BNA 001300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3021, 3022, 3023, 3024, 3025, 3026, 3043, 3044, 3045; MCD/CCD(s): Union Grove, Ustick; The County(s) of Winnebago.

Congressional District No. 17 shall be comprised of the following units of census geography: Within the County of Adams: MCD/CCD of: Ellington, Fall Creek, Lima, Melrose, Mendon, Quincy, Riverside, Ursa; The County(s) of Calhoun; Within the County of Christian: MCD/CCD of: Pana; Within the County of Fulton; Within the County of Greene: MCD/CCD of: Athensville, Bluffdale, Patterson, Roodhouse, Rubicon, Walkerville, White Hall, Woodville, Wrights; The County(s) of Hancock, Henderson; Within the County of Henry: MCD/CCD of: Andover, Clover, Colona, Galva, Kewanee, Lynn, Oxford, Weller, Wethersfield; Within the County of Jersey: MCD/CCD of: English, Otter Creek, Quarry, Richwood, Rosedale; Within the County of Knox: MCD/CCD of: Cedar, Chestnut, Elba, Galesburg, Galesburg City, Haw Creek, Henderson, Indian Point, Knox, Orange, Rio, Sparta; The County(s) of McDonough; Within the County of Macon: MCD/CCD of: Blue Mound; Within the MCD/CCD of Decatur: Tract/BNA(s): 000100, 000200; Within Tract/BNA 000300: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4011, 4012, 4013; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5025, 5026, 5027, 5028, 5099; Tract/BNA(s): 000400, 000500, 000600, 000700, 000800, 000900, 010000, 011100; Within Tract/BNA 0011200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1026; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3021, 3022, 3023, 3024, 3025, 3026, 3043, 3044, 3045; MCD/CCD(s): Harristown; Within the MCD/CCD of Hickory Point: Within Tract/BNA 002903: Within block group 1: Block(s): 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068; Within the MCD/CCD of Long Creek: Tract/BNA(s): 001100, 001200; Within Tract/BNA 002300: Within block group 1: Block(s): 1067, 1068, 1069, 1070, 1071, 1072,
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1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019,
1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035,
1036, 1037, 1038, 1039, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052; Within
Tract/BNA 001600: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003,
3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3019, 3020, 3021,
3022, 3023, 3024, 3025, 3026, 3027; Block group(s): 4; Within Tract/BNA 001700: Within block
group 1: Block(s): 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,
1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029,
1030, 1031, 1032, 1033, 1034; Block group(s): 2; Within Tract/BNA 001800: Within block group
1: Block(s): 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1040; Within block group 2:
Block(s): 2000, 2025; Within Tract/BNA 001900: Within block group 1: Block(s): 1010, 1011;
Within block group 2: Block(s): 2013, 2014, 2015, 2016, 2017, 2018; Within Tract/BNA 002000:
Within block group 2: Block(s): 2025; Within Tract/BNA 002100: Within block group 1: Block(s):
1033; Within Tract/BNA 002300: Block groups: 1; Within block group 2: Block(s): 2000, 2001,
3001, 3002, 3003, 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020; Within
Tract/BNA 002400: Block groups: 1, 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009,
3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3050, 3052,
3054; Block group(s): 4; Within Tract/BNA 002500: Within block group 1: Block(s): 1001, 1002,
1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014; Block group(s): 6; Within Tract/BNA
002600: Within block group 1: Block(s): 1001, 1002, 1022, 1023, 1024, 1025, 1026, 1027, 1028,
1029, 1030; Within block group 2: Block(s): 2000, 2001, 2010, 2011; Within block group 3:
Block(s): 3000, 3009; Within Tract/BNA 002700: Within block group 1: Block(s): 1014; Within
Tract/BNA 002802: Within block group 1: Block(s): 1004; Within block group 2: Block(s): 2010,
2011, 2013, 2014, 2019, 2027, 2028, 2033; Block group(s): 3; Within Tract/BNA 002900: Within
block group 1: Block(s): 1000, 1025; Within block group 2: Block(s): 2001, 2003, 2004, 2005;
Within Tract/BNA 003000: Within block group 4: Block(s): 4058, 4059; Within Tract/BNA 003201:
Within block group 1: Block(s): 1002, 1003, 1004, 1997, 1998; Within Tract/BNA 003603: Within
block group 2: Block(s): 2042, 2043, 2048, 2049, 2051, 2053, 2054, 2055, 2056, 2059, 2060, 2061;
Within Tract/BNA 003801: Block groups: 2; Tract/BNA(s): 003902; Within the MCD/CCD of
Chatham: Within Tract/BNA 003202: Within block group 1: Block(s): 1007, 1008; Within block
group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3012, 3013, 3015, 3016, 3021, 3022, 3023,
3024, 3025, 3026, 3027, 3028, 3029, 3030, 3032, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046,
3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058; Within Tract/BNA
003400: Within block group 3: Block(s): 3004; Block group(s): 4; Tract/BNA(s): 003603; Within
the MCD/CCD of Clear Lake: Within Tract/BNA 003801: Within block group 2: Block(s): 2003,
2992, 2993, 2994, 2995, 2996, 2997, 2998; Block group(s): 3; Within Tract/BNA 003802: Within
block group 4: Block(s): 4002, 4003, 4004, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4015, 4016,
4017, 4018, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4037, 4038, 4039, 4040,
4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999; Within block group 5: Block(s): 5069;
Within Tract/BNA 003902: Within block group 1: Block(s): 1001, 1002, 1008, 1009, 1010, 1011,
1012, 1013, 1014, 1017, 1018, 1995, 1996; Within block group 3: Block(s): 3010, 3011; Within the
MCD/CCD of Curran: Tract/BNA(s): 003202; Within Tract/BNA 003603: Within block group 2:
Block(s): 2050, 2052, 2062, 2063, 2067, 2068, 2069, 2070, 2071, 2072, 2073; Within block group
3: Block(s): 3024, 3025, 3026, 3027, 3028, 3029; Within the MCD/CCD of Illiopolis: Within
Tract/BNA 004000: Within block group 2: Block(s): 2024, 2025, 2026, 2027, 2028, 2029, 2033,
2034, 2035, 2036, 2037, 2038, 2039, 2040, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054,
2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2071, 2072, 2073, 2074, 2075,
2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2096,
2097, 2100; Within the MCD/CCD of Lanesville: Within Tract/BNA 004000: Within block group
2: Block(s): 2066, 2070, 2076, 2077, 2098, 2099; Within block group 3: Block(s): 3091, 3092, 3093,
3098, 3099, 3100; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5008,
5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5027, 5028, 5029, 5030,
5031, 5032, 5079; Within the MCD/CCD of Mechanicsburg: Within Tract/BNA 003802: Block
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Congressional District No. 18 shall be comprised of the following units of census geography:

Within the County of Adams: MCD/CCD of: Beverley, Burton, Camp Point, Clayton, Columbus, Concord, Gilmer, Honey Creek, Houston, Keene, Liberty, McKee, Northeast, Payson, Richfield; The County(s) of Brown; Within the County of Bureau: Within the MCD/CCD of Hall: Within Tract/BNA 965000: Block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018; Block group 2: Block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089.

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39                                                                                                                              PUBLIC ACT 92-0004

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Congressional District No. 19 shall be comprised of the following units of census geography: The County(s) of Bond; Within the County of Christian: MCD/CCD of: Assumption, Bear Creek, Buckhart, Greenwood, Johnson, King, Locust, May, Mosquito, Mount Auburn, Prairie, Ricks, Rosamond, South Fork, Stonington, Taylorville; The County(s) of Clay, Clinton; Within the County of Edwards: MCD/CCD of: Albion No. 1, Albion No. 2, Albion No. 3, Bone Gap, Browns, Dixon, Ellery, Salem No. 1, Salem No. 2, Shelby No. 1, Shelby No. 2; The County(s) of Effingham; Within the County of Fayette: MCD/CCD of: Avena, Bear Grove, Bowling Green, Carson, Kaskaskia, La Clede, Lone Grove, Loudon, Otego, Pope, Seffon, Seminary, Shafter, Sharon, Vandalia, Wheatland, Wilberton; Within the County of Gallatin: MCD/CCD of: Bowlesville, Eagle Creek, Equality, Gold Hill, North Fork, Ridgway, Shawnee; Within the County of Greene: MCD/CCD of: Carrollton, Kane, Linder, Rockbridge; The County(s) of Hamilton, Hardin, Jasper, Jefferson; Within the County of Jersey: MCD/CCD of: Elsah, Fidelity, Jersey, Mississippi, Piasa, Rylle; The County(s) of Johnson; Within the County of Lawrence: MCD/CCD of: Bridgeport, Christy; Within the MCD/CCD of Lawrence: Within Tract/BNA 980700: Within block group 4: Block(s): 4013, 4014, 4015, 4020, 4025, 4052, 4055, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073; Within Tract/BNA 980800: Block groups: 3; Within block group 4: Block(s): 4035, 4036, 4037, 4038, 4039, 4045, 4046; Tract/BNA(s): 980900; Within Tract/BNA 981100: Within block...
New matter indicated by italics - deletions by strikeout.
Within the MCD/CCD of Lanesville: Within Tract/BNA 004000: Within block group 2: Block(s): 2102, 2103, 2104; Within block group 5: Block(s): 5076, 5077, 5078, 5080, 5081, 5083, 5084; Within the MCD/CCD of Mechanicsburg: Tract/BNA(s): 004000: Within block group 4: Block(s): 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075; MCD/CCD(s): Pawnee, Rochester; Within the MCD/CCD of Woodside: Within Tract/BNA 000600: Within block group 6: Block(s): 6013; Within Tract/BNA 001600: Within block group 3: Block(s): 3029; Tract/BNA(s): 001800; Within Tract/BNA 002100: Within block group 1: Block(s): 1002, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1035, 1036; Block group(s): 2, 3, 4; Within Tract/BNA 002400: Within block group 3: Block(s): 3002, 3004, 3027, 3029, 3030, 3033, 3036, 3038, 3040, 3041, 3044; Within Tract/BNA 002500: Within block group 1: Block(s): 1008, 1015, 1017; Block group(s): 2, 3, 4, 5; Within Tract/BNA 002600: Within block group 1: Block(s): 1004, 1006, 1009, 1010, 1012, 1014, 1016, 1018, 1020; Within Tract/BNA 002700: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1033, 1034, 1040, 1041, 1042, 1043, 1044, 1045, 1047; Block group(s): 2, 3, 4; Within Tract/BNA 002801: Block groups: 1, 2; Within block group 2: Block(s): 3001, 3003, 3006, 3007, 3008, 3009, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3025, 3026; Within Tract/BNA 002802: Block groups: 1; Within block group 2: Block(s): 2000, 2003, 2005, 2006, 2008, 2016, 2017, 2022, 2023, 2024, 2025; Within Tract/BNA 003000: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4003, 4004, 4019, 4021, 4026, 4028, 4029, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4043, 4045, 4046, 4054, 4055; Tract/BNA(s): 003100; Within Tract/BNA 003201: Within block group 1: Block(s): 1000, 1007, 1015; Block group(s): 2; Tract/BNA(s): 003902; Within the County of Shelby: MCD/CCD of: Ash Grove, Big Spring, Clarksburg, Dry Point, Flat Branch, Holland, Lakewood, Moweaqua, Okaw, Penn, Pickaway, Prairie, Richland, Ridge, Rose, Rural, Shelbyville, Sigel, Todds Point, Tower Hill, Windsor; Within the County of Wabash: MCD/CCD of: Bellmont, Friendsville, Lancaster,ick Prairie; The County(s) of Washington, Wayne; Within the County of White: MCD/CCD of: Burnt Prairie, Carmi, Enfield, Indian Creek, Mill Shoals; Within the County of Williamson: Within the MCD/CCD of Cereal Springs: Within Tract/BNA 020800: Within block group 5: Block(s): 5089, 5090, 5119, 5121, 5122, 5123, 5124, 5125, 5126, 5127, 5128, 5129, 5130, 5131, 5132, 5133, 5134, 5135, 5988, 5989, 5992, 5993, 5994, 5995, 5996; Within Tract/BNA 021400: Within block group 5: Block(s): 5016, 5039, 5040, 5041, 5042, 5043, 5044, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5995, 5996, 5997, 5998; MCD/CCD(s): Southern.

Section 10. Definitions and exceptions.

(a) All counties, townships, census tracts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census. The term "tract" means census tract. Congressional districts created by this Act for the purpose of electing Representatives to the House of Representatives of the United States Congress shall not be altered by operation of any other statute, ordinance, or resolution.

(b) Any part of Illinois that has not been described as included in one of the districts described in this Act is included within the district that (i) is contiguous to the part and (ii) contains the least population of all districts contiguous to the part according to the 2000 decennial census of Illinois.

(c) If any part of Illinois is described in this Act as being in more than one district, the part is included within the district that (i) is one of the districts in which that part is listed in this Act, (ii) is contiguous to that part, and (iii) contains the least population according to the 2000 decennial census of Illinois.

(d) If any part of Illinois (i) is described in this Act as being in one district and (ii) is entirely surrounded by another district, then the part shall be incorporated into the district that surrounds the part.

(e) If any part of Illinois (i) is described in this Act as being in one district and (ii) is not
contiguous to another part of that district, then the part is included with the contiguous district that contains the least population according to the 2000 decennial census of Illinois.

(f) The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit into the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this Act.

(g) The State Board of Elections shall prepare and make available to the public a metes and bounds description of the congressional districts created under this Act.

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

PUBLIC ACT 92-0005
(Senate Bill No. 0333)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by adding Section 507.2 as follows:
(215 ILCS 5/507.2 new)
Sec. 507.2. Policyholder information and exclusive ownership of expirations.
(a) As used in this Section, "expirations" means all information relative to an insurance policy including, but not limited to, the name and address of the insured, the location and description of the property insured, the value of the insurance policy, the inception date, the renewal date, and the expiration date of the insurance policy, the premiums, the limits and a description of the terms and coverage of the insurance policy, and any other personal and privileged information, as defined by Section 1003 of this Code, compiled by a registered firm or furnished by the insured to the insurer or any agent, contractor, or representative of the insurer.
For purposes of this Section only, a registered firm also includes a sole proprietorship that transacts the business of insurance as an insurance agency.
(b) All "expirations" as defined in subsection (a) of this Section shall be mutually and exclusively owned by the insured and the registered firm. The limitations on the use of expirations as provided in subsections (c) and (d) of this Section shall be for mutual benefit of the insured and the registered firm.
(c) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of insurance coverage, insurance products, or insurance services or for any other marketing purpose, a registered firm shall own and have the exclusive use of expirations, records, and other written or electronically stored information directly related to an insurance application submitted by, or an insurance policy written through, the registered firm. No insurance company, managing general agent, surplus lines insurance broker, wholesale broker, group self-insurance fund, third-party administrator, or any other entity, other than a financial institution as defined in Section 1402 of this Code, shall use such expirations, records, or other written or electronically stored information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured or for any other marketing purposes, either directly or by providing such information to others, without, separate from the general agency contract, the written consent of the registered firm. However, such expirations, records, or other written or electronically stored information may be used for any purpose necessary for placing such business through the insurance producer including reviewing an application and issuing or renewing a policy and for loss control services.
(d) With respect to a registered firm, this Section shall not apply:
(1) when the insured requests either orally or in writing that another registered firm obtain quotes for insurance from another insurance company or when the insured requests in writing individually or through another registered firm, that the insurance company renew the policy;

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(2) to policies in the Illinois Fair Plan, the Illinois Automobile Insurance Plan, or the Illinois Assigned Risk Plan for coverage under the Workers' Compensation Act and the Workers' Occupational Diseases Act;

(3) when the insurance producer is employed by or has agreed to act exclusively or primarily for one company or group of affiliated insurance companies or to a producer who submits to the company or group of affiliated companies that are organized to transact business in this State as a reciprocal company, as defined in Article IV of this Code, every request or application for insurance for the classes and lines underwritten by the company or group of affiliated companies;

(4) to policies providing life and accident and health insurance;

(5) when the registered firm is in default for nonpayment of premiums under the contract with the insurer or is guilty of conversion of the insured's or insurer's premiums or its license is revoked by or surrendered to the Department;

(6) to any insurance company's obligations under Sections 143.17 and 143.17a of this Code; or

(7) to any insurer that, separate from a producer or registered firm, creates, develops, compiles, and assembles its own, identifiable expirations as defined in subsection (a).

For purposes of this Section, an insurance producer shall be deemed to have agreed to act primarily for one company or a group of affiliated insurance companies if the producer (i) receives 75% or more of his or her insurance related commissions from one company or a group of affiliated companies or (ii) places 75% or more of his or her policies with one company or a group of affiliated companies.

Nothing in this Section prohibits an insurance company, with respect to any items herein, from conveying to the insured or the registered firm any additional benefits or ownership rights including, but not limited to, the ownership of expirations on any policy issued or the imposition of further restrictions on the insurance company's use of the insured's personal information.

(e) Nothing in this Section prevents a financial institution, as defined in Section 1402 of this Code, from obtaining from the insured, the insurer, or the registered firm the expiration dates of an insurance policy placed on collateral or otherwise used as security in connection with a loan made or serviced by the financial institution when the financial institution requires the expiration dates for evidence of insurance.

(f) For purposes of this Section, "financial institution" does not include an insurance company, registered firm, managing general agent, surplus lines broker, wholesale broker, group self-funded insurance fund, or third-party administrator.

(g) The Director may adopt rules in accordance with Section 401 of this Code for the enforcement of this Section.

(h) This Section applies to the expirations relative to all policies of insurance bound, applied for, sold, renewed, or otherwise taking effect on or after the effective date of this amendatory Act of the 92nd General Assembly.

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


Approved June 1, 2001.

Effective June 1, 2001.

PUBLIC ACT 92-0006

(Senate Bill No. 0975)

AN ACT in relation to elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Section 12-5 as follows:
(10 ILCS 5/12-5) (from Ch. 46, par. 12-5)

Sec. 12-5. Notice for public questions. For all elections held after July 1, 1999, notice of public questions shall be required only as set forth in this Section or as set forth in Section 17-3 or 19-3 of the School Code. Not more than 30 days nor less than 10 days before the date of a regular election at which a public question is to be submitted to the voters of a political or governmental

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subdivision, and at least 20 days before an emergency referendum, the election authority shall publish notice of the referendum. The notice shall be published once in a local, community newspaper having general circulation in the political or governmental subdivision. The notice shall also be given at least 10 days before the date of the election by posting a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision, or if there is no principal office at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referendum is being held. The election authority and the political or governmental subdivision may, but are not required to, post the notice electronically on their World Wide Web pages. The notice, which shall appear over the name or title of the election authority, shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the election to be held on (insert day of the week), (insert date of election), the following proposition will be submitted to the voters of (name of political or governmental subdivision):

The polls at the election will be open at 6:00 o’clock A.M. and will continue to be open until 7:00 o’clock P.M. of that day.

Dated (date of notice)

(Name or title of the election authority)

The notice shall also include any additional information required by the statute authorizing the public question. The notice shall set forth the precincts and polling places at which the referendum will be conducted only in the case of emergency referenda.

(Source: P.A. 91-57, eff. 6-30-99.)

Section 10. The Township Code is amended by changing Sections 115-20 and 115-105 as follows:

(60 ILCS 1/115-20)

Sec. 115-20. Referendum on recommended plan; petition.

(a) If the board recommends adoption of the open space plan, or if a petition is filed by not less than 5% or 50, whichever is greater, of the registered voters of the township (according to the voting registration records at the time the petition is filed) recommending adoption of the open space plan, then the Board, within 30 days of making of the recommendation or the filing of the petition, shall file a petition with the township clerk, requesting the clerk to submit to the voters of the township the question of whether the township shall adopt the open space plan and enter upon an open space program, with the power to acquire open land by purchase, condemnation (except townships in counties having a population of more than 150,000 but not more than 250,000), or otherwise in the township and with the power to issue bonds for those purposes under this Article. The total amount of bonds to be issued under this Section may not exceed 5% of the valuation of all taxable property in the township and shall be set forth in the question as a dollar amount. The township clerk shall certify that proposition to the proper election officials, who shall submit the proposition to the township voters at the next regular election. The referendum shall be conducted and notice given in accordance with the general election law.

(b) The question submitted to the voters at the election shall be in substantially the following form:

Shall (name of township) adopt the open space plan considered at the public hearing on (date) and enter upon an open space program, and shall the Township Board have the power (i) to acquire open land by purchase (insert "", condemnation," if the township is in a county having a population of more than 250,000) or otherwise, (ii) to issue bonds for open space purposes in an amount not exceeding $(amount), and (iii) to levy a tax to pay the principal of and interest on those bonds, as provided in Article 115 of the Township Code? The votes shall be recorded as "Yes" or "No".

(c) If a majority of the voters voting at the election on the question vote in favor of the question, the township shall thereafter adopt the open space plan recommended by the board or by the petition of the registered voters of the township and shall enter upon an open space program under this Article. If the proposition does not receive the approval of a majority of the voters voting at the election on the question, no proposition may be submitted to the voters under this Section less
than 23 months after the date of the election.

(d) If a majority of the legal voters voting at referendum in any township approved a proposition at the consolidated election in 2001 in reliance upon and consistent with this Section 115-20 as it existed prior to the effective date of Public Act 91-847, then that referendum and all actions taken in reliance thereon are hereby validated and are legally binding in all respects.

(Source: P.A. 91-641, eff. 8-20-99; 91-847, eff. 6-22-00.)

(60 ILCS 1/115-105)

Sec. 115-105. Borrowing money; bonds. The township board may borrow money and issue bonds, after referendum, for the purpose of acquiring, developing, rehabilitating and renovating open lands for open space purposes, as defined in Section 115-5, pursuant to an open space program adopted as provided in this Article, in and for the township in any amount not to exceed 5% on the valuation of taxable property in the township, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the township's 1978 equalized assessed valuation by the debt limitation percentage on January 1, 1979.

Whenever the board desires to issue bonds under this Article, or whenever the board receives a petition from not less than 5% or 50, whichever is greater, of the registered voters of the township, according to the voting registration records at the time the petition is filed, requesting the board to issue bonds under this Article, the board, concurrently with the filing of a petition with the township clerk requesting him to submit to the voters of the township at the next election the question of whether or not to adopt an open space plan and enter upon an open space program, shall certify that proposition to the proper election officials who shall submit to the voters of the township at the next election the question of whether or not the board shall issue bonds to finance an open space program and provide for the levy and collection of a direct annual tax upon all taxable property within the township to meet the principal and interest on the bonds as they mature, which tax shall be in addition to and in excess of any other tax authorized to be levied by the township. The amount of bonds to be issued under this Section shall be set forth in the question as a dollar amount. The election shall be conducted and notice given in accordance with the general election law. The question submitted to the voters at the election shall be in substantially the following form:

Shall (name of township) issue bonds to finance the acquisition, maintenance, development, rehabilitation and renovation of open space lands for open space purposes as provided by the Township Open Space Article of the Township Code and levy and collect property taxes, in excess of any other tax authorized to be levied by the township, sufficient to meet the principal and interest on the bonds as they mature, but not in an amount in excess of $(amount)?

The votes shall be recorded as "Yes" or "No".

If a majority of the voters voting on the question vote in favor of the question, the board shall issue bonds as provided in this Article provided such bonds are issued within 6 months after the voters vote favorably on such question. If such proposition does not receive the approval of a majority of the voters voting at the election on the question, no proposition may be submitted to such voters pursuant to this Section less than 23 months after the date of such election.

The board shall then adopt a resolution authorizing the issuance of such bonds, prescribing all the details thereof, and stating the time or times when the principal thereof and the interest on the bonds become payable, and the place of payment thereof. The bonds must, however, be payable within not less than 3 nor more than 40 years from date thereof, and be issued to bear interest at not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract. Such a resolution shall provide for the levy and collection of a direct annual tax upon all the taxable property within the corporate limits of such township sufficient to meet the principal of and interest on the bonds as they mature, which tax shall be in addition to and in excess of any other tax authorized to be levied by the township.

A certified copy of the resolution providing for the issuance of any such bonds shall be filed with the county clerk of the county in which the township is located and constitutes the basis and authority of the county clerk for the extension and collection of the tax necessary to pay the principal of and interest upon the bonds issued under the resolution.

With respect to instruments for the payment of money issued under this Section either before,
on, or after the effective date of Public Act 86-004, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Article that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bonds Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Article that may appear to be or to have been more restrictive than those Acts.

If a majority of the legal voters voting at referendum in any township approved a proposition at the consolidated election in 2001 in reliance upon and consistent with this Section 115-105 as it existed prior to the effective date of Public Act 91-847, then that referendum and all actions taken in reliance thereon are hereby validated and are legally binding in all respects.

(Source: P.A. 91-847, eff. 6-22-00.)

Section 15. The School Code is amended by changing Sections 17-3 and 19-3 as follows:

(105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

Sec. 17-3. Additional levies-Submission to voters. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase, for a limited period of not less than 3 nor more than 10 years or for an unlimited period, the annual tax rate for educational purposes to be submitted to the voters of such district at a regular scheduled election as follows:

(1) in districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for educational purposes shall not exceed 3.5% of the value as equalized or assessed by the Department of Revenue;

(2) in districts maintaining grades 1 through 12 the maximum rate for educational purposes shall not exceed 4.00%, except that if a single elementary district and a secondary district having boundaries that are coterminous on the effective date of this amendatory Act form a community unit district under Section 11-6, then the maximum rate for education purposes for such district shall not exceed 6.00% of the value as equalized or assessed by the Department of Revenue.

If the resolution of the school board seeks to increase the annual tax rate for educational purposes for a limited period of not less than 3 nor more than 10 years, the proposition shall so state and shall identify the years for which the tax increase is sought.

If a majority of the votes cast on the proposition is in favor thereof at an election for which the election authorities have given notice either (i) in accordance with Section 12-5 of the Election Code or (ii) by publication of a true and legible copy of the specimen ballot label containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the election in at least one newspaper published in and having a general circulation in the district, the school board may thereafter, until such authority is revoked in like manner, levy annually the tax so authorized; provided that if the proposition as approved limits the increase in the annual tax rate of the district for educational purposes to a period of not less than 3 nor more than 10 years, the district may, unless such authority is sooner revoked in like manner, levy annually the tax so authorized for the limited number of years approved by a majority of the votes cast on the proposition. Upon expiration of that limited period, the rate at which the district may annually levy its tax for educational purposes shall be the rate provided under Section 17-2, or the rate at which the district last levied its tax for educational purposes prior to approval of the proposition authorizing the levy of that tax at an increased rate, whichever is greater.

The school board shall certify the proposition to the proper election authorities in accordance with the general election law.

The provisions of this Section concerning notice of the tax rate increase referendum apply only to consolidated primary elections held prior to January 1, 2002 at which not less than 55% of the voters voting on the tax rate increase proposition voted in favor of the tax rate increase proposition.

(Source: P.A. 88-376.)

(105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

Sec. 19-3. Boards of education. Any school district governed by a board of education and...
having a population of not more than 500,000 inhabitants, and not governed by a special Act may borrow money for the purpose of building, equipping, altering or repairing school buildings or purchasing or improving school sites, or acquiring and equipping playgrounds, recreation grounds, athletic fields, and other buildings or land used or useful for school purposes or for the purpose of purchasing a site, with or without a building or buildings thereon, or for the building of a house or houses on such site, or for the building of a house or houses on the school site of the school district, for residential purposes of the superintendent, principal, or teachers of the school district, and issue its negotiable coupon bonds therefor signed by the president and secretary of the board, in denominations of not less than $100 nor more than $5,000, payable at such place and at such time or times, not exceeding 20 years from date of issuance, as the board of education may prescribe, and bearing interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, payable annually, semiannually or quarterly, but no such bonds shall be issued unless the proposition to issue them is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law, a majority of all the votes cast on the proposition is in favor of the proposition, and notice of such bond referendum (if heretofore or hereafter held at any general or consolidated election) has been given either (i) in accordance with the second paragraph of Section 12-1 of the Election Code irrespective of whether such notice included any reference to the public question as it appeared on the ballot, or (ii) for an election held on or after November 1, 1998, in accordance with Section 12-5 of the Election Code, or (iii) by publication of a true and legible copy of the specimen ballot label containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the election in at least one newspaper published in and having a general circulation in each county in which the district is located, irrespective of any other requirements of Article 12 or Section 24A-18 of the Election Code, nor shall any residential site be acquired unless such proposition to acquire a site is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law and a majority of all the votes cast on the proposition is in favor of the proposition. Nothing in this Act or in any other law shall be construed to require the notice of the bond referendum to be published over the name or title of the election authority or the listing of maturity dates of any bonds either in the notice of bond election or ballot used in the bond election. The provisions of this Section concerning notice of the bond referendum apply only to (i) consolidated primary elections held prior to January 1, 2002 at which not less than 60% of the voters voting on the bond proposition voted in favor of the bond proposition, and (ii) other elections held before July 1, 1999; otherwise thereafter, notices required in connection with the submission of public questions shall be as set forth in Section 12-5 of the Election Code. Such proposition may be initiated by resolution of the school board.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

The proceeds of any bonds issued under authority of this Section shall be deposited and accounted for separately within the Site and Construction/Capital Improvements Fund.

(Source: P.A. 90-811, eff. 1-26-99; 90-812, eff. 1-26-99; 91-57, eff. 6-30-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 18-8.05 as follows:
(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
(A) General Provisions.
(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.
(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.
(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:
(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.
(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.
(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.
(d) (Blank).
(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.
School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.
(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:
(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.
(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection

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(D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,525 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable

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equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year, except that any days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment.

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(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district

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as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law. This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, and if the Available Local Resources of that school district as calculated pursuant to subsection (D) using the Base Tax Year are less than the product of 1.75 times the Foundation Level for the Budget Year, the State Board of Education shall calculate the
Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the last calculated Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H).

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.
income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2001-2002 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,190 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,333 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of schools.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

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(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing
district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.  

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located. 

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section. 

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section. 

(J) Supplementary Grants in Aid. 

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect. 

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the
aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on
the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(Source: P.A. 90-548, eff. 7-1-98; incorporates 90-566; 90-653, eff. 7-29-98; 90-654, eff. 7-29-98; 90-655, eff. 7-30-98; 90-802, eff. 12-15-99; 90-815, eff. 12-15-99; 90-91, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-27-99.)

Section 10. The State Aid Continuing Appropriation Law is amended by changing Sections 15-10, 15-15, 15-20, and 15-25 as follows:

(105 ILCS 235/15-10)

(Section scheduled to be repealed on June 30, 2001)

Sec. 15-10. Annual budget; recommendation. The Governor shall include a Common School Fund recommendation to the State Board of Education in the fiscal year 1999 through 2002 sufficient to fund (i) the General State Aid Formula set forth in subsection (E) (Computation of General State Aid) and subsection (H) (Supplemental General State Aid) of Section 18-8.05 of the School Code and (ii) the supplementary payments for school districts set forth in subsection (J) (Supplementary Grants in Aid) of Section 18-8.05 of the School Code.

(Source: P.A. 90-548, eff. 12-4-97; 90-654, eff. 7-29-98.)

(105 ILCS 235/15-15)

(Section scheduled to be repealed on June 30, 2001)

Sec. 15-15. State Aid Formula; Funding. The General Assembly shall annually make Common School Fund appropriations to the State Board of Education in fiscal years 1999 through 2002 sufficient to fund (i) the General State Aid Formula set forth in subsection (E) (Computation of General State Aid) and subsection (H) (Supplemental General State Aid) of Section
18-8.05 of the School Code and (ii) the supplementary payments for school districts set forth in subsection (J) (Supplementary Grants in Aid) of Section 18-8.05 of the School Code.
(Source: P.A. 90-548, eff. 12-4-97; 90-654, eff. 7-29-98.)

Sec. 15-20. Continuing appropriation. If the General Assembly fails to make Common School Fund appropriations to the State Board of Education in fiscal years 1999 through 2002 sufficient to fund (i) the General State Aid Formula set forth in subsection (E) (Computation of General State Aid) and subsection (H) (Supplemental General State Aid) of Section 18-8.05 of the School Code and (ii) the supplementary payments for school districts set forth in subsection (J) (Supplementary Grants in Aid) of Section 18-8.05 of the School Code, this Article shall constitute an irrevocable and continuing appropriation from the Common School Fund of all amounts necessary for those purposes.
(Source: P.A. 90-548, eff. 12-4-97; 90-654, eff. 7-29-98.)

Sec. 15-25. Repeal. This Article is repealed June 30, 2001.
(Source: P.A. 90-548, eff. 12-4-97.)

Section 99. Effective date. This Act takes effect on June 29, 2001.

PUBLIC ACT 92-0008
(House Bill No. 3440)

AN ACT making appropriations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from federal funds to the State Board of Education to meet the ordinary and contingent expenses of the State Board of Education for the fiscal year ending June 30, 2002:
From National Center for Education Statistics Fund
(Common Core Data Survey):
For Contractual Services...................... $75,000
For Travel.................................... 31,000
Total $106,000
From Federal Department of Education Fund
(Title VII Bilingual):
For Personal Services...................... $75,000
For Employee Retirement
Paid by Employer............................ 3,000
Paid by Employer............................ 8,200
For Social Security Contributions......... 2,000
For Insurance.............................. 8,500
For Contractual Services.................. 50,000
For Travel................................. 67,000
For Commodities......................... 200
For Printing.............................. 1,000
For Equipment............................ 20,000
Total $234,900
From Federal Department of Education Fund
(Emergency Immigrant Education):
For Personal Services...................... $30,000

New matter indicated by italics - deletions by strikeout.
For Employee Retirement
  Paid by Employer.........................  1,000
  For Retirement Contributions...............  2,500
  For Social Security Contributions...........  2,000
  For Insurance................................  8,500
  For Contractual Services..................... 153,800
  For Travel..................................  50,000
  For Commodities............................  5,000
  For Equipment............................... 10,000
  For Telecommunications.......................  2,000
Total $264,800

From Department of Health and Human Services Fund:
  (Training School Health Personnel):
    For Personal Services.................... $70,000
    For Employee Retirement
      Paid by Employer..........................  3,000
      For Retirement Contributions..............  8,000
      For Social Security Contributions.........  3,000
      For Insurance................................  8,500
      For Contractual Services................. 154,300
      For Travel..................................  8,000
      For Commodities............................  8,700
      For Printing..................................  4,500
      For Equipment................................  8,500
      For Telecommunications....................  2,500
Total $279,000

From Department of Health and Human Services Fund
  (Refugee):
    For Personal Services.................... $65,000
    For Employee Retirement
      Paid by Employer..........................  2,000
      For Retirement Contributions..............  6,000
      For Social Security Contributions.........  1,000
      For Insurance................................  8,500
      For Contractual Services.................  97,000
      For Travel..................................  20,000
      For Commodities............................  25,000
      For Equipment................................ 10,000
Total $234,500

From ISBE Federal National Community Service Fund
  (Serve America):
    For Personal Services.................... $25,000
    For Employee Retirement
      Paid by Employer..........................  1,000
      For Retirement Contributions..............  2,600
      For Social Security Contributions.........  1,000
      For Insurance................................  4,200
      For Contractual Services.................  4,800
      For Travel..................................  15,800
      For Printing..................................  2,000
Total $56,400

From Federal Department of Agriculture Fund
  (Child Nutrition):
    For Personal Services.................... $2,900,000
    For Employee Retirement

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$440,000</td>
</tr>
<tr>
<td>(Title IV Safe and Drug Free Schools): From Federal Department of Education Fund</td>
<td>$333,600</td>
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<tr>
<td>For Telecommunications</td>
<td>$3,300</td>
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<td>For Contractual Services</td>
<td>$301,200</td>
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<td>For Insurance</td>
<td>$2,100</td>
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<tr>
<td>For Social Security Contributions</td>
<td>$2,000</td>
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<tr>
<td>Paid by Employer</td>
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</tr>
<tr>
<td>For Employee Retirement</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>$20,000</td>
</tr>
<tr>
<td>(Even Start): From Federal Department of Education Fund</td>
<td>$3,520,900</td>
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<tr>
<td>For Telecommunications</td>
<td>$34,000</td>
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<td>For Equipment</td>
<td>$125,200</td>
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<td>For Commodities</td>
<td>$28,900</td>
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<td>For Contractual Services</td>
<td>$468,200</td>
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<td>For Insurance</td>
<td>$287,700</td>
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<td>For Social Security Contributions</td>
<td>$70,000</td>
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<td>Paid by Employer</td>
<td>$81,400</td>
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<tr>
<td>For Employee Retirement</td>
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<tr>
<td>For Personal Services</td>
<td>$2,100</td>
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<tr>
<td>(Title I): From Federal Department of Education Fund</td>
<td>$925,800</td>
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<tr>
<td>For Telecommunications</td>
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<td>For Equipment</td>
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<td>For Commodities</td>
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<td>For Contractual Services</td>
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</tr>
<tr>
<td>For Insurance</td>
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<tr>
<td>For Social Security Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement</td>
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<tr>
<td>For Personal Services</td>
<td>$20,000</td>
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<tr>
<td>(Title I - Migrant Education):</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications</td>
<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td></td>
</tr>
<tr>
<td>For Insurance</td>
<td></td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
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<tr>
<td>For Employee Retirement</td>
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<tr>
<td>For Personal Services</td>
<td>$440,000</td>
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New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>From Federal Department of Education Fund</td>
<td></td>
</tr>
<tr>
<td>For Printing</td>
<td>1,500</td>
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<tr>
<td>For Commodities</td>
<td>1,300</td>
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<tr>
<td>For Contractual Services</td>
<td>22,000</td>
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<tr>
<td>For Insurance</td>
<td>8,500</td>
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<tr>
<td>For Social Security Contributions</td>
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<td>For Retirement Contributions</td>
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<td>For Retirement</td>
<td>20,000</td>
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<td>For Employee Retirement</td>
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<td>Total</td>
<td>$783,400</td>
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From Federal Department of Education Fund (Title II Eisenhower Professional Development):

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<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>420,000</td>
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<tr>
<td>For Employee Retirement</td>
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<td>For Retirement Contributions</td>
<td>25,000</td>
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<tr>
<td>For Social Security Contributions</td>
<td>20,000</td>
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<tr>
<td>For Insurance</td>
<td>63,000</td>
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<td>For Contractual Services</td>
<td>106,500</td>
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<tr>
<td>For Travel</td>
<td>100,000</td>
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<tr>
<td>For Commodities</td>
<td>3,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>27,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>5,300</td>
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<tr>
<td>Total</td>
<td>$791,100</td>
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From Federal Department of Education Fund (McKinney Homeless Assistance):

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<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>120,000</td>
</tr>
<tr>
<td>For Employee Retirement</td>
<td>5,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>15,000</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>12,000</td>
</tr>
<tr>
<td>For Insurance</td>
<td>22,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>224,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>18,500</td>
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<tr>
<td>For Commodities</td>
<td>3,000</td>
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<tr>
<td>For Printing</td>
<td>10,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,000</td>
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<tr>
<td>Total</td>
<td>$440,100</td>
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From Federal Department of Education Fund (Personnel Development Part D Training):

<table>
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<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>75,000</td>
</tr>
<tr>
<td>For Employee Retirement</td>
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<td>For Retirement Contributions</td>
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<tr>
<td>For Social Security Contributions</td>
<td>5,000</td>
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<td>For Insurance</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
<td>3,500</td>
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<td>For Commodities</td>
<td>1,300</td>
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<tr>
<td>For Printing</td>
<td>1,500</td>
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<tr>
<td>Total</td>
<td>$128,300</td>
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</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
(Pre-School):
For Personal Services......................... $415,000
For Employee Retirement
Paid by Employer................................. 18,000
For Retirement Contributions.................. 45,000
For Social Security Contributions............ 18,000
For Insurance................................. 60,900
For Contractual Services..................... 373,800
For Travel.................................. 48,800
For Commodities............................... 27,500
For Printing.................................. 26,000
For Equipment................................. 6,500
For Contractual Services..................... 6,100
Total $1,045,600

From Federal Department of Education Fund
(Individuals with Disabilities Education Act - IDEA):
For Personal Services......................... $3,500,000
For Employee Retirement
Paid by Employer................................. 142,000
For Retirement Contributions.................. 385,000
For Social Security Contributions............ 70,000
For Insurance................................. 491,400
For Contractual Services..................... 1,470,900
For Travel.................................. 397,400
For Commodities............................... 47,800
For Printing.................................. 116,900
For Equipment................................. 125,000
For Contractual Services..................... 61,000
Total $6,807,400

From Federal Department of Education Fund
(Deaf-Blind):
For Personal Services......................... $20,000
For Employee Retirement
Paid by Employer................................. 1,000
For Retirement Contributions.................. 1,900
For Social Security Contributions............ 500
For Insurance................................. 1,600
For Contractual Services..................... 1,200
Total $26,200

From Federal Department of Education Fund
(Vocational and Applied Technology Education Title II):
For Personal Services......................... $2,700,000
For Employee Retirement
Paid by Employer................................. 110,000
For Retirement Contributions.................. 295,000
For Social Security Contributions............ 107,000
For Insurance................................. 382,200
For Contractual Services..................... 1,587,100
For Travel.................................. 165,300
For Commodities............................... 11,100
For Printing.................................. 25,700
For Equipment................................. 100,300
For Contractual Services..................... 39,500
Total $5,523,100

From Federal Department of Education Fund

New matter indicated by italics - deletions by strikeout.
(Vocational Education - Title III):
For Personal Services.......................................................... $230,000
For Employee Retirement
Paid by Employer.............................................................. 10,000
For Retirement Contributions.............................................. 25,000
For Social Security Contributions........................................ 10,000
For Insurance................................................................. 30,000
For Contractual Services................................................... 35,800
For Travel................................................................. 15,000
For Commodities............................................................. 1,000
For Equipment............................................................... 15,000
Total................................................................................. $371,800

From Federal Department of Education Fund
(Title VI):
For Personal Services.......................................................... $700,000
For Employee Retirement
Paid by Employer.............................................................. 30,000
For Retirement Contributions.............................................. 90,000
For Social Security Contributions........................................ 30,000
For Insurance................................................................. 110,000
For Contractual Services................................................... 1,068,400
For Travel................................................................. 106,600
For Commodities............................................................. 13,700
For Printing................................................................. 42,000
For Equipment............................................................... 48,300
For Telecommunications.................................................. 56,000
Total................................................................................. $2,295,000
Total, this Section................................................................ $31,055,500

Section 10. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from federal funds to the State Board of Education to meet the ordinary and contingent expenses of the State Board of Education for the fiscal year ending June 30, 2002:
From the Federal Department of Labor Fund:
For operational costs and grants to implement the
School-to-Work Program..................................................... $18,000,000

From the Federal Department of Education Fund:
For costs associated with
the Christa McAuliffe Fellowship Program........................ $75,000
For operational costs and
grants to implement
the Technology Literacy Program................................. $21,000,000
For costs associated with the
Linking Educational Technology project....................... $300,000
For operational expenses for the
Illinois Purchased Care Review Board......................... $160,000
For costs associated with the
Charter Schools Program.............................................. $2,500,000
For costs associated with the
Local Initiative in Character Education............................ $1,000,000
For operational costs and grants for the
Youth With Disabilities Program................................. $800,000
For operational costs and grants
to implement the
Reading Excellence Act Program................................. $30,000,000

New matter indicated by italics - deletions by strikeout.
For costs associated with the
   Department of Defense Troops to Teachers Program.......................... $150,000
For costs associated with
   the Advanced Placement Fee Payment Program.............................. $800,000
For costs associated with
   the GEAR-UP Program................................................................. $6,000,000
For costs associated with
   Title I Comprehensive School Reform Program........................................ $12,000,000
For costs associated with
   IDEA Improvement-Part D Program.................................................. $2,000,000
For costs associated with the
   Building Linkages Project........................................................... $700,000
For all costs associated with
   Career and Technical Education - Basic Grant................................. $43,500,000
For all costs associated with
   Career and Technical Education - Technical Preparation..................... $5,000,000
For costs associated with
   Title VI - Renovation, Special Education and Technology.................... $45,000,000
For costs associated with
   Title I - School Improvement & Accountability................................... $15,000,000
Total, this Section ................................................................. $203,985,000

Section 15. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from Federal Funds to the State Board of Education for Grants-In-Aid:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Immigrant Education Program</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Teacher Quality Enhancement Program</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Title VII Foreign Language Assistance</td>
<td>150,000</td>
</tr>
<tr>
<td>Goals 2000</td>
<td>15,000,000</td>
</tr>
<tr>
<td>Title I - Even Start</td>
<td>11,000,000</td>
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<tr>
<td>Title I - Even Start Partnerships</td>
<td>500,000</td>
</tr>
<tr>
<td>Title I - Basic</td>
<td>400,000,000</td>
</tr>
<tr>
<td>Title I - Neglected/Delinquent</td>
<td>2,600,000</td>
</tr>
<tr>
<td>Title I - Improvement Grants</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Title I - Capital Expense</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Title I - Migrant Education</td>
<td>3,155,000</td>
</tr>
<tr>
<td>Title IV - Safe and Drug Free Schools</td>
<td>24,500,000</td>
</tr>
<tr>
<td>Title II - Eisenhower Professional Development</td>
<td>23,000,000</td>
</tr>
<tr>
<td>McKinney Education for Homeless Children</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Pre-School</td>
<td>25,000,000</td>
</tr>
<tr>
<td>Individuals with Disabilities Education Act</td>
<td>350,000,000</td>
</tr>
<tr>
<td>Deaf-Blind</td>
<td>280,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Title VI ........................................ 18,600,000
Class Size Reduction ............................. 81,000,000
Assistive Technology ............................. 555,000
Total  .................................................. $978,440,000

From the Driver Education Fund:
   For the reimbursement to school
districts under the provisions of
the Driver Education Act ......................... $15,750,000

From the Federal Department of Agriculture Fund:
   For reimbursement to local education
agencies and eligible recipients
for programs as provided by the United
States Department of Agriculture for the
Child Nutrition Program .......................... $405,000,000

From the ISBE Federal National Community Service Fund:
   For grants to local education
agencies and eligible recipients for
Learn and Serve America .......................... $2,000,000

From the Department of Health and Human Services Fund:
   For Refugee Children School Impact Grants... $2,500,000

Total, this Section .................................. $1,403,690,000

Section 20. The following amounts, or so much of those amounts as may be necessary,
respectively, for the objects and purposes named, are appropriated from State funds to the State
Board of Education to meet the ordinary and contingent expenses of the State Board of Education
for the fiscal year ending June 30, 2002:

- GENERAL OFFICE -

From General Revenue Fund:
   For Personal Services .......................... $3,357,800
   For Employee Retirement
      Paid by Employer .............................. 106,200
      For Retirement Contributions .............. 102,500
      For Social Security Contributions ......... 123,300
      For Contractual Services ................... 729,800
      For Travel .................................... 118,100
      For Commodities ............................. 12,500
      For Printing .................................. 3,000
      For Telecommunications ..................... 20,000
   Total ................................................ $4,573,200

- EDUCATION SERVICES -

From General Revenue Fund:
   For Personal Services .......................... $7,302,500
   For Employee Retirement
      Paid by Employer .............................. 262,100
      For Retirement Contributions .............. 226,800
      For Social Security Contributions ......... 224,000
      For Contractual Services ................... 100,100
      For Travel .................................... 102,000
      For Commodities ............................. 10,000
      For Printing .................................. 5,000
   Total ................................................ $8,232,500

- FINANCE AND ADMINISTRATION -

From General Revenue Fund:
   For Personal Services ......................... $10,609,400
   For Employee Retirement
      Paid by Employer .............................. 416,300

New matter indicated by italics - deletions by strikeout.
For Retirement Contributions
For Social Security Contributions
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Telecommunications
For Operation of Automotive Equipment

Total

- FINANCE AND ADMINISTRATION -

From Driver Education Fund:
For Personal Services
For Employee Retirement
Paid by Employer
For Retirement Contributions
For Social Security Contributions
For Insurance
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Telecommunications

Total

Total this Section

General Revenue
Drivers Education Fund

Section 25. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the State Board of Education for Grants-In-Aid:

From the Common School Fund:
For compensation of Regional Superintendents of Schools and Assistants under Section 18-5 of the School Code
For payment of one time employer's contribution to Teachers' Retirement System as provided in the Early Retirement Option under Section 16-133.2 of the Illinois Pension Code, including prior year claims

Total, this Section

Section 30. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the State Board of Education for Grants-In-Aid:

From the General Revenue Fund:
For orphanage tuition claims and State-owned housing claims as provided under Section 18-3 of the School Code
For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code

For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials

New matter indicated by italics - deletions by strikeout.
coordinating unit as provided for by Section 14-11.01 of the School Code $1,162,000
For reimbursement to school districts for services and materials for programs under Section 14A-5 of the School Code $19,695,800
For tuition of disabled children attending schools under Section 14-7.02 of the School Code $42,500,000
For reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code $230,800,000
For reimbursement to school districts for services and materials used in programs for the use of disabled children under Section 14-13.01 of the School Code $318,200,000
For reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code $113,000,000
For financial assistance to Local Education Agencies with over 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 34-18.2 of the School Code $35,333,200
For financial assistance to Local Education Agencies with under 500,000 population to meet the needs of those children who come from environments where the dominant language is other than English under Section 10-22.38a of the School Code $27,218,800
For distribution to eligible recipients for establishing and/or maintaining educational programs for Low Incidence Disabilities $1,500,000
For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils $234,000,000
For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code $223,800,000
For reimbursement to school districts and for providing free lunch and breakfast programs under the provision of the School Free Lunch Program Act $21,500,000
Total, this Section $1,301,469,800
Section 35. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the State Board of Education for the objects and purposes named:
For all costs associated with Regional Offices of Education, including, but not limited to: ROE School Bus Driver Training, ROE School...
Services, and ROE Supervisory Expense........ $12,512,000
For operational costs
and grants for Mathematics Statewide........ $1,000,000
For costs associated with the
Reading Improvement Statewide Program....... $4,000,000
For all costs, including prior year claims,
associated with Special Education lawsuits,
including Corey H......................... $1,000,000
For grants for
career awareness and development
programs, including, but not limited to:
Career Awareness & Development,
Jobs for Illinois Graduates, and
Illinois Governmental Internship Program.... $7,247,700
For operational costs and grants
for Family Literacy..................... $1,000,000
For all costs associated with teacher education programs,
including, but not limited to: National Board
Certification, Teacher of the Year, and
Teacher Framework Implementation........ $1,740,000
For costs associated with regional
and local Optional Education Programs for
dropouts, those at risk of dropping out, and Alternative
Education Programs for chronic truants..... $19,660,000
For costs associated with the Metro East Consortium for
Child Advocacy.............................. $250,000
For all costs associated with
Professional Development Statewide........ $2,000,000
For costs associated with funding Vocational Education
Staff Development....................... $1,299,800
For costs associated with the Certificate Renewal
Administrative Payment Program........ $1,000,000
For operational costs and grants associated with
the Summer Bridges Program to assist
school districts that had one or more schools
with a significant percentage of third
and sixth grade students in the "does not meet" category
on the 1998 State reading scores
to achieve standards in reading........... $26,000,000
For costs associated with the
Parental Involvement Campaign Program...... $1,500,000
For all costs associated with standards,
assessment, and accountability programs,
including, but not limited to:
Arts Planning K-6, Assessment Programs,
Learning Improvement and Quality Assurance
and Learning Standards.................. $31,309,700
For operational costs associated with
administering the Reading
Improvement Block Grant.................. $389,500
For costs associated with the transition
of minority students
to college and teaching careers......... $600,000
For funding the Golden Apple Scholars Program... $2,554,300
For all costs associated with

New matter indicated by italics - deletions by strikeout.
career and technical education programs.....  $53,874,500
For all costs associated with
student at-risk programs,
including, but not limited to:
Hispanic Student Dropout Prevention Programs,
Project Impact, Illinois Partnership Academy, and Urban
Education Partnership Programs..........  $2,649,600
For operational costs and grants associated with
Scientific Literacy, Mathematics, and
the Center on Scientific Literacy..........  $8,583,000
For operational costs and grants
associated with the Substance
Abuse and Violence Prevention Programs.....  $2,750,000
For operational expenses of administering the
Early Childhood Block Grant..............  $685,600
For operational costs and reimbursement to a parent
or guardian under the transportation provisions
of Section 29-5.2 of the School Code.......  $15,120,000
For funding the Teachers'
Academy for Math and Science.............  $7,001,900
For operational costs of the Residential Services
Authority for Behavior Disorders and Severely
Emotionally Disturbed
Children and Adolescents...................  $500,000
For all costs associated with administering Alternative
Education Programs for disruptive students pursuant to
Article 13A of the School Code............  $17,852,000
For operational costs and grants for
Alternative Learning Opportunities Program..  $1,000,000
For operational costs and grants
for schools associated with the
Academic Early Warning List
and other at-risk schools...................  $4,350,000
For all costs associated with ISBE regional services,
including, but not limited to:
ROE Audits, ISBE Services as ROE, ROE Technology,
GED Testing, Administrators Academy, and the
Leadership Development Institute........  $3,444,300
For costs associated with the Association of Illinois
Middle-Level Schools Program............  $100,000
For funding the Illinois State
Board of Education Technology Program.....  $256,300
For all costs associated with providing
the loan of textbooks to students under
Section 18-17 of the School Code.........  $21,641,900
For Payment to the Early Intervention
Revolving Fund for costs associated with
Early Intervention Program at the Department
of Human Services. Payments shall be made
in 12 equal amounts on or about the 15th
of each month.............................  $71,480,000
For grants associated with the
Illinois Economic Education program......  $150,000
Total, this Section.......................  $283,125,100

Section 40. The following amounts, or so much of those amounts as may be necessary,
are appropriated from the General Revenue Fund to the State Board of Education for the objects and purposes named:

For grants for Reading for Blind and
Dyslexic persons for programs and services in support of
Illinois citizens with visual and reading
impairments.................................. $175,000

For grants to school districts for
Reading Programs for teacher aides, reading
specialists, for reading and library
materials and other related programs
for students in K-6 grades and other
authorized purposes under Section 2-3.51
of the School Code........................ $83,000,000

For a grant to the
Illinois Learning Partnership program...... $500,000

For funding the Early Childhood
Block Grant pursuant to Section
1C-2 of the School Code.................. $183,486,200

For grants to Local Education Agencies
to conduct Agricultural
Education Programs........................ $2,000,000

For grants associated with
the School Breakfast Incentive Program...... $1,000,000
Total, this Section.......................... $278,568,100

Section 45. The following named amounts, or so much of those amounts as may be
necessary, are appropriated from the General Revenue Fund to the State Board of Education for the Technology for Success Program for the purpose of implementing the use of computer technology in the classroom as follows:

For administrative costs associated with
the Technology for Success Program and the
Illinois Century Network.................... $21,600,000

For grants associated with the Technology
for Success Program and the
Illinois Century Network................... $27,650,000
Total, this Section.......................... $49,250,000

Section 50. The following named amounts, or so much of those amounts as may be
necessary, are appropriated to the State Board of Education for the School Construction Program as follows:

Payable from the School Infrastructure Fund:
For administrative costs associated with
the Capital Assistance Program......... $800,000

Payable from the School Technology
Revolving Loan Program Fund:
For the purpose of making grants
pursuant to subsection (a) of
Section 2-3.117 of the School Code..... $50,000,000
Total, this Section......................... $50,800,000

Section 55. The amount of $565,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund for deposit into the Temporary Relocation Expenses Revolving Grant Fund for use by the State Board of Education, as provided in Section 2-3.77 of the School Code.

Section 60. The amount of $1,130,000, or so much thereof as may be necessary, is
appropriated from the Temporary Relocation Expenses Revolving Grant Fund to the State Board of Education as provided in Section 2-3.77 of the School Code.

Section 65. The amount of $10,000, or so much of that amount as may be necessary, is
appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for expenditures by the Board for purposes specified by Federal Aid Grants or gifts from any public or private source in support of projects that are within the lawful powers of the Board.

Section 70. The amount of $1,093,000, or so much of that amount as may be necessary, is appropriated from the State Board of Education State Trust Fund to the State Board of Education for expenditures by the Board in accordance with grants that the Board has received or may receive from private sources in support of projects that are within the lawful powers of the Board.

Section 75. The amount of $1,200,000, or so much of that amount as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the State Board of Education for costs associated with the issuing of teacher certificates.

Section 80. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Education for the following objects and purposes:

Payable from the Common School Fund:
For general apportionment as provided by Section 18-8 of the School Code........... $2,740,250,000

Payable from the General Revenue Fund:
For summer school payments as provided by Section 18-4.3 of the School Code........... $5,400,000
For all costs associated with the supplementary payments to school districts as provided in Section 18-8.2, Section 18-8.3, Section 18-8.5, and Section 18-8A(5) (m) of the School Code......................... $4,200,000

Total, this Section $2,670,850,000

Section 85. The following amount, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the State Board of Education for the following object and purpose:

For general apportionment as provided by Section 18-8.05 of the School Code ........... $484,750,000

Section 90. The amount of $216,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board Education pursuant to Section 18-4.4 of the School Code for Tax Equivalent Grants.

Section 95. The amount of $72,000,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education to fund block grants to school districts for school safety and educational improvement programs pursuant to Section 2-3.51.5 of the School Code.

Section 100. The amount of $0, or so much that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for deposit into the School Emergency Financial Assistance Fund.

Section 110. The amount of $37,000,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for supplementary payments to school districts under subsection (J) of Section 18-8.05 of the School Code.

Section 115. The amount of $15,000,000, or so much of that amount as may be necessary, is appropriated from the School Technology Revolving Fund to the State Board of Education for funding the Statewide Educational Network.

Section 125. The following amounts, or so much thereof as may be necessary, are appropriated to the State Board of Education for the Charter Schools Program:

From the General Revenue Fund:
For Operational Costs and Grants.............. $10,000,000
For deposit into the Charter Schools Revolving Loan Fund........... 1,000,000

From the Charter Schools Revolving Loan Fund:
For Loans...................................... $2,000,000

New matter indicated by italics - deletions by strikeout.
Total, this Section.................................................. $13,000,000

Section 130. The amount of $30,192,100, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 15, Section 25 of Public Act 91-705, is reappropriated from the General Revenue Fund to the State Board of Education for all costs associated with providing the loan of textbooks to students under Section 28-15 of the School Code.

Section 135. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Private Business and Vocational Schools Fund to the State Board of Education Private Business and Vocational Schools Act.

Section 140. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the State Board of Education Fund to the State Board of Education for expenditures by the Board in accordance with fees or registration amounts the Board has received or may receive in support of projects that are within the lawful powers of the Board.

Section 145. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 15, Section 865 of Public Act 91-705, is reappropriated from the Fund for Illinois' Future to the Illinois State Board of Education for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include but are not limited to one time operating assistance, construction, rehabilitation, equipment purchase, and any other necessary costs.

ARTICLE 2

Section 5. The amount of $65,044,700, or so much thereof as may be necessary, is appropriated from the Common School Fund to the Public School Teachers' Pension and Retirement Fund of Chicago for the State's Contribution, as provided by law.

ARTICLE 3

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Teachers' Retirement System of the State of Illinois for the State's Contribution, as provided by law:

Payable from the Common School Fund.............. $476,935,000
Payable from the Education Assistance Fund.. 275,000,000
Total, this Section............................................. $751,935,000

Section 10. The amount of $44,042,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Teachers' Retirement System of the State of Illinois for transfer into the Teachers' Health Insurance Security Fund as the State's Contribution for teachers' health benefits.

ARTICLE 4

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services.............................. $  1,912,500
For State Contributions to Social Security, for Medicare............................ 18,000
For Contractual Services......................... 592,200
For Travel............................................... 98,000
For Commodities................................. 15,000
For Printing......................................... 15,000
For Equipment.................................. 47,500
For Telecommunications......................... 65,000
For Operation of Automotive Equipment........... 2,000
Total ................................................. $2,765,200

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education

New matter indicated by italics - deletions by strikeout.
Assistance Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services
For State Contributions to Social Security, for Medicare
Total

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated from the BHE Federal Grants Fund from funds provided under the Eisenhower Professional Development Program to the Board of Higher Education for necessary administrative expenses:

For Personal Services
For State Contributions to Social Security, for Medicare
For Contractual Services
For Group Insurance
For Retirement Contributions
For Travel
For Printing
For Equipment
Total

Section 16. The sum of $14,753,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for payment into the Health Insurance Reserve Fund.

Section 17. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for expenses associated with the selection and employment of Executive Director of the Board of Higher Education.

Section 18. The sum of $456,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the distribution of grants to public universities to provide strategic incentives for baccalaureate degree completion.

Section 19. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Board of Higher Education for a grant to the Board of Trustees of the University of Illinois to support veterinary medicine in Urbana-Champaign.

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Accountability/Productivity
Diversity/Minority Articulation
Diversity/Minority Educational Achievement
Quad-Cities Graduate Study Center
Advanced Photon Source Project at Argonne National Laboratory
Library Projects
Workforce and Economic Development
School College (P-16) Partnerships
Total

Section 25. The following named amount, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Diversity/Minority Educational Achievement
Total

Section 30. The following named amount, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Board of Higher Education for

New matter indicated by italics - deletions by strikeout.
distribution as grants authorized by the Higher Education Cooperation Act:
Fermi National Accelerator Laboratory Accelerator Research

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fermi National Accelerator Laboratory Accelerator Research</td>
<td>$2,500,000</td>
</tr>
</tbody>
</table>

Section 35. The sum of $1,025,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant for the University Center of Lake County.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

Section 45. The sum of $16,552,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by Section 3 of the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning.

Section 50. The sum of $5,616,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by Section 3 of the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning.

Section 55. The sum of $15,229,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 60. The sum of $3,033,800, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 65. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as engineering equipment grants authorized by Section 9.13 of the Board of Higher Education Act.

Section 70. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education for grants from funds provided under the Eisenhower Professional Development Program.

Section 75. The sum of $3,445,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 80. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Illinois Consortium for Educational Opportunity Act.

Section 85. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for the Illinois Occupational Information Coordinating Committee.

Section 90. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 95. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants for Cooperative Work Study Programs to institutions of higher education.

Section 100. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Higher Education for costs related to the Illinois Century Network backbone, costs for connecting colleges, universities, and others to the backbone, and other costs related to development, use, and maintenance of the Illinois Century Network.

Section 101. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the development, acquisition, and purchase of coursework and training packages for delivery over the
Illinois Century Network.

Section 105. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for graduation incentives grants.

Section 110. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Illinois Mathematics and Science Academy for the Career Academy.

Section 111. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the International High School.

Section 112. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Century Network Special Purposes Fund to the Board of Higher Education for costs related to the Illinois Century Network backbone, costs for connecting community colleges, universities, and others to the backbone, and other costs related to the development, use, and maintenance of the backbone.

Section 113. In addition to any amounts previously or elsewhere appropriated, the sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the State Geological Survey.

Section 115. The sum of $610,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:

- Minority Internship Program..................... $325,000
- Tech Know Camp.............................................. $140,000
- Chicago Engineering Consortium................... $145,000

Section 125. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment to the University for personal services and related costs incurred.

Section 130. The sum of $184,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Eastern Illinois University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:

- Minority Teacher Identification and Enrichment Program............................... $99,400
- Developing Alternative Routes to Certification.............................................. $85,000

Section 145. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Eastern Illinois University for all costs related to Elementary/Early Childhood Education Programs, including payment to the University for personal services and related costs incurred.

Section 150. The sum of $220,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:

- Project HOPE: Partnership for Hispanic Opportunity Program................................. $120,000
- Learning in Context.......................... $100,000

Section 160. The sum of $365,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Illinois State University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:

- Students Integrating Mathematics, Science, and Technology............................ $90,000
- Bloomington-Normal Education Alliance................. $25,000

New matter indicated by italics - deletions by strikeout.
Statewide Illinois Articulation Initiative...... $200,000
Illinois Campus Compact for Community Service................. $50,000

Section 170. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:
The University Scholars Program....................... $100,000
Preparing Future Teachers to Integrate Substance Abuse Prevention................................. $50,000

Section 175. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant, including payment to the University for personal services and related costs incurred.

Section 180. The sum of $310,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northern Illinois University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:
Project PRIME: Summer Academic Bridge Program................................. $60,000
Illinois Cooperative Collection Management Program................................. $250,000

Section 190. The sum of $284,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Western Illinois University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, in the approximate amounts set forth below:
Cross-Cultural and Hispanic Program for Educational Achievement....................... $169,000
Expanding Cultural Diversity in the Curriculum................................. $50,000
Transforming Teaching and Learning through Technology................................. $65,000

Section 200. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs related to the following programs, including payment to the University for personal services and related costs incurred, for Southern Illinois University at Carbondale in the approximate amounts set forth below:
Southern Illinois Regional Career Preparation Program................................. $80,000
Illinois Intergenerational Initiative................................. $50,000

Section 205. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant for Southern Illinois University at Carbondale, including payment to the University for personal services and related costs incurred.

Section 210. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs related to the Project GAIN (Get Ahead in Nursing) Program, including payment to the University for personal services and related costs incurred, for Southern Illinois University at Edwardsville.

Section 215. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for all costs required to match the Federal Title II Teacher Quality Enhancement State Grant for Southern Illinois University at Edwardsville, including payment to the University for personal services and related costs incurred.

New matter indicated by italics - deletions by strikeout.
Section 220. The sum of $227,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for all costs related to the following programs, including payment to the University for personal services and related costs incurred, for the University of Illinois at Chicago in the approximate amounts set forth below:

Hispanic Mathematics and Science Education Initiative................................. $112,000
Illinois Laboratory Access Network (ILAN)....... $65,000
Chicago Collaborative for Excellence in Teacher Preparation................................. $50,000

Section 225. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for all costs related to the Support Enhancement for Minority Students Interested in Teaching Program, including payment to the University for personal services and related costs incurred, for the University of Illinois at Springfield.

Section 235. The sum of $785,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for all costs related to the following programs, including payment to the University for personal services and related costs incurred, for the University of Illinois at Urbana-Champaign in the approximate amounts set forth below:

Illinois Virtual Campus............................................. $500,000
Illinois Satellite Network............................................. $125,000
Faculty Summer Institute on Learning Technologies........................................... $100,000
The "New" Institute for Competitive Manufacturing........................................... $60,000

Section 240. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for all costs related to the Illinois Online Network, including payment to the University for personal services and related costs incurred.

Section 245. The sum of $870,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for all costs related to the Illinois Digital Academic Library, including payment to the University for personal services and related costs incurred.

Section 250. The sum of $105,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Carl Sandburg College for all costs related to the Faculty Exchange, Minority Recruitment and Retention Program.

Section 255. The sum of $105,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Parkland College for the Creating Inclusive Educational Communities for Minority Students Program.

Section 260. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Kishwaukee College for all costs related to the Community College Learning Resource Center.

Section 265. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services.................. $ 10,785,000
For State Contributions to Social Security, for Medicare............................... 158,500
For Contractual Services................. 2,510,200
For Travel................................. 129,100
For Commodities................................. 387,700
For Equipment................................. 461,800

New matter indicated by italics - deletions by strikeout.
Section 270. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Education Assistance Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2002:

- For Contractual Services: $1,234,100
- For Travel: 14,100
- For Commodities: 3,700
- For Equipment: 30,900
- For Telecommunications: 15,000

Total: $1,297,800

Section 275. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2002:

- For Personal Services: $1,165,500
- For State Contributions to Social Security, for Medicare: 21,200
- For Contractual Services: 519,500
- For Travel: 51,500
- For Commodities: 203,500
- For Equipment: 5,000
- For Telecommunications: 80,000
- For Operation of Automotive Equipment: -0-
- For Telecommunications: 15,000
- For Equipment: 30,900
- For Commodities: 3,700

Total: $2,050,000

Section 280. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 5

Section 5. The sum of $41,802,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University to meet the ordinary and contingent expenses of the Board and its educational institution, including reimbursement to the University for personal services and related costs incurred for the fiscal year ending June 30, 2002.

Section 10. The sum of $1,365,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Chicago State University to meet the ordinary and contingent expenses of the Board and its educational institution, including reimbursement to the University for personal services and related costs incurred for the fiscal year ending June 30, 2002.

ARTICLE 6

Section 5. The sum of $47,770,400, or so much thereof as may be necessary, for the purpose hereinafter named, is appropriated from the General Revenue Fund to the Board of Trustees of Eastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs incurred during the fiscal year ending June 30, 2002 and for salaries accrued but unpaid to academic personnel for personal services rendered during the FY 2001 academic year.

Section 10. The sum of $6,813,500, or so much thereof as may be necessary, for the purpose hereinafter named, is appropriated from the Education Assistance Fund to the Board of Trustees of Eastern Illinois University to meet the ordinary and contingent expenses of the
University, including payment or reimbursement to the University for personal services and related costs, incurred during the fiscal year ending June 30, 2002 and for salaries accrued but unpaid to academic personnel for personal services rendered during the FY2001 academic year.

Section 12. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 15. The sum of $805,631, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 4, Section 15 of Public Act 91-0705, is reappropriated from the Capital Development Fund to Eastern Illinois University for digitalization infrastructure for WEIU-TV.

Section 20. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 4, Section 25 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University for digitalization infrastructure for WEIU-TV, in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 25. The sum of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 4, Section 30 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 30. The sum of $12,100, or so much as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 7

Section 5. The sum of $23,775,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs, incurred during the fiscal year ending June 30, 2002.

Section 10. The sum of $4,050,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Governors State University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs, incurred during the fiscal year ending June 30, 2002.

ARTICLE 8

Section 5. The sum of $267,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation made for such purpose in Article 11, Section 5 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 10. The sum of $73,396, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation made for such purpose in Article 11, Section 10 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for distribution as grants to

New matter indicated by italics - deletions by strikeout.
community colleges for technology infrastructure improvements. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for the purposes specified:

- For Personal Services......................... $ 1,400,000
- For State Contributions to Social Security, for Medicare.................. 14,300
- For Contractual Services.................... 400,000
- For Travel..................................... 67,000
- For Commodities............................. 11,500
- For Printing.................................... 25,000
- For Equipment.............................. 18,300
- For Electronic Data Processing............. 496,800
- For Telecommunications..................... 40,000
- For Operation of Automotive Equipment...... 2,500
- East St. Louis Operations .................... 5,000

Total $2,480,400

Section 20. The sum of $51,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for the contractual services of the Central Office.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the development of core values and leadership initiatives.

Section 30. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received.

Section 31. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

- Base operating grants....................... $154,729,700
- Small college grants.......................... 900,000
- Equalization grants.......................... 77,391,500
- Special population grants................... 13,260,000
- Workforce preparation grants............. 14,317,000
- Advanced technology equipment grants..... 14,057,000
- Retirees health insurance grants.......... 735,000
- Performance based initiatives grants..... 2,000,000
- Accelerated college enrollments grants.... 1,500,000
- Current workforce training grants......... 5,000,000
- Community college on-line grants.......... 550,000
- Deferred maintenance grants............... 3,500,000

Total........................................ $287,940,200

Section 40. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the former community college district #541 in East St. Louis for the purposes specified, including prior years' expenditures:

New matter indicated by italics - deletions by strikeout.
For grants to operate an educational facility in East St. Louis.............. $ 2,200,000

Section 45. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for special initiative grants.

Section 46. The sum of $333,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for matching grants to Illinois public community college foundations.

Section 50. The sum of $39,045,300, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for distribution as base operating grants.

Section 51. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Community College Board for the Illinois Occupational Information Coordinating Committee.

Section 60. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to graduates of the Lincoln’s Challenge Program.

Section 65. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 70. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the Video Conferencing User Fund to the Illinois Community College Board for video conferencing expenses.

Section 80. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the General Revenue Fund:
For payment of costs associated with education and educational related services to local eligible providers for adult education and literacy............................ $16,337,100

For payment of costs associated with education and educational related services to local eligible providers for performance based awards........................................ 12,600,000

For operational expenses of and for payment of costs associated with education and educational related services to recipients of Public Assistance, and, if any funds remain, for costs associated with education and educational related services to local eligible providers for adult education and literacy................. 10,068,200

From the ICCB Adult Education Fund:
For payment of costs associated with education and educational related services to local eligible providers for adult education and literacy as provided by the United States Department of Education............................. 21,000,000

Total, this Section............................... $60,005,300

Section 90. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 90 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for Black Hawk College television station WQPT-TV (Moline-Sterling). No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section.
until after the purposes and amounts have been approved in writing by the Governor.

Section 95. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 95 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for City Colleges of Chicago television station WYCC-TV. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 100. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 100 of Public Act 91-705 is reappropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for Black Hawk College television station WQPT-TV (Moline-Sterling), in addition to amounts previously appropriated for such purposes. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 105. The sum of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 105 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for City Colleges of Chicago television station WYCC-TV, in addition to amounts previously appropriated for such purposes. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 110. The sum of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 110 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Illinois Community College Board for costs associated with a new campus at Kennedy King College. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 115. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 115 of Public Act 91-705, is reappropriated from the Fund for Illinois' Future to the Illinois Community College Board for a grant to Malcolm X College for youth athletic programs.

Section 120. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for Black Hawk College television station WQPT-TV (Moline-Sterling), in addition to amounts previously appropriated. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 125. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Community College Board for digitalization infrastructure for City Colleges of Chicago television station WYCC-TV, in addition to amounts previously appropriated. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 9

Section 5. The sum of $79,310,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Illinois State University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002 and for salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2000-2001.
Section 10. The sum of $13,709,200, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Illinois State University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002 and for salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2000-2001.

Section 15. The sum of $5,644, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for that purpose in Article 7, Section 20 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of Illinois State University for technology infrastructure improvements at Illinois State University.

Section 20. The sum of $152,487, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for that purpose in Article 7, Section 25 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of Illinois State University for technology infrastructure improvements at Illinois State University.

Section 25. The sum of $45,350, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to Illinois State University for student financial assistance.

ARTICLE 10

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for its ordinary and contingent expenses:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administration</td>
<td>$2,811,900</td>
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<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>112,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees Retirement System</td>
<td>282,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>214,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,574,800</td>
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<tr>
<td>For Travel</td>
<td>43,000</td>
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<tr>
<td>For Commodity</td>
<td>50,600</td>
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<tr>
<td>For Printing</td>
<td>130,700</td>
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<tr>
<td>For Equipment</td>
<td>89,200</td>
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<tr>
<td>For Telecommunications</td>
<td>187,500</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>6,800</td>
</tr>
<tr>
<td>Total</td>
<td>$6,504,000</td>
</tr>
</tbody>
</table>

Section 10. The sum of $65,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Higher EdNet Fund for costs associated with administration of the Illinois Higher EdNet, a clearinghouse for post-secondary education financial aid information.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Administration</td>
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<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>507,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees Retirement System</td>
<td>1,273,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>970,600</td>
</tr>
<tr>
<td>For State Contributions for</td>
<td></td>
</tr>
</tbody>
</table>
Employees Group Insurance...................  2,100,000
For Contractual Services....................  11,400,000
For Travel....................................  185,000
For Commodities..............................  228,200
For Printing..................................  544,000
For Equipment...............................  500,000
For Telecommunications.....................  1,699,500
For Operation of Auto Equipment............  30,000
For Refunds..................................  1,600,000
Total                                                                                      $33,725,800

Section 20. The sum of $7,500,000, or so much thereof as may be necessary, is
appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund
for costs associated with the Loan Based Solution System replacement project.

Section 25. The sum of $269,049,900, or so much thereof as may be necessary, is
appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for
payment of grant awards to students eligible to receive such awards, as provided by law, including
up to $5,000,000 for transfer into the Monetary Award Program Reserve Fund.

Section 30. The sum of $6,500,000, or so much thereof as may be necessary, is
appropriated to the Illinois Student Assistance Commission from the Monetary Award Program Reserve Fund for payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law.

Section 35. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships

For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law........... $1,000,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act.................. 6,600,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law............... 250,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law............. 4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law............ 20,000,000
For college savings bond grants to students eligible to receive such awards.............. 620,000
For payment of minority teacher scholarships.... 3,100,000
For payment of David A. DeBolt Teacher Shortage Scholarships......................... 2,900,000
For payment of Illinois Incentive for Access grants, as provided by law.............. 7,200,000

New matter indicated by italics - deletions by strikeout.
For payment of Information Technology Grants. ........................................ 3,000,000
Total .................................................................................................. $49,170,000

Section 40. The following named amount, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law. .......................... $98,478,400

Section 45. The following sum, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund for the Federal Leveraging Educational Assistance and Supplemental Leveraging Educational Assistance Programs to the Illinois Student Assistance Commission for the following purpose:

Grants
For payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law.............................. $3,100,000

Section 50. The sum of $250,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for purposes of supporting costs required to re-engineer and redesign certain scholarship and grant information systems.

Section 55. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for support of new initiatives to increase awareness of educational and financial aid opportunities among underserved or underrepresented populations.

Section 60. The sum of $150,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of guarantees of loans that are uncollectable or for payments required under agreements with the United States Secretary of Education.

Section 65. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Federal Reserve Recall Fund to the Illinois Student Assistance Commission for default aversion activities.

Section 70. The sum of $71,200,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Federal Student Loan Fund for transfer to the Student Loan Operating Fund from revenues derived from collection payments, complement revenues, and payments required under agreements with the U.S. Secretary of Education.

Section 75. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Federal Student Loan Fund for transfer to the Student Loan Operating Fund for activities related to the collection and administration of default prevention fees.

Section 80. The sum of $13,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for transfer to the Federal Student Loan Fund for reimbursement of sums transferred for working capital purposes as permitted by federal law.

Section 90. The sum of $8,400,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Federal Student Loan Fund for transfer to the Federal Reserve Recall Fund for activities related to the federally mandated recall of student loan reserves.

Section 95. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 100. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student...
Assistance Commission for the following purpose:
For payment of Robert C. Byrd Honors Scholarships................................................................. $1,800,000

Section 105. The sum of $70,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 110. The sum of $20,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Contract and Grants Fund to support outreach and training activities.

Section 115. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for payment of collection agency fees associated with collection activities for Federal Family Education Loans.

ARTICLE 11
Section 5. The amount of $38,724,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs incurred during the fiscal year authorized by law for the fiscal year ending June 30, 2002.

Section 10. The sum of $6,272,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northeastern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal service and related costs incurred during the fiscal year authorized by law for the fiscal year ending June 30, 2002.

Section 15. The amount of $636,750, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 5, Section 25 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University for purchasing equipment for the Fine Arts Complex.

ARTICLE 12
Section 5. The sum of $100,052,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs, incurred during the fiscal year ending June 30, 2002.

Section 10. The sum of $17,413,800, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Northern Illinois University to meet the ordinary and contingent expenses of the University, including payment or reimbursement to the University for personal services and related costs, incurred during the fiscal year ending June 30, 2002.

Section 11. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Northern Illinois University for the establishment of the Zeke Giorgi Law Clinic.

Section 15. The sum of $649,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for that purpose in Article 8, Section 15 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 20. The sum of $388,321, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for that purpose in Article 8, Section 25 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

New matter indicated by italics - deletions by strikeout.
Section 25. The sum of $10,075, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 13

Section 5. The sum of $217,121,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 10. The sum of $30,282,100, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Southern Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 15. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University for digitalization infrastructure for WSIU-TV (Carbondale), in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 20. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University for digitalization infrastructure for WUSI-TV (Olney), in addition to amounts previously appropriated for such purpose. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 25. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 9, Section 25 of Public Act 91-705 is reappropriated to Southern Illinois University from the Capital Development Fund for purchasing equipment for the Engineering Building at the Edwardsville campus.

Section 30. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 9, Section 15 of Public Act 91-705 is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 35. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 9, Section 60 of Public Act 91-705 is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 40. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 9, Section 15 of Public Act 91-705 is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 45. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 9, Section 20 of Public Act 91-705 is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 50. The sum of $1,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the operations of the Regional Cancer Center at Springfield.

ARTICLE 14

Section 5. The following named amounts, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services........................................ $870,200
For Social Security........................................ 6,100
For Contractual Services................................. 29,500
For Travel.................................................. 8,400
For Commodities........................................... 8,400
For Printing.................................................. 8,200
For Equipment............................................... 44,900
For Telecommunications Services....................... 27,300
For Operation of Automotive Equipment.................. 2,600

Total $1,267,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter, are appropriated from the Education Assistance Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services........................................ $126,000
For Social Security........................................ 1,000
For Contractual Services................................. 41,100
For Travel.................................................. 100
For Commodities........................................... 100
For Equipment............................................... 5,100
For Telecommunications Services....................... 200

Total $173,600

Section 5. The sum of $110,029,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law.

Section 10. The sum of $122,094,800, or so much thereof as may be necessary is appropriated from the Education Assistance Fund to the Board of Trustees of the State Universities Retirement System for the State's Contribution, as provided by law.

Section 15. The sum of $2,968,328, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the State Universities Retirement System for deposit into the Community College Health Insurance Security Fund for the State's contribution, as required by law.

ARTICLE 15

Section 5. The sum of $713,037,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 10. The sum of $83,275,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of the University of Illinois for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 15. The sum of $1,130,700, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the expenses and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred during the fiscal year ending June 30, 2002.

Section 20. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 21. The sum of $1,600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the
operations of the Post-Genomics Institute at Urbana.

Section 22. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the operations of the medical imaging research/clinical facility at Chicago.

Section 23. The sum of $1,300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the operations of the supercomputing application facility at Urbana.

Section 24. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the operations of the Technology Incubator at Urbana.

Section 25. The sum of $1,299,000 or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 30 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to acquire and develop land for expansion of the Chicago campus, including demolition, landscaping and site improvements, planning, construction, remodeling, extension and modification of campus utility systems, and such other expenses as may be necessary to construct a public safety and transportation facility and to develop student recreational areas.

Section 30. The sum of $3,791,800, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 35 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to plan for all aspects of construction and to acquire and develop land, including demolition, landscaping, site improvements, extension and modification of campus utility systems, relocation of programs, and such other expenses as may be necessary to construct a College of Medicine building in Chicago.

Section 40. The sum of $65,060,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 40 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois to construct an education and research facility for the College of Medicine in Chicago, including planning, land acquisition, demolition, construction, remodeling, landscaping, site improvements, equipment, extension or modification of campus utility systems, relocation of programs, and such expenses as may be necessary to complete the facility.

Section 45. The following named amount, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 90 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for the following projects:

For planning and beginning construction of a computer science in engineering facility .. $8,000,000
For land acquisition to expand the College of Agricultural, Consumer and Environmental Science .. $2,500,000

Section 50. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 50 of Public Act 91-0705, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 55. The sum of $814,444, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from an appropriation heretofore made for such purpose in Article 10, Section 45 of Public Act 91-705, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 60. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV(Urbana-Champaign).

Section 65. The sum of $1,646,066, or so much thereof as may be necessary and remains

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 10, Section 55 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for technology infrastructure improvements at the University of Illinois. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 70. The sum of $523,616, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 10, Section 60 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for technology infrastructure improvements at the University of Illinois. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 17

Section 5. The sum of $55,571,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Western Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 10. The sum of $9,192,800, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Board of Trustees of Western Illinois University for any expenditures or purposes authorized by law, including payment to the University for personal services and related costs incurred, for the fiscal year ending June 30, 2002.

Section 15. The amount of $63,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 6, Section 20 of Public Act 91-705, is reappropriated from the Fund for Illinois' Future to the Board of Trustees of Western Illinois University for all costs associated with the repair, rehabilitation, and replacement of the roof on Sherman Hall.

Section 20. The amount of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 6, Section 25 of Public Act 91-705, is reappropriated from the Fund for Illinois' Future to the Board of Trustees of Western Illinois University for all costs associated with the repair, rehabilitation, and replacement of bleachers in Western Hall.

Section 25. The amount of $418,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 6, Section 30 of Public Act 91-705, is reappropriated from the Capital Development Fund to the Board of Trustees of Western Illinois University for technology infrastructure improvements at Western Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 30. The amount of $25,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 18

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

EXECUTIVE OFFICE

Payable from the General Revenue Fund:
For Personal Services ....................... $ 7,367,700
For Employee Retirement Contributions
Paid by Employer ............................ 294,700
For State Contributions to State Employees' Retirement System............... 739,700
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Section 2. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor’s Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 19

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

**GENERAL OFFICE**

- Social Security: $525,000
- Personal Services: $1,408,000
- State Contributions to State Social Security: $107,000
- Contractual Services: $872,000
- Travel: $265,000
- Commodities: $95,000
- Printing: $70,000
- Equipment: $25,000
- Electronic Data Processing: $225,000
- Telecommunications Services: $370,000
- Repairs and Maintenance: $40,000
- Commodities: $95,000
- Travel: $265,000
- Contractual Services: $872,000
- Social Security: $525,000

**TOTAL: $11,009,100**

Section 2. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administration expenses.

**TOTAL: $2,831,500**

The amount of $253,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Lieutenant Governor for the ordinary and contingent expenses of the Illinois River Coordination Council.

Section 2. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor’s Grant Fund to the Office of Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

ARTICLE 20

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the following divisions of the Office of the Attorney General:

**GENERAL OFFICE**

New matter indicated by italics - deletions by strikeout.
For Personal Services.......................... $28,300,000
For State Contribution to State
   Employees Retirement System.............. 2,816,000
For State Contribution to Social Security...... 2,038,000
For Employees Retirement Contributions
   Paid by Employer........................... 1,118,000
For Contractual Services........................ 2,630,000
For Contractual Services
   Expert Witnesses............................. 100,000
For Travel...................................... 490,000
For Commodities................................ 195,000
For Printing.................................... 170,000
For Equipment................................... 480,000
For Electronic Data Processing.................. 1,700,000
For Telecommunications.......................... 780,000
For Operation of Auto Equipment.................. 124,000
For Expenses Incurred in Post Sentencing
   Prosecution of all Cases of
   Death Penalty................................. 185,000
For Expenses Incurred in Gang
   Crime Prevention................................ 1,700,000
Total $42,726,000

Section 2. The sum of $1,050,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

Section 3. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the Asbestos Abatement Fund to the Attorney General to meet the ordinary and contingent expenses of the Asbestos Litigation Division:

   ASBESTOS LITIGATION DIVISION

For Personal Services......................... $1,050,000
For State Contribution to State
   Employees Retirement System............... 105,000
For State Contribution to Social Security...... 76,700
For Employees Retirement Contributions
   Paid by the Employer......................... 42,000
For Group Insurance............................ 189,000
For Contractual Services...................... 1,780,000
For Travel..................................... 178,000
For Operational Expenses, Asbestos Litigation............................. 34,700
Total $3,455,400

Section 4. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 5. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 6. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 7. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the

New matter indicated by italics - deletions by strikeout.
Attorney General Act for the several county State's Attorneys outside of Cook County.

Section 8. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a new unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 9. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, court ordered distributions to third parties and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 10. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to meet the ordinary and contingent expenses of the Attorney General:

<table>
<thead>
<tr>
<th>OPERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Violent Crime Victims Assistance Fund:</td>
</tr>
<tr>
<td>For Personal Services:</td>
</tr>
<tr>
<td>For State Contribution to State Employees Retirement System:</td>
</tr>
<tr>
<td>For State Contribution to Social Security:</td>
</tr>
<tr>
<td>For Employees Retirement Contributions Paid by the Employer:</td>
</tr>
<tr>
<td>For Group Insurance:</td>
</tr>
<tr>
<td>For Operational Expenses, Violent Crime Victims Assistance:</td>
</tr>
<tr>
<td>For Awards and Grants under the Violent Crime Victims Assistance Act:</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Section 12. The amount of $4,400,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 13. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes of planning and research. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon such funding.

ARTICLE 21

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the Secretary of State to meet the ordinary, contingent, and distributive expenses of the following organizational units of the Office of the Secretary of State:

<table>
<thead>
<tr>
<th>EXECUTIVE GROUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services:</td>
</tr>
<tr>
<td>For Regular Positions: Payable from General Revenue Fund:</td>
</tr>
<tr>
<td>For Extra Help: Payable from General Revenue Fund:</td>
</tr>
<tr>
<td>For Employee Contribution to State Employees' Retirement System:</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.

<table>
<thead>
<tr>
<th>Description</th>
<th>Payable from General Revenue Fund</th>
<th>Payable from Road Fund</th>
<th>Payable from Vehicle Inspection Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>4,105,400</td>
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<td>47,200</td>
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<tr>
<td>Payable from Road Fund</td>
<td>1,773,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from Vehicle Inspection Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>443,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contribution to Social Security:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>357,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>624,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel Expenses:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>113,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>45,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
<td></td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>12,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Telecommunications:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>184,000</td>
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</tr>
<tr>
<td>GENERAL ADMINISTRATIVE GROUP</td>
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<td></td>
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</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>For Regular Positions:</td>
<td></td>
<td></td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>$43,279,600</td>
<td>4,699,500</td>
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</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>2,763,300</td>
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</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>999,500</td>
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<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>225,300</td>
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</tr>
<tr>
<td>Payable from Registered Limited Liability Partnership Fund</td>
<td>71,400</td>
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</tr>
<tr>
<td>For Extra Help:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>688,700</td>
<td>374,000</td>
<td></td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>13,800</td>
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<td></td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>136,200</td>
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<td></td>
</tr>
<tr>
<td>For Employee Contribution to State Employees' Retirement System:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Securities Audit and Enforcement Fund........................ 104,600
Payable from Division of Corporations Special Operations Fund........ 31,800
Payable from Lobbyist Registration Fund....................................... 8,000
Payable from Registered Limited Liability Partnership Fund............. 2,900

For State Contribution to
State Employees’ Retirement System:
Payable from General Revenue Fund............................................. 4,414,500
Payable from Road Fund......................................................... 509,400
Payable from Securities Audit and Enforcement Fund.................... 278,800
Payable from Division of Corporations Special Operations Fund........ 114,000
Payable from Lobbyist Registration Fund...................................... 22,600
Payable from Registered Limited Liability Partnership Fund........... 7,200

For State Contribution to
Social Security:
Payable from General Revenue Fund.......................................... 3,365,900
Payable from Road Fund.......................................................... 374,000
Payable from Securities Audit and Enforcement Fund.................... 212,100
Payable from Division of Corporations Special Operations Fund......... 107,500
Payable from Lobbyist Registration Fund...................................... 24,900
Payable from Registered Limited Liability Partnership Fund........... 5,500

For Group Insurance
Payable from Securities Audit and Enforcement Fund........................ 507,500
Payable from Division of Corporations Special Operations Fund......... 334,700
Payable from Lobbyist Registration Fund...................................... 49,700
Payable from Registered Limited Liability Partnership Fund........... 16,800

For Contractual Services:
Payable from General Revenue Fund.......................................... 15,849,300
Payable from Road Fund......................................................... 927,100
Payable from Securities Audit and Enforcement Fund.................... 947,300
Payable from Division of Corporations Special Operations Fund......... 474,500
Payable from Motor Fuel Tax Fund............................................ 475,700
Payable from Lobbyist Registration Fund...................................... 115,100
Payable from Registered Limited
For Travel Expenses:
- Payable from General Revenue Fund: $273,700
- Payable from Road Fund: $305,300
- Payable from Securities Audit and Enforcement Fund: $268,200
- Payable from Division of Corporations Special Operations Fund: $4,700
- Payable from Lobbyist Registration Fund: $4,000

For Commodities:
- Payable from General Revenue Fund: $1,016,500
- Payable from Road Fund: $31,400
- Payable from Securities Audit and Enforcement Fund: $22,600
- Payable from Division of Corporations Special Operations Fund: $24,500
- Payable from Lobbyist Registration Fund: $4,500
- Payable from Registered Limited Liability Partnership Fund: $1,100

For Printing:
- Payable from General Revenue Fund: $873,700
- Payable from Road Fund: $33,800
- Payable from Securities Audit and Enforcement Fund: $29,400
- Payable from Division of Corporations Special Operations Fund: $8,000
- Payable from Lobbyist Registration Fund: $5,000

For Equipment:
- Payable from General Revenue Fund: $1,086,700
- Payable from Road Fund: $0
- Payable from Securities Audit and Enforcement Fund: $153,200
- Payable from Division of Corporations Special Operations Fund: $50,800
- Payable from Lobbyist Registration Fund: $30,000
- Payable from Registered Limited Liability Partnership Fund: $0

For Electronic Data Processing:
- Payable from General Revenue Fund: $3,821,400
- Payable from Road Fund: $0
- Payable from the Secretary of State Special Services Fund: $5,000,000

For Telecommunications:
- Payable from General Revenue Fund: $456,000
- Payable from Road Fund: $75,500
- Payable from Securities Audit

New matter indicated by italics - deletions by strikeout.
and Enforcement Fund......................... 95,100
Payable from Division of Corporations
Special Operations Fund...................... 35,100
Payable from Lobbyist Registration
Fund........................................... 5,000
Payable from Registered Limited
Liability Partnership Fund............... 800
For Operation of Automotive Equipment:
Payable from General Revenue
Fund........................................ 422,000
For Refund of Fees and Taxes:
Payable from General Revenue
Fund........................................ 15,000
Payable from Road Fund.................... 2,875,500
MOTOR VEHICLE GROUP
For Personal Services:
For Regular Positions:
Payable from General Revenue
Fund........................................ $52,686,600
Payable from Road Fund.................... 33,363,400
Payable from Vehicle Inspection
Fund........................................ 1,158,200
Payable from the Secretary of State
Special License Plate Fund............... 450,500
Payable from Motor Vehicle Review
Board Fund.................................. 166,600
For Extra Help:
Payable from General Revenue
Fund........................................ 2,200,200
Payable from Road Fund.................... 3,463,800
Payable From Vehicle Inspection
Fund........................................ 48,600
For Employees Contribution to
State Employees' Retirement System:
Payable from the Secretary of State
Special License Plate Fund............... 18,000
Payable from Motor Vehicle Review
Board Fund.................................. 6,200
For State Contribution to
State Employees' Retirement System:
Payable from General Revenue
Fund........................................ 5,510,600
Payable from Road Fund.................... 3,697,500
Payable From Vehicle Inspection Fund...... 121,200
Payable from the Secretary of State
Special License Plate Fund............... 45,200
Payable from Motor Vehicle Review
Board Fund.................................. 16,700
For State Contribution to
Social Security:
Payable from General Revenue
Fund........................................ 4,098,800
Payable from Road Fund.................... 2,278,300
Payable From Vehicle Inspection
Fund........................................ 92,600

New matter indicated by italics - deletions by strikeout.
Payable from the Secretary of State
Special License Plate Fund................. 34,000
Payable from Motor Vehicle Review
Board Fund................................. 12,800

For Group Insurance:
Payable From Vehicle Inspection
Fund............................................. 319,500
Payable from the Secretary of State
Special License Plate Fund................. 126,000
Payable From Motor Vehicle Review
Board Fund................................... 7,700

For Contractual Services:
Payable from General Revenue
Fund............................................. 2,890,100
Payable from Road Fund..................... 13,440,200
Payable from Vehicle Inspection
Fund............................................. 781,300
Payable from CDLIS AAMVANET
Trust Fund..................................... 575,000
Payable from the Secretary of State
Special License Plate Fund............... 1
Payable from Motor Vehicle Review
Board Fund................................... 100,000

For Travel Expenses:
Payable from General Revenue
Fund............................................. 183,900
Payable from Road Fund..................... 816,800
Payable from Vehicle Inspection
Fund............................................. 4,000
Payable from the Secretary of State
Special License Plate Fund............... 800
Payable from Motor Vehicle Review
Board Fund................................... 2,500

For Commodities:
Payable from General Revenue
Fund............................................. 180,300
Payable from Road Fund..................... 5,288,800
Payable from Vehicle Inspection
Fund............................................. 26,600
Payable from the Secretary of State
Special License Plate Fund............... 406,400

For Printing:
Payable from General Revenue
Fund............................................. 2,393,500
Payable from Road Fund..................... 2,834,900
Payable from Vehicle Inspection
Fund............................................. 69,300
Payable from the Secretary of State
Special License Plate Fund............... 1

For Equipment:
Payable from General Revenue
Fund............................................. 241,800
Payable from Road Fund..................... 379,800
Payable from Vehicle Inspection
Fund............................................. 4,000

New matter indicated by italics - deletions by strikeout.
Payable from the Secretary of State Special License Plate Fund.................. 1
Payable from Motor Vehicle Review Board Fund........................................ 0
Payable from CDLIS AAMVANET Fund...................................................... 600,000

For Telecommunications:
Payable from General Revenue Fund....................................................... 145,900
Payable from Road Fund................................................................. 2,507,600
Payable from Vehicle Inspection Fund.................................................... 4,300
Payable from the Secretary of State Special License Plate Fund...................... 0

For Operation of Automotive Equipment:
Payable from Road Fund........................................................................... 450,000

Section 10. The following amount, or so much of this amount as may be necessary, respectively, is appropriated to the Office of the Secretary of State for alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:
From General Revenue Fund................................................................. $900,000

Section 20. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual equalization grants, per capita and area grants, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:
From General Revenue Fund................................................................. $23,720,700
From Live and Learn Fund....................................................................... $10,029,200

Section 25. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:
From General Revenue Fund................................................................. $2,427,200
From Live and Learn Fund....................................................................... $ 300,000

Section 30. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for tuition and fees for Illinois Archival Depository System Interns:
From General Revenue Fund................................................................. $45,000

Section 35. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For library services under the Federal Library Services and Construction Act, P.L. 84-597 and P.L. 104-208, as amended. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:
From Federal Library Services Fund:
For LSTA Title IA................................................................. 8,454,500
For LSCA................................................................. 18,300

Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:
From General Revenue Fund......................................................... $5,950,000
From Secretary of State Special Service Fund................................. $1,000,000
From Live and Learn Fund................................................................. $500,000

New matter indicated by italics - deletions by strikeout.
Section 45. The amount of $286,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Section 45 of Article 72 of Public Act 91-706, is reappropriated from the Capital Development Fund to the Office of the Secretary of State, as State Librarian, for the purpose of making grants to the Brainerd Branch Public Library for construction and renovation as provided in Section 8 of the Illinois Library System Act.

Section 50. The amount of $12,500, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for nonsalaried expenses used in furtherance of investigative and enforcement activities under the Illinois Securities Law of 1953, and which have been approved for reimbursement by any entity, governmental or nongovernmental, making funds available for such purposes.

Section 55. The amount of $250,000, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

Section 60. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

- From General Revenue Fund: $375,000
- From Live and Learn Fund: $1,000,000

Section 65. The amount of $276,700, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for nonsalaried expenses used to promote public awareness of the dangers of securities fraud.

Section 70. The following amount, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Section 70 of Article 72 of Public Act 91-706, is reappropriated from the Illinois Civic Center Bond Fund to the Office of the Secretary of State for a grant under the amended Metropolitan Civic Center Support Act to the Chicago Public Library for all cost associated with the planning, specifications, and continuations of renovations or new construction, including furnishings and equipment for the following capital projects:

- For completion of capital projects begun under the Build Illinois Program in Fiscal Year 1990, including the following projects:
  - Clearing Branch, Near West Branch,
  - North Pulaski/Humboldt Branch Consolidation,
  - Auburn/Hamilton Park Branch Consolidation,
  - McKinley Park Branch, Walker Branch,
  - North Austin Branch, South Chicago Branch,
  - and Pullman Branch: $4,700

Section 80. The amount of $100,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 85. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for grants to library systems for library computers and new technologies to promote and improve interlibrary cooperation and resource sharing programs among Illinois libraries:

- From Live and Learn Fund: $2,000,000

New matter indicated by italics - deletions by strikeout.
Section 95. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From Live and Learn Fund.............................. $4,370,800

Section 100. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:

From Live and Learn Fund.............................. $2,000,000

Section 105. The amount of $5,585,726, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Section 95 and Section 105 of Article 72 of Public Act 91-706, is reappropriated from the Live and Learn Fund to the Office of the Secretary of State for the purpose of making grants to libraries for construction and renovation as provided by Section 8 of the Illinois Library System Act.

Section 110. The amount of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Section 110 of Article 72 of Public Act 91-706, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for land acquisition, planning, construction, reconstruction, rehabilitation, and all necessary costs associated with the establishment of a regional library.

Section 120. The amount of $11,600,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 125. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:

From Secretary of State Special Services Fund............................... $4,000,000
From Live and Learn Fund.............................. 700,000
From General Revenue Fund............................... 814,200

Total $5,514,200

Section 140. The amount of $25,000, or so much of this amount as may be necessary, is appropriated from the Electronic Commerce Security Certification Fund to the Office of Secretary of State for the cost of administering the Electronic Commerce Security Act.

Section 145. The amount of $200,000, or so much of this amount as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 155. The amount of $50,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 160. The amount of $25,000,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 185. The sum of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Section 210 of Article 72 of Public Act 91-706, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 190. The sum of $1,000,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new
construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield, Illinois.

Section 195. The sum of $25,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2001 from appropriation heretofore made for such purposes in Section 215 of Article 72 of Public Act 91-706, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to York Township for an addition to the York Township Public Library.

Section 200. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 205. The sum of $110,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

Section 215. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for all expenditures and grants to libraries for the Project Next Generation Program.

Section 220. The sum of $30,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 230. The sum of $1,397,701, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 235. In addition to any other amounts appropriated for such purposes, the sum of $1,700,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of Secretary of State for a grant to the Chicago Public Library.

ARTICLE 22

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller for the Fiscal Year ending June 30, 2002:

<table>
<thead>
<tr>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$3,851,100</td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by the Employer</td>
<td>154,100</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>386,700</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>295,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,772,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>62,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>66,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>71,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>12,800</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>287,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>31,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>17,700</td>
</tr>
<tr>
<td>Total</td>
<td>$7,008,300</td>
</tr>
<tr>
<td>Statewide Fiscal Operations</td>
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</tr>
<tr>
<td>For Personal Services</td>
<td>$4,840,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,728,500</td>
</tr>
<tr>
<td>For State Contribution to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$486,000</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$370,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$750,000</td>
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<tr>
<td>For Travel</td>
<td>$6,500</td>
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<tr>
<td>For Commodities</td>
<td>$43,200</td>
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<tr>
<td>For Printing</td>
<td>$2,200</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>$11,534,900</td>
</tr>
<tr>
<td>Total</td>
<td>$6,692,100</td>
</tr>
</tbody>
</table>

Electronic Data Processing

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,420,100</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>$176,800</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$338,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$443,800</td>
</tr>
<tr>
<td>Social Security</td>
<td>$370,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,002,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$6,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$209,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$404,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>$0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$2,534,000</td>
</tr>
<tr>
<td>Total</td>
<td>$11,534,900</td>
</tr>
</tbody>
</table>

Special Audits

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,728,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>$69,100</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$132,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$82,100</td>
</tr>
<tr>
<td>Social Security</td>
<td>$90,500</td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>$10,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>$0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$0</td>
</tr>
<tr>
<td>For Expenses of Local Government</td>
<td>$4,000</td>
</tr>
<tr>
<td>Officials Training</td>
<td>$12,500</td>
</tr>
<tr>
<td>Total</td>
<td>$2,338,700</td>
</tr>
</tbody>
</table>

Merit Commission

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Merit Commission Expenses</td>
<td>$93,000</td>
</tr>
</tbody>
</table>

Section 7. The sum of $700,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office, pursuant to Public Act 89-511.

Section 10. The amount of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with

New matter indicated by italics - deletions by strikeout.
the State Lottery.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Governor</td>
<td>$150,700</td>
</tr>
<tr>
<td>For the Lieutenant Governor</td>
<td>115,300</td>
</tr>
<tr>
<td>For the Secretary of State</td>
<td>133,000</td>
</tr>
<tr>
<td>For the Attorney General</td>
<td>133,000</td>
</tr>
<tr>
<td>For the Comptroller</td>
<td>115,300</td>
</tr>
<tr>
<td>For the State Treasurer</td>
<td>115,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$762,600</strong></td>
</tr>
</tbody>
</table>

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Agriculture</td>
<td>$98,200</td>
</tr>
<tr>
<td>Department of Central Management Services</td>
<td>113,200</td>
</tr>
<tr>
<td>Department of Children and Family Services</td>
<td>96,100</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>120,900</td>
</tr>
<tr>
<td>Department of Commerce and Community Affairs</td>
<td>205,600</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>127,600</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>102,800</td>
</tr>
<tr>
<td>Department of Labor</td>
<td>105,400</td>
</tr>
<tr>
<td>Department of State Police</td>
<td>112,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Natural Resources</td>
<td>113,200</td>
</tr>
<tr>
<td>For the Director</td>
<td>96,100</td>
</tr>
<tr>
<td>For six Mine Officers</td>
<td>79,800</td>
</tr>
<tr>
<td>For four Miners' Examining Officers</td>
<td>43,900</td>
</tr>
<tr>
<td>Department of Nuclear Safety</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>98,200</td>
</tr>
<tr>
<td>Illinois Labor Relations Board</td>
<td>88,700</td>
</tr>
<tr>
<td>For the Chairman</td>
<td></td>
</tr>
<tr>
<td>For four State Labor Relations Board members</td>
<td>319,200</td>
</tr>
<tr>
<td>For two Local Labor Relations Board members</td>
<td>159,600</td>
</tr>
<tr>
<td>Department of Public Aid</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>120,900</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>102,800</td>
</tr>
<tr>
<td>Department of Public Health</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>127,600</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>108,500</td>
</tr>
<tr>
<td>Department of Professional Regulation</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>105,400</td>
</tr>
<tr>
<td>Department of Revenue</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>120,900</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>102,800</td>
</tr>
<tr>
<td>Property Tax Appeal Board</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>55,000</td>
</tr>
<tr>
<td>For four members</td>
<td>173,900</td>
</tr>
<tr>
<td>Department of Veterans' Affairs</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>98,200</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>83,700</td>
</tr>
<tr>
<td>Civil Service Commission</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>25,900</td>
</tr>
<tr>
<td>For four members</td>
<td>72,700</td>
</tr>
<tr>
<td>Commerce Commission</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>113,900</td>
</tr>
<tr>
<td>For four members</td>
<td>390,000</td>
</tr>
<tr>
<td>Court of Claims</td>
<td></td>
</tr>
<tr>
<td>For the Chief Judge</td>
<td>55,200</td>
</tr>
<tr>
<td>For the six Judges</td>
<td>305,400</td>
</tr>
<tr>
<td>State Board of Elections</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>49,700</td>
</tr>
<tr>
<td>For the Vice-Chairman</td>
<td>40,800</td>
</tr>
<tr>
<td>For six members</td>
<td>191,500</td>
</tr>
<tr>
<td>Illinois Emergency Management Agency</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>98,200</td>
</tr>
<tr>
<td>Department of Human Rights</td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>98,200</td>
</tr>
<tr>
<td>Human Rights Commission</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>44,400</td>
</tr>
<tr>
<td>For twelve members</td>
<td>478,700</td>
</tr>
<tr>
<td>Industrial Commission</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>106,400</td>
</tr>
<tr>
<td>For six members</td>
<td>610,800</td>
</tr>
<tr>
<td>Liquor Control Commission</td>
<td></td>
</tr>
<tr>
<td>For the Chairman</td>
<td>33,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For six members................................. 156,600
For the Secretary................................. 32,000
For the Chairman and one member as designated by law, $100 per diem for work on a license appeal commission....................... 6,800

Pollution Control Board
For the Chairman................................. 102,900
For six members................................. 596,500

Prisoner Review Board
For the Chairman................................. 81,500
For fourteen members of the Prisoner Review Board......................... 1,010,000

Secretary of State Merit Commission
For the Chairman................................. 14,700
For four members................................. 43,500

State Sanitary District Observer
For the State Sanitary District Observer........... 26,600

Educational Labor Relations Board
For the Chairman................................. 88,700
For six members................................. 475,600

Department of State Police
For five members of the State Police Merit Board, $194 or $202 per diem, whichever is applicable in accordance with law, for a maximum of 100 days each................................. 99,400

Department of Transportation
For the Secretary................................. 127,600
For the Assistant Secretary......................... 108,500

Office of Small Business Utility Advocate
For the small business utility advocate........... 99,500

Total, General Revenue Fund $10,933,600

Office of the State Fire Marshal
For the State Fire Marshal:
From Fire Prevention Fund............................. 98,200

Illinois Racing Board
For eleven members of the Illinois Racing Board, $300 per diem to a maximum 10,712 as prescribed by law:
From the Horse Racing Fund............................. 115,900

Department of the Lottery
For the Director:
From State Lottery Fund............................. 105,400

Office of Banks and Real Estate
Payable from Bank and Trust Company Fund:
For the Commissioner............................. 115,700
For the Deputy Commissioner....................... 93,400

Payable from Savings and Residential Finance Regulatory Fund:
For the first Deputy Commissioner.................. 106,500
Payable from Real Estate License Administrative Fund:
For the Deputy Commissioner....................... 93,400
Total.................................................. 409,000

New matter indicated by italics - deletions by strikeout.
Department of Employment Security

Payable from Title III Social Security and Employment Service Fund:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>120,900</td>
</tr>
<tr>
<td>For five members of the Board of Review</td>
<td>75,000</td>
</tr>
<tr>
<td>Total</td>
<td>$195,900</td>
</tr>
</tbody>
</table>

Subtotals:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue</td>
<td>$10,933,600</td>
</tr>
<tr>
<td>Fire Prevention</td>
<td>98,200</td>
</tr>
<tr>
<td>Horse Racing</td>
<td>115,900</td>
</tr>
<tr>
<td>State Lottery</td>
<td>105,400</td>
</tr>
<tr>
<td>Bank and Trust Company Fund</td>
<td>209,100</td>
</tr>
<tr>
<td>Title III Social Security and Employment Service Fund</td>
<td>195,900</td>
</tr>
<tr>
<td>Savings and Residential Finance Regulatory Fund</td>
<td>106,500</td>
</tr>
<tr>
<td>Real Estate License Administration</td>
<td>93,400</td>
</tr>
<tr>
<td>Total</td>
<td>$11,858,000</td>
</tr>
</tbody>
</table>

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain officers of the Legislative Branch of the State Government, at the various rates prescribed by law:

<table>
<thead>
<tr>
<th>Office</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Auditor General</td>
<td></td>
</tr>
<tr>
<td>For the Auditor General</td>
<td>$112,600</td>
</tr>
<tr>
<td>For two Deputy Auditor Generals</td>
<td>209,300</td>
</tr>
<tr>
<td>Total</td>
<td>$321,900</td>
</tr>
</tbody>
</table>

Officers and Members of General Assembly

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For salaries of the 118 members of the House of Representatives</td>
<td>$6,914,300</td>
</tr>
<tr>
<td>For salaries of the 59 members of the Senate</td>
<td>3,514,800</td>
</tr>
<tr>
<td>Total</td>
<td>$10,429,100</td>
</tr>
</tbody>
</table>

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:

<table>
<thead>
<tr>
<th>Office</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers</td>
<td>$93,600</td>
</tr>
<tr>
<td>For the Majority Leader of the House</td>
<td>19,800</td>
</tr>
<tr>
<td>For the eleven assistant majority and minority leaders in the Senate</td>
<td>193,000</td>
</tr>
<tr>
<td>For the twelve assistant majority and minority leaders in the House</td>
<td>184,200</td>
</tr>
<tr>
<td>For the majority and minority caucus chairmen in the Senate</td>
<td>35,100</td>
</tr>
<tr>
<td>For the majority and minority conference chairmen in the House</td>
<td>30,700</td>
</tr>
<tr>
<td>For the two Deputy Majority and the two Deputy Minority leaders in the House</td>
<td>67,300</td>
</tr>
<tr>
<td>For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills</td>
<td>298,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For per diem allowances for the members of the Senate, as provided by law</td>
<td>$401,400</td>
</tr>
<tr>
<td>For per diem allowances for the members of the House, as provided by law</td>
<td>$802,800</td>
</tr>
<tr>
<td>For mileage for all members of the General Assembly, as provided by law</td>
<td>$420,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,624,200</td>
</tr>
</tbody>
</table>

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:

For State Contribution to State Employees’ Retirement System:
- From General Revenue Fund: $1,125,600
- From Horse Racing Fund: 11,600
- From Fire Prevention Fund: 9,900
- From State Lottery Fund: 10,600
- From Bank and Trust Company Fund: 20,900
- From Title III Social Security and Employment Service Fund: 19,600
- From Savings and Residential Finance Regulatory Fund: 10,700
- From Real Estate License Administration Fund: 9,400
- Total: $1,218,300

For State Contribution to Social Security:
- From General Revenue Fund: $1,049,700
- From Horse Racing Fund: 8,900
- From Fire Prevention Fund: 7,600
- From State Lottery Fund: 8,100
- From Bank and Trust Company Fund: 16,000
- From Title III Social Security and Employment Service Fund: 15,000
- From Savings and Residential Finance Regulatory Fund: 8,200
- From Real Estate License Administration Fund: 7,200
- Total: $1,120,700

For Group Insurance:
- From Fire Prevention Fund: $8,400
- From State Lottery Fund: 8,400
- From Bank and Trust Company Fund: 16,800
- From Title III Social Security and Employment Service Fund: 50,400
- From Savings and Residential Finance Regulatory Fund: 8,400
- From Real Estate License Administration Fund: 8,400
- Total: $100,800

Section 35. The amount of $50,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated...
in Sections 15 through 30 are insufficient.

ARTICLE 23

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the State Treasurer:

For Personal Services
- From General Revenue Fund: $5,244,400
- From State Pensions Fund: $2,703,000

For Employee Retirement Contribution (pickup)
- From General Revenue Fund: 209,800
- From State Pensions Fund: 108,100

For State Contributions to State Employees' Retirement System
- From General Revenue Fund: 545,400
- From State Pensions Fund: 281,100

For State Contribution to Social Security
- From General Revenue Fund: 390,200
- From State Pensions Fund: 206,000

For Group Insurance
- From State Pensions Fund: 554,400

For Contractual Services
- From General Revenue Fund: 1,174,600
- From State Pensions Fund: 3,236,000

For Travel
- From General Revenue Fund: 120,000
- From State Pensions Fund: 117,000

For Commodities
- From General Revenue Fund: 35,000
- From State Pensions Fund: 37,600

For Printing
- From General Revenue Fund: 30,000
- From State Pensions Fund: 20,000

For Equipment
- From General Revenue Fund: 65,000
- From State Pensions Fund: 20,000

For Electronic Data Processing
- From General Revenue Fund: 1,125,000
- From State Pensions Fund: 1,261,000

For Telecommunications Services
- From General Revenue Fund: 185,000
- From State Pensions Fund: 70,000

For Operation of Automotive Equipment
- From General Revenue Fund: 8,500

Total, This Section: $17,467,900

Section 10. The amount of $7,500,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 15. The amount of $7,500,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 20. The amount of $3,000,000, or so much of that amount as may be necessary,
is appropriated to the State Treasurer for the purpose of making refunds of accrued interest on protested tax cases.

Section 25. The amount of $27,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Transfer Tax Collection Distributive Fund for the purpose of making payments to counties pursuant to Section 13b of the Illinois Estate and Generation-Skipping Transfer Tax Act.

Section 30. The amount of $500,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Matured Bond and Coupon Fund for payment of matured bonds and interest coupons pursuant to Section 6u of the State Finance Act.

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness: For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

From the General Bond
Retirement and Interest Fund:
Principal................................... $472,712,000
Interest.................................... 400,210,000
Total $872,922,000

Section 40. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 45. The amount of $2,191,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 50. The amount of $1,625,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County Public Defender in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 55. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 60. The following named amount of $1,924,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 65. The following named amount of $424,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

ARTICLE 24

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Auditor General to meet the ordinary and contingent expenses of the Office of the Auditor General, as provided in the Illinois State Auditing Act:

New matter indicated by italics - deletions by strikeout.
For Personal Services:

For Regular Positions........................................ $ 3,778,000
Employee Contribution to Retirement System by Employer........................................ 151,400
For State Contribution to State Employees' Retirement System.......................... 380,500
For State Contribution to Social Security................................................................. 290,000
For Contractual Services................................. 561,000
For Travel.................................................. 100,000
For Commodities...................................... 25,000
For Printing............................................. 20,000
For Equipment........................................... 35,000
For Electronic Data Processing.......................... 120,000
For Telecommunications................................. 75,000
For Operation of Auto Equipment.................. 5,000
Total............................................................ $ 5,540,900

Section 10. The sum of $12,798,617, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 25

Section 5. The following sums, or so much thereof as may be necessary, respectively, are appropriated to the President of the Senate and the Speaker of the House of Representatives for furnishing the items provided in Section 4 of the General Assembly Compensation Act to members of their respective houses throughout the year in connection with their legislative duties and responsibilities and not in connection with any political campaign, as prescribed by law:

To the President of the Senate.......................... $ 4,307,000
To the Speaker of the House of Representatives................................. 7,198,000
Total.................................................................. $11,505,000

Section 10. Payments from the amounts appropriated in Section 5 hereof shall be made only upon the delivery of a voucher approved by the member to the State Comptroller. The voucher shall also be approved by the President of the Senate or the Speaker of the House of Representatives as the case may be.

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Senate:

For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:
President.................................................. $ 4,948,300
Minority Leader........................................... 4,948,300

For the ordinary and incidental expenses of committees, the general staff and operations, per diem employees, special and standing committees of the Senate and expenses incurred in transcribing and printing of Senate debate.......................... 3,875,600

For the ordinary and incidental expenses of the Senate, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies........................................... 205,700

For allowances for the particular and additional services appertaining to or entailed by the

New matter indicated by italics - deletions by strikeout.
respective officers of the Senate named in
and in accordance with the following
schedule:
President................................... 80,200
Minority Leader......................... 80,200
For travel, including expenses to Springfield of
members on official legislative business
during weeks when the General Assembly is
not in session.................................. 55,400
Total $14,193,700

Section 20. The sum of $663,600, or so much thereof as may be necessary, is appropriated
for the use of the Senate standing committees for expert witnesses, technical services, consulting
assistance and other research assistance associated with special studies and long range
research projects which may be requested by the standing committees.

Section 22. The following named sums, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore
made for such purposes in Article 53 of Public Act 91-706 as amended by this Act, are
appropriated for expenses in connection with the planning and preparation of redistricting of
legislative and representative districts as required by Article IV, Section 3 of the Illinois
Constitution of 1970:
For the Senate President ................... $2,000,000
For the Senate Minority Leader ............. 2,000,000
Total $4,000,000

Section 25. The sum of $68,100, or so much thereof as may be necessary, is appropriated
from the General Assembly Operations Revolving Fund to the Office of the President, to meet the
ordinary and contingent expenses of the Senate.

Section 30. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated to meet the
ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff
and Office operations:
For the Speaker............................. $4,431,150
For the Minority Leader..................... 4,431,150
Total $8,862,300

Section 35. The following named sums, or so much thereof as may be necessary, are
appropriated to meet the ordinary, incidental and contingent expenses of the House Majority
and Minority Leadership Staff and the general staff:
For the Speaker......................... 343,500
For the Minority Leader..................... 155,800
Total $499,300

Section 40. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, relating to the operation of the House
of Representatives, are appropriated to meet its ordinary and contingent expenses:
For the ordinary and incidental expenses of the
general staff, operations, and special and
standing committees of the House, for per
diem employees and for expenses incurred in
transcribing and printing of House debates... $5,129,000
For the ordinary and incidental expenses of the
House, also including the purchasing on
contract as required by law of printing,
binding, printing paper, stationery and
office supplies, no part of which shall be
expended for expenses of purchasing,
handling or distributing such supplies and
against which no indebtedness shall be

New matter indicated by italics - deletions by strikeout.
incurred without the written approval of the Speaker of the House of Representatives..... 95,800
Pursuant to the Legislative Commission Reorganization Act of 1984, to the Speaker of the House for Standing House Committees................. 2,287,500
Total $7,512,300

Section 45. The following named sum, or so much thereof as may be necessary, for the objects and purposes hereinafter named, relating to House membership, is appropriated to meet the ordinary and contingent expenses of the House:
For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session .......... $29,200

Section 47. The following named sums, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purposes in Article 53 of Public Act 91-706 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Speaker ........................................... $ 2,000,000
For the Minority Leader .............................. 2,000,000
Total $4,000,000

Section 50. The sum of $68,100, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the Speaker, to meet the ordinary and contingent expenses of the House.

Section 52. The amount of $328,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the General Assembly to meet ordinary and contingent expenses. Any use of funds appropriated under this Section must be approved jointly by the Clerk of the House of Representatives and the Secretary of the Senate.

Section 55. As used in Sections 30 and 35 hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 13, 2001, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 13, 2001.

ARTICLE 26

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Economic and Fiscal Commission:
For Personal Services........................... $614,702
For Employee Retirement Contributions
  Paid by Employer........................................... 24,588
For State Contributions to State Employees' Retirement System.............................. 61,716
For State Contribution to Social Security...................................... 47,025
For Contractual Services....................... 79,280
For Travel.................................................. 4,200
For Commodities............................................. 2,363
For Printing............................................... 2,783
For Equipment............................................. 9,476
For Electronic Data Processing............... 19,110
For Telecommunications Services............. 8,763
Total $874,006

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Commission on Intergovernmental Cooperation for the Springfield Office:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>$11,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$6,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$2,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$3,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$3,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$33,600</td>
</tr>
<tr>
<td>For Model Illinois Government Activities</td>
<td>$12,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$543,800</td>
</tr>
<tr>
<td>Security</td>
<td>$40,500</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$52,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$543,800</td>
</tr>
<tr>
<td>For Model Illinois Government Activities</td>
<td>$12,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>$33,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$5,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>$25,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$11,500</td>
</tr>
<tr>
<td>Total</td>
<td>$1,260,300</td>
</tr>
</tbody>
</table>

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Information System:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,674,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$67,000</td>
</tr>
<tr>
<td>For State Contribution to State Employees'</td>
<td></td>
</tr>
<tr>
<td>Retirement System</td>
<td>$168,100</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>$128,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$470,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>$16,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$5,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>$25,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$7,200</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$964,100</td>
</tr>
<tr>
<td>For Purchase, Maintenance, and Rental</td>
<td></td>
</tr>
<tr>
<td>of Legislative Electronic Data Processing</td>
<td></td>
</tr>
<tr>
<td>Equipment, Contractual Procurement</td>
<td></td>
</tr>
<tr>
<td>of Copying Equipment, and Printing</td>
<td>$702,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$155,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$600</td>
</tr>
<tr>
<td>Total</td>
<td>$4,383,700</td>
</tr>
</tbody>
</table>

Section 20. The following amount, or so much of that amount as may be necessary, is appropriated to the Legislative Information System:

For Purchase, Maintenance, and Rental of Electronic Data Processing Equipment and Software relating to the development and implementation of legislative systems, and for consulting, technical, and design services related thereto $3,300,000

Section 25. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:

For Purchase, Maintenance, and Rental of

New matter indicated by italics - deletions by strikeout.
General Assembly Electronic Data Processing
Equipment and for other operational purposes of the General Assembly ...................... $1,600,000

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:
For Personal Services ................................................. $151,830
For Employee Retirement Contributions
  Paid by Employer .................................................. 6,080
For State Contributions to State Employees' Retirement System ......................... 15,250
For State Contribution to Social Security ............................................... 11,400
For Contractual Services ........................................... 20,000
For Travel ................................................................. 9,500
For Commodities ..................................................... 940
For Printing .......................................................... 3,500
For Equipment ......................................................... 2,500
For Electronic Data Processing ....................................... 2,500
For Telecommunications Services ...................................... 3,500
Total ..................................................................$227,000

Section 40. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:
For Personal Services .................................................. $1,181,500
For Employee Retirement Contributions
  Paid by Employer .................................................. 47,260
For State Contributions to State Employees' Retirement System ......................... 118,610
For State Contribution to Social Security ............................................... 90,380
For Contractual Services ........................................... 206,000
For Travel ................................................................. 0
For Commodities ..................................................... 180,000
For Printing .......................................................... 101,400
For Equipment ......................................................... 380,400
For Telecommunications Services ...................................... 7,450
Total ..................................................................$2,313,000

Section 45. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Research Unit:
For Personal Services .................................................. $964,000
For Employee Retirement Contributions
  Paid by Employer .................................................. 38,600
For State Contribution to State Employees' Retirement System ......................... 95,900
For State Contribution to Social Security ............................................... 73,700
For Contractual Services ........................................... 90,000
For Travel ................................................................. 12,600
For Commodities ..................................................... 11,950
For Printing .......................................................... 19,450
For Equipment ......................................................... 75,000
For Telecommunications Services ...................................... 20,600
For New Member Conference ........................................... 0

New matter indicated by italics - deletions by strikeout.
Section 50. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Illinois Legislative Research Unit for the following purposes:
For payment of expenses of the Legislative Staff Intern program, including stipends, tuition, and administration for 20 persons $ 552,600
For payment of expenses of the Zeke Giorgi Memorial Intern Program, including stipends, tuition, and administration for 4 persons 103,900
Total $656,500

Section 55. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Legislative Reference Bureau:
For Personal Services $ 1,636,800
For Employee Retirement Contributions
Paid by Employer 65,500
For State Contributions to State Employees' Retirement System 164,400
For State Contribution to Social Security 126,500
For Contractual Services 191,600
For Travel 23,900
For Commodities 13,800
For Printing 230,500
For Equipment 190,000
For Telecommunications Services 20,000
Total $2,659,000

Section 60. The amount of $368,900, or so much of that amount as may be necessary, is appropriated to the Pension Laws Commission for its ordinary and contingent expenses.

Section 65. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Space Needs Commission:
For Personal Services $355,000
For Employee Retirement Contributions
Paid by Employer 14,200
For State Contributions to State Employees' Retirement System 35,642
For State Contribution to Social Security 27,158
For Contractual Services 121,500
For Travel 3,500
For Commodities 1,500
For Printing 500
For Equipment 2,300
For Electronic Data Processing 9,700
For Telecommunications Services 6,500
Total $577,500

Section 70. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Joint Committee on Administrative Rules:
For Personal Services $ 810,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
   Paid by Employer.......................... 30,000
For State Contributions to State Employees'
   Retirement System....................... 75,000
For State Contribution to Social
   Security................................. 60,000
For Contractual Services....................
   For Travel.................................. 18,000
   For Commodities......................... 3,000
   For Equipment............................ 25,000
   For Telecommunications Services...........
   Total .................................. $1,096,100

   For Telecommunications Service............ 12,000
   For EDP ................................ 1,000
   For Equipment............................ 1,000
   For Commodities.......................... 3,000
   For Travel................................ 24,000
   For Contractual Services..................
   Security.................................. 22,149
   Retirement - Pension Pick-Up ...........
   Retirement System........................ 29,069
   State Contributions to Social Security...
   Total .................................. $652,050

   For State Contributions to State Employees'
   Retirement System ....................... 29,069
   For Retirement - Pension Pick-Up ........ 11,581
   For State Contributions to Social Security
   For Contractual Services..................
   For Travel.................................. 24,000
   For Commodities..........................
   For Printing ............................... 3,000
   For Equipment............................ 1,000
   For EDP .................................. 1,000
   For Telecommunications.................... 14,000
   For Operation of Auto Equipment.........
   Total .................................. $652,050

ARTICLE 28

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to meet the ordinary and contingent expenses of the Office of the State Appellate Defender:

For Personal Services.................................................. $9,620,800
For Employee Retirement Contributions
  Paid by Employer....................................................... 348,900
For State Contribution to State Employees' Retirement System........................................ 973,200
For State Contributions to Social Security...... 727,700
For Contractual Services................................. 2,065,500
For Travel............................................................... 94,000
For Commodities......................................................... 89,300
For Printing.............................................................. 35,400
For Equipment.......................................................... 954,300
For Telecommunications.................................................... 309,000
For Intern Program...................................................... 116,600
Total............................................................................. $15,334,700

Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Capital Litigation Division:

For Personal Services.................................................. $956,600
For Employee Retirement Contributions
  Paid by Employer....................................................... 37,900
For State Contributions to State Employees' Retirement System........................................ 96,000
For State Contributions to Social Security...... 71,000
For Contractual Services................................. 631,000
For Travel............................................................... 34,000
For Commodities......................................................... 8,400
For Printing.............................................................. 5,800
For Equipment.......................................................... 26,300
For Telecommunications.................................................... 46,600
Total............................................................................. $1,913,600

Section 15. The following named amounts, so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Office of the State Appellate Defender for expenses related to federally assisted programs to work on drug and violent crimes appeals cases to which the agency is appointed and to provide statewide training to Illinois public defenders:

Payable from Federal Trust Fund...................... $325,000
For State matching purposes:
  Payable from State Project Fund.................... 106,300

Section 20. The amount of $2,465,471, or such much of that amount as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act.

ARTICLE 29

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2002:

For Personal Services:
  Payable from General Revenue Fund for Collective Bargaining Unit.................. $2,200,900
  Payable from General Revenue Fund for Administrative Unit......................... $870,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$596,650</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to the State Employees' Retirement System Pick Up:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund for Collective Bargaining Unit.............</td>
<td>$88,000</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund for Administrative Unit....................</td>
<td>$34,800</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$23,866</td>
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<tr>
<td>For State Contribution to the State Employees' Retirement System:</td>
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<tr>
<td>Payable from General Revenue Fund for Collective Bargaining Unit.............</td>
<td>$221,000</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund for Administrative Unit....................</td>
<td>$87,400</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$59,903</td>
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</tr>
<tr>
<td>For State Contribution to Social Security:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund for Collective Bargaining Unit.............</td>
<td>$168,400</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund for Administrative Unit....................</td>
<td>$66,600</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$45,643</td>
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</tr>
<tr>
<td>For County Reimbursement to State for Group Insurance:</td>
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<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$80,487</td>
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<td>For Contractual Services:</td>
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<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$322,200</td>
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<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$487,989</td>
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<tr>
<td>For Contractual Services for Tax Objection Casework:</td>
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<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$66,000</td>
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</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$33,334</td>
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</tr>
<tr>
<td>For Contractual Services for Rental of Real Property:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$213,200</td>
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</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$119,024</td>
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<tr>
<td>For Travel:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$17,600</td>
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</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$7,309</td>
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<tr>
<td>For Commodities:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$15,700</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$7,700</td>
<td></td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund.................................................</td>
<td>$4,800</td>
<td></td>
</tr>
<tr>
<td>Payable from State's Attorneys Appellate Prosecutor's County Fund............</td>
<td>$3,038</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Equipment:
  Payable from General Revenue Fund........... $22,000
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $13,450

For Electronic Data Processing:
  Payable from General Revenue Fund........... $17,000
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $28,822

For Telecommunications:
  Payable from General Revenue Fund........... $22,000
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $31,589

For Operation of Automotive Equipment:
  Payable from General Revenue Fund........... $11,200
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $7,639

For Law Intern Program:
  Payable from General Revenue Fund........... $0
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $26,428

For Continuing Legal Education:
  Payable from General Revenue Fund........... $100
  Payable from Continuing Legal Education
  Trust Fund............................. $150,000

For Legal Publications:
  Payable from General Revenue Fund........... $3,700
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $13,099

For expenses for assisting County State's
Attorneys for services provided under the
Illinois Public Labor Relations Act:
For Personal Services:
  Payable from General Revenue Fund........... $75,900
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $42,797

For State Contribution to the State
Employees' Retirement System Pick Up:
  Payable from General Revenue Fund........... $3,100
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $1,711

For State Contribution to the State
Employees' Retirement System:
  Payable from General Revenue Fund........... $7,600
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $4,296

For Contribution to Social Security:
  Payable from General Revenue Fund........... $5,800
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $3,273

For County Reimbursement to State
for Group Insurance:
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund................. $6,998

For Contractual Services:
  Payable from General Revenue Fund........... $27,700

New matter indicated by italics - deletions by strikeout.
Payable from State's Attorneys Appellate Prosecutor's County Fund.............. $273,491
For Travel:
Payable from General Revenue Fund........... $1,200
Payable from State's Attorneys Appellate Prosecutor's County Fund........... $1,011
For Commodities:
Payable from General Revenue Fund........... $600
Payable from State's Attorneys Appellate Prosecutor's County Fund........... $704
For Equipment:
Payable from General Revenue Fund........... $600
Payable from State's Attorneys Appellate Prosecutor's County Fund........... $1,099
For Operation of Automotive Equipment:
Payable from General Revenue Fund........... $1,200
Payable from State's Attorneys Appellate Prosecutor's County Fund........... $966
For expenses pursuant to Narcotics Profit Forfeiture Act:
Payable from Narcotics Profit Forfeiture Fund........................................ $0
For Expenses Pursuant to Drug Asset Forfeiture Procedure Act:
Payable from Narcotics Profit Forfeiture Fund........................................ $1,350,000
For Expenses Pursuant to P.A. 84-1340, which requires the Office of the State's Attorneys Appellate Prosecutor to conduct training programs for Illinois State's Attorneys, Assistant State's Attorneys and Law Enforcement Officers on techniques and methods of eliminating or reducing the trauma of testifying in criminal proceedings for children who serve as witnesses in such proceedings; and other authorized criminal justice training programs:
Payable from General Revenue Fund........... $120,000
For Expenses Related to federally assisted Programs to assist local State's Attorneys including violent crimes, drug related cases and cases arising under the Narcotics Profit Forfeiture Act on the request of the State's Attorney:
Payable from Special Federal Grant Project Fund..................................... $2,800,000
For Local Matching Purposes:
Payable from State's Attorneys Appellate Prosecutor's County Fund........... $0
For State Matching Purposes:
Payable from General Revenue Fund........... $0
For Expenses Pursuant to Grant Agreements for Training Grant Programs:
Payable from Continuing Legal Education Trust Fund.................................. $200,000

New matter indicated by italics - deletions by strikeout.
For Expenses Pursuant to the Capital Crimes Litigation Act:
Payable from the Capital Litigation Trust Fund.......................... $400,000

For Appropriation to the State Treasurer for Expenses Incurred by State's Attorneys other than Cook County:
Payable from the Capital Litigation Trust Fund.......................... $1,000,000

(Total, $12,932,769; General Revenue Fund, $5,110,453; Office of the State's Attorneys Appellate Prosecutor's County Fund, $1,922,316; Continuing Legal Education Trust Fund, $350,000; Narcotics Profit Forfeiture Fund, $1,350,000; Special Federal Grant Project Funds, $2,800,000; Capital Litigation Trust Fund, $1,400,000)

ARTICLE 30
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:
For Personal Services:
Judges' Salaries............................. $120,861,000

For Travel:
Judges of the Supreme Court............... 27,400
Judges of the Appellate Court............... 137,900
Judges of the Circuit Court............... 709,500
Judicial Conference and Supreme Court Committees............... 672,900

For State Contributions to Social Security......... 1,759,800
Total, this Section $124,168,500

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Supreme Court:
For Personal Services.......................... $ 5,450,000
For Extra Help.................................. 3,700
For State Contributions to State Employees' Retirement.............. 547,600
For State Contributions to Social Security............... 417,200
For Contractual Services.......................... 949,400
For Travel........................................ 19,200
For Commodities.................................. 54,900
For Printing........................................ 382,200
For Equipment.................................... 733,300
For Electronic Data Processing.......................... 125,600
For Telecommunications.......................... 130,800
For Operation of Automotive Equipment.......................... 1,500
For Permanent Improvements.......................... 102,000
For National Center for State Courts.......................... 192,500
For Committee for Evaluation of Judicial Performance.................. 168,200

New matter indicated by italics - deletions by strikeout.
For Telecommunications.......................... 122,000
For Equipment................................... 84,000
For Printing.................................... 39,800
For Commodities................................. 56,000
For Travel...................................... 2,100
For Contractual Services........................ 652,300
to Social Security............................ 474,300
For State Contributions to Social Security........ 662,400
For State Contributions to State Employees' Retirement........ 251,000
For State Contributions to Social Security........ 191,300
For Contractual Services......................... 618,900
For Travel...................................... 4,800
For Commodities................................ 25,800
For Printing.................................... 12,900
For Equipment.................................. 84,000
For Telecommunications.......................... 122,000
Total 8,252,900

For Personal Services........................... $  6,200,000
Administration of the Second Appellate District
For State Contributions to Social Security.......... 143,200
For State Contributions to State Employees' Retirement........ 187,900
For Personal Services........................... $  1,871,800
Administration of the Third Appellate District
For Personal Services........................... $  1,665,00
For Extra Help.................................. 7,300
For Contractual Services........................ 426,600
For Travel...................................... 3,600
For Commodities................................ 21,400
For Printing.................................... 18,100
For Equipment.................................. 216,400
For Telecommunications.......................... 50,600
Total $2,704,800

New matter indicated by italics - deletions by strikeout.
Section 20. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court for ordinary and contingent expenses of the Circuit Court:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Circuit Clerks' Additional Duties</td>
<td>$663,000</td>
</tr>
<tr>
<td>For Circuit Clerks' Notification Costs</td>
<td>2,000</td>
</tr>
<tr>
<td>For Mandatory Arbitration</td>
<td>899,600</td>
</tr>
<tr>
<td>For Grants-in-Aid</td>
<td>54,063,000</td>
</tr>
<tr>
<td>For Payment of Juvenile and Adult</td>
<td>16,959,400</td>
</tr>
<tr>
<td>Probation Officers' Salary Subsidies</td>
<td></td>
</tr>
<tr>
<td>For Pretrial Services Programs</td>
<td>4,418,800</td>
</tr>
<tr>
<td>For Personal Services:</td>
<td></td>
</tr>
<tr>
<td>Official Court Reporting</td>
<td>32,693,100</td>
</tr>
<tr>
<td>Circuit Court Personnel</td>
<td>1,604,200</td>
</tr>
<tr>
<td>For State Contribution</td>
<td></td>
</tr>
<tr>
<td>to State Employees' Retirement</td>
<td>3,443,400</td>
</tr>
<tr>
<td>For State Contribution</td>
<td></td>
</tr>
<tr>
<td>to Social Security</td>
<td>2,623,800</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Official Court Reporting</td>
<td>155,800</td>
</tr>
<tr>
<td>Circuit Court Personnel</td>
<td>11,300</td>
</tr>
<tr>
<td>For Contractual Services: Transcript Fees</td>
<td>3,728,900</td>
</tr>
<tr>
<td>for Official Court Reporting</td>
<td></td>
</tr>
<tr>
<td>for Contractual Services</td>
<td>250,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>200,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>4,832,400</td>
</tr>
<tr>
<td>Total, this Section</td>
<td>$126,548,700</td>
</tr>
</tbody>
</table>

Section 25. The following named sums, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, are appropriated to the Supreme Court for ordinary and contingent expenses of the Administrative Office of the Illinois Courts:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,200,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Retirement - Paid by Employer ............... 2,324,000
For State Contributions to
  State Employees' Retirement ............... 522,000
For State Contributions to
  Social Security ......................... 397,800
For Contractual Services .................... 1,441,200
For Travel .................................. 176,300
For Commodities .................. ........... 73,600
For Printing .................. .................. 100,900
For Equipment .................. .................. 118,700
For Electronic Data Processing .............. 3,619,200
For Telecommunications .................... 194,600
For Operation of
  Automotive Equipment ................. ................. 10,200
For Probation Training ...................... 363,500
For Contractual Services: Judicial Conference
  and Supreme Court Committees .......... 483,400
For Judges' Out-of-State
  Educational Programs .................. 74,000
For Training of Circuit Court Officers
  and Personnel ......................... 56,300
Total, this Section ........................... $15,155,700

Section 30. The sum of $108,100, or so much thereof as may be necessary, is
appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.

Section 31. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated
to the Supreme Court from the General Revenue Fund for a grant to the Cook County Sheriff's
Office for expenses associated with the operation of the Cook County Juvenile Detention Center.

Section 35. The sum of $8,998,900, or so much thereof as may be necessary, is
appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory
Arbitration Programs.

Section 40. The sum of $108,000, or so much thereof as may be necessary, is appropriated
from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language
Interpreter Program.

Section 45. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Supreme Court to provide counsel and expert
witnesses pursuant to the Sexually Violent Persons Commitment Act.

ARTICLE 31

Section 1. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF OLDER AMERICAN SERVICES

Payable from Services for Older
  Americans Fund:
  For Personal Services ................. 1,174,100
  For State Contributions to State
    Employees' Retirement System ........... 122,200
  For State Contributions to Social Security ...
  For Group Insurance ................... 89,900
  For Travel ............................... 172,300
  Total ..................................... 1,614,200

Section 2. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF LONG TERM CARE

Payable from General Revenue Fund:
  For Personal Services ................. 1,264,400
  For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:
For Personal Services ......................... $1,486,700
For Employee Retirement Contributions
  Paid by Employer ............................ 132,200
For State Contributions to State
  Employees' Retirement System ............... 154,600
  For State Contributions to Social Security ...
  Group Insurance ............................ 103,700
  For Contractual Services ..................... 124,400
  For Travel ................................... 26,400
  For Commodities .............................. 19,500
  For Printing ................................. 23,600
  For Equipment ............................... 15,600
  For Telecommunications ........................ 59,000
  For Operation of Auto Equipment ............ 3,500
Total $2,230,100

Payable from Services for Older Americans Fund:
For Personal Services ........................... $517,900
For Employee Retirement Contributions
  Paid by Employer ............................ 67,700
For State Contributions to State
  Employees' Retirement System ............... 53,900
  For State Contributions to Social Security ...
  Group Insurance ............................ 39,600
  For Contractual Services ..................... 103,700
  For Travel ................................... 26,400
  For Commodities .............................. 7,200
  For Printing ................................. 12,800
  For Equipment ............................... 11,100
  For Telecommunications ........................ 15,500
  For Operations of Auto Equipment ............ 2,400
Total $982,600

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

BUREAU OF INFORMATION SERVICES SECTION

Payable from General Revenue Fund:
For Personal Services .......................... $553,900
For State Contributions to State
  Employees' Retirement System ............... 57,600
  For State Contributions to Social Security ...
  Contractual Services ........................ 123,700
  For Travel ................................... 4,700
  For Commodities .............................. 5,900
  For Printing ................................. 12,500
  For Electronic Data Processing .............. 133,200
  For Telecommunications Services ............ 14,400

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from General Revenue Fund:

For Expenses of the Provisions of the Elder Abuse and Neglect Act ............. $ 7,375,800
For Expenses of the Intergenerational Programs ................................. 122,400
For Expenses of the Illinois Department on Aging for Monitoring and Support Services .......................... 272,200
For Expenses of the Illinois Council on Aging ............................. 12,500
For Expenses of the Senior Employment Specialist Program ................. 270,400
For Expenses of the Grandparents Raising Grandchildren Program .......... 132,600
For Administrative Expenses of the Senior Meal Program ..................... 35,300
For Administrative Expenses of the Red Tape Cutter Program ............... 25,000
For Expenses of the Senior Helpline ........................................... 411,800
For Expenses of the Talented Older Persons in Schools Program ............. 98,100
Total .......................... $8,756,100

Payable from Services for Older Americans Fund:

For Administrative Expenses of Senior Meal Program .......................... $ 38,500
For Purchase of Training Services ............................................. 148,300
For Expenses of the Discretionary Government Projects ....................... 120,000
Total .......................... $306,800

Payable from the Department on Aging's Special Projects Fund:

For Expenses of Private Partnership Projects ................................... $ 50,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

For the purchase of Illinois Community Care Program homemaker and Senior Companion Services .................. $168,274,800
For Case Management .............................................. 24,120,000
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment ... 6,618,500
Grants for Community Based Services including information and referral services, transportation and delivered meals ..................................... 3,107,200

New matter indicated by italics - deletions by strikeout.
Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging ...................... 2,000,000
For Grants for Adult Day Care Services ...... 13,078,700
For Purchase of Services in connection with Alzheimer's Initiative and Related Programs ........................................ 107,100
For Grants for the Foster Grandparent Program ............................................... 350,000
For Expenses to the Area Agencies on Aging for Long-Term Care Systems Development ........................................ 282,400
For Grants for Suburban Area Agency on Aging for the Red Tape Cutter Program ........................................ 257,500
For Grants for Chicago Department on Aging for the Red Tape Cutter Program ................................. 617,500
For the Ombudsman Program .................... 400,000
For Grants for Prior Year Court of Claims Payments for the Community Care Program......................... 100,000

Total $222,407,000

Payable from Services for Older Americans Fund:
For Grants for Social Services .................. $23,330,100
For Grants for Nutrition Services ........... 23,542,700
For Grants for Employment Services ........... 3,397,000
For Grants for USDA Adult Day Care .......... 1,200,000
For Grants for the USDA Elderly Feeding Program ........................................ 6,437,400

Total $57,907,200

Payable from the Tobacco Settlement Recovery Fund:
For Grants for Senior Health Assistance Programs ......................... $1,000,000

ARTICLE 32

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services .................. $2,064,000
For Employee Retirement Contributions Paid by Employer ................................. 82,600
For State Contributions to State Employees' Retirement System .................. 214,700
For State Contributions to Social Security .................. 157,900
For Contractual Services .................. 112,400
For Travel ................................. 32,200
For Commodities ........................... 23,900
For Printing ................................. 8,600

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .............. 51,600
For Equipment ................................ 112,500
For Printing ................................. 11,900
For Commodities .............................. 8,500
For Personal Services ........................ $ 802,200

Payable from General Revenue Fund:
For Personal Services ....................... $ 632,300
For Employee Retirement Contributions
Paid by Employer ............................. 25,600
For State Contributions to State
Employees' Retirement System ............... 65,700
For State Contributions to
Social Security ............................... 48,600
For Contractual Services .................... 105,700
For Social Security ........................... 20,400
For State Contributions to
Paid by Employer ............................ 20,100
For Commodities ............................. 1,100
For Printing ................................. 1,100
For Equipment ............................... 8,200
For Telecommunications Services ........... 1,100
For Operation of Auto Equipment .......... 1,100
Total $931,000

Payable from Wholesome Meat Fund:
For Personal Services ........................ $ 632,300
Payable from Wholesome Meat Fund:
For Personal Services ........................ $ 632,300

Payable from Agricultural Premium Fund:
For Telecommunications Services ............ 1,100
For Equipment ................................ 8,200
For Printing ................................. 1,100
For Commodities ............................. 1,100
For Contractual Services ..................... 1,100
For Social Security ........................... 1,100
For State Contributions to
Paid by Employer ............................ 1,100
For Employee Retirement Contributions
Paid by Employer ............................. 1,100
For State Contributions to State
Employees' Retirement System ............... 1,100
For State Contributions to
Social Security ............................... 1,100
For Contractual Services .................... 1,100
For Social Security ........................... 1,100
For State Contributions to
Paid by Employer ............................ 1,100
For Employee Retirement Contributions
Paid by Employer ............................. 1,100
For State Contributions to State
Employees' Retirement System ............... 1,100
For Social Security ........................... 1,100
For Contractual Services .................... 1,100
For Social Security ........................... 1,100
For State Contributions to
Paid by Employer ............................ 1,100
For Employee Retirement Contributions
Paid by Employer ............................. 1,100
For State Contributions to State
Employees' Retirement System ............... 1,100
For Social Security ........................... 1,100
For Contractual Services .................... 1,100
For Social Security ........................... 1,100
For State Contributions to
Paid by Employer ............................ 1,100
For Group Insurance .......................... 105,700

Payable from Illinois Rural Rehabilitation Fund:
For Illinois' part in administration
of Titles I and II of the federal
Bankhead-Jones Farm Tenant Act:
For Operations ............................... $ 26,900

Section 1A. The sum of $10,811,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 1B. The sum of $3,522,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

Payable from General Revenue Fund:
For Personal Services ........................ $ 802,200
For Employee Retirement Contributions
Paid by Employer ............................. 32,100
For State Contributions to State
Employees' Retirement System ............... 83,400
For Social Security ........................... 61,400
For Contractual Services ..................... 171,000
For Commodities ............................. 8,500
For Printing ................................. 11,900
For Equipment ............................... 112,500
For Telecommunications Services ........... 51,600
Total $1,334,600

Payable from Agricultural Premium Fund:
For Personal Services ....................... $ 158,200

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer ........................................ 6,300
For State Contributions to State
Employees' Retirement System .................... 16,500
For Contractual Services ..................... 12,100
For Social Security .......................... 12,100
For Telecommunications Services ............. 18,400
Total $1,089,600

For Contractual Services ..................... 32,000
Social Security ............................. 70,800
For State Contributions to State
Employees' Retirement System ................ 245,700
For State Contributions to State
Paid by Employer ........................................ 125,900
Social Security ............................. 12,100
For State Contributions to State
Employees' Retirement System ................ 327,500
For State Contributions to State
Paid by Employer ........................................ 125,900
Social Security ............................. 12,100
For State Contributions to State
Employees' Retirement System ................ 327,500
For Personal Services ............................... $  3,149,100
Payable from General Revenue Fund:
For Personal Services ............................... $  3,149,100
For Employee Retirement Contributions
Paid by Employer ........................................ 125,900
For State Contributions to State
Employees' Retirement System ................ 327,500
For State Contributions to Social Security .......................... 245,700
For Contractual Services ..................... 70,800
For Travel ................................... 250,100
For Commodities .............................. 49,700
For Printing .................................... 5,700
For Equipment ................................ 86,700
For Telecommunications Services ............. 22,500
For Operation of Auto Equipment ............. 32,000
Total $4,365,700

Section 3A. The sum of $525,000, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for Fertilizer Research.
Section 3B. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.
For Personal Services ............................... 131
For Employee Retirement Contributions
Paid by Employer ........................................ 6,300
For State Contributions to State
Employees' Retirement System ................ 16,500
For State Contributions to Social Security .......................... 12,100
For Contractual Services ..................... 70,800
For Travel ................................... 250,100
For Commodities .............................. 49,700
For Printing .................................... 5,700
For Equipment ................................ 86,700
For Telecommunications Services ............. 22,500
For Operation of Auto Equipment ............. 32,000
Total $1,089,600

New matter indicated by italics - deletions by strikeout.
Payable from Agricultural
Premium Fund:
For Expenses Connected With the Promotion and Marketing of Illinois Agriculture and Agriculture Exports ....................... $ 1,862,900
For Implementation of programs and activities to promote, develop and enhance the biotechnology industry in Illinois ....................... $ 140,000

Payable from Agricultural Marketing Services Fund:
For administering Illinois' part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products" .......... $ 4,000

Section 4A. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.
Section 4B. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services ....................... $ 3,361,300
For Employee Retirement Contributions Paid by Employer ....................... 135,100
For State Contributions to State Employees' Retirement System ....................... 337,800
For State Contributions to Social Security ....................... 258,400
For Contractual Services ....................... 885,200
For Travel ....................... 95,000
For Commodities ....................... 355,600
For Printing ....................... 15,800
For Equipment ....................... 96,700
For Telecommunications Services ....................... 47,600
For Operation of Auto Equipment ....................... 58,200
For Swine Disease Research ....................... 42,700
For Bovine Disease Research ....................... 20,200
Total $5,276,500

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act ....................... $ 700,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects ....................... $ 300,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:
### MEAT AND POULTRY INSPECTION

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,193,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>127,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>332,000</td>
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<tr>
<td>For Social Security</td>
<td>244,300</td>
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<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>193,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>540,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>407,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>54,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>175,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>45,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>40,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,133,000</strong></td>
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</tbody>
</table>

Payable from Wholesome Meat Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,522,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>100,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>262,300</td>
</tr>
<tr>
<td>For Social Security</td>
<td>193,000</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>540,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>135,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>407,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>54,900</td>
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<tr>
<td>For Printing</td>
<td>9,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>175,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>45,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>40,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,487,600</strong></td>
</tr>
</tbody>
</table>

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**WEIGHTS AND MEASURES**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$793,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>31,800</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>82,600</td>
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<tr>
<td>For Social Security</td>
<td>60,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,900</td>
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<tr>
<td>For Travel</td>
<td>27,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>11,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>36,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>8,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>55,000</td>
</tr>
<tr>
<td>For Expenses of a Motor Fuel and Petroleum Standards Program pursuant to P.A. 86-0232</td>
<td>85,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Public Act 92-0008

Total $1,212,000

Payable from the Weights and Measures Fund:
For Personal Services $1,167,600
For Employee Retirement Contributions
Paid by Employer 46,900
For State Contributions to State Employees' Retirement System 121,600
For State Contributions to Social Security 89,500
For Group Insurance 252,100
For Contractual Services 184,500
For Travel 98,700
For Commodities 25,900
For Printing 5,300
For Equipment 456,700
For Telecommunications Services 19,600
For Operation of Auto Equipment 95,300
Total $2,563,700

Payable from Agricultural Master Fund:
For Expenses Relating to Administering Federal Cooperative Agreements Relating to Enforcement of Marketing Regulations $457,900

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ENVIRONMENTAL PROGRAMS

Payable from the General Revenue Fund:
For Personal Services $647,000
For Employee Retirement Contributions Paid by Employer 25,900
For State Contributions to State Employees' Retirement System 67,300
For State Contributions to Social Security 49,500
For Contractual Services 1,900
For Travel 44,900
For Commodities 800
For Printing 1,000
For Equipment 900
For Telecommunications Services 16,000
For Operation of Auto Equipment 12,000
For Administration of the Livestock Management Facilities Act 742,400
For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth 250,000
Total $1,859,600

Payable from Agriculture Pesticide Control Act Fund:
For Expenses of Pesticide Enforcement Program $770,000

Payable from Pesticide Control Fund:
For Administration and Enforcement of the Pesticide Act of 1979 $2,050,000

New matter indicated by italics - deletions by strikeout.
Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects ...................... $787,000
Payable from the Used Tire Management Fund:
For Mosquito Control ............................... $40,000

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES

Payable from the Agricultural Premium Fund:
For Personal Services ............................... $ 865,800
For Employee Retirement Contributions
Paid by Employer ................................. 34,600
For State Contributions to State
Employees’ Retirement System ............... 90,000
For State Contributions to
Social Security .......................... 66,200
For Contractual Services ....................... 110,100
For Travel .................................. 30,500
For Commodities ............................... 7,000
For Printing ................................. 7,900
For Equipment ............................... 39,900
For Telecommunications Services ........... 20,500
For Operation of Auto Equipment ............ 20,000
For the Ordinary and Contingent Expenses
of the Natural Resources Advisory Board .... 4,200
Total ........................................ $1,296,700

Payable from the Agriculture Federal Projects Fund:
For Expenses Relating to Various Federal Projects ................ $ 2,350,000

Section 9A. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement agricultural resource enhancement programs for Illinois’ natural resources, including operational expenses, consisting of the following elements at the approximate costs set forth below:

Conservation Practices
Cost Sharing Program ................. $ 2,500,000
Sustainable Agriculture Programs ...... 750,000
Soil and Water Conservation Grants .. 1,950,000
Streambank Restoration ................... 800,000

Section 9B. The amount of $2,750,000 is appropriated from the Capital Development Fund to the Department of Agriculture for deposit into the Conservation 2000 Projects Fund.

Section 9C. The amount of $2,750,000 or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Agriculture for the following project at the approximate costs set forth below:
Conservation Practices Cost-Share program..... $ 2,750,000

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
For Personal Services......................... $ 2,949,900
For Employee Retirement Contributions
Paid by Employer ............................... 107,800
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ................. 260,500
For State Contributions to
Social Security ................................. 223,400
For Contractual Services ....................... 2,118,500
For Payment to the City of Springfield
for Fire Protection Services at the
Illinois State Fairgrounds ...................... 150,000
For Commodities .................................. 85,000
For Equipment .................................... 188,800
For Telecommunications Services ............. 85,600
For Operation of Auto Equipment ............ 28,600

Total $6,198,100

Section 10A. The sum of $1,150,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to satisfy obligations related to the development, use, and operation of a multi-purpose outdoor theater, and to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 10B. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
For Personal Services......................... $1,063,900
For Employee Retirement Contributions
Paid by Employer ............................... 35,700
For State Contributions to State
Employees' Retirement System ............... 103,500
For State Contributions to
Social Security ................................ 79,500
For Contractual Services ..................... 355,400
For Travel ....................................... 7,400
For Commodities ............................... 64,900
For Equipment ................................... 111,100
For Telecommunications Services .......... 29,700
For Operation of Auto Equipment .......... 12,800
Total $1,863,900

Section 10C. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at Du Quoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR

Payable from General Revenue Fund:
For Personal Services......................... $ 316,700
For Employee Retirement Contributions
Paid by Employer ............................... 10,300
For State Contributions to State
Employees' Retirement System ............... 34,800
For State Contributions to
Social Security ................................ 25,900
For Contractual Services ..................... 438,800

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment .............. 6,500
For Printing ........................................ 3,000
For Commodities .................................. 2,000
For Travel .......................................... 5,000
For Contractual Services ......................... 21,900
Social Security ..................................... 7,700
For State Contributions to Employees' Retirement System ....................... 10,600
For State Contributions to State Employee Retirement Contributions
Breeders Fund:
Payable from Illinois Thoroughbred
Total .................................................................. $161,000
Payable from the Agricultural Premium Fund:
For Financial Assistance for the
DuQuoin State Fair ........................................... $455,200

Section 11A. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:
ILLINOIS STATE FAIR
Payable from the Illinois State Fair Fund:
For Operations of the Illinois State Fair
Including Entertainment and the Percentage Portion of Entertainment Contracts............. $4,020,900

Section 12. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:
COUNTY FAIRS AND HORSE RACING
Payable from the Agricultural Premium Fund:
For Personal Services ............................. $ 244,100
For Employee Retirement Contributions
Paid by Employer ...................................... 9,800
For State Contributions to State
Employees' Retirement System .................. 25,400
For State Contributions to
Social Security ........................................ 18,600
For Contractual Services ......................... 6,300
For Travel ............................................. 3,500
For Commodities .................................. 2,000
For Printing ......................................... 3,500
For Equipment ..................................... 11,300
For Telecommunications Services .......... 4,900
For Operation of Auto Equipment ........... 2,000
Total ....................................................... $331,400
Payable from Illinois Standardbred Breeders Fund:
For Personal Services ............................ $ 100,200
For Employee Retirement Contributions
Paid by Employer ...................................... 4,100
For State Contributions to State
Employees' Retirement System ............... 10,600
For State Contributions to
Social Security ...................................... 7,700
For Contractual Services ......................... 21,900
For Travel ........................................... 21,900
For Commodities .................................. 5,000
For Printing ......................................... 2,000
For Operation of Auto Equipment .......... 3,000
Total .................................................. $161,000
Payable from Illinois Thoroughbred Breeders Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ................... $ 304,400
For Employee Retirement Contributions
    Paid by Employer ...................... 12,200
For State Contributions to State
    Employees' Retirement System .......... 31,700
For State Contributions to
    Social Security .......................... 23,300
For Contractual Services ................ 27,600
For Travel .................................. 6,000
For Commodities .......................... 2,000
For Printing ............................... 2,100
For Equipment ............................. 28,400
For Telecommunications Services ........ 15,600
For Operation of Auto Equipment ........ 6,500
Total  .................................... $459,800

Section 13. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ADMINISTRATIVE SERVICES PROGRAMS

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration
    of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
    For Programs, Loans and Grants ........ $ 95,000
Payable from the General Revenue Fund:
For the Agricultural Leadership Foundation .. 60,000
For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182) .................. 15,000,000
Total ...................................... $15,155,000

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MARKETING PROGRAMS

Payable from the Illinois Aquaculture Development Fund:
For Grants to Aquaculture Cooperatives ...... $ 1,000,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES PROGRAMS

Payable from General Revenue Fund:
For awards for destruction of livestock, as provided by law ...................... $ 5,100

Section 16. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES PROGRAMS

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois Soil and operational expenses ................ $ 423,800
For grants to Soil and Water Conservation Districts for clerical and other personnel, for education and promotional assistance,

New matter indicated by italics - deletions by strikeout.
and for expenses of Water Conservation
District Boards and administrative expenses ..................................... 6,370,300
Total .......................................................... $6,194,100

Section 17. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

**ILLINOIS STATE FAIR PROGRAMS**

Payable from the General Revenue Fund:
- For Awards to Livestock Breeders.......................... $ 172,400
- For Awards and Premiums at the Illinois State Fair ................. 319,000
- For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds .................. 148,100
Total .................................................................. $639,500

Payable from the Illinois State Fair Fund:
- For Awards to Livestock Breeders.......................... $ 157,400
- For Awards and Premiums at the Illinois State Fair ................. 443,200
- For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds .................. 79,400
Total .................................................................. $680,000

Section 18. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR PROGRAMS**

Payable from General Revenue Fund:
- For awards and premiums to the DuQuoin State Fair.................. $ 149,500
- For harness racing at the DuQuoin State Fair .................. 31,600
Total .................................................................. $181,100

Section 19. The following named amounts, or so much thereof as may be necessary is appropriated to the Department of Agriculture for:

**COUNTY FAIRS AND HORSE RACING PROGRAMS**

Payable from the General Revenue Fund:
- For promotion of the Illinois horse racing and breeding industry .......... 1,430,400
Payable from the Illinois Racing Quarterhorse Breeders Fund:
- For promotion of the Illinois horse racing and breeding industry .......... 42,000
Payable from Illinois Standardbred Breeders Fund:
- For grants and other purposes............................ 1,517,000
Payable from Illinois Thoroughbred Breeders Fund:
- For grants and other purposes............................ 2,041,500
Total .................................................................. $5,030,900

Payable from the Agricultural Premium Fund:
- For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture: ..................... $ 2,209,100

New matter indicated by italics - deletions by strikeout.
For premiums to agricultural extension
or 4-H clubs to be distributed at a
uniform rate .............................. 762,000
For premiums to vocational
agriculture fairs ......................... 179,500
For rehabilitation of county fairgrounds..... 2,739,000
For county fair incentive grants ............ 42,700
For grants and other purposes for county
fair and state fair horse racing .......... 425,000
Total $6,357,300

Payable from the General Revenue Fund:
For distribution to county fairs for
premiums and rehabilitation as set
forth in the Agriculture Fair Act ......... $ 715,200
For grants to the International
Livestock Exposition for the
Solid Gold Futurity....................... 295,000
Total $1,010,200

Payable from Fair and Exposition Fund:
For distribution to County Fairs and
Fair and Exposition Authorities .......... $1,428,900

Section 19A. The sum of $15,152,298, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Agriculture for payment into
the Thoroughbred and Standardbred Horse Racing Purse Accounts at Illinois Pari-mutuel Tracks.
The amount paid to each Account shall be the amount certified by the Illinois Racing Board in
January 2001 to be transferred from each Account to each eligible racing facility.

Section 20. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Department of Agriculture for repairs, maintenance, and capital
improvements including construction, reconstruction, improvement, repair and installation of
capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses
required to complete the work:
Payable from Agricultural Premium Fund:
For various projects at the State
Fairgrounds .............................. $ 600,000
For various projects at the DuQuoin State
Fairgrounds .............................. 225,000
Total $825,000

ARTICLE 33

Section 1. The following named amounts, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named are appropriated to the Department
of Central Management Services:

BUREAU OF ADMINISTRATIVE OPERATIONS
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ....................... $ 2,533,200
For Employee Retirement Contributions
Paid by Employer .......................... 101,400
For State Contributions to State
Employees' Retirement System ............. 263,500
For State Contributions to Social
Security ..................................... 187,000
For Contractual Services ................... 670,400
For Travel .................................. 36,500
For Commodities ............................. 19,000
For Printing ............................... 20,200
For Equipment .................. 9,400

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service Area</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>654,200</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>48,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,200</td>
</tr>
<tr>
<td>For Refunds</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,947,800</strong></td>
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**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$403,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>16,200</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
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<tr>
<td>For State Contributions to State</td>
<td>42,100</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>30,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>92,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,800</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>524,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>7,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,149,000</strong></td>
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</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>29,500</td>
</tr>
<tr>
<td>Paid by Employer</td>
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<tr>
<td>For State Contribution to State</td>
<td>76,700</td>
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<tr>
<td>Employees' Retirement Fund</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>56,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>134,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>13,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>8,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,089,700</strong></td>
</tr>
</tbody>
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**PAYABLE FROM PAPER AND PRINTING REVOLVING FUND**

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$46,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>1,900</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>4,900</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>3,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>8,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>300</td>
</tr>
<tr>
<td>For Printing</td>
<td>200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>66,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$134,600</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
PAYABLE FROM COMMUNICATIONS REVOLVING FUND

For Personal Services ...................... $ 540,900
For Employee Retirement Contributions
Paid by Employer ................................. 21,700
For State Contributions to State
Employees' Retirement System .............. 56,300
For State Contribution to
Social Security ................................. 41,400
For Group Insurance ............................. 117,600
For Contractual Services .................... 13,800
For Travel ........................................ 1,200
For Commodities............................... 4,800
For Printing ................................. 5,000
For Equipment .................................. 5,900
For Electronic Data Processing ............... 4,872,700
For Telecommunications Services .......... 6,400
Total .............................................. $5,687,700

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

ILLINOIS INFORMATION SERVICES

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ...................... $ 1,142,300
For Employee Retirement Contributions
Paid by Employer ................................. 45,800
For State Contributions to State
Employees' Retirement System .............. 118,900
For State Contributions to Social
Security ........................................... 84,500
For Contractual Services .................... 63,600
For Travel ........................................ 10,400
For Commodities............................... 18,500
For Printing ................................. 9,300
For Equipment .................................. 78,000
For Telecommunications Services .......... 49,000
For Operation of Auto Equipment .......... 3,400
Total .............................................. $1,623,700

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND

For Personal Services ...................... $ 118,800
For Employee Retirement Contributions
Paid by Employer ................................. 4,800
For State Contributions to State
Employees' Retirement System .............. 12,400
For State Contributions to Social
Security ........................................... 9,100
For Group Insurance ............................. 25,200
For Contractual Services .................... 113,300
For Travel ........................................ 6,600
For Commodities............................... 41,000
For Printing ................................. 5,000
For Equipment .................................. 70,000
For Telecommunications Services .......... 3,700
For Operation of Auto Equipment .......... 12,600
For Warehouse Stock for all State Agencies
and For Printing and Distribution of

New matter indicated by italics - deletions by strikeout.
Wall Certificates ......................... 2,274,800
For Refunds .............................. 5,000
Total  .................................. $2,702,300

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services ........................ $ 1,217,500
For Employee Retirement Contributions
Paid by Employer .......................... 48,700
For State Contributions to State
Employees' Retirement System ............ 126,700
For State Contributions to Social
Security ................................. 93,200
For Group Insurance ........................ 268,800
For Contractual Services .................. 1,563,700
For Travel ............................... 13,100
For Commodities ........................ 21,700
For Printing ........................... 43,000
For Equipment ........................... 100,200
For Telecommunications Services ......... 6,700
For Operation of Auto Equipment ......... 83,500
Total .................................. $3,586,800

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ........................ $ 1,618,700
For Employee Retirement Contributions
Paid by Employer .......................... 64,900
For State Contributions to State
Employees' Retirement System ............ 168,500
For State Contributions to Social
Security ................................. 119,900
For Contractual Services .................. 228,100
For Travel ............................... 26,900
For Commodities ........................ 29,500
For Printing ........................... 98,800
For Equipment ........................... 20,900
For Telecommunications Services ......... 38,000
For Operation of Auto Equipment ......... 7,300
For Expenses Related to the
Procurement Policy Board .................. 252,900
Total .................................. $2,674,400

PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services ........................ $ 9,894,600
For Employee Retirement Contributions
Paid by Employer .......................... 395,800
For State Contributions to State
Employees' Retirement System ............ 1,029,100
For State Contributions to Social
Security ................................. 757,000
For Group Insurance ........................ 1,923,600
For Contractual Services .................. 1,112,500
For Travel ............................... 39,900
For Commodities ........................ 136,900
For Printing ........................... 35,000

New matter indicated by italics - deletions by strikeout.
For Personal Services ........................ $    587,800
For State Contributions to State Paid by Employer .......................... 23,600
For Employee Retirement Contributions of Central Management Services:
respectively, for the objects and purposes hereinafter named are appropriated to the Department
For Personal Services ........................ $    509,100
For State Contributions to State
For Employee Retirement Contributions
Total                                                                                                                             $709,973,400

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services ........................ $  290,200
For Employee Retirement Contributions
Paid by Employer .............................. 11,700
For State Contributions to State
Employees' Retirement System .................. 30,200
For State Contributions to
Social Security ............................... 22,300
For Group Insurance .......................... 67,200
For Contractual Services ........................ 229,200
For Travel ........................................ 600
For Commodities .............................. 6,700
For Printing ................................. 3,100
For Equipment ................................. 1,100
For Telecommunications Services .............. 3,500
Total                                                                                                                             $665,800

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS

PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ........................ $  587,800
For Employee Retirement Contributions
Paid by Employer .............................. 23,600
For State Contributions to State
Employees' Retirement System .................. 61,200
For State Contributions to Social Security ............................... 43,600
For Group Insurance .......................... 685,067,100
For Contractual Services ........................ 111,700
For Travel ........................................ 9,600
For Commodities .............................. 9,900
For Printing ................................. 4,300
For Equipment ................................. 1,700
For Telecommunications Services .............. 13,900
For Operation of Auto Equipment .............. 900
For payment of claims under the Representation and Indemnification in Civil Lawsuits Act .................. 1,300,000
For payment of Workers' Compensation Act claims and contractual services in connection with said claims payments ......................... 19,238,100
For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims ........... 1,200,000
Total                                                                                                                             $709,973,400

PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND
For Personal Services ........................ $  509,100
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by Employer ............................ 20,400
For State Contributions to State
Employees' Retirement System ............... 53,000
For State Contributions to Social
Security ....................................... 39,000
For Group Insurance ............................ 100,800
For Contractual Services .......................... 169,500
For Travel ................................................. 19,000
For Commodities................................. 10,000
For Printing .............................................. 140,000
For Equipment ............................................ 17,700
For Electronic Data Processing .............. 47,000
For Telecommunications Services .......... 18,400
For Operation of Auto Equipment ........... 6,500
Total $1,150,400
For the Local Governments Contribution
Under Program of Group Life, Dental, Hospital,
And Surgical And Medical Insurance For
Persons Serving Local Governments ........... $ 127,534,200
PAYABLE FROM ROAD FUND
For Group Insurance .................................. $ 79,551,400
For payment of claims and claims
administration under the
Workers' Compensation Act .................. $ 4,722,700
PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program .... $ 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act ...................... $ 86,188,100
PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program ...... $ 158,900
For Provisions of Health Care Coverage
As Elected by Eligible Members Per State
Employees Group Insurance Act ........ $$1,117,318,800
PAYABLE FROM WORKERS’ COMPENSATION REVOLVING FUND
For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee ....................... $ 650,000
Expenditures from appropriations for treatment and expense may be made after the
Department of Central Management Services has certified that the injured person was employed
and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount
of such compensation to be paid to the injured person.
Expenditures for this purpose may be made by the Department of Central Management
Services without regard to the fiscal year in which benefit or service was rendered or cost incurred
as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND
For expenses related to the administration
of the State Employees Deferred
Compensation Plan.......................... $ 1,856,900
Section 5. The following named amounts, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named are appropriated to the Department
of Central Management Services:

New matter indicated by italics - deletions by strikeout.
BUREAU OF PERSONNEL
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ......................... $  5,809,300
For Employee Retirement Contributions
  Paid by Employer ............................. 232,600
For State Contributions to State
  Employees' Retirement System ............... 603,900
For State Contributions to Social
  Security .................................... 428,900
For Contractual Services ....................... 431,900
For Travel .................................... 57,500
For Commodities............................... 38,500
For Printing ................................. 59,100
For Equipment ................................ 35,400
For Telecommunications Services ............ 80,700
For Operation of Auto Equipment ............ 5,900
For Awards to Employees and
  Expenses of Employees' Suggestion
  Award Board ................................ 10,500
  For Wage Claims ............................. 1,053,900
  For Expenses of Compensation Review Board .. 30,000
  For Expenses of the Upward Mobility Program .. 5,132,200
  For Expenses of the Ethics Commission
    of the Governor ........................... 379,200
  For Expenses of the Governor's Commission
    on the Status of Women in Illinois ........ 250,000
  For Veterans' Job Assistance Program ....... 369,000

For Governor's and Vito Marzullo's
  Internship programs ......................... 913,300
For Nurses' Tuition ........................... 125,000
Total  ....................................... $16,046,800

Section 6. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary
and contingent expenses of the Department of Central Management Services:

BUSINESS ENTERPRISE PROGRAM
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ......................... $  300,600
For Employee Retirement Contributions
  Paid by Employer ............................. 12,000
For State Contributions to State
  Employees' Retirement System ............... 31,400
For State Contributions to Social
  Security .................................... 22,300
For Contractual Services ....................... 104,900
For Travel .................................... 20,900
For Commodities............................... 6,500
For Printing ................................. 12,000
For Equipment ................................ 1,500
For Telecommunications Services ............ 11,000
For Operation of Auto Equipment ............ 3,400
Total  ....................................... $526,500

PAYABLE FROM MINORITY AND FEMALE BUSINESS ENTERPRISE FUND
For Expenses of the Business
  Enterprise Program ........................... $  100,000

New matter indicated by italics - deletions by strikeout.
Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

**BUREAU OF PROPERTY MANAGEMENT**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 7,560,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$ 302,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$ 786,000</td>
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<tr>
<td>For State Contributions to Social</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>$ 557,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$ 12,799,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>$ 30,600</td>
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<tr>
<td>For Commodities</td>
<td>$ 147,200</td>
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<tr>
<td>For Printing</td>
<td>$ 13,300</td>
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<tr>
<td>For Equipment</td>
<td>$ 44,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$ 114,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$ 28,200</td>
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<tr>
<td>For Permanent Improvements to State</td>
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<tr>
<td>Owned Buildings</td>
<td>$ 120,000</td>
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<tr>
<td>For Surplus Real Property</td>
<td>$ 215,400</td>
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<td><strong>Total</strong></td>
<td><strong>$22,718,800</strong></td>
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**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$ 29,100</td>
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<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$ 75,500</td>
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<tr>
<td>For State Contributions to Social</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>$ 55,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$ 92,400</td>
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<tr>
<td>For Contractual Services</td>
<td>$ 438,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$ 19,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$ 1,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$ 10,300</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,447,700</strong></td>
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</table>

**PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
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</thead>
<tbody>
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<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$ 40,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$ 104,600</td>
</tr>
<tr>
<td>For State Contributions to Social</td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>$ 76,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$ 184,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$ 707,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$ 39,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$ 8,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$ 124,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$ 45,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$ 26,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$ 137,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Refunds .................................. 8,000,000
For Operation of Auto Equipment .............. 6,300
For Telecommunications Services .............. 2,626,400
For Personal Services ........................ $  6,208,700
Total                                                                 $158,920,800
For Contractual Services ..................... 1,267,100
For Group Insurance .......................... 1,058,400
Security .................................... 475,100
For State Contributions to Social
Employees' Retirement System ................ 1,816,500
For State Contributions to State
Paid by Employer ............................. 698,800
For State Contributions to Social
Security ...................................... 1,336,300
For Group Insurance .......................... 2,620,800
For Contractual Services ..................... 2,731,600
For Travel ................................... 137,100
For Commodities ............................... 224,200
For Printing .................................. 235,800
For Equipment ................................. 41,300
For Electronic Data Processing ............... 88,190,800
For Telecommunications Services ............ 2,626,400
For Operation of Auto Equipment ............ 6,300
For Refunds .................................. 5,000
Total                                                                 $2,660,600
For Refunds .................................. 5,000
For Operation of Auto Equipment .............. 12,000
For Telecommunications Services .............. 148,774,200
For Equipment ................................ 32,300
For Printing ................................. 70,700
For Commodities ............................... 22,900
For Travel ................................... 55,000
For Telecommunications Services ............ 148,774,200
For Operation of Auto Equipment ............ 12,000
For Refunds .................................. 50,000
Total                                                                 $158,920,800

Section 8. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the management of facilities operated by the Department.

Section 9. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Special Events Revolving Fund to the Department of Central Management Services for expenses related to the lease or rental of buildings subject to the jurisdictions of the Department of Central Management Services to individuals or organizations, pursuant to Public Act 84-0961.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

BUREAU OF COMMUNICATION AND COMPUTER SERVICES
PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services .......................... $ 17,465,200
For Employee Retirement Contributions
Paid by Employer ............................. 698,800
For State Contributions to State
Employees' Retirement System .............. 1,816,500
For State Contributions to Social
Security ................................. 1,336,300
For Group Insurance .......................... 2,620,800
For Contractual Services ..................... 2,731,600
For Travel ................................... 137,100
For Commodities ............................... 224,200
For Printing .................................. 235,800
For Equipment ................................. 41,300
For Electronic Data Processing ............... 88,190,800
For Telecommunications Services ............ 2,626,400
For Operation of Auto Equipment ............ 6,300
For Refunds .................................. 8,000,000
Total                                                                 $126,131,100

PAYABLE FROM COMMUNICATIONS REVOLVING FUND

For Personal Services .......................... $  6,208,700
For Employee Retirement Contributions
Paid by Employer ............................. 248,500
For State Contributions to State
Employees' Retirement System .............. 645,900
For State Contributions to Social
Security ................................. 475,100
For Group Insurance .......................... 1,058,400
For Contractual Services ..................... 1,267,100
For Travel ................................... 55,000
For Commodities ............................... 22,900
For Printing .................................. 70,700
For Equipment ................................. 32,300
For Telecommunications Services ............ 148,774,200
For Operation of Auto Equipment ............ 12,000
For Refunds .................................. 50,000
Total                                                                 $158,920,800

Section 11. The sum of $35,000,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Wireless Service Emergency Fund to the Department of Central Management Services for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Department of Central Management Services related to administering the program.

Section 12. The sum of $24,500,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Department of Central Management Services for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for reimbursement of the Communications Revolving Fund for administrative costs incurred by the Department of Central Management Services related to administering the program.

Section 13. The amount of $4,500,000, or so much thereof as may be necessary, is appropriated from the Statistical Services Revolving Fund to the Department of Central Management Services for expenses related to the study, development and implementation of technology standards including related administrative expenses.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Department of Central Management Services:

OFFICE OF INTERNAL SECURITY AND INVESTIGATIONS
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services $ 2,426,000
For Employee Retirement Contributions
Paid by Employer 133,600
For State Contributions to State
Employees' Retirement System 252,300
For State Contributions to Social Security 39,400
For Contractual Services 1,022,000
For Travel 13,900
For Commodities 37,000
For Equipment 3,100
For Telecommunications Services 34,700
For Operation of Auto Equipment 51,500
Total $4,013,500

ARTICLE 34

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services $ 9,648,700
For Employee Retirement Contributions
Paid by Employer 7,555,400
For State Contributions to State
Employees' Retirement System 1,003,500
For State Contributions to Social Security 728,500
For Contractual Services 4,265,700
For Travel 181,900
For Commodities 42,400
For Printing 31,100
For Equipment 42,700

New matter indicated by italics - deletions by strikeout.
For Telecommunications ................................. 218,500
For Attorney General Representation on Child Welfare Litigation Issues .......... 572,000
Total $24,290,400

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Adoption Improvement Legacy Project ...... $ 325,000
For Adoption Improvement Opportunities ...... 600,000
For AmeriCorps ................................. 300,000
For Abandoned Infant Assistance ............... 870,000
For Vista Transportation ....................... 11,500
For Integrated Community Services .......... 150,000
For Safe Kids and Safe Communities ............ 150,000
For Self Sufficiency Intervention ............... 150,000
For Chicago Family Resource HIV Respite Center ................................. 50,000
For Personal Best Program ........................ 357,200
For Illinois Family Support Enhancement ...... 75,000
For Project Cornerstone Respite Care ........... 70,000
Total $3,108,700

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Chicago Community Trust .............................. 157,800
Total $157,800

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ................................. $ 1,149,700
For State Contributions to State Employees' Retirement System ................................. 119,600
For State Contributions to Social Security ................................. 86,800
For Contractual Services ............................. 933,800
For Travel ........................................ 20,000
For Commodities ................................. 9,000
For Printing ..................................... 5,900
For Equipment ................................... 3,100
For Telecommunications Services ....................... 56,000
Total $2,383,900

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

ADMINISTRATIVE CASE REVIEW
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ................................. $ 7,044,800
For State Contributions to State Employees' Retirement System ................................. 732,700
For State Contributions to Social Security ................................. 531,900
For Contractual Services ............................. 73,800
For Travel ........................................ 164,000
For Commodities ................................. 3,000
For Printing ..................................... 1,000
For Equipment ................................... 20,500
For Telecommunications Services ....................... 17,700

New matter indicated by italics - deletions by strikeout.
Section 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**OFFICE OF QUALITY ASSURANCE**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>$1,683,300</th>
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</thead>
<tbody>
<tr>
<td>For State Contributions to State</td>
<td>175,100</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>127,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>234,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>251,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>217,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>9,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>87,400</td>
</tr>
<tr>
<td>For Targeted Case Management</td>
<td>9,254,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$8,589,400</td>
</tr>
</tbody>
</table>

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**OPERATIONS AND COMMUNITY SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>$3,111,600</th>
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</thead>
<tbody>
<tr>
<td>For State Contributions to State</td>
<td>323,600</td>
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<tr>
<td>Employees' Retirement System</td>
<td>234,900</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>251,000</td>
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<tr>
<td>For Contractual Services</td>
<td>217,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>9,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>87,400</td>
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<td>For Telecommunications Services</td>
<td>9,254,400</td>
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<td><strong>Total</strong></td>
<td>$13,503,600</td>
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**PAYABLE FROM C&FS FEDERAL PROJECTS FUND**

<table>
<thead>
<tr>
<th>For Independent Living Initiative</th>
<th>$12,128,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>For LAN State Board of Education</td>
<td>1,700,000</td>
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<tr>
<td><strong>Total</strong></td>
<td>$13,828,900</td>
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</table>

**PAYABLE FROM C&FS REFUGEE ASSISTANCE FUND**

| For Administrative Expenses Related to Refugee Assistance | $3,000 |

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD WELFARE - DOWNSTATE REGIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>$45,835,000</th>
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</thead>
<tbody>
<tr>
<td>For State Contributions to State</td>
<td>4,766,900</td>
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<tr>
<td>Employees' Retirement System</td>
<td>3,460,500</td>
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<td>For State Contributions to Social Security</td>
<td>9,510,800</td>
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<td>For Contractual Services</td>
<td>2,005,000</td>
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<td>For Travel</td>
<td>268,300</td>
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<tr>
<td>For Commodities</td>
<td>196,600</td>
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New matter indicated by italics - deletions by strikeout.
Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD WELFARE - COOK REGION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Commodities</td>
<td>2,232,000</td>
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<tr>
<td>For Printing</td>
<td>184,400</td>
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<tr>
<td>For Equipment</td>
<td>137,900</td>
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<tr>
<td>For Telecommunications Services</td>
<td>2,101,100</td>
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<tr>
<td>Total</td>
<td>$62,312,800</td>
</tr>
</tbody>
</table>

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,965,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>620,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>450,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>569,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>48,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>14,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>15,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>612,800</td>
</tr>
<tr>
<td>For Child Death Review Teams</td>
<td>125,000</td>
</tr>
<tr>
<td>Total</td>
<td>$8,426,100</td>
</tr>
</tbody>
</table>

**PAYABLE FROM C&FS FEDERAL PROJECTS FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Children's Justice Act</td>
<td>773,000</td>
</tr>
<tr>
<td>For Community Based Family Resource Program</td>
<td>1,607,000</td>
</tr>
<tr>
<td>For Costs under the Child Abuse Act</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Child Abuse Triage</td>
<td>350,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,730,000</td>
</tr>
</tbody>
</table>

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION ADMINISTRATION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$21,461,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,232,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,620,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,023,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>64,400</td>
</tr>
<tr>
<td>Total</td>
<td>$26,401,600</td>
</tr>
</tbody>
</table>

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - DOWNSTATE REGIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$35,650,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>3,778,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,743,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>15,464,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,274,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,232,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>184,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>137,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,101,100</td>
</tr>
<tr>
<td>Total</td>
<td>$68,389,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION - COOK REGION**

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$26,452,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,751,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,997,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>474,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>111,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$31,786,800</strong></td>
</tr>
</tbody>
</table>

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**SUPPORT SERVICES**

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$7,834,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>814,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>591,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,715,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>130,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>300,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>514,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>24,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>9,505,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,917,200</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>50,100</td>
</tr>
<tr>
<td>For Refunds</td>
<td>5,900</td>
</tr>
<tr>
<td>For Planet Electronic Vacancy Monitoring System</td>
<td>252,900</td>
</tr>
<tr>
<td>For Payment of Administrative Costs and Collection Fees Related to Parental Payments and for Payment for Services Provided by the Department</td>
<td>241,700</td>
</tr>
<tr>
<td>Adoption Listing Service</td>
<td>1,505,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$29,405,300</strong></td>
</tr>
</tbody>
</table>

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Title IV-E Reimbursement Enhancement</td>
<td><strong>$4,409,500</strong></td>
</tr>
<tr>
<td>For SSI Reimbursement</td>
<td>1,751,700</td>
</tr>
<tr>
<td>For AFCARS/SACWIS Information System</td>
<td>28,275,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,436,200</strong></td>
</tr>
</tbody>
</table>

Section 12. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CLINICAL SERVICES**

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$2,412,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>250,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>182,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>587,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
### PUBLIC ACT 92-0008

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>85,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>71,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,603,300</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM DCFS CHILDREN’S SERVICES FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Training Department Staff</td>
<td>$1,600,000</td>
</tr>
</tbody>
</table>

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,158,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>328,500</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>238,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>478,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>60,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>4,900</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>118,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,401,700</strong></td>
</tr>
</tbody>
</table>

**PURCHASE OF SERVICE MONITORING**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,746,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>1,267,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,475,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>50,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>37,300</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>133,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$22,520,600</strong></td>
</tr>
</tbody>
</table>

**Section 13. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized</td>
<td>$221,100,200</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>20,907,700</td>
</tr>
<tr>
<td>For Homemaker Services</td>
<td>7,507,400</td>
</tr>
<tr>
<td>For Institution and Group Home Care and Prevention</td>
<td>150,215,000</td>
</tr>
<tr>
<td>For Services Associated with the Foster Care Initiative</td>
<td>6,413,700</td>
</tr>
<tr>
<td>For Purchase of Adoption and Guardianship Services</td>
<td>150,619,000</td>
</tr>
<tr>
<td>For Health Care Network</td>
<td>4,657,900</td>
</tr>
<tr>
<td>For Cash Assistance and Housing Locator Service to Families in the</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Class Defined in the Norman Consent Order .................. 3,565,600
For Youth in Transition Program .................. 719,100
For Children's Personal and Physical Maintenance .................. 5,359,000
For MCO Technical Assistance and Program Development .................. 1,701,800
For Pre Admission/Post Discharge Psychiatric Screening .................. 8,257,600
For Counties to Assist in the Development of Children's Advocacy Centers .................. 2,781,800
For Psychological Assessments including Operations and Administrative Expenses .................. 5,011,900
Total $588,817,700

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized Foster Care and Prevention .................. $156,080,600
For Counseling and Auxiliary Services ........... 9,646,800
For Homemaker Services .................. 1,119,400
For Institution and Group Home Care and Prevention .................. 96,401,500
For Additional Grant to the Chicago Child Advocacy Center .................. 540,000
For Services Associated with the Foster Care Initiative .................. 1,958,000
For Purchase of Adoption and Guardianship Services .................. 102,608,600
For Family Preservation Services .................. 23,182,100
For Purchase of Children's Services .................. 726,300
For Family Centered Services Initiative ........... 13,200,000
Total $405,463,300

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Department Scholarship Program .................. $ 661,900
Total $661,900

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Marriage and Dissolution of Marriage Home Studies/Visitations .................. $ 41,400
Total $41,400

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

OPERATION AND COMMUNITY SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Purchase of Treatment Services for the Governor's Youth Services Initiative .................. $ 135,900
For Reimbursing Counties .................. 346,300
Total $482,200

PAYABLE FROM C&FS REFUGEE ASSISTANCE FUND
For Services for Refugee and Cuban/Haitian Entrant Unaccompanied Minors .................. $ 12,000

New matter indicated by italics - deletions by strikeout.
Section 16. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID
SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND

For Payment of Claims for Damage
or Loss of Personal Property .................. $ 2,800
For Tort Claims ................................ 149,200
Total .............................................. $152,000

CHILD PROTECTION ADMINISTRATION

Payable from the General Revenue Fund:
For Treatment & Research of Child Abuse ...... $ 794,400
For Protective/Family Maintenance
Day Care .......................................... 24,825,400
For Day Care Infant Mortality .................. 1,280,100
Total ............................................. $26,899,900

Payable from the Child Abuse Prevention Fund:
For Child Abuse Prevention ..................... $ 600,000

CLINICAL SERVICES

Payable from the DCFS Training Fund:
For Foster Care and Adoption
Care Training Services......................... $ 30,000,000

ARTICLE 35

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

AGENCY-WIDE COSTS

For Contractual Services:
Payable from:
General Revenue Fund ....................... $ 2,153,200
Tourism Promotion Fund ..................... 512,100
Intra-Agency Services Fund .................. 1,119,000

For Commodities:
Payable from:
General Revenue Fund ...................... 49,600
Tourism Promotion Fund .................... 13,000
Intra-Agency Services Fund .................. 22,500

For Printing:
Payable from:
General Revenue Fund ....................... 48,600
Tourism Promotion Fund .................... 54,600
Intra-Agency Services Fund .................. 26,800

For Equipment:
Payable from:
General Revenue Fund ....................... 81,800
Tourism Promotion Fund .................... 67,300
Intra-Agency Services Fund .................. 26,100

For Electronic Data Processing:
Payable from:
General Revenue Fund ....................... 56,200
Tourism Promotion Fund .................... 29,000
Intra-Agency Services Fund .................. 27,300

For Telecommunications Services:
Payable from:
General Revenue Fund ....................... 21,400
Tourism Promotion Fund .................... 6,400

New matter indicated by italics - deletions by strikeout.
Intra-Agency Services Fund ................. 6,000

For Operation of Automotive Equipment:

Payable from:
General Revenue Fund ..................... 41,100
Tourism Promotion Fund .................... 10,000
Intra-Agency Services Fund ................. 13,200
Total ........................................ $4,385,200

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

GENERAL ADMINISTRATION

For Personal Services:
Payable from:
General Revenue Fund ..................... $ 5,551,900
Tourism Promotion Fund .................... 902,100
Intra-Agency Services Fund ................. 859,000

For Extra Help:
Payable from:
General Revenue Fund ..................... 10,000
Intra-Agency Services Fund ................. 79,500

For Employee Retirement Contributions
Paid by Employer:
Payable from:
General Revenue Fund ..................... 222,000
Tourism Promotion Fund .................... 36,100
Intra-Agency Services Fund ................. 34,400

For State Contributions to State
Employees' Retirement System:
Payable from:
General Revenue Fund ..................... 577,400
Tourism Promotion Fund .................... 93,800
Intra-Agency Services Fund ................. 89,300

For State Contributions to Social Security:
Payable from:
General Revenue Fund ..................... 424,800
Tourism Promotion Fund .................... 69,000
Intra-Agency Services Fund ................. 65,700

For Group Insurance:
Payable from:
Tourism Promotion Fund .................... 159,600
Intra-Agency Services Fund ................. 151,200

For Contractual Services:
Payable from:
General Revenue Fund ..................... 670,900
Tourism Promotion Fund .................... 48,700
Intra-Agency Services Fund ................. 372,100

For Travel:
Payable from:
General Revenue Fund ..................... 159,800
Tourism Promotion Fund .................... 17,000
Intra-Agency Services Fund ................. 43,300

For Commodities:
Payable from:
General Revenue Fund ..................... 13,400
Tourism Promotion Fund .................... 3,200
Intra-Agency Services Fund ................. 9,000
For Printing:
Payable from:
- General Revenue Fund ..................
- Tourism Promotion Fund .................

For Equipment:
Payable from:
- General Revenue Fund ..................
- Tourism Promotion Fund .................

For Electronic Data Processing:
Payable From:
- General Revenue Fund ..................
- Tourism Promotion Fund .................
- Intra-Agency Services Fund .............

For Telecommunications Services:
Payable from:
- General Revenue Fund ..................
- Tourism Promotion Fund .................
- Intra-Agency Services Fund .............

For Operation of Automotive Equipment:
Payable from:
- General Revenue Fund ..................
- Tourism Promotion Fund .................
- Intra-Agency Services Fund .............

Total $12,456,000

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Tourism Promotion Fund to the Department of Commerce and Community Affairs:

TOURISM OFFICE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,056,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>42,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>109,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>80,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>176,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>423,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>90,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>14,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>569,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>19,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>23,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>35,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>100</td>
</tr>
<tr>
<td>For Statewide Tourism Promotion</td>
<td>6,972,700</td>
</tr>
<tr>
<td>For Illinois State Fair Ethnic Village Expenses</td>
<td>61,000</td>
</tr>
<tr>
<td>For Advertising and Promotion of Tourism throughout Illinois under subsection (2) of Section 4a of the Illinois Promotion Act</td>
<td>14,302,400</td>
</tr>
<tr>
<td>For Advertising and Promotion of Illinois Tourism in International Markets</td>
<td>4,123,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Events and other Promotional Efforts .......... $1,000,000
Total ................................................................  $29,100,700

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS

For Personal Services:
Payable from:
General Revenue Fund ......................... $ 847,200
Federal Industrial Services Fund .............. 799,900

For Employee Retirement Contributions
Paid by Employer:
General Revenue Fund ......................... 33,900
Federal Industrial Services Fund .............. 32,000

For State Contributions to State Employees' Retirement System:
Payable from:
General Revenue Fund ......................... 88,100
Federal Industrial Services Fund .............. 83,200

For State Contributions to Social Security:
Payable from:
General Revenue Fund ......................... 64,800
Federal Industrial Services Fund .............. 61,200

For Group Insurance:
Payable from:
Federal Industrial Services Fund .............. 151,200

For Contractual Services:
Payable from:
General Revenue Fund ......................... 82,300
Federal Industrial Services Fund .............. 274,800

For Travel:
Payable from:
General Revenue Fund ......................... 34,800
Federal Industrial Services Fund .............. 67,900

For Commodities:
Payable from:
General Revenue Fund ......................... 1,300
Federal Industrial Services Fund .............. 12,700

For Printing:
Payable from:
General Revenue Fund ......................... 800
Federal Industrial Services Fund .............. 20,000

For Equipment:
Payable from:
General Revenue Fund ......................... 7,000
Federal Industrial Services Fund .............. 237,000

For Telecommunications Services:
Payable from:
General Revenue Fund ......................... 16,200
Federal Industrial Services Fund .............. 30,000

For Operation of Automotive Equipment:
Payable from:
General Revenue Fund ......................... 1,000
Federal Industrial Services Fund .............. 9,500
Payable from Federal Industrial Services Fund:
For Other Expenses of the Occupational

New matter indicated by italics - deletions by strikeout.
Safety and Health Administrative Program ............................................. 451,000
Payable from the Tobacco Settlement Recovery Fund:
For Administration and Grant Expenses of the Marketing Technology Initiative ..................... 4,000,000
Payable from General Revenue Fund:
For Administration and Related Expenses of the Illinois Coalition .......... 260,000
For administration and grant expenses of the Job Training and Economic Development Grant Program Act of 1997, as amended, including prior year costs:
Payable from:
General Revenue Fund ............................................. 3,000,000
Total $10,667,800

Section 4a. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 4 of Public Act 91-706, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Community Affairs for administration and grant expenses of the Marketing Technology Initiative.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

BUSINESS DEVELOPMENT

For Personal Services:
Payable from:
General Revenue Fund................................. $ 2,945,200
Commerce and Community Assistance Fund.............. 842,800
For Employee Retirement Contributions Paid by Employer:
Payable from:
General Revenue Fund................................. 117,800
Commerce and Community Assistance Fund ...... 33,700
For State Contributions to State Employees’ Retirement System:
Payable from:
General Revenue Fund................................. 306,300
Commerce and Community Assistance Fund ...... 87,700
For State Contributions to Social Security:
Payable from:
General Revenue Fund................................. 225,300
Commerce and Community Assistance Fund ...... 64,500
For Group Insurance:
Payable from:
Commerce and Community Assistance Fund ...... 151,200
For Contractual Services:
Payable from:
General Revenue Fund................................. 467,400
Commerce and Community Assistance Fund ...... 236,800
For Travel:
Payable from:
General Revenue Fund................................. 142,300
Commerce and Community Assistance Fund ...... 76,000
For Commodities:

New matter indicated by italics - deletions by strikeout.
Payable from:
General Revenue Fund ................................. 18,200
Commerce and Community Assistance Fund ...... 14,800
For Printing:
Payable from:
General Revenue Fund ................................. 9,700
Commerce and Community Assistance Fund ...... 19,100
For Equipment:
Payable from:
General Revenue Fund ................................. 22,500
Commerce and Community Assistance Fund ...... 15,600
For Telecommunications Services:
Payable from:
General Revenue Fund ................................. 111,200
Commerce and Community Assistance Fund ...... 45,400
For Operation of Automotive Equipment:
Payable from:
General Revenue Fund ................................. 2,000
Payable from General Revenue Fund:
For Advertising and Promotion .................. 1,000,000
For Administrative and Related
Support for the First-Stop
Business Information Center
of Illinois ........................................ 680,000
For Transfer to the Illinois
Capital Revolving Loan Fund for the
Capital Access Program .......................... 1,250,000
For Administrative and Related
Expenses of the Illinois
Women's Business Ownership
Council .......................................... 25,000
Payable from Illinois Capital
Revolving Loan Fund:
For Administration and Related
Support Pursuant to Public
Act 84-0109, as amended ....................... 1,234,700
Payable from Economic Research and
Information Fund:
For Purposes Set Forth in
Section 605-20 of the Civil
Administrative Code of Illinois
(20 ILCS 605/605-20) ......................... 250,000
Total ........................................ $10,395,200

COAL DEVELOPMENT AND MARKETING

Section 6. The amount of $21,671,500, or so much thereof as may be necessary, is
appropriated from the Coal Technology Development Assistance Fund to the Department of
Commerce and Community Affairs for expenses under the provisions of the Illinois Coal
Technology Development Assistance Act, including prior years costs.

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

FILMS

Payable from Tourism Promotion Fund:
For Personal Services ......................... $ 425,400
For Employee Retirement Contributions
Paid by Employer .......................... 17,000

New matter indicated by italics - deletions by strikeout.
For State Contributions to State Employees' Retirement System ......................... 44,200
For State Contributions to Social Security ........................................ 32,500
For Group Insurance .............................................................. 67,200
For Contractual Services ......................................................... 166,900
For Travel ................................................................. 38,300
For Commodities ............................................................... 16,800
For Printing ................................................................. 29,400
For Equipment ............................................................... 7,300
For Electronic Data Processing ........................................ 10,000
For Telecommunications Services ........................................ 22,000
For Operation of Automotive Equipment ........................................ 5,100
Total .................................................................................. 882,100

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

ILLINOIS TRADE OFFICE

Payable from General Revenue Fund:
For Personal Services .................................................. $ 929,700
For Employee Retirement Contributions Paid by Employer .................... 37,200
For State Contributions to State Employees' Retirement System ........ 96,700
For State Contributions to Social Security .................................. 71,100
For Contractual Services .................................................. 1,400,000
For Travel ................................................................. 76,500
For Commodities ............................................................... 9,900
For Printing ................................................................. 24,000
For Equipment ............................................................... 21,000
For Telecommunications Services ........................................ 111,200
For Administrative and Related Expenses of the NAFTA Opportunity Centers .................. 210,500
For Operating Expenses for the Hong Kong Office .......................... 323,800
For Expenses Relating to the Illinois Export and Reverse Investment Promotion Program .................. 250,000
For Expenses Relating to Compliance with the Belgium Social Security System .......................................... 140,000
For all costs Associated with New and Expanding International Markets to Increase Export and Reverse Investment Opportunities for Illinois Business and Industries, Including Prior Year Costs .................. 1,935,000

Payable from the International and Promotional Fund:
For the Expenses of Producing Tourism Premiums and Promotional Materials and for Costs of International Business Program Development, Export Materials and Promotional Items as associated with Activities that give Rise to Revenues Deposited into the International and

New matter indicated by italics - deletions by strikeout.
Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:

COMMUNITY DEVELOPMENT

For Personal Services:
Payable from:
General Revenue Fund .......................... $ 1,434,600
Energy Administration Fund ..................... 218,000
Federal Moderate Rehabilitation
Housing Fund ........................................... 106,500
Low Income Home Energy
Assistance Block Grant Fund ...................... 1,238,700
Community Services Block Grant Fund ........... 650,100
Community Development/Small Cities
Block Grant Fund ....................................... 668,500

For Employee Retirement Contributions
Paid by Employer:
Payable from:
General Revenue Fund .......................... 57,400
Energy Administration Fund ..................... 8,700
Federal Moderate Rehabilitation
Housing Fund ........................................... 4,300
Low Income Home Energy
Assistance Block Grant Fund ...................... 49,600
Community Services Block Grant Fund ........... 26,000
Community Development/Small Cities
Block Grant Fund ....................................... 26,800

For State Contributions to State Employees’ Retirement System:
Payable from:
General Revenue Fund .......................... 149,200
Energy Administration Fund ..................... 22,700
Federal Moderate Rehabilitation
Housing Fund ........................................... 11,100
Low Income Home Energy
Assistance Block Grant Fund ...................... 128,800
Community Services Block Grant Fund ........... 67,600
Community Development/Small Cities
Block Grant Fund ....................................... 69,600

For State Contributions to Social Security:
Payable from:
General Revenue Fund .......................... 109,700
Energy Administration Fund ..................... 16,700
Federal Moderate Rehabilitation
Housing Fund ........................................... 8,100
Low Income Home Energy
Assistance Block Grant Fund ...................... 94,800
Community Services Block Grant Fund ........... 49,800
Community Development/Small Cities
Block Grant Fund ....................................... 51,200

For Group Insurance:
Payable from:
Energy Administration Fund ..................... 33,600
Federal Moderate Rehabilitation
Housing Fund ................................                                                                                            25,200
Low Income Home Energy Assistance Block Grant Fund ................................. 210,000
Community Services Block Grant Fund ............................................................. 100,800
Community Development/Small Cities Block Grant Fund .................................... 126,000

For Contractual Services:
Payable from:
General Revenue Fund .........................                                                                                141,800
Energy Administration Fund ...................                                                                                 42,900
Federal Moderate Rehabilitation Housing Fund .............................................. 5,900
Low Income Home Energy Assistance Block Grant Fund ................................. 230,600
Community Services Block Grant Fund ............................................................. 30,600
Community Development/Small Cities Block Grant Fund .................................... 21,200

For Travel:
Payable from:
General Revenue Fund .........................                                                                                  70,200
Energy Administration Fund ...................                                                                               40,100
Federal Moderate Rehabilitation Housing Fund .............................................. 5,300
Low Income Home Energy Assistance Block Grant Fund ................................. 117,400
Community Services Block Grant Fund ............................................................. 43,000
Community Development/Small Cities Block Grant Fund .................................... 47,900

For Commodities:
Payable from:
General Revenue Fund .........................                                                                                   6,300
Energy Administration Fund ...................                                                                                   2,000
Federal Moderate Rehabilitation Housing Fund .............................................. 1,700
Low Income Home Energy Assistance Block Grant Fund ................................. 8,100
Community Services Block Grant Fund ............................................................. 2,000
Community Development/Small Cities Block Grant Fund .................................... 4,600

For Printing:
Payable from:
General Revenue Fund .........................                                                                                   3,500
Federal Moderate Rehabilitation Housing Fund .............................................. 300
Low Income Home Energy Assistance Block Grant Fund ................................. 65,000
Community Services Block Grant Fund ............................................................. 1,000
Community Development/Small Cities Block Grant Fund .................................... 1,300

For Equipment:
Payable from:
General Revenue Fund .........................                                                                                  15,600
Energy Administration Fund ...................                                                                                   8,700
Federal Moderate Rehabilitation Housing Fund .............................................. 6,000

New matter indicated by italics - deletions by strikeout.
Low Income Home Energy
    Assistance Block Grant Fund ............... 20,000
Community Services Block Grant Fund ........ 12,500
Community Development/Small Cities Block Grant Fund ......................... 13,500
For Telecommunications Services:
    Payable from:
    General Revenue Fund ....................... 46,400
    Energy Administration Fund ................ 6,100
    Federal Moderate Rehabilitation Housing Fund ............................. 4,700
Low Income Home Energy Assistance Block Grant Fund ....................... 36,000
Community Services Block Grant Fund .......... 11,500
Community Development/Small Cities Block Grant Fund ....................... 15,000
For Operation of Automotive Equipment:
    Payable from:
    General Revenue Fund ....................... 3,900
    Energy Administration Fund ................ 1,000
    Federal Moderate Rehabilitation Housing Fund ............................. 500
Low Income Home Energy Assistance Block Grant Fund ....................... 2,900
Community Services Block Grant Fund .......... 1,300
Community Development/Small Cities Block Grant Fund ....................... 1,100
Payable from Low Income Home Energy Assistance Block Grant Fund:
    For Expenses Related to the Development and Maintenance of the LIHEAP System ...................... 1,000,000
Payable from Energy Administration Fund:
    For Administrative and Grant Expenses Relating to Training, Technical Assistance, and Administration of the Weatherization Programs ............................. 250,000
Payable from Rural Diversification Revolving Fund:
    For Administrative, Grant, and Loan Expenses relating to the Rural Diversification Program .................. 300,000
Payable from Community Development/Small Cities Block Grant Fund:
    For Administrative and Grant Expenses Relating to Training, Technical Assistance, and Administration of the Community Development Assistance Programs ............................. 2,000,000
Payable from the General Revenue Fund:
    Administration and Grant Expenses for the Mainstreet Program ............. 1,046,300
    For Administrative and Grant Expenses Relating to Research, Planning, Technical Assistance, Technological Assistance and

New matter indicated by italics - deletions by strikeout.
Other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes .......... 750,000
Total                                                                12,209,800

Section 9a. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 9 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for Administrative, and grant expenses relating to research, planning, technical assistance, Technological Assistance, and other Financial Assistance to Assist Businesses, Communities, Regions and Other Economic Development Purposes.

RECYCLING AND WASTE MANAGEMENT

Section 10. The sum of $9,200,000, or as much thereof as may be necessary, is appropriated from the Solid Waste Management Fund to the Department of Commerce and Community Affairs for financial assistance for recycling and reuse in accordance with Section 22.15 of the Environmental Protection Act, the Illinois Solid Waste Management Act and the Solid Waste Planning and Recycling Act, including prior year costs.

Section 11. The amount of $75,000, or so much thereof as may be necessary, is appropriated from the Solid Waste Management Fund to the Department of Commerce and Community Affairs for deposit in the Keep Illinois Beautiful Fund.

Section 12. The sum of $4,773,100, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Department of Commerce and Community Affairs for the purposes as provided for in Section 55.6 of the Environmental Protection Act, including prior year costs.

Section 13. The amount of $1,335,000, or so much thereof as may be necessary, is appropriated from the Solid Waste Management Revolving Loan Fund to the Department of Commerce and Community Affairs for solid waste loans.

GENERAL ADMINISTRATION

Section 14. The sum of $10,765,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the State's Share of State's Attorneys' and Assistant State's Attorneys' salaries, including prior year costs.

Section 15. The sum of $663,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the annual stipend for sheriffs as provided in subsection (d) of Section 4-6003 and Section 4-8002 of the Counties Code.

TOURISM

Section 16. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs for the Tourism Matching Grant Program pursuant to 20 ILCS 665/8-1:
Payable from the Tourism Promotion Fund:
Tourism Grants -
For Counties under 1,000,000 ............... 1,094,000
For Counties over 1,000,000 ............... 656,000
Total                                      1,750,000

Section 17. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Community Affairs:
Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus--
Chicago Convention and Tourism Bureau ...... 2,510,200
Chicago Tourism Council .................... 2,183,600
Balance of State ........................... 9,389,400
For Grants, Contracts and

New matter indicated by italics - deletions by strikeout.
Administrative Expenses
Pursuant to 20 ILCS 605/605-705,
Including Prior Year Costs................. 287,400
Total                                  $14,370,600

Section 18. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs for Grants and Loans pursuant to 20 ILCS 665/8a:
Payable from the Tourism Promotion Fund ....... $ 5,750,000
Payable from the Tourism Attraction Development Matching Grant Fund ................. 100,000
Total                                        $5,850,000

Section 19. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Tourism Promotion Fund for purposes pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to match funds from sources in the private sector.

Section 20. The amount of $720,000, or so much thereof as may be necessary, is appropriated from the Tourism Promotion Fund to the Department of Commerce and Community Affairs for grants to Regional Tourism Development Organizations.

Section 21. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, for reappropriations heretofore made for such purpose in Article 75, Section 22 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the National Vietnam Veterans Art Museum.

Section 22. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Grape and Wine Resource Fund to the Department of Commerce and Community Affairs for a grant to the Grape and Wine Resources Council for operational expenses, pursuant to 235 ILCS 5/12-4.

Section 23. The amount of $11,000,000, or so much thereof as may be necessary, is appropriated from the International Tourism Fund to the Department of Commerce and Community Affairs for grants, contracts and administrative expenses pursuant to 20 ILCS 605/605-707, including prior year costs.

Section 24. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the International Tourism Fund to the Department of Commerce and Community Affairs for a grant for the Abraham Lincoln Presidential Library and Museum.

Section 25. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 27 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a study of the Convention and Sports Arena in Joliet.

TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS
GRANTS-IN-AID

Section 26. The following named amount of $317,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for providing labor management grants and resources.

Section 27. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology.

Section 28. The amount of $25,719,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for Industrial Development Grants to supplement training programs to provide on-the-job training demonstration projects and for training grants to assist dislocated manufacturing workers and farmers and for Industrial Development Grants to supplement training programs to provide on-the-job training demonstration projects including prior year costs.

New matter indicated by italics - deletions by strikeout.
Section 29. The amount of $8,191,600, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the General Revenue Fund for technology related grants, loans, investments, and administrative expenses pursuant to the Technology Advancement and Development Act, including prior year costs.

Section 29.1. The amount of $1,078,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Manufacturing Center for the Manufacturing Extension Program.

Section 30. The following named amount of $575,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Technology Innovation and Commercialization Fund for making grants pursuant to 20 ILCS 605/605-365, including prior year costs.

Section 31. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the General Revenue Fund for grants for administrative expenses associated with School to Work Transition Programs.

Section 32. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the General Revenue Fund for grants pursuant to 30 ILCS 780 including prior year costs.

Section 33. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs for grants and administrative expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue Fund</td>
<td>$500,000</td>
</tr>
<tr>
<td>Tobacco Settlement Recovery Fund</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

Section 33a. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 34 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants and administrative expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs.

Section 34. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purpose in Article 75, Section 34 of Public Act 91-706, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Community Affairs for grants and administrative expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs.

Section 35. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the Rare Isotope Accelerator.

Section 36. The amount of $34,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1262 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the DuPage Airport Authority for planning, design and access infrastructure related to the hi-tech business campus.

Section 37. The amount of $6,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 36 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 38. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Workforce, Technology, and Economic Development Fund to the Department of Commerce and Community Affairs for grants, contracts and administrative expenses pursuant to 20 ILCS 605/605-420, including prior years costs.

New matter indicated by italics - deletions by strikeout.
Section 39. The amount of $6,655,400, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the New Technology Recovery Fund for purposes of technology related grants, loans, investments, and administrative expenses pursuant to the Technology Advancement and Development Act, including prior year costs.

Section 40. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Illinois Equity Fund for the purpose of grants, loans, and investments in accordance with the provisions of Public Act 84-0109, as amended.

BUSINESS DEVELOPMENT
GRANTS-IN-AID

Section 41. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs for grants for Small Business Development Centers, including prior year costs:

Payable from General Revenue Fund ............ $ 2,612,000
Payable from Commerce and Community Assistance Fund .................. 1,800,000
Total ........................................ $4,412,000

Section 42. The amount of $13,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Illinois Capital Revolving Loan Fund for the purpose of grants, loans, and investments in accordance with the provisions of Public Act 84-0109, as amended.

Section 43. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Large Business Attraction Fund for the purpose of grants, loans, investments, and administrative expenses in accordance with Article 10 of the Build Illinois Act.

Section 44. The following named amount of $402,100, or so much thereof as may be necessary, and allowable using funds from the U.S. Department of Defense or from earned revenue, is appropriated to the Department of Commerce and Community Affairs from the Urban Planning Assistance Fund, for the U.S. Department of Defense Procurement Assistance Program, including prior year costs.

Section 45. The following named amount of $4,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Commerce and Community Assistance Fund for administration and grant expenses relating to Small Business Development Management and Technical Assistance, Labor Management Programs for New and Expanding Businesses, and economic and technological assistance to Illinois communities and units of local government, including prior year costs.

Section 46. The following named amount of $545,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of providing grants to existing procurement centers to expand participation in the government contracting process and to increase the opportunities for purchasing outsourcing among Illinois suppliers.

Section 47. The amount of $1,008,300, or so much thereof as may be necessary, is appropriated from the Small Business Environmental Assistance Fund to the Department of Commerce and Community Affairs for expenses of the Small Business Environmental Assistance Program.

Section 48. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the Commerce and Community Assistance Fund to the Department of Commerce and Community Affairs for administration and grant expenses of the National Institute of Standards and Technology and State Technology Extension Program, including prior year costs.

Section 49. The amount of $20,015,200, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Public Infrastructure Construction Loan Revolving Fund for the purpose of grants, loans, investments, and administrative expenses in accordance with Article 8 of the Build Illinois Act.

Section 50. The sum of $10,000, or so much thereof as may be necessary and as remains
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 49 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Village of Smithboro for expenses related to economic development programs.

Section 51. The amount of $2,500,000, new appropriation, is appropriated, and the amount of $3,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 75, Section 50 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the "TRUE GRID I-WIRE" Program.

COAL DEVELOPMENT AND MARKETING

GRANTS-IN-AID

Section 52. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Institute of Natural Resources Special Projects Fund to the Department of Commerce and Community Affairs for the purpose of disbursing federal grant funds for coal related projects, including coal desulfurization research and development, including prior year costs.

Section 53. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Coal Development Fund for the Coal Demonstration Program.

Section 54. The amounts of $22,000,000 and $1,551,947, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation and reappropriation heretofore made in Article 75, Section 54 of Public Act 91-706, as amended, are reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for the purpose of providing partial funds for planning, design, engineering and testing, and construction of a low emissions boiler system for Illinois high-sulfur coals.

No contract shall be entered into or obligation incurred for any expenditure from appropriations made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 55. The amount of $3,500,000, and the amount of $3,050,000, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation and reappropriation heretofore made in Article 75, Section 55 of Public Act 91-706, as amended, are reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for the purpose of providing a grant to the City of Springfield for the planning, design, engineering, testing, construction and other associated costs for a scrubber to reduce sulphur dioxide and other emissions.

No contract shall be entered into or obligation incurred for any expenditure from appropriations made in this Section of this Article until after the purpose and amounts have been approved in writing by the Governor.

COMMUNITY DEVELOPMENT

GRANTS-IN-AID

Section 56. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes named, are appropriated to the Department of Commerce and Community Affairs:

Payable from Federal Moderate Rehabilitation Housing Fund:
- For housing assistance payments including Reimbursement of prior year costs .......................... $ 4,000,000

Payable from Energy Administration Fund:
- For Grants to and Technical Assistance Services for Nonprofit Community Organizations Including Reimbursement for costs in prior years ....................... 17,500,000

Total .......................... $21,500,000

New matter indicated by italics - deletions by strikeout.
Section 57. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the General Revenue Fund for grants, contracts, and administrative expenses associated with the Illinois Tomorrow Program, including prior year costs.

Section 58. The amount of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 75, Section 1255 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the city of Freeport to rehabilitate and reconstruct Freeport Municipal Library.

Section 59. The amount of $1,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 75, Section 1256 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the city of Galena for sewer system improvements.

Section 60. The sum of $2,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 57 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for all costs associated with the construction of Vision Home.

Section 61. The sum of $21,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 1267 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Cook County Forest Preserve for infrastructure improvements.

Section 62. The sum of $375,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 58 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Savanna to provide infrastructure for a lodge to be constructed adjacent to Mississippi Palisades State Park.

Section 63. The amounts of $2,980,000, and $4,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purpose in Article 75, Section 59 and Section 77, respectively, of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations, not-for-profit corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

Section 64. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 75, Section 60 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations and units of local government.

Section 65. The amount of $200,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Low Income Home Energy Assistance Block Grant Fund for grants to eligible recipients under the Low Income Home Energy Assistance Act of 1981, including reimbursement for costs in prior years.

Section 66. The amount of $90,089,800, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Supplemental Low-Income Energy Assistance Fund for grants and administrative expenses pursuant to Section 13 of the Energy Assistance Act of 1989, as amended, including prior year costs.

Section 67. The following named amount of $160,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Community Development/Small Cities Block Grant Fund for grants to local units of
government or other eligible recipients as defined in the Community Development Amendments of 1981 for Illinois cities with populations under 50,000, including reimbursement for costs in prior years.

Section 68. The following named amount of $45,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Community Services Block Grant Fund for grants to eligible recipients as defined in the Community Services Block Grant Act, including reimbursement for costs in prior years.

No more than 15% of the funds allocated to Community Action Agencies and other local recipients under the Community Services Block Grant, may be required by the Department to be utilized to implement programs established by the Department.

Section 69. The following named amount of $173,200, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001 from reappropriations heretofore made in Article 75, Section 65 of Public Act 91-706, as amended, is reappropriated from the Illinois Civic Center Bond Fund to the Department of Commerce and Community Affairs for the payment of grants on projects certified under the Metropolitan Civic Center Support Act for construction of civic centers.

Section 70. The amount of $160,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Commerce and Community Affairs for the ordinary and contingent expenses of the Rural Affairs Institute at Western Illinois University.

Section 71. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Energy Assistance Contribution Fund to the Department of Commerce and Community Affairs for the administration and grant expenses for energy assistance programs, including prior year costs.

Section 72. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to WTTW-TV in Chicago for digitalization infrastructure.

Section 72a. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 71 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to WTTW-TV in Chicago for digitalization infrastructure.

Section 73. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to WTVP-TV in Peoria for digitalization infrastructure.

Section 73a. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 73 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to WMEC-WQEC-WSEC in Macomb-Quincy-Jacksonville-Springfield for digitalization infrastructure.

Section 74. The sum of $814,444, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to WMEC-WQEC-WSEC in Macomb-Quincy-Jacksonville-Springfield for digitalization infrastructure.

Section 75. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations, for not-for-profit corporations, or local governments linked to the development of job creation projects that would increase economic development in economically depressed areas within the state.

Section 76. The following named amounts, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 78 of Public Act 91-706, as amended, are reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for grants to the following:
Illinois Hispanic Scholarship Fund  
for General Operations and Freshman  
Educational Programs $30,000  
Humboldt Park Youth Development Program  
for General Operations and Educational  
Programs 20,000  
Old Wicker Park Community Council for  
General Operations and Community  
Services 15,000  
Association House of Chicago for Direct  
Support for Programs at Humboldt  
Elementary School and Related Community  
Programs at the School 15,000  
Total 80,000

Section 77. The sum of $150,000, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 81 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of a grant to the Westside Association for community action projects.

Section 78. The sum of $296,307, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 82 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of various improvements for local governments and educational facilities.

Section 79. The sum of $50,000, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 85 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of a grant to the Village of St. Joseph for a park area upgrade.

Section 80. The sum of $25,000, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 91 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of a grant to the Village of Harwood Heights for the purchase of equipment and  
infrastructure improvements.

Section 81. The sum of $50,000, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 92 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of a grant to the City of Chicago for a median landscaping planter on Halsted Avenue  
between 103rd Street and 107th Street.

Section 82. The sum of $18,000, or so much thereof as may be necessary and as remains  
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for  
such purpose in Article 75, Section 101 of Public Act 91-706, as amended, is reappropriated from  
the General Revenue Fund to the Department of Commerce and Community Affairs for the  
purpose of a grant to Prairie State Community College for capital improvements and the  
installation of lights at the recreation area.

ENERGY CONSERVATION  
GRANTS-IN-AID

Section 83. The following named amounts, or so much thereof as may be necessary,  
are appropriated to the Department of Commerce and Community Affairs for expenses and grants  
connected with Energy Programs, including prior year costs:  
Payable from Institute of Natural  
Resources Federal Projects  
Grant Fund $2,002,200

New matter indicated by italics - deletions by strikeout.
Section 84. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the General Revenue Fund for grants, contracts, and administrative expenses associated with an Alternative Fuels Program, including prior year costs.

Section 85. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Community Affairs for expenses and grants connected with the State Energy Program, including prior year costs:

Payable from:
Federal Energy Fund ........................................ $ 3,439,700

Section 86. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Renewable Energy Resources Trust Fund for grants, loans, investments and administrative expenses of the Renewable Energy Resources Program, including prior year costs.

Section 87. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Energy Efficiency Trust Fund for grants and administrative expenses relating to projects that promote energy efficiency, including prior year costs.

Section 88. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Alternative Fuels Fund to the Department of Commerce and Community Affairs for administration and grant expenses of the Ethanol Fuel Research Program, including prior year costs.

RECYCLING AND WASTE MANAGEMENT

Section 89. The amount of $75,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Keep Illinois Beautiful Fund for grants to approved communities.

DEBT SERVICE

Section 90. The following named amount of $14,418,700, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Department of Commerce and Community Affairs for the payment of principal and interest and premium, if any, on Limited Obligation Revenue Bonds issued pursuant to the Metropolitan Civic Center Support Act.

COAL DEVELOPMENT AND MARKETING - PERMANENT IMPROVEMENTS

Section 91. The amount of $41,695, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from appropriations and reappropriations heretofore made in Article 75, Section 108 of Public Act 91-706, as amended, is reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for capital development of coal resources.

No contract shall be entered into or obligation incurred from any expenditures from appropriations made in Section 108 of this Article until after the purposes and amounts have been approved in writing by the Governor.

ENERGY CONSERVATION - PERMANENT IMPROVEMENTS

Section 92. The amount of $7,039,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001 from appropriations and reappropriations heretofore made in Article 75, Section 109 of Public Act 91-706, as amended, is reappropriated from the Coal Development Fund to the Department of Commerce and Community Affairs for the development of other forms of energy.

No contract shall be entered into or obligation incurred for any expenditures from appropriations made in Section 109 of this Article until after the purposes and amounts have been approved in writing by the Governor.

REFUNDS

Section 93. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Department of Commerce and Community Affairs:

For refunds to the Federal Government and other refunds:

Payable from Urban Planning Assistance Fund $ 50,000
Payable from Commerce and Community Assistance Fund 50,000
Payable from Federal Industrial Services Fund 50,000
Payable from Energy Administration Tuition Fund 300,000
Payable from Federal Moderate Rehabilitation Housing Fund 500,000
Payable from Low Income Home Energy Assistance Block Grant Fund 600,000
Payable from Community Services Block Grant Fund 170,000
Payable from Community Development/ Small Cities Block Grant Fund 300,000
Payable from the International and Promotional Fund 50,000

Total $2,070,000

Section 94. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 112 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Arlington Heights for land acquisition.

Section 95. The sum of $229,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 115 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Lemont for land acquisition and improvements.

Section 96. The sum of $62,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 117 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Piper City for a new community building.

Section 97. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 119 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Leyden Township for firehouse/civic center land acquisition/development.

Section 98. The sum of $342,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 120 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Champaign Park District to renovate the Virginia Theater.

Section 99. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 75, Section 130 of Public Act 91-706, as amended, is reappropriated from
the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hecker for the purpose of infrastructure improvements.

Section 101. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 131 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hoyleton for the purpose of infrastructure improvements.

Section 102. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 134 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Addieville for the purpose of infrastructure improvements.

Section 103. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 138 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to Rialto Theater for all costs associated with general repairs and maintenance.

Section 104. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 144 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the City of LaSalle for the purpose of all costs associated with the construction of a new library.

Section 105. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 146 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Mendota for the purpose of all costs associated with the industrial park development.

Section 107. The amount of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 157 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Sullivan for the purpose of all costs to upgrade the city pool, and renovate the Civic Center.

Section 111. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 196 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Moline for all costs associated with construction and improving the Library/Learning Center.

Section 112. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 215 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at Jackie Robinson Park.

Section 113. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 219 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Village of Simpson for the purpose of infrastructure improvements.

Section 114. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 221 of Public Act 91-706, as amended, is reappropriated from the
Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Carrier Mills for the purpose of infrastructure improvements.

Section 115. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 227 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Thebes for construction of a new fire building and infrastructure improvements.

Section 116. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 229 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Williamson County for infrastructure improvements and/or equipment purchases in the Village of Crab Orchard.

Section 119. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 236 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Mill Creek for the purpose of infrastructure improvements.

Section 120. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 238 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Alexander County for infrastructure improvements in the Village of Olive Branch.

Section 121. The amount of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 243 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Hardin County Sheriff's Department for the purpose of jail repair and equipment.

Section 122. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 244 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to the following organization:

Southern Illinois Cancer Survivors
for assistance to cancer patients 2,000

Section 124. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 249 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to Wicker Park Chamber of Commerce for all costs associated with business programs.

Section 127. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 253 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the South Lake View Neighbors.

Section 131. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 270 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Montrose-Irving Chamber of Commerce for all costs associated with Business Programs.

Section 132. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 272 of Public Act 91-706, as amended, is reappropriated from the Fund for
Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the West DePaul Neighbors.

Section 134. The amount of $37,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 285 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Worth for all costs associated with a recreation complex and ball fields.

Section 135. The amount of $210,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 290 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Palos Heights for:

Renovate and/or new construction for

the Palos Heights Recreation Center ................... $210,000

Section 137. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 293 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Midlothian for all costs associated with constructing or repairing a water tower.

Section 139. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 324 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Olympia Fields Park District for the purpose of new land acquisition and construction of a building at Iron Oaks Park.

Section 140. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 325 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Sauk Village for all costs associated with field improvements.

Section 142. The amount of $62,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 354 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glenwood for the purpose of constructing a new field house and baseball diamond.

Section 143. The amount of $115,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 355 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Lansing Old Timers Sports Complex for the purpose of constructing a concession stand.

Section 144. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 358 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Public Building Commission for the purpose of all costs associated with the construction of a community center in Rogers Park.

Section 145. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 360 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Evanston for all costs associated with the planning and construction of recreational facilities.

Section 147. The amount of $50,000, or so much thereof as may be necessary and remains

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 392 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the New City YMCA for the purpose of all costs associated with building expansion.

Section 148. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 403 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Greater Rockwell Organization for member services and community visibility.

Section 150. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 409 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Old Wicker Park Committee.

Section 156. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 483 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Lake Forest for all costs associated with renovation, repair, and remodeling of senior housing.

Section 157. The amount of $37,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 489 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Green Oaks for the purpose of safety improvements.

Section 158. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 489 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Beverly Area Planning Association for all costs associated with housing and weatherization projects.

New matter indicated by italics - deletions by strikeout.
Section 161. The amount of $252,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 507 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Johnston County for the purpose of all costs associated with infrastructure improvements.

Section 162. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 519 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Rogers Park Community Development Corporation for the purpose of operational expenses, salaries, office equipment, and the purchase and installation of a telephone system and network computer system.

Section 163. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 523 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Benton for the purpose of infrastructure improvements and equipment.

Section 164. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 524 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the 79th Street Business Association for all costs associated with development and implementation of programs to promote commerce.

Section 165. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 527 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Fulton County for the purpose of restoration of the Courthouse's 100 year old clocktower.

Section 166. The amount of $12,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 534 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Bull Valley for the purpose of the renovation of Stickney House and for equipment purchases.

Section 167. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 542 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to McHenry County for all costs associated with constructing a children's waiting room in the courthouse.

Section 168. The amount of $21,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 556 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Richmond for the purpose of remodeling and renovating Memorial Hall.

Section 169. The amount of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 561 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to East St. Louis Township for the purpose of all costs associated with rehabilitation and renovation for old buildings.

Section 171. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore
made in Article 75, Section 563 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Little Village Chamber of Commerce for the purpose of all costs associated with business initiatives promotion.

Section 173. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 585 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Bartelso for the purpose of sidewalk improvements and construction.

Section 174. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 601 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Millstadt Union Fire Company.

Section 175. The amount of $212,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 618 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Pana for the purpose of all costs associated with infrastructure improvements.

Section 176. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 628 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Midland Fire Protection District for the purpose of all costs associated with a firehouse.

Section 177. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 631 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Chicago Ridge Park District for the purpose of all costs associated with repairs to public swimming pool.

Section 178. The amount of $1,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 631 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Lathrop Resident Management Corporation for all costs associated with Lathrop Safe Summer Fun Day.

Section 179. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 632 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Dolton Park District for all costs associated with playground equipment for the Dolton Park District.

Section 180. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 635 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Dolton Park District for the purpose of a matching grant for a bicycle path for Dolton Park District.

Section 181. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 635 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Meyering Park District for the purpose of facilities improvements.

Section 182. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 641 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to
North Pullman Development Association for all costs associated with a feasibility study.

Section 183. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 644 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Vandalia for the purpose of infrastructure improvements and capital projects.

Section 184. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 645 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Steger for the purpose of infrastructure improvements.

Section 187. The amount of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 663 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Little Village YMCA of Pilsen for all costs associated with construction of a new building.

Section 188. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 671 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the South Central Mass Transit for all costs associated with land acquisition and building construction.

Section 189. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 675 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Carlyle for all costs associated with infrastructure improvements and capital projects.

Section 190. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 677 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the following organization:

Huey Ferrin Shattec Volunteer Fire Department for equipment purchase 25,000

Section 191. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 689 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to McHenry County Housing Authority for the purpose of an emergency shelter.

Section 192. The amount of $3,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 690 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Harvard for the purpose of constructing a library.

Section 193. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 707 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Ullin for the purpose of sidewalks and infrastructure improvements.

Section 196. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 785 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the National Polish Alliance.

Section 198. The amount of $50,000, or so much thereof as may be necessary and remains

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 821 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Cornerstone for the purpose of purchasing, and/or installing a plumbing and sprinkler system.

Section 199. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 831 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Northeastern University for a grant to the North Avondale Neighbors Association.

Section 200. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 838 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Mounds for building renovation, equipment, furniture, and miscellaneous purchases.

Section 201. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 850 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the T.L. Foundation.

Section 202. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 852 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Coffeen for infrastructure improvements.

Section 203. The amount of $1,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 889 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to National Family Partnership of Deerfield.

Section 204. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 913 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Randolph County 708 Board.

Section 208. The amount of $350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 960 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for all costs associated with West Chatham Park expansion.

Section 209. The amount of $12,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 961 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for marketing, advertising, and other promotional efforts.

Section 210. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 966 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Coffeen for infrastructure improvements.

Section 211. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 977 of Public Aid 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Concordia University for all costs associated with the track/stadium project.

Section 212. The sum of $100,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 978 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Grayslake Park District for all costs associated with the Central Park soccer/football field facility.

Section 213. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 979 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the DuPage County Board for all costs associated with the architectural design for the DuPage County Courthouse.

Section 214. The sum of $2,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 980 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the DuPage County Board for all costs associated with the expansion of the Sheriff's Administration Building in DuPage County.

Section 215. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 981 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the DuPage County Board for all costs associated with the completion of the DuPage Veterans' Memorial.

Section 216. The sum of $12,844,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 988 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

Section 217. The sum of $7,958,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 989 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 219. The sum of $2,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1004 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Indo-American Center for the purpose of promoting relations within the community.

Section 220. The sum of $250,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1005 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of East St. Louis to develop a five year plan.

Section 221. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1017 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the West Town Leadership Project.

Section 222. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1057 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village
of Broadview for community development projects.

Section 224. The sum of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1079 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Jewish Community Council for economic development.

Section 225. The sum of $120,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1141 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Jewish Activities Association of St. Clair County to purchase and renovate the senior center.

Section 226. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1150 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Jewish Activities Association of St. Clair County to purchase and renovate the senior center.

Section 227. The sum of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1154 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Department of Human Services for the Community Mental Health Council for training on violence prevention.

Section 228. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1150 of Public Act 91-706, as amended, is reappropriated from the Department of Commerce and Community Affairs for a grant to the City of Joliet for continuation of historical lighting projects in CAPA and St. Pat's neighborhoods.

Section 229. The sum of $110,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1151 of Public Act 91-706, as amended, is reappropriated from the Department of Commerce and Community Affairs for a grant to the City of East St. Louis for the rehabilitation of the fire station at 18th and Broadway and the purchase of a fire truck.

Section 230. The sum of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1154 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the College of Lake County for construction of an indoor sports facility.

Section 231. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1165 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for facilities improvements at Murray Park.

Section 232. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1171 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of East St. Louis for the rehabilitation of the fire station at 18th and Broadway and the purchase of a fire truck.

Section 233. The sum of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 75, Section 1173 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for facilities improvements at Murray Park.

New matter indicated by italics - deletions by strikeout.
grant to the Chicago Park District for facilities' improvements at West Chatham Park.

Section 234. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1174 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for all costs associated with the acquisition and development of property to expand Auburn Park.

Section 235. The sum of $590,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1175 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for all costs associated with the acquisition, design, development, and construction of a new park and park enhancements at 79th and Ada.

Section 236. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1176 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Chicago Park District for a running track.

Section 237. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1177 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Spring Garden Township for construction of a water distribution system.

Section 238. The sum of $425,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1179 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Boys & Girls Club of Greater Peoria, Inc. for capital improvements.

Section 239. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1180 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Village of Dolton for construction of a swimming pool, recreation center building and equipment.

Section 240. The sum of $38,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1181 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the Cook County Forest Preserve for capital improvements at LaBagh Woods.

Section 241. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1183 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for costs associated with pool reconstruction at Hegler Park in the City of LaSalle.

Section 242. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1184 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for costs associated with reconstruction of downtown street, curb and gutter replacement in the City of Streator.

Section 243. The sum of $4,740,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1204 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to various community, civic, not-for-profit and business development organizations.

New matter indicated by italics - deletions by strikeout.
Section 244. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1205 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Community Youth Organization for funding for after school programs.

Section 245. The sum of $1,943,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1206 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to various units of local government, not-for-profit organizations, and educational facilities.

Section 246. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1207 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles for senior citizen services, and for all costs associated with economic development programs, educational training and programs, public health programs and public safety programs.

Section 247. The sum of $340,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1208 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, supplies and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 248. The sum of $2,374,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1209 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for municipal, recreational, educational, and public safety infrastructure improvements and other expenses, including but not limited to training, planning, construction, reconstruction, renovation, utilities, and equipment, and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 249. The sum of $741,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1210 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including, but not limited to salaries, miscellaneous operational expenses, program expenses, and material and printing costs, and planning, construction, reconstruction, renovation, utilities and equipment.

Section 250. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1213 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Southland Chamber of Commerce.

Section 251. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1214 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs to provide grants for urban assistance in distressed communities.

Section 252. The sum of $9,776,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1215 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Community Youth Organization for funding for after school programs.

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1216 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities for all costs associated with infrastructure improvements.

Section 253. The sum of $7,288,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 1217 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units and educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 254. The sum of $3,015,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1220 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 255. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1224 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to local governments for infrastructure improvements.

Section 256. The sum of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from re appropriations heretofore made for such purposes in Article 75, Section 1227 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to the Little Village Chamber of Commerce.

Section 257. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1229 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Hoyne Park.

Section 258. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1230 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to Hoyne Park.

Section 259. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1231 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the 47th Street Chamber of Commerce.

Section 260. The sum of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 75, Section 1233 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Lakeview Alternative High School.

Section 261. The amount of $56,377,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1241 of Public Act 91-706, as amended, is reappropriated from...
the Fund for Illinois' Future to the Department of Commerce and Community Affairs for the administrative costs associated with the Department's facilitation of infrastructure improvements, or for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 262. The amount of $29,902,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1242 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 263. The amount of $53,963,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1246 of Public Act 91-706, as amended is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 264. The amount of $30,757,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1247 of Public Act 91-706, as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 265. The amount of $14,408,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1257 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 266. The sum of $22,700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1259 of Public Act 91-706, as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government, and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 267. The sum of $63,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1260 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to planning, construction, reconstruction, equipment, utilities, vehicles and all costs associated with economic development, community programs, educational programs, public health, and public safety.

Section 268. The amount of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1263 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for expenses and infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

New matter indicated by italics - deletions by strikeout.
Section 269. The amount of $17,356,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1264 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 270. The amount of $17,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1265 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include, but are not limited to, one-time operating assistance, construction, rehabilitation, equipment purchases, and any other necessary costs.

Section 271. The amount of $9,850,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1266 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for all costs associated with various construction and/or rehabilitation projects, and equipment purchases for various units of local government, educational facilities and other eligible entities.

Section 272. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1270 of Public Act 91-706, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Illinois Youth Advocate Program.

Section 273. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1271 of Public Act 91-706, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Tri-City Girls' Softball League.

Section 274. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1272 of Public Act 91-706, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Pastors Network of Illinois.

Section 275. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1273 of Public Act 91-706, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Valley Kingdom Ministries International.

Section 276. The amount of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1274 of Public Act 91-706, as amended, is reappropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Village of Dolton for various improvements.

Section 277. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 152 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to O'Hare Airport for all costs associated with the O'Hare Security Project.

Section 278. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 524 of Public Act 91-706, approved on May 17, 2000, as amended, is

New matter indicated by italics - deletions by strikeout.
reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the 79th Street Business Association for all costs associated with development and implementation of programs to promote commerce.

Section 279. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 74, Section 1213 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a one-time grant to the Southland Chamber of Commerce.

Section 280. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 21 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Museum of Contemporary Art.

Section 281. The amount of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 35 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Roosevelt University for the Learning for Earning Program.

Section 282. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1235 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Chicago State University for an economic development marketing study to determine the feasibility of providing distance learning activities to residents of Chicago's West side.

Section 283. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1236 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to Third World Press.

Section 284. The amount of $2,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 75, Section 1268 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Dupage County Office of the Sheriff for all costs associated with the crime laboratory expansion project.

Section 285. The amount of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to DePaul University for the expansion of the "Bridging the Digital Divide" project to deliver high-tech education, training, and re-training to members of underrepresented groups.

Section 286. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the City Colleges of Chicago for all costs associated with technology improvements, including, but not limited to the purchase of equipment, software and administration.

Section 287. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the City of Chicago for the Jobs for Summer Youth Program.

Section 288. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Illinois Health and Physical Fitness Foundation for the State Games of America.

Section 289. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Illinois Health and Physical Fitness Foundation for the Prairie State Games.

Section 290. The sum of $250,000, or so much thereof as may be necessary, is appropriated

New matter indicated by italics - deletions by strikeout.
from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Lincoln Foundation for Business Excellence to administer the Lincoln Awards for Excellence Program.

Section 291. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Northeastern Illinois Planning Commission for projects designed to assist with regional planning issues.

Section 292. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the Northeast DuPage Special Recreation Association.

Section 293. The sum of $869,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for a grant to the YouthBuild Coalition.

Section 294. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 421 of P.A. 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Maywood Boys and Girls Club for second floor improvements and/or the installation of a fence and building sign.

Section 295. The amount of $18,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 541 of P.A. 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to McHenry County for the purpose of purchasing a six-wheel police vehicle, and other equipment.

Section 296. The amount of $70,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 945 of Public Act 91-706, as amended, is reappropriated from Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the City of Sparta for the purpose of improvements at the fire department, senior center, and upgrading the Public Library parking lot.

Section 297. The amount of $70,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 75, Section 945 of Public Act 91-706, as amended, is reappropriated from Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Amy B. Jones Foundation.

Section 298. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Springfield for bondable infrastructure expenses associated with the Old Capitol Plaza and related improvements.

Section 299. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the annual stipend to County Coroners pursuant to 55 ILCS 5/4-6002.

ARTICLE 36

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections.

FOR OPERATIONS
GENERAL OFFICE

For Personal Services ........................................ $ 19,894,500
For Employee Retirement Contributions
  Paid by Employer ........................................ 1,057,900
For State Contributions to State
  Employees' Retirement System ....................... 1,996,400
For State Contributions to
  Social Security ......................................... 1,521,200

New matter indicated by italics - deletions by strikeout.
For Contractual Services ..................... 10,775,200
For Travel ................................... 595,000
For Commodities .............................. 711,400
For Printing ................................. 143,400
For Equipment ................................ 381,500
For Electronic Data Processing ............... 10,006,000
For Telecommunications Services .............. 3,327,200
For Operation of Auto Equipment .............. 223,200
For Sheriffs' Fees for Conveying Prisoners ... 390,500
For support costs associated with the
Criminal Law and Corrections Task Force...... 500,000
For payment of claims as provided by the
"Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including
Treatment, Expenses and Benefits Payable for Total Temporary Incapacity for Work:
Payable from General Revenue Fund .......... 7,939,600
Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
Payable from General Revenue Fund:
For Tort Claims .............................. 490,000
For the State's share of Assistant
State's Attorneys' salaries -
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes ............................. 435,600
For Repairs, Maintenance and Other
Capital Improvements ........................ 3,412,800
Total $63,801,400
Payable from the Department of Corrections
Reimbursement and Education Fund:
For payment of expenses associated
with School District Programs ............... $ 8,000,000
For payment of expenses associated
with federal programs, including, but not limited to, construction of
additional beds, treatment programs,
and juvenile supervision ....................... 57,200,000
For payment of expenses associated
with miscellaneous programs, including, but not limited to, medical costs,
food expenditures, and various
construction costs ............................ 21,000,000
Total $86,200,000
SCHOOL DISTRICT
For Personal Services ......................... $ 25,227,500
For Employee Retirement Contributions
Paid by Employer ............................ 1,338,800
For Student, Member and Inmate

New matter indicated by italics - deletions by strikeout.
Compensation .......................... 59,400
For State Contributions to State
   Employees' Retirement System .......... 2,530,600
   For State Contributions to Teachers'
   Retirement System ........................ 6,500
   For State Contributions to Social Security ... 1,930,100
   For Contractual Services ................ 16,927,500
   For Travel .................................. 88,000
   For Commodities .......................... 949,200
   For Printing .............................. 106,400
   For Equipment ............................ 1,137,400
   For Telecommunications Services ......... 6,500
   For Operation of Auto Equipment ......... 13,800
Total ................................. $50,321,700

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

FIELD SERVICES

For Personal Services ........................ $ 43,168,100
For Employee Retirement Contributions
   Paid by Employer .......................... 2,327,100
   For Student, Member and Inmate
   Compensation ............................ 155,700
   For State Contributions to State
   Employees' Retirement System .......... 4,334,100
   For State Contributions to
   Social Security ............................. 3,302,400
   For Contractual Services ................ 38,109,300
   For Travel .................................. 627,100
   Travel and Allowance for Prisoners......... 13,500
   For Commodities .......................... 1,346,700
   For Printing .............................. 20,800
   For Equipment ............................ 1,515,700
   For Telecommunications Services ......... 6,266,100
   For Operation of Auto Equipment ......... 1,521,100
Total ................................. $102,707,700

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Corrections:

ILLINOIS YOUTH CENTER - CHICAGO

For Personal Services ........................ $ 4,027,000
For Employee Retirement Contributions
   Paid by Employer .......................... 213,400
   For Student, Member and Inmate
   Compensation ............................ 11,400
   For State Contributions to State
   Employees' Retirement System .......... 404,300
   For State Contributions to
   Social Security ............................. 308,000
   For Contractual Services ................ 3,209,500
   For Travel .................................. 24,000
   For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners ........ 1,000
   For Commodities .......................... 74,100
   For Printing .............................. 3,400
   For Equipment ............................ 64,800

New matter indicated by italics - deletions by strikeout.
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**ILLINOIS YOUTH CENTER - HARRISBURG**

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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State Employees' Retirement System</td>
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<td>For Travel</td>
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<td>For Commodities</td>
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<td>For Travel Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$5,200</td>
</tr>
<tr>
<td>Commodities</td>
<td>$481,700</td>
</tr>
<tr>
<td>Printing</td>
<td>$42,400</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>$21,100</td>
</tr>
<tr>
<td>Total</td>
<td>$9,147,500</td>
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**ILLINOIS YOUTH CENTER - PERE MARQUETTE**

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>$127,700</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>$18,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>$182,900</td>
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<tr>
<td>Employees' Retirement System</td>
<td>$240,100</td>
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<tr>
<td>For State Contributions to Contractual Services</td>
<td>$434,400</td>
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<tr>
<td>For Travel</td>
<td>$8,700</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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</tr>
<tr>
<td>Commodities</td>
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<td>Printing</td>
<td>$5,600</td>
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<tr>
<td>For Equipment</td>
<td>$16,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>$36,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>$17,900</td>
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<td>Total</td>
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**ILLINOIS YOUTH CENTER - RUSHVILLE**

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<td>For State Contributions to</td>
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<td>Item</td>
<td>Amount</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<td>Social Security</td>
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**ILLINOIS YOUTH CENTER - ST. CHARLES**

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<td>For Travel</td>
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<td>For Commodities</td>
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<tr>
<td>For Printing</td>
<td>20,000</td>
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<td>For Equipment</td>
<td>46,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>126,000</td>
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**ILLINOIS YOUTH CENTER - VALLEY VIEW**

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<td>685,300</td>
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<td>For Travel</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<tr>
<td>For Equipment</td>
<td>76,700</td>
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<tr>
<td>For Telecommunications Services</td>
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<td>72,500</td>
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**ILLINOIS YOUTH CENTER - WARRENVILLE**

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<td>Paid by Employer</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For Contractual Services</td>
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<td>21,000</td>
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<td>For Travel and Allowances for Committed,</td>
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New matter indicated by italics - deletions by strikeout.
Paroled and Discharged Prisoners .......... 100
For Commodities ............................ 256,100
For Printing ................................... 8,000
For Equipment ................................. 21,700
For Telecommunications Services .......... 42,900
For Operation of Auto Equipment .......... 41,900
Total $8,297,300

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

BIG MUDDY RIVER CORRECTIONAL CENTER

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>For Personal Services .....                                             $18,914,900</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer .................. $1,041,700</td>
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</tr>
<tr>
<td>For Student, Member and Inmate Compensation ............................... 41,900</td>
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</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System .......... 1,899,100</td>
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<tr>
<td>For State Contributions to Social Security .................................. 1,447,000</td>
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<tr>
<td>For Contractual Services ...................................................... 6,686,600</td>
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<tr>
<td>For Travel ..................                                       40,200</td>
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</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners ...... 76,700</td>
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</tr>
<tr>
<td>For Commodities ..................                                     2,809,200</td>
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</tr>
<tr>
<td>For Printing ..................                                        24,700</td>
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</tr>
<tr>
<td>For Equipment ..................                                       176,600</td>
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</tr>
<tr>
<td>For Telecommunications Services ............................................. 141,500</td>
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</tr>
<tr>
<td>For Operation of Auto Equipment ............................................ 101,700</td>
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<tr>
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CENTRALIA CORRECTIONAL CENTER

<table>
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<tbody>
<tr>
<td>For Personal Services .....                                             $19,347,500</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer .................. $1,041,700</td>
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</tr>
<tr>
<td>For Student, Member and Inmate Compensation ............................... 41,900</td>
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</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System .......... 1,942,500</td>
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<td>For State Contributions to Social Security .................................. 1,480,100</td>
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<td>For Contractual Services ...................................................... 3,800,500</td>
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<tr>
<td>For Travel ..................                                       55,400</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners ...... 75,200</td>
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<td>For Commodities ..................                                     2,077,200</td>
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<td>For Printing ..................                                        26,500</td>
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<tr>
<td>For Equipment ..................                                       133,500</td>
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</tr>
<tr>
<td>For Telecommunications Services ............................................. 66,600</td>
<td></td>
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<tr>
<td>For Operation of Auto Equipment ............................................ 87,900</td>
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DANVILLE CORRECTIONAL CENTER

<table>
<thead>
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<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services .....                                             $19,183,500</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer .................. $1,041,700</td>
<td></td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation ............................... 484,500</td>
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New matter indicated by italics - deletions by strikeout.
For State Contributions to State
   Employees' Retirement System .................. 1,926,000
For State Contributions to
   Social Security ............................... 1,467,600
For Contractual Services ......................... 4,798,300
For Travel ........................................ 58,400
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners ............ 36,700
For Commodities ................................. 3,074,600
For Printing .................................... 36,600
For Equipment ................................... 114,100
For Telecommunications Services ............... 97,100
For Operation of Auto Equipment .............. 173,300
Total                                                                 $32,492,400

DECATUR WOMEN'S CORRECTIONAL CENTER

For Personal Services .......................... $ 12,803,500
For Employee Retirement Contributions
   Paid by Employer ............................. 678,600
For Student, Member and Inmate
   Compensation ................................. 90,400
For State Contributions to State
   Employees' Retirement System ............... 1,285,500
For State Contributions to
   Social Security ............................. 979,400
For Contractual Services ....................... 3,361,100
For Travel ...................................... 36,000
For Travel and Allowances for
   Committed, Paroled and
   Discharged Prisoners ....................... 25,900
For Commodities ............................... 871,500
For Printing ................................... 25,000
For Equipment .................................. 237,100
For Telecommunications Services ............. 62,700
For Operation of Auto Equipment ............. 37,500
Total                                                                 $20,494,200

DIXON CORRECTIONAL CENTER

For Personal Services ......................... $ 26,520,800
For Employee Retirement Contributions
   Paid by Employer ............................ 1,440,000
For Student, Member and Inmate
   Compensation ................................. 553,100
For State Contributions to State
   Employees' Retirement System .............. 2,662,700
For State Contributions to
   Social Security ............................ 2,028,800
For Contractual Services .................... 7,578,700
For Travel .................................... 46,400
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners .......... 38,700
For Commodities ............................... 3,308,300
For Printing .................................. 39,900
For Equipment .................................. 142,600
For Telecommunications Services ............ 190,800
For Operation of Auto Equipment ........... 211,500
Total                                                                 $44,762,300

New matter indicated by italics - deletions by strikeout.
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<th>Public Act 92-0008</th>
<th>200</th>
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<td><strong>DWIGHT CORRECTIONAL CENTER</strong></td>
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<tr>
<td>For Personal Services .................................</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer .................................</td>
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</tr>
<tr>
<td>For Student, Member and Inmate Compensation ..................</td>
<td>194,400</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System ..........</td>
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<tr>
<td>For State Contributions to Social Security ..................</td>
<td>1,540,000</td>
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<td>For Contractual Services ..................</td>
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<tr>
<td>For Travel .................................</td>
<td>87,900</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners ..........</td>
<td>66,100</td>
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<tr>
<td>For Commodities .................................</td>
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<tr>
<td>For Printing .................................</td>
<td>35,800</td>
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<tr>
<td>For Equipment .................................</td>
<td>220,800</td>
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<tr>
<td>For Telecommunications Services ..........</td>
<td>175,600</td>
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<td>For Operation of Auto Equipment ..........</td>
<td>233,700</td>
</tr>
<tr>
<td>Total</td>
<td>$34,803,000</td>
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</tbody>
</table>

**EAST MOLINE CORRECTIONAL CENTER**

| For Personal Services ................................. | $13,912,200 |
| For Employee Retirement Contributions | 
| Paid by Employer ................................. | 756,800 |
| For Student, Member and Inmate Compensation .................. | 300,000 |
| For State Contributions to State Employees' Retirement System .......... | 1,396,800 |
| For State Contributions to Social Security .................. | 1,064,300 |
| For Contractual Services .................. | 3,159,300 |
| For Travel ................................. | 33,000 |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... | 41,600 |
| For Commodities ................................. | 1,670,700 |
| For Printing ................................. | 13,600 |
| For Equipment ................................. | 124,300 |
| For Telecommunications Services .......... | 108,400 |
| For Operation of Auto Equipment .......... | 91,700 |
| Total | $22,672,700 |

**GRAHAM CORRECTIONAL CENTER**

| For Personal Services ................................. | $22,069,400 |
| For Employee Retirement Contributions | 
| Paid by Employer ................................. | 1,180,700 |
| For Student, Member and Inmate Compensation .................. | 309,800 |
| For State Contributions to State Employees' Retirement System .......... | 2,215,800 |
| For State Contributions to Social Security .................. | 1,688,300 |
| For Contractual Services .................. | 7,078,100 |
| For Travel ................................. | 41,400 |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... | 41,300 |
| For Commodities ................................. | 2,854,900 |

New matter indicated by italics - deletions by strikeout.
For Contractual Services ..................... 4,078,100
For State Contributions to Social Security ... 1,186,200
For Travel and Allowance for Committed, Paroled and Discharged Prisoners .................. 39,400
For State Contributions to State Employees' Retirement System 1,699,400
For State Contributions to State Compensation ................................ 369,400
For Employee Retirement Contributions Paid by Employer ......................... 845,100
For Student, Member and Inmate Compensation .................................................. 26,500
For Personal Services ........................ $ 15,506,200
For Commodities .............................. 2,936,300
For Travel ................................... 26,300
For Personal Services ........................ $ 22,214,400
For Commodities .............................. 2,876,000
For Equipment ................................ 25,400
For Telecommunications Services .............. 98,600
For Operation of Auto Equipment .............. 41,200
Total $37,916,900

HILL CORRECTIONAL CENTER
For Contractual Services ..................... 5,619,800
For State Contributions to Social Security ... 1,574,600
For Travel ................................... 101,400
Total $34,849,600

ILLINOIS RIVER CORRECTIONAL CENTER
For Contractual Services ..................... 4,078,100
For State Contributions to Social Security ... 1,186,200
For Travel ................................... 34,700
Total $34,849,600

JACKSONVILLE CORRECTIONAL CENTER
For Contractual Services ..................... 4,078,100
For State Contributions to Social Security ... 1,186,200
For Travel ................................... 39,400
Total $37,916,900

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Paroled and Discharged Prisoners</td>
<td>77,400</td>
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<tr>
<td>For Commodities</td>
<td>2,960,300</td>
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<tr>
<td>For Printing</td>
<td>33,000</td>
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<tr>
<td>For Equipment</td>
<td>148,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>98,900</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>196,900</td>
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<td><strong>Total</strong></td>
<td><strong>35,163,400</strong></td>
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**JOLIET CORRECTIONAL CENTER**

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>1,295,200</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,869,500</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
<td>77,000</td>
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<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Printing</td>
<td>55,800</td>
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<td>For Equipment</td>
<td>239,800</td>
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<td>For Telecommunications Services</td>
<td>209,900</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>286,600</td>
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**LAURENCE CORRECTIONAL CENTER**

<table>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>Paid by Employer</td>
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<td>For Student, Member and Inmate Compensation</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,433,700</td>
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<td>For Contractual Services</td>
<td>5,043,700</td>
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<td>For Travel</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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<tr>
<td>For Equipment</td>
<td>364,300</td>
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<tr>
<td>For Telecommunications Services</td>
<td>133,400</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>46,300</td>
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**LINCOLN CORRECTIONAL CENTER**

<table>
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<tr>
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<td>Paid by Employer</td>
<td>642,700</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>228,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,207,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$20,922,500</td>
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<tr>
<td>For Contractual Services</td>
<td>3,054,700</td>
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<tr>
<td>For Travel</td>
<td>5,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed,</td>
<td>32,100</td>
</tr>
<tr>
<td>Paroled and Discharged Prisoners</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,873,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>12,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>65,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>61,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>52,100</td>
</tr>
<tr>
<td>Total</td>
<td>$20,184,100</td>
</tr>
</tbody>
</table>

**LOGAN CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$20,922,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,121,600</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>485,600</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>2,100,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,600,600</td>
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<tr>
<td>For Contractual Services</td>
<td>4,205,400</td>
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<tr>
<td>For Travel</td>
<td>26,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed,</td>
<td>88,100</td>
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<tr>
<td>Paroled and Discharged Prisoners</td>
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</tr>
<tr>
<td>For Commodities</td>
<td>3,770,800</td>
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<tr>
<td>For Printing</td>
<td>24,800</td>
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<tr>
<td>For Equipment</td>
<td>113,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>167,400</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>256,500</td>
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<tr>
<td>Total</td>
<td>$34,884,000</td>
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**MENARD CORRECTIONAL CENTER**

<table>
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<tr>
<th>Category</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$45,263,600</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>2,426,000</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>471,900</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>4,544,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>3,462,500</td>
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<td>For Contractual Services</td>
<td>7,206,400</td>
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<td>For Travel</td>
<td>84,400</td>
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<tr>
<td>For Travel and Allowances for Committed,</td>
<td>55,500</td>
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<tr>
<td>Paroled and Discharged Prisoners</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,278,200</td>
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<tr>
<td>For Printing</td>
<td>34,200</td>
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<tr>
<td>For Equipment</td>
<td>183,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>179,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>145,800</td>
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<td>Total</td>
<td>$70,336,000</td>
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**PINCKNEYVILLE CORRECTIONAL CENTER**

<table>
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<tr>
<th>Category</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,254,100</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>1,032,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment ..............                                                                            70,000
For Telecommunications Services ..............                                                                           178,100
For Printing .................................                                                                                           49,800
For Commodities ..............................                                                                                  3,664,000
Paroled and Discharged Prisoners ............                                                                              16,400
For Travel and Allowances for Committed,
For Travel ...................................                                                                                             54,200
For Contractual Services .....................                                                                               6,121,300
Social Security .............................                                                                                     2,601,700
For State Contributions to
Employees' Retirement System ................                                                                         3,414,900
For State Contributions to
Social Security .............................                                                                                       1,473,000
For Contractual Services .....................                                                                                  5,269,800
For Travel ...................................                                                                                           37,300
For Contractual Services .....................                                                                               6,121,300
For State Contributions to
Social Security .............................                                                                                       2,725,700
For Contractual Services .....................                                                                               27,100
For Equipment ................................                                                                                       61,700
For Telecommunications Services ..............                                                                              97,800
For Operation of Auto Equipment ..............                                                                             37,100
Total                                                                                                                             $52,332,900

PONTIAC CORRECTIONAL CENTER
For Personal Services ....................... $ 34,011,300
For Employee Retirement Contributions
Paid by Employer ............................... 1,812,600
For Student, Member and Inmate
Compensation ................................... 180,700
For State Contributions to State
Employees' Retirement System ................                                                                             3,414,900
For State Contributions to
Social Security ............................. 2,601,700
For Contractual Services ..................... 6,121,300
For Travel ................................... 54,200
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners .............. 83,800
For Commodities .............................. 2,725,700
For Contractual Services ..................... 27,100
For Equipment ................................ 61,700
For Telecommunications Services .............. 97,800
For Operation of Auto Equipment .............. 37,100
Total                                                                                                                             $52,332,900

ROBINSON CORRECTIONAL CENTER
For Personal Services ....................... $ 12,848,700
For Employee Retirement Contributions
Paid by Employer ............................... 692,600
For Student, Member and Inmate
Compensation ................................... 248,900
For State Contributions to State
Employees' Retirement System ................                                                                             1,290,000
For State Contribution to
Social Security ............................. 982,900
For Contractual Services ..................... 2,937,200
For Travel ................................... 43,500
For Travel and Allowances for Committed, Paroled and Discharged
Prisoners ................................... 31,100
For Commodities .............................. 1,966,700
For Contractual Services ..................... 23,400
For Equipment ................................ 61,100
For Telecommunications Services .............. 53,200

New matter indicated by italics - deletions by strikeout.
<table>
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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$11,958,700</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>1,014,300</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>433,600</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,875,500</td>
</tr>
<tr>
<td>Social Security</td>
<td>914,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,372,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>29,600</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>92,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,413,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>139,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>107,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>92,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,263,400</strong></td>
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SHAWNEE CORRECTIONAL CENTER

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$18,680,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>1,014,300</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>433,600</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,875,500</td>
</tr>
<tr>
<td>Social Security</td>
<td>1,429,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,806,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>29,600</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>92,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,413,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>139,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>107,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>92,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,263,400</strong></td>
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</tbody>
</table>

SHERIDAN CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$18,615,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>1,014,500</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>267,800</td>
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<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,869,000</td>
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<tr>
<td>Social Security</td>
<td>1,424,100</td>
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<tr>
<td>For Contractual Services</td>
<td>3,943,400</td>
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<td>For Travel</td>
<td>37,300</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>44,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,097,800</td>
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<tr>
<td>For Printing</td>
<td>28,200</td>
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<tr>
<td>For Equipment</td>
<td>160,100</td>
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<tr>
<td>For Telecommunications Services</td>
<td>121,700</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>192,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$29,816,700</strong></td>
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</table>

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>645,800</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>159,500</td>
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<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>1,200,700</td>
</tr>
<tr>
<td>Social Security</td>
<td>914,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,372,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,900</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>92,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Paroled and Discharged Prisoners .......... 11,000
For Commodities ............................ 1,191,300
For Printing ................................. 11,600
For Equipment ............................... 50,000
For Telecommunications Services .......... 36,500
For Operation of Auto Equipment .......... 50,000
Total                                                                                     $19,618,300

STATEVILLE CORRECTIONAL CENTER
For Personal Services ........................ $ 44,484,400
For Employee Retirement Contributions
Paid by Employer ............................. 2,428,000
For Student, Member and Inmate
Compensation .................................. 296,700
For State Contributions to State
Employees' Retirement System .............. 4,540,500
For State Contributions to
Social Security ............................. 3,405,100
For Contractual Services ................... 8,970,500
For Travel ...................................... 84,700
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners .......... 31,300
For Commodities .................. ........... 5,506,800
For Printing ................................. 45,300
For Equipment ............................... 231,400
For Telecommunications Services .......... 241,300
For Operation of Auto Equipment .......... 408,100
Total                                                                                     $70,674,100

TAMMS CORRECTIONAL CENTER
For Personal Services ........................ $ 18,029,800
For Employee Retirement Contributions
Paid by Employer ............................. 966,400
For Student, Member and Inmate
Compensation .................................. 140,300
For State Contributions to State
Employees' Retirement System .............. 1,810,200
For State Contributions to
Social Security ............................. 1,379,200
For Contractual Services ................... 3,959,500
For Travel ...................................... 50,700
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners .......... 5,300
For Commodities .................. ........... 1,196,000
For Printing ................................. 14,500
For Equipment ............................... 184,200
For Telecommunications Services .......... 140,600
For Operation of Auto Equipment .......... 81,900
Total                                                                                     $27,958,600

TAYLORVILLE CORRECTIONAL CENTER
For Personal Services ........................ $ 12,826,400
For Employee Retirement Contributions
Paid by Employer ............................. 687,500
For Student, Member and Inmate Compensation .. 250,100
For State Contributions to State
Employees' Retirement System .............. 1,287,800
For State Contribution to

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment .......... 108,700
For Telecommunications Services .......... 89,900
For Equipment ................................ 148,400
For Printing ................................. 17,100
For Commodities .............................. 2,810,600
Paroled and Discharged Prisoners ............ 75,700
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... 43,500
For Commodities .............................. 1,608,500
For Printing ................................. 14,700
For Equipment ................................ 34,700
For Telecommunications Services .......... 68,500
For Operation of Automotive Equipment ...... 80,600
Total                                                                 $21,233,700

VANDALIA CORRECTIONAL CENTER
For Personal Services ........................ $ 21,992,300
For Employee Retirement Contributions
Paid by Employer .............................. 1,185,400
For Student, Member and Inmate Compensation ................................ 413,900
For State Contributions to State
Employees' Retirement System ............... 2,208,000
For State Contributions to Social Security ..............................................
For Contractual Services ..................... 1,682,400
For Travel ...................................... 4,369,100
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ......... 80,100
For Commodities .............................. 2,756,900
For Printing ................................. 26,200
For Equipment ................................ 23,900
For Telecommunications Services .......... 126,400
For Operation of Auto Equipment .......... 127,900
Total                                                                 $35,094,900

VIENNA CORRECTIONAL CENTER
For Personal Services ........................ $ 19,085,800
For Employee Retirement Contributions
Paid by Employer .............................. 1,024,900
For Student, Member and Inmate Compensation ..............................................
For State Contributions to State
Employees' Retirement System ............... 1,916,200
For State Contributions to Social Security ..............................................
For Contractual Services ..................... 1,185,400
For Travel ...................................... 2,208,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ......... 75,700
For Commodities .............................. 2,810,600
For Printing ................................. 413,900
For Equipment ................................ 148,400
For Telecommunications Services .......... 89,900
For Operation of Auto Equipment .......... 108,700
Total                                                                 $29,844,000

WESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services ........................ $ 18,696,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

**ILLINOIS CORRECTIONAL INDUSTRIES**

**PAYABLE FROM WORKING CAPITAL REVOLVING FUND**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>1,017,100</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>404,200</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,877,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,430,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,896,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>33,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>69,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,952,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>29,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>113,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>58,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>106,700</td>
</tr>
<tr>
<td>Total</td>
<td>$31,686,200</td>
</tr>
</tbody>
</table>

Section 6. The sum of $147,314, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001 from the appropriation heretofore made in Article 3, Section 7 of Public Act 91-706, is reappropriated from the General Revenue Fund to the Department of Corrections for repair and maintenance projects and planning.

Section 7. The amounts appropriated for repairs and maintenance, and other capital improvements in Sections 1, 5 and 6 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 1, 5 and 6 of this Article until after the purposes and amounts have been approved in writing by the Governor.
Section 8. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to the Cook County Sheriff's Office for expenses associated with the operation of the Cook County Juvenile Detention Center.

Section 9. No contract shall be entered into or obligation incurred for any expenditure made from appropriations in Section 8 of this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 37

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR

Payable from Title III Social Security and Employment Service Fund:

For Personal Services ........................ $ 6,512,200
For Employee Retirement Contributions
  Paid by Employer ..........................  5,892,100
For State Contributions to State
  Employees' Retirement System ..............  677,300
For State Contributions to
  Social Security ..........................  498,200
For Group Insurance ........................  982,800
For Contractual Services .....................  1,219,300
For Travel ..................................  127,300
For Telecommunications Services ..............  237,700
Total                                                                                   $16,146,900

FINANCE AND ADMINISTRATION BUREAU

Payable from Title III Social Security
and Employment Service Fund:

For Personal Services ........................ $ 13,158,200
For State Contributions to State
  Employees' Retirement System ..............  1,368,500
For State Contributions to
  Social Security ..........................  1,006,600
For Group Insurance ........................  2,192,400
For Contractual Services .....................  8,418,800
For Travel ..................................  132,600
For Commodities .............................  1,164,300
For Printing ................................  1,962,600
For Equipment ................................  922,400
For Telecommunications Services ..............  547,300
For Operation of Auto Equipment ..............  106,900
Total                                                                                   $30,980,600

Payable from Title III Social Security
and Employment Service Fund:

For expenses related to America's
  Labor Market Information System .......... $ 4,500,000

INFORMATION SERVICE BUREAU

Payable from Title III Social Security
and Employment Service Fund:

For Personal Services ........................ $ 6,437,500
For State Contributions to State
  Employees' Retirement System ..............  669,500
For State Contributions to Social
  Security ....................................  492,500

New matter indicated by italics - deletions by strikeout.
For Group Insurance ........................................ 982,800
For Contractual Services ................................. 17,773,400
For Travel .................................................... 22,800
For Equipment .............................................. 3,147,300
For Electronic Data Processing ........................... 1,500,000
For Telecommunications Services ......................... 2,107,200
Total .................................................................. $33,133,000

Section 2. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

### OPERATIONS

**Payable from Title III Social Security and Employment Service Fund:**
- For Personal Services ....................................... $ 55,307,000
- For State Contributions to State Employees' Retirement System ......................................................... 5,751,900
- For State Contributions to Social Security .........................................................
- For Group Insurance ........................................ 10,668,000
- For Contractual Services ....................................... 19,750,000
- For Travel ......................................................... 995,600
- For Telecommunications Services ......................... 5,547,800
- For Permanent Improvements ................................ 85,000
- For Refunds ....................................................... 300,000
Total .................................................................. $102,636,300

Of the sum appropriated above, $4,998,097 is appropriated pursuant to the provisions governing federal fiscal year 2001 found in Sections 903(a), 903(b), and 903(c) of the Federal Social Security Act.

**Payable from Title III Social Security and Employment Service Fund:**
- For expenses related to ONE STOP SHOPPING .............................................. $ 3,500,000
- For the expenses related to the development of Training Programs .............. 100,000
- For the expenses related to Employment Security Automation .......................... 3,500,000
- For expenses related to a Benefit Information System Redefinition .................. 8,000,000
Total .................................................................. $15,100,000

**Payable from the Unemployment Compensation Special Administration Fund:**
- For expenses related to Legal Assistance as required by law ......................... $ 2,000,000
- For deposit into the Title III Social Security and Employment Service Fund .... 10,000,000
- For Interest on Refunds of Erroneously Paid Contributions, Penalties and Interest ........................................... 100,000
Total .................................................................. $12,100,000

Section 3. The sum of $2,243,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 4, Section 11 of Public Act 91-706, is reappropriated to the Department of Employment Security from the Employment Security Administration Fund for the purposes authorized by Public Act 87-1178.

Section 4. The following named sums, or so much thereof as may be necessary, are

New matter indicated by italics - deletions by strikeout.
appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and Employment Service Fund:

For Personal Services ...................... $ 3,766,700
For State Contributions to State Employees' Retirement System .............. 391,700
For State Contributions to Social Security ............................... 228,100
For Group Insurance .......................... 562,800
For Contractual Services ..................... 541,500
For Travel ................................... 294,200
For Telecommunications Services .............. 91,200
For Refunds .................................. 650,000
Total $6,586,200

Payable from the Title III Social Security and Employment Service Fund:

For Expenses of the Illinois Human Resource Investment Council or successor .......................... 70,000
For Administration, Training and Technical Assistance for Federal Workforce Development Programs, Including Job Training Partnership Act and Workforce Investment Act .............. 10,331,900
Total $10,401,900

Section 5. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

UNEMPLOYMENT INSURANCE REVENUE

Payable from Title III Social Security and Employment Service Fund:

For Personal Services ...................... $ 21,947,600
For State Contributions to State Employees' Retirement System .............. 2,282,500
For State Contributions to Social Security ............................... 1,679,000
For Group Insurance .......................... 3,721,200
For Contractual Services ..................... 2,914,600
For Travel ................................... 200,000
For Telecommunications Services .............. 700,000
Total $33,444,900

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

OPERATIONS
Grants-In-Aid

Payable from Title III Social Security and Employment Service Fund:

For Grants ................................... $ 7,700,000
For Tort Claims ................................ 715,000
Total $8,415,000

Section 7. The amount of $526,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for the purpose of making grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

New matter indicated by italics - deletions by strikeout.
Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

**TRUST FUND UNIT**

**Grants-In-Aid**

Payable from the Road Fund:
- For benefits paid on the basis of wages paid for insured work for the Department of Transportation: $2,000,000

Payable from the Illinois Mathematics and Science Academy Income Fund: 17,600

Payable from Title III Social Security and Employment Service Fund: 1,734,300

Payable from the General Revenue Fund: 8,400,000

Total: $12,151,900

Section 9. The amount of $220,000,000, or so much thereof as may be necessary, is appropriated to the Department of Employment Security from the Title III Social Security and Employment Service Fund for grants for Federal Workforce Development Programs including Job Training Partnership Act and Workforce Investment Act.

Section 10. The amount of $84,000,000, or so much thereof as may be necessary, is appropriated to the Department of Employment Security from the Title III Social Security and Employment Service Fund for administration and grant expenses of the Welfare to Work Grant Programs, or other job training, education, or employment programs.

ARTICLE 38

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

**ADMINISTRATIVE**

Payable from Financial Institution Fund:
- For Personal Services: $392,800
- For Employee Retirement Contributions Paid by Employer: 15,600
- For State Contributions to the State Employees' Retirement System: 40,900
- For State Contributions to Social Security: 30,100
- For Group Insurance: 75,600
- For Contractual Services: 204,600
- For Travel: 19,000
- For Commodities: 10,400
- For Printing: 12,000
- For Equipment: 7,500
- For Telecommunications Services: 21,200
- For Operation of Auto Equipment: 5,500

Total: $835,200

Payable from State Pensions Fund:
- For Personal Services: $462,300
- For Employee Retirement Contributions Paid by Employer: 18,700
- For State Contributions to the State Employees' Retirement System: 48,100
- For State Contributions to Social Security: 35,300
- For Group Insurance: 75,600

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Refunds</td>
<td>$2,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$132,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$2,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$3,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>$101,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$88,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$210,000</td>
</tr>
<tr>
<td>For Social Security</td>
<td>$95,300</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>$129,300</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>$95,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$101,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>$88,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$3,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$5,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$2,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$132,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$912,300</strong></td>
</tr>
</tbody>
</table>

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

**CONSUMER CREDIT**

Payable from Financial Institution Fund:
- For Personal Services ........................................ $1,246,500
- For Employee Retirement Contributions Paid by Employer .................. $49,800
- For State Contributions to the State Employees' Retirement System ........ $129,300
- For State Contributions to Social Security ................................. $95,300
- For Group Insurance .................................................................. $210,000
- For Contractual Services ......................................................... $88,400
- For Travel ................................................................................ $101,500
- For Commodities ......................................................................... $3,900
- For Printing .............................................................................. $5,100
- For Equipment ............................................................................ $2,500
- For Electronic Data Processing ............................................... $132,000
- For Refunds ............................................................................... $2,500
- **Total** .................................................................................. **$2,066,800**

**CREDIT UNION**

Payable from Credit Union Fund:
- For Personal Services ......................................................... $2,469,400
- For Employee Retirement Contributions Paid by Employer .................. $98,900
- For State Contributions to State Employees' Retirement System .......... $256,800
- For State Contributions to Social Security ................................. $189,000
- For Group Insurance .................................................................. $445,200
- For Contractual Services ........................................................... $100,000
- For Travel ................................................................................ $216,000
- For Commodities ......................................................................... $6,900
- For Printing .............................................................................. $2,900
- For Equipment ............................................................................ $5,000
- For Electronic Data Processing ............................................... $132,000
- For Telecommunications Services .............................................. $20,000
- For Refunds ............................................................................... $1,000
- **Total** .................................................................................. **$3,943,100**

**CURRENCY EXCHANGE**

Payable from Financial Institution Fund:
- For Personal Services ......................................................... $845,200
- For Employee Retirement Contributions Paid by Employer .................. $33,800
- For State Contributions to the State Employees' Retirement System .......... $87,900

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security .................................. 64,700
For Group Insurance ......................... 124,600
For Contractual Services .................... 20,100
For Travel ....................................... 25,500
For Commodities .............................. 2,000
For Printing ..................................... 1,400
For Equipment .................................. 7,500
For Electronic Data Processing ............. 132,000
For Refunds ................................... 1,000
Total $1,345,700

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

ELECTRONIC DATA PROCESSING

Payable from State Pensions Fund:
For Personal Services .......................... $ 364,500
For Employee Retirement Contributions
Paid by Employer ................................. 14,500
For State Contributions to State
Employees' Retirement System ............... 37,900
For State Contributions to Social Security .................................. 27,900
For Group Insurance ............................ 58,800
For Contractual Services ..................... 159,000
For Travel ....................................... 6,400
For Commodities ............................... 19,000
For Equipment .................................. 15,000
For Electronic Data Processing ............. 146,000
For Telecommunications Services .......... 51,000
For Expenses Relating to the Development and Implementation of a Short-Term Lending Web Database....... 195,000
Total $1,095,000

ARTICLE 39

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services .......................... $ 491,000
For Employee Retirement Contributions
Paid by Employer ................................. 19,600
For State Contributions to State
Employees' Retirement System ............... 51,100
For State Contributions to Social Security .................................. 37,600
For Contractual Services ..................... 92,600
For Travel ....................................... 19,900
For Commodities ............................... 15,800
For Printing ..................................... 4,700
For Equipment ................................. 52,500
For Telecommunications Services .......... 27,100
For Operation of Auto Equipment .......... 11,600
Total $823,500

New matter indicated by italics - deletions by strikeout.
The sum of $281,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:
For Personal Services ........................ $  4,216,000
For Employee Retirement Contributions
  Paid by Employer ................................. 139,900
For State Contributions to State
  Employees' Retirement System ............... 412,700
For State Contributions to
  Social Security .................................
For Contractual Services ................................ 290,700
For Travel ........................................ 63,000
For Commodities .................................
For Printing ................................... 21,900
For Telecommunications Services ..........
Total                                                                                           $  67,700
Total                                                                                                                               $2,354,100

Payable from Special Projects Division Fund:
For Personal Services ........................ $ 1,388,700
For Employee Retirement Contributions
  Paid by Employer ................................. 55,600
For State Contributions to State
  Employees' Retirement System ............... 144,500
For State Contributions to
  Social Security .................................
For Group Insurance ............................. 106,300
For Contractual Services ........................ 285,600
For Travel ........................................ 211,700
For Commodities .................................
For Printing ................................... 13,300
For Equipment .................................
For Telecommunications Services ..........
Total                                                                                           88,000
Total                                                                                                                               $2,354,100

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

COMPLIANCE

Payable from General Revenue Fund:
For Personal Services ........................ $  873,600
For Employee Retirement Contributions
  Paid by Employer ................................. 34,900
For State Contributions to State
  Employees' Retirement System ............... 90,900
For State Contributions to
  Social Security .................................
For Contractual Services ........................ 66,800
For Travel ........................................ 3,600
For Commodities .................................
For Printing ................................... 16,200
For Telecommunications Services ........
Total                                                                                           14,000

New matter indicated by italics - deletions by strikeout.
ARTICLE 40

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

**DISTRIBUTIVE ITEMS**

**OPERATIONS**

Payable from the Special Purposes Trust Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$362,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$14,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>$37,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$27,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$58,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$26,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>$31,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$9,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>$1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$6,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$574,600</strong></td>
</tr>
</tbody>
</table>

The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For deposit into the Illinois Equal Justice Fund</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Aid to Aged, Blind or Disabled under Article III</td>
<td>$28,968,100</td>
</tr>
<tr>
<td>For Temporary Assistance for Needy Families under Article IV and other social services</td>
<td>$207,603,000</td>
</tr>
<tr>
<td>For Grants Associated with Child Care Services, Including Operating and Administrative Costs</td>
<td>$326,844,700</td>
</tr>
<tr>
<td>For Emergency Assistance for Families with Dependent Children</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>For Funeral and Burial Expenses under Articles III, IV, and V</td>
<td>$6,505,000</td>
</tr>
<tr>
<td>For Refugees</td>
<td>$2,549,100</td>
</tr>
<tr>
<td>For State Family and Children Assistance</td>
<td>$1,491,500</td>
</tr>
<tr>
<td>For State Transitional Assistance</td>
<td>$9,834,800</td>
</tr>
<tr>
<td>For Services to Non-Citizens pursuant to 305 ILCS 5/12-4.34</td>
<td>$2,500,000</td>
</tr>
</tbody>
</table>

Payable from Illinois Equal Justice Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs related to the Illinois Equal Justice Act</td>
<td>$500,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$586,296,200</strong></td>
</tr>
</tbody>
</table>

The Department, with the consent in writing from the Governor, may reappropriation not more than ten percent of the total appropriation of General Revenue Funds in Section 1 above.
"For Income Assistance and Related Distributive Purposes" among the various purposes therein enumerated, excluding Emergency Assistance for Families with Dependent Children.

The Department, with the consent in writing from the Governor, may reapportion not more than six percent of the appropriation "For Temporary Assistance for Needy Families under Article IV" representing savings attributable to not increasing grants due to the births of additional children to the appropriation from the General Revenue Fund in Section 39.1 in this Article for Employability Development Services.

Section 1.1. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

Payable from the General Revenue Fund:
- For Grants Associated with Child Care Services, Including Operating and Administrative Costs: $211,829,100
- For Grants Associated with the Great START Program, Including Operation and Administrative Costs: 2,000,000

Payable from the Special Purposes Trust Fund:
- For Grants Associated with Child Care Services, Including Operation and administrative Costs: 111,608,900
- For Grants Associated with the Great START Program, Including Operation and Administrative Costs: 3,000,000
- For Grants Associated with Migrant Child Care Services: 2,500,000

Total: $329,938,000

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

FIELD LEVEL OPERATIONS

Payable from General Revenue Fund:
- For Personal Services: $215,300,100
- For Employee Retirement Contributions Paid by Employer: 8,395,500
- For Retirement Contributions: 22,396,200
- For State Contributions to Social Security: 16,459,300
- For Contractual Services: 50,412,150
- For Travel: 903,500
- For Commodities: 16,500
- For Equipment: 1,140,100
- For Telecommunications Services: 3,585,300

Total: $318,608,650

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
- For Personal Services: $243,400
- For Employee Retirement Contributions Paid by Employer: 9,700
- For Retirement Contributions: 25,300
- For State Contributions to Social Security: 18,600
- For Contractual Services: 53,700
- For Travel: 2,300
- For Equipment: 4,400

New matter indicated by italics - deletions by strikeout.
Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

TRAINING PERSONNEL

Payable from General Revenue Fund:
For Personal Services ...................... $25,699,000
For Telecommunications Services ............ 2,035,200
For Equipment .............................. 68,100
For Printing ............................... 1,595,900
For Commodities ............................ 2,144,500
For Travel ................................. 385,000
For Contractual Services ................... 18,658,500
For State Contributions to Social Security.. 1,976,000
For Retirement Contributions ............... 2,673,300
Paid by Employer .......................... 1,017,800

FOR PERSONAL SERVICES
respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER

For Personal Services ...................... $  1,471,100
For Employee Retirement Contributions
Paid by Employer .......................... 57,800
For Retirement Contributions ............... 153,000
For State Contributions to Social Security ................. 112,500
For Contractual Services ................. 340,800
For Travel ................................ 171,300
For Equipment .............................. 2,600
For Expenses Related to Training
Department Staff .......................... 500,000
Total                                                                 $2,809,100

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services ........................ $ 19,474,700
For Employee Retirement Contributions
Paid by Employer .......................... 755,700
For Retirement Contributions ............... 2,014,400
For State Contributions to Social Security ................. 1,489,800
For Contractual Services ................. 1,051,350
For Travel ................................ 33,400
For Commodities ............................ 2,554,700
For Printing ............................... 11,700
For Equipment .............................. 77,800
For Telecommunications Services ............ 186,400
For Operation of Auto Equipment ............ 33,300
For Expenses Related to Living
Skills Program ............................ 21,400
For Costs Associated with Behavioral
Health Services - Tinley Park Network ..... 182,500
Total                                                                 $27,887,150

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Total Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>2,706,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,003,800</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>580,200</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>223,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>2,750,000</td>
</tr>
<tr>
<td>Funded by Private Donations from the and Human Services Reform Activities</td>
<td></td>
</tr>
<tr>
<td>For Costs associated with the Health</td>
<td>1,049,800</td>
</tr>
<tr>
<td>Payable from DMH/DD Private Resources Fund: Accounts Receivable</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$11,648,500</td>
</tr>
<tr>
<td>Payable from Vocational Rehabilitation Fund: Personal Services</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Payable from the DHS Recoveries Trust Fund:</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Payable from Mental Health Accounts</td>
<td></td>
</tr>
<tr>
<td>Receivable Trust Fund:</td>
<td>2,750,000</td>
</tr>
<tr>
<td>For Indirect Cost Principles/Interfund Transfer Payable to the Vocational Rehabilitation Fund</td>
<td>3,400,000</td>
</tr>
<tr>
<td>Total</td>
<td>$59,742,000</td>
</tr>
</tbody>
</table>

**Administrative and Program Support**

Section 6.1. The sum of $2,352,000, or so much thereof as may be necessary,
respectively, is appropriated from the General Revenue Fund and the sum of $16,723,400, or so much thereof as may be necessary, respectively, is appropriated from the Mental Health Fund to the Department of Human Services for payment of workers' compensation claims.

Expenditures from appropriations for treatment and expense may be made after the Department of Human Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Human Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Section 6.2. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**GRANTS-IN-AID**

For Tort Claims:
- Payable from General Revenue Fund .................. $ 750
- Payable from Vocational Rehabilitation Fund ........................................ 10,000
  Total ........................................................................................................ $10,750

For Reimbursement of Employees for Work-Related Personal Property Damages:
- Payable from General Revenue Fund .................. $13,400

For Episcopal Charities:
- Payable from General Revenue Fund................ $1,000,000

**PERMANENT IMPROVEMENTS**

Section 6.3. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities .......... $ 1,866,100
- For Miscellaneous Permanent Improvements ...... 265,100
  Total ........................................................................................................ $2,131,200

Section 6.4. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

**REFUNDS**

- Payable from General Revenue Fund .................. $ 9,500
- Payable from Vocational Rehabilitation Fund ... 5,000
- Payable from Youth Drug Abuse Prevention Fund ........................................ 30,000
- Payable from DHS Federal Projects Fund ........................................ 25,000
- Payable from USDA Women, Infants and Children Fund ............. 200,000
- Payable from Maternal and Child Health Services Block Grant Fund........ 5,000
- Payable from Mental Health Fund .................. 100,000
- Payable from the Early Intervention

New matter indicated by italics - deletions by strikeout.
Services Revolving Fund ..................... 100,000
Payable from Drug Treatment Fund .......... 5,000
Total                                      $479,500

Section 7. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

MANAGEMENT INFORMATION SERVICES

Payable from General Revenue Fund:
For Personal Services ..................... $ 12,358,900
For Employee Retirement Contributions
  Paid by Employer ......................... 485,900
For Retirement Contributions .............. 1,285,600
For State Contributions to Social Security ... 945,400
For Contractual Services .................. 24,866,600
For Travel .................................. 43,900
For Commodities ........................... 800
For Printing ............................... 16,700
For Equipment .............................. 1,651,800
For Electronic Data Processing .......... 2,653,600
For Telecommunications Services ....... 9,857,400
For Expenses Related to a
  New Computer System ................... 4,722,000
Total                                      $58,888,600

Payable from Vocational Rehabilitation Fund:
For Personal Services ..................... $ 1,995,600
For Employee Retirement Contributions
  Paid by Employer ......................... 79,800
For Retirement Contributions .............. 207,500
For State Contributions to Social Security ... 152,700
For Group Insurance ........................ 277,200
For Contractual Services ................. 2,669,800
For Travel .................................. 50,000
For Commodities ........................... 60,600
For Printing ............................... 65,800
For Equipment .............................. 1,854,000
For Telecommunications Services ....... 2,443,200
For Operation of Auto Equipment ........ 2,800
Total                                      $9,859,000

Payable from USDA Women, Infants and Children Fund:
For Personal Services ..................... $ 805,500
For Employee Retirement Contributions
  Paid by Employer ......................... 32,200
For Retirement Contributions .............. 83,800
For State Contributions to Social Security ... 61,600
For Group Insurance ........................ 117,600
For Contractual Services .................. 325,400
For Electronic Data Processing .......... 150,000
Total                                      $1,576,100

Payable from Maternal and Child Health
Services Block Grant Fund:
For Operational Expenses Associated
  with Support of Maternal and
  Child Health Programs ................... $ 200,000

Payable from the Mental Health Fund:
For Services Provided Under Contract

New matter indicated by italics - deletions by strikeout.
Section 8. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER

For Contractual Services ........................................... $ 1,233,900
For Social Security .................................................. 454,300
For State Contributions to Retirement Contributions ............. 612,500
Paid by Employer ...................................................... 230,500
For Employee Retirement Contributions ................................
For Personal Services ................................................. $ 5,938,500

Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

For Operation of Automotive Equipment ...................... $ 26,200
For Telecommunications Services .................... 50,200
For Equipment ......................................................... 27,900
For Commodities .................................................... 392,900
For Printing .......................................................... 3,900
For Travel .............................................................. 16,200
For Contractual Services ........................................... 1,233,900
For Travel .............................................................. 16,200
For Commodities .................................................... 392,900
For Printing .......................................................... 3,900
For Equipment ......................................................... 27,900
For Telecommunications Services ...................... 50,200
For Operation of Automotive Equipment ........... 26,200

Total $8,987,000

Section 9. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER

For Contractual Services ........................................... $ 2,287,900
For Social Security .................................................. 1,378,700
For State Contributions to Social Security ................. 1,378,700
For Travel .............................................................. 33,600
For Commodities .................................................... 577,900
For Printing .......................................................... 16,100
For Equipment ......................................................... 111,600
For Telecommunications Services ...................... 200,700
For Operation of Auto Equipment ...................... 78,400
For Expenses Related to Living Skills Program ................. 3,400
For Costs Associated with Behavioral Health Services - Alton Network ............... 250,000

Total $25,533,800

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES

Payable from Old Age Survivors’ Insurance Fund:

For Contractual Services ........................................... $ 2,287,900
For Social Security .................................................. 1,378,700
For State Contributions to Social Security ... 2,132,400
For Group Insurance ................................................ 5,338,200
For Contractual Services ...................... 12,299,000
For Travel .............................................................. 198,000
For Commodities .................................................... 577,900

New matter indicated by italics - deletions by strikeout.
For Printing ......................... 165,000
For Equipment ....................... 1,819,900
For Telecommunications Services .... 1,404,700
For Operation of Auto Equipment ...... 100
Total ............................... $55,624,500

Section 10.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES

GRANTS-IN-AID

For Services to Disabled Individuals:
Payable from Old Age Survivors' Insurance .... $21,000,000

For SSI Advocacy Services:
Payable from General Revenue Fund .......... $1,945,000
Payable from the Special Purposes Trust Fund ..................... $606,000

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM

Payable from General Revenue Fund:
For Personal Services ....................... $5,022,500
For Employee Retirement Contributions
Paid by Employer ......................... 197,500
For Retirement Contributions ............. 522,500
For State Contribution to Social Security ......................... 384,200
For Contractual Services ................... 146,800
For Travel .................................. 127,700
For Commodities ........................... 2,000
For Printing .............................. 3,700
For Equipment ............................. 1,000
For Telecommunications Services .......... 6,100
For Operation of Auto Equipment ........... 500
Total ....................................... $6,414,500

Section 11.1. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM

GRANTS-IN-AID

For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3:
Payable from General Revenue Fund .......... $224,123,700

Section 12. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH/DEVELOPMENTAL DISABILITIES

GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
Payable from General Revenue Fund .......... $167,226,800
Payable from Community Mental Health Services Block Grant Fund .......... 11,827,400
Payable from the DHS Federal Projects Fund ......................... 10,000,000

For Costs Associated With The

New matter indicated by italics - deletions by strikeout.
Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:
   Payable from General Revenue Fund ........... 3,000,000

For Community Integrated Living Arrangements for Persons with Mental Illness:
   Payable from General Revenue Fund ........... 35,796,800

For Medicaid Services for Persons with Mental Illness/and KidCare Clients:
   Payable from General Revenue Fund ........... 44,689,000

For Emergency Psychiatric Services:
   Payable from General Revenue Fund .......... 10,070,800

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
   Payable from General Revenue Fund .......... 24,012,600
   Payable from Community Mental Health Services Block Grant Fund ............. 4,036,400

For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program:
   Payable from General Revenue Fund ........... 19,071,700

For Costs Associated with Children and Adolescent Mental Health Programs:
   Payable from General Revenue Fund .......... 11,096,000

For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928:
   Payable from Community Mental Health Services Block Grant Fund ............. 206,400

Total .................................................. $341,033,900

For Community Service Grant Programs for Persons with Developmental Disabilities:
   Payable from General Revenue Fund: ........... $105,229,600

For Community Integrated Living Arrangements for the Persons with Developmental Disabilities:
   Payable from General Revenue Fund ............ 258,665,500

For Purchase of Care for Persons with Developmental Disabilities:
   Payable from General Revenue Fund ............ 79,986,800
   Payable from the Mental Health Fund .......... 9,965,600

For Medicaid Services for Persons with Developmental Disabilities:
   Payable from General Revenue Fund ............ 14,867,200

For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities,
   Payable from General Revenue Fund ............ 10,651,200

Total .................................................. $479,065,900

Section 12.1. In addition to any amounts previously appropriated, the sum of $722,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Elim Christian School.

New matter indicated by italics - deletions by strikeout.
Section 12.2. In addition to any amounts previously appropriated, the sum of $700,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Bethshan Association.

Section 12.3. In addition to any amounts previously appropriated, the sum of $328,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Ray Graham Association.

Section 12.4. In addition to any amounts previously appropriated, the sum of $100,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Sequin Services, Inc.

Section 12.5. In addition to any amounts previously appropriated, the sum of $500,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Lifelink.

Section 13. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

For Family Assistance and Home Based Support Services:

Payable from General Revenue Fund -

For costs associated with Family Assistance Programs at the approximate costs set forth below:

Payable from General Revenue Fund .......... 8,191,300

For Persons with Developmental Disabilities ................ 6,273,900

For Persons with Mental Illness ................. 1,917,400

For costs associated with Home Based Support Services Programs at the approximate costs set forth below:

Payable from General Revenue Fund .......... 11,779,900

For Persons with Developmental Disabilities ................ 8,724,200

For Persons with Mental Illness ................. 3,055,700

For Costs Related to the Determination of Eligibility and Service Needs for Persons with Developmental Disabilities:

Payable from General Revenue Fund ............ 4,282,200

For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2002 and in all prior fiscal years:

Payable from the General Revenue Fund ...... 373,047,500

Payable from the Care Provider Fund for Persons With A Developmental Disability .. 36,000,000

For a Grant to Lewis and Clark Community College to Provide a Comprehensive Program of Services Designed Specifically to Serve the Growing Number of Students with Developmental Disabilities

Payable from the General Revenue Fund ...... 220,000

For Costs Associated with Quality Assurance and Enhancements Related to the Home and Community Based Waiver Program, Including Operating and Administrative Costs

Payable from the General Revenue Fund ...... 9,800,000

New matter indicated by italics - deletions by strikeout.
For Costs Associated with Services for Individuals with Developmental Disabilities to Enable Them to Reside in Their Homes  
Payable from the General Revenue Fund ...... \textbf{6,468,300}

For Costs Associated with Mental Health Services for Youths in the Juvenile Justice System  
Payable from the General Revenue Fund ...... \textbf{2,000,000}

\textbf{Total} $451,789,200

Section 13.1. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:  
Payable from the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund:  
For Community Mental Health and Developmental Services Costs Regarding Medicaid Services................... $ 500,000

Section 13.2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

\textbf{INSPECTOR GENERAL}

Payable from General Revenue Fund:  
For Personal Services .......................... $  4,209,200  
For Employee Retirement Contributions Paid by Employer .................................. 166,000  
For Retirement Contributions .................... 436,100  
For State Contributions to Social Security ........................................ 322,000  
For Contractual Services ......................... 330,500  
For Travel .................................. 241,300  
For Commodities .............................. 48,000  
For Printing .................................. 15,300  
For Equipment ................................ 149,600  
For Telecommunications Services .............. 90,300  
For Operation of Auto Equipment .............. 100  
\textbf{Total} \textbf{$6,008,400}

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

\textbf{ADDITION PREVENTION GRANTS-IN-AID}

For Addiction Prevention and Related Services:  
Payable from General Revenue Fund .............. $  5,955,000  
Payable from the Youth Alcoholism and Substance Abuse Fund .................... 1,050,000  
Payable from Alcoholism and Substance Abuse Fund .................... 6,509,300  
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund .................... 14,278,000  
\textbf{Total} \textbf{$27,792,300}

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

**ADDICTION TREATMENT**
**GRANTS-IN-AID**

Payable from the General Revenue Fund:
- For Costs Associated with Addiction Treatment Services For Special Populations: $9,000,000
- For costs associated with Community Based Addiction Treatment to Medicaid eligible and KidCare clients: 41,019,300
- For Addiction Treatment Services for Medicaid eligible DCFS clients: 3,736,900
- For costs associated with Community Based Addiction Treatment Services: 85,666,200
- For Addiction Treatment Services for DCFS clients: 11,986,400
- For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project: 2,880,600
- For Costs Associated with Treatment of Individuals who are Compulsive Gamblers: 2,000,000

Total: $156,289,400

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund: 55,622,000
Payable from Drunk and Drugged Driving Prevention Fund: 1,729,100
Payable from Drug Treatment Fund: 3,000,000
Payable from Alcoholism and Substance Abuse Fund: 7,160,100
Payable from Youth Drug Abuse Prevention Fund: 530,000

Total: $68,041,200

For underwriting the cost of housing for groups of recovering individuals:
- Payable from Group Home Loan Revolving Fund: $100,000
- Payable from General Revenue Fund: $675,000

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 15.1. The sum of $8,186,800, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 5, Section 15.1 of Public Act 91-707, is reappropriated from the General Revenue Fund to the Department of Human Services for the purpose of Community Based Addiction Treatment Services to Medicaid-Eligible and KidCare Clients.

Section 16. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General

New matter indicated by italics - deletions by strikeout.
Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**LINCOLN DEVELOPMENTAL CENTER**

For Personal Services ......................... $ 25,778,100
For Employee Retirement Contributions
Paid by Employer ................................. 1,000,300
For Retirement Contributions .................. 2,666,200
For State Contributions to Social Security ................................................. 1,972,000
For Contractual Services ....................... 1,834,800
For Travel ...................................................... 13,300
For Commodities ........................................... 1,751,300
For Printing .................................................. 13,000
For Equipment .................................................. 249,000
For Telecommunications Services .............. 89,000
For Operation of Auto Equipment ............. 44,300
For Expenses Related to Living
Skills Program ............................................. 9,000
Total .......................................................... $35,314,100

Section 17. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER**

For Personal Services ......................... $ 23,984,700
For Employee Retirement Contributions
Paid by Employer ................................. 930,900
For Retirement Contributions .................. 2,469,200
For State Contributions to Social Security ................................................. 1,834,800
For Contractual Services ....................... 2,015,850
For Travel ...................................................... 24,800
For Commodities ........................................... 1,267,400
For Printing .................................................. 14,500
For Equipment .................................................. 113,800
For Telecommunications Services .............. 94,200
For Operation of Auto Equipment ............. 67,500
For Expenses Related to Living
Skills Program ............................................. 38,800
For Costs Associated with Behavioral
Health Services - Choate Network ............ 43,300
Total .......................................................... $32,999,750

Section 18. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

Payable from Illinois Veterans' Rehabilitation Fund:
For Personal Services ......................... $ 1,185,200
For Employee Retirement Contributions
Paid by Employer ................................. 47,400
For Retirement Contributions .................. 123,300
For State Contributions to Social Security ...
For Group Insurance .............................. 90,700
For Travel ...................................................... 12,200
For Commodities ........................................... 5,600
For Equipment .................................................. 7,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .............. 19,500
Total  $1,675,700
Payable from Vocational Rehabilitation Fund:
For Personal Services ........................ $ 28,746,800
For Employee Retirement Contributions
Paid by Employer ............................... 1,149,900
For Retirement Contributions ................. 2,989,700
For State Contributions to Social Security ...
For Group Insurance ............................ 2,199,100
For Contractual Services ..................... 5,384,400
For Travel ..................................... 6,308,200
For Commodities ............................... 1,200,000
For Printing ................................... 306,900
For Equipment ................................ 145,100
For Telecommunications Services .............. 419,900
For Operation of Auto Equipment .............. 5,700
For Administrative Expenses of the
Statewide Deaf Evaluation Center ............ 211,900
Total  $50,743,900

Section 18.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID

For Case Services to Individuals:
Payable from General Revenue Fund .......... $  9,791,300
Payable from Illinois Veterans' Rehabilitation Fund ......................... 2,413,700
Payable from State Projects Fund ............. 100,000
Payable from Vocational Rehabilitation Fund .. 46,110,700
For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
Payable from General Revenue Fund .......... 2,346,400
Payable from Vocational Rehabilitation Fund .. 1,900,000
For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund .. 3,619,100
For Case Services to Migrant Workers:
Payable from General Revenue Fund .......... 20,000
Payable from Vocational Rehabilitation Fund .. 210,000
For Grants to Independent Living Centers:
Payable from General Revenue Fund .......... 4,512,900
Payable from Vocational Rehabilitation Fund .. 2,000,000
For the Illinois Coalition for Citizens with Disabilities:
Payable from General Revenue Fund.......... 122,800
Payable from Vocational Rehabilitation Fund... 77,200
For Scandinavian Lekotek Play Libraries:
Payable from General Revenue Fund.......... 835,700
For Independent Living Older Blind Grant:
Payable from the Vocational Rehabilitation Fund ......................... 245,500
Payable from General Revenue Fund .......... 68,000
For Independent Living Older Blind Formula Payable from Vocational Rehabilitation Fund... 500,000
For Technology Related Assistance
Project for Individuals of All Ages with Disabilities:
Payable from the Vocational Rehabilitation Fund $1,050,000
Total $75,923,300

Section 18.2. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 5, Section 18.1 of Public Act 91-707, is reappropriated from the Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 19. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

CLIENT ASSISTANCE PROJECT

Payable from Vocational Rehabilitation Fund:
For Personal Services $487,300
For Employee Retirement Contributions
Paid by Employer 19,500
For Retirement Contributions 50,700
For State Contributions to Social Security 37,300
For Group Insurance 84,000
For Contractual Services 42,900
For Travel 38,200
For Commodities 2,700
For Printing 400
For Equipment 21,400
For Telecommunications Services 12,800
Total $797,200

Section 19.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 21. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

CHICAGO-READ MENTAL HEALTH CENTER

For Personal Services $28,283,400
For Employee Retirement Contributions
Paid by Employer 1,097,500
For Retirement Contributions 2,925,800
For State Contributions to Social Security 2,163,700
For Contractual Services 2,847,550
For Travel 39,700
For Commodities 761,700
For Printing 15,100
For Equipment 66,600
For Telecommunications Services 223,700
For Operation of Auto Equipment 36,000
For Costs Associated with Behavioral Health Services - Chicago-Read Health Network 387,900
Total $38,848,650

Section 22. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

New matter indicated by italics - deletions by strikeout.
PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH

Payable from General Revenue Fund:
For Personal Services ........................................................................... $ 11,645,100
For Employee Retirement Contributions Paid
  by Employer .................................................................................................. 457,900
For Retirement Contributions ................................................................. 1,211,400
For State Contributions to Social Security .............................................. 890,900
For Contractual Services ........................................................................... 2,466,700
For Travel ..................................................................................................... 420,300
For Commodities ....................................................................................... 19,412,200
For Printing ................................................................................................... 40,600
For Equipment ............................................................................................. 1,319,600
For Telecommunications Services ......................................................... 274,200
For Operation of Auto Equipment ........................................................... 3,500
For Contractual Services:
  For Private Hospitals for
    Recipients of State Facilities ......................................................... 1,337,200
Total ......................................................................................................... $39,479,600

Payable from the Prevention/Treatment - Alcoholism and Substance Abuse Block Grant Fund:
For Personal Services ............................................................................. $  1,821,400
For Employee Retirement Contributions Paid
  by Employer ................................................................................................ 72,900
For Retirement Contributions ................................................................. 189,400
For State Contributions to Social Security .............................................. 139,300
For Group Insurance .................................................................................. 277,200
For Contractual Services ........................................................................... 1,411,900
For Travel ..................................................................................................... 200,000
For Commodities ....................................................................................... 53,800
For Printing ................................................................................................... 35,000
For Equipment ............................................................................................. 14,300
For Electronic Data Processing ................................................................. 300,000
For Telecommunications Services .......................................................... 117,800
For Operation of Auto Equipment ........................................................... 20,000
For Expenses Associated with the
  Administration of the Alcohol and
  Substance Abuse Prevention and
  Treatment Programs ............................................................................. 215,000
For Deposit into the Group Home
For Loan Revolving Fund ......................................................................... 100,000
Total ......................................................................................................... $4,968,000

Payable from the Vocational Rehabilitation Fund:
For Personal Services ............................................................................. $  684,000
For Employee Retirement Contributions Paid
  by Employer ................................................................................................ 27,400
For Retirement Contributions ................................................................. 71,100
For State Contributions to Social Security .............................................. 52,300
For Group Insurance .................................................................................. 105,000
For Contractual Services ........................................................................... 61,000
For Travel ..................................................................................................... 50,000
For Commodities ....................................................................................... 300
For Equipment ............................................................................................. 40,000
For Telecommunications Services .......................................................... 16,900
Total ......................................................................................................... $1,108,000

New matter indicated by italics - deletions by strikeout.
Payable from the Drunk and Drugged
Driving Prevention Fund:
For Personal Services .......................  $ 237,700
For Employee Retirement Contributions Paid
by Employer ..................................  9,700
For Retirement Contributions .................  25,300
For State Contributions to Social Security ...  18,300
For Group Insurance ........................  33,600
For Contractual Services ....................  1,879,400
For Travel ..................................  24,400
For Commodities ............................  6,400
For Printing ..................................  19,000
For Equipment ..............................  10,500
For Electronic Data Processing ..............  451,300
For Telecommunications Services ..........  5,100
For Expenses Associated with the
Administration of the Alcohol and
Substance Abuse Prevention and
Treatment Programs ........................  222,200
Total  $2,947,900

Payable from the Alcohol and Substance Abuse Fund:
For Personal Services ........................ $ 242,400
For Employee Retirement Contributions Paid
by Employer .................................  9,700
For Retirement Contributions .................  25,300
For State Contributions to Social Security ...  18,300
For Group Insurance ........................  33,600
For Contractual Services ....................  1,879,400
For Travel ..................................  24,400
For Commodities ............................  6,400
For Printing ..................................  19,000
For Equipment ..............................  10,500
For Electronic Data Processing ..............  451,300
For Telecommunications Services ..........  5,100
For Expenses Associated with the
Administration of the Alcohol and
Substance Abuse Prevention and
Treatment Programs ........................  222,200
Total  $2,947,900

Payable from the Community Mental Health Services
Block Grant Fund:
For Personal Services ....................... $ 514,400
For Employee Retirement Contributions Paid
by Employer .................................  20,600
For Retirement Contributions .................  53,500
For State Contributions to Social Security ...  39,400
For Group Insurance ........................  84,000
For Contractual Services ....................  150,100
For Travel ..................................  10,000
For Commodities ............................  30,000
For Equipment ..............................  5,000
Total  $907,000

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs ..........  $ 5,949,200
Payable from the Mental Health Fund:
For Costs Related to Provision of Support
Services Provided to Departmental and Non-
Departmental Organizations ................  $ 3,720,400
Payable from the Youth Alcoholism and Substance
Abuse Prevention Fund:
For Deposit into the Fund Which Receives All
Payments Under Section 5-3 of Act for
Alcoholic Liquors .........................  $ 150,000
Payable from the Rehabilitation Services
Elementary and Secondary Education Act Fund:

New matter indicated by italics - deletions by strikeout.
For Federally Assisted Programs .............. $ 1,350,000

Section 23. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM

Payable from General Revenue Fund:
For Sexually Violent Persons
Program ........................................ $ 17,976,000

Section 24. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL CENTER
For Personal Services ........................ $ 11,117,800
For Employee Retirement Contributions
Paid by Employer ........................... 431,400
For Retirement Contributions .......... 1,145,600
For State Contributions to
Social Security .............................. 850,500
For Contractual Services .................... 2,836,820
For Travel .................................. 13,400
For Commodities ............................ 445,700
For Printing .................................. 12,900
For Equipment ............................... 43,900
For Telecommunications Services ....... 116,900
For Operation of Auto Equipment ....... 26,200
For Expenses Related to Living
Skills Program .............................. 3,900
For Costs Associated with Behavioral
Health Services - Singer Network ....... 40,000
Total ........................................ $17,085,020

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANN M. KILEY DEVELOPMENTAL CENTER
For Personal Services ........................ $ 18,406,700
For Employee Retirement Contributions
Paid by Employer ........................... 714,400
For Retirement Contributions .......... 1,914,300
For State Contributions to Social
Security ...................................... 1,408,100
For Contractual Services .................... 2,106,600
For Travel .................................. 26,800
For Commodities ............................ 960,800
For Printing .................................. 21,200
For Equipment ............................... 48,600
For Telecommunications Services ....... 143,800
For Operation of Auto Equipment ....... 83,500
For Expenses Related to Living
Skills Program .............................. 14,000
Total ........................................ $25,848,800

Section 26. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE DEAF

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services: respectively, are appropriated from the General Fund:

For Personal Services ................................................. $ 11,203,300
For Student, Member or Inmate Compensation ..................... 14,000
For Employee Retirement Contributions
   Paid by Employer .................................................. 440,500
For Retirement Contributions .................................... 774,300
For State Contributions to Social Security ............................ 581,500
For Contractual Services ........................................... 1,689,900
For Travel ............................................................... 17,000
For Commodities ...................................................... 494,100
For Printing ............................................................ 1,000
For Equipment ......................................................... 120,300
For Telecommunications Services .................................. 126,200
For Operation of Auto Equipment ................................ 26,900
Total                                                                 $15,489,000

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program .................. $ 50,000

Section 28. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

Illinois School for the Visually Impaired

Payable from General Revenue Fund:
For Personal Services ................................................. $ 6,138,400
For Student, Member or Inmate Compensation ..................... 17,000
For Employee Retirement Contributions
   Paid by Employer .................................................. 238,200
For Retirement Contributions .................................... 484,300
For State Contributions to Social Security ............................ 355,800
For Contractual Services ........................................... 572,500
For Travel ............................................................... 13,800
For Commodities ...................................................... 227,500
For Printing ............................................................ 2,500
For Equipment ......................................................... 81,600
For Telecommunications Services .................................. 59,700
For Operation of Auto Equipment ................................ 13,600
Total                                                                 $8,204,900

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program .................. $ 42,900

Section 29. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

John J. Madden Mental Health Center

For Personal Services ................................................. $ 20,471,000
For Employee Retirement Contributions
   Paid by Employer .................................................. 794,400
For Retirement Contributions .................................... 2,119,400
For State Contributions to Social Security ............................ 1,566,000
For Contractual Services ........................................... 1,884,400
For Travel ............................................................... 28,400
For Commodities ...................................................... 547,100
For Printing ............................................................ 19,400
For Equipment ......................................................... 32,280

New matter indicated by italics - deletions by strikeout.
### WARREN G. MURRAY DEVELOPMENTAL CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$21,031,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$816,300</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>$2,146,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$1,691,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>$10,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,383,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$10,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$129,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$70,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$37,500</td>
</tr>
<tr>
<td>For Expenses Related to Living</td>
<td></td>
</tr>
<tr>
<td>Skills Program</td>
<td>$150,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,000</td>
</tr>
<tr>
<td>Total</td>
<td>$28,938,500</td>
</tr>
</tbody>
</table>

Section 29. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

---

### ELGIN MENTAL HEALTH CENTER

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$54,754,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$2,124,900</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>$2,146,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$5,655,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>$49,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,570,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>$37,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$142,740</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$405,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$178,000</td>
</tr>
<tr>
<td>For Expenses Related to Living</td>
<td></td>
</tr>
<tr>
<td>Skills Program</td>
<td>$32,300</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services - Elgin Network</td>
<td>$150,000</td>
</tr>
<tr>
<td>Total</td>
<td>$74,773,640</td>
</tr>
</tbody>
</table>

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

---

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 1,461,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>$ 1,330,800</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>496,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>978,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>101,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,229,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,846,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>306,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>159,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,700</td>
</tr>
<tr>
<td>Total</td>
<td>$18,086,580</td>
</tr>
</tbody>
</table>

Section 32. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

**GEORGE A. ZELLER MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 12,796,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>496,400</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,330,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>306,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>159,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>2,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,229,400</td>
</tr>
<tr>
<td>Total</td>
<td>$1,823,800</td>
</tr>
</tbody>
</table>

Section 33. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**CHESTER MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 24,137,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>1,297,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>2,463,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>649,300</td>
</tr>
<tr>
<td>For Property</td>
<td>72,000</td>
</tr>
<tr>
<td>Total</td>
<td>$18,086,580</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Skills Program .................................          4,800
Total                                      $32,907,300

Section 34. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**JACKSONVILLE DEVELOPMENTAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,330,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>750,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>2,000,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,478,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,378,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,521,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>13,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>94,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>99,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>51,600</td>
</tr>
<tr>
<td>For Expenses Related to Living</td>
<td></td>
</tr>
<tr>
<td>Skills Program</td>
<td>16,800</td>
</tr>
<tr>
<td>Total</td>
<td>$26,751,700</td>
</tr>
</tbody>
</table>

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**ILLINOIS CENTER FOR REHABILITATION AND EDUCATION**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,108,400</td>
</tr>
<tr>
<td>For Student, Member or Inmate Compensation</td>
<td>2,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>159,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>416,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>285,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>852,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>91,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>47,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>61,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>9,400</td>
</tr>
<tr>
<td>Total</td>
<td>$6,045,600</td>
</tr>
</tbody>
</table>

Payable from Vocational Rehabilitation Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Secondary Transitional Experience Program</td>
<td>$60,000</td>
</tr>
</tbody>
</table>

Section 36. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ANDREW McFARLAND MENTAL HEALTH CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$12,471,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>484,100</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>1,286,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>954,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Contractual Services .................. 1,597,230
For Travel ............................... 14,000
For Commodities ......................... 327,600
For Printing ............................. 7,000
For Equipment ................................ 65,900
For Telecommunications Services ......... 107,700
For Operation of Auto Equipment ......... 26,500
For Expenses Related to Living
Skills Program ............................ 11,800
For Costs Associated with Behavioral Health Services - McFarland Network ............ 153,800
Total $17,508,230

Section 37. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REFUGEE SOCIAL SERVICE PROGRAM

Payable from the Special Purposes Trust Fund:
For Personal Services .................... $ 451,200
For Employee Retirement Contributions
Paid by Employer .......................... 18,000
For Retirement Contributions ............ 46,900
For State Contributions to Social Security .................. 34,500
For Group Insurance ...................... 67,200
For Contractual Services ................. 46,200
For Travel ............................... 9,500
For Commodities ......................... 33,000
For Printing ............................. 43,800
For Equipment ........................... 900
Total $751,200

Section 37.1. The following named sum, or so much thereof as may be necessary, respectively, is appropriated to the Department of Human Services for the purposes hereinafter named:

REFUGEE SOCIAL SERVICE PROGRAM

GRANTS-IN-AID

Payable from Special Purposes Trust Fund:
For Refugee Resettlement Purchase
of Service ................................. $10,128,200

Section 38. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER
For Personal Services .................... $ 47,868,700
For Employee Retirement Contributions
Paid by Employer .......................... 1,857,800
For Retirement Contributions ............ 4,843,300
For State Contributions to Social Security .................. 3,662,000
For Contractual Services ................. 4,222,900
For Travel ............................... 12,200
For Commodities ......................... 3,051,000
For Printing ............................. 35,000
For Equipment ........................... 183,100
For Telecommunications Services ......... 153,700
For Operation of Auto Equipment ......... 126,100
Total $66,015,800

New matter indicated by italics - deletions by strikeout.
Section 39. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**EMPLOYMENT AND SOCIAL SERVICE PROGRAMS**

Payable from General Revenue Fund:
- For Personal Services ......................... $6,924,500
- For Employee Retirement Contributions
  - Paid by Employer .......................... $275,500
- For Retirement Contributions ................. $720,300
- For State Contributions to
  - Social Security ........................... $529,700
- For Contractual Services ..................... $121,600
- For Travel .................................. $100,700
- For Equipment ................................ $4,700
- For Deposit into the Homelessness
  Prevention Fund ............................. $1,000,000
Total $9,677,000

Payable from the Special Purposes Trust Fund:
- For Operation of Federal Employment
  Programs ...................................... $15,034,100

Section 39a. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for operating and administrative costs and related distributive purposes for the Workforce Advantage Program.

Section 39.1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Employment and Social Services and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

**EMPLOYMENT AND SOCIAL SERVICE PROGRAMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
- For Employability Development Services
  - Including Operating and Administrative
    Costs and Related Distributive Purposes ... $19,584,400
- For Homeless Shelter Program ............... $9,756,600
- For USDA Federal Commodity Interim
  Transportation and Packaging,
  including grants and operations .......... $282,300
- For Grants for Crisis Nurseries .......... $500,000
- For Food Stamp Employment and Training
  including Operating and Administrative
  Costs and Related Distributive Purposes ... $14,478,900
- For Illinois Community Action
  Association for the Family and
  Community Development Grant Program...... $325,000
- For Grants for Supportive
  Housing Services .......................... $3,809,700
Total $48,763,900

Payable from the Special Purposes Trust Fund:
- For Federal/State Employment Programs and
  Related Services .......................... $5,000,000
- For USDA Surplus Commodity
  Transportation and Distribution,
  including grants and operations .......... $2,641,300
- For Homeless Assistance through the

New matter indicated by italics - deletions by strikeout.
McKinney Block Grant ...................... 4,000,000
For the development and implementation of the Federal Title XX Empowerment Zone and Enterprise Community initiatives ............................... 69,159,000
For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs ....... 300,000
Total $81,100,300
Payable from Local Initiative Fund:
For Purchase of Services under the Donated Funds Initiative Program ................ $ 22,391,700
Funds appropriated from the Local Initiative Fund in Section 39.1, above, shall be expended only for purposes authorized by the Department of Human Services in written agreements.
Payable from Assistance to the Homeless Fund:
For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants ................ $ 300,000
Payable from Employment and Training Fund:
For Costs Related to Employment and Training Programs Including Operating and Administrative Costs and Grants to Qualified Public and Private Entities for Purchase of Employment and Training Services ................................. $ 22,000,000
Payable from Homelessness Prevention Fund:
For costs related to the Homelessness Prevention Act......................... $ 1,000,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

JUVENILE JUSTICE PROGRAMS

Payable from General Revenue Fund:
For Personal Services ................................ $ 219,400
For Employee Retirement Contributions Paid by Employer ...................... 8,800
For Retirement Contributions ...................... 22,800
For State Contributions to Social Security .................................. 16,800
For Contractual Services ......................... 72,300
For Travel ...................................... 7,600
For Equipment .................................. 100
For Telecommunications Services .............. 3,800
Total $351,600
Payable from Juvenile Justice Trust Fund:
For Personal Services ......................... $ 181,600
For Employee Retirement Contributions Paid by Employer ...................... 7,200
For Retirement Contributions ...................... 19,000
For State Contributions to Social Security ......................... 13,900
For Group Insurance ......................... 25,200

New matter indicated by italics - deletions by strikeout.
For Contractual Services ................................. 66,900
For Travel .................................................. 26,500
For Commodities .......................................... 4,600
For Printing .................................................. 3,500
For Telecommunications Services ..................... 11,900
For Detention Monitoring ................................. 75,000
Total ................................................................ 435,300

Section 40.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

**JUVENILE JUSTICE PROGRAMS**

**GRANTS-IN-AID**

Payable from Juvenile Justice Trust Fund:
- For Juvenile Justice Planning and Action Grants for Local Units of Government and Non-Profit Organizations including Prior Fiscal Years Costs .................. $12,600,000
- For Grants to State Agencies, including Prior Fiscal Years .................. 370,000
Total ................................................................ $12,970,000

Section 41. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

**COMMUNITY HEALTH**

Payable from the General Revenue Fund:
- For Personal Services ................................. $5,308,600
- For Employee Retirement Contributions
  Paid by Employer ........................................... 212,300
  For Retirement Contributions ......................... 552,200
  For State Contributions to Social Security .......... 406,100
- For Contractual Services ............................. 514,900
- For Travel .................................................. 144,900
- For Commodities ......................................... 23,000
- For Printing .................................................. 6,400
- For Equipment ............................................. 38,200
- For Telecommunications Services .................. 59,000
- For Operation of Auto Equipment .................... 400
- For Expenses for the Development and Implementation of Cornerstone ............. 3,100,000
Total ................................................................ $10,366,000

Payable from the DHS Federal Projects Fund:
- For Personal Services ................................. $613,600
- For Employee Retirement Contributions
  Paid by Employer ........................................... 24,600
  For Retirement Contributions ......................... 63,900
  For State Contributions to Social Security .......... 46,900
  For Group Insurance ..................................... 92,400
- For Contractual Services ............................. 1,405,200
- For Travel .................................................. 155,500
- For Commodities ......................................... 36,000
- For Printing .................................................. 22,000
- For Equipment ............................................. 568,000
- For Telecommunications Services ................. 246,800
- For Expenses Related to Public Health Programs .................................. 256,200

New matter indicated by italics - deletions by strikeout.
For Operational Expenses for Maternal and Child Health Special Projects of Regional and National Significance ............ 226,300
Total $3,757,400
Payable from the USDA Women, Infants and Children Fund:
For Personal Services ..................... $ 3,083,900
For Employee Retirement Contributions
Paid by Employer .............................. 123,400
For Retirement Contributions ............... 320,700
For State Contributions to Social Security ... 235,900
For Group Insurance .......................... 504,000
For Contractual Services .................... 633,500
For Travel ................................... 239,000
For Commodities ............................ 54,200
For Printing .................................. 184,500
For Equipment ................................ 279,000
For Telecommunications Services .......... 250,000
For Operation of Auto Equipment .......... 17,600
For Operational Expenses of the Women, Infants and Children (WIC) Program, Including Investigations ............... 1,600,000
For Operational Expenses of Banking Services for Food Instruments Verification and Vendor Payment under the Women, Infants and Children (WIC) Program ......................... 800,000
For Operational Expenses of the Federal Commodity Supplemental Food Program .................... 42,500
For Operational Expenses Associated with Support of the USDA Women, Infants and Children Program ............ 150,000
Total $8,518,200
Payable from the Sexual Assault Services Fund:
For Expenses Related to the Sexual Assault Services Program .................. $ 75,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs .................. $ 4,223,300
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs .................. $ 55,000
Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs .................. $ 368,000

Section 41.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

New matter indicated by italics - deletions by strikeout.
## GRANTS-IN-AID

**Payable from the General Revenue Fund:**
- For Grants to Public and Private Agencies for Problem Pregnancies .................. $257,800
- For Grants for the Extension and Provision of Perinatal Services for Premature and High-Risk Infants and Their Mothers ........ 1,184,300
- For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities .......................... 5,569,700
- For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services ...... 17,447,300
- For Grants for the Intensive Prenatal Performance Project.................................. 2,500,000
- For Grants to the Chicago Department of Health for Maternal and Child Health Services .................................. 1,105,700
- For Grants and Administrative Expenses Related to the Healthy Families Program............... 9,686,700
- For Costs Associated with the Domestic Violence Shelters and Services Program .................. 22,119,200
- For Grants for After School Youth Support Programs .................................. 19,956,300
- For Grants Associated with the Project Success Program .................................. 3,826,300
- For Costs Associated with Teen Parent Services .................................. 7,736,800
- For Grants to Family Planning Programs For Contraceptive Services .................. 750,000

**Total** $117,889,700

**Payable from the Special Purposes Trust Fund:**
- For Costs Associated with Family Violence Prevention Services .................. $5,000,000

**Payable from the DHS Federal Projects Fund:**
- For Grants for Public Health Programs .................................. 830,000
- For Grants for Maternal and Child Health Special Projects of Regional and National Significance .................. 1,300,000
- For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act .................. 7,000,000
- For Grants for the Federal Healthy Start Program ................................ 4,000,000

**Total** $18,130,000

**Payable from the Special Purposes Trust Fund:**
- For Community Grants .................. $5,698,100

New matter indicated by italics - deletions by strikeout.
Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services .......... $ 100,000

Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs ............ $ 11,000,000

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program .................................. $ 35,000,000
For Grants for the Federal Commodity Supplemental Food Program .......... 1,400,000
For Grants for Free Distribution of Food Supplies under the USDA Women, Infants, and Children (WIC) Nutrition Program .......... 160,000,000
For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers .................. 20,000,000
For Grants for USDA Farmer's Market Nutrition Program ....................... 1,500,000
Total $219,900,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section ............. $ 10,867,000
For Grants to the Chicago Department of Health for Maternal and Child Health Services .................................... 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children .................. 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs .................. 3,500,000
Total $27,167,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities .................. $ 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs .................. 3,000,000
Total $3,500,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards ............... $ 3,376,400

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program ....................... $1,000,000
For Children's Health Programs: 

New matter indicated by italics - deletions by strikeout.
Section 42. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**COMMUNITY YOUTH SERVICES**

Payable from Tobacco Settlement Recovery Fund .................. $2,000,000

For a Grant to the Coalition for Technical Assistance and Training Related to Children’s Health:
Payable from Tobacco Settlement Recovery Fund .................. $ 250,000

Payable from General Revenue Fund:
For Personal Services .................................. $ 173,800
For Employee Retirement Contributions Paid by Employer .................. 7,000
For Retirement Contributions .................. 18,100
For State Contributions to Social Security .................. 13,300
Total ...................................... $2,212,200

Section 42.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**COMMUNITY YOUTH SERVICES**

**GRANTS-IN-AID**

Payable from General Revenue Fund:
For Community Services .......................... $ 7,379,900
For Youth Services Grants Associated with Juvenile Justice Reform .................. 3,500,000
For Comprehensive Community-Based Service to Youth .................. 13,768,200
For Unified Delinquency Intervention Services .................. 3,203,800
For Homeless Youth Services .................. 4,298,000
For Parents Too Soon Program .................. 7,288,800
For Delinquency Prevention .................. 1,642,400
Total ...................................... $40,931,100

Payable from the Special Purposes Trust Fund:
For Parents Too Soon Program, including grants and operations .................. $ 3,665,200

Payable from the Early Intervention Services Revolving Fund:
For Grants Associated with the Early Intervention Services Program, including operating and administrative costs .................. 150,000,000
Total ...................................... $153,665,200

Section 42.3. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001 from appropriations heretofore made for such purposes in Article 5, Section 42.1 of Public Act 91-0707, is reappropriated from the Early Intervention Services Revolving Fund to the Department of Human Services for grants associated with the Early Intervention Program, including operating and administrative costs.

Section 43. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**WILLIAM W. FOX DEVELOPMENTAL CENTER**

For Personal Services .......................... $ 11,085,400

New matter indicated by italics - deletions by strikeout.
For Personal Services ............................................... $ 33,062,300
For Contractual Services ............................................... 4,772,500
For State Contributions to Social Security ................................ 848,000
For Contractual Services ............................................... 1,072,500
For Travel ................................................................. 10,100
For Commodities ............................................................. 727,200
For Printing ................................................................. 6,000
For Equipment ................................................................. 35,000
For Telecommunications Services ........................................... 27,400
For Operation of Auto Equipment ........................................... 12,800
For Expenses Related to Living Skills Program .............................. 1,000
Total                                                                 $15,406,000

Section 44. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

For Personal Services ............................................... $ 25,233,600
For Employee Retirement Contributions
Paid by Employer ............................................................... 979,200
For Retirement Contributions ............................................. 2,603,100
For State Contributions to Social Security ................................ 1,930,400
For Contractual Services ............................................... 2,706,200
For Travel ................................................................. 3,600
For Commodities ............................................................. 574,400
For Printing ................................................................. 9,500
For Equipment ................................................................. 102,500
For Telecommunications Services ........................................... 154,000
For Operation of Auto Equipment ........................................... 46,400
For Expenses Related to Living Skills Program .............................. 25,600
Total                                                                 $34,368,500

Section 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

For Personal Services ............................................... $ 33,062,300
For Employee Retirement Contributions
Paid by Employer ............................................................... 1,283,100
For Retirement Contributions ............................................. 3,417,500
For State Contributions to Social Security ................................ 2,529,300
For Contractual Services ............................................... 4,772,500
For Travel ................................................................. 35,300
For Commodities ............................................................. 828,000
For Printing ................................................................. 19,400
For Equipment ................................................................. 85,900
For Telecommunications Services ........................................... 180,600
For Operation of Auto Equipment ........................................... 206,600
For Expenses Related to Living Skills Program .............................. 11,500
Total                                                                 $46,432,000

New matter indicated by italics - deletions by strikeout.
ARTICLE 41

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

**ADMINISTRATIVE AND SUPPORT DIVISION**

Payable from Insurance Producer

<table>
<thead>
<tr>
<th>Administration Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 864,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>34,700</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>89,900</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to</td>
<td>66,200</td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>184,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,355,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>51,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>113,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>117,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,906,900</td>
</tr>
</tbody>
</table>

Payable from Insurance Financial Regulation Fund:

| For Personal Services                                   | $ 755,400           |
| For Employee Retirement Contributions                    | 30,300              |
| Paid by Employer                                         |                     |
| For State Contributions to the State                     | 71,300              |
| Employees' Retirement System                             |                     |
| For State Contributions to                               | 57,800              |
| Social Security                                          |                     |
| For Group Insurance                                      | 176,400             |
| For Contractual Services                                 | 1,849,200           |
| For Travel                                                | 2,100               |
| For Commodities                                          | 61,300              |
| For Printing                                              | 47,900              |
| For Equipment                                             | 62,400              |
| For Telecommunications Services                           | 12,800              |
| For Operation of Auto Equipment                          | 7,300               |
| **Total**                                                | $3,134,200          |

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

**CONSUMER DIVISION**

Payable from Insurance Producer

<table>
<thead>
<tr>
<th>Administration Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 5,362,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>206,000</td>
</tr>
<tr>
<td>Paid by Employer</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>524,200</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to</td>
<td>393,100</td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,066,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>340,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .............. 122,800
For Refunds .................................... 77,300
Total $8,093,100

Payable from Insurance Financial Regulation Fund:
For Personal Services ...................... $ 448,100
For Employee Retirement Contributions
Paid by Employer ......................... 18,000
For Retirement ................................. 46,600
For State Contributions to
Social Security .............................. 34,200
For Group Insurance ......................... 75,600
For Travel ................................. 32,000
For Telecommunications Services ........... 9,300
Total $663,800

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

FINANCIAL CORPORATE REGULATION

Payable from Insurance Financial Regulation Fund:
For Personal Services ...................... $ 7,463,000
For Employee Retirement Contributions
Paid by Employer .............................. 299,300
For State Contributions to the State
Employees' Retirement System ............ 776,200
For State Contributions to
Social Security .............................. 571,000
For Group Insurance ......................... 1,318,800
For Travel ................................... 666,600
For Telecommunications Services ......... 67,700
For Refunds ................................... 100,000
Total $11,262,600

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

PENSION DIVISION

Payable from General Revenue Fund:
For Personal Services ...................... $ 356,200
For Employee Retirement Contributions
Paid by Employer .............................. 14,300
For State Contributions to the State
Employees' Retirement System ............ 37,100
For State Contributions to
Social Security .............................. 27,200
For Travel ................................... 34,200
For Printing .................................. 10,500
For Equipment ................................. 5,000
For Telecommunications Services ........... 8,100
Total $492,600

Payable from Public Pension Regulation Fund:
For Personal Services ...................... $ 362,200
For Employee Retirement Contributions
Paid by Employer .............................. 14,500
For State Contributions to the State
Employees' Retirement System ............ 37,700

New matter indicated by italics - deletions by strikeout.
Social Security ................................. 27,700
For Group Insurance ......................... 67,200
For Contractual Services .................... 20,600
For Travel ....................................... 19,600
For Equipment .................................. 10,300
For Telecommunications Services .......... 1,000
Total                                             $1,573,100

For Telecommunications Services .............. 18,400
For Travel ....................................... 37,300
For Group Insurance .......................... 159,600
Social Security ............................. 85,500
For State Contributions to
Employees' Retirement System ............... 116,200
For State Contributions to
Social Security ............................... 71,000
For Group Insurance ......................... 100,800
For Travel ..................................... 40,500
For Telecommunications Services .......... 25,800
Total                                             $997,300

Payable from Insurance Financial Regulation Fund:
For Personal Services ........................ $  502,900
For Employee Retirement Contributions  
Paid by Employer .............................. 20,100
For State Contributions to the State
Employees' Retirement System .............. 52,300
For State Contributions to
Social Security ............................... 38,500
For Group Insurance ......................... 75,600
For Contractual Services .................... 304,100
For Travel ..................................... 8,800
For Commodities .............................. 6,700
For Printing ................................. 6,700
For Equipment ............................... 170,000
Total                                            $1,573,100

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

STAFF SERVICES DIVISION

Payable from Insurance Producer
Administration Fund:
For Personal Services ........................ $  682,700
For Employee Retirement Contributions  
Paid by Employer .............................. 24,300
For State Contributions to the State
Employees' Retirement System .............. 71,000
For State Contributions to
Social Security ............................... 52,200
For Group Insurance ......................... 100,800
For Travel ..................................... 40,500
For Telecommunications Services .......... 25,800
Total                                             $997,300

Payable from Insurance Financial Regulation Fund:
For Personal Services ........................ $ 1,117,600
For Employee Retirement Contributions  
Paid by Employer .............................. 38,500
For State Contributions to the State
Employees' Retirement System .............. 116,200
For State Contributions to
Social Security ............................... 85,500
For Group Insurance ......................... 159,600
For Travel ..................................... 37,300
For Telecommunications Services .......... 18,400
Total                                            $1,573,100

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ELECTRONIC DATA PROCESSING DIVISION

Payable from Insurance Producer
Administration Fund:
For Personal Services ........................ $ 502,900
For Employee Retirement Contributions  
Paid by Employer .............................. 20,100
For State Contributions to the State
Employees' Retirement System .............. 52,300
For State Contributions to
Social Security ............................... 38,500
For Group Insurance ......................... 75,600
For Contractual Services .................... 304,100
For Travel ..................................... 8,800
For Commodities .............................. 6,700
For Printing ................................. 6,700
For Equipment ............................... 170,000

New matter indicated by italics - deletions by strikeout.
Section 7. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Insurance for the administration of the Senior Health Insurance Program:

Payable from the Insurance Producer Administration Fund: $323,500
Payable from the Senior Health Insurance Program Fund: $700,000
Total $1,023,500

ARTICLE 42

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:
For Personal Services $794,500
For Employee Retirement Contributions Paid by Employer 31,900
For State Contributions to State Employees' Retirement System 82,700
For State Contributions to Social Security 60,700
For Group Insurance 126,000
For Contractual Services 282,500
For Travel 8,800
For Commodities 8,800
For Printing 3,600
For Equipment 210,600
For Telecommunications Services 63,300
Total 1,669,100

Section 2. The following named amount of $856,600, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the

New matter indicated by italics - deletions by strikeout.
ordinary and contingent expenses of the Department of Labor:

PUBLIC SAFETY

Payable from General Revenue Fund:
For Personal Services....................... $ 969,100
For Employee Retirement Contributions
Paid by Employer ........................... 38,900
For State Contributions to State
Employees' Retirement System............... 100,900
For State Contributions to
Social Security................................ 74,100
For Contractual Services.................... 43,900
For Travel..................................... 113,500
For Commodities............................ 5,300
For Printing................................... 7,200
For Telecommunications Services.......... 18,500
For Equipment................................ 10,100
Total                                                                                      $1,381,500

The sum of $50,000, or so much thereof as may be necessary, is appropriated from the
General Revenue Fund to the Department of Labor for all costs associated with the Workplace
Initiative for Safe Employment.

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the
ordinary and contingent expenses of the Department of Labor:

FAIR LABOR STANDARDS

Payable from General Revenue Fund:
For Personal Services....................... $ 2,284,000
For Employee Retirement Contributions
Paid by Employer ........................... 91,500
For State Contributions to State
Employees' Retirement System............... 237,700
For State Contributions to
Social Security................................ 174,500
For Contractual Services.................... 130,600
For Travel..................................... 127,100
For Commodities............................ 6,400
For Printing................................... 21,800
For Equipment................................ 100
For Telecommunications Services.......... 46,500
Total                                                                                      $3,120,200

Payable From Child Labor Enforcement Fund:
For Administration of the Child
Labor Law...................................... $ 154,200

Section 6. In addition to any other funds appropriated for that purpose, the sum of $209,000
is appropriated from the General Revenue Fund to the Department of Labor for all costs associated
with conducting the study mandated by P.A. 87-405, regarding the employment progress of
women and minorities.

ARTICLE 43

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the
ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services ........................ $ 1,450,000
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Paid By Employer</td>
<td>58,000</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>150,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>110,400</td>
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<tr>
<td>For Contractual Services</td>
<td>35,000</td>
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<td>For Travel</td>
<td>18,000</td>
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<tr>
<td>For Commodities</td>
<td>15,700</td>
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<tr>
<td>For Printing</td>
<td>6,500</td>
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<tr>
<td>For Equipment</td>
<td>42,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>64,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>42,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For State Officer's Candidate School</td>
<td>2,200</td>
</tr>
<tr>
<td>For Lincoln's Challenge</td>
<td>3,444,800</td>
</tr>
<tr>
<td>Total</td>
<td>$5,459,900</td>
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</table>

Payable from Federal Support Agreement Revolving Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Army/Air Reimbursable Positions</td>
<td>$5,251,800</td>
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<tr>
<td>Lincoln's Challenge</td>
<td>4,889,700</td>
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<td>Lincoln's Challenge Stipend Payments</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Total</td>
<td>$11,341,500</td>
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Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,554,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>222,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>577,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>424,900</td>
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<tr>
<td>For Contractual Services</td>
<td>2,178,100</td>
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<tr>
<td>For Commodities</td>
<td>112,100</td>
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<tr>
<td>For Equipment</td>
<td>56,400</td>
</tr>
<tr>
<td>Total</td>
<td>$9,125,800</td>
</tr>
</tbody>
</table>

**FACILITIES OPERATIONS**

Section 2. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to Army National Guard Facilities operations and maintenance as provided in the Cooperative Funding Agreements, including costs in prior years.

Section 3. The sum of $285,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

Section 4. The sum of $48,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for rehabilitation and minor construction at armories and camps.

Section 5. The sum of $141,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for the care and preservation of historic artifacts.

Section 6. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.

Section 7. The sum of $43,354, or so much of that sum as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 10, Section 7 of Public Act 91-0706, as amended, is reappropriated from the Illinois

New matter indicated by italics - deletions by strikeout.
National Guard Armory Construction Fund to the Department of Military Affairs to provide the State's share in the costs of planning a new armory in Danville.

Section 8. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Section 9. The sum of $200,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 10, Section 8 of Public Act 91-0706, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund for land acquisition and construction of parking facilities at armories.

Section 10. The sum of $30,512, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 10, Section 9 of Public Act 91-0706, as amended, is reappropriated from the Illinois National Guard Armory Construction Fund for land acquisition and construction of parking facilities at armories.

Section 11. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Sections 4, 7, 8, and 9 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 44
CONSERVATION 2000 PROGRAM

Section 1. The amount of $5,250,000 is appropriated from the Capital Development Fund to the Department of Natural Resources for deposit into the Conservation 2000 Projects Fund.

Section 2. The sum of $6,400,000, new appropriation, is appropriated, and the sum of $8,965,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 2 of Public Act 91-706, as amended, is reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

Section 3. The sum of $5,250,000, or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 4. The sum of $13,673,000 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 11, Sections 3 and 4 of Public Act 91-706, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site M planning and development</td>
<td>$ 7,737,100</td>
</tr>
<tr>
<td>Acquisition of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes</td>
<td>$5,935,900</td>
</tr>
<tr>
<td>Total</td>
<td>$13,673,000</td>
</tr>
</tbody>
</table>

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

GENERAL OFFICE

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$ 10,276,100</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund</td>
<td>673,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund</td>
<td>1,216,400</td>
</tr>
</tbody>
</table>

For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
Paid by State:
   Payable from General Revenue Fund ..............  411,700
   Payable from State Boating Act Fund ..............  27,000
   Payable from Wildlife and Fish Fund ..............  48,600

For State Contributions to State Employees’ Retirement System:
   Payable from General Revenue Fund ..............  1,068,700
   Payable from State Boating Act Fund ..............  70,000
   Payable from Wildlife and Fish Fund ..............  126,400

For State Contributions to Social Security:
   Payable from General Revenue Fund ..............  774,300
   Payable from State Boating Act Fund ..............  51,400
   Payable from Wildlife and Fish Fund ..............  93,000

For Group Insurance:
   Payable from State Boating Act Fund ..............  127,600
   Payable from Wildlife and Fish Fund ..............  228,000

For Contractual Services:
   Payable from General Revenue Fund ..............  2,115,100
   Payable from State Boating Act Fund ..............  292,300
   Payable from Wildlife and Fish Fund ..............  1,169,400

For Travel:
   Payable from General Revenue Fund ..............  156,900
   Payable from Wildlife and Fish Fund ..............  10,100

For Commodities:
   Payable from General Revenue Fund ..............  72,800
   Payable from Wildlife and Fish Fund ..............  64,800

For Printing:
   Payable from General Revenue Fund ..............  83,000
   Payable from State Boating Act Fund ..............  145,400
   Payable from Wildlife and Fish Fund ..............  247,600

For Equipment:
   Payable from General Revenue Fund ..............  99,600
   Payable from Wildlife and Fish Fund ..............  132,300

For Electronic Data Processing:
   Payable from General Revenue Fund ..............  225,400
   Payable from State Boating Act Fund ..............  86,500
   Payable from Wildlife and Fish Fund ..............  51,500

For Telecommunications Services:
   Payable from General Revenue Fund ..............  357,300
   Payable from Wildlife and Fish Fund ..............  34,900

For Operation of Auto Equipment:
   Payable from General Revenue Fund ..............  44,600
   Payable from Wildlife and Fish Fund ..............  23,600

For expenses associated with patent and copyright discoveries, inventions or copyrightable works or supporting programs:
   Payable from Patent and Copyright Fund .........  25,000

For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
   Payable from Salmon Fund .........................  10,000

For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related...
products for resale, and refunds for such purposes:
Payable from Wildlife and Fish Fund .......... 550,000

For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:
Payable from State Boating Act Fund .......... 25,000
Payable from State Parks Fund ................. 50,000
Payable from Wildlife and Fish Fund .......... 50,000

For the coordination of public events and promotions from activity fees, donations and vendor revenue:
Payable from State Parks Fund ................. 50,000
Payable from Wildlife and Fish Fund .......... 50,000

For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U.S. Fish and Wildlife Service:
Payable from Wildlife and Fish Fund .......... 25,000

For expenses of the OSLAD Program:
Payable from Open Space Lands Acquisition and Development Fund ...................... 1,011,900

For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware, software, relays and switches and related expenses for new DNR Headquarters:
Payable from the General Revenue Fund....... 1,493,600

For expenses of the Natural Areas Acquisition Program:
Payable from the Natural Areas Acquisition Fund ....................... 138,400

For expenses of the Park and Conservation program:
Payable from Park and Conservation Fund .................. 4,221,900

For expenses of the Bikeways Program:
Payable from Park and Conservation Fund ...................... 513,900

For Natural Resources Trustee Program:
Payable from Natural Resources Restoration Trust Fund ................ 1,000,000

Total $29,820,000

ILLINOIS RIVER INITIATIVES

Section 6. The sum of $9,500,000, new appropriation, is appropriated and the sum of $15,937,000, less $720,900 to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 6 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between

New matter indicated by italics - deletions by strikeout.
the State of Illinois and the United States Department of Agriculture.

Section 7. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:
Payable from General Revenue Fund .................. $ 6,008,100
Payable from Wildlife and Fish Fund .............. 8,862,700
Payable from Salmon Fund .............................. 166,500
Payable from Natural Areas Acquisition Fund .......................... 1,402,900

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund ............ 243,900
Payable from Wildlife and Fish Fund ........ 357,600
Payable from Salmon Fund ..................... 6,600
Payable from Natural Areas Acquisition Fund .......................... 56,200

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund ............ 624,800
Payable from Wildlife and Fish Fund ........ 921,700
Payable from Salmon Fund ..................... 16,500
Payable from Natural Areas Acquisition Fund .......................... 145,800

For State Contributions to Social Security:
Payable from General Revenue Fund ............ 440,200
Payable from Wildlife and Fish Fund ........ 661,900
Payable from Salmon Fund ..................... 12,700
Payable from Natural Areas Acquisition Fund .......................... 107,400

For Group Insurance:
Payable from Wildlife and Fish Fund ........ 1,566,400
Payable from Salmon Fund ..................... 29,500
Payable from Natural Areas Acquisition Fund .......................... 235,800

For Contractual Services:
Payable from General Revenue Fund ............ 859,600
Payable from Wildlife and Fish Fund ........ 1,803,000
Payable from Salmon Fund ..................... 3,100
Payable from Natural Areas Acquisition Fund .......................... 82,500
Payable from Natural Heritage Fund ........... 62,700

For Travel:
Payable from General Revenue Fund ............ 46,500
Payable from Wildlife and Fish Fund ........ 155,000
Payable from Natural Areas Acquisition Fund .......................... 32,200

For Commodities:
Payable from General Revenue Fund ............ 310,500
Payable from Wildlife and Fish Fund ........ 1,351,500
Payable from Natural Areas Acquisition Fund .......................... 40,200
Payable from the Natural Heritage Fund ...... 17,300

For Printing:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund ............ 20,000  
Payable from Wildlife and Fish Fund ............ 218,700  
Payable from Natural Areas Acquisition  
Fund ............................................ 11,600  
For Equipment:  
Payable from General Revenue Fund ............ 195,600  
Payable from Wildlife and Fish Fund ............ 576,900  
Payable from Natural Areas Acquisition  
Fund ............................................ 143,600  
Payable from Illinois Forestry  
Development Fund ............................ 129,600  
For Telecommunications Services:  
Payable from General Revenue Fund ............ 84,100  
Payable from Wildlife and Fish Fund ............ 222,100  
Payable from Natural Areas Acquisition  
Fund ............................................ 34,200  
For Operation of Auto Equipment:  
Payable from General Revenue Fund ............ 74,900  
Payable from Wildlife and Fish Fund ............ 347,000  
Payable from Natural Areas Acquisition  
Fund ............................................ 57,700  
For the Purposes of the "Illinois  
Non-Game Wildlife Protection Act":  
Payable from Illinois Wildlife  
Preservation Fund ............................ 500,000  
For programs beneficial to advancing forests  
and forestry in this State as provided for  
in Section 7 of the "Illinois Forestry  
Development Act", as now or hereafter  
amended:  
Payable from Illinois Forestry Development  
Fund ............................................ 1,041,800  
For Administration of the "Illinois  
Endangered Species Protection Act":  
Payable from General Revenue Fund ............ 124,600  
For Administration of the "Illinois  
Natural Areas Preservation Act":  
Payable from Natural Areas Acquisition  
Fund ............................................ 1,124,600  
For payment of the expenses of the Illinois  
Forestry Development Council:  
Payable from Illinois Forestry Development  
Fund ............................................ 125,000  
For an Urban Fishing Program in  
conjunction with the Chicago Park  
District to provide fishing and  
resource management at the park  
district lagoons:  
Payable from Wildlife and Fish Fund ............ 219,700  
For workshops, training and other activities  
to improve the administration of fish  
and wildlife federal aid programs from  
federal aid administrative grants  
received for such purposes:  
Payable from Wildlife and Fish Fund ............ 12,000  

New matter indicated by italics - deletions by strikeout.
For wildlife conservation and restoration plans and programs from Federal Funds provided for such purposes:
Payable from Wildlife and Fish Fund........... 2,651,800

For expenses of the Natural Areas Stewardship Program:
Payable from Natural Areas Acquisition Fund ........................................... 979,400

For expenses of the Urban Forestry Program:
Payable from Illinois Forestry Development Fund ........................................... 299,900

For research, management, habitat restoration and education efforts necessary for exotic species control:
Payable from General Revenue Fund........... 245,000
Total $36,071,100

Section 8. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF LAW ENFORCEMENT**

For Personal Services:
Payable from General Revenue Fund ........... $ 6,717,900
Payable from State Boating Act Fund ........... 2,222,600
Payable from State Parks Fund ........... 565,400
Payable from Wildlife and Fish Fund ........... 2,619,300

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund ........... 356,000
Payable from State Boating Act Fund ........... 121,800
Payable from State Parks Fund ........... 30,700
Payable from Wildlife and Fish Fund ........... 143,600

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund ........... 698,700
Payable from State Boating Act Fund ........... 231,100
Payable from State Parks Fund ........... 58,800
Payable from Wildlife and Fish Fund ........... 272,400

For State Contributions to Social Security:
Payable from General Revenue Fund ........... 104,800
Payable from State Boating Act Fund ........... 17,600
Payable from State Parks Fund ........... 8,500
Payable from Wildlife and Fish Fund ........... 8,300

For Group Insurance:
Payable from State Boating Act Fund ........... 326,900
Payable from State Parks Fund ........... 77,600
Payable from Wildlife and Fish Fund ........... 376,700

For Contractual Services:
Payable from General Revenue Fund ........... 168,400
Payable from State Boating Act Fund ........... 80,600
Payable from Wildlife and Fish Fund ........... 169,400

For Travel:
Payable from General Revenue Fund ........... 213,500
Payable from Wildlife and Fish Fund ........... 11,000

For Commodities:
Payable from General Revenue Fund ........... 116,500

New matter indicated by italics - deletions by strikeout.
Payable from State Boating Act Fund .......... 15,500
Payable from Wildlife and Fish Fund .......... 47,600
For Printing:
Payable from General Revenue Fund .......... 20,900
Payable from Wildlife and Fish Fund .......... 5,800
For Equipment:
Payable from General Revenue Fund .......... 623,000
Payable from State Boating Act Fund .......... 120,000
Payable from State Parks Fund ............... 130,000
Payable from Wildlife and Fish Fund .......... 132,300
For Telecommunications Services:
Payable from General Revenue Fund .......... 370,500
Payable from State Boating Act Fund .......... 155,700
Payable from Wildlife and Fish Fund .......... 214,700
For Operation of Auto Equipment:
Payable from General Revenue Fund .......... 185,400
Payable from State Boating Act Fund .......... 254,000
Payable from Wildlife and Fish Fund .......... 116,700
For Snowmobile Programs:
Payable from State Boating Act Fund .......... 35,000
For Expenses of the Community Oriented Policing Services Universal Hiring Program:
Payable from DNR Federal Projects Fund ...... 359,200
   Total $18,504,400
   Section 9. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT AND EDUCATION
For Personal Services:
Payable from General Revenue Fund .......... $ 21,147,000
Payable from State Boating Act Fund .......... 1,367,600
Payable from State Parks Fund ............... 1,314,500
Payable from Wildlife and Fish Fund .......... 2,178,900
For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund .......... 798,300
Payable from State Boating Act Fund .......... 54,800
Payable from State Parks Fund ............... 52,500
Payable from Wildlife and Fish Fund .......... 86,400
For State Contributions to State Employee's Retirement System:
Payable from General Revenue Fund .......... 2,196,900
Payable from State Boating Act Fund .......... 142,300
Payable from State Parks Fund ............... 136,700
Payable from Wildlife and Fish Fund .......... 226,700
For State Contributions to Social Security:
Payable from General Revenue Fund .......... 1,603,900
Payable from State Boating Act Fund .......... 104,600
Payable from State Parks Fund ............... 100,500
Payable from Wildlife and Fish Fund .......... 166,600
For Group Insurance:
Payable from State Boating Act Fund .......... 324,200
Payable from State Parks Fund ............... 290,900
Payable from Wildlife and Fish Fund .......... 428,900

New matter indicated by italics - deletions by strikeout.
For Contractual Services:
- Payable from General Revenue Fund .......... 2,990,300
- Payable from State Boating Act Fund .......... 492,000
- Payable from State Parks Fund ............... 2,577,000
- Payable from Wildlife and Fish Fund .......... 111,100

For Travel:
- Payable from General Revenue Fund .......... 10,500
- Payable from State Boating Act Fund .......... 6,100
- Payable from State Parks Fund ............... 51,000
- Payable from Wildlife and Fish Fund .......... 15,100

For Commodities:
- Payable from General Revenue Fund .......... 996,400
- Payable from State Boating Act Fund .......... 55,000
- Payable from State Parks Fund ............... 478,000
- Payable from Wildlife and Fish Fund .......... 166,000

For Printing:
- Payable from General Revenue Fund .......... 15,200

For Equipment:
- Payable from General Revenue Fund .......... 260,800
- Payable from State Parks Fund ............... 757,500
- Payable from Wildlife and Fish Fund .......... 305,700

For Telecommunications Services:
- Payable from General Revenue Fund .......... 74,200
- Payable from State Parks Fund ............... 332,200
- Payable from Wildlife and Fish Fund .......... 35,400

For Operation of Auto Equipment:
- Payable from General Revenue Fund .......... 475,000
- Payable from State Parks Fund ............... 265,800
- Payable from Wildlife and Fish Fund .......... 52,100

For Illinois-Michigan Canal:
- Payable from State Parks Fund ............... 175,000

For Union County and Horseshoe Lake
Conservation Areas, Farming and Wildlife
Operations:
- Payable from Wildlife and Fish Fund .......... 500,000

For operations and maintenance
from farm lease revenues:
- Payable from the State Parks Fund ........... 350,000
- Payable from the Wildlife and
Fish Fund ........................................ 600,000

For Snowmobile Programs:
- Payable from State Boating Act Fund .......... 50,000

For operating expenses of the North
Point Marina at Winthrop Harbor:
- Payable from the Illinois Beach
Marina Fund ...................................... 1,963,100

For expenses of the Park and Conservation
program:
- Payable from Park and Conservation
Fund .............................................. 4,693,700

For expenses of the Bikeways program:
- Payable from Park and Conservation
Fund .............................................. 1,338,700

For Wildlife Prairie Park Operations and
Improvements:

New matter indicated by italics - deletions by strikeout.
Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF MINES AND MINERALS**

For Personal Services:
- Payable from General Revenue Fund ............  2,818,300
- Payable from Mines and Minerals Underground Injection Control Fund .......................  252,500
- Payable from Plugging and Restoration Fund ...  257,100
- Payable from Underground Resources Conservation Enforcement Fund .............  305,400
- Payable from Federal Surface Mining Control and Reclamation Fund .................  1,490,700
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.........................  1,717,200

For Employee Retirement Contributions
Paid by State:
- Payable from General Revenue Fund ............  112,700
- Payable from Mines and Minerals Underground Injection Control Fund .......................  10,100
- Payable from Plugging and Restoration Fund ...  10,300
- Payable from Underground Resources Conservation Enforcement Fund .............  12,200
- Payable from Federal Surface Mining Control and Reclamation Fund .................  59,700
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.........................  68,700

For State Contributions to State Employees’ Retirement System:
- Payable from General Revenue Fund ............  293,100
- Payable from Mines and Minerals Underground Injection Control Fund .......................  26,300
- Payable from Plugging and Restoration Fund ...  26,700
- Payable from Underground Resources Conservation Enforcement Fund .............  31,800
- Payable from Federal Surface Mining Control and Reclamation Fund .................  155,000
- Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.........................  178,600

For State Contributions to Social Security:
- Payable from General Revenue Fund ............  215,600
- Payable from Mines and Minerals Underground Injection Control Fund .......................  19,400
- Payable from Plugging and Restoration Fund ...  19,900
- Payable from Underground Resources Conservation Enforcement Fund .............  23,400

New matter indicated by italics - deletions by strikeout.
Payable from Federal Surface Mining Control and Reclamation Fund .................. 114,100
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .................. 131,300

For Group Insurance:
Payable from Mines and Minerals Underground Injection Control Fund .................. 53,000
Payable from Plugging and Restoration Fund .................. 51,100
Payable from Underground Resources Conservation Enforcement Fund .................. 74,700
Payable from Federal Surface Mining Control and Reclamation Fund .................. 256,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .................. 282,100

For Contractual Services:
Payable from General Revenue Fund .................. 314,500
Payable from Mines and Minerals Underground Injection Control Fund .................. 29,300
Payable from Plugging and Restoration Fund .................. 13,900
Payable from Underground Resources Conservation Enforcement Fund .................. 120,100
Payable from Federal Surface Mining Control and Reclamation Fund .................. 372,300
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .................. 278,900

For Travel:
Payable from General Revenue Fund .................. 50,500
Payable from Mines and Minerals Underground Injection Control Fund .................. 1,000
Payable from Plugging and Restoration Fund .................. 1,400
Payable from Underground Resources Conservation Enforcement Fund .................. 6,200
Payable from Federal Surface Mining Control and Reclamation Fund .................. 31,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .................. 30,700

For Commodities:
Payable from General Revenue Fund .................. 30,200
Payable from Mines and Minerals Underground Injection Control Fund .................. 2,400
Payable from Plugging and Restoration Fund .................. 2,700
Payable from Underground Resources Conservation Enforcement Fund .................. 10,400
Payable from Federal Surface Mining Control and Reclamation Fund .................. 15,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund .................. 27,300

For Printing:
Payable from General Revenue Fund .................. 4,400
Payable from Mines and Minerals Underground

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injection Control Fund</td>
<td>500</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>500</td>
</tr>
<tr>
<td>Payable from Underground Resources</td>
<td></td>
</tr>
<tr>
<td>Conservation Enforcement Fund</td>
<td>3,300</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>11,200</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands</td>
<td></td>
</tr>
<tr>
<td>Reclamation Council Federal Trust Fund</td>
<td>12,800</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>124,500</td>
</tr>
<tr>
<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>16,200</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>37,600</td>
</tr>
<tr>
<td>Payable from Underground Resources</td>
<td></td>
</tr>
<tr>
<td>Conservation Enforcement Fund</td>
<td>9,900</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>118,400</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands</td>
<td></td>
</tr>
<tr>
<td>Reclamation Council Federal Trust Fund</td>
<td>109,200</td>
</tr>
<tr>
<td>For Electronic Data Processing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>21,900</td>
</tr>
<tr>
<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>4,000</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>20,400</td>
</tr>
<tr>
<td>Payable from Underground Resources</td>
<td></td>
</tr>
<tr>
<td>Conservation Enforcement Fund</td>
<td>13,100</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>131,500</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands</td>
<td></td>
</tr>
<tr>
<td>Reclamation Council Federal Trust Fund</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>58,100</td>
</tr>
<tr>
<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>2,900</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>10,400</td>
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<td>Payable from Underground Resources</td>
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<tr>
<td>Conservation Enforcement Fund</td>
<td>17,000</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>29,900</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands</td>
<td></td>
</tr>
<tr>
<td>Reclamation Council Federal Trust Fund</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>47,900</td>
</tr>
<tr>
<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>13,900</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>19,600</td>
</tr>
<tr>
<td>Payable from Underground Resources</td>
<td></td>
</tr>
<tr>
<td>Conservation Enforcement Fund</td>
<td>33,100</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>30,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ........................................ 40,200

For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres:
  Payable from the General Revenue Fund ....... 15,000
  Payable from the Coal Mining Regulatory Fund ........................................ 32,800
  Payable from Federal Surface Mining Control and Reclamation Fund ............ 383,600

For expenses associated with Aggregate Mining Regulation:
  Payable from Aggregate Operations Regulatory Fund ........................................ 326,200

For expenses associated with Explosive Regulation:
  Payable from Explosives Regulatory Fund ...... 145,800

For expenses associated with Environmental Mitigation Projects, Studies, Research, and Administrative Support:
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund ........................................ 500,000

For the purpose of reclaiming surface mined lands, with respect to which a bond has been forfeited:
  Payable from Land Reclamation Fund ............ 350,000

For expenses associated with Surface Coal Mining Regulation:
  Payable from Coal Mining Regulatory Fund ..... 290,200

For the State of Illinois' share of expenses of Interstate Oil Compact Commission created under the authority of "An Act ratifying and approving an Interstate Compact to Conserve Oil and Gas", approved July 10, 1935, as amended:
  Payable from General Revenue Fund ............ 6,900

For State expenses in connection with the Interstate Mining Compact:
  Payable from General Revenue Fund ............ 20,100

For expenses associated with litigation of Mining Regulatory actions:
  Payable from Federal Surface Mining Control and Reclamation Fund .............. 15,000

For Small Operators' Assistance Program:
  Payable from Federal Surface Mining Control and Reclamation Fund .............. 210,000

For Plugging & Restoration Projects:
  Payable from Plugging & Restoration Fund ..... 350,000

For Interest Penalty Escrow:
  Payable from General Revenue Fund ............ 500
  Payable from Underground Resources Conservation Enforcement Fund ........... 500

New matter indicated by italics - deletions by strikeout.
For the purpose of carrying out the
Illinois Petroleum Education and
Marketing Act:
Payable from the Petroleum Resources
Revolving Fund .............................. 375,000
Total .............................. $14,530,700

Section 11. The sum of $441,700, less $150,000 to be lapsed from the unexpended balance, or so much thereof as may be necessary and as remains unexpended, at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Sections 10 and 11 of Public Act 91-706, as amended, is appropriated to the Plugging and Restoration Fund to the Department of Natural Resources for plugging and restoration projects.

Section 12. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF WATER RESOURCES

For Personal Services:
Payable from General Revenue Fund ............ $ 4,996,600
Payable from State Boating Act Fund ............ 258,900

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund ............ 203,900
Payable from State Boating Act Fund ............ 10,300

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund ............ 499,800
Payable from State Boating Act Fund ............ 25,900

For State Contributions to Social Security:
Payable from General Revenue Fund ............ 350,500
Payable from State Boating Act Fund ............ 19,900

For Group Insurance:
Payable from State Boating Act Fund ............ 66,600

For Contractual Services:
Payable from General Revenue Fund ............ 662,900
Payable from State Boating Act Fund ............ 24,400

For Travel:
Payable from General Revenue Fund ............ 189,400
Payable from State Boating Act Fund ............ 6,700

For Commodities:
Payable from General Revenue Fund ............ 25,700
Payable from State Boating Act Fund ............ 18,500

For Printing:
Payable from General Revenue Fund ............ 4,800

For Equipment:
Payable from General Revenue Fund ............ 96,500
Payable from State Boating Act Fund ............ 52,600

For Telecommunications Services:
Payable from General Revenue Fund ............ 101,700
Payable from State Boating Act Fund ............ 8,500

For Operation of Auto Equipment:
Payable from General Revenue Fund ............ 99,600
Payable from State Boating Act Fund ............ 7,900

For execution of state assistance programs to improve the administration of the National Flood Insurance Program (NFIP) and National Dam

New matter indicated by italics - deletions by strikeout.
For Repairs and Modifications to Facilities: Payable from State Boating Act Fund ........... 20,000
Total $8,051,600

Section 13. The sum of $1,513,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers, to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303), and for payment of costs sharing expenses relative to the Soo Lock Project .......................... $ 581,000
Federal Facilities - For payment of the State's share of operation and maintenance costs as local sponsor of the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River .............................. 0
Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50 and the Lake Michigan Shoreline Act, 615 ILCS 55 ................................. 99,000
National Water Planning - For expenses to participate in national and regional water planning programs including membership in regional and national associations, commissions and compacts .......................... 146,800
River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications .......................... 140,000
Design Investigations - For purchase

New matter indicated by italics - deletions by strikeout.
of necessary mapping, equipment
test boring, field work for
Geotechnical investigations and
other design and construction
related studies ............................... 10,000
Rivers and Lakes Management - For
purchase of necessary surveying,
equipment, obtaining data, field work
studies, publications, legal fees,
hearings and other expenses to
carry out the provisions of the
1911 Act in relation to the
"Regulation of Rivers, Lakes and
Streams Act", 615 ILCS 5/4.9 et seq. ........ 25,600
State Facilities - For materials,
equipment, supplies, services,
field vehicles, and heavy
construction equipment required
to operate, maintain repair,
construct, modify or rehabilitate
facilities controlled or constructed
by the Office of Water Resources,
and to assist local governments for
flood control and to preserve the streams
of the State ................................. 74,000
State Water Supply and Planning - For
data collection, studies, equipment
and related expenses for analysis
and management of the water resources
of the State, implementation of the
State Water Plan, and management
of state-owned water resources .......... 70,000
USGS Cooperative Program - For
payment of the Department's
share of operation and
maintenance of statewide
stream gauging network,
water data storage and
retrieval system, preparation
of topography mapping, and
water related studies; all
in cooperation with the U.S.
Geological Survey .......................... 367,000
Total ........................................ 1,513,400

Section 14. The following named sums, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated to the
Department of Natural Resources:

OFFICE OF SCIENTIFIC RESEARCH AND ANALYSIS

For Rental of Real Property and Purchase
of Scientific Equipment and
Associated Expenses:
Payable from General Revenue Fund ...........  $ 480,000

WASTE MANAGEMENT AND RESEARCH CENTER

For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ..........  2,968,100

New matter indicated by italics - deletions by strikeout.
Payable from Toxic Pollution Prevention Fund .............................................. 90,000
Payable from Hazardous Waste Research Fund ............................................. 400,000
Payable from Natural Resources Information Fund ........................................ 25,000
Total \$3,483,100

STATE GEOLOGICAL SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ......................................................... $7,390,200
Payable from Natural Resources Information Fund ........................................ 277,200
Total \$7,667,000

STATE NATURAL HISTORY SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ......................................................... $4,724,700
Payable from Natural Resources Information Fund ........................................ 15,000
For Mosquito Research and Abatement:
Payable from Used Tire Management Fund .................................................. 200,000
Total \$4,939,700

STATE WATER SURVEY
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ......................................................... $4,335,800
Payable from Natural Resources Information Fund ........................................ 6,000
Total \$4,341,800

STATE MUSEUMS
For Ordinary and Contingent Expenses:
Payable from General Revenue Fund ......................................................... $5,683,100
Payable from Natural Resources Fund ......................................................... 3,000
Total \$5,686,100

FOR REFUNDS
Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:
For Payment of Refunds:
Payable from General Revenue Fund ......................................................... $1,600
Payable from State Boating Act Fund ......................................................... 30,000
Payable from State Parks Fund ................................................................. 25,000
Payable from Wildlife and Fish Fund ......................................................... 850,000
Payable from Plugging and Restoration Fund ............................................ 25,000
Payable from Underground Resources Conservation Enforcement Fund ........... 25,000
Payable from Natural Resources Information Fund ........................................ 1,000
Payable from Illinois Beach Marina Fund .................................................. 25,000
Total \$982,600

FOR STATE FURBEARER PROGRAM
Section 16. The sum of \$110,000, new appropriation, is appropriated, and the sum of \$234,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 16 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

FOR STATE PHEASANT PROGRAM

New matter indicated by italics - deletions by strikeout.
Section 17. The sum of $550,000, new appropriation, is appropriated, and the sum of $1,118,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 17 of Public Act 91-706, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM

Section 18. The sum of $500,000, new appropriation, is appropriated, and the sum of $1,110,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 18 of Public Act 91-706, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 19. The sum of $100,000, new appropriation, is appropriated, and the sum of $492,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 19 of Public Act 91-706, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

FOR ILLINOIS OPEN LAND TRUST PROGRAM

Section 20. The sum of $80,000,000, new appropriation, is appropriated, and the sum of $61,831,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 20 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

FOR PARK AND CONSERVATION PROGRAM

Section 21. The sum of $983,700, new appropriation, is appropriated, and the sum of $5,137,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 21 of Public Act 91-706, as amended, is reappropriated from the Department of Natural Resources for the following purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

FOR PARK AND CONSERVATION II PROGRAM

Section 22. The sum of $2,129,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 22 of Public Act 91-706, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

FOR BIKEWAYS PROGRAMS

Section 23. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

The sum of $1,509,400, new appropriation, is appropriated and the sum of $6,237,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 23 on page 122, lines 14 and 15 of Public Act 91-706, as amended, is reappropriated for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition,

New matter indicated by italics - deletions by strikeout.
development and maintenance of bike paths.

The sum of $786,500 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 23, on page 122, lines 23-29 of Public Act 91-706, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway through Grafton ................................ $1,300
Super Trail between the Quad Cities and Savannah ................................. 93,000
Chicago, Milwaukee, St. Paul and Pacific Railroad, between Joliet and Manhattan and Wabash Railroad, between Manhattan and Custer Park in Will County ......................... 502,200
Illinois Prairie Path in Cook County .................................................. 14,500
Heartland Pathways, from Lane to White Heath and Monticello to Cisco in DeWitt and Piatt Counties ......................... 175,500

The sum of $3,300,000, new appropriation, is appropriated, and the sum of $15,930,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 23, on page 123, lines 11-18 of Public Act 91-706, as amended, is reappropriated for grants to units of local government for the acquisition and development of bike paths.

The sum of $56,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 23, on page 123, line 19 of Public Act 91-706, as amended, is reappropriated for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

FOR TRAILS

Section 24. The sum of $1,500,000, new appropriation, is appropriated, and the sum of $3,051,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 24 of Public Act 91-706, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

FOR WATERFOWL AREAS

Section 25. The sum of $300,000, new appropriation, is appropriated and the sum of $2,590,900, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 25 of Public Act 91-706, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR PERMANENT IMPROVEMENTS

Section 26. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from General Revenue Fund:

(From Article 11, Section 26 on page 124,

New matter indicated by italics - deletions by strikeout.
For multiple use facilities and programs for planning, construction, rehabilitation and all other expenses required to comply with this appropriation, including grants to local governments for similar purposes .............................................. $ 215,100

(From Article 11, Section 26, on page 125, lines 6-14, and Section 27, lines 13-21 of Public Act 91-706)

For multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation .......................... 1,733,100

Payable from State Boating Act Fund:
(From Article 11, Section 26 on page 125, lines 20-27, and Section 27 on page 127, lines 23-31 of Public Act 91-706)

For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, material, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation ............................ 1,789,700

Payable from the Illinois Beach Marina Fund:
(From Article 11, Section 27 on page 127, lines 32 and 33 and page 128, lines 1-3 of Public Act 91-706)

For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor ......................................................... 250,000

Payable from Wildlife and Fish Fund:
(From Article 11, Section 26 on page 126, lines 8-17 of Public Act 91-706)

For multiple use facilities and programs for wildlife and fish purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material, labor, land acquisition, services, studies, cooperative efforts with non-profit organizations, and all other expenses required to comply with the intent of
this appropriation .......................... 37,900

Payable from Natural Areas Acquisition Fund:
(From Article 11, Section 26 on
page 126, lines 23-29, and Section
27 on page 128, lines 5-10 of Public
Act 91-706)
For the acquisition, preservation and
stewardship of natural areas,
including habitats for endangered and
threatened species, high quality natural
communities, wetlands and other areas
with unique or unusual natural
heritage qualities .......................... 6,627,900

Payable from the State Parks Fund:
(From Article 11, Section 26 on
page 126, lines 33-34 and page
127, lines 1-6, and Section 27
on page 128, lines 12-19 of Public
Act 91-706)
For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation .......... 284,100
Total $10,937,800

Section 27. The following named sums, new appropriations, or so much thereof
as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated
to the Department of Natural Resources:
Payable from General Revenue Fund:
For multiple use facilities and
programs for conservation purposes
provided by the Department of Natural
Resources, including construction
and development, all costs for supplies,
materials, labor, land acquisition,
services, studies and all other
expenses required to comply with the
intent of this appropriation .......... 1,123,800

Payable from State Boating Act Fund:
For multiple use facilities and
programs for boating purposes
provided by the Department of Natural
Resources, including construction
and development, all costs for supplies,
materials, labor, land acquisition,
services, studies and all other
expenses required to comply with the
intent of this appropriation .......... 1,200,000

Payable from the Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair,
replacing, fixed assets, and improvement
of facilities at North Point Marina at

New matter indicated by italics - deletions by strikeout.
Winthrop Harbor ............................. 250,000
Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities ............... 5,369,000
Payable from State Parks Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation ............ 150,000
Total $8,092,800

Section 28. The sum of $2,000,000, new appropriation is appropriated, and the sum of $1,250,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 27a of Public Act 91-706, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 29. The sum of $564,600, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 28 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for construction and development to complete Tunnel Hill State Trail from Harrisburg to Karnak.

Section 30. The sum of $1,176,700, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 29 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for purchase of easements or land to preserve the Momence Wetlands and for conservation practices to stabilize and restore Iroquois and Kankakee River Basins.

Section 31. The sum of $244,800, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 30 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for habitat improvements and associated development under the Environmental Management Program in cooperation with the U.S. Army Corps of Engineers.

Section 32. The sum of $8,577,300, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 31 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for all costs associated with planning and construction of a visitor center/office complex, exhibits, supporting infrastructure, site development, land acquisition and related costs of the Tri-County Park in DuPage, Cook and Kane Counties.

Section 33. The sum of $18,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 32 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the rehabilitation of boat access area and parking lots at Carlyle Lake.

Section 34. The sum of $109,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in...
Article 11, Section 33 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the construction and repair of levees at Carlyle Lake.

Section 35. The sum of $560,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 34 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all costs associated with planning, design, construction, equipment and operation of a Tri-County Park Visitors Center in DuPage County.

Section 36. The sum of $74,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 36 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all costs associated with the installation of new restroom facilities at Apple River State Park.

Section 37. The sum of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 37 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all costs associated with the planning, construction, and infrastructure for resort development at South Shore State Park in Carlyle.

Section 38. The sum of $2,750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 38 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for planning and construction of the Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois in Champaign. No funds in this Section may be expended in excess of the revenues deposited in the General Revenue Fund from the sale of property formerly known as Burnham Hospital.

Section 39. The sum of $20,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 39 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for all costs associated with the construction of a new concession building at Carlyle Lake.

Section 40. The sum of $190,400, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 40 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources to conduct feasibility studies on new river dredging technologies.

FOR WATERWAY IMPROVEMENTS

Section 41. The following named sum, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 42 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the same purposes:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Des Plaines River and Tributaries</td>
<td>$482,200</td>
</tr>
<tr>
<td>Cook, DuPage and Lake Counties</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$482,200</td>
</tr>
</tbody>
</table>

Section 42. The sum of $45,530,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Sections 43 and 48 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison Creek Watershed - Cook</td>
<td>$895,600</td>
</tr>
<tr>
<td>and DuPage Counties</td>
<td></td>
</tr>
<tr>
<td>Chandlerville/Panther Creek</td>
<td></td>
</tr>
<tr>
<td>Cass County</td>
<td>500,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government</td>
<td>$1,674,100</td>
</tr>
<tr>
<td>Crisenberry Dam - Jackson County: For complete rehabilitation of the dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation</td>
<td>$271,500</td>
</tr>
<tr>
<td>Crystal Creek - Cook County</td>
<td>$2,332,000</td>
</tr>
<tr>
<td>East Peoria - Tazewell County</td>
<td>$2,097,500</td>
</tr>
<tr>
<td>Flood Mitigation - Disaster Declaration Areas</td>
<td>$4,186,600</td>
</tr>
<tr>
<td>Fox Chain O'Lakes - Lake and McHenry Counties</td>
<td>$1,122,000</td>
</tr>
<tr>
<td>Fox River Dams - Kane, Kendall and McHenry Counties</td>
<td>$3,708,100</td>
</tr>
<tr>
<td>Granite City - Area Groundwater-Madison County</td>
<td>$238,500</td>
</tr>
<tr>
<td>Havana Facilities - Mason County</td>
<td>$33,500</td>
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<tr>
<td>Hickory Hills - Cook County</td>
<td>$424,700</td>
</tr>
<tr>
<td>Hickory/Spring Creeks Watershed - Cook and Will Counties</td>
<td>$6,999,200</td>
</tr>
<tr>
<td>Illinois River Mitigation - Calhoun, Jersey, Peoria and Woodford Counties</td>
<td>$142,300</td>
</tr>
<tr>
<td>Indian Creek - Kane County</td>
<td>$982,900</td>
</tr>
<tr>
<td>Kaskaskia River System - Randolph, Monroe and St. Clair Counties</td>
<td>$119,000</td>
</tr>
<tr>
<td>Kyte River - Rochelle, Ogle County</td>
<td>$200,000</td>
</tr>
<tr>
<td>Lake Michigan Artificial Reef - Cook County</td>
<td>$128,000</td>
</tr>
<tr>
<td>Little Calumet Watershed - Cook County</td>
<td>$1,563,900</td>
</tr>
<tr>
<td>Loves Park - Winnebago County</td>
<td>$1,246,500</td>
</tr>
<tr>
<td>Lower Des Plaines River Watershed - Cook and Lake Counties</td>
<td>$975,000</td>
</tr>
<tr>
<td>Metro-East Sanitary District - Madison and St. Clair Counties</td>
<td>$60,600</td>
</tr>
<tr>
<td>North Branch Chicago River Watershed - Cook and Lake Counties</td>
<td>$1,568,900</td>
</tr>
<tr>
<td>Prairie du Rocher - Randolph County: For partial payment to implement the federal food protection project for the Village of Prairie du Rocher in cooperation with local units of government</td>
<td>$223,200</td>
</tr>
<tr>
<td>Prairie/Farmers Creek - Cook County</td>
<td>$4,110,000</td>
</tr>
<tr>
<td>Rock River Dams - Rock Island and</td>
<td></td>
</tr>
</tbody>
</table>
Whiteside Counties ............................ 8,483,100
Small Drainage and Flood Control Projects - Statewide (not to exceed $100,000 at any locality) .......... 604,900
Union - McHenry County ......................... 30,000
Village of Justice - Cook County ............... 500,000
W. B. Stratton (McHenry) Lock and Dam - McHenry County .................. 109,200
Total                                                                 $45,530,800

Section 43. The sum of $1,017,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 44 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources in cooperation with federal agencies, state agencies and units of local government in the implementation of flood hazard mitigation plans in counties that received a Presidential Disaster Declaration as a result of flooding in calendar years 1993 and thereafter, in accordance with reports filed under Section 5 of the "Flood Control Act of 1945".

Section 44. The sum of $142,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made for state assistance in implementing flood control projects, including floodplain land acquisition, as part of approved and adopted county storm water management plans other than the Village of Rosemont in Article 11, Section 45 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the same purpose.

Section 45. The sum of $4,785,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 47 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 46. The sum of $12,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

Crisenberry Dam - Jackson County - For complete rehabilitation of the dam and spillway including the required geo-technical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation ... $ 2,000,000
Crystal Creek - Cook County - For implementation of a flood damage reduction project along Crystal Creek, in cooperation with the Villages of Franklin Park and Schiller Park, and with other units of local government .......... 1,600,000
East Chicago (Ford Heights) - Cook County - For partial payment of the non-federal cost requirements of the Deer Creek federal flood control and ecosystem restoration project in cooperation with the Village of East Chicago ................................. 1,000,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metro East Sanitary District - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements to implement the federal rehabilitation project for the flood protection system, at the Canteen Creek area</td>
<td>250,000</td>
</tr>
<tr>
<td>East St. Louis and Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area</td>
<td>500,000</td>
</tr>
<tr>
<td>Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Fox Chain of Lakes Sea Wall Repairs - Lake County - For replacement of an existing timber seawall constructed by the State of Illinois in the 1950's as part of a boat channel improvement</td>
<td>200,000</td>
</tr>
<tr>
<td>Granite City Area Groundwater Flooding - Madison County - For design and implementation of a project to reduce urban flooding caused by high groundwater levels</td>
<td>300,000</td>
</tr>
<tr>
<td>Havana Facility Rehabilitation - Mason County - For rehabilitation of the Havana Facility Maintenance Garage including roof repairs of the main building</td>
<td>150,000</td>
</tr>
<tr>
<td>Kyte River - Rochelle, Ogle County - For implementation of the Kyte River watershed flood control project in cooperation with the City of Rochelle</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Prairie/Farmers Creek - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/ Farmers Creek and the Des Plaines River, including participation in the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project</td>
<td>1,800,000</td>
</tr>
<tr>
<td>Small Drainage and Flood Control Projects - Statewide - For implementation of small drainage and flood control improvements in accordance with plans developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality</td>
<td>100,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
W.B. Stratton Lock & Dam - McHenry County - For upgrading and rehabilitation of the lock gates and supporting facilities .................................................. 350,000
Total $12,000,000

WATERWAY IMPROVEMENTS

Section 47. The sum of $200,000, or so much of that amount as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 49 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for expenditure by the Division of Water Resources to dredge the Wabash River at Grayville, Illinois.

Section 48. The sum of $184,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 50 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all costs associated with the Salt Creek Greenway in DuPage County.

Section 49. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 51 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for all activities relating to the design and implementation of channel restoration, channel maintenance and flood control work on Farmers and Prairie Creeks in Des Plaines and Maine Township.

Section 50. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 52 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources, Office of Water Resources for the City of Des Plaines for all activities relating to the design and implementation of channel restoration, channel maintenance and flood control work on Farmers and Prairie Creeks in Des Plaines and Maine Township.

Section 51. The sum of $331,600, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 53 of Public Act 91-706, as amended, is reappropriated from the Illinois Department of Natural Resources from the General Revenue Fund to build a detention pond for Deer Creek in Ford Heights.

Section 52. In addition to any amounts previously or elsewhere appropriated, the sum of $2,593,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 54 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of carrying out Phase IV of the Willow-Higgins Creek improvement.

Section 53. The sum of $129,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 55 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for Illinois River cleanup and dredging at Ballard's Island Harbor.

GRANTS AND REIMBURSEMENTS - GENERAL OFFICE

Section 54. The amount of $2,914,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the "Illinois Horse Racing Act of 1975" and to public museums and aquariums located in park districts, as provided by "AN ACT concerning aquariums and museums in public parks" and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

Section 55. The sum of $100,000, new appropriation, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for acquisition and development, including grants, for the implementation of the North American Waterfowl Management Plan within

New matter indicated by italics - deletions by strikeout.
the Dominion of Canada or the United States which specifically provides waterfowl for the Mississippi Flyway.

Section 56. The sum of $150,000, new appropriation, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 57. The sum of $150,000, new appropriation, is appropriated from the State Boating Act Fund to the Department of Natural Resources for a grant to the Chain O' Lakes - Fox River Waterway Management Agency for the Agency's operational expenses.

Section 58. The sum of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 60 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to Tri-County Park for operational expenses.

Section 59. The amount of $220,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 61 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for land acquisition and development grants to units of local government in conjunction with a flood hazard mitigation plan along Butterfield Creek in cooperation with units of government.

Section 60. The sum of $725,000, new appropriation, is appropriated and the sum of $3,114,100 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 62 of Public Act 91-706, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 61. The amount of $250,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 63 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with a new pool liner and related improvements of the swimming pool at Sheridan Park.

Section 62. The amount of $300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 64 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lake County Forest Preserve District for all costs associated with construction and improvements on the Des Plaines River Trail.

Section 63. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 65 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the DuPage County Forest Preserve for all costs associated with the Salt Creek Greenway.

Section 64. The sum of $3,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 66 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Phase III of the Salt Creek Greenway Development project.

Section 65. The sum of $801,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 67 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for recreational reconfiguration, natural resource protection and restoration,
and stormwater management related to the Oak Meadows and Maple Meadows' facilities and grounds.

Section 66. The sum of $194,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 71 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a bike trail connecting the Elgin bike path/trail to the McHenry bike path/trail.

Section 67. The sum of $57,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 72 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Willow Springs for renovation of parks and equipment.

Section 68. The sum of $360,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 76 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Buffalo Grove for a community pedestrian overpass.

Section 69. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 77 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Justice for bike paths.

Section 70. The sum of $750,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 76 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with the acquisition, development, renovation, repair or construction, and equipment for a regional indoor youth athletic facility.

Section 71. The sum of $75,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 81 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with acquisition, construction, development, and purchase of equipment for the planned park at the corner of Roscoe and Racine.

Section 72. The sum of $300,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 83 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Fosco Park for all costs associated with developing, planning, and constructing recreational facilities at Fosco Park.

Section 73. The sum of $3,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 84 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Hometown for all costs associated with improvements and purchase of recreational equipment at Patterson Park.

Section 74. The sum of $500,000, new appropriation, is appropriated and the sum of $482,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 85 of Public Act 91-706, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organization, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 75. The sum of $150,000, new appropriation, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the development of waterfowl propagation areas within the Dominion of Canada or the United

New matter indicated by italics - deletions by strikeout.
States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 76. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, new appropriation, is appropriated, and the sum of $100,700 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 87 of Public Act 91-706, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 77. To the extent federal funds including reimbursements are available for such purposes, the sum of $200,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 78. The sum of $1,270,500, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 88 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Illinois International Port District in Chicago for a marina, associated recreational facilities, and necessary auxiliary infrastructure improvements.

Section 79. The sum of $21,500,000, new appropriation, is appropriated, and the sum of $53,531,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Section 89 of Public Act 91-706, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

Section 80. The following named sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 11, Sections 90 and 91 of Public Act 91-706, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
- For Outdoor Recreation Programs $2,000,000

Payable from Federal Title IV Fire Protection Assistance Fund:
- For Rural Community Fire Protection Program $152,600

Section 81. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:

New matter indicated by italics - deletions by strikeout.
For Outdoor Recreation Programs .................. $6,200,000
Payable from Forest Reserve Fund:
For U.S. Forest Service Program .................. 500,000
Payable from Federal Title IV Fire Protection Assistance Fund:
For Rural Community Fire Protection Programs .................. 161,900
Total .......................................................... $6,861,900

Section 82. The sum of $65,000, new appropriation, is appropriated and the sum of
$333,500, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations heretofore made in Article 11, Section 92, of
Public Act 91-706, as amended, is reappropriated from the State Boating Act Fund to the Department
of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and
for the administration and payment of grants to local governmental units for the construction,
land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 83. The sum of $60,000, new appropriation, is appropriated and the sum of
$164,400, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations heretofore made in Article 11, Section 93 of
Public Act 91-706, as amended, is reappropriated from the Snowmobile Trail Establishment
Fund to the Department of Natural Resources for the administration and payment of grants to
nonprofit snowmobile clubs and organizations for construction, maintenance, and
rehabilitation of snowmobile trails and areas for the use of snowmobiles.

GRANTS AND REIMBURSEMENTS - RESOURCE CONSERVATION

Section 84. The sum of $625,000, new appropriation, is appropriated, and the sum of
$1,040,700, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations heretofore made in Article 11, Section 94 of
Public Act 91-706, as amended, is reappropriated from the Illinois Forestry Development Fund
to the Department of Natural Resources for the payment of grants to timber growers for
implementation of acceptable forestry management practices as provided in the "Illinois Forestry
Development Act" as now or hereafter amended.

Section 85. To the extent Federal Funds including reimbursements are made available
for such purposes, the sum of $300,000, new appropriation, is appropriated and the sum of
$356,900, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations heretofore made in Article 11, Section 95 of
Public Act 91-706, as amended, is reappropriated from the Illinois Forestry Development Fund to the
Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 86. To the extent federal funds including reimbursements are made available
for such purposes, the sum of $790,500, less $296,500 to be lapsed from the unexpended balance,
or so much thereof as may be necessary and as remains unexpended, at the close of business
on June 30, 2001, from appropriations heretofore made in Article 11, Section 96 of Public
Act 91-706, as amended, is reappropriated from the Illinois Forestry Development Fund to the
Department of Natural Resources for Urban Forestry programs, including technical assistance,
education and grants.

GRANTS AND REIMBURSEMENTS - MINES AND MINERALS

Section 87. The sum of $110,000, or so much thereof as may be necessary, is appropriated
from the Plugging and Restoration Fund to the Department of Natural Resources, Office of
Mines and Minerals for the Landowner Grant Program authorized under the Oil and Gas Act, as
amended by Public Act 90-0260.

Section 88. The sum of $6,000,000, new appropriation, is appropriated and the sum of
$14,038,100, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations heretofore made in Article 11, Section 98 of
Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from
the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts
to conduct research, planning and construction to eliminate hazards created by abandoned mines,
and any other expenses necessary for emergency response.

New matter indicated by italics - deletions by strikeout.
Section 89. The sum of $1,500,000, new appropriation, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Set Aside Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines and any other expenses necessary for emergency response.

GRANTS AND REIMBURSEMENTS - WATER RESOURCES

Section 90. The sum of $600,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 91. In addition to any other amounts, the sum of $829,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 101 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the Village of Midlothian for all costs associated with the planning, construction, and development of the Midlothian Retention Basin.

Section 92. The sum of $2,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 103 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Chicago Park District for all costs associated with lagoon rehabilitation activities.

Section 93. The sum of $41,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 106 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Lockport for flood control.

Section 94. The sum of $79,700, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 107 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Georgetown to continue its study of public water needs.

Section 95. The sum of $126,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 108 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to Peoria County for flood hazard mitigation and land acquisition.

GRANTS - STATE MUSEUM

Section 96. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 109 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 97. The sum of $10,000,000, new appropriation, is appropriated and the sum of $19,084,900, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 11, Section 110 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 98. The sum of $5,000,000, new appropriation, is appropriated and the sum of $4,954,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 11, Section 111 of Public Act 91-706, as amended, is appropriated from the General Revenue Fund to the Department of Natural Resources for education and technology partnerships between museums and schools and expenses connected with the administration of grants to museums.
Section 99. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 11, Section 112 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Waukegan for the Waukegan Harbor clean-up.

Section 100. The sum of $100,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 114 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Deerfield Park District.

Section 101. The following sums, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 116 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for grants to the following park district for recreational equipment and improvements:

- Chicago Ridge Park District .................. $ 10,000

Section 102. The sum of $480, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 117 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Bureau for parks and recreation.

Section 103. The sum of $20,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 119 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Ottawa for parks and bikeways.

Section 104. The sum of $21,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 120 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Hazel Crest Park District for the purchase of equipment and infrastructure improvements.

Section 105. The sum of $862,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 122 of Public Act 91-706, as amended, is reappropriated to the Illinois Department of Natural Resources from the General Revenue Fund for the Joliet Arsenal Development Authority.

Section 106. The sum of $223,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 125 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Westchester Park District for new park development.

Section 107. The sum of $377,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 126 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Brookfield Zoo.

Section 108. The sum of $93,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 129 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Kane County Forest Preserve for restoration of the Frank Lloyd Wright Pavilion.

Section 109. The sum of $50,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 133 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Glen Ellyn.

New matter indicated by italics - deletions by strikeout.
Section 110. The sum of $75,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 135 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of East Moline for the park garage and ravine flood repair in the City of East Moline.

Section 111. The sum of $10,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 136 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of St. Rose for construction of bicycle paths.

Section 112. The sum of $50,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 139 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Village of Ashland for all costs associated with water diversion activities.

Section 113. The sum of $5,100, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 141 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the South Suburban Mayors and Managers Association for the development and administration costs associated with their responsibilities related to coordinating stormwater management in Cook County.

Section 114. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001 from a reappropriation heretofore made in Article 11, Section 143 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for land acquisition and related cost for the Tri-County Park in DuPage, Cook and Kane Counties.

Section 115. The sum of $906,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 147 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the DuPage County Board for all costs associated with the acquisition, rehabilitation, and maintenance of Fawell Dam in McDowell Woods.

Section 116. The sum of $4,200, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 149 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for repairs to the baseball complex.

Section 117. The sum of $98,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 150 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for the purpose of detection, control, eradication, tree planting replacement and reforestation for damages of exotic pests such as the Asian Longhorn Beetle and Gypsy Moth.

Section 118. The sum of $150,000, new appropriation, is appropriated and the sum of $150,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 11, Section 151 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the Kankakee River Conservancy District for operations expenses.

Section 119. The sum of $177,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 11, Section 152 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Evanston Park District for rehabilitating James Park facilities.
Section 120. The sum of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 153 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Elmhurst Park District for land acquisition for Eldridge Park.

Section 121. The sum of $378,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 154 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Chicago Botanical Gardens for shoreline restoration.

Section 122. The sum of $86,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 156 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Wood Dale Salt Creek for land acquisition for flood control.

Section 123. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 158 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lockport Township Park District for land acquisition and/or improvements.

Section 124. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 159 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Arlington Heights Park District to renovate the administrative center.

Section 125. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 160 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Village of Mount Prospect for channel stabilization.

Section 126. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 161 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Plato Township for a new park.

Section 127. The amount of $19,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 164 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Patoka for the purpose of park improvements.

Section 128. The amount of $8,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 165 of Public Act 91-706, approved May 17, 2000, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Richview for the purpose of park improvements.

Section 129. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 167 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Grand Ridge for the purpose of improving parks and creating recreational opportunities.

Section 130. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 168 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Grand Ridge for the purpose of improving parks and creating recreational opportunities.
grant to the Village of Cherry for the purpose of improving parks and creating recreational opportunities.

Section 131. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 169 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Cherry for the purpose of improving parks and creating recreational opportunities.

Section 132. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 170 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Arlington for the purpose of constructing a park and recreation center.

Section 133. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 171 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Peru for the purpose of constructing a park and recreation center.

Section 134. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 172 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of funding Lakefront Trolley from the "North Museum Campus" to Lincoln Park Zoo.

Section 135. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 173 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Lincoln Park Zoo for the purpose of building a new education center.

Section 136. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 174 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at McKiernan Park.

Section 137. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 175 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for the purpose of landscaping and restoration of a field house at Palmer Park.

Section 138. The amount of $24,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 176 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Karnak for the purpose of upgrading park equipment.

Section 139. The amount of $1,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 177 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Cairo for the purpose of creating 25 campsites at Ft. Defiance State Park.

Section 140. The amount of $29,300, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 178 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to Peoria County for the purpose of enforcing erosion control ordinance.

Section 141. The amount of $65,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 179 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to Peoria County for the purpose of acquiring flood prone property.

Section 142. The amount of $33,400, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 181 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Millstadt for the purpose of park improvements.

Section 143. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 182 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of acquiring flood prone property.

Section 144. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 183 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of purchasing and installing baseball lights.

Section 145. The amount of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 184 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of purchasing playground equipment.

Section 146. The amount of $45,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 185 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of purchasing and installing baseball lights.

Section 147. The amount of $37,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 186 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of purchasing playground equipment.

Section 148. The amount of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 187 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of repairing parks other than Lions Park.

Section 149. The amount of $68,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 188 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Hazel Crest Park District for all costs associated with improving the pool and purchasing playground equipment.

Section 150. The amount of $68,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 189 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for a grant to the Village of Hazel Crest Park District for all costs associated with improving the pool and purchasing playground equipment.
grant to the Village of Spring Grove for the purpose of constructing a bike and walking path.

Section 151. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 195 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Lincolnshire for the purpose of restoration of Lincolnshire Creek.

Section 152. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 196 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of building a skate park.

Section 153. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 198 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Ramsey for the purpose of park improvements.

Section 154. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 199 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Steger for the purpose of building a skate park.

Section 155. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 205 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Ramsey for the purpose of park improvements.

[New matter indicated by italics - deletions by strikeout.]
made in Article 11, Section 213 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Wrightwood Neighbors Association for the purpose of all costs associated with Wiggly Field.

Section 162. The amount of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 214 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to South Lakeview Neighbors for the purpose of all costs associated with the South Lakeview playground.

Section 163. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 215 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Orland Park for the purpose of connecting bike paths.

Section 164. The amount of $42,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 216 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Homewood-Flossmoor Park District for the purpose of site work and purchasing equipment and safety surface.

Section 165. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 217 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for the purpose of redeveloping a bus turnaround into a public park at Clark and Wisconsin in the 43rd Ward.

Section 166. The amount of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 218 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to F.P.D. of Cook County for the purpose of capital improvements for Edgebrook Community Center.

Section 167. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 219 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Oak Park Township for the purpose of park district improvements.

Section 168. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 220 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Broadview for the purpose of improving Broadview Park District.

Section 169. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 223 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Memorial Park-Park District for the purpose of park district improvements.

Section 170. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 224 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Edwardsville for the purpose of park development and purchasing equipment.

Section 171. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in
Article 11, Section 226 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of Wonder Lake for the purpose of purchasing a tractor and playground equipment.

Section 172. The amount of $112,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 227 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for the operation and support of the Department of Natural Resources Damage Assessment Program.

Section 173. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 228 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Lyman Woods.

Section 174. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 229 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with the West Branch Regional Trail.

Section 175. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 230 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 176. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 11, Section 231 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows and Maple Meadows and Green Meadows.

Section 177. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 232 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Conservation Foundation of DuPage County for water quality restoration and education on the DuPage River.

Section 178. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 233 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Friends of Chicago River for improvement projects.

Section 179. The sum of $1,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 234 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to Bronzeville Children's Museum for land acquisition and construction of a new museum.

Section 180. The sum of $280,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 235 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Fon du Lac Park District for land acquisition.

Section 181. The sum of $250,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 236 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for facilities improvements at the Marquette Park Fieldhouse.

Section 182. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 237 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Waukegan Park District for the purpose of beachfront revitalization.

Section 183. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 238 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Chicago Park District for Marquette Park for a running track rehabilitation and fencing.

Section 184. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 239 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Pekin for Pekin Lake.

Section 185. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 240 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Deerfield Park District for the purpose of creating a sound wall on Tollway I-294.

Section 186. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 241 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Waukegan Park District.

Section 187. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 242 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Dolton Park District for the purpose of a playground and maintenance equipment.

Section 188. The sum of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 243 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Village of University Park for the purpose of park improvements.

Section 189. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 245 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA to construct a walking/biking path, toboggan run, ice hockey rink and rollerblade park.

Section 190. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 246 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Chicago for costs associated with reforestation necessitated by Asian long-horned beetle infestation.

Section 191. The sum of $200,000, or so much thereof as may be necessary is and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 247 of Public Act 91-706, approved May 17, 2000, as amended, is

New matter indicated by italics - deletions by strikeout.
reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA in Peru for establishing a recreational park.

Section 192. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 248 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Marseilles for acquisition of property on Illinois' River for parks and recreation.

Section 193. The sum of $65,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 250 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Ottawa for Phase 2 of riverfront development.

Section 194. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 252 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Ottawa for riverfront development in flood buy-out area along Fox River.

Section 195. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 253 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the City of Ottawa for downtown renovation.

Section 196. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 254 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Peru for park construction and roller blade facilities at various parks.

Section 197. The sum of $120,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 255 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Lincolnshire for Lincolnshire Creek and Rivershire Park for restoration and stabilization project.

Section 198. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 256 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the City of Oglesby for parks and recreation.

Section 199. The sum of $2,695,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 257 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for grants to units of local government for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, and equipment.

Section 200. The sum of $410,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 258 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the General Revenue Fund to the Department of Natural Resources for a grant to the City of Golconda for the acquisition of 175 acres of land adjacent to Department property.

Section 201. The amount of $5,306,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 259 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for
grants to units of local government and not-for-profit entities for park and recreational projects, museums, facilities, infrastructure improvements and equipment.

Section 202. In addition to any amounts heretofore appropriated for such purposes, the sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation made for such purposes in Article 11, Section 262 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the purpose of carrying out Phase IV of the Willow-Higgins Creek improvement.

Section 203. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 263 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources for all costs associated with a showerhouse at Nauvoo State Park.

Section 204. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 17, Section 264 of Public Act 91-706, approved May 17, 2000, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Natural Resources (formerly to the Department of Transportation) for a grant to the Chicago Park District for facilities improvements at the Washington Park Fieldhouse.

Section 205. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 11, Section 265 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Illinois Department of Natural Resources (formerly to the Environmental Protection Agency) for a grant to the Village of Justice for planning, construction, reconstruction and improvement of sewers.

Section 206. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in Article 11, Section 267 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for costs associated with dredging.

Section 207. The sum of $7,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in Article 11, Section 268 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources for all costs associated with grants to various units of local government and not-for-profit entities for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, equipment and any other necessary costs.

Section 208. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in Article 11, Section 270 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Danda Preserve.

Section 209. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in Article 11, Section 271 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 210. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in Article 11, Section 272 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows, Maple Meadows and Green Meadows.

Section 211. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation made in
Article 11, Section 273 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Mayslake Preserve.

Section 212. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 274 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Fullersburg Woods.

Section 213. The sum of $115,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 11, Section 275 of Public Act 91-706, as amended, is reappropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the City of Ottawa for acquisition of Harper's Farm.

Section 213a. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for the purchase of balefill land in Bartlett.

Section 214. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Sections 1, 2, 3, 4, 6, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 38, 39, 41, 42, 43, 44, 45, 46, 52, 59, 61, 62, 70, 71, 72, 78, 96, 97, 119, 120, 121, 122, 123, 124, 125, 126, 132, 133, 135, 141, 173, 174, 175, 176, 195, 202, 205, 208, 209, 210, 211 and 212 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

ARTICLE 45

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from Nuclear Safety Emergency Preparedness Fund:

For Personal Services ......................... $ 1,108,400
For Employee Retirement Contributions
   Paid by Employer ............................ 44,300
For State Contributions to State
   Employees' Retirement System ............. 115,300
For State Contributions to
   Social Security ........................... 80,200
For Group Insurance .......................... 168,000
For Contractual Services ...................... 1,433,100
For Travel ................................... 35,600
For Commodities .............................. 52,000
For Printing ................................. 20,000
For Equipment ................................ 15,600
For Electronic Data Processing .............. 679,300
For Telecommunications Services ............ 267,800
For Operation of Auto Equipment ............ 113,400
Total $4,133,000

Payable from Radiation Protection Fund:

For Personal Services......................... 211,300
For Employee Retirement Contributions
   Paid by Employer ............................ 8,500
For State Contributions to State
   Employees' Retirement System ........... 22,000
For State Contributions to
   Social Security ........................... 16,100
For Group Insurance .......................... 42,000

New matter indicated by italics - deletions by strikeout.
Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ....................... $ 3,526,900
For Employee Retirement Contributions
Paid by Employer ............................. 141,100
For State Contributions to State
Employees' Retirement System .............. 366,800
For State Contributions to Social Security ................ 266,100
For Group Insurance .......................... 487,200
For Contractual Services .................... 475,500
For Travel .................................... 90,600
For Commodities ............................. 135,700
For Equipment ................................. 72,000
For Electronic Data Processing .............. 578,000
For Telecommunications Services .......... 121,000
Total $6,260,900

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

MITIGATION AND RESPONSE

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ....................... 1,827,900
For Employee Retirement Contributions
Paid by Employer ............................. 73,100
For State Contributions to State
Employees' Retirement System .............. 190,100
For State Contributions to Social Security ................ 138,000
For Group Insurance .......................... 294,000
For Contractual Services .................... 165,200
For Travel .................................... 60,400
For Commodities ............................. 76,800
For Equipment ................................. 265,900
For Electronic Data Processing .............. 40,000
For Telecommunications Services .......... 434,400
For Compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act including expenses

New matter indicated by italics - deletions by strikeout.
incurred prior to July 1, 1997............. 650,000
Total                                      $4,215,800

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Nuclear Safety for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

Payable from General Revenue Fund:
For Personal Services ..................... $ 439,300
For Employee Retirement Contributions
  Paid by Employer ........................ 17,600
For State Contributions to State
  Employees' Retirement System .......... 45,700
For State Contributions to
  Social Security ........................ 33,400
Total                                      536,000

Payable from Radiation Protection Fund:
For Personal Services ..................... $ 2,249,000
For Employee Retirement Contributions
  Paid by Employer ........................ 90,000
For State Contributions to State
  Employees' Retirement System .......... 233,900
For State Contributions to
  Social Security ........................ 170,000
For Group Insurance ........................ 319,200
For Contractual Services ................... 61,800
For Travel .................................. 110,000
For Commodities ............................ 2,000
For Equipment ................................ 61,700
For Refunds .................................. 100,000
Total                                      3,397,600

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services ..................... $ 2,314,700
For Employee Retirement Contributions
  Paid by Employer ........................ 92,500
For State Contributions to State
  Employees' Retirement System .......... 240,700
For State Contributions to
  Social Security ........................ 174,800
For Group Insurance ........................ 344,400
For Contractual Services ................... 269,700
For Travel .................................. 55,500
For Commodities ............................ 76,200
For Equipment ................................ 181,600
Total                                      3,750,100

Payable from Low-Level Radioactive Waste Facility Development and Operation Fund:
For Refunds for Overpayments made by Low-Level Waste Generators ...................... 5,000
Total                                      5,000

Section 6. The amount of $400,000, or so much thereof as may be necessary, is

New matter indicated by italics - deletions by strikeout.
appropriated from the Indoor Radon Mitigation Fund to the Department of Nuclear Safety for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 7. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Department of Nuclear Safety for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 8. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for reimbursing other governmental agencies for their assistance in responding to radiological emergencies.

Section 10. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 11. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Department of Nuclear Safety for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Department.

Section 12. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Department of Nuclear Safety for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 13. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Department of Nuclear Safety to conduct studies, investigations, training, research and demonstrations relating to the control or measurement of radiation, the effects on health of exposure to radiation, and related problems under funding agreements with the Federal Government, interstate agencies or other sources.

ARTICLE 46

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

GENERAL OPERATIONS

For Personal Services ......................... $ 1,168,500
For Personal Services -
    Per Diem Personnel ................................. 42,500
For Employee Retirement Contributions
    Paid by Employer ................................. 46,800
For State Contributions to State
    Employees' Retirement System ...................... 121,600
For State Contributions to
    Social Security .................................. 86,000
For Contractual Services ...................... 137,000
For Travel .......................... 50,000
For Commodities .......................... 4,100
For Printing ............................... 5,000
For Electronic Data Processing ............... 25,000

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services ..................... 21,000
For Operation of Auto Equipment ...................... 4,000
For Refunds ........................................ 1,000
Total $1,712,500

Section 1a. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

GENERAL PROFESSIONS

For Personal Services .......................... $ 2,093,600
For Personal Services -
  Per Diem Personnel ......................... 52,500
For Employee Retirement Contributions
  Paid by Employer ............................ 85,900
For State Contributions to State
  Employees' Retirement System .............. 217,900
For State Contributions to
  Social Security ............................ 136,200
For Group Insurance ........................... 411,600
For Contractual Services ..................... 45,000
For Travel ....................................... 100,000
For Refunds ................................... 27,500
Total $3,170,200

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Dental Examining Committee in the Department of Professional Regulation:

For Personal Services .......................... $ 470,100
For Personal Services - Per Diem .............. 27,500
For Employee Retirement Contributions
  Paid by Employer ............................ 21,400
For State Contributions to State
  Employees' Retirement System .............. 48,900
For State Contributions to
  Social Security ............................ 28,300
For Group Insurance ........................... 84,000
For Contractual Services ..................... 12,500
For Travel ....................................... 25,000
For Refunds ................................... 3,500
Total $721,200

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Medical Disciplinary Board in the Department of Professional Regulation:

For Personal Services .......................... $ 2,591,400
For Personal Services:
  Per Diem ........................................ 90,000
For Employee Retirement Contributions
  Paid by Employer ............................ 116,700
For State Contributions to State
  Employees' Retirement System .............. 269,600
For State Contributions to
  Social Security ............................ 155,500
For Group Insurance ........................... 436,800
For Contractual Services ..................... 325,000
For Travel ....................................... 67,500

New matter indicated by italics - deletions by strikeout.
Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to meet the ordinary and contingent expenses of the Optometric Licensing and Disciplinary Committee and Technical Review Board in the Department of Professional Regulation:

For Personal Services: 
- Per Diem ...................................................... $12,500
- For Employee Retirement Contributions Paid by Employer ........................................... $11,100
- For State Contributions to Social Security ................................................................. $13,500
- For Group Insurance ................................................. $42,000
- For Contractual Services .......................................................... $75,000
- For Travel ........................................................................ $15,000
- For Refunds ....................................................................... $2,500

Total ........................................................................................................... $223,900

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to meet the ordinary and contingent expenses of the Design Professionals Examining Committee in the Department of Professional Regulation:

For Personal Services: 
- Per Diem ...................................................... $72,500
- For Employee Retirement Contributions Paid by Employer ........................................... $18,100
- For State Contributions to Social Security ................................................................. $34,100
- For Group Insurance ................................................. $100,800
- For Contractual Services .......................................................... $45,000
- For Travel ........................................................................ $62,500
- For Refunds ....................................................................... $2,000

Total ........................................................................................................... $450,600

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to meet the ordinary and contingent expenses of the State Board of Pharmacy in the Department of Professional Regulation:

For Personal Services: 
- Per Diem Personnel ...................................................... $25,000
- For Employee Retirement Contributions Paid by Employer ........................................... $31,300
- For State Contributions to Social Security ................................................................. $46,900
- For Group Insurance ................................................. $117,600
- For Contractual Services .......................................................... $115,000
- For Travel ........................................................................ $42,500
- For Refunds ....................................................................... $7,500

Total ........................................................................................................... $780,200

New matter indicated by italics - deletions by strikeout.
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<thead>
<tr>
<th>For Contractual Services</th>
<th>$2,034,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Group Insurance</td>
<td>$1,059,000</td>
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<tr>
<td>For Social Security</td>
<td>$433,900</td>
</tr>
<tr>
<td>For State Contributions to Employees' Retirement System</td>
<td>$622,500</td>
</tr>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>$107,100</td>
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<tr>
<td>For State Contribution to Social Security</td>
<td>$61,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$46,400</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$3,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,626,900</td>
</tr>
</tbody>
</table>

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to meet the ordinary and contingent expenses of the Podiatric Medical Licensing Board in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Personal Services: Per Diem</th>
<th>$7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual Services</td>
<td>$5,000</td>
</tr>
<tr>
<td>Travel</td>
<td>$5,000</td>
</tr>
<tr>
<td>Refunds</td>
<td>$1,000</td>
</tr>
<tr>
<td>Total</td>
<td>$18,500</td>
</tr>
</tbody>
</table>

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Registered CPA Administration and Disciplinary Fund to meet the ordinary and contingent expenses of the Public Accountant Board in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Personal Services: Per Diem</th>
<th>$7,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual Services</td>
<td>$79,000</td>
</tr>
<tr>
<td>Travel</td>
<td>$7,500</td>
</tr>
<tr>
<td>Refunds</td>
<td>$2,000</td>
</tr>
<tr>
<td>Total</td>
<td>$96,000</td>
</tr>
</tbody>
</table>

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to meet the ordinary and contingent expenses of the Committee on Nursing in the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Personal Services: Per Diem</th>
<th>$1,028,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual Services</td>
<td>$42,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>$193,200</td>
</tr>
<tr>
<td>State Contributions to State Employees' Retirement System</td>
<td>$106,500</td>
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<tr>
<td>Travel</td>
<td>$37,500</td>
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<tr>
<td>Refunds</td>
<td>$3,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,626,900</td>
</tr>
</tbody>
</table>

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Professional Regulation for the purchase of evidence and equipment to conduct covert activities.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

<table>
<thead>
<tr>
<th>Employee Retirement Contributions Paid by Employer</th>
<th>$5,984,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Contributions to State Employees' Retirement System</td>
<td>$239,400</td>
</tr>
<tr>
<td>State Contributions to Social Security</td>
<td>$622,500</td>
</tr>
<tr>
<td>Group Insurance</td>
<td>$433,900</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>$1,059,000</td>
</tr>
<tr>
<td>Travel</td>
<td>$2,034,000</td>
</tr>
<tr>
<td>Commodities</td>
<td>$80,000</td>
</tr>
<tr>
<td>Total</td>
<td>$70,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Personal Services ......................  $14,536,800
Payable from General Revenue Fund:
For Personal Services ...................... $ 22,526,400
For Employee Retirement Contributions
Paid by Employer ..........................  901,100
For State Contributions to State
Employees' Retirement System ...............  2,342,600
For State Contributions to Social Security ..........  1,678,200
For Contractual Services .....................  18,916,200
For Travel ...................................  240,200
For Commodities ............................  835,200
For Printing ...............................  1,193,000
For Equipment ..............................  1,640,700
For Telecommunications Services .......... ...  1,340,600
For Operation of Auto Equipment .......... ...  87,900
Total                                                                 $51,702,100

OFFICE OF INSPECTOR GENERAL
Payable from General Revenue Fund:
For Personal Services ...................... $ 14,536,800
For Employee Retirement Contributions
Paid by Employer ..........................  581,500
For State Contributions to State
Employees' Retirement System ...............  1,511,800
For State Contributions to Social Security ..........  1,083,000
For Contractual Services .....................  3,385,900
For Travel ...................................  389,900
For Equipment ..............................  373,100
Total                                                                 $21,862,000
Payable from Long Term Care Provider Fund:
For Administrative Expenses ................  $ 179,400

CHILD SUPPORT ENFORCEMENT
Payable from Child Support Enforcement Trust Fund:
For Personal Services ......................  50,877,100
For Employee Retirement Contributions
Paid by Employer ..........................  2,035,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System .......... 5,291,200
For State Contributions to Social Security ................. 3,790,300
For Group Insurance ...................... 10,516,800
For Contractual Services .................. 93,014,300
For Travel .................................. 648,800
For Commodities .......................... 594,300
For Printing ............................. 243,700
For Equipment ............................. 2,848,600
For Telecommunications Services ........... 5,887,100
For Administrative Costs Related to Enhanced Collection Efforts including Paternity Adjudication Demonstration ...... 10,847,900
For Child Support Enforcement Demonstration Projects ................. 1,500,000
Total ..................................... $188,095,200

The amount of $45,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for deposit into the Child Support Enforcement Trust Fund.

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
For Personal Services ........................ $ 1,670,000
For Employee Retirement Contributions Paid by Employer ....................... 66,800
For State Contributions to State Employees' Retirement System ............ 173,600
For State Contributions to Social Security ......................... 124,800
For Contractual Services ........................ 310,100
For Travel .................................. 11,400
For Equipment ............................. 30,800
Total ..................................... $2,387,500

MEDICAL

Payable from General Revenue Fund:
For Personal Services ........................ $ 26,110,500
For Employee Retirement Contributions Paid by Employer ....................... 1,044,400
For State Contributions to State Employees' Retirement System ............ 2,715,500
For State Contributions to Social Security ......................... 1,945,200
For Contractual Services ........................ 5,179,100
For Travel .................................. 637,300
For Equipment ............................. 276,400
For Telecommunications Services ........... 1,791,200
For Purchase of Medical Management Services ......................... 10,177,100
For Purchase of Services Relating to and costs associated with the development and implementation of an electronic Medicaid client eligibility verification system .................. 2,011,300
For Costs Associated with the Development, Implementation and Operation of a Medical Data

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Warehouse ......................................</th>
<th>3,681,200</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Refunds of Premium Payments</td>
<td></td>
</tr>
<tr>
<td>Received Pursuant to Section 25(a)(2)</td>
<td></td>
</tr>
<tr>
<td>of the Children's Health Insurance</td>
<td></td>
</tr>
<tr>
<td>Program Act ..................................</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td>$55,669,200</td>
</tr>
<tr>
<td>Payable from Provider Inquiry Trust Fund:</td>
<td></td>
</tr>
<tr>
<td>For expenses associated with</td>
<td></td>
</tr>
<tr>
<td>providing access and utilization</td>
<td></td>
</tr>
<tr>
<td>of IDPA eligibility files ...............</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>PUBLIC AID RECOVERIES</td>
<td></td>
</tr>
<tr>
<td>Payable from Public Aid Recoveries Trust Fund:</td>
<td>$6,240,300</td>
</tr>
<tr>
<td>For Personal Services ....................</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer ................................</td>
<td>249,600</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System .............</td>
<td>649,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>464,900</td>
</tr>
<tr>
<td>For Group Insurance ......................</td>
<td>1,164,800</td>
</tr>
<tr>
<td>For Contractual Services ..................</td>
<td>8,903,500</td>
</tr>
<tr>
<td>For Travel ...................................</td>
<td>127,400</td>
</tr>
<tr>
<td>For Commodities ................................</td>
<td>41,300</td>
</tr>
<tr>
<td>For Printing ..................................</td>
<td>25,800</td>
</tr>
<tr>
<td>For Equipment ................................</td>
<td>754,000</td>
</tr>
<tr>
<td>For Telecommunications Services ...........</td>
<td>107,700</td>
</tr>
<tr>
<td>Total</td>
<td>$18,728,300</td>
</tr>
</tbody>
</table>

Section 2. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:
| For Physicians............................... | $464,994,000 |
| For Dentists................................. | 66,811,100   |
| For Optometrists............................. | 8,070,400    |
| For Podiatrists.............................. | 2,394,800    |
| For Chiropractors........................... | 1,517,500    |
| For Hospital In-Patient and Disproportionate Share ................ | 1,539,465,100 |
| For Hospital Ambulatory Care................ | 380,696,200  |
| For Prescribed Drugs ...................... | 926,731,600  |
| For Skilled, Intermediate, and Other Related Long Term Care Services .......... | 964,560,900  |
| For Community Health Centers............... | 84,264,700   |
| For Hospice Care ............................ | 23,246,600   |
| For Independent Laboratories................ | 15,466,500   |
| For Home Health Care, Therapy, and Nursing Services............................ | 67,194,300   |
| For Appliances................................ | 42,220,400   |
| For Transportation......................... | 63,099,200   |
| For Other Related Medical Services and for development, implementation, and operation of managed care and children's health |           |

New matter indicated by italics - deletions by strikeout.
programs including operating and administrative costs and related distributive purposes .......... $93,876,900
For Medicare Part A Premiums ............... $10,780,200
For Medicare Part B Premiums ............... $89,772,400
For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997 ....... $6,200,100
For Health Maintenance Organizations and Managed Care Entities ................. $220,453,200
Total $5,069,816,100

Payable from the Downstate Emergency Response Fund:
For Hospital In-Patient .................. $2,500,000

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:
For Grants for Medical Care for Persons Suffering from Chronic Renal Disease ...... $2,873,700
For Grants for Medical Care for Hemophilia .......... 4,000,500
For Grants for Medical Care for Sexual Assault Victims ................. 606,900
Total $7,481,100

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,758,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 3. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from Drug Rebate Fund:
For Prescribed Drugs ....................... $170,000,000

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:
For Deposit into the Medical Research and Development Fund:
Payable from:
Tobacco Settlement Recovery Fund .......... $6,400,000
For Deposit into the Post-Tertiary Clinical Services Fund:
Payable from:
Tobacco Settlement Recovery Fund .......... $6,400,000
For Deposit into Independent Academic Medical Center Fund:
Payable from:
Tobacco Settlement Recovery Fund .......... $1,000,000

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT

New matter indicated by italics - deletions by strikeout.
Section 6. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE

Payable from Care Provider Fund for Persons
With A Developmental Disability:
For Administrative Expenditures............ $128,700

Payable from Long Term Care Provider Fund:
For Skilled and Intermediate
Long Term Care............................ $529,828,300
For Administrative Expenditures............. 1,482,700
Total                                                                  $531,311,000

Section 7. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals................. $1,229,619,000
For Administrative Expenditures............ 500,000
Total                                                                  $1,230,119,000

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for the purposes hereinafter named:

For Refunds of Overpayments of Assessments or Inter-Governmental Transfers
Made by Providers During the Period
From July 1, 1991 through June 30, 2001:
Payable from:
Care Provider Fund for Persons
With A Developmental Disability............. $1,000,000
Long Term Care Provider Fund.............. 2,750,000
County Provider Trust Fund................. 1,000,000
Total                                                                  $4,750,000

Section 9. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 10. The amount of $173,400,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 11. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Corrections and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 12. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Medical Special Purposes Trust Fund for medical demonstration projects.

Section 13. The amount of $370,000,000, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the Special Education Medicaid Matching Fund. New matter indicated by italics - deletions by strikeout.
Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

**ARTICLE 48**

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**

Payable from the General Revenue Fund:
- For Personal Services ................. $ 2,370,000
- For Employee Retirement Contributions Paid by Employer .......... 94,800
- For State Contributions to State Employees' Retirement System ........ 246,500
- For State Contributions to Social Security ... 181,300
- For Contractual Services ................ 132,000
- For Travel ................................ 72,300
- For Commodities ....................... 5,800
- For Printing ............................ 2,000
- For Equipment .......................... 16,600
- For Telecommunications Services .......... 69,400
- For Operation of Auto Equipment ........... 800
Total $3,191,500

Payable from the Public Health Services Fund:
- For Operational Expenses Associated with Support of Federally Funded Public Health Programs........ 100,000
- For Operational Expenses to Support Refugee Health Care............. 364,000
Total, Public Health Services Fund $464,000

Section 1.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**

For Grants for the Development of Refugee Health Care ................ $ 886,000

**OFFICE OF FINANCE AND ADMINISTRATION**

Payable from the General Revenue Fund:
- For Personal Services ................. $ 7,141,400
- For Employee Retirement Contributions Paid by Employer .......... 285,700
- For State Contributions to State Employees' Retirement System ........ 742,700
- For State Contributions to Social Security ... 546,300
- For Contractual Services ................ 5,113,700
- For Travel ................................ 68,800
- For Commodities ....................... 120,400
- For Printing ............................ 242,300
- For Equipment .......................... 98,200
- For Telecommunications Services .......... 375,000
- For Operation of Auto Equipment ........... 61,700
- For Expenses of the Public Health

New matter indicated by italics - deletions by strikeout.
Information Network ........................... 220,300
For Expenses of the Adoption Registry and Medical Information Exchange .......... 155,000
For Operational Expenses of Maintaining the Vital Records System ................. 404,200
For Operational Expenses of the Regional Data Base System .......................... 69,300
Total ............................................................................................................ $15,645,000

Payable from the Public Health Services Fund:
For Personal Services .......................... $ 194,500
For Employee Retirement Contributions Paid by Employer .............................. 7,800
For State Contributions to State Employees' Retirement System ..................... 20,300
For State Contributions to Social Security ..................................................... 14,900
For Group Insurance ............................................................. 32,400
For Contractual Services ................................................................. 285,000
For Travel ................................................................. 20,000
For Commodities .............................................................. 6,000
For Printing ................................................................. 1,000
For Equipment ................................................................. 300,000
For Telecommunications Services ......................................................... 400,000
For Operational Expenses of Maintaining the Vital Records System .......... 350,000
Total ............................................................................................................ $1,631,900

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses for Maintaining Billings and Receivables for Lead Testing .................................................... $ 110,000

Payable from Death Certificate Surcharge Fund:
For Expenses of Statewide Database of Death Certificates and Distributions of Funds to Governmental Units, Pursuant to Public Act 91-0382 .......................... $ 1,050,000

Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Maintaining Laboratory Billings and Receivables .................................................... $ 60,000

Section 2.1. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health Departments and the Public Health Workforce, including Operational Expenses .......................... $ 262,000

Section 2.2. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

For Other Refunds, Payable from the General Revenue Fund ................................................. $ 115,000

New matter indicated by italics - deletions by strikeout.
For Refunds, Payable from the Public Health Services Fund ...................... 75,000
For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund...... 5,000
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund ........................................ 5,000
Total $200,000

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY
Payable from the General Revenue Fund:
For Personal Services ......................... $ 2,427,200
For Employee Retirement Contributions Paid by Employer ......................... 97,100
For State Contributions to State Employees' Retirement System ..................... 252,400
For State Contributions to Social Security ..................................... 185,700
For Contractual Services ........................ 286,100
For Travel ..................................... 6,100
For Commodities ............................... 5,500
For Printing ................................. 18,400
For Electronic Data Processing .................. 736,900
For Telecommunications Services ................... 67,900
For Operational Expenses for Health Information Systems Targeted for Health Screening Programs ............ 224,500
For Expenses for Public Health Prevention Systems .............................. 1,895,700
For Expenses Associated with the Childhood Immunization Program ................. 781,000
Total $6,984,500
Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses of the Lead Poisoning Screening and Prevention Program ......................... $ 250,000
Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses of the Metabolic Screening Program ........................ $ 390,000
Payable from the Public Health Services Fund:
For Expenses Associated with Support of Federally Funded Public Health Programs .................. $1,250,000
Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses Associated with Support of Maternal and Child Health Programs .................. $ 200,000
Payable from the Public Health Special State Projects Fund:
For Operational Expenses of EPSDT .................. $ 150,000

New matter indicated by italics - deletions by strikeout.
is appropriated to the Department of Public Health for the objects and purposes hereinafter named:
Payable from the General Revenue Fund:
For Grants to Individuals and/or Organizations for Technology for the Disabled .................................. $ 50,000

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF EPIDEMIOLOGY AND HEALTH SYSTEMS DEVELOPMENT

Payable from the General Revenue Fund:
For Personal Services ........................................... $ 1,945,300
For Employee Retirement Contributions
   Paid by Employer ........................................ 77,800
For State Contributions to State Employees' Retirement System .................. 202,300
For State Contributions to Social Security ........................................ 148,900
For Contractual Services ........................................ 33,600
For Travel .................................................................. 37,400
For Commodities .................................................. 3,000
For Printing .................................................................. 300
For Equipment ...................................................... 5,500
For Telecommunications Services .................................. 34,300
For Expenses of the Adverse Pregnancy Outcomes Reporting System (APORS) Program .... 415,800
For Expenses Associated with the Telemedicine Networks Development Program.... 500,000
For Operational Expenses of the Center for Rural Health ......................... 524,600
For Expenses Associated with Establishing a Program to Provide Scholarships to Allied Health Professionals .................. 149,900
For Expenses of State Cancer Registry, Including Matching Funds for National Cancer Institute Grants .................. 300,000

Total, General Revenue Fund $4,378,700

Payable from the Rural/Downstate Health Access Fund:
For Expenses Associated with the Rural/Downstate Health Access Program ........ $ 150,000

Payable from the Public Health Services Fund:
For Expenses Related to Epidemiological Health Outcome Investigations and Database Development .................................. $ 2,178,800
For Expenses of the Center for Rural Health to Expand the Availability of Primary Health Care ...................... $ 725,000
For Expenses of the State Cancer Registry ........................................ $ 900,000
For Operational Expenses to Develop a Cooperative Health Care Provider Recruitment and Retention Program ........ $ 300,000

Payable from the Illinois Health

New matter indicated by italics - deletions by strikeout.
Facilities Planning Fund:
For Personal Services ...................... $ 900,000
For Employee Retirement Contributions Paid by Employer ......................... 36,000
For State Contributions to State Employees' Retirement System ............... 93,600
For State Contributions to Social Security .................................. 68,900
For Group Insurance ......................... 108,000
For Contractual Services ..................... 500,000
For Travel ................................ 45,000
For Commodities ............................ 6,000
For Printing ................................. 1,000
For Equipment ................................ 30,000
For Telecommunications Services.......... 10,000
Total ............................................................................. $1,798,500

Payable from the Community Health Center Care Fund:
Expenses for the Access to Primary Health Care Services Program Authorized by the Family Practice Residency Act .............................................. $ 950,000

Payable from the Nursing Dedicated and Professional Fund:
For Expenses of the Nursing Education Scholarship Law ................................. $ 750,000

Payable from the Illinois State Podiatric Disciplinary Fund:
For Expenses of the Podiatric Scholarship and Residency Act .................... $ 65,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program ........ $ 75,000

Payable from the Public Health Federal Projects Fund:
For Expenses of Health Outcomes, Research, Policy and Surveillance ........... $ 500,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Needs Assessment .............. $ 650,000

Payable from the Public Health Special State Projects Fund:
For Expenses Associated with Health Outcomes Investigations ..................... $ 965,000

Section 4.1. The following amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:
OFFICE OF EPIDEMIOLOGY AND HEALTH SYSTEMS DEVELOPMENT

Payable from the General Revenue Fund:
For Grants to Children's Memorial Hospital for the child health data lab ............ $ 295,000
For Grants to Public and Private Agencies for Residency Programs Pursuant to the

New matter indicated by italics - deletions by strikeout.
Family Practice Residency Act .......................... 1,054,900
To Provide Matching Grants to Community Based Organizations for Comprehensive Primary Care .......................... 409,000
To Provide Grants to Assist Existing Community and Migrant Health Centers to Expand Service Capacity and Develop Additional Sites .................... 409,000
To Provide Grants to Hospitals to Diversify Services and Convert to Facilities that are Less Dependent on Acute Care Bed Capacity .......................... 409,000
Total $2,576,900
Payable from the Public Health Services Fund:
For Grants to Develop a Health Care Provider and Recruitment Program .................. $ 450,000
For Grants to Develop a Health Professional Educational Loan Repayment Program .......................... 300,000
Total $750,000
Payable from the Tobacco Settlement Recovery Fund:
For Grants for the Community Health Center Expansion Program .......................... 3,000,000
Total $3,000,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION
Payable from the General Revenue Fund:
For Personal Services .......................... $ 1,206,400
For Employee Retirement Contributions Paid by Employer .......................... 48,300
For State Contributions to State Employees' Retirement System .......................... 125,500
For State Contributions to Social Security .......................... 92,300
For Contractual Services .......................... 35,200
For Travel .......................... 60,500
For Commodities .......................... 9,500
For Printing .......................... 2,900
For Equipment .......................... 7,500
For Telecommunications Services .......................... 34,900
For Operation of Auto Equipment .......................... 400
For Operational Expenses of Legacy Public Health Programs .......................... 408,100
For Deposit into the Lead Poisoning, Screening, Prevention, and Abatement Fund .......................... 900,000
For Expenses of the Governor's Health and Physical Fitness Advisory Committee .......................... 7,500
For Expenses of the Prostate Cancer Awareness and Screening Program .......................... 300,000
For Expenses Related to Services Provided to Children with Sickling Diseases, including Sickle Cell

New matter indicated by italics - deletions by strikeout.
Anemia ...................................... 250,000
For Deposit into the Organ Transplant
Fund .......................................... 100,000
Total ........................................ $3,589,000

Payable from the Public Health Services Fund:
For Personal Services ........................ $ 875,200
For Employee Retirement Contributions
Paid by Employer ............................ 35,000
For State Contributions to State
Employees' Retirement System ............... 91,000
For State Contributions to Social Security ...
For Group Insurance ......................... 115,200
For Contractual Services ..................... 650,000
For Travel ................................... 160,000
For Commodities ............................ 10,000
For Printing ................................ 44,000
For Equipment .............................. 50,000
For Telecommunications Services .......... 65,000
Total ........................................ $2,162,400

Payable from the Lead Poisoning Screening,
Prevention and Abatement Fund:
For Expenses, Including Refunds,
of the Lead Poisoning Screening
and Prevention Program ...................... $ 683,100

Payable from the Maternal and Child
Health Services Block Grant Fund:
For Operational Expenses of Maternal and
Child Health Programs ....................... $ 440,000

Payable from the Preventive Health
and Health Services Block
Grant Fund:
For Expenses of Preventive Health and
Health Services Programs ................... $ 1,226,800

Payable from the Public Health Special
State Projects Fund:
For Expenses for Public Health
Programs ........................................ $ 600,000

Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Metabolic
Screening Follow-up Services ............... $ 1,100,000

Payable from the Hearing Instrument
Dispenser Examining and
Disciplinary Fund:
For Expenses Pursuant to the Hearing
Aid Consumer Protection Act ............. $ 120,000

Payable from the Tobacco Settlement
Recovery Fund:
For Expenses of the Comprehensive
Youth Tobacco Prevention Initiative ....... $ 11,000,000

Payable from the Post Transplant Maintenance
and Retention Fund:
For Expenses of the Post Transplant
Maintenance and Retention Program ........ $ 200,000

Section 5.1. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Grants Pursuant to the Alzheimer's Disease Assistance Act ....................... $ 3,300,000
For Grants for Vision and Hearing Screening Programs ......................... 693,800
For Grants Associated with Donated Dental Services.......................... 75,000
For Grant to SIU Parkinson Disease Center for Research, Diagnostic Services, Treatment and Counseling ........ 375,000
Total ........................................... $4,443,800

Payable from the Alzheimer's Disease Research Fund:
For Grants Pursuant to the Alzheimer's Disease Research Act .................. $ 200,000

Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses ............... $ 6,000,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program .............. $ 2,000,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs ................................ 495,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Initiative Programs ........................................ 3,000,000

Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services ......................... $ 1,950,000
For Grants for Free Distribution of Medical Preparations and Food Supplies ........ 1,000,000
Total ........................................... 2,950,000

Payable from the Tobacco Settlement Recovery Fund:
For Grants to the University of Chicago for Juvenile Diabetes Research ............ $ 2,200,000
For Grants and Administrative Expenses for the Tobacco Use Prevention Program .................. 16,875,000
For Certified Local Health Department Grants for Anti-Smoking Programs .......... 16,875,000
For Grants Associated with Donated Dental Services ............................ 500,000
Total ........................................... $36,450,000

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities In Illinois for Prostate Cancer Research .... $ 100,000

New matter indicated by italics - deletions by strikeout.
Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:
For Personal Services ..................... $ 14,821,000
For Employee Retirement Contributions
Paid by Employer .......................... 592,800
For State Contributions to State Employees' Retirement System .................... 1,541,400
For State Contributions to Social Security ... 1,133,700
For Contractual Services .................. 269,100
For Travel ................................... 975,500
For Commodities ........................... 21,200
For Printing ............................... 7,000
For Equipment ............................. 93,900
For Telecommunications Services ............... 163,000
For Operation of Auto Equipment ........... 1,800
For Expenses to Develop and Operate Regional Ambulance Systems ............ 200,000
For Operational Expenses of Three First Aid Stations ...................... 102,300
For Expenses of the Assisted Living and Shared Housing Program ......... 300,000
Total                                                                 $20,222,700

Payable from the Public Health Services Fund:
For Personal Services ..................... $ 5,750,000
For Employee Retirement Contributions
Paid by Employer .......................... 230,000
For State Contributions to State Employees' Retirement System .................... 598,000
For State Contributions to Social Security ... 439,800
For Group Insurance ........................ 774,000
For Contractual Services .................. 200,000
For Travel ................................... 900,000
For Commodities ........................... 8,200
For Equipment ............................. 260,000
For Telecommunications ....................... 50,000
For Expenses of Monitoring in Long Term Care Facilities .................. 625,000
Total                                                                 $9,835,000

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656...................... $ 100,000

Payable from the Long Term Care Monitor/Receiver Fund:
For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers ...................... $ 845,300

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health

New matter indicated by italics - deletions by strikeout.
### Care Delivery Systems Program
- Payable from the Trauma Center Fund:
  - For Expenses of Administering the Distribution of Payments to Trauma Centers: $75,000
- Payable from the Preventive Health and Health Services Block Grant Fund:
  - For Expenses to Develop and Monitor Emergency Medical Systems: $130,000
- Payable from the EMS Assistance Fund:
  - For Expenses of Administering the Distribution of Payments from the EMS Assistance Fund, Including Refunds: $500,000
- Payable from the Health Facility Plan Review Fund:
  - For Expenses of Health Facility Plan Reviews, including refunds: $2,250,000

### OFFICE OF HEALTH PROTECTION
- Payable from the General Revenue Fund:
  - For Personal Services: $7,177,700
  - For Employee Retirement Contributions Paid by Employer: $287,100
  - For State Contributions to State Employees' Retirement System: $746,500
  - For State Contributions to Social Security: $549,100
  - For Contractual Services: $141,900
  - For Travel: $312,000
  - For Commodities: $18,200
  - For Printing: $10,500
  - For Equipment: $12,100
  - For Telecommunications Services: $104,600
  - For Operation of Auto Equipment: $8,000
  - For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers: $10,000
  - For Expenses of Immunization Promotion, Awareness, and Outreach: $1,219,000
  - For Expenses Incurred for the Rapid Investigation and Control of Disease or Injury: $645,000
  - For Expenses of Environmental Health Surveillance and Prevention Activities, Including Mercury Hazards and West Nile Virus: $574,200
  - Total: $11,815,900

### Payable from the Public Health Services Fund:
- Payable from the General Revenue Fund:
  - For Personal Services: $3,686,900
  - For State Contributions to State Employees' Retirement System: $147,500

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<td>Payable from the Illinois School Asbestos Abatement Fund:</td>
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<td>For Expenses, Including Refunds, of Administering and Executing the</td>
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<td>Act of 1986 (AHERA)</td>
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<td>For Expenses, Including Refunds, of Administering the Groundwater Protection</td>
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<td>For Expenses of Vector Control Programs, including Mosquito Abatement</td>
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<td>For Expenses of the Lead Poisoning Screening, and Prevention Program,</td>
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<td>Including Refunds</td>
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<td>Refunds</td>
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<td>including Refunds</td>
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<td>Payable from the Pesticide Control Fund:</td>
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<td>For Public Education, Research, and Enforcement of the Structural</td>
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</table>
Section 7.1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the General Revenue Fund:
- For Personal Services.................................................. $556,200
- For Employee Retirement Contributions Paid by Employer.......................... 22,300
- For State Contributions to State Employees' Retirement System.................. 57,800
- For State Contributions to Social Security .................................. 42,600
- For Contractual Services.................................................... 28,500
- For Travel ................................................................. 12,700
- For Equipment ............................................................. 6,500
- For Expenses of an AIDS Hotline ..................................... 230,500
- For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763 .. $1,263,100
- For Expenses of the AIDS Advisory Council ................................ 11,600
- For Expenses of AIDS/HIV Prevention and Treatment Focusing on Minority Cases ...................... 750,000

Total $14,381,800

Payable from the Tobacco Settlement Recovery Fund:
- For expenses of the AIDS/HIV prevention outreach and treatment focusing on minority cases ............................................... $1,251,850
- For grants to the Human Resource Development Institute ..................... 748,150

Total $2,000,000

Payable from the Public Health Services Fund:
- For Expenses of Programs for Prevention of AIDS/HIV .......................... $4,651,600
- For Expenses for Surveillance Programs and Seroprevalence Studies of AIDS/HIV ........ 1,500,000
- For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (CARE) and other AIDS/HIV services............. 26,400,000

Total $32,551,600

Section 7.2. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Grants for Free Distribution of
Medical Preparations ...................... $  4,410,700
For Grants for Sexually Transmitted Disease
Medical Services to Individuals .......... 11,000
For Local Health Protection Grants
to Certified Local Health Departments
for Health Protection Programs including,
But Not Limited To, Infectious
Diseases, Food Sanitation,
Potable Water and Private Sewage........... 14,051,300
For Grants for Laboratory Cytology
Services for Local Health Departments,
Including Administrative Expenses ........ 600,000
For a grant for SIU School of Medicine
for the Regional Cancer Research Center .... 1,800,000
Total $20,873,000
Payable from the Tobacco Settlement
Recovery Fund:
For a Grant for the University of Illinois
for Sickle Cell Research ........................ 1,900,000
Total $1,900,000

Section 8. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Department of Public Health for the objects and purposes hereinafter
named:

SPRINGFIELD LABORATORY
Payable from the General Revenue Fund:
For Personal Services ....................... $  1,275,700
For Employee Retirement Contributions
Paid by Employer ............................ 51,000
For State Contributions to State Employees' 
Retirement System ........................... 132,700
For State Contributions to Social
Security ...................................... 97,600
CARBONDALE LABORATORY
Payable from the General Revenue Fund:
For Personal Services ....................... 332,200
For Employee Retirement Contributions
Paid by Employer ............................ 13,300
For State Contributions to State
Employees' Retirement System .............. 34,600
For State Contributions to Social Security ... 25,400
CHICAGO LABORATORY
Payable from the General Revenue Fund:
For Personal Services ....................... 1,819,200
For Employee Retirement Contributions
Paid by Employer ............................ 72,800
For State Contributions to State Employees' 
Retirement System ........................... 189,200
For State Contributions to Social Security ... 139,200
PUBLIC HEALTH LABORATORIES
Payable from the General Revenue Fund:
For Contractual Services ................. 297,400
For Travel ................................ 23,500
For Commodities ........................... 328,000

New matter indicated by italics - deletions by strikeout.
Section 9. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Personal Services ......................... $ 354,900
For Employee Retirement Contributions
Paid by Employer .............................. 14,200
For State Contributions to State
Employee's Retirement System ............... 36,900
For State Contribution to
Social Security ....................... 27,100
For Contractual Services .............. 65,000
For Travel ................................ 24,000
For Commodities ...................... 3,400
For Printing ........................... 15,000
For Equipment .......................... 28,000
For Telecommunications Services ....... 13,000
For Operational Expenses of State-
wide Women's Healthline ................ 100,000
For Operational Expenses for Educational
Programs to Reduce Breast Cancer ....... 29,100
For Expenses for Breast and Cervical
Cancer Screenings and other
Related Activities ........................ 2,000,000
For Expenses of the Women's Health
Promotion Programs ...................... 1,000,000
For Payment into the Penny Severns Breast
and Cervical Cancer Research Fund ....... 250,000
Total $3,960,600

Payable from the General Revenue Fund:
For Grants for the Promotion of Awareness
and Prevention of Osteoporosis ........... $ 500,000
For Grants Pursuant to the Promotion
of Women's Health ...................... 1,175,000
Total $1,675,000

Payable from the Penny Severns Breast and Cervical
Cancer Research Fund ................. $4,800,000
Cancer Research Fund:
For Grants for Breast and Cervical
Cancer Research .................................. $ 600,000

Section 10. The sum of $2,200,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for a grant to Chicago Public Schools for the Comprehensive Health Education Program.

Section 11. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for all expenses associated with the Save a Life Program.

Section 12. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for all costs associated with the Hepatitis C Awareness Program in Cook County.

Section 13. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Public Health for grants to Area Health Education Centers (AHEC).

ARTICLE 49

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
GOVERNMENT SERVICES

For Personal Services:
Payable from General Revenue Fund .......... $ 4,690,500
Payable from Motor Fuel Tax Fund .......... 598,700
Payable from Illinois Tax Increment Fund ............... 192,900
Payable from Personal Property Tax Replacement Fund ............... 803,800
For Extra Help:
Payable from the General Revenue Fund ........ 81,500
For Employee Retirement Contributions Paid by Employer:
Payable from General Revenue Fund ............... 190,800
Payable from Motor Fuel Tax Fund ............... 23,900
Payable from Illinois Tax Increment Fund ............... 7,700
Payable from Personal Property Tax Replacement Fund ............... 32,200
For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund ............... 496,500
Payable from Motor Fuel Tax Fund ............... 62,300
Payable from Illinois Tax Increment Fund ............... 20,100
Payable from Personal Property Tax Replacement Fund ............... 83,600
For State Contributions to Social Security:
Payable from General Revenue Fund ............... 338,800
Payable from Motor Fuel Tax Fund ............... 45,700
Payable from Illinois Tax Increment Fund ............... 14,800
Payable from Personal Property Tax Replacement Fund ............... 60,700
For Group Insurance:
Payable from Motor Fuel Tax Fund.............. 109,200

New matter indicated by italics - deletions by strikeout.
Payable from Illinois Tax Increment Fund .................. 33,600
Payable from Personal Property Tax Replacement Fund .............. 151,200
For Contractual Services:
Payable from General Revenue Fund .............. 148,200
Payable from Motor Fuel Tax Fund .............. 32,600
Payable from Personal Property Tax Replacement Fund .............. 10,000
For Travel:
Payable from General Revenue Fund .............. 77,400
Payable from Motor Fuel Tax Fund .............. 19,000
Payable from Personal Property Tax Replacement Fund .............. 24,200
For Commodities:
Payable from General Revenue Fund .............. 4,000
Payable from Personal Property Tax Replacement Fund .............. 4,000
For Equipment:
Payable from General Revenue Fund .............. 72,000
Payable from Motor Fuel Tax Fund .............. 170,100
Payable from Personal Property Tax Replacement Fund .............. 99,700
For Administration of the Illinois Affordable Housing Act:
Payable from Illinois Affordable Housing Trust Fund .............. 1,950,000
For Administration of Circuit Breaker/Pharmaceutical Assistance Program per Public Act 91-699:
Payable from the General Revenue Fund .............. 3,300,000
For Transfer from the General Revenue Fund into the Senior Citizens Real Estate Deferred Tax Revolving Fund .............. 1,000,000
Total $14,949,700

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
TAX ENFORCEMENT

For Personal Services:
Payable from General Revenue Fund .............. $32,476,500
Payable from Motor Fuel Tax Fund .............. 5,426,900
Payable from Underground Storage Tank Fund .............. 169,600
Payable from Illinois Gaming Law Enforcement Fund .............. 1,131,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund .............. 166,800
Payable from County Option Motor Fuel Tax Fund .............. 150,800
Payable from Personal Property Tax Replacement Fund .............. 360,800
For Employee Retirement Contributions Paid by Employer:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund ............... 1,299,800
Payable from Motor Fuel Tax Fund ............... 209,300
Payable from Underground Storage
Tank Fund ...................................... 7,000
Payable from Illinois Gaming
Law Enforcement Fund ........................... 56,000
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .................. 6,700
Payable from County Option Motor
Fuel Tax Fund .................................... 6,300
Payable from Personal Property Tax
Replacement Fund ................................ 14,400
For State Contributions to State Employees’ Retirement System:
Payable from General Revenue Fund ............... 3,377,700
Payable from Motor Fuel Tax Fund ............... 555,400
Payable from Underground Storage Tank Fund .................. 17,600
Payable from Illinois Gaming
Law Enforcement Fund ........................... 117,600
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .................. 17,400
Payable from County Option Motor
Fuel Tax Fund .................................... 15,700
Payable from Personal Property Tax
Replacement Fund ................................ 37,500
For State Contributions to Social Security:
Payable from General Revenue Fund ............... 2,365,200
Payable from Motor Fuel Tax Fund ............... 400,700
Payable from Underground Storage Tank Fund .................. 12,900
Payable from Illinois Gaming
Law Enforcement Fund ........................... 41,900
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .................. 12,800
Payable from County Option Motor
Fuel Tax Fund .................................... 11,400
Payable from Personal Property Tax
Replacement Fund ................................ 27,200
For Group Insurance:
Payable from Motor Fuel Tax Fund............... 831,600
Payable from Underground Storage Tank Fund .................. 25,200
Payable from Illinois Gaming
Law Enforcement Fund ........................... 159,600
Payable from Home Rule Municipal
Retailers Occupation Tax Fund .................. 33,600
Payable from County Option Motor
Fuel Tax Fund .................................... 16,800
Payable from Personal Property Tax
Replacement Fund ............................... 75,600
For Contractual Services:
Payable from General Revenue Fund ............... 719,700
Payable from Motor Fuel Tax Fund ............... 326,900
Payable from Illinois Gaming

New matter indicated by italics - deletions by strikeout.
Law Enforcement Fund ...................... 65,400

For Travel:
Payable from General Revenue Fund .......... 844,600
Payable from Motor Fuel Tax Fund .......... 897,500
Payable from Underground Storage Tank Fund .................. 4,200
Payable from Illinois Gaming Law Enforcement Fund .................. 26,400
Payable from Home Rule Municipal Retailers Occupation Tax Fund .................. 27,500
Payable from County Option Motor Fuel Tax Fund .................. 14,200
Payable from Personal Property Tax Replacement Fund .................. 109,500

For Commodities:
Payable from General Revenue Fund .......... 8,100
Payable from Motor Fuel Tax Fund .......... 4,100
Payable from Underground Storage Tank Fund .................. 800
Payable from Illinois Gaming Law Enforcement Fund .................. 6,500
Payable from Personal Property Tax Replacement Fund .................. 1,900

For Administration of the Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173, including prior year costs:
Payable from Tax Compliance And Administration Fund .................. 114,400
Total $52,807,000

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

OPERATIONS
TAX OPERATIONS

For Personal Services:
Payable from General Revenue Fund .......... $53,691,200
Payable from Motor Fuel Tax Fund .......... 8,296,200
Payable from Underground Storage Tank Fund .................. 389,300
Payable from Illinois Gaming Law Enforcement Fund .................. 52,700
Payable from County Option Motor Fuel Tax Fund .................. 229,900
Payable from Tax Compliance and Administration Fund .................. 312,000
Payable from Personal Property Tax Replacement Fund .................. 3,934,900
Payable from Child Support Enforcement Trust Fund .................. 1,036,600

For Extra Help:
Payable from General Revenue Fund .......... 354,000
Payable from Motor Fuel Tax Fund .......... 107,000

For Employee Retirement Contributions
Paid by Employer:

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0008

Payable from General Revenue Fund .......... 2,162,000
Payable from Motor Fuel Tax Fund .......... 336,100
Payable from Underground Storage Tank Fund ...
Payable from Illinois Gaming
Law Enforcement Fund ......................... 2,100
Payable from County Option Motor
Fuel Tax Fund ................................. 9,300
Payable from Tax Compliance and
Administration Fund ........................... 12,500
Payable from Personal Property Tax
Replacement Fund ............................... 157,400
Payable from Child Support Enforcement
Trust Fund .......................... 41,500

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund .......... 5,605,900
Payable from Motor Fuel Tax Fund .......... 862,400
Payable from Underground Storage Tank Fund ...
Payable from Illinois Gaming
Law Enforcement Fund ......................... 5,500
Payable from County Option Motor
Fuel Tax Fund ................................. 23,900
Payable from Tax Compliance and
Administration Fund ........................... 32,400
Payable from Personal Property Tax
Replacement Fund ............................... 409,200
Payable from Child Support Enforcement
Trust Fund ................................. 107,800

For State Contributions to Social Security:
Payable from General Revenue Fund ........... 3,928,800
Payable from Motor Fuel Tax Fund ........... 635,500
Payable from Underground Storage Tank Fund ...
Payable from Illinois Gaming
Law Enforcement Fund ......................... 3,800
Payable from County Option Motor
Fuel Tax Fund ................................. 16,200
Payable from Tax Compliance and
Administration Fund ........................... 23,900
Payable from Personal Property Tax
Replacement Fund ............................... 301,100
Payable from Child Support Enforcement
Trust Fund ................................. 79,300

For Group Insurance:
Payable from Motor Fuel Tax Fund .......... 1,562,400
Payable from Underground
Storage Tank Fund ............................ 92,400
Payable from Illinois Gaming
Law Enforcement Fund ......................... 8,400
Payable from County Option Motor
Fuel Tax Fund ................................. 67,200
Payable from Tax Compliance and
Administration Fund ........................... 58,800
Payable from Personal Property
Tax Replacement Fund ......................... 932,400
Payable from Child Support Enforcement

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For Travel:

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<td>400</td>
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<tr>
<td>Payable from Tax Compliance and Administration Fund</td>
<td>10,500</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>25,800</td>
</tr>
<tr>
<td>Payable from Child Support Enforcement Trust Fund</td>
<td>7,500</td>
</tr>
</tbody>
</table>

For Commodities:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>524,600</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>98,600</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>1,300</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>2,000</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>2,400</td>
</tr>
<tr>
<td>Payable from Tax Compliance and Administration Fund</td>
<td>2,000</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>60,700</td>
</tr>
</tbody>
</table>

For Printing:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>1,133,700</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>552,700</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>1,500</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>4,500</td>
</tr>
<tr>
<td>Payable from Personal Property Tax Replacement Fund</td>
<td>149,200</td>
</tr>
</tbody>
</table>

For Electronic Data Processing:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>5,320,000</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>1,763,700</td>
</tr>
<tr>
<td>Payable from Underground Storage Tank Fund</td>
<td>6,100</td>
</tr>
<tr>
<td>Payable from Illinois Gaming Law Enforcement Fund</td>
<td>224,700</td>
</tr>
<tr>
<td>Payable from Home Rule Municipal Retailers Occupation Tax Fund</td>
<td>128,400</td>
</tr>
<tr>
<td>Payable from County Option Motor Fuel Tax Fund</td>
<td>26,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Illinois Tax Increment Fund .............................. 243,000
Payable from Tax Compliance and Administration Fund ........... 125,000
Payable from Personal Property Tax Replacement Fund .......... 515,400
Payable from Child Support Enforcement Trust Fund ............... 6,100
For Telecommunications Services:
  Payable from General Revenue Fund ................................. 2,625,200
  Payable from Motor Fuel Tax Fund ................................. 89,000
  Payable from Underground Storage Tank Fund ...................... 10,000
  Payable from Illinois Gaming Law Enforcement Fund .............. 10,500
  Payable from Home Rule Municipal Retailers Occupation Tax Fund 3,600
  Payable from County Option Motor Fuel Tax Fund ................. 13,400
  Payable from Illinois Tax Increment Fund .......................... 15,900
  Payable from Tax Compliance and Administration Fund .......... 5,700
  Payable from Personal Property Tax Replacement Fund ........... 17,800
  Payable from Child Support Enforcement Trust Fund ............. 22,700
For Operation of Auto Equipment:
  Payable from General Revenue Fund ................................. 25,900
  Payable from Motor Fuel Tax Fund ................................. 35,000
  Payable from Illinois Gaming Law Enforcement Fund .............. 19,500
  Payable from Personal Property Tax Replacement Fund ........... 6,500
For Administration of the Illinois Petroleum Education and Marketing Act:
  Payable from the Tax Compliance and Administration Fund .......... 9,000
For Administration of the Dry Cleaners Environmental Response Trust Fund Act:
  Payable from the Tax Compliance and Administration Fund .......... 45,000
Total $107,328,700

GOVERNMENT SERVICES GRANTS

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:
Payable from General Revenue Fund:
  For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law ..................... $ 2,150,000
  For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended ..................... 672,000

New matter indicated by italics - deletions by strikeout.
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended ........................................ 600,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended .................. 663,000
For payments under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs ..................... 84,800,000
Total.................................................................................................................................................................. $88,885,000

Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928 ................................... $ 48,342,700

Payable from Local Government Distributive Fund:
For Allocation of the 4% Sales Tax to Units of Local Government Pursuant to P.A. 86-0928 ....................... $ 31,185,300
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928 ....................... $ 122,882,400

Payable from Tobacco Settlement Recovery Fund:
For Payments under Senior Citizen and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs .................. $ 106,700,000

Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928 .................. $ 23,330,200

Payable from Senior Citizens' Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act ...................... $ 4,700,000

Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts .................................................. $ 20,022,100

Payable from the Do-It-Yourself School Funding Fund:
For Distribution of Income Tax Exemptions Forgone pursuant to Public Act 90-0553 ......................... $ 10,000

GOVERNMENT SERVICE REFUNDS
Payable from General Revenue Fund:
For payment of refunds pursuant to the provisions of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act ................. $150,000

TAX ENFORCEMENT GRANTS
Section 5. The following named sums, or so much thereof as may be necessary, are

New matter indicated by italics - deletions by strikeout.
appropriated to the Department of Revenue for the purposes as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Illinois Gaming Law Enforcement Fund:</td>
<td></td>
</tr>
<tr>
<td>For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act</td>
<td>$ 1,400,000</td>
</tr>
</tbody>
</table>

**TAX OPERATIONS GRANTS**

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Motor Fuel Tax Fund:</td>
<td></td>
</tr>
<tr>
<td>For Reimbursement to International Fuel Tax Agreement Member</td>
<td>$ 48,000,000</td>
</tr>
</tbody>
</table>

**TAX OPERATIONS REFUNDS**

For Refunds and Repayment to persons as provided by law:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>$ 23,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$ 28,240,000</td>
</tr>
</tbody>
</table>

**GOVERNMENT SERVICE GRANTS**

Section 7. The sum of $55,000,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), Mortgages, Loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 7A. The sum of $17,250,200, new appropriation, is appropriated and the sum of $41,922,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2000, from appropriations and reappropriations heretofore made in Article 23, Section 7A of Public Act 91-0020 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

**ILLINOIS GAMING BOARD**

Section 8. The sum of $129,000,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from State Gaming Fund:</td>
<td>$ 5,772,100</td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>277,900</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>599,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>242,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Group Insurance ........................................ 893,800
For Contractual Services ............................... 5,792,600
For Travel .................................................. 106,000
For Commodities ......................................... 20,000
For Printing ............................................... 8,000
For Equipment ............................................ 50,000
For Electronic Data Processing ...................... 100,800
For Telecommunications ................................. 314,000
For Operation of Auto Equipment ..................... 31,500
Total .................................................................. $14,208,300

REFUNDS

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

**ILLINOIS GAMING BOARD**

Payable from State Gaming Fund:
- For Refunds .......................................................... $ 50,000

ARTICLE 50

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF ADMINISTRATION**

Payable from General Revenue Fund:
- For Personal Services ........................................ $ 9,482,900
- For Employee Retirement Contributions Paid by Employer ................................................. 391,400
- For State Contributions to State Employees' Retirement System ................................. 986,200
- For State Contributions to Social Security ................................................................. 617,700
- For Contractual Services ......................... 4,698,500
- For Travel .................................................. 219,200
- For Commodities ......................................... 799,100
- For Printing ................................................. 178,500
- For Equipment ............................................. 544,500
- For Equipment:
  - Purchase of Police Cars-FY02 ................ 1,837,500
- For Telecommunications Services ............... 251,600
- For Operation of Auto Equipment ............... 302,000
- For Repairs and Maintenance and Permanent Improvements ............................... 60,000
- For Expenses of Apprehension of Fugitives .................................................. 50,000
- For Contractual Services:
  - For Payment of Tort Claims .......................... 110,500
  - For Refunds ................................................... 57,400
  - For Expenses regarding implementation of the Juvenile Justice Reform provisions ........................................... 548,000
Total .................................................................. $24,135,000

Payable from Missing and Exploited Children Trust Fund:
- For the Administration and fulfillment of its responsibilities under the Intergovernmental Missing Child Recovery Act of 1984 ........................................... 50,000

Payable from the State Police Wireless

New matter indicated by italics - deletions by strikeout.
Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act..................................... $1,300,000

Payable from the State Police Vehicle Fund:
For equipment:
Purchase of Police Cars - FY02................. $1,000,000

Section 1a. The sum of $1,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purposes in Article 15, Section 1, of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of State Police for all costs associated with Permanent Improvements for the CODIS Building.

Section 2. The sum of $25,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 15, Section 2 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Section 3. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 4. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:
For Personal Services ......................... $  6,399,400
For Employee Retirement Contributions Paid by Employer ............................ 256,000
For State Contributions to State Employees' Retirement System .......... 665,500
For State Contributions to Social Security ................................. 480,000
For Contractual Services ......................... 1,084,500
For Travel ..................................... 43,100
For Commodities .................................. 43,200
For Printing ..................................... 40,000
For Equipment ................................ 3,500
For Electronic Data Processing ............... 4,077,500
For Telecommunications Services .......... 812,000
Total $13,904,700

Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System ........................................ $  2,500,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:
For Personal Services ......................... $101,361,500
For Employee Retirement Contributions Paid by Employer ............................ 5,138,300

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System .................. 10,541,600
For State Contributions to
  Social Security ................................. 2,639,400
  Contractual Services ............................. 6,434,600
  Travel ........................................... 1,085,200
  Commodities .................................... 1,108,700
  Printing ........................................ 164,000
  Equipment ....................................... 731,600
  Electronic Data Processing ...................... 204,000
  Telecommunications Services .................... 3,290,400
  Operation of Auto Equipment .................... 8,208,200
Total $140,907,500
Payable from the Road Fund:
  Personal Services ................................ $ 45,378,500
  Employee Retirement Contributions
    Paid by Employer .............................. 2,439,100
  State Contributions to State
    Employees' Retirement System ................. 4,612,200
  State Contributions to
    Social Security .............................. 303,400
Total $52,733,200
Payable from the State Police Services Fund:
  Payment of Expenses:
    Fingerprint Program.......................... $  7,000,000
  Federal & IDOT Programs......................... 3,680,000
  Riverboat Gambling............................. 7,500,000
  Miscellaneous Programs.......................... 4,070,000
Total $22,250,000
Payable from the Illinois State Police
Federal Projects Fund:
  Payment of Expenses............................ $ 18,206,800
Payable from the Motor Carrier Safety Inspection Fund:
  Expenses associated with the
    enforcement of Federal Motor Carrier
    Safety Regulations and related
    Illinois Motor Carrier
    Safety Laws.................................... $2,400,000

Section 7. The following amounts, or so much thereof as may be necessary for the objects
and purposes hereinafter named, are appropriated from the General Revenue Fund and the Drug
Traffic Prevention Fund to the Department of State Police, Division of Operations, pursuant to
the provisions of the "Intergovernmental Drug Laws Enforcement Act" for Grants to Metropolitan
Enforcement Groups.
For Grants to Metropolitan
  Enforcement Groups:
    Payable from General Revenue Fund .......... $ 740,000
    Payable from Drug Traffic Prevention Fund .. $ 500,000

Section 8. In the event of the receipt of funds from the Motor Vehicle Theft Prevention
Council, through a grant from the Criminal Justice Information Authority, the amount of
$1,500,000, or so much thereof as may be necessary, is appropriated from the State Police
Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of
expenses.
Section 9. The sum of $1,500,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Prevention Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 10. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the Gang Crime Witness Protection Fund to the Department of State Police for payment of costs as outlined in the Gang Crime Witness Protection Act.

Section 11. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for expenses of Racetrack Investigative Services under the "Illinois Horse Racing Act of 1975":

### DIVISION OF OPERATIONS

#### RACETRACK INVESTIGATION UNIT

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$545,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions:</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$27,900</td>
</tr>
<tr>
<td>For State Contributions to State:</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$56,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$12,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$20,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>$2,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$1,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$1,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$6,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$6,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$25,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$708,000</strong></td>
</tr>
</tbody>
</table>

Section 12. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

### DIVISION OF OPERATIONS

#### FINANCIAL FRAUD AND FORGERY UNIT

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,284,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions:</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>$225,500</td>
</tr>
<tr>
<td>For State Contributions to State:</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>$445,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$48,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$131,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>$11,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$4,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$3,100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>$10,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$25,100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$62,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,252,600</strong></td>
</tr>
</tbody>
</table>

Section 13. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

### DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:
For Personal Services $33,461,800
For Employee Retirement Contributions Paid by Employer 1,347,900
For State Contributions to State Employees' Retirement System 3,480,000
For State Contributions to Social Security 2,267,000
For Contractual Services 6,344,100
For Travel 286,700
For Commodities 2,742,900
For Printing 147,500
For Equipment 2,872,300
For Electronic Data Processing 3,352,300
For Telecommunications Services 641,000
For Operation of Auto Equipment 171,000
For Administration of a Statewide Sexual Assault Evidence Collection Program 101,200
Total $57,215,700

For Administration and Operation of State Crime Laboratories:
Payable from State Crime Laboratory Fund $550,000
Payable from State Crime Laboratory DUI Fund $550,000
Payable from State Offender DNA Identification System Fund $600,000

Section 15. In addition to any other amount appropriated, the sum of $2,300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for the purpose of processing DNA cases.

Section 16. The sum of $350,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 17. In addition to any other amount appropriated, the sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for the costs associated with forensic services.

Section 18. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION

Payable from the General Revenue Fund:
For Personal Services $1,603,600
For Employee Retirement Contributions Paid by Employer 79,400
For State Contributions to State Employees' Retirement System 166,900
For State Contributions to Social Security 49,400
For Contractual Services 150,700
For Travel 35,000
For Commodities 28,400
For Printing 4,000
For Equipment 52,700
For Telecommunications Services 120,100
For Operation of Auto Equipment 103,000

New matter indicated by italics - deletions by strikeout.
Total $2,393,200

Section 18a. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for costs associated with a statewide voice communication system.

ARTICLE 51

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of the Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

OPERATIONS

Payable from State Lottery Fund:
For Personal Services .................. $ 9,683,900
For Employee Retirement Contributions
  Paid by Employer ...................... 387,400
For State Contributions for the State
  Employees' Retirement System ......... 968,300
For State Contributions to
  Social Security ....................... 733,100
For Group Insurance ................... 1,783,400
For Contractual Services .............. 26,917,000
For Travel ............................ 131,200
For Commodities ....................... 74,000
For Printing .......................... 32,000
For Equipment ........................ 512,700
For Electronic Data Processing ....... 3,858,800
For Telecommunications Services ...... 9,791,200
For Operation of Auto Equipment ...... 275,600
For Expenses of Developing and
  Promoting Lottery Games ............. 12,100,000
For Refunds .......................... 50,000
Total ................................ $67,298,600

LOTTERY BOARD

Payable from State Lottery Fund:
For Personal Services - Per Diem
  For Board Members .................. $ 5,200
For State Contributions to State
  Employees' Retirement System ...... 800
For State Contributions to
  Social Security .................... 600
For Contractual Services ............ 500
For Travel ........................... 1,500
Total ................................ $8,600

Section 2. The sum of $290,000,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department of the Lottery, for payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

Section 3. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Illinois Department of the Lottery, for payment to the Illinois State Police for investigatory services.

ARTICLE 52

Section 1. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:
CENTRAL OFFICES, ADMINISTRATION AND PLANNING
OPERATIONS

For Personal Services .......................... $26,730,700
For Employee Retirement Contributions
   Paid by State .......................... 1,069,200
For State Contributions to State
   Employees' Retirement System ............. 2,683,800
   For State Contributions to Social Security ... 2,004,800
   For Contractual Services .......................... 4,598,600
   For Travel ................................ 640,100
   For Commodities .............................. 582,800
   For Printing .................................. 712,300
   For Equipment ................................ 496,000
   For Equipment:
      Purchase of Cars & Trucks ................... 215,100
      For Telecommunications Services .............. 693,300
      For Operation of Automotive Equipment ........ 207,200
Total .................................................................. $40,633,900

LUMP SUMS

Section 1a. The following named amounts, or so much thereof as may be necessary, are
appropriated from the Road Fund to the Department of Transportation for the objects and purposes
hereinafter named:

For Planning, Research and Development
   Purposes ........................................ $500,000
   For costs associated with asbestos
      abatement................................. 575,400
   For metropolitan planning and research
      purposes as provided by law, provided
      such amount shall not exceed funds
      to be made available from the federal
government or local sources ................. 19,000,000
   For metropolitan planning and research
      purposes as provided by law .......... 1,300,000
   For federal reimbursement of planning
      activities as provided by the Transportation
      Equity Act for the 21st Century .......... 1,750,000
   For the federal share of the IDOT
      ITS Program, provided expenditures
      do not exceed funds to be made available
      by the Federal Government ............ 2,350,000
   For the state share of the IDOT
      ITS Corridor Program ..................... 4,970,000
   For the Department's share of costs
      with the Illinois Commerce
      Commission for monitoring railroad
      crossing safety ......................... 300,000
Total .................................................................. $30,745,400

AWARDS AND GRANTS

Section 1b. The following named amounts, or so much thereof as may be necessary, are
appropriated from the Road Fund to the Department of Transportation for the objects and purposes
hereinafter named:

For Tort Claims, including payment
   pursuant to P.A. 80-1078 ..................... $500,000
For representation and indemnification
   for the Department of Transportation,

New matter indicated by italics - deletions by strikeout.
the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations ..................

For Enhancement and Congestion Mitigation and Air Quality Projects..............................

For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations ..................

For grants to Illinois Universities for applied research on transportation........

For payment of claims as provided by the "Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including Treatment, Expenses and Benefits Payable for Total Temporary Incapacity for Work for State Employees whose salaries are paid from the Road Fund:

For Awards and Grants ......................

Total $10,600,000

Expenditures from appropriations for treatment and expense may be made after the Department of Transportation has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

CAPITAL IMPROVEMENTS, HIGHWAYS

Section 2. The sum of $6,111,100, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

BUREAU OF INFORMATION PROCESSING OPERATIONS

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Personal Services ..................... $ 5,978,300
For Employee Retirement Contributions Paid by State ................................. 239,100
For State Contributions to State Employees' Retirement System .................... 600,200
For State Contributions to Social Security ... 440,300
For Contractual Services ................. 6,277,300
For Travel ................................. 53,200

New matter indicated by italics - deletions by strikeout.
For Commodities ........................................  27,800
For Equipment ........................................  6,500
For Electronic Data Processing ......................  1,240,100
For Telecommunications ...............................  1,114,800
Total                                                                                       $15,977,600

Section 4. The following named amounts, or so much thereof as may be necessary, are
appropriated from the Road Fund to the Department of Transportation for the objects and purposes
hereinafter named:

CENTRAL OFFICES, DIVISION OF HIGHWAYS
OPERATIONS

For Personal Services ..............................  $ 31,304,900
For Extra Help .........................................  1,026,700
For Employee Retirement Contributions
  Paid by State ........................................  1,293,300
For State Contributions to State
  Employees' Retirement System ...................  3,246,100
For State Contributions to Social Security ...  2,378,600
For Contractual Services ...........................  5,056,800
For Travel .............................................  567,800
For Commodities ......................................  388,600
For Equipment .........................................  571,900
For Equipment:
  Purchase of Cars and Trucks ....................  116,200
For Telecommunications Services .................  2,855,200
For Operation of Automotive Equipment .........  272,000
Total                                                                                       $49,078,100

LUMP SUM

Section 4a. The sum of $425,000, or so much thereof as may be necessary, is appropriated
from the Road Fund to the Department of Transportation for repair of damages by motorists
to state vehicles and equipment or replacement of state vehicles and equipment, provided such
amount shall not exceed funds to be made available from collections from claims filed by the
Department to recover the costs of such damages.

AWARDS AND GRANTS

Section 4b. The sum of $2,286,900, or so much thereof as may be necessary, is appropriated
from the Road Fund to the Department of Transportation for reimbursement to participating
counties in the County Engineers Compensation Program, providing those reimbursements do not
exceed funds to be made available from their federal highway allocations retained by the
Department.

Section 4b1. The following named sums, or so much thereof as may be necessary, are
appropriated from the Road Fund to the Department of Transportation for grants to local
governments for the following purposes:
For reimbursement of eligible expenses
  arising from local Traffic Signal
  Maintenance Agreements created by Part
  468 of the Illinois Department of
  Transportation Rules and Regulations...........  $ 200,000
For reimbursement of eligible expenses
  arising from City, County, and other
  State Maintenance Agreements....................  8,322,000
Total                                                                                       $8,522,000

Section 4c. The following named amounts, or so much thereof as may be necessary, are
appropriated from the Road Fund to the Department of Transportation for the objects and purposes
hereinafter named:

CONSTRUCTION

For Maintenance, Traffic and Physical

New matter indicated by italics - deletions by strikeout.
Research Purposes (A) ................. $ 24,089,300  
For Maintenance, Traffic and Physical Research Purposes (B) ....................... 9,747,100  
For costs associated with the identification and disposal of hazardous materials at storage facilities .......... 1,158,600  
For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages .................................. 5,000,000  
Total $39,995,000

REFUNDS
Section 4d. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
  For Refunds ...................................... $ 28,000

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

<table>
<thead>
<tr>
<th>TRAFFIC SAFETY OPERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services .......... $ 6,859,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State ......................... 274,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System ............... 688,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security ... 505,200</td>
</tr>
<tr>
<td>For Contractual Services .......... 1,377,400</td>
</tr>
<tr>
<td>For Travel ............................... 64,300</td>
</tr>
<tr>
<td>For Commodities ......................... 38,600</td>
</tr>
<tr>
<td>For Printing ............................ 328,100</td>
</tr>
<tr>
<td>For Equipment ........................... 83,500</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks .......... 63,200</td>
</tr>
<tr>
<td>For Telecommunications Services .......... 146,500</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment ....... 86,000</td>
</tr>
<tr>
<td>Total $10,515,200</td>
</tr>
</tbody>
</table>

REFUNDS
Section 5a. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
  For Refunds................................. $ 9,200

New matter indicated by italics - deletions by strikeout.
Section 5b. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$140,400</td>
</tr>
<tr>
<td>For Retirement System by Employer</td>
<td>5,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>14,110</td>
</tr>
<tr>
<td>For State Contributions to Social Security ...</td>
<td>10,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>25,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>13,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>5,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$230,700</strong></td>
</tr>
</tbody>
</table>

AWARDS AND GRANTS

Section 5b1. The sum of $2,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$4,926,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>159,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>494,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security ...</td>
<td>376,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,000,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>267,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>113,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>188,000</td>
</tr>
</tbody>
</table>
| For Equipment:
  * Purchase of Cars and Trucks                       | 93,900    |
  * Telecommunications Services                         | 25,800    |
  * Operation of Automotive Equipment                   | 272,300   |
| **Total**                                             | **$7,919,100**|

Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$81,255,300</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>5,770,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>3,481,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>8,721,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security ...</td>
<td>6,572,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Contractual Services ................................. 15,369,800
For Travel ............................................................. 230,300
For Commodities .................................................. 4,708,100
For Equipment ...................................................... 1,630,300
For Equipment:
Purchase of Cars and Trucks ............................. 4,040,200
For Telecommunications Services ..................... 1,515,900
For Operation of Automotive Equipment ............ 7,139,100
Total                                                                 $140,434,300

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 2, DIXON OFFICE
OPERATIONS

For Personal Services ................................. $ 25,868,100
For Extra Help .................................................. 2,030,500
For Employee Retirement Contributions
Paid by State .................................................. 1,116,000
For State Contributions to State
Employees' Retirement System ..................... 2,801,000
For State Contributions to Social Security ...
For Contractual Services ......................... 3,535,800
For Travel ............................................................. 240,500
For Commodities ............................................. 1,711,000
For Equipment .................................................. 882,800
For Equipment:
Purchase of Cars and Trucks ..................... 1,336,000
For Telecommunications Services ............. 226,600
For Operation of Automotive Equipment ....... 2,619,800
Total                                                                 $44,466,100

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 3, OTTAWA OFFICE
OPERATIONS

For Personal Services ................................. $ 24,221,900
For Extra Help .................................................. 1,850,200
For Employee Retirement Contributions
Paid by State .................................................. 1,042,900
For State Contributions to State
Employees' Retirement System ..................... 2,617,700
For State Contributions to Social Security ...
For Contractual Services ......................... 2,993,300
For Travel ............................................................. 109,900
For Commodities ............................................. 2,100,500
For Equipment .................................................. 813,600
For Equipment:
Purchase of Cars and Trucks ..................... 1,372,200
For Telecommunications Services ............. 211,700
For Operation of Automotive Equipment ....... 2,452,100
Total                                                                 $41,715,300

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE

New matter indicated by italics - deletions by strikeout.
### OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$20,448,700</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>2,073,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>900,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,261,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,689,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,816,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>140,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,085,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>954,900</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>1,138,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>221,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,661,900</td>
</tr>
<tr>
<td>Total</td>
<td>$36,391,500</td>
</tr>
</tbody>
</table>

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

### DISTRICT 5, PARIS OFFICE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$22,860,900</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,562,100</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>976,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,452,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,807,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,808,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>90,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,248,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>645,200</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>944,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>152,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>2,115,400</td>
</tr>
<tr>
<td>Total</td>
<td>$37,664,700</td>
</tr>
</tbody>
</table>

Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

### DISTRICT 6, SPRINGFIELD OFFICE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$24,008,000</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,542,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by State</td>
<td>1,022,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>2,565,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,916,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,278,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>139,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,432,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>672,700</td>
</tr>
<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>1,138,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>221,300</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,661,900</td>
</tr>
<tr>
<td>Total</td>
<td>$39,391,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 7, EFFINGHAM OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$15,785,800</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>916,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>668,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>1,676,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,239,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,945,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>150,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>701,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>701,400</td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>931,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>107,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,031,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$25,855,600</td>
</tr>
</tbody>
</table>

Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 8, COLLINSVILLE OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$30,189,300</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,809,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>1,280,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>3,212,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,374,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,552,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>214,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,295,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,098,000</td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>1,570,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>342,400</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,995,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$50,933,500</td>
</tr>
</tbody>
</table>

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 9, CARBONDALE OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$15,343,100</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>1,449,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>671,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
Employees' Retirement System ...................... 1,686,000
For State Contributions to Social Security .......... 1,210,800
For Contractual Services ............................ 2,196,600
For Travel ........................................ 73,700
For Commodities .................................. 636,300
For Equipment ..................................... 596,600
For Equipment:
Purchase of Cars and Trucks .......................... 1,187,900
For Telecommunications Services ..................... 111,900
For Operation of Automotive Equipment ............... 1,178,700
Total ................................................................ 26,342,800

Section 16. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

CONSTRUCTION DIVISION
AWARDS AND GRANTS

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code" .................. $ 15,000,000
For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount of motor vehicle license fees received from the residents of eligible counties…………………………………….. 21,800,000
For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners ..................... 10,014,300
For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League .......................... 4,000,000
Total ................................................................ 50,814,300

CONSTRUCTION
Section 16b. The following sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:
District 1, Schaumburg ................................. $445,000,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>$260,000,000</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>$132,000,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>$74,000,000</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>$49,000,000</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>$45,000,000</td>
</tr>
<tr>
<td>Statewide</td>
<td>$139,200,000</td>
</tr>
<tr>
<td>Engineering</td>
<td>$215,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$984,200,000</td>
</tr>
</tbody>
</table>

Section 16b1. The following sums, or so much thereof as may be necessary, are appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; and for land acquisition and signboard removal and control, junkyard removal and control, and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>$260,000,000</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>$132,000,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>$74,000,000</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>$49,000,000</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>$45,000,000</td>
</tr>
<tr>
<td>Statewide</td>
<td>$139,200,000</td>
</tr>
<tr>
<td>Total</td>
<td>$865,000,000</td>
</tr>
</tbody>
</table>

Section 16b2. The sum of $400,000,000, or so much thereof as may be necessary, for statewide use pursuant to Section 4(a)(1) of the General Obligation Bond Act, is appropriated from the Transportation Bond Series A Fund to the Department of Transportation for land acquisition, engineering (including environmental studies and archaeological activities and other studies and activities necessary or appropriate to secure federal participation in the project), and construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, structures separating highways and railroads and bridges and for purposes allowed or required by Title 23 of the U.S. Code as provided by law in order to implement a portion of the Fiscal Year 2000 road improvements program.

GRADE CROSSING PROTECTION CONSTRUCTION

Section 17. The sum of $31,500,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 18. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION OPERATIONS

For Personal Services:

New matter indicated by italics - deletions by strikeout.
Payable from the Road Fund ................. $ 6,329,100
For Employee Retirement Contributions
Paid by State:
   Payable from the Road Fund ................. 279,700
For State Contributions to State Employees’ Retirement System:
   Payable from the Road Fund ................. 635,500
For State Contributions to Social Security:
   Payable from the Road Fund ................. 489,600
For Contractual Services:
   Payable from the Road Fund ................. 3,241,600
   Payable from Air Transportation Revolving Fund ................. 1,000,000
For Travel:
   Payable from the Road Fund .................. 118,200
   Payable from the General Revenue Fund .... 190,100
   Payable from the General Revenue Fund .... 179,900
For Commodities:
   Payable from Aeronautics Fund ............. 299,500
   Payable from the Road Fund ................. 379,900
For Equipment:
   Payable from the General Revenue Fund .... 3,565,900
   Payable from the Road Fund ................. 185,500
For Equipment; Purchase of Cars and Trucks:
   Payable from the Road Fund ................. 17,800
For Telecommunications Services:
   Payable from the Road Fund .................. 24,300
Total ......................................... $17,042,500

REFUNDS

Section 18a. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:
   For Refunds..................................... $ 500

AWARDS AND GRANTS

Section 18b. The sum of $133,204,800, or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 18b1. The sum of $18,586,400, or so much thereof as may be necessary, is appropriated from Transportation Bond Series B Fund to the Department of Transportation for financial assistance to airports pursuant to Section 34 of the Illinois Aeronautics Act, as amended, for such purposes as are described in that Section and for airport acquisition and development pursuant to Section 72 of the Illinois Aeronautics Act, as amended, for such purposes as are described in that Section and for making deposits into the Airport Land Loan Revolving Fund for loans pursuant to Section 34b of The Illinois Aeronautics Act, as amended, for such purposes as are described in that Section.

Section 18b1a. The sum of $15,000,000 or so much thereof as may be necessary, is appropriated from the Transportation Bond Series B Fund to the Department of Transportation,
pursuant to Section 4(c) of the General Obligation Bond Act, for expenses associated with land acquisition for the third Chicago area major airport.

Section 18b2. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

Section 18b3. The sum of $5,600,000, or so much thereof as may be necessary, is appropriated from the Airport Land Loan Revolving Fund to the Department of Transportation for loans to airport sponsors for all costs associated with land acquisition.

Section 18b4. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the Downstate Emergency Response Fund to the Department of Transportation for all costs associated with the purchase, lease, maintenance and operation of helicopters being used for emergency medical response.

Section 19. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC TRANSPORTATION DIVISION
OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,763,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>70,500</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>134,900</td>
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<td>For State Contributions to Social Security</td>
<td>183,400</td>
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<td>For State Contributions to Social Security</td>
<td>15,300</td>
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<tr>
<td>For Travel</td>
<td>21,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>8,200</td>
</tr>
<tr>
<td>Total</td>
<td>$2,237,500</td>
</tr>
</tbody>
</table>

LUMP SUMS

Section 19a. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 19a1. The sum of $533,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

Section 19a2. The sum of $420,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 19b. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 19b1. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and
the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 19b2. The following named sums, or so much thereof as may be necessary, are appropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers, and the Intercity Rail Program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, as follows:

Pursuant to Section 4(b)(1) of the
General Obligation Bond Act,
as amended $ 76,000,000
For the counties of the state outside
the counties of Cook, DuPage, Kane,
McHenry, and Will pursuant to
Section 4(b)(1) of the General
Obligation Bond Act, as amended 5,000,000
For Operation Green Light Program 15,000,000
Total $96,000,000

Section 19b3. The sum of $186,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 19b4. The sum of $55,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 19b5. The sum of $35,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 19b6. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

**URBANIZED AREAS**

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>$ 8,574,500</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>7,137,900</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>4,951,700</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>5,069,700</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>4,930,200</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>2,358,100</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>2,357,700</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>354,000</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>798,600</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>32,100</td>
</tr>
<tr>
<td><strong>Total, Urbanized Areas</strong></td>
<td>$36,564,500</td>
</tr>
</tbody>
</table>

**NON-URBANIZED AREAS**

New matter indicated by italics - deletions by strikeout.
City of Danville ........................................... $ 857,500
City of Quincy ........................................... 1,178,900
RIDES Mass Transit District ........................... 1,091,200
South Central Illinois
   Mass Transit District ............................... 1,111,800
City of Galesburg ....................................... 536,000
Total, Non-Urbanized Areas .................................. $4,775,400

Section 19b7. The sum of $17,500,000, or so much thereof as may be necessary, is
appropriated from the Metro East Public Transportation Fund to the Department of
Transportation for operating assistance grants subject to the provisions of the "Downstate Public
Transportation Act", as amended by the 81st General Assembly.

Section 19b8. The sum of $14,300,000, or so much thereof as may be necessary, is
appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for
the federal share of capital, operating, consultant services, and technical assistance grants, as
well as state administration and interagency agreements, provided such amounts shall not
exceed funds to be made available from the Federal Government.

Section 19b9. The sum of $6,000,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Transportation for making
grants and providing project assistance to municipalities, special transportation districts, private
non-profit carriers, mass transportation carriers for the acquisition, construction, extension,
reconstruction, rehabilitation, repair and improvement of mass transportation facilities,
including rapid transit, intercity rail, bus and other equipment used in connection therewith.

Section 19b10. The sum of $300,000, or so much thereof as may be necessary, is
appropriated from the Downstate Public Transportation Fund to the Department of
Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public
Transportation Act", approved August 9, 1974, as amended.

RAIL PASSENGER AND RAIL FREIGHT
AWARDS AND GRANTS

Section 20a. The sum of $10,324,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Transportation for funding the
State's share of intercity rail passenger service and making necessary expenditures for services
and other program improvements.

Section 20a1. The sum of $2,750,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Transportation for the Rail
Freight Services Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil
Administrative Code of Illinois.

Section 20a2. The sum of $4,000,000, or so much thereof as may be necessary, is
appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail
Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of
Illinois.

Section 20a3. The sum of $830,000, or so much thereof as may be necessary, is
appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail
Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil
Administrative Code of Illinois.

Section 20a4. The sum of $356,000, or so much thereof as may be necessary, is
appropriated from the General Revenue Fund to the Department of Transportation for funding the State's
share of the Rail Freight Loan Repayment Program created by Section 49.25a through
49.25g-1 of the Civil Administrative Code of Illinois.

Section 20a5. The sum of $4,000,000, or so much thereof as may be necessary, is
appropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for
the federal share of the High Speed Rail Project.

Section 20a6. The sum of $20,000,000 or so much thereof as may be necessary is
appropriated from the Transportation Bond Series B Fund to the Department of Transportation,
pursuant to Section 4(b)(1) of the General Obligation Bond Act, for track and signal
improvements, AMTRAK station improvements, rail passenger equipment, and rail freight
facility improvements.

Section 21. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION
OPERATIONS

For Personal Services ....................... $ 7,751,400
For Employee Retirement
Contributions Paid by State ............... 310,100
For State Contributions to State
Employees' Retirement System ............. 778,200
For State Contributions to Social Security ... 569,700
For Group Insurance ....................... 1,083,600
For Contractual Services .................. 32,000
For Travel ................................ 86,800
For Commodities .......................... 7,700
For Printing ............................. 31,300
For Equipment ........................... 41,200
For Equipment: Purchase of Cars and Trucks.......... 16,000
For Telecommunications Services .......... 22,500
For Operation of Automotive Equipment..... 3,700
Total $10,734,200

AWARDS AND GRANTS

Section 21a. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

DISTRIBUTIVE ITEMS

For apportioning, allotting, and paying as provided by law:
To Counties .................. $225,100,000
To Municipalities ............... 315,700,000
To Counties for Distribution to Road Districts ............. 102,200,000
Total $643,000,000

Section 22. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services ............... $ 674,500
For Employee Retirement Contributions Paid by the State .......... 27,000
For State Contributions to State
Employees' Retirement System ............. 67,700
For State Contributions to Social Security ... 51,600
For Contractual Services ................ 331,900
For Travel ............................ 74,000
For Commodities ........................ 24,100
For Printing .......................... 33,900
For Equipment .......................... 46,600
For Telecommunications Services .......... 2,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>6,300</td>
</tr>
<tr>
<td>Total</td>
<td>$1,339,600</td>
</tr>
<tr>
<td><strong>FOR THE DEPARTMENT OF STATE POLICE</strong></td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>3,850,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the State</td>
<td>207,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
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<tr>
<td>Employees' Retirement System</td>
<td>397,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>55,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>431,500</td>
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<td>For Travel</td>
<td>310,600</td>
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<td>For Commodities</td>
<td>239,600</td>
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<td>For Printing</td>
<td>86,500</td>
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<tr>
<td>For Equipment</td>
<td>606,100</td>
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<tr>
<td>For Equipment: Purchase of Cars and Trucks</td>
<td>600,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>275,600</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>300,000</td>
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<td>$7,360,100</td>
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<tr>
<td><strong>FOR THE SECRETARY OF STATE</strong></td>
<td></td>
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<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>Paid by the State</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>21,200</td>
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<tr>
<td>For Contractual Services</td>
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<td>For Travel</td>
<td>12,000</td>
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<td>For Commodities</td>
<td>2,000</td>
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<td>For Equipment</td>
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<tr>
<td>Total</td>
<td>$457,000</td>
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</table>

Section 23. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by the State</td>
<td>12,700</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>22,900</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>7,300</td>
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<td>For Contractual Services</td>
<td>48,500</td>
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<td>For Travel</td>
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<td>For Commodities</td>
<td>9,000</td>
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<td>For Printing</td>
<td>82,500</td>
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<td>For Equipment</td>
<td>46,800</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Automotive Equipment</td>
<td>24,600</td>
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<tr>
<td>Total</td>
<td>$508,100</td>
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</table>

<table>
<thead>
<tr>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the State</td>
<td>161,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Employees' Retirement System ....................... 291,900
For State Contributions to Social Security ... 38,900
For Contractual Services .............................. 14,000
For Travel ........................................... 6,000
For Commodities ..................................... 39,300
For Printing ........................................ 6,100
For Equipment ........................................ 68,800
For Equipment:
  Purchase of Cars and Trucks ....................... 38,000
  For Operation of Auto Equipment ................. 245,500
Total .......................... $3,817,400

FOR THE DEPARTMENT OF TRANSPORTATION
For Contractual Services ...................... $ 49,400
Total .............................................. $49,400

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services ............................... $ 1,273,700
For Employee Retirement Contributions
  Paid by the State ............................... 59,900
For State Contributions to State Employees' Retirement System .................. 127,900
For State Contributions to Social Security ... 97,400
For Contractual Services ...................... 1,529,800
For Travel ........................................ 80,100
For Commodities ................................ 192,600
For Printing ........................................ 174,300
For Equipment .................................... 15,500
For Telecommunications Services .............. 2,300
Total .............................................. $3,544,500

FOR THE DEPARTMENT OF PUBLIC HEALTH
For Contractual Services ...................... $ 40,000
For Travel ........................................ 6,000
For Commodities ................................ 37,500
For Equipment .................................... 4,000
Total .............................................. $87,500

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD
For Contractual Services ...................... $ 75,000
For Printing ........................................ 5,000
Total .............................................. $80,000

FOR THE STATE FIRE MARSHALL
For Personal Services ............................. 28,700
For Employee Retirement Contributions
  Paid by the State ............................... 1,100
For State Contributions to State Employees' Retirement System .................. 3,000
For State Contributions to Social Security ... 2,200
For Contractual Services ...................... 25,000
For Commodities ................................ 20,000
For Printing ........................................ 20,000
Total .............................................. $100,000

FOR THE STATE BOARD OF EDUCATION
For Contractual Services ...................... $ 64,800
For Travel ........................................ 7,100
For Commodities ................................ 1,000
For Printing ........................................ 40,000

New matter indicated by italics - deletions by strikeout.
### FOR LOCAL GOVERNMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$112,900</td>
</tr>
</tbody>
</table>

#### FOR LOCAL GOVERNMENTS

For Local Government Projects by
- Municipalities and Counties: $4,500,000
- Employees' Retirement System: $57,700
- Security: $2,700
- Commodities: $44,700
- Travel: $4,000

Total: $186,300

New matter indicated by italics - deletions by strikeout.
Section 25. The following named sums or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as authorized by the Transportation Equity Act for the 21st Century:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)

<table>
<thead>
<tr>
<th>For Contractual Services</th>
<th>$1,841,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Equipment</td>
<td>510,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,351,100</strong></td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF STATE POLICE (.08)

<table>
<thead>
<tr>
<th>For Contractual Services</th>
<th>297,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>15,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,025,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,351,500</strong></td>
</tr>
</tbody>
</table>

FOR THE SECRETARY OF STATE (.08)

| For Personal Services    | $93,900 |
| For Employee Retirement Contributions Paid by the State | 5,300 |
| For the State Contribution to State Employees' Retirement System | 9,400 |
| For the State Contribution to Social Security | 6,200 |
| For Contractual Services | 92,000 |
| For Travel               | 39,000 |
| For Commodities          | 2,500  |
| For Printing             | 4,500  |
| For Equipment            | 54,500 |
| Telecommunications Services | 20,000 |
| **Total**                | **$327,300** |

FOR THE DEPARTMENT OF NATURAL RESOURCES (.08)

| For Commodities          | $2,000 |
| For Equipment            | 37,700 |
| **Total**                | **$39,700** |

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (.08)

| For Social Security      | $2,800 |
| For Contractual Services | 206,100 |
| For Travel               | 9,300  |
| For Commodities          | 4,400  |
| For Printing             | 59,000 |
| For Telecommunications Services | 13,300 |
| **Total**                | **$294,900** |

FOR THE DEPARTMENT OF PUBLIC HEALTH

| For Contractual Services | $575,600 |
| For Travel              | 200     |
| **Total**               | **$575,800** |

FOR LOCAL GOVERNMENTS

| For Local Government Projects by Municipalities and Counties | $2,240,000 |

Section 26. The sum of $1,100,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, Mc Henry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.
Section 30. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in Section 2 Permanent Improvements
Section 16b2 Series A Road Program
Section 18b1 Series B (Aeronautics)
Section 18b1a Series B Land Acquisition Third Airport
Section 18b2 GRF Capital (Aeronautics)
Section 18b3 Airport Land Loan Revolving Fund
Section 19b GRF Reduced Fares Downstate
Section 19b1 GRF Reduced Fares RTA
Section 19b2 Series B (Transit)
Section 19b4 SCIP Debt Service I
Section 19b5 SCIP Debt Service II
Section 19b9 GRF Capital (Transit)
Section 20a GRF Rail Passenger
Section 20a1 GRF Rail Freight Program
Section 20a2 State Rail Freight Loan Repayment
Section 20a3 Fed Rail Freight Loan Repayment
Section 20a4 GRF Rail Freight Match
Section 20a5 Fed High Speed Rail Trust
Section 20a6 Series B Rail

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Section 40. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 41. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 42. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided

New matter indicated by italics - deletions by strikeout.
by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 43. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

ARTICLE 52a
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 1a. The sum of $550,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 16, Section 1a and Article 17, Section 1a of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a1. The sum of $1,851,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning Asbestos Abatement heretofore made in Article 16, Section 1a and Article 17, Section 1a1 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a2. The sum of $51,352,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 16, Section 1a and Article 17, Section 1a2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 1a3. The sum of $2,681,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 1a and Article 17, Section 1a3 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 1a4. The sum of $3,494,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 1a4 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 1a5. The sum of $7,085,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 1a5 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 1a6. The sum of $16,054,200, or so much thereof as may be necessary, and remains
unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 1a and Article 17, Section 1a6 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS Program.

Section 1a7. The sum of $6,082,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 1a and Article 17, Section 1a7 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS Program.

AWARDS AND GRANTS

Section 1b. The sum of $56,117,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 1b and Article 17, Section 1b of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

Section 1b1. The sum of $84,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation concerning the Interstate 355 Southern Extension Corridor Planning Council heretofore made in Article 17, Section 1b1 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 1b2. The sum of $1,437,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 1b and Article 17, Section 1b2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants to Illinois Universities for applied research on Transportation.

CAPITAL IMPROVEMENTS, HIGHWAYS
PERMANENT IMPROVEMENTS

Section 2. The sum of $16,675,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning Permanent Improvements heretofore made in Article 16, Section 2 and Article 17, Section 2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CENTRAL OFFICE, DIVISION OF HIGHWAYS
LUMP SUM

Section 3. The sum of $498,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 16, Section 4a and Article 17, Section 3 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

AWARDS AND GRANTS

Section 3a. The sum of $5,407,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation concerning railroad relocation demonstration projects heretofore made in Article 17, Section 3a of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes, provided such amount does not exceed funds to be made available from the federal government.

Section 3a1. The sum of $21,830,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriations and reappropriations heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 16, Section 4b1 and Article 17, Section 3a1 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3a2. The sum of $155,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation concerning the State share of railroad relocation demonstration projects heretofore made in Article 17,
Section 3a2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 3b. The sum of $101,741,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 3b of Public Act 91-706, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b1. The sum of $16,355,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made for "Engineering and Consultant Contracts" in Article 17, Section 3b1, 3b2 and 3b3 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b2. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 3b4 of Public Act 91-706, as amended, for preliminary engineering for western access to O'Hare Airport, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b3. The sum of $4,423,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning hazardous materials made in Article 16, Section 4c and Article 17, Section 3b5 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b4. The sum of $21,055,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made for Formal Contracts in the line item, "For Maintenance, Traffic and Physical Research Purposes (A)" for the Central Offices, Division of Highways, in Article 16, Section 4c and Article 17, Section 3b6 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 3b5. The sum of $4,493,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning Highway Damage Claims heretofore made in Article 16, Section 4c and Article 17, Section 3b7 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY

AWARDS AND GRANTS

Section 4. The sum of $2,521,100 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 5a and Article 17, Section 4 of Public Act 91-706, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

CONSTRUCTION DIVISION

AWARDS AND GRANTS

Section 5a. The sum of $17,197,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made for township bridges in Article 16, Section 16 and Article 17, Section 5a of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 5b1. The sum of $898,510,300, or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 16, Section 16b of Public Act 91-706, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest

New matter indicated by italics - deletions by strikeout.
areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code, for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 5b2. The sum of $341,138,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b1 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 5b3. The sum of $91,884,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 5b4. The sum of $39,353,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b3 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 5b5. The sum of $138,021,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Sections 5b4 and 5b5 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 5b6. The sum of $603,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001 from the reappropriations heretofore made in Article 17, Section 5b6 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 5b7. The sum of $27,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b7 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Department of Natural Resources.

Section 5b8. The sum of $858,752,500, or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 16, Section 16b1 of Public Act 91-706, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for the same purpose:

Section 5b9. The sum of $157,215,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b8 of Public Act 91-706, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b10. The sum of $17,704,400 or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2001, from the appropriations heretofore made in Article 17, Section 5b9 of Public Act 91-706, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b11. The sum of $32,053,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 5b10 of Public Act 91-706, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b12. The sum of $15,422,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Sections 5b11 and 5b12 of Public Act 91-706, as amended, is
reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 5b13. The sum of $436,285,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 16b2 and Article 17, Section 5b13 of Public Act 91-706, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 5b14. The sum of $66,915,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made for grade crossing protection or grade separation in Article 16, Section 17 and Article 17, Section 5b14 of Public Act 91-706, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

AERONAUTICS DIVISION
AWARDS AND GRANTS

Section 6a. The sum of $354,583,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 18a and Article 17, Section 6a of Public Act 91-706, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for the same purposes.

Section 6a1. The sum of $37,423,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 16, Section 18a1 and Article 17, Section 6a1 of Public Act 91-706, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 6a2. The sum of $1,093,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 16, Section 18a2 and Article 17, Section 6a2 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 6b. The sum of $29,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 16, Section 18a1a and Article 17, Section 6b of Public Act 91-706, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

HIGHSPEEDWAY SAFETY PROGRAM - DIVISION OF TRAFFIC SAFETY
AWARDS AND GRANTS

Section 7a. The sum of $10,750,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation concerning Highway Safety Grants heretofore made in Article 16, Section 23 and Article 17, Section 7a of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 7a1. The sum of $1,557,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation concerning Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 16, Section 25 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

Section 7a2. The sum of $7,183,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 16, Section 24 and Article 17, Section 7a1 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the purpose of Local Government Projects by Municipalities and Counties.

PUBLIC TRANSPORTATION DIVISION
LUMP SUMS

New matter indicated by italics - deletions by strikeout.
Section 8a. The sum of $448,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 16, Section 19a and Article 17, Section 8a of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 8a1. The sum of $1,874,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 19a1 and Article 17, Section 8a1 of Public Act 91-706, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the Transportation Equity Act for the 21st Century.

AWARDS AND GRANTS

Section 8b. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriations and reappropriations heretofore made in Article 16, Section 19b2 and Article 17, Section 8b of Public Act 91-706, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended .................................. $221,517,200
For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended .............. 20,906,500
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended................................. 48,788,300
To extend the metrolink rail line to Mid-America Airport............................. 52,590,500
Total $343,802,500

Section 8b1. The following named sums, or so much thereof as may be necessary, and remain unexpended at the close of business on June 30, 2001, from the reappropriations heretofore made in Article 17, Section 8b1 of Public Act 91-706, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended...... $ 4,338,700
For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended............... 3,994,800
For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended ......................... 1,309,500
Total $9,643,000

Section 8b2. The sum of $6,057,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 8b2 of Public Act 91-706, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 8b3. The sum of $18,808,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the appropriation and

New matter indicated by italics - deletions by strikeout.
reappropriation concerning Public Transportation heretofore made in Article 16, Section 19b and Article 17, Section 8b3 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 8b4. The sum of $64,364,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriations and reappropriations heretofore made in Article 16, Section 19b8 and Article 17, Section 8b4 of Public Act 91-706, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

RAIL PASSENGER AND RAIL FREIGHT
AWARDS AND GRANTS

Section 9a. The sum of $7,667,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning Rail Freight Service Assistance Program heretofore made in Article 16, Section 20a1 and Article 17, Section 9a of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 9a1. The sum of $6,400,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 20a2 and Article 17, Section 9a1 of Public Act 91-706, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 9a2. The sum of $2,069,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 16, Section 20a3 and Article 17, Section 9a2 of Public Act 91-706, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 9a3. The sum of $1,345,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation concerning the State's share of the Rail Freight Loan Repayment Program heretofore made in Article 16, Section 20a4 and Article 17, Section 9a3 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 9a4. The sum of $386,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 9a4 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 9a5. The sum of $24,708,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 20a5 and Article 17, Section 9a5 of Public Act 91-706, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 9a6. The sum of $1,417,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 9a6 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the state share of the High Speed Rail Project.

Section 9a7. The sum of $39,969,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the appropriation and reappropriation heretofore made in Article 16, Section 20a6 and Article 17, Section 9a7 of Public Act 91-706, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.
GA PROJECT ADD-ONS

Section 10a1. The sum of $255,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a1 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with streetscaping and other improvements to the entrance of Oak Ridge Cemetery in Springfield.

Section 10a2. The sum of $26,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the widening of Route 1 south of Paris.

Section 10a3. The sum of $342,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a3 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with infrastructure improvements including replacement of, or closure of the Gaumer bridge near Alvin.

Section 10a4. The sum of $293,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a4 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with Phase II planning and engineering of improvements to East Main Street in Danville.

Section 10a5. The sum of $762,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a5 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phases I and II environmental studies and engineering for the Lynch Road beltline.

Section 10a6. The sum of $1,107,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a6 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with the upgrade of roads accessing the Catlin Coal Company to make the roads accessible to vehicles up to 80,000 pounds.

Section 10a7. The sum of $39,600, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a7 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for traffic improvements at Morton West High School.

Section 10a8. The sum of $278,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a8 of Public Act 91-706, is reappropriated from the Road Fund to the Department of Transportation for the resurfacing of Route 25 from Bluff City Boulevard to Congdon Avenue in Elgin.

Section 10a9. The sum of $2,074,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a9 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with stop light synchronization in the City of Springfield.

Section 10a10. The sum of $142,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a10 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for all costs associated with the reconstruction of Broadway Avenue in Rockford.

Section 10a11. The sum of $200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a11 of Public Act 91-706, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the University of Illinois at Chicago's Urban Transportation Center to study the PACE bus system in DuPage County.

New matter indicated by italics - deletions by strikeout.
Section 10a12. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 10a12 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a grant to the Village of Morrison for road improvements for the Morrison Industrial Spur.

GA PROJECT ADD-ONS

Section 11. The sum of $3,986,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001 from the reappropriation heretofore made in Article 17, Section 11 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

GA PROJECT ADD-ONS

Section 12s1. The sum of $12,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 12s1 of Public Act 91-706, is reappropriated from the Road Fund to the Illinois Department of Transportation for all costs associated with rehabilitation of the Old State Capitol Square in Springfield.

Section 12s2. The sum of $354,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 12s2 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for expenses associated with work on the US 20 by-pass at Elgin.

Section 13. The sum of $274,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 13 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the Village of Berkeley for all costs associated with the resurfacing, rebuilding, reconstruction, and replacement of St. Charles Road between Interstate 290 and Wolf Road.

Section 14. The sum of $25,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 14 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Darien for all costs associated with the rebuilding, reconstruction, resurfacing, removal, and replacement of the south frontage road of Interstate 55.

Section 15. The sum of $144,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 15 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for all costs associated with the repair, resurfacing, rehabilitation, renovation, replacement, and improvement of Cold Spring Township Road one-half mile south of the intersection of Township Roads 825E and 650N.

Section 16. The sum of $2,708,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 16 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation, for the same purposes.

Section 17. The sum of $7,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 17 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of McHenry for signalization at Route 31 and Shamrock Lane.

Section 18. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 18 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of Libertyville for signalization at Route 21 and Condell Drive.

Section 19. The sum of $253,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore...
made in Article 17, Section 20 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of LaGrange to resurface LaGrange Road from Ogden to I-55.

Section 20. The sum of $8,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 21 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the Village of Machesney Park for Route 251 road improvements.

Section 21. The sum of $15,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 22 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for Phase I engineering for an overpass on Veteran's Memorial Drive over I-57 to Wells Bypass Road in the City of Mt. Vernon.

Section 23. The sum of $165,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 25 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a study of the expansion of Route 23 to four lanes from Streator to Ottawa.

Section 23a. The sum of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 17, Section 25a of Public Act 91-708, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for a grant to the Grundy County Economic Development Counsel for a study of creating an interchange at Route 80 and Brisbin Road.

Section 24. The sum of $104,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 26 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for topical resurfacing of existing roadway from Kedzie Avenue to Bell Avenue.

Section 25. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 27 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for sidewalk construction and Phase I engineering for street lighting and traffic signals from Western Avenue to Theodore on U.S. Route 30.

Section 26. The sum of $1,001,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 28 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for the City of Chicago for the same purposes.

Section 27. The sum of $400,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 29 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for intersection improvements and traffic lights installation at 94th and Kedzie Avenue in Evergreen Park.

Section 28. The sum of $27,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 31 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements on Foster Avenue.

Section 29. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 32 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for curbs and roadway improvements along Elston Avenue between Central and Milwaukee Avenues.
Section 30. The sum of $26,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 33 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Illinois Department of Transportation for the City of Chicago for preliminary engineering for a pedestrian crossing over the Canadian National Railroad tracks at West 79th Street and South Central Park Avenue.

Section 31. The sum of $233,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 34 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for the City of Chicago for resurfacing Pulaski Road from 79th to 87th.

Section 32. The sum of $903,900, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 35 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Illinois Department of Transportation for all costs associated with preliminary planning, design, engineering and construction of the system of access roads parallel to I-190 between Mannheim Road and the Tri-State Tollway.

Section 33. The sum of $204,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 36 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation to resurface or repair Martin Luther King Drive between 67th and 79th Streets.

Section 34. In addition to any other funds that may be appropriated for the same purpose, the sum of $35,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 37 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for necessary, studies for sound barriers along I-90/94 Dan Ryan Expressway between 35th and 95th.

Section 35. The sum of $175,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 38 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for resurfacing and cold milling on Illinois River Bridge in Morris.

Section 36. The sum of $5,300, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 39 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for sewer and water projects, including but not limited to, land acquisition and easements near the Calumet Gardens subdivision.

Section 37. The sum of $5,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 40 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for Lake County for intersection improvements at Route 132 and Deep Lake Road.

Section 38. The sum of $870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 41 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for reconstructing and resurfacing Wood Street from Illinois Route 83 to 171st Street and traffic lights at 162nd Street in Markham.

Section 39. The sum of $54,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 43 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Olympia Fields for the purpose of completing Phase I of Transit Oriented Development.

New matter indicated by italics - deletions by strikeout.
Section 40. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 51 of Public Act 91-706, as amended, is reappropriated from the Road Fund to the Department of Transportation for an engineering study for an interchange of I-80 at Mile Marker 101 in LaSalle County.

Section 41. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 57 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Park Forest for the purpose of all costs associated with Plank Road parking lot and construction.

Section 42. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 61 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the City of Wheeling for the purpose of pedestrian crossing improvements.

Section 43. The sum of $8,568,200, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 65 of Public Act 91-706, as amended by this Act, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 44. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 66 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for Route 1 traffic signal movement and reconstruction for the Village of Steger.

Section 45. The sum of $400,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 68 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to the Madison County Transit District for the construction of the Collinsville Transit Center.

Section 46. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 70 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for the installation of crossing gates at Westleigh Road and the installation of crossing gates at Old Elm Road grade crossing.

Section 47. The sum of $30,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 71 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to PACE to expand PACE bus service.

Section 48. The sum of $300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 72 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for a grant to Metra for the purpose of landscaping, remodeling, and repairing of the embankments and viaducts from 47th to 57th
Streets.

Section 49. The sum of $23,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 73 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Industrial Drive.

Section 50. The sum of $10,100, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 74 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for costs associated with the reconstruction of Airport Road and Chartres Street.

Section 51. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 75 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for a traffic signal at 51st Street West in Rock Island.

Section 52. The sum of $23,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 76 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for repair of 1st Street from Water Street and Brunner Street to Bucklin Street in LaSalle.

Section 53. The sum of $1,443,800, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 77 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Transportation for infrastructure improvements, including but not limited to engineering and construction engineering, extension and improvements of highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic controls, sidewalks, signage.

Section 54. The sum of $50,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 78 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for renovation of the Wood Dale METRA station.

Section 55. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 79 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for a grant to the City of Peru for road improvements on Shooting Park Road.

Section 56. The sum of $1,832,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Article 17, Section 80 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for the contract or intergovernmental agreement costs associated with the projects described below and having the estimated costs as follows:

For a pedestrian overpass and other transportation related activities in the Village of Buffalo Grove $632,000

For improvements to St. Clair Avenue and drainage improvements in Granite City $450,000

For improvements to streets, sewers and sidewalks in Washington Park $450,000

For traffic signal intersection

New matter indicated by italics - deletions by strikeout.
improvements at Manhattan Road, 
Route 52 and Foxford Drive in 
the Village of Manhattan................. $150,000

For improvements to Matherville Road in 
Mercer County ................................. $150,000

Section 57. The sum of $4,482,300, or so much thereof as may be necessary, and remains 
unexpended at the close of business on June 30, 2001, from the reappropriation heretofore 
made in Article 17, Section 81 of Public Act 91-706, as amended, is reappropriated from the 
Road Fund to the Department of Transportation for the same purposes.

Section 58. The sum of $1,400,000, or so much thereof as may be necessary, and remains 
unexpended at the close of business on June 30, 2001, from the reappropriation heretofore 
made in Article 17, Section 82 of Public Act 91-706, as amended, is reappropriated from the 
Capital Development Fund to the Department of Transportation for a grant to to McLean County 
for all costs associated with the resurfacing, reconstruction, and replacement of the 
Towanda-Barnes Road and its related infrastructure funds.

Section 59. The sum of $281,500, or so much thereof as may be necessary, and remains 
unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in 
Article 17, Section 64 of Public Act 91-0706, as amended by this Act, is reappropriated from 
the Fund for Illinois' Future to the Department of Transportation for a grant to the Village of Alsip 
for all costs associated with the reconstruction of Crawford Avenue between 119th Street and 123rd 
Street in Alsip.

Section 60. The sum of $804,000, or so much thereof as may be necessary, and remains 
unexpended at the close of business on June 30, 2001, from the reappropriation heretofore 
made in Article 16, Section 27 of Public Act 91-706, as amended by this Act, is reappropriated 
from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering 
and construction engineering and contract costs of construction, including, but not limited to, 
reconstruction, extension and improvement of highways, arterial highways, roads, access areas, 
roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, 
traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the 
"Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for 
bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and 
control, junkyard removal and control and preservation of natural beauty; for signage and warning 
lights; and for capital improvements which directly facilitate an effective vehicle weight 
enforcement program, such as scales (fixed and portable), scale pits and scale installations, and 
scale houses, in accordance with applicable laws and regulations; and for any grants to units of local 
government to undertake any of the aforementioned activities.

Section 61. No contract shall be entered into or obligation incurred or any 
expenditure made from a reappropriation herein made in 
Section 2 Permanent Improvements 
Section 3a Rail Relocation - Federal 
Section 3a2 Rail Relocation - State 
Section 5b6 CDB - Enhancement 
Section 5b7 CDB - Enhancement 
Section 5b13 Series A (Road Program) 
Section 6a1 Series B (Aeronautics) 
Section 6a2 GRF Capital (Aeronautics) 
Section 6b Series B (Land Acquisition Third Airport) 
Section 8b Series B (Transit) 
Section 8b1 Series B (Transit) 
Section 8b2 Series B (Transit) 
Section 8b3 GRF Capital (Transit) 
Section 9a GRF Rail Freight Program 
Section 9a1 State Rail Freight Loan Repayment 
Section 9a2 Federal Rail Freight Loan Repayment 
Section 9a3 GRF Rail Freight Match
Section 9a4  GRF High Speed Rail - Federal
Section 9a5  FHSRTF High Speed Rail - Federal
Section 9a6  GRF High Speed Rail - State
Section 9a7  Series B (Rail)
Section 30  Canadian National Railroad Tracks
Section 44  Signalization Project, Village of Steger
Section 49  Reconstruction of Industrial Drive
Section 50  Reconstruction of Airport Rd and Chartres St
Section 51  Traffic signal at 51st St West in Rock Island
Section 55  City of Peru, Shooting Park Rd. Improvements
Section 56  Various Improvement Projects
Section 58  Reconstruction of Towanda-Barnes Road

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 53

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

CENTRAL OFFICE

For Personal Services ......................... $1,783,800
For Employee Retirement Contributions
    Paid by Employer.......................... 71,400
For State Contributions to the State
    Employees' Retirement System............. 185,500
For State Contributions to Social Security......................... 136,400
For Contractual Services...................... 417,500
For Travel.................................... 18,400
For Commodities............................... 20,500
For Printing.................................. 8,500
For Equipment................................. 5,000
For Electronic Data Processing.................. 725,900
For Telecommunications Services............... 36,600
For Operation of Auto Equipment............... 9,700
Total $3,419,200

Section 1A. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the purchase of items of a patriotic promotional nature.

Section 1B. The sum of $3,421,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs to contract with a U.S. veterans' hospital for long-term care beds and related operating and administrative costs.

Section 1C. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

GRANTS-IN-AID

For Bonus Payments to War Veterans and Peacetime
    Crisis Survivors .......................... $225,000
For Providing Educational Opportunities for
    Children of Certain Veterans, as provided
    by law...................................... 177,500
For Specially Adapted Housing for
    Veterans.................................... 129,000
For Cartage and Erection of Veterans' Headstones............................. 680,000
For Cartage and Erection of Veterans'

New matter indicated by italics - deletions by strikeout.
Section 1D. The sum of $844,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 1E. The sum of $237,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for a grant to the Village Investment Project for expenses related to the Veterans' Mentor Program.

Section 1F. The sum of $262,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the purpose of making grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Vietnam Veterans' Act.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

**VETERANS' FIELD SERVICES**

<table>
<thead>
<tr>
<th>Payable from the General Revenue Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services..........................</td>
<td>$ 2,990,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer..................................................</td>
<td>119,600</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement system.....</td>
<td>311,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security..................................</td>
<td>228,800</td>
</tr>
<tr>
<td>For Contractual Services..............</td>
<td>349,900</td>
</tr>
<tr>
<td>For Travel.................................</td>
<td>53,000</td>
</tr>
<tr>
<td>For Commodities.........................</td>
<td>17,000</td>
</tr>
<tr>
<td>For Printing.................................</td>
<td>10,200</td>
</tr>
<tr>
<td>For Equipment.................................</td>
<td>32,900</td>
</tr>
<tr>
<td>For Electronic Data Processing ..................................</td>
<td>40,000</td>
</tr>
<tr>
<td>For Telecommunications Services..................................</td>
<td>91,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment..................................</td>
<td>15,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,260,100</strong></td>
</tr>
</tbody>
</table>

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT ANNA**

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services ..................................</td>
<td>$ 176,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer..................................................</td>
<td>7,100</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System.....</td>
<td>18,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security..................................</td>
<td>13,500</td>
</tr>
<tr>
<td>For Contractual Services..............</td>
<td>1,111,500</td>
</tr>
<tr>
<td>For Travel.................................</td>
<td>100</td>
</tr>
<tr>
<td>For Commodities.........................</td>
<td>100</td>
</tr>
<tr>
<td>For Printing.................................</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment.................................</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing ..................................</td>
<td>100</td>
</tr>
<tr>
<td>For Telecommunications Services..................................</td>
<td>100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment..................................</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,327,400</strong></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from the Anna Veterans' Home Fund:
For Contractual Services ...................... $ 1,628,900
For Travel .................................. 4,100
For Commodities ........................... 500
For Printing ............................... 300
For Equipment .............................. 30,000
For Electronic Data Processing ............. 1,400
For Telecommunications Services .......... 10,400
For Operation of Auto Equipment .......... 1,800
For Refunds ............................... 13,000
Total                                 $1,690,400

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:
For Personal Services ...................... $10,397,000
For Employee Retirement Contributions
  Paid by Employer .......................... 415,900
For State Contributions to the State
  Employees' Retirement System .......... 1,081,300
For State Contributions to
  Social Security ........................ 795,400
For Contractual Services ................. 5,100
For Commodities ........................ 100
For Electronic Data Processing .......... 100
For Maintenance and Travel for
  Aided Persons .......................... 1,300
Total                                  $12,696,200

Payable from Quincy Veterans' Home Fund:
For Personal Services ...................... $11,849,600
For Member Compensation .................. 25,000
For Employee Retirement Contributions
  Paid by Employer ........................ 474,000
For State Contributions to the State
  Employees' Retirement System .......... 1,232,400
For State Contributions to
  Social Security ........................ 906,500
For Contractual Services ................. 2,008,000
For Contractual Services - Repair and
  Maintenance ............................ 200,000
For Travel .................................. 9,000
For Commodities .......................... 3,953,700
For Printing .............................. 23,700
For Equipment ............................ 183,900
For Electronic Data Processing .......... 196,000
For Telecommunications Services ....... 71,000
For Operation of Auto Equipment ....... 83,900
For Refunds ............................... 42,200
Total                                  $21,258,900

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS’ HOME AT LASALLE

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout.
For Personal Services ....................... $ 2,981,500
For Employee Retirement Contributions
Paid by Employer ......................... 119,300
For State Contributions to the State
Employees' Retirement System ............ 310,100
For State Contributions to Social Security ... 228,000
For Contractual Services .................. 100
For Commodities .......................... 100
For Electronic Data Processing ............ 100
Total ........................................ $3,639,200
Payable from LaSalle Veterans' Home Fund:
For Personal Services ....................... $ 2,126,200
For Employee Retirement Contributions
Paid by Employer .......................... 85,000
For State Contributions to the State
Employees' Retirement System .......... 221,100
For Social Security ......................... 162,700
For Contractual Services .................. 1,025,700
For Travel .................................... 5,000
For Commodities ......................... 566,600
For Printing ............................... 11,200
For Equipment ................................ 40,200
For Electronic Data Processing ........... 69,000
For Telecommunications .................... 32,500
For Operation of Auto Equipment ........ 9,500
For Permanent Improvements .............. 25,000
For Refunds ............................... 10,800
Total ........................................ $4,390,500

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT MANTENO

Payable from General Revenue Fund:
For Personal Services ....................... $ 8,075,500
For Employee Retirement Contributions
Paid by Employer .......................... 323,000
For State Contributions to the State
Employees' Retirement System ............ 839,900
For Social Security ......................... 617,700
For Contractual Services .................. 5,000
Total ........................................ $9,861,100
Payable from Manteno Veterans' Home Fund:
For Personal Services ....................... $ 5,351,800
For Member Compensation .................. 2,500
For Employee Retirement Contributions
Paid by Employer .......................... 214,100
For State Contributions to the State
Employees' Retirement System .......... 556,600
For Social Security ......................... 409,400
For Contractual Services .................. 3,639,900
For Travel .................................... 9,000

New matter indicated by italics - deletions by strikeout.
Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**STATE APPROVING AGENCY**

Payable from GI Education Fund:
- For Personal Services .................................................. $ 432,300
- For Employee Retirement Contributions Paid by Employer .............................. 17,300
- For State Contributions to the State Employees' Retirement System .................. 45,000
- For State Contributions to Social Security .......................... 33,100
- For Group Insurance ................................................. 58,800
- For Contractual Services .......................... 32,100
- For Travel ......................................................... 32,100
- For Commodities ........................................... 2,700
- For Printing ..................................................... 2,500
- For Equipment ................................................... 18,000
- For Electronic Data Processing .................. 4,000
- For Telecommunications Services ................. 6,300
- For Operation of Auto Equipment ............. 3,600
Total $687,800

**ARTICLE 54**

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:
- For Personal Services ................................. $ 1,223,400
- For Employee Retirement Contributions
  Paid by Employer ............................................. 48,900
- For State Contributions to State Employees' Retirement Contributions .......... 122,100
- For State Contributions to Social Security .......................... 93,600
- For Contractual Services ................................ 273,600
- For Travel ......................................................... 28,200
- For Commodities ........................................... 10,200
- For Printing ..................................................... 59,800
- For Equipment ................................................... 2,000
- For Electronic Data Processing .................. 21,300
- For Telecommunications Services ................. 28,100
- For Travel and Meeting Expenses of Arts Council and Panel Members ........... 41,200
Total $1,852,400

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For Grants and Financial Assistance for Arts Organizations .................. $6,755,000
For Grants and Financial Assistance for Special Constituencies .......... 2,909,500
For Grants and Financial Assistance for Arts Education .................. 1,670,000
Total $11,334,500

Payable from Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance the Cultural Environment $ 650,000

Section 3. The sum of $1,050,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of funding administrative and grant expenses associated with humanities programs and related activities.

Section 4. The amount of $389,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations for operating costs.

Section 5. The amount of $5,250,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations and related administrative expenses, pursuant to the Public Radio and Television Grant Act.

ARTICLE 55

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Bureau of the Budget in the Executive Office of the Governor:

GENERAL OFFICE
For Personal Services .................. $ 2,525,500
For Employee Retirement Contributions
   Paid by Employer .................. 101,000
For State Contributions to the State Employees' Retirement System ........ 253,600
For State Contributions to Social Security .................. 193,200
For Contractual Services .................. 75,200
For Travel .......................... 30,000
For Commodities .................. 6,000
For Printing .......................... 30,000
For Equipment .......................... 7,500
For Electronic Data Processing ........... 59,000
For Telecommunications Services ........ 42,000
Total $3,323,000

Section 2. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Bureau of the Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 3. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Bureau of the Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 4. The amount of $265,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Bureau of the Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

Section 5. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 2, 3, and 4 until after the purposes and

New matter indicated by italics - deletions by strikeout.
amounts have been approved in writing by the Governor.

ARTICLE 56

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DU QUOIN
For replacing horse barn roofs .................. $ 300,000
For upgrading electrical utilities, in addition to funds previously appropriated .................. 700,000

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
For renovating comfort stations, in addition to funds previously appropriated ............. 1,100,000
For upgrading the electrical system ................. 1,000,000
For renovating the grandstand area ............... 1,120,000
Total, Section 1 $4,220,000

Section 1.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
For upgrading the chemistry/seed laboratory systems ................. 344,000
Total $344,000

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
For upgrading mechanical systems, in addition to funds previously appropriated..... $  1,400,000
PARIS STATE GARAGE
For replacing the roof and improving the exterior .................. $  1,400,000
SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES
For planning and beginning rehabilitation of the exterior and upgrading the atrium ................. 400,000
Total, Section 2 $2,180,000

Section 2.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (ROOSEVELT) - CHICAGO
For tuckpointing exterior .................. $  1,045,000
Total, Section 2.1 $1,045,000

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE
For replacing doors and locks at the following locations at the approximate costs set forth below .........
Dixon Correctional Center ........... 4,100,000
Hill Correctional Center ............. 1,300,000
Sheridan Correctional Center ...... 500,000
Vienna Correctional Center ........ 1,300,000

New matter indicated by italics - deletions by strikeout.
For replacing roofing systems at the following locations at the approximate cost set forth below:
- Illinois Youth Center - St. Charles: $100,000
- Illinois Youth Center - Warrenville: $330,000
- Logan Correctional Center: $260,000

For upgrading showers at the following locations at the approximate cost set forth below:
- Illinois Youth Center - St. Charles: $100,000
- Illinois Youth Center - Warrenville: $330,000
- Logan Correctional Center: $260,000
- Illinois Youth Center - Valley View: $300,000

For upgrading water distribution systems at the following locations at the approximate cost set forth below:
- Dixon Correctional Center: $2,000,000
- Joliet Correctional Center: $980,000
- Illinois Youth Center - Valley View: $300,000
- Illinois River Correctional Center: $635,000
- Logan Correctional Center: $260,000
- Logan Correctional Center: $260,000
- Western Illinois Correctional Center: $635,000

For upgrading water towers at the following locations at the approximate cost set forth below:
- Dixon Correctional Center: $2,800,000
- Illinois Youth Center - St. Charles: $1,300,000
- Illinois Youth Center - Valley View: $300,000

For planning upgrade of electrical system:
- Centralia Correctional Center: $200,000
- Danville Correctional Center: $1,100,000
- Dixon Correctional Center: $300,000
- East Moline Correctional Center: $1,200,000
- Graham Correctional Center: $605,000
- Illinois Youth Center - Harrisburg: $200,000
- Illinois Youth Center - Joliet: $10,250,000

For replacing rooftop units at Administration Building:
- Illinois Youth Center - Joliet: $195,000

New matter indicated by italics - deletions by strikeout.
ILLINOIS YOUTH CENTER - WARRENVILLE
For upgrading site utilities .......................... 345,000
JOLIET CORRECTIONAL CENTER
For replacing the transfer switch and
emergency generator .............................. 980,000
LINCOLN CORRECTIONAL CENTER
For replacing water supply lines ................. 1,145,000
MENARD CORRECTIONAL CENTER
For replacing the Administration
Building ............................................. 1,000,000
For replacing the sally port ...................... 925,000
SHERIDAN CORRECTIONAL CENTER
For upgrading electrical system and
installing a generator ......................... 905,000
SOUTHWESTERN CORRECTIONAL CENTER
For replacing sewer lines ....................... 405,000
STATEVILLE CORRECTIONAL CENTER
For replacing windows in Cellhouse B,
in addition to funds previously
appropriated ................................. 2,500,000
VIENNA CORRECTIONAL CENTER
For upgrading the HVAC system and replacing
water lines in six housing units ............. 1,800,000
Total, Section 3  $41,480,000

Section 4. The following named amounts, or so much thereof as may be necessary,
are appropriated from the Capital Development Fund to the Capital Development Board for the
Historic Preservation Agency for the projects hereinafter enumerated:
ABRAM LINCOLN PRESIDENTIAL LIBRARY, SPRINGFIELD
For constructing library and museum, in
addition to funds previously appropriated ....  $50,000,000
BISHOP HILL HISTORIC SITE - HENRY COUNTY
For restoring interior and exterior ............ 500,000
LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For rehabilitating the saw and grist mill, in
addition to funds previously appropriated..... 750,000
SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY
For rehabilitating exterior ...................... 1,620,000
Total, Section 4  $52,870,000

Section 4.1. The following named amounts, or so much thereof as may be necessary,
are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board
for the Historic Preservation Agency for the projects hereinafter enumerated:
LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY
For providing roads, parking areas, lighting
plaza and pedestrian bridges, in addition
to funds previously appropriated ............ $ 400,000
Total, Section 4.1  $400,000

Section 5. The following named amounts, or so much thereof as may be necessary,
are appropriated from the Capital Development Fund to the Capital Development Board for the
Illinois Medical District Commission for the projects hereinafter enumerated:
ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
For upgrading core utilities ...................... $ 800,000
For upgrading research center .................. 710,000
Total, Section 5 $1,510,000

Section 6. The following named amounts, or so much thereof as may be necessary,
are appropriated from the Capital Development Fund to the Capital Development Board for the

New matter indicated by italics - deletions by strikeout.
Department of Human Services for the projects hereinafter enumerated:

STATEWIDE PROGRAM

For planning and beginning construction of a facility for the treatment and detention of sexually violent persons, in addition to funds previously appropriated ..... 4,000,000

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below .......... $ 3,335,000
	Alton Mental Health Center ........ 150,000
	Chicago-Read Mental Health Center ............. 800,000
	Howe Developmental Center - Tinley Park ................. 1,300,000
	Shapiro Developmental Center - Kankakee ................. 415,000
	Illinois School for the Deaf - Jacksonville ........ 370,000
	Kiley Developmental Center - Waukegan ................. 300,000

ALTON MENTAL HEALTH CENTER - MADISON COUNTY

For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated ....... 3,900,000

CHESTER MENTAL HEALTH CENTER

For renovating support and residential areas, in addition to funds previously appropriated ......................... 996,000

For replacing smoke/heat detectors ............ 395,000

FOX DEVELOPMENTAL CENTER - DWIGHT

For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings ..................... 1,205,000

H恩E DEVELOPMENTAL CENTER - TINLEY PARK

For replacing HVAC and duct work ............... 500,000

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

For renovating High School Building ............ 1,200,000

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For planning and beginning renovation of the Girls' Dormitory .................. 350,000

JACKSONVILLE DEVELOPMENTAL CENTER

For planning and beginning the renovation of the power house .................. 800,000

MABLEY DEVELOPMENTAL CENTER - DIXON

For planning and beginning renovation of residential buildings .................. 1,630,000

MURRAY DEVELOPMENTAL CENTER - CENTRALIA

For planning and beginning boiler house renovation .......................... 250,000

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE

For replacing water mains and valves, in addition to funds previously appropriated .................. 1,900,000

Total, Section 6 $20,461,000

New matter indicated by italics - deletions by strikeout.
Section 6.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

**STATEWIDE PROGRAM**

For tuckpointing at the following locations
at the approximate cost set forth below .......

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howe Developmental Center - Tinley Park</td>
<td>115,000</td>
</tr>
<tr>
<td>Madden Mental Health Center - Hines</td>
<td>100,000</td>
</tr>
<tr>
<td>Tinley Park Mental Health Center</td>
<td>300,000</td>
</tr>
<tr>
<td>Total, Section 6.1</td>
<td>$760,000</td>
</tr>
</tbody>
</table>

Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**CHAMPAIGN ARMORY**

For upgrading mechanical and electrical systems and installing a kitchen

GALVA ARMORY

For replacing the roof and upgrading the interior and exterior

KEWANEE ARMORY

For upgrading electrical and mechanical systems and installing a kitchen

MACOMB ARMORY

For replacing the mechanical and electrical systems and installing a kitchen

NORTH RIVERSIDE ARMORY

For rehabilitating the interior and exterior

NORTHWEST ARMORY

For replacing the mechanical systems

ROCK FALLS ARMORY

For replacing the mechanical and electrical systems and upgrading the interior

Total, Section 7

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shabbona Lake State Park</td>
<td>525,000</td>
</tr>
<tr>
<td>Hennepin Canal Parkway State Park</td>
<td>155,000</td>
</tr>
<tr>
<td>Randolph Fish &amp;</td>
<td>115,000</td>
</tr>
<tr>
<td>Total, Section 8</td>
<td>$10,692,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Wildlife Area

Dixon Springs State Park

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system

CASTLE ROCK STATE PARK - OGLE COUNTY
For rehabilitating the scenic overlook and water system

ELDON HAZLET STATE PARK - CLINTON COUNTY
For replacing the main waterline

MORaine VIEW STATE PARK - MCLEAN COUNTY
For upgrading the water plant

PERE MARQUETTE STATE PARK
For upgrading youth camp sewer system

SOUTHERN ILLINOIS MINING OFFICE - BENTON
For rehabilitating the facility

STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY
For upgrading water and sewer systems

WILLIAM W. POWERS FISH & WILDLIFE AREA - COOK COUNTY
For replacing sanitary sewer lines and lift station

STATE MUSEUM
Plan, begin construction of Illinois State Museum

Total, Section 8

Section 8.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM
For maintaining lodge and concession facilities

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For stabilizing the shoreline

WAYNE FITZGERRELL STATE PARK - JEFFERSON COUNTY
For stabilizing the watershed shoreline

Total, Section 8.1

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
For upgrading the plumbing system
For upgrading parking lot/parking deck structural repair
For renovating the interior and upgrading HVAC

Total, Section 9

Section 9.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
For completing security system upgrade, in addition to funds previously appropriated

Total, Section 9.1

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the
Department of State Police for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD

For constructing a central administrative office building and purchasing equipment, in addition to funds previously appropriated .... $47,000,000

Total, Section 10 $47,000,000

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans’ Affairs for the projects hereinafter enumerated:

QUINCY VETERANS HOME - ADAMS COUNTY

For replacing roofing systems .......... $185,000

Total, Section 11 $185,000

Section 11.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Veterans’ Affairs for the projects hereinafter enumerated:

LASALLE VETERANS' HOME - LASALLE COUNTY

For installing wall protection .......... $120,000
For upgrading tempered water systems .... 50,000
For replacing lighting .................. 90,000

MANTENO VETERANS' HOME - KANKAKEE COUNTY

For installing humidifiers and dehumidifiers ......................... $515,000

QUINCY VETERANS' HOME - ADAMS COUNTY

For renovating power plant equipment .......... $715,000

Total, Section 11.1 $1,490,000

Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

APPELLATE COURT SECOND DISTRICT - ELGIN

For miscellaneous improvements ........... $547,000

Total, Section 12 $547,000

Section 12.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

APPELLATE COURT THIRD DISTRICT - OTTAWA

For tuckpointing, repairing the exterior and replacing the roof, in addition to funds previously appropriated ........... $191,600

Total, Section 12.1 $191,600

Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

STATEWIDE

For replacing windows at the following locations at the approximate cost set forth below ................. $1,750,000
Lexington Avenue Motor Vehicle Facility ............... 583,000
Martin Luther King, Jr. Dr. Motor Vehicle Facility ............ 583,000
North Elston Motor Vehicle Facility ................. 584,000

CAPITOL COMPLEX - SPRINGFIELD

For completing the stone restoration, in addition to funds previously appropriated .... 3,000,000

New matter indicated by italics - deletions by strikeout.
STATE POWER PLANT - SPRINGFIELD
For installing new water service and repairing power plant systems ............... 80,000
Total, Section 13 $4,830,000

Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE
For abating hazardous materials ............... $ 2,050,000
For retrofitting or upgrading mechanized refrigeration equipment (CFCs) ............... 650,000
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act (ADA) ............... 2,000,000

EXECUTIVE MANSION - SPRINGFIELD
For building improvements ............... 600,000

JOLIET CORRECTIONAL CENTER
For costs associated with the completion of the rehabilitation of the west cellhouse.... 50,000

LEGISLATIVE SPACE NEEDS COMMISSION
For General Assembly renovations ............... 8,500,000
Total, Section 14 $13,800,000

Section 14.1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE
Survey for and abate hazardous materials .................................... $ 1,000,000
For repairing minor problems and emergencies ............................... 1,000,000
Total, Section 14.1 $2,000,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

STATEWIDE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes ............... $ 6,071,700

Section 16. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes......        $13,928,300
Chicago State University .................. 322,700
Eastern Illinois University ............. 515,500
Governors State University ............. 189,700
Illinois State University ............. 1,021,300
Northeastern Illinois University ........ 383,700
Northern Illinois University .......... 1,159,000
Western Illinois University .......... 792,200
Southern Illinois University - Carbondale 1,624,700
Southern Illinois University - Edwardsville 763,100
University of Illinois - Chicago ........ 2,777,300
University of Illinois - Springfield 229,100
University of Illinois - Urbana/Champaign 4,150,000

CHICAGO STATE UNIVERSITY
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated .......... 16,000,000
For technology improvements and deferred maintenance .................. 3,000,000

EASTERN ILLINOIS UNIVERSITY
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated ................ 40,003,000

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and remodeling and expanding Building "E" and Building "F" .................. 9,064,300

WESTERN ILLINOIS UNIVERSITY
For improvements to Memorial Hall .................. 12,000,000

ILLINOIS STATE UNIVERSITY
For the upgrade and remodeling of Schroeder Hall .................. 17,500,000

CITY COLLEGES OF CHICAGO
For various improvements for infrastructure and technology associated with the Student Administration System .................. 9,000,000
Total, Section 19 $120,495,600

Section 17. The following named amounts, or so much thereof as may be necessary, are appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment for a cancer center .................. $14,500,000

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
For planning, construction and equipment for an advanced technical worker

New matter indicated by italics - deletions by strikeout.
Section 18. The amount of $10,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

Section 19. The amount of $32,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for planning, construction and equipment for a computer science in engineering facility.

Section 23. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 25. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

STATE BOARD OF EDUCATION

Section 26. The sum of $740,000,000, or so much thereof as may be necessary, is appropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

BOARD OF HIGHER EDUCATION

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE

Section 27. The sum of $1,918,900, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for planning a renovation and addition to the Morris Library.

ILLINOIS VALLEY COMMUNITY COLLEGE

Section 28. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for planning, construction and renovations necessary to abate asbestos containing materials at Illinois Valley Community College campus facilities.

ILLINOIS MATH AND SCIENCE ACADEMY

Section 29. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development for the Illinois Math and Science Academy to plan and begin construction of a mezzanine level in the east gymnasium.

UNIVERSITY OF ILLINOIS COLLEGE OF MEDICINE AT PEORIA

Section 30. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 95. No contract shall be entered into or obligation incurred for any expenditures from appropriations made in this Article until after the purposes and amounts have been approved by the Governor.

ARTICLE 56a

New matter indicated by italics - deletions by strikeout.
Section 1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 1, and Article 2, Section 1 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ANIMAL DISEASE LABORATORY - CENTRALIA

(From Article 2, Section 1 of Public Act 91-708)
For upgrading the diagnostic laboratory facility, in addition to funds previously appropriated ........................................ $42,905

DUQUOIN STATE FAIRGROUNDS

(From Article 1, Section 1 of Public Act 91-708)
For upgrading electrical utilities ...................... 146,000
For constructing a multi-purpose building ......................... 8,000,000
(From Article 2, Section 1 of Public Act 91-708)
For renovating roundhouses .............................. 128,396
For constructing livestock facilities .............................. 159,918
For upgrading the racetrack, including the racetrack walls .................. 879,177

GALESBURG DIAGNOSTIC LABORATORY
For purchasing the facility .......................... 3,200,000

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD

(From Article 1, Section 1 of Public Act 91-708)
For renovating or replacing racehorse barns - Phase IV .................. 1,648,200
For renovating the Emmerson Building ................. 2,086,150
For renovating or replacing #26 Barn ............. 789,673
For completing the HVAC system in the Administration Building, in addition to funds previously appropriated ................ 340,000
For renovating the Junior Home Economics Building ...................... 1,131,000
(From Article 2, Section 1 of Public Act 91-708)
For completing the HVAC replacement in the Administration Building, in addition to funds previously appropriated .... 405,358
For replacing and repairing roofs, Phase II .............................. 196,583
For extending the fiber optics system ................. 221,153
For installing HVAC system and restrooms in the Orr Building ......... 294,828
For designing and constructing a complex to accommodate various outdoor events, including site development, utilities, permanent grandstands and portable bleachers, support facilities, vehicle and pedestrian access and related work ......................... 537,570
For replacing and renovating racehorse barns (Phase II) .............. 134,561
For replacing and rehabilitating roofs .......... 25,578
For replacing Series 14 Barns (Phase I) ........ 10,653
For replacing the HVAC system in the

New matter indicated by italics - deletions by strikeout.
Administration Building ...................... 73,895
For renovation or replacement of
comfort stations, in addition
to funds previously appropriated .......... 122,767
For renovation of the comfort stations-
Phase I ........................................ 37,212
For planning and beginning the renovation
of the show horse barns .................... 42,284
Total, Section 1 $20,653,861

Section 2. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from appropriations and
reappropriations heretofore made for such purposes in Article 1, Section 13 and Article 2, Section
2 of Public Act 91-708, as amended, are reappropriated from the Capital Development Fund to the
Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING
(From Article 2, Section 2 of Public Act 91-708, as amended)
For expanding the courthouse .................. 1,531,730
For expanding the courthouse, in
addition to funds previously
appropriated ...................................... 792,000

SPRINGFIELD - SUPREME COURT BUILDING
(From Article 1, Section 13 of Public Act 91-708)
For replacing the roof .......................... 812,600
For renovating the HVAC system on
the 3rd Floor .................................. 140,000
(From Article 2, Section 2 of Public Act 91-708)
For installing humidifier and water
filtration systems .............................. 1,570,950
For upgrading the library, in
addition to funds previously appropriated .... 323,721
For replacing plumbing system ............... 363,712
For planning and beginning the
library upgrade ............................... 38,996

THIRD DISTRICT APPELLATE COURT - OTTAWA
For replacing the Annex roof .................. 44,180
Total, Section 2 $5,617,889

Section 2.1. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore
made for such purposes in Article 2, Section 2.1 of Public Act 91-708, are reappropriated from
the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:

SECOND DISTRICT APPELLATE COURT BUILDING - ELGIN
(From Article 2, Section 2.1 of Public Act 91-708)
For upgrading mechanical systems
and building exterior ......................... $ 921

THIRD DISTRICT APPELLATE COURT - OTTAWA
For tuckpointing and repairing exterior ....... 37,023

FIFTH DISTRICT APPELLATE COURT - MT. VERNON
For repairing plaster and painting ............ 32,926

SUPREME COURT BUILDING - SPRINGFIELD
For tuckpointing and cleaning exterior ....... 34,698
Total, Section 2.1 $105,568

Section 2a. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from appropriations heretofore

New matter indicated by italics - deletions by strikeout.
made in Article 1, Section 13.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

**APPELLATE COURT BUILDING - ELGIN**

(From Article 1, Section 13.1 of Public Act 91-708)

For various improvements, in addition to funds previously appropriated

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For replacing S-2 air conditioning unit</td>
<td>$168,348</td>
</tr>
</tbody>
</table>

Total, Section 2a $355,198

Section 3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Section 3 of Public Act 91-708, approved May 17, 2000, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

**WILLIAM G. STRATTON BUILDING - SPRINGFIELD**

(From Article 1, Section 14 of Public Act 91-708)

For replacing windows and tuckpointing $5,925,000

**CAPITOL COMPLEX - SPRINGFIELD**

(From Article 2, Section 3 of Public Act 91-708)

For upgrading electrical lighting and replacing ceilings - Stratton Office Building 5,416,239

For replacing mechanical piping - Klein and Mason Warehouse 278,100

For renovating the exterior of the Capitol and Howlett Buildings 1,337,174

For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated 1,200,000

For demolition of 222 South College Building and landscaping of Capitol Complex 2,387,894

Total, Section 3 $16,544,407

Section 3.1. The sum of $825,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 17 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for a grant to the Edgebrook Library for all costs associated with the miscellaneous costs incurred for construction or other purposes.

Section 3.2. The sum of $8,300,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Public Act 91-708, Article 1, new Section 14.1 is reappropriated from the Capital Development Board for the Office of the Secretary of State to construct a parking garage.

Section 4. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 2 and Article 2, Section 4 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

**JAMES R. THOMPSON CENTER - CHICAGO**

(From Article 1, Section 2 of Public Act 91-708)

For upgrading mechanical systems $1,466,396

**MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO**

For replacing roof and upgrading mechanical and electrical systems 1,249,680

New matter indicated by italics - deletions by strikeout.
PEORIA REGIONAL OFFICE BUILDING - PEORIA COUNTY
For rehabilitating the HVAC system .......... 135,000

ROCKFORD REGIONAL OFFICE BUILDING
For upgrading utilities ....................... 80,000

SPRINGFIELD STATE GARAGE
For renovating the interior of the central garage ................. 653,360

RESEARCH AND COLLECTION CENTER - SPRINGFIELD
For expanding surplus warehouse ............. 3,184,803

ELGIN REGIONAL OFFICE BUILDING
(From Article 2, Section 4 of Public Act 91-708)
For replacing the utility system ............... 854,356

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION ROOSEVELT ROAD - CHICAGO
(From Article 1, Section 2 of Public Act 91-708)
For upgrading electrical systems ............... 940,000
(From Article 2, Section 4 of Public Act 91-708)
For converting and renovating tub rooms ....... 409,500
For upgrading the HVAC system ................. 367,798

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO
(From Article 1, Section 2 of Public Act 91-708)
For upgrading fire and safety systems ......... 335,000
(From Article 2, Section 4 of Public Act 91-708)
For restoring exterior and rebuilding foundation ....................... 1,580,000

CHICAGO - STATE OF ILLINOIS CENTER
(From Article 2, Section 4 of Public Act 91-708)
For replacing roofing system and insulation, in addition to funds previously appropriated ................ 17,779
For the correction of design/construction deficiencies, including remedial work in the heating, refrigeration, temperature control and ventilation systems at the State of Illinois Center at Chicago .......... 26,478

OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER
For planning and beginning the renovation of the facility ...................... 2,166,020

SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES
For renovating offices for Environmental Protection Agency, in addition to funds previously appropriated ................ 750,895
For renovation of Suburban North Regional Office Building (formerly Maine Township North High School building), in addition to funds previously appropriated for such purpose, Phase III ................. 328,299

OTTAWA STATE GARAGE
For replacing state garage ..................... 1,334,504

SPRINGFIELD - CAPITOL COMPLEX
For construction of a day care center, in addition to funds previously appropriated

New matter indicated by italics - deletions by strikeout.
for such purpose ........................................ 950,000
For construction of a day care center in the
Capitol Complex in Springfield .................. 244,348

COMPUTER FACILITY - SPRINGFIELD
For installing a cooling tower and fire alarm
system and various other improvements ........ 550,354
For replacement of the halon fire
suppression system ................................. 130,990

ASH STREET COMPLEX -
MUSEUM AND COLLECTION CENTER -
SPRINGFIELD
For replacement of the roofing system ........... 438,346

MARIÓN REGIONAL OFFICE BUILDING
For replacing HVAC system and interior
lighting .............................................. 582,369
For construction of a Regional Office
Building Addition ................................. 282,513

SPRINGFIELD REGIONAL OFFICE BUILDING
For replacing the potable water system .......... 747,059
For upgrading the parking lot .................... 160,864

Total, Section 4 ................................. $19,966,711

Section 4.1. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore
made for such purposes in Article 2, Section 4.1 of Public Act 91-708, are reappropriated from
the General Revenue Fund to the Capital Development Board for the Department of Central
Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
(From Article 2, Section 4.1 of Public Act 91-708)
For restoring the exterior plaza .................. 78,933

CHICAGO MEDICAL CENTER - OFFICE AND LABORATORY
For rehabilitating exterior ......................... 214,884

CHICAGO MEDICAL CENTER
ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
For rehabilitating the pool area .................. 142,000

STATE OF ILLINOIS BUILDING - CHICAGO
For restoring exterior limestone and
masonry ............................................ 398,637

PARIS STATE GARAGE
For replacing overhead lighting and
pneumatic system .................................. 119,680

Total, Section 4.1 ............................... $954,134

Section 4a. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from appropriations heretofore
made for such purposes in Article 1, Section 2.1 of Public Act 91-708, are reappropriated from
the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of
Central Management Services for the projects hereinafter enumerated:

CHICAGO-READ - MEMORIAL CEMETERY
(From Article 1, Section 2.1 of Public Act 91-708)
For upgrading site ................................ 125,000

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
(ROOSEVELT ROAD) - CHICAGO
For upgrading lighting & paging systems ........ 125,000
For constructing a parking lot .................... 474,430
Total, Section 4a ................................. $724,430

Section 5. The following named amounts, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 7, and Article 2, Section 5 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For developing the site and associated land acquisition ......................... $ 2,828,451

BEALL WOODS STATE CONSERVATION AREA - WABASH COUNTY
For replacing a visitors center .......... 228,012

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For rehabilitating dams, spillway, and boat access facilities ................. 402,632

CARLYLE LAKE STATE PARKS
For developing the site and associated land acquisition ......................... 1,463,185
For road and site improvements at Carlyle Lake ........................................ 1,500,000
For infrastructure and site improvements at Carlyle Lake ..................... 2,776,997

CASTLE ROCK STATE PARK - OGLE COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For replacing maintenance building ............................................. 413,803

CAVE-IN-ROCK STATE PARK - HARDIN COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For constructing a shower building and upgrading the campground ............. 51,259

CHAIN O' LAKES STATE PARK - MCHENRY COUNTY
For upgrading sewage treatment system .......... 1,049,219
For construction of a concession building and upgrading the horse concession, in addition to funds previously appropriated .... 25,954
For planning and beginning the replacement of concession buildings ............. 10,180

EAGLE CREEK STATE PARK - SHELBY COUNTY
For rehabilitation of the sewage treatment system, in addition to funds previously appropriated .................. 175,281

FORT MASSAC STATE PARK - MASSAC COUNTY
(From Article 1, Section 7 of Public Act 91-708)
For reconstructing the fort ..................... 4,300,000
(From Article 2, Section 5 of Public Act 91-708)
For planning and beginning the reconstruction of the fort ......................... 35,314

GEOLOGICAL SURVEY-CHAMPAIGN
(From Article 1, Section 7 of Public Act 91-708)
For constructing two pole storage buildings ...................................... 312,500

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating aqueducts #3, #4 and #8 ........................................ 750,000

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horseshoe Lake Conservation Area - Alexander County</td>
<td>For stabilizing the feeder canal bank</td>
<td>44,484</td>
</tr>
<tr>
<td></td>
<td>For replacement and rehabilitation of arch culverts and canal</td>
<td>261,190</td>
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<tr>
<td></td>
<td><strong>HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY</strong></td>
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<tr>
<td></td>
<td>For dam rehabilitation and the State's share to implement the ecological</td>
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<tr>
<td></td>
<td>restoration plan in cooperation with the U.S. Army Corps of Engineers, and</td>
<td></td>
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<td></td>
<td>land acquisition</td>
<td>858,655</td>
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<td>For construction of a pole building and hunter check station</td>
<td>41,284</td>
</tr>
<tr>
<td></td>
<td><strong>ILLINOIS-MICHIGAN CANAL STATE TRAIL</strong></td>
<td>173,139</td>
</tr>
<tr>
<td></td>
<td>(From Article 1, Section 7 of Public Act 91-708)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For replacing sanitary sewer line</td>
<td>545,300</td>
</tr>
<tr>
<td></td>
<td>For rehabilitating lodge entrance</td>
<td>73,463</td>
</tr>
<tr>
<td></td>
<td>For constructing an office building</td>
<td>45,626</td>
</tr>
<tr>
<td></td>
<td>For replacing sanitary sewer lines</td>
<td>474,347</td>
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<td><strong>JOHNSON SAUK TRAIL STATE PARK - HENRY COUNTY</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For upgrading campground electrical</td>
<td>209,574</td>
</tr>
<tr>
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<td>For rehabilitation of the concession building, in addition to funds</td>
<td>85,499</td>
</tr>
<tr>
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<td>For rehabilitation of the concession building</td>
<td>40,558</td>
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<td><strong>KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For constructing sanitary sewer system, in addition to funds previously</td>
<td>5,000,000</td>
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<td>appropriated</td>
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<td><strong>KANKAKEE STATE PARK - KANKAKEE COUNTY</strong></td>
<td></td>
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<tr>
<td></td>
<td>For planning and constructing a sanitary sewer system</td>
<td>80,854</td>
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<td><strong>KASKASKIA RIVER FISH &amp; WILDLIFE AREA</strong></td>
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</tr>
<tr>
<td></td>
<td>For providing electrical service</td>
<td>106,000</td>
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<td><strong>KICKAPOO STATE PARK - VERMILION COUNTY</strong></td>
<td></td>
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<tr>
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<td>For rehabilitating the water system and day-use areas</td>
<td>1,041,000</td>
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<td><strong>LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY</strong></td>
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</tr>
<tr>
<td></td>
<td>For replacing sewage treatment plant</td>
<td>539,270</td>
</tr>
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<td><strong>LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY</strong></td>
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<tr>
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<td>For replacing the district office building</td>
<td>485,299</td>
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<td><strong>LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY</strong></td>
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<tr>
<td></td>
<td>For renovating the concession building</td>
<td>815,000</td>
</tr>
<tr>
<td></td>
<td>For upgrading campground electrical and drainage</td>
<td>460,000</td>
</tr>
<tr>
<td></td>
<td><strong>LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY</strong></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
(From Article 1, Section 7 of Public Act 91-708)
For improving drainage discharge .......... 250,000
MASON STATE FOREST TREE NURSERY
For expanding the cold storage facility ...... 638,000
For expanding the seed cleaning facility ...... 662,000
MERMET LAKE CONSERVATION AREA - MASSAC COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitating levee and well, in addition to funds previously appropriated ... 2,404,021
MORAINE HILLS STATE PARK - MCCHENRY COUNTY
For renovation of the trail .................... 89,337
For replacement of restrooms and upgrading the water system .................. 139,731
MORMON-ROCKWOOD STATE PARK
(From Article 1, Section 7 of Public Act 91-708)
For improving the water system and rehabilitating the campground water ......... 418,000
NATURAL HISTORY SURVEY - HAVANA
For renovating Forbes Biological Station ...... 683,000
NORTH POINT MARINA - LAKE COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For construction of a breakwater structure ...... 1,012,492
For modifying the marina's docking system ...... 1,471,710
NAUVOO STATE PARK - HANCOCK COUNTY
For replacing water distribution system ........................................ 128,990
PERE MARQUETTE STATE PARK - JERSEY COUNTY
For replacing the lodge HVAC condensing unit, in addition to funds previously appropriated .... 158,475
PRAIRIE RIDGE SANCTUARY NATURAL AREA
(From Article 1, Section 7 of Public Act 91-708)
For replacing the Service & Hazardous Materials buildings and installing a fuel tank .................................... 366,000
RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
(From Article 1, Section 7 of Public Act 91-708)
For renovating the interior ......................... 991,000
ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system .................. 2,365,300
NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an office building, in addition to funds previously appropriated ............... 2,000,000
SANGANOIS CONSERVATION AREA - CASS, MASON AND SCHUYLER COUNTIES
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitating the levee system ............ 197,895
SANGCHRIS STATE PARK - SANGAMON COUNTY
For upgrading campground electrical system ........................................ 180,111
SPRING GROVE FISHERIES CENTER - MCCHENRY COUNTY
For planning and beginning renovation of hatchery .................. 442,608
SPRINGFIELD
For constructing an office building and

New matter indicated by italics - deletions by strikeout.
interpretive center ................................ 12,332,481

STARVED ROCK STATE PARK - LASALLE COUNTY
For construction of a visitors center, in addition to funds previously appropriated .... 3,978,987
For rehabilitating the sewer system ........ 1,038,833
For rehabilitating trails, in addition to funds previously appropriated .................... 500,000
For upgrading the HVAC system ............. 93,704
For construction of a Visitors' Center, in addition to funds previously appropriated .................... 365,000
For rehabilitation of trails, in addition to funds previously appropriated ............. 175,769
For rehabilitation of the sewer system - Phase I ............................................. 79,636

TRI-COUNTY PARK - COOK/KANE/DUPAGE COUNTIES
For planning and beginning construction of a park ........................................ 48,602

WASTE MANAGEMENT & RESEARCH CENTER
(From Article 1, Section 7 of Public Act 91-708)
For constructing a garage and storage area .................................................. 394,000

WAYNE FITZGERRELL STATE PARK - FRANKLIN COUNTY
(From Article 2, Section 5 of Public Act 91-708)
For rehabilitation of the sewage treatment plant ........................................... 149,908

WHITE PINES FOREST STATE PARK - OGLE COUNTY
For planning and beginning lodge and cabin restoration ..................................... 150,000

WILDLIFE PRAIRIE PARK
(From Article 1, Section 7 of Public Act 91-708)
For planning and beginning the upgrade of the park ...................................... 1,000,000

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA
(From Article 2, Section 5 of Public Act 91-708)
For constructing a visitor center and purchasing land .................................. 3,119,323

NATURAL HISTORY SURVEY - NATURAL HISTORY RESEARCH CENTER
(FORMERLY BURNHAM HOSPITAL)
For construction of a Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois...... 6,000,000
For planning and construction of the Natural History Research Center for the space needs of the Illinois Natural History Survey on the campus of the University of Illinois in Champaign .............................. 2,103,800

STATE WATER SURVEY - CHAMPAIGN
(From Article 1, Section 7 of Public Act 91-708)
For constructing a vehicle maintenance and shop building .............................. 3,568,000
(From Article 2, Section 5 of Public Act 91-708)
For upgrading and replacing the mechanical

New matter indicated by italics - deletions by strikeout.
system, in addition to funds previously appropriated 2,090,148
For planning and replacement of vehicle storage/shop facilities 21,150

DICKSON MOUNDS - LEWISTOWN
For renovating Canton Liverpool Toll Booth 28,902
STATE MUSEUM RESEARCH AND COLLECTION CENTER - SPRINGFIELD
For the completion of site improvements 190,582

STATE MUSEUM - SPRINGFIELD
For renovating or replacing exhibits, in addition to funds previously appropriated 5,500,000
For planning and beginning replacement of the state museum 469,146
For planning and replacement of the main museum exhibits, in addition to funds previously appropriated 351,000
For planning renovation of main museum exhibits and for renovation of basement galleries 24,350

STATEWIDE
(From Article 1, Section 7 of Public Act 91-708)
For fabrication of visitors centers exhibit 700,000
For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below 1,805,000
Wayne Fitzgerrell State Park 414,000
Goose Lake Prairie State Park 71,000
Wolf Creek State Park 805,000
Hennepin Canal Parkway State Trail 435,000
Kaskaskia River Fish & Wildlife Area 80,000
For providing dump stations 200,000
For rehabilitating bridges at the following locations, at the approximate cost set forth below 1,056,060
Rock Island Trail 661,060
Frank Holten State Park 300,000
Horseshoe Lake State Park 70,000
Castle Rock State Park 25,000
For rehabilitating dams at the following locations, at the approximate approximate cost set forth below 1,421,887
Ramsey Lake State Park 521,887
Rock Cut State Park 450,000
Snakeden Hollow State Park 450,000
For replacing roofs at the following locations, at the approximate cost set forth below 1,384,000
Southern IL Arts & Crafts Center 290,000
Frank Holten State Park 28,000

New matter indicated by italics - deletions by strikeout.
DNR Geological Survey -  
Champaign ........................... 124,000  
Sangchris Lake State Park .................. 50,000  
Illini State Park .......................... 125,000  
Shelbyville Fish & Wildlife Area ............. 100,000  
Trail of Tears State Forest ...................... 219,000  
Sanganois Conservation Area ............. 48,000  
Rice Lake State Park ...................... 125,000  
Hidden Spring State Park ............. 67,000  
Siloam Springs State Park .......... 48,000  
Mississippi Palisades State Park .......... 160,000  
(From Article 2, Section 5 of Public Act 91-708)  
For replacing roofing systems at the following locations, at the approximate cost set forth below ......................... 1,684,260  
Beall Woods Conservation Area -  
Wabash County .................. 30,000  
Eagle Creek State Park -  
Shelby County .................. 100  
Eldon Hazlet State Park -  
Clinton County .................. 61,296  
Fox Ridge State Park -  
Coles County .................. 34,000  
Giant City State Park -  
Jackson/Union Counties ............. 89,969  
Goose Lake Prairie State Park -  
Grundy County .................. 109,519  
Hennepin Canal Parkway State Trail ...  
Illinois Beach State Park -  
Lake County .................. 478,008  
Illinois Caverns Natural Area -  
Monroe County .................. 74,000  
Kankakee River State Park -  
Kankakee/Will Counties ............. 74,000  
Kickapoo State Park -  
Vermilion County .................. 36,320  
Middle Fork State Fish & Wildlife Area - Vermilion County ............. 12,900  
Moraine Hills State Park -  
McHenry County .................. 52,456  
Moraine View State Park -  
McLean County .................. 148,415  
Ramsey Lake State Park -  
Fayette County .................. 63,203  
Randolph County Conservation Area ....  
Red Hills State Park -  
Lawrence County .................. 100  
Saline County Conservation Area ...... 20,000  
Sam Dale Lake Conservation Area -  
Wayne County .................. 100  
Spitler Woods State Natural Area -  

New matter indicated by italics - deletions by strikeout.
Macon County ........................... 425
Stephen A. Forbes State Park -
Marion County ........................ 36,547
Ten Mile Creek State Fish &
Wildlife Area - Jefferson/
Hamilton Counties ................... 76,000
Union County Conservation Area .... 6,694
Washington County Conservation Area .. 45,546
Waste Management & Research Center -
Champaign ............................. 100
William W. Powers Conservation Area -
Cook County ........................... 37,841
Wolf Creek State Park -
Shelby County ........................ 46,000

For replacing vault toilets at the following
locations, at the approximate cost set forth
below ........................................ 613,343
Anderson Lake Conservation Area -
Fulton/Schuyler Counties .......... 156,000
Giant City State Park -
Jackson/Union Counties .......... 294,498
Randolph County Conservation Area ...
Silver Springs State Park -
Kendall County ....................... 12,215

For replacing roofing systems at the
following locations at the approximate
costs set forth below .................... 91,146
Silver Springs State Park, Three
Buildings ............................... 76,146
Weldon Springs State Park, Nine
Buildings ............................... 15,000

For constructing vault toilets at the following
locations at the approximate costs set forth
below ........................................ 443,507
Cave-In-Rock State Park .......... 156,072
Golconda/Rauchfuss Hill .......... 122,998
I&M Canal - Gebhard Woods State
Park ....................................... 5,000
Prophetstown State Park .......... 53,437
William W. Powers State Park ...... 106,000

For constructing hazardous material storage
buildings ................................. 262,324

For replacing concession buildings and
upgrading support facilities at the following
locations at the approximate costs set
forth below: .............................. 1,261,749
Kickapoo State Park ............... 387,818
Rock Cut State Park ............... 521,525
Stephen A. Forbes State Park ....... 352,406

For constructing vault toilets at the
following locations at the approximate
cost set forth below: .................... 519,925
Apple River Canyon State Park ...... 228,145
Des Plaines Conservation Area ...... 66,000
Kankakee River State Park ........... 31,780
Lake Le-Aqua-Na State Park .......... 115,000
Marshall County Conservation Area ..... 30,000
Morrison-Rockwood State Park .......... 12,000
Rice Lake Conservation Area .......... 37,000

For replacing roofing systems and structural repairs at the following locations at the approximate costs set forth below:

Mine Rescue Station, One building .... 40,452
Castle Rock State Park,
   One building ..................... 13,858
Dixon Springs State Park,
   Three buildings ................. 1,060
Cave-In-Rock State Park,
   One building .................... 1,060
Ferne Clyffe State Park,
   One building .................... 1,060
Hamilton County Conservation Area,
   One building ................. 15,370
Lake Murphysboro State Park
   Two buildings .................... 1,060
Red Hills State Park, Two
   buildings ......................... 1,060
Fox Ridge State Park, Six
   buildings ......................... 1,060
Shelbyville Fish and Wildlife Area,
   Two buildings .................... 1,060
Newton Lake Fish and Wildlife Area,
   One building ..................... 1,684

For repair or replacement of roofs and parapet walls and reconstruction of chimneys at the following locations at the approximate costs set forth below:

Geological Survey - Applied Lab ....... 517,905
Water Survey - Eight Buildings ........ 186,375
Natural History Survey - Natural Resources Studies Annex ............ 46,000
Geological Survey - Natural Resources Building ............ 67,000
Water Survey - Parapet walls at Buildings No. 4, 5 and 6 ........ 64,000
Dickson Mounds - Exterior restroom and picnic shelter ............ 10,000
Dickson Mounds - Exterior restroom and picnic shelter ............ 14,530
Jake Wolf Fish Hatchery ............ 130,000

For land acquisition ........................................ 490,648
For maintaining the lodge and concession facilities ......................... 12,106
For construction of hazardous material storage buildings ............ 67,557
For abating hazards caused by the presence of asbestos-containing materials ........ 51,622
For planning, construction, reconstruction, land acquisition and related costs, utilities, site improvements, and all other expenses necessary for various capital improvements at parks, conservation areas,
and other facilities under the jurisdiction of the Department of Natural Resources ...... 3,408,548
Total, Section 5 $103,291,135

Section 5.1. The sum of $3,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 7.3 of Public Act 91-708, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Chicago for acquiring land, planning and beginning construction of a visitor center at Lake Calumet.

Section 5.2. The following named amounts, or so much thereof as may be necessary and remain unexpended from reappropriations heretofore made for such purposes in Article 2, Section 5.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

(From Article 2, Section 5.1 of Public Act 91-708)

DICKSON MOUNDS MUSEUM - LEWISTOWN
For planning and beginning repair of exterior walls ........................................... 78,245
FOX RIDGE STATE PARK - COLES COUNTY
For rehabilitating historic structures ............... 210,000
HENNEPIN CANAL PARKWAY - ROCK ISLAND COUNTY
For rehabilitating Aqueduct #6 ...................... 535,634
ILLINOIS BEACH STATE PARK - LAKE COUNTY
For stabilizing shoreline .......................... 35,139
SPRING GROVE HATCHERY - MCHenry COUNTY
For upgrading the septic system ................. 30,000

STATEWIDE
For maintaining lodge/concession program ....... 7,202
For rehabilitating or replacing playground equipment ......................... 160,757
For maintaining lodge and concession facilities ................................. 26,811
For rehabilitating or replacing playground equipment .......................... 84,068
For maintaining lodge and concession facilities at various DNR locations ....... 11,391
For rehabilitating or replacing playground equipment, in addition to funds previously appropriated ................ 172,430
For rehabilitation or replacement of playground equipment ...................... 12,457
For rehabilitation of trail systems ................................. 73,019
For rehabilitation and replacement of playground equipment ...................... 17,473

Total, Section 5.2 $1,454,626

Section 5.3. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 7.2 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Carlyle for development of a health center in association with resort development at Carlyle Lake.

Section 5a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 1, Section 7.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM

New matter indicated by italics - deletions by strikeout.
(From Article 1, Section 7.1 of Public Act 91-708)
For maintaining lodge and concession facilities $ 267,331
For rehabilitating or replacing playground equipment 1,120,000
For land acquisition relocation costs 100,000
For nature preserve boundary fence and survey 405,000

DICKSON MOUNDS MUSEUM - LEWISTOWN
For renovating E. Waterford School 587,629
GRUBB HOLLOW PRAIRIE - PIKE COUNTY
For constructing a parking lot & kiosk and developing trails 10,000

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For stabilizing the shoreline 400,000
KASKASKIA BIO STATION-MOULTRIE COUNTY
For renovating buildings 690,309
KASKASKIA RIVER FISH & WILDLIFE AREA - RANDOLPH COUNTY
For providing boat access safety improvements 210,000
LASALLE FISH & WILDLIFE AREA - LASALLE COUNTY
For upgrading fish-holding and water systems 286,000
LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY
For replacing fish collection kettles 155,000
NAUVOO STATE PARK - HANCOCK COUNTY
For renovating the Reinberger Museum 207,000
PRAIRIE RIDGE SANCTUARY NATURAL AREA
For upgrading electrical and providing insulation 118,000
RAMSEY LAKE STATE PARK - FAYETTE COUNTY
For replacing fjords 150,000
REAVIS SPRING HILL PRAIRIE NATURAL PRESERVE - MASON COUNTY
For developing natural resources protection 50,000

JAMES R. THOMPSON CENTER - CHICAGO
For renovating the art gallery 460,000

Total, Section 5a $5,216,269

Section 6. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 3, and Article 2, Section 6 of Public Act 91-708, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:
(From Article 2, Section 6 of Public Act 91-708)
DECATUR WOMEN'S CORRECTIONAL CENTER
For the planning and conversion of Meyer Mental Health Center into a correctional facility $ 221,445

DIXON CORRECTIONAL CENTER
(From Article 1, Section 3 of Public Act 91-708)
For constructing a gun range and classroom building 500,000

DWIGHT CORRECTIONAL CENTER

New matter indicated by italics - deletions by strikeout.
(From Article 1, Section 3 of Public Act 91-708)
For renovating C9 and Old Hospital .......... 3,810,000
For renovating Housing Unit C8, in addition to funds previously appropriated ......................... 270,000
(From Article 2, Section 6 of Public Act 91-708)
For upgrading the water treatment plant ........ 1,000,000
For upgrading water and sewer systems ............. 23,790
For renovating buildings, in addition to funds previously appropriated .............................. 274,847
For constructing a gatehouse and sally port and upgrading the security system ...................... 674,223
For completion of medical unit, in addition to funds previously appropriated ........................ 38,694
For renovation of buildings .......................... 68,161

EAST MOLINE CORRECTIONAL CENTER
(From Article 1, Section 3 of Public Act 91-708)
For replacing the chiller/absorber.................. 400,000
(From Article 2, Section 6 of Public Act 91-708)
For upgrading fire alarm and building automation systems ................................ 852,805
For upgrading the electrical system .................. 1,012,651

HANNA CITY WORK CAMP
For upgrading electrical system .................... 563,742

HILL CORRECTIONAL CENTER - GALESBURG
(From Article 1, Section 3 of Public Act 91-708)
For upgrading electrical system .................... 185,000
(From Article 2, Section 6 of Public Act 91-708)
For replacing domestic water lines .................. 126,264

HOPKINS PARK
(From Article 1, Section 3 of Public Act 91-708)
For infrastructure improvements in connection with the Hopkins Park Correctional Center .............. 8,300,000

ILLINOIS RIVER CORRECTIONAL CENTER - CANTON
For replacing warehouse freezers ................... 150,000

ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY
For constructing a 60-bed inmate housing addition .................................. 4,000,000

ILLINOIS YOUTH CENTER - ST. CHARLES
For constructing an R & C building and other improvements .................. 34,000,000
For upgrading plumbing system and replacing toilets and sinks ......................... 651,115
(From Article 2, Section 6 of Public Act 91-708)
For planning and beginning the upgrade of existing facility .............................. 328,875

ILLINOIS YOUTH CENTER - HARRISBURG
For upgrading mechanical control system ........ 478,078

ILLINOIS YOUTH CENTER - JOLIET
For planning, site improvements, utility upgrade, equipment and all

New matter indicated by italics - deletions by strikeout.
costs necessary to construct a
housing unit and dietary facility ..........  29,274

ILLINOIS YOUTH CENTER - RUSHVILLE
(From Article 1, Section 3 of Public Act 91-708)
For planning, design, construction, equipment
and all other necessary costs to add
a cellhouse .................................  14,000,000

ILLINOIS YOUTH CENTER - VALLEY VIEW
(From Article 2, Section 6 of Public Act 91-708)
For replacing boilers, controls, hot
water heaters and softeners in
residential units and administration
building ...............................  447,917

ILLINOIS YOUTH CENTER - WARRENVILLE
For rehabilitation of the administration
building .................................  744,432

JOLIET CORRECTIONAL CENTER
For correcting erosion and
stabilizing the masonry wall ...............  1,689,240
For completing the west cellhouse renovation,
including asbestos abatement, in addition
to funds previously appropriated ..........  19,565

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE
For constructing two cellhouses, in
addition to funds previously appropriated ...  7,570,627

LINCOLN CORRECTIONAL CENTER
For renovation of the Dietary, construction
of a cooler addition and installation
of blast chillers .............................  33,843

LOGAN CORRECTIONAL CENTER
(From Article 1, Section 3 of Public Act 91-708)
For constructing a medical building
and dietary building .........................  11,000,000
(From Article 2, Section 6 of Public Act 91-708)
For planning and beginning replacement
of the Dietary and Medical Buildings .......  240,331
For renovation of sewer system ...............  57,982

MENARD CORRECTIONAL CENTER - CHESTER
(From Article 1, Section 3 of Public Act 91-708)
For stabilizing dam, in addition to funds
previously appropriated ....................  510,000
For correcting slope failure & MSU
improvements ..............................  875,000
For upgrading electrical distribution
system ....................................  2,424,959
For replacing the HVAC system ..............  550,000
(From Article 2, Section 6 of Public Act 91-708)
For improving ventilation and dehumidification
systems in the kitchen and dining rooms .....  482,282
For replacing shower room and guard tower .....  481,397
For upgrading mechanical bar screen and storm
and sanitary sewer system ..................  1,206,548
For completing upgrade of North Cellhouse
plumbing system, in addition to funds
previously appropriated .....................  207,248

New matter indicated by italics - deletions by strikeout.
For replacing toilets and waste lines
  at E/W Cellhouse and upgrade
  North Cellhouse plumbing .................. 1,584,078
For renovation or replacement of the
  Old Hospital Building, in addition to
  funds previously appropriated ................ 4,530,372
For replacing and installing
  water storage tank ........................ 367,333
For replacing Boiler #2, in addition
  to funds previously appropriated ........... 199,199
For replacement of the chimney stack and
  boilers, in addition to funds previously
  appropriated ................................... 87,501
For replacement of hot water heaters and
  deairing tanks .............................. 21,945
For planning and construction of the
  Administration Building ..................... 1,200,000

  PONTIAC CORRECTIONAL CENTER
  (From Article 1, Section 3 of Public Act 91-708)
For expanding the main sally port ............ 400,000
For renovating the exterior of North/
  South Cellhouses ......................... 600,000
(From Article 2, Section 6 of Public Act 91-708)
For completing replacement of hot water
  lines, in addition to funds previously
  appropriated .............................. 612,300
For renovation of main sally port .......... 270,405

  SHERIDAN CORRECTIONAL CENTER
  (From Article 1, Section 3 of Public Act 91-708)
For upgrading the storm sewers ............... 115,000
(From Article 2, Section 6 of Public Act 91-708)
For replacing doors and locks ................ 145,936

  STATEVILLE CORRECTIONAL CENTER - JOLIET
  (From Article 1, Section 3 of Public Act 91-708)
For planning and beginning renovation of
  H & I houses ............................... 500,000
For replacing the water line ................ 3,320,000
For upgrading electrical system in
  "B" House .................................. 1,500,000
(From Article 2, Section 6 of Public Act 91-708)
For constructing a housing unit, cellhouse,
  vehicle maintenance building and
  warehouse for the reception and
  classification center, in addition to
  funds previously appropriated ............. 24,065,628
For replacing windows in B House ............. 2,876,644
For replacing cell fronts in F House .......... 957,924
For upgrading plumbing system in F House,
  in addition to funds previously
  appropriated ................................... 3,497,820
For replacing power plant and
  utility distribution system ................ 9,580,135
For planning, design, construction,
  equipment and all other necessary costs
  for an Adult Reception and Classification
Center ......................................... 34,345,768
For upgrading storm drainage and wastewater systems ................. 1,100,503
For upgrading electrical system and elevator and installing HVAC system ........... 1,179,600
For replacement of the MSU ........................................ 4,339,281

TAYLORVILLE CORRECTIONAL CENTER
For upgrading shower ventilation system ........ 234,944

THOMSON CORRECTIONAL CENTER
For constructing three cellhouses and expanding educational and vocational space, in addition to funds previously appropriated ........................................ 24,591,248

VANDALIA CORRECTIONAL CENTER
(From Article 1, Section 3 of Public Act 91-708)
For constructing a multi-purpose program building ......................... 1,300,000
For converting Administration Building and planning construction of an Administration/Health Care Unit ....................... 800,000
For upgrading the primary water distribution system .................... 1,268,198
(From Article 2, Section 6 of Public Act 91-708)
For planning and beginning construction for a slaughter house and meat plant ......... 466,456
For repairing exterior masonry, in addition to funds previously appropriated ............ 723,392

VIENNA CORRECTIONAL CENTER
For replacing windows, in addition to funds previously appropriated .......... 779,030
For completing upgrade of the steam distribution system, in addition to funds previously appropriated ...................... 254,131
For upgrading electrical system and installing emergency generator ........... 179,828
For renovating the kitchen ........................................ 1,808,596
For upgrading the steam distribution system and renovation of Powerhouse, in addition to funds previously appropriated ........... 131,139
For upgrading air conditioning system and replacement of cooling tower ........... 227,878
For completing the rehabilitation of duct systems and walls, in addition to funds previously appropriated ...................... 196,628

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING
(From Article 1, Section 3 of Public Act 91-708)
For replacing warehouse freezers ............... 150,000

STATEWIDE
For planning, design, construction, equipment and all other necessary costs for a maximum security facility .................... 129,000,000
For planning a medium security facility and land acquisition ................... 6,000,000
For replacing locks and control panels at the following locations at the

New matter indicated by italics - deletions by strikeout.
approximate costs set forth below .......... 2,700,000
Illinois River Correctional Center .......... 850,000
Western Illinois Correctional Center .......... 850,000
Danville Correctional Center .................. 1,000,000
For replacing roofing systems at the following locations at the approximate cost set forth below .......... 1,720,022
Menard Correctional Center .............. 170,000
Vienna Correctional Center .............. 155,000
Illinois Youth Center - Harrisburg ............ 95,000
Dixon Correctional Center .............. 500,000
Pontiac Correctional Center .............. 440,000
Illinois Youth Center - Joliet .......... 360,022
For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below .............. 755,000
Vienna Correctional Center ............ 250,000
Pontiac Correctional Center ............ 200,000
Joliet Correctional Center ............ 305,000
For planning and replacing windows at the following locations at the approximate cost set forth below ................. 3,278,791
Vienna Correctional Center ............ 1,780,000
Sheridan Correctional Center ............ 418,791
Illinois Youth Center - Valley View ............ 500,000
Illinois Youth Center - Joliet ............ 165,000
Dixon Correctional Center ............ 235,000
Shawnee Correctional Center ............ 180,000
For upgrading and renovating showers at the following locations at the approximate cost set forth below ................. 1,975,000
Shawnee Correctional Center ............ 800,000
Danville Correctional Center ............ 800,000
Graham Correctional Center ............ 200,000
Centralia Correctional Center ............ 175,000
For replacing security fencing at the following locations at the approximate
cost set forth below ......................... 1,498,165
Hill Correctional
  Center ........................... 398,165
Western IL Correctional
  Center ........................... 300,000
Joliet Correctional
  Center ........................... 186,922
Logan Correctional
  Center ........................... 200,000
Dixon Correctional
  Center ........................... 100,000
Shawnee Correctional
  Center ........................... 100,000
Graham Correctional
  Center ........................... 100,000
Danville Correctional
  Center ........................... 100,000

For upgrading roads and parking lots at
the following locations at the approximate
cost set forth below ......................... 978,100
Dwight Correctional
  Center ........................... 483,840
Illinois Youth Center -
  Valley View ........................ 494,260

(From Article 2, Section 6 of Public Act 91-708)
For planning, design, construction, equipment
and all other necessary costs for a
female multi-security level
correctional center .......................... 78,702,968

For replacing roofing systems at the
following locations at the approximate
cost set forth below ......................... 637,986
  Vienna Correctional Center ....... 469,664
  Sheridan Correctional Center ...... 168,322

For replacing or installing mechanical bar
screens at the following locations at the
approximate cost set forth below .......... 605,823
  Graham Correctional Center -
    Hillsboro .......................... 317,545
  Western Illinois Correctional
    Center - Mt. Sterling .......... 288,278

For upgrading security control systems and
panels in housing units at the following
locations at the approximate cost set
forth below .............................. 4,620,014
  Danville Correctional Center ....... 500,000
  Hill Correctional Center -
    Galesburg ........................ 1,500,000
  Western Illinois Correctional
    Center - Mt. Sterling .......... 675,000
  Illinois River Correctional
    Center - Canton .................. 675,000
  Shawnee Correctional Center -
    Vienna .......................... 1,270,014

For planning, design, construction,
equipment and all other necessary costs for a juvenile facility .......................... 19,016,529

For replacing locks and doors at the following locations at the approximate cost set forth below ........................................ 766,403
- Dwight Correctional Center ........... 103,239
- Illinois River Correctional Center - Canton .......................... 3,610
- IYC - Joliet .................................. 646,568
- IYC - Pere Marquette - Grafton ....... 12,986

For replacing roofing systems at the following locations at the approximate cost set forth below ........................................ 675,103
- Dixon Correctional Center, four buildings ................. 270,813
- IYC - St. Charles, two buildings .......................... 197,498
- Joliet Correctional Center, six buildings ....................... 142,779
- Logan Correctional Center - Lincoln three buildings .......... 8,086
- Menard Correctional Center - Chester six buildings ......................... 24,738
- Pontiac Correctional Center, one building ....................... 31,189

For inspecting and upgrading water towers at the following locations at the approximate costs set forth below ......................... 1,556,313
- Dixon Correctional Center, Upgrade Water Tower .............. 369,928
- Graham Correctional Center - Hillsboro Upgrade Water Tower .......... 62,524
- Joliet Correctional Center, Upgrade Water Tower ............... 130,328
- Logan Correctional Center - Lincoln Complete Water Tower Upgrade .... 103,536
- Menard Correctional Center - Chester Upgrade Water Tower .......... 22,443
- Stateville Correctional Center - Joliet Upgrade Water Tower .......... 663,578
- Statewide, Inspect and Upgrade Water Towers ..................... 117,099

For upgrading fire and safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated .................. 3,025,696
- Menard Correctional Center - Chester ......................... 1,884,584
- Sheridan Correctional Center .......... 312,246
- Vienna Correctional Center ............ 828,866

For replacing roofing systems at the following locations at the approximate costs set forth below: ...................... 215,071
- East Moline Correctional Center, Three buildings .................. 79,929
- Graham Correctional Center, Hillsboro
Seven buildings .......................... 117,699
Sheridan Correctional Center, LaSalle
Three buildings .......................... 17,443
For replacing doors and locks at the
following locations at the approximate
costs set forth below: ...................... 585,101
  IYC - St. Charles ....................... 221,452
  Lincoln Correctional Center .......... 272,473
  Jacksonville Correctional Center ..... 12,473
  Sheridan Correctional Center ....... 78,703
For upgrading fire safety systems at the
following locations at the approximate
costs set forth below, in addition to
funds previously appropriated: ............ 4,454,272
  Menard Correctional Center .......... 63,476
  Pontiac Correctional Center ....... 2,960,453
  Stateville Correctional Center .... 1,430,343
For upgrading water and wastewater
systems at the following locations
at the approximate costs set forth below: .... 692,276
  Big Muddy Correctional Center
for installing mechanical
bar screen ............................... 7,347
  Centralia Correctional Center
for upgrading water
treatment plant .......................... 183,702
  East Moline Correctional Center
for upgrading sewer system .......... 4,310
  Ed Jenison Work Camp (Paris)
for installing mechanical
bar screen ............................... 2,530
  IYC - Harrisburg for upgrading
water distribution system ............ 59,198
  Kankakee MSU for constructing
well #2 ................................. 288,550
  IYC - St. Charles for upgrading
sewage/storm system ................. 134,865
  IYC - Valley View for installing
mechanical bar screen ................. 11,774
For correction of deficiencies in
water systems at three correctional
facilities ................................ 81,228
For replacement of locks, windows and
doors at the following locations
as set forth below: ....................... 368,672
  IYC Harrisburg ....................... 44,053
  IYC Joliet ........................... 14,426
  Menard .............................. 213,471
  IYC Valley View ...................... 95,722
  Vienna .............................. 1,000
For planning, design, construction,
equipment and other necessary costs
for a Maximum Security Correctional
Center, in addition to funds previously
appropriated .............................. 16,488,520

New matter indicated by italics - deletions by strikeout.
For planning, design, construction, equipment and other necessary costs for a Correctional Facility for juveniles .................................................. 4,770,240
For planning, design, construction, equipment and other necessary costs for a Medium Security Correctional Facility .......................................................... 6,423,155
For correcting defects in the food preparation areas, including roofs .......................................................... 108,588
For replacement of roofs at various Department of Corrections locations .......................................................... 70,407
For roof replacement at the following locations at the approximate costs set forth below: .......................................................... 179,437
  Graham Correctional Center
    Five buildings .................................................. 6,543
  Graham Correctional Center
    Thirty-two buildings .................................................. 6,000
  Menard Correctional Center
    Warehouse Building .................................................. 26,000
  Menard Correctional Center
    Five buildings .................................................. 55,068
  Pontiac Correctional Center
    Eight buildings .................................................. 6,500
  Illinois Youth Center-St. Charles
    Three buildings .................................................. 15,326
  Sheridan Correctional Center
    Six buildings .................................................. 16,000
  Stateville Correctional Center
    Seven buildings .................................................. 24,000
  Ill Youth Center-Valley View
    Administration Building and Kitchen Addition .................................................. 24,000
Total, Section 6 .............................................................................................................. $522,958,055

Section 6.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 6.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:
(From Article 2, Section 6.1 of Public Act 91-708)
  STATEVILLE CORRECTIONAL CENTER - JOLIET
    For tuckpointing buildings .............................................. 65,086
  VANDALIA CORRECTIONAL CENTER
    For replacing showers in six buildings, in addition to funds previously appropriated .............................................. 270,198
  STATEWIDE
    For energy conservation improvements at the following locations at the approximate costs set forth below: .............................................. 39,718
      Dwight Correctional Center .............................................. 7,000
      Joliet Correctional Center .............................................. 1,000
      Menard Psychiatric Center .............................................. 7,500

New matter indicated by italics - deletions by strikeout.
Stateville Correctional Center
Law Library ...................... 7,400
Pontiac Correctional Center ....... 15,093
Vienna Correctional Center ........ 1,725
For upgrading doors and locking systems at
the following locations at the approximate
costs set forth below: ................. 569,436
Illinois Youth Center-Warrenville
For replacement of doors
and locking systems .............. 569,436
Total, Section 6.1  $944,438

Section 6.2. The amount of $454,070, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore
made for such purposes in Article 2, Section 6.3 of Public Act 91-708, is reappropriated from the
General Revenue Fund to the Capital Development Board for the Department of Corrections
for the projects hereinafter enumerated at the approximate costs set forth below:
Danville Correctional Center -
For upgrading the hot water
distribution system ............... $1,000
Stateville Correctional Center-
For upgrading the plumbing systems in
four buildings ...................... 509,555
Menard Correctional Center -
For planning and to begin upgrading
the plumbing systems in two
buildings ......................... 37,934
Pontiac Correctional Center -
For upgrading the mechanical systems
and renovation of shower rooms .... 37,934

Section 7. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from appropriations and
reappropriations heretofore made for such purposes in Article 1, Section 4, and Article 2, Section 7
of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital
Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:
BISHOP HILL HISTORIC SITE - HENRY COUNTY
(From Article 2, Section 7 of Public Act 91-708)
For rehabilitating Bjorkland Hotel ......... $ 939,819
BLACKHAWK STATE HISTORIC SITE
(From Article 1, Section 4 of Public Act 91-708)
For rehabilitating lodge ................. 1,166,000
(From Article 2, Section 7 of Public Act 91-708)
For a grant to the City of Rock Island
to relocate the existing sewer line ....... 660,000
BRYANT COTTAGE STATE MEMORIAL - BEMENT
(From Article 1, Section 4 of Public Act 91-708)
For rehabilitating interior and exterior .... 217,000
CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA
For providing structural stabilization ....... 308,000
(From Article 2, Section 7 of Public Act 91-708)
For renovation of the Cahokia Courthouse
and the Jarrot House ................... 72,953
CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE
For replacement of Monk's Mounds stairs .... 339,695
For restoration of Monk's Mound .......... 1,045,251
For purchasing private land within historic
To acquire a residence to be converted to a Visitors Center.

DAVID DAVIS HOME

FORT DE Chartres Historic Site - Randolph County
(From Article 1, Section 4 of Public Act 91-708)
For rehabilitating the stone gatehouse wall and foundation.
(From Article 2, Section 7 of Public Act 91-708)
For restoring the powder magazine.
For replacing Maintenance Building.

GalenA Historic Site
For structural stabilization and rehabilitation of five historic structures in the Grant Home District including the Biesman, Nolan, Gill, Coville, and Donegan houses.

Jarrot Mansion State Historical Site
(From Article 1, Section 4 of Public Act 91-708)
For restoring the mansion, in addition to funds previously appropriated.

Lewis and Clark State Memorial - Madison County
(From Article 2, Section 7 of Public Act 91-708)
For constructing interpretive center, and development of the historic site in addition to funds previously appropriated.

Lincoln's Tomb/Vietnam Memorial - Springfield
For rehabilitating site and providing irrigation system.

Lincoln-Herndon Law Office - Springfield
For rehabilitating interior and exterior.

Lincoln Log Cabin Historic Site - Coles County
For constructing visitors center, Phase II, and developing day use area.

Lincoln New Salem Historic Site - Petersburg
For renovating village entrance and completing visitors center.

Lincoln Presidential Center - Springfield
(From Article 1, Section 4 of Public Act 91-708)
For constructing a Lincoln Presidential Library.
(From Article 2, Section 7 of Public Act 91-708)
For planning and beginning the Lincoln Presidential Center, in addition to funds previously appropriated.

Postville Courthouse Historic Site - Lincoln
For rehabilitating Courthouse and site.

Pullman Factory Historic Site - Chicago
For stabilization of the structure and for planning and beginning restoration.
OLD STATE CAPITOL - SPRINGFIELD
For providing structural stabilization ........ 1,439,821
For rehabilitating Old State Capitol .......... 477,073

UNION STATION - SPRINGFIELD
For purchasing and rehabilitating .............. 2,531,218

VACHEL LINDSAY HOME
For rehabilitating home ........................ 689,333

VANDALIA STATE HOUSE
For replacing roof and rehabilitating exterior ................................ 163,138
For rehabilitating HVAC and electrical systems and interior .................. 351,240

STATEWIDE
(From Article 1, Section 4 of Public Act 91-708)
For statewide ISTEA 21 Match .................... 637,000
(From Article 2, Section 7 of Public Act 91-708)
For replacing roofing systems at the following locations at the approximate costs set forth below: .................... 158,819
Fort De Chartres, Randolph County .... 43,198
Washburne House, Galena ............ 5,378
David Davis Mansion, Bloomington .... 22,051
Bishop Hill House, Henry County ...... 88,192
For matching ISTEA federal grant funds ........ 470,176
Total, Section 7 $63,436,389

Section 7.1. The amount of $52,326, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 2, Section 7.1 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for acquiring the Zimmerman archaeological site in LaSalle County and for associated costs, planning, stabilization, restoration and all other expenses necessary to comply with the intent of this appropriation.

Section 7.2. The sum of $800,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 7.3 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the construction of an interpretive center and development of the historic site at the Lewis and Clark National Trail Site No. 1 in Madison County.

Section 7.3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 7.4 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:
DANA THOMAS HOUSE - SPRINGFIELD
(From Article 2, Section 7.4 of Public Act 91-708)
For restoring exterior and interior .......... $ 340,111

GALENA HISTORIC SITE
For rehabilitating Washburne House .......... 564,000

LINCOLN'S NEW SALEM HISTORIC SITE - PETERSBURG
For resurfacing village and service roads ...... 114,580
For rehabilitating lift stations .............. 82,335
For rehabilitating saw mill and grist mill ........................................ 208,075

METAMORA COURTHOUSE HISTORIC SITE

New matter indicated by italics - deletions by strikeout.
For rehabilitating courthouse .................. JOURNAL REGISTER BUILDING - SPRINGFIELD
For renovating building ......................... OLD STATE CAPITOL - SPRINGFIELD
For replacing the bottom cylinder of
the hydraulic elevator ....................... 50,000
Total, Section 7.3 $1,795,505

Section 7a. The following named amounts, or so much thereof as may be necessary
and remain unexpended at the close of business on June 30, 2001, from appropriations
made for such purposes in Article 1, Section 4.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

CAHOKIA MOUNDS HISTORIC SITE - ST. CLAIR COUNTY
(From Article 1, Section 4.1 of Public Act 91-708)
For replacing Orientation Theater screen and film $ 900,000
LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY
For providing roads, parking areas and pedestrian bridges 125,000
OLD STATE CAPITOL - SPRINGFIELD
For providing back-up generator ................... 219,150
Total, Section 7a $1,244,150

Section 9. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 5, and Article 2, Section 9 of Public Act 91-708, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 1, Section 5 of Public Act 91-708)
For renovating the central dietary, Phase II, in addition to funds previously appropriated $ 1,485,000
(From Article 2, Section 9 of Public Act 91-708)
For constructing two building additions at the Forensic Complex 11,343,698
For rehabilitation of the central dietary 1,666,574

CHESTER MENTAL HEALTH CENTER
(From Article 1, Section 5 of Public Act 91-708)
For upgrading energy management system ....... 489,500
For replacing sewer lines 686,347
(From Article 2, Section 9 of Public Act 91-708)
For upgrading access control/duress system ..... 1,471,165
For renovating kitchen area 911,784
For replacing fencing and upgrading recreational yard 249,355
For renovating support and residential area 2,247,947
For construction of a storage building 14,080

SCHOOL OF PUBLIC HEALTH AND PSYCHIATRIC INSTITUTE
For planning and renovation of residential and program units for children and adolescent services 794,770

CHICAGO READ MENTAL HEALTH CENTER - CHICAGO
For upgrading fire/life safety systems, in
For renovating residential units, in addition to funds previously appropriated ................................................. 162,271

For renovating utility rooms and installation of drinking fountains ......................................................... 36,975

For renovation of the West Campus Nurses' Stations .......................................................... 260,825

For renovation of Henry Horner Children's Center and West Campus for fire and life safety codes ......................... 95,231

For renovation of the West Campus shower and toilet rooms ......................................................... 253,620

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA

(From Article 1, Section 5 of Public Act 91-708)

For replacing cooling towers ................................................. 470,000

For planning and beginning the renovation of Life Skills Building ................................................... 900,000

(From Article 2, Section 9 of Public Act 91-708)

For completing HVAC system upgrade, in addition to funds previously appropriated ................................................. 61,535

ELGIN MENTAL HEALTH CENTER - KANE COUNTY

For replacing power plant and engineering building ........................................................................... 7,991,825

For renovating the central dietary and kitchen ............................................................................. 3,933,400

For construction of an Adult Psychiatric Building, in addition to funds previously appropriated ......................... 3,681,000

For construction of roads, parking lots and street lights ....................................................................... 1,976,721

For upgrading and expanding the mechanical infrastructure, in addition to funds previously appropriated ................................................. 3,145,033

For construction of a forensic services complex at Elgin Mental Health Center, in addition to funds previously appropriated ................................................. 3,411,734

For construction of a forensic services complex, in addition to funds previously appropriated ................................................. 56,256

For renovation of the HVAC systems, replacement of windows and installation of security screens, in addition to funds previously appropriated ................................................. 2,062,047

For construction of a Forensic Services Facility, in addition to funds previously appropriated ......................... 242,710

For upgrading for fire and life safety ................................................. 73,298

For planning the renovation of the Forensic Building and abating asbestos ................................................. 237,723

For renovation of the Central Stores Building ...................................................................................... 85,679

For the demolition of the Old Main Building and construction of an Adult
PUBLIC ACT 92-0008

Psychiatric Center ................................................. 75,736
FOX DEVELOPMENTAL CENTER - DWIGHT
(From Article 1, Section 5 of Public Act 91-708)
For replacing sewer lines ........................................... 173,748
(From Article 2, Section 9 of Public Act 91-708)
For upgrading electrical system and installing
an emergency generator ........................................... 795,375
For replacement of absorbers and
upgrading HVAC system ............................... 81,571
For renovation of Building #8 and
window replacement of Building
#1, in addition to funds
previously appropriated ................................... 21,305

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
(From Article 1, Section 5 of Public Act 91-708)
For completing upgrade of tunnels,
Phase II, in addition to funds previously
appropriated ................................................. 2,970,000
For renovating the kitchen ......................... 150,000
(From Article 2, Section 9 of Public Act 91-708)
For renovating residences, in addition to
funds previously appropriated ......................... 2,720,122
For replacing roofs ...................................... 21,272
For planning and beginning access
to water supply from village ....................... 45,370
For planning and rehabilitation of
utility tunnels ........................................... 68,825
For renovation of residential buildings ... 1,900,278
For replacement of steam and
condensate lines ........................................ 50,553
For renovation of the boilers in the power
plant ........................................... 29,856

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
(From Article 1, Section 5 of Public Act 91-708)
For replacing HVAC, upgrading electrical
and replacing doors, in addition to
funds previously appropriated ...................... 1,700,000
(From Article 2, Section 9 of Public Act 91-708)
For renovating fire alarm systems, in
addition to funds previously appropriated ....... 115,029

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
For installation of individual
package boilers, in addition
to funds previously appropriated .......... 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
For rehabilitating cooling towers at
the power plant ........................................... 258,650
For extending chilled water line ................ 134,282
For rehabilitation of bathrooms and
replacing doors ........................................ 282,080

KILEY DEVELOPMENTAL CENTER - WAUKEGAN
(From Article 1, Section 5 of Public Act 91-708)
For renovating homes, Phase II, in
addition to funds previously
appropriated ........................................... 1,135,000

New matter indicated by italics - deletions by strikeout.
For planning and beginning installation of gas distribution system .......................... 100,000
(From Article 2, Section 9 of Public Act 91-708)
For renovating homes .............................................. 60,229
(From Article 1, Section 5 of Public Act 91-708)

LINCOLN DEVELOPMENTAL CENTER - LOGAN COUNTY

For completing installation of rethermalization, in addition to funds previously appropriated .............. 700,000
(From Article 2, Section 9 of Public Act 91-708)
For upgrading power plant and installing EMS, in addition to funds previously appropriated ............... 1,502,364
For renovating or replacing Elmhurst Cottage .............................................. 1,691,458
For renovating or replacing Elmhurst Cottage, in addition to funds previously appropriated ............... 1,351,795
For upgrading the architectural and mechanical systems, in addition to funds previously appropriated ...................... 149,198
For upgrading the HVAC systems, including chillers .............................................. 25,157

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST

For renovating residential and neighborhood homes, in addition to funds previously appropriated ............ 1,850,000
For replacing plumbing, HVAC and boiler systems .............................................. 788,685
For renovation of residential buildings, in addition to funds previously appropriated ...................... 1,781,093
For renovation of residences .............................................. 35,293

MADDEN MENTAL HEALTH CENTER - HINES

For renovating pavilions for safety/security, in addition to funds previously appropriated ...................... 1,200,000
For renovating dietary .............................................. 903,500
For renovation of pavilions, in addition to funds previously appropriated .............................................. 596,000
For upgrading residences for safety and security .............................................. 29,739

MCFARLAND MENTAL HEALTH CENTER - SPRINGFIELD

For renovating Kennedy Hall .............................................. 2,398,911
For renovating Stevenson Hall .............................................. 869,702
For rehabilitation of the dietary facility .............................................. 13,156

MURRAY DEVELOPMENTAL CENTER - CENTRALIA

For replacing energy management system .............. 759,936
For renovating Elm Cottage .............................................. 180,572

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE

(From Article 1, Section 5 of Public Act 91-708)
For replacing steam & condensate lines, in addition to funds previously appropriated ...................... 2,800,000
(From Article 2, Section 9 of Public Act 91-708)

New matter indicated by italics - deletions by strikeout.
For upgrading HVAC systems in four residential buildings .................. 1,147,000
For planning and beginning the upgrade of steam and condensate lines ............. 310,083
For rehabilitating HVAC system .................. 1,142,650
For replacing cooling towers and rehabilitating absorbers .................. 464,349
For completion of the HVAC system, in addition to funds previously appropriated .................. 87,283
For replacement of boiler, in addition to funds previously appropriated .................. 90,346
For replacement of water mains and valves .................. 330,197
For planning and beginning sewer and manhole renovation .................. 12,911
For rehabilitation of the boilers .................. 59,086
For planning and replacement of windows .............. 51,774
For upgrading fire safety systems in the support buildings .................. 36,877
For installation of air conditioning in Building #704, in addition to funds previously appropriated .................. 75,695
For replacement of cooling towers in Buildings #100A and #100B .................. 26,402
For installation of air conditioning in Buildings #502 and #514 .................. 37,554

SINGER MENTAL HEALTH CENTER - ROCKFORD
(From Article 1, Section 5 of Public Act 91-708)
For renovating patient units, Phase II, in addition to funds previously appropriated .................. 3,100,000
(From Article 2, Section 9 of Public Act 91-708)
For replacing roofs .................. 12,534
For renovating mechanicals and residential areas .................. 1,405,236
For replacement of absorbers .................. 110,891

TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems and bedroom lighting, in addition to funds previously appropriated .................. 224,300

TINLEY PARK MENTAL HEALTH CENTER/ HOWE DEVELOPMENTAL CENTER
For replacement of the bar screen and renovating the sewer system, in addition to funds previously appropriated .... 115,126
For rehabilitation of the electrical distribution system, in addition to funds previously appropriated .................. 488,105
For renovation for accessibility in four buildings .................. 121,149
For renovation for fire and life safety in three residences .................. 152,206

ZELLER MENTAL HEALTH CENTER - PEORIA

New matter indicated by italics - deletions by strikeout.
For upgrading HVAC and mechanical systems ........................................... 649,407

STATEWIDE

(From Article 1, Section 5 of Public Act 91-708)
For repairing or replacing roofs at the following locations, at the approximate cost set forth below .......... 3,669,771
Choate Mental Health and Developmental Center - Anna .......... 241,125
Illinois School for the Visually Impaired - Jacksonville .................. 100,000
Jacksonville Developmental Center - Morgan County ................. 60,000
Lincoln Developmental Center - Logan County ......................... 483,312
Murray Developmental Center - Centralia ............................... 1,485,333
Shapiro Developmental Center - Kankakee ............................. 1,300,000

For planning and beginning construction of a facility for sexually violent persons ........................................... 2,884,250

(From Article 2, Section 9 of Public Act 91-708)
For replacing and repairing roofing systems at the following locations at the approximate cost set forth below .......... 1,631,422
Choate Developmental Center - Anna ........................................ 46,129
Chicago-Read Mental Health Center .......................... 74,425
Tinley Park Mental Health Center.................. 167,648
Illinois School for the Visually Impaired - Jacksonville .......... 60,125
Shapiro Developmental Center - Kankakee ......................... 505,187
Kiley Developmental Center - Waukegan ............................. 281,300
Ludeman Developmental Center - Park Forest ..................... 427,000

For upgrading roads at the following locations at the approximate cost set forth below ...................... 566,114
Choate Developmental Center - Tinley Park ......................... 133,417
Shapiro Developmental Center - Kankakee ......................... 432,697

For replacing roofing systems at the following locations at the approximate costs set forth below: .......... 102,417
Elgin Mental Health Center, five buildings ......................... 59,071
Jacksonville Mental Health and Developmental Center, two buildings .................. 43,346

For replacement of roofing systems at the

New matter indicated by italics - deletions by strikeout.
following locations at the approximate costs set forth below: ............................. 308,781
Lincoln Development Center .......... 77,195
Murray Developmental Center .......... 77,195
Elgin Developmental Center .......... 77,195
Shapiro Developmental Center .......... 77,195
Ford upgrading roads and parking lots at the following locations at the approximate costs set forth below: ............................. 17,451
McFarland Mental Health Center .......... 1,000
Shapiro Developmental Center .......... 16,451
For rehabilitation of water towers - Murray and Chester ............................. 228,838
For replacement of roofs at the following locations at the approximate costs set forth below: ................................. 185,763
Elgin Mental Health Center - Three buildings ..................... 3,284
Lincoln Developmental Center - Three buildings ..................... 4,088
Ludeman Developmental Center - Support buildings ..................... 17,192
Madden Mental Health Center - Buildings and covered walkways ...... 5,000
McFarland Mental Health Center - Three buildings ..................... 4,570
Meyer Mental Health Center - One building ..................... 1,450
Shapiro Developmental Center - Three buildings ..................... 138,409
Tinley Park Mental Health Center - Oak Hall ..................... 11,770
Total, Section 9 $105,430,911
Section 9A. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 9A of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
(From Article 2, Section 9A of Public Act 91-708)
For installing HVAC and upgrading electrical and replacing doors ..................... $ 706,335
For completing the HVAC system upgrade, in addition to funds previously appropriated ..................... 144,036
For renovating Unit 5 ..................... 54,900
For the renovation of Cullom Hall ............ 613,574
For rehabilitation of the domestic hot and cold water piping in six buildings ............ 185,728

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
For installing sewers ..................... 386,594
For constructing a new building to replace buildings 2, 3 and 4, in addition to funds previously appropriated ..................... 1,119,902

New matter indicated by italics - deletions by strikeout.
For installation of individual package boilers .......................... 268,995
For the replacement of Buildings
#2, #3, and #4 .................................. 70,287
Total, Section 9A $3,550,351

Section 9B. The amount of $329,449, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 2, Section 9B of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services to convert and expand the Joliet Annex to a treatment and detention facility for sexually violent persons, including moveable equipment and telecommunications.

Section 9C. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 9.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER
(From Article 2, Section 9.1 of Public Act 91-708)
For replacing windows in four buildings ........ $521,366
CHESTER MENTAL HEALTH CENTER
For replacing backflow prevention devices ......................... 68,925
CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER
For life/safety improvements .................. 156,188
FOX DEVELOPMENTAL CENTER - DWIGHT
For replacing windows ....................... $152,504
ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For upgrading kitchen equipment .............. 711,212
JACKSONVILLE DEVELOPMENTAL CENTER
For upgrading HVAC systems in the Drake and Gillespie buildings ............. 234,012
For replacing stoker and controls ............ 15,996
For planning and beginning the rehabilitation of the water tower and smokestack .......... 4,960
LINCOLN DEVELOPMENTAL CENTER
For replacing windows ..................... $292,081
SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing windows in complex buildings .................. 326,469
STATEWIDE
For resurfacing roads at Chicago-Read, Tinley Park and Murray .................. 210,512
For repair of the exterior masonry walls at Fox, Shapiro and Tinley Park/Howe ........ 10,209
Total, Section 9C $2,704,434

Section 9D. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 9.2 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
(From Article 2, Section 9.2 of Public Act 91-708)
For installing an all-weather running track .................. 154,029
For renovation of buildings and lead

New matter indicated by italics - deletions by strikeout.
paint abatement ........................................ 57,843
Total, Section 9D .................................. $211,872

Section 9.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 1, Section 5.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

STATEWIDE PROGRAM
(From Article 1, Section 5.1 of Public Act 91-708)
For tuckpointing exterior and repairing masonry at various facilities .................. $ 1,956,826
                                      JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
For replacing stoker system and boiler controls, in addition to funds previously appropriated .................. 122,047
For rehabilitation the water tower and smokestack, Phase II, in addition to funds previously appropriated .................. 600,000
                                      ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For completing installation of a running track and upgrading field, in addition to funds previously appropriated .................. 565,000
For renovating buildings and abating lead paint, in addition to funds previously appropriated .................. 220,000
Total, Section 5.1 .................................. $3,463,873

Section 10. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 12 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 1, Section 12 of Public Act 91-708)
For constructing a Lab and Research Biotech Grad Facility .................. $ 3,469,418
Total, Section 10 .................................. $3,469,418

Section 10.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 2, Section 10 of Public Act 91-708, approved May 17, 2000, are reappropriated from the General Revenue Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

CHICAGO TECHNOLOGY PARK RESEARCH CENTER
(From Article 2, Section 10 of Public Act 91-708)
For renovating the Research Center .................. $ 746,360
For upgrading centrifugal chillers .................. 220,600
Total, Section 10.1 .................................. $966,960

Section 10a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 1, Section 12.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 1, Section 12.1 of Public Act 91-708)
For developing the site .................. $ 800,000
For installing security fencing .................. 145,000

New matter indicated by italics - deletions by strikeout.
Total, Section 10a: $945,000

Section 11. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 6, and Article 2, Section 11 of Public Act 91-708, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**AURORA ARMORY**
(From Article 2, Section 11 of Public Act 91-708)
For planning and beginning construction of an armory .................................... $ 10,820

**CAMP LINCOLN - SPRINGFIELD**
(From Article 1, Section 6 of Public Act 91-708)
For converting commissary to a military museum, in addition to funds previously appropriated ...................... 715,000
(From Article 2, Section 11 of Public Act 91-708)
For renovating heating system and replacing windows ...................... 539,697
For construction of a military academy facility ...................... 638,820
For site improvements and construction for a military academy facility, including repair and reconstruction of access roads and drives at Camp Lincoln ............. 24,062
For planning, design, site improvements, and other costs associated with the conversion of the old "Castle" or Commissary Building for use as a military museum ...................... 61,052

**CHAMPAIGN ARMORY**
For replacing roofing systems and rehabilitating exterior walls ...................... 299,180

**DANVILLE ARMORY**
For planning and construction of a new armory .. 1,070,000

**DELAVAN ARMORY**
For rehabilitating the exterior and replacing roofing system ...................... 556,778

**DIXON ARMORY - LEE COUNTY**
For upgrading mechanical and electrical systems ...................... 442,231

**DONNELLEY BUILDING**
For the rehabilitation and renovation of the Donnelley Building and purchase of land for parking ...................... 98,840

**EAST ST. LOUIS ARMORY - ST. CLAIR COUNTY**
(From Article 1, Section 6 of Public Act 91-708)
For upgrading mechanical systems and rest rooms ...................... 1,465,502

**ELGIN ARMORY - KANE COUNTY**
For upgrading heating and mechanical systems ...................... 2,664,030

**GALVA ARMORY - HENRY COUNTY**
For relocating kitchen ...................... 773,000

**GENERAL JONES ARMORY**
For rehabilitating the armory building,

New matter indicated by italics - deletions by strikeout.
in addition to funds previously appropriated ........................................... 4,000,000
(From Article 2, Section 11 of Public Act 91-708)
For renovation of the exterior and interior, mechanical areas and expansion of the parking lot, in addition to amounts previously appropriated ...................... 393,790
For replacement of the Assembly Hall roofing system including its structural system .......................................................... 62,492

JOLIET ARMORY - WILL COUNTY
(From Article 1, Section 6 of Public Act 91-708)
For renovating mechanical and electrical systems and exterior .................. 2,650,475
(From Article 2, Section 11 of Public Act 91-708)
MACHESNEY PARK ARMORY (ROCKFORD)
For the state's share for additional planning and construction of an armory and Organizational Maintenance Shop .................. 218,047

MIDWAY ARMORY - CHICAGO
(From Article 1, Section 6 of Public Act 91-708)
For replacing the roof and upgrading the interior ................................. 1,198,590
(From Article 2, Section 11 of Public Act 91-708)
NORTHWEST ARMORY - CHICAGO
For renovation of interior and exterior, in addition to funds previously appropriated for such purposes .................. 1,109,656

PONTIAC ARMORY - LIVINGSTON COUNTY
(From Article 1, Section 6 of Public Act 91-708)
For upgrading mechanical systems and rest rooms ............................... 1,352,516
(From Article 2, Section 11 of Public Act 91-708)
For rehabilitating the exterior and replacing the roofing system ................ 547,950

ROCK ISLAND ARMORY
For construction of an armory and maintenance shop .......................... 64,292

SALEM ARMORY - MARION COUNTY
For replacement of the boiler and all domestic plumbing, piping and fixtures, and upgrading of the kitchen, including equipment .......................... 71,670

SAUK AREA CAREER SCHOOL - CRESTWOOD
For the purchase and renovation of the former Sauk Area Career School, converting to an armory and upgrading the parking lot .................................................. 82,303

STREATOR ARMORY - LASALLE COUNTY
For replacing the roofing system and tuckpointing walls ........................ 271,639

URBANA ARMORY
(From Article 1, Section 6 of Public Act 91-708)
For renovating the interior and replacing the upper roof ......................... 620,090

New matter indicated by italics - deletions by strikeout.
WAUKEGAN ARMORY
(From Article 2, Section 11 of Public Act 91-708)
For replacing roofing system ................... 15,707

WEST FRANKFORT ARMORY - FRANKLIN COUNTY
(From Article 1, Section 6 of Public Act 91-708)
For replacing the HVAC and water distribution systems ................... 1,241,832
(From Article 2, Section 11 of Public Act 91-708)
For replacing roofs and rehabilitating exterior ............................. 548,879

WILLIAMSON COUNTY ARMORY
For providing the State's share for planning and construction of a new armory, in addition to amounts previously appropriated .......................... 14,316

STATEWIDE
(From Article 1, Section 6 of Public Act 91-708)
For replacing roofing systems, windows and doors, and rehabilitating the exterior walls at the following locations, at the approximate cost set forth below .......................... 2,782,925
Bloomington Armory ................... 169,000
Dixon Armory ......................... 801,000
Kewanee Armory ....................... 399,000
Macomb Armory ........................ 242,000
Rock Falls Armory .................... 475,925
Sycamore Armory ...................... 696,000
(From Article 2, Section 11 of Public Act 91-708)
For replacement of roofs at the following locations at the approximate costs set forth below .................................. 115,420
Camp Lincoln - AGO Building ....... 115,420
Total, Section 11 $26,721,601

Section 11.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 11.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

CARBONDALE ARMORY
(From Article 2, Section 11.1 of Public Act 91-708)
For rehabilitating the exterior and interior .................................... 567,852

LITCHFIELD ARMORY
For renovating the interior and exterior .......................... 561,338
Total, Section 11.1 $1,129,190

Section 12. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 8 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Public Health for the projects hereinafter enumerated:

OAKLAND STREET LABORATORY - CARBONDALE
(From Article 1, Section 8 of Public Act 91-708)
For upgrading electrical and plumbing systems .............................. 215,000
Total, Section 8 $215,000

New matter indicated by italics - deletions by strikeout.
Section 13. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 9 and Article 2, Section 12 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

(From Article 1, Section 9 of Public Act 91-708)
For upgrading security system, in addition to funds previously appropriated .... $ 500,000
(From Article 2, Section 12 of Public Act 91-708)
For resealing and replacing atrium windows ......................... 295,000
For replacing the roof ............................... 1,292,309
For upgrading the uninterruptible power system, in addition to funds previously appropriated ......................... 714,473
For replacing the halon fire suppression system ....................... 62,956
For completion of the replacement of the fire alarm and security system ............... 70,000
Total, Section 13 $2,934,738

Section 13.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 2, Section 12.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

(From Article 2, Section 12.1 of Public Act 91-708)
For repairing the exterior of the building ..... $ 403,701
For planning and rehabilitating the plumbing system ......................... 45,800
For planning and beginning the upgrade of the security and surveillance system ............ 32,800
For resealing and replacing atrium windows ..... 500,000
For resealing and replacing atrium windows ..... 883,879
Total, Section 13.1 $1,866,180

Section 13a. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 9.1 of Public Act 91-708, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

(From Article 1, Section 9.1 of Public Act 91-708)
For structural analysis of parking deck ......... $ 75,000
Total, Section 13a $75,000

Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 10, and Article 2, Section 13 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

CAIRO (ULLIN) - DISTRICT 22

(From Article 2, Section 13 of Public Act 91-708)
For construction of a firing range and radio tower ......................... $ 467,480

CHICAGO FORENSIC LABORATORY

New matter indicated by italics - deletions by strikeout.
For construction of a laboratory and parking facilities ......................................... 84,737

**DISTRICT 13 HEADQUARTERS - DuQUOIN**

(From Article 1, Section 10 of Public Act 91-708)
For constructing a district 13 headquarters .......................................................... 5,000,000

(From Article 2, Section 13 of Public Act 91-708)
For planning the replacement of the district headquarters facilities .................... 482,007

**DISTRICT 6 HEADQUARTERS - PONTIAC**
For planning, construction, reconstruction, demolition of existing buildings, and all costs related to replacing the facilities .................................................. 4,519,630

**SPRINGFIELD ARMORY**
For planning and design of the rehabilitation and site improvements of the Springfield Armory, in addition to funds previously appropriated ......................................................... 1,485,581

**SPRINGFIELD - STATE POLICE TRAINING ACADEMY**
For replacing portable classroom building ...... 978,252

**STERLING - DISTRICT 1**
For planning, construction, reconstruction, demolition of existing buildings, and all costs related to the relocation of the headquarters, in addition to funds previously appropriated ............................... 234,645

**STATEWIDE**
(From Article 1, Section 10 of Public Act 91-708)
For replacing communications towers equipment and tower buildings ................. 4,208,000
For upgrading generators and UPS systems ...... 200,000
(From Article 2, Section 13 of Public Act 91-708)
For replacing roofing system at the following locations at the approximate cost set forth below .................................................................................................................. 443,600
District 13 Headquarters,
DuQuoin ................................. $72,000
Joliet Laboratory ...................... 60,000
District 6 Headquarters,
Pontiac ................................. 58,900
District 9 Headquarters,
Springfield .......................... 141,700
State Police Training Center,
Pawnee ................................. 30,000
District 18 Headquarters,
Litchfield ........................... 45,000
District 19 Headquarters,
Carmi ................................. 45,000
For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations:
Pecatonica, Elwood, Kingston, Mason City ......................................................... 1,700,513
For replacing radio communication

New matter indicated by italics - deletions by strikeout.
towers and equipment buildings and
installing emergency power
generators at Andover, Eaton,
Pecatonica, and Cypress ................. 407,500
For replacing radio communication
towers, equipment, buildings and
installing emergency power
generators at various locations .......... 25,321
District #22, Effingham (Mason site)
District #10, Pesotum
District #21, Askum
District #6, Pontiac
Total, Section 14 $20,237,266

Section 14.1. The following named amounts, or so much thereof as may be necessary and remained unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 2, Section 13.1 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

(From Article 2, Section 13.1 of Public Act 91-708)
FORENSIC SCIENCE LAB - CHICAGO
For upgrading exterior penthouse louvers .... $ 93,913
Total, Section 14.1 $93,913

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 11, and Article 2, Section 14 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - LASALLE
(From Article 2, Section 14 of Public Act 91-708)
For constructing additional parking areas .... $ 350,000
For construction of a storage building .......... 178,380
MANTENO VETERANS' HOME - KANKAKEE COUNTY
(From Article 1, Section 11 of Public Act 91-708)
For upgrading courtyard program spaces .... 3,840,000
(From Article 2, Section 14 of Public Act 91-708)
For upgrading the electrical system .......... 1,360,900
For upgrading storm sewer .................... 150,000
For constructing a multi-purpose
building ........................................ 412,962
For construction of a special care facility .... 974,427
QUINCY VETERANS' HOME - ADAMS COUNTY
(From Article 1, Section 11 of Public Act 91-708)
For installing rethermalization system ......... 1,100,000
(From Article 2, Section 14 of Public Act 91-708)
For improvements to various buildings
and replacement of Fletcher Building
to meet licensure standards ................ 8,513,551
Total, Section 15 $16,880,220

Section 15.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 14.1 of Public Act 91-708, as amended, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - ANNA

New matter indicated by italics - deletions by strikeout.
(From Article 2, Section 14.1 of Public Act 91-708)
For repairing, upgrading and maintaining
various systems ......................... $ 294,593
For installing lighting, benches,
landscaping and ADA improvements .......... 394,683

ILLINOIS VETERANS' HOME - LASALLE
For replacing lighting ......................... 62,325
For installing wall protection .................. 99,174

ILLINOIS VETERANS' HOME - MANTENO
For upgrading generators for emergency power ... 81,558
For tuckpointing and repairing masonry .......... 123,602
For replacing exterior doors and frames ....... 39,216
Total, Section 15.1 $1,095,151

Section 15a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations made in Article 1, Section 11.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ANNA VETERANS' HOME - UNION COUNTY
(From Article 1, Section 11.1 of Public Act 91-708)
For expanding the emergency generator .......... $ 150,000

MANTENO VETERANS' HOME - KANKAKEE COUNTY
For resurfacing roads and parking lots .......... 1,185,000
For enlarging doorways and main bathrooms ...... 125,000
For enlarging doorways in Support II Building .................................. 95,000
For demolishing buildings ...................... 2,550,000
Total, Section 15a $4,105,000

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations made for such purposes in Article 1, Section 15, and Article 2, Section 15 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

ATTORNEY GENERAL BUILDING - SPRINGFIELD
(From Article 2, Section 15 of Public Act 91-708)
For planning an annex or addition and
beginning construction of parking facilities ....................... $ 35,932

SPRINGFIELD - CAPITOL COMPLEX
For upgrading HVAC system at the Archives Building, in addition to funds previously appropriated ................................. 155,380
For installing fire/security alarm system ......................... 149,841
For upgrading environmental equipment and HVAC, in addition to funds previously appropriated - Archives Building ............. 1,465,755
For planning and beginning the rehabilitation of the Power Plant ................................. 309,009
For upgrading sewer system - Capitol Complex, in addition to funds previously appropriated ................................. 234,869
For upgrading the life/safety and security systems - Capitol Building ................................. 1,854,816
For upgrading the refrigeration equipment -
Capitol Complex ......................... 149,540
For renovating mechanical system -
Capitol Complex, in addition to funds
previously appropriated .................... 81,315
For providing a parking facility for the
Bloom and Harris Buildings, including
land acquisition .......................... 98,175
For all costs associated with the design
and planning for asbestos abatement,
window replacement, energy conservation
improvements, replacement of carpeting and
ceiling tiles, handicap accessibility
improvements, and rehabilitation of the
water and air distribution systems in the
Stratton Office Building .................. 91,892
For renovation of the Waterways Building for
the Fourth District of the Appellate Court ...
SPRINGFIELD - SIU CONSOLIDATED LABORATORIES
For construction of an addition to the
laboratory facility for Southern Illinois
University, Environmental Protection Agency
and Department of Public Health .......... 21,690
STATE CAPITOL BUILDING
For upgrading the life/safety and
security systems, in addition to
funds previously appropriated ............ 2,600,000
STRATTON OFFICE BUILDING - SPRINGFIELD
For installing fire alarm system .......... 149,500
STATEWIDE
(From Article 1, Section 15 of Public Act 91-708)
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act (ADA) .... 4,000,000
For upgrading and remediating aboveground
and underground storage tanks .......... 1,000,000
For abating hazardous materials .......... 1,000,000
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) .......... 4,000,000
(From Article 2, Section 15 of Public Act 91-708)
For surveys and modifications to buildings
to meet requirements of the federal
Americans with Disabilities Act ............ 9,000,000
For abating hazardous materials .......... 4,763,216
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) .......... 7,000,000
For upgrading and remediating aboveground
and underground storage tanks .......... 3,500,000
For surveys and modifications to buildings
to meet requirements of the federal
Americans With Disabilities Act .......... 3,536,848
For retrofitting or upgrading mechanized
refrigeration equipment (CFCs) .......... 6,641,045
For abating hazardous materials .......... 3,558,384
For upgrading and remediating underground
storage tanks ......................... 7,429,552

New matter indicated by italics - deletions by strikeout.
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act ....... 1,748,241
For abatement of hazardous materials ........ 950,052
For upgrading/retrofitting mechanized refrigeration equipment (CFC's) ........ 229,956
For upgrade and remediation of underground storage tanks .................. 686,324
For renovation to meet the requirements of the Americans with Disabilities Act ....... 303,263
For abatement of hazardous materials ........ 622,607
For upgrade and remediation of underground storage tanks ............ 505,804
For survey for and abatement of asbestos-containing materials .......... 234,485
For upgrade/retrofit of mechanized refrigeration equipment (CFC's) ........... 324,514
For abatement of hazardous conditions, including underground storage tanks, in addition to funds previously appropriated .................. 337,181
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act ........... 8,168,045
For demolition of buildings .................. 283,579
For retrofitting/upgrading mechanical refrigeration equipment ............ 110,991
For planning and beginning construction of quick chill food factories ........... 51,211
For abating hazardous conditions, including underground storage tanks, in addition to funds previously appropriated .................. 47,897
For the planning, upgrade and replacement of potentially hazardous underground storage tanks .................. 172,657
For surveys and abatement of asbestos-containing materials ........... 222,090
For asbestos abatement located during Asbestos Abatement Authority and other surveys to eliminate significant health hazards ........... 97,506
For planning and abatement of asbestos, and replenishment of initial project construction costs in bondable projects at various state owned facilities ........ 47,003
Total, Section 16 $79,058,365

Section 16.2. The amount of $1,893,782, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 15.2 of Public Act 91-708, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 16.3. The sum of $485,897,364 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 15.3 of Public Act 91-708, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School

New matter indicated by italics - deletions by strikeout.
Construction Law, in addition to amounts previously appropriated for such purposes.

Section 16.4. The sum of $2,230,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 15.4 of Public Act 91-708, is reappropriated from the General Revenue Fund for a grant to the City of Normal for demolition of a power plant at the former Department of Human Services facility.

Section 16a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 15.1 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

**STATEWIDE**
(From Article 1, Section 15.1 of Public Act 91-708)
For tuckpointing and repairing exterior of buildings ........................................... $ 200,000
For demolition of buildings .......................... 1,216,000
For archeological studies of construction sites ............................................. 100,000
For repairing minor problems and emergencies .................................................. 4,000,000
Total, Section 16a .......................... $5,516,000

Section 17. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 18 of Public Act 91-708, are reappropriated from the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:

**STATEWIDE**
(From Article 2, Section 18 of Public Act 91-708)
For remediating minor problems and emergencies ............................................. $ 3,414,078
For conducting construction site archeological studies .................................. 245,000
For demolition of buildings ................. 2,500,000
For surveying and abating asbestos-containing materials .......................... 1,000,000
For surveying and abating asbestos-containing materials .......................... 606,856
For remediating minor problems and emergencies ............................................. 957,022
For conducting construction site archeological studies .................................. 216,888
For demolishing buildings .......................... 4,786,995
For repair of minor problems and emergencies ............................................. 852,144
For construction site archeological studies ............................................. 40,559
For surveys for and abatement of asbestos-containing material .................. 340,770
For demolition of buildings ....................... 1,642,178
For repair of minor problems and emergencies ............................................. 78,297
For surveys for asbestos containing material ................................................. 25,943
For survey of asbestos-containing materials ................................................. 49,833

New matter indicated by italics - deletions by strikeout.
For the planning and abatement of asbestos hazards, and replenishment of initial project construction costs in non-bondable projects at various state owned facilities

Total, Section 17

Section 18. The amount of $1,473,857, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 19 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys and emergency abatement in relation to asbestos abatement in state governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 19. The sum of $31,948, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 20 of Public Act 91-708, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Lincoln Land Community College for all costs associated with the construction of a new Rural Education and Technology Center.

Section 19.1. The sum of $190,463, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 22 of Public Act 91-708, is reappropriated from the General Revenue Fund to the Capital Development Board for planning and renovation of Founders Memorial Library at Northern Illinois University.

Section 20. The amount of $2,007,232, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 23 of Public Act 91-708, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction project grants pursuant to the School Construction Law.

Section 21. The sum of $27,555,207, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 24 of Public Act 91-708, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 22. The sum of $28,321,460, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 25 of Public Act 91-708, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 23. The sum of $33,658, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 26 of Public Act 91-708, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys in relation to the asbestos abatement of State Governmental Buildings.

Section 24. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 17 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

SIU SCHOOL OF MEDICINE - SPRINGFIELD
(From Article 1, Section 17 of Public Act 91-708)
For constructing and for equipment for an addition to the combined laboratory, in addition to funds previously appropriated

Total, Section 24

Section 24.1. The following named amounts, or so much thereof as may be necessary

New matter indicated by italics - deletions by strikeout.
and remain unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 1, Section 19.2 of Public Act 91-708, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

**UNIVERSITY OF ILLINOIS - CHICAGO**

To plan and begin construction of a medical imaging research/clinical facility $10,000,000

**UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN**

To plan and begin construction of a biotechnology/genomic facility $7,500,000

To plan and begin construction of a supercomputing application facility $3,000,000

To plan and begin construction of a technology transfer incubator facility $3,000,000

Total $23,500,000

Section 25. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 16 and Article 2, Section 27 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA**

(From Article 1, Section 16 of Public Act 91-708)

For replacing the roof of the Academic Building $415,000

(From Article 2, Section 27 of Public Act 91-708)

For replacing carpeting, constructing storage building and various site improvements, including extending communications conduit system $391,877

For replacing air conditioning units, controls and upgrading the energy management system $122,757

For remodeling the Information Resource Technology Center $50,665

For renovation of the laboratory areas, including a greenhouse $41,504

For the purchase, renovation and improvement of the North Campus High School site of the Aurora West School District 129, including construction of four dormitories, equipment purchases and other expenses for use by the Illinois Mathematics and Science Academy $314,284

Total, Section 25 $1,336,087

Section 26. The sum of $8,382,000, or so much thereof as may be necessary and remains unexpended from an appropriation heretofore made in Article 2, Section 15.1 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for planning, construction, utilities, site improvements, equipment and other costs necessary for a new Workforce Development and Community Education Facility at John A. Logan College. The provisions of Article V of the Public Community College Act are not applicable to this appropriation.
Section 27. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 18, and Article 2, Section 28 of of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CARL SANDBURG COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For constructing a computer/student center ......................... $ 3,595,300

CITY COLLEGES OF CHICAGO/KENNEDY KING
(From Article 2, Section 28 of Public Act 91-708)
For remodeling for Workforce Preparation
Centers ........................................ 3,862,000
For remodeling for a culinary arts educational facility ................ 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For remodeling the Allied Health program facilities ...................... 4,539,000

DANVILLE AREA COMMUNITY COLLEGE - VERMILION COUNTY
(From Article 2, Section 28 of Public Act 91-708)
For renovating campus buildings ...................... 9,571,000
To rehabilitate infrastructure,
construct a classroom facility
and a day care center, in addition
to funds previously appropriated ............. 38,612
For rehabilitation of the infrastructure and
planning campus buildings ...................... 259,864

COLLEGE OF DUPAGE
For upgrading the Instructional Center
heating, ventilating and air conditioning systems ......................... 2,228,000

ELGIN COMMUNITY COLLEGE
For construction of addition, site improvements,
remodeling and purchasing equipment ............. 152,930

HEARTLAND COMMUNITY COLLEGE - BLOOMINGTON
For constructing buildings and making site improvements, including equipment ............. 43,100

IL EASTERN COMMUNITY COLLEGE - FRONTIER COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For constructing a learning resource center. The provisions of Article V of the Public Community College Act are not applicable to this appropriation ............. 1,772,000

JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE
(From Article 2, Section 28 of Public Act 91-708)
For constructing additions and site improvements, in addition to funds previously appropriated ............. 2,208,000

JOHN WOOD COMMUNITY COLLEGE - QUINCY
For constructing campus buildings and site improvements, in addition to funds previously appropriated ............. 9,779,640
For planning campus buildings and site

New matter indicated by italics - deletions by strikeout.
improvements .................................. 1,067,958

KANKAKEE COMMUNITY COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For constructing a laboratory/classroom facility ......................... 7,000,000

KASKASKIA COLLEGE
For renovating the learning resource center ......................... 729,014

KISHWAUKEE COLLEGE
For constructing a parking lot addition ........ 506,000

COLLEGE OF LAKE COUNTY
For planning and beginning construction of a technology building -
Phase 1 .................................. 3,483,000
(From Article 2, Section 28 of Public Act 91-708)

LAKE LAND COLLEGE - MATTOON
For constructing a Technology Building, a parking area and for site improvements ....... 2,874,788
For constructing a classroom/administration building and purchasing equipment, in addition to funds previously appropriated ........... 434,960

LEWIS AND CLARK COMMUNITY COLLEGE - GODFREY
For constructing classroom and office building and additions, and remodeling of Haskell Hall ........ 5,561,520
For construction of health, mathematics and science laboratory facilities and remodeling Fobes Hall ................... 52,601

LINCOLN LAND COMMUNITY COLLEGE - SPRINGFIELD
(From Article 1, Section 18 of Public Act 91-708)
For constructing a conference & training facility addition to the Millenium Center, in addition to funds previously appropriated ........... 939,000
(From Article 2, Section 28 of Public Act 91-708)
For constructing an addition and remodeling Sangamon and Menard Halls ........ 2,447,695

MORAINE VALLEY COMMUNITY COLLEGE - PALOS HILLS
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated ........... 1,705,076

MCHENY COUNTY COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For constructing classrooms and a student services building and remodeling space, in addition to funds previously appropriated ........... 8,544,000

OAKTON COMMUNITY COLLEGE
For planning an addition to Ray Harstein campus - Phase 1 .............. 392,000

PARKLAND COLLEGE - CHAMPAIGN
(From Article 2, Section 28 of Public Act 91-708)
For constructing a classroom/instructional
support building, in addition to
funds previously appropriated .......... 7,593,777

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS
For constructing an addition to the Adult
Training/Outreach Center, in addition to
funds previously appropriated .......... 10,961,000

REND LAKE COLLEGE - INA
(From Article 1, Section 18 of Public Act 91-708)
For site development, design and
construction of an Industrial &
Community Training Center at Pinckneyville
Industrial Park ............................. 368,695
(From Article 2, Section 28 of Public Act 91-708)
For replacing utility piping ............ 383,791

RICHLAND COMMUNITY COLLEGE - DECATUR
For remodeling and constructing additions ... 6,646,085

SHAWNEE COMMUNITY COLLEGE - ULLIN
For constructing additions, parking
facilities, and renovating buildings,
including equipment ..................... 1,764,352

SOUTHWESTERN ILLINOIS COLLEGE
(Formerly BELLEVILLE AREA COLLEGE)
For renovating campus buildings and site
improvements at the Belleville and Red
Bud campuses ............................ 2,216,000
For constructing a building, additions
and site improvements at the
Belleville and Red Bud campuses,
in addition to funds previously
appropriated ............................... 107,816

SOUTH SUBURBAN COLLEGE
(From Article 1, Section 18 of Public Act 91-708)
For improving flood retention ........... 437,000

SPOON RIVER COLLEGE
For remodeling Engle Hall and
constructing a maintenance building ....... 2,643,720

TRITON COMMUNITY COLLEGE - RIVER GROVE
(From Article 2, Section 28 of Public Act 91-708)
For rehabilitating the Liberal Arts
Building .................................... 3,687,000
For rehabilitating the potable water
distribution system ........................ 659,000

WILLIAM RAINEY HARPER COMMUNITY COLLEGE - PALATINE
For constructing a Multi-purpose
Instructional Center and renovating
Building A Cafeteria ...................... 3,869,549

STATEWIDE
(From Article 1, Section 18 of Public Act 91-708)
For miscellaneous capital improvements
including construction, capital facilities,
cost of planning, supplies, equipment,
materials, services and all other expenses
required to complete the work at the
various community colleges. This appropriated
amount shall be in addition to any other

New matter indicated by italics - deletions by strikeout.
appropriated amounts which can be
expended for these purposes .............. 5,791,600

STATEWIDE - CONSTRUCTION DEFECTS
(From Article 2, Section 28 of Public Act 91-708)
For planning, construction and renovation
to correct defectively designed or
constructed community college facilities,
provided that monies recovered based upon
claims arising out of such defective design
or construction shall be paid to the state
as required by Section 105.12 of the Public
Community College Act as reimbursement for
monies expended pursuant to this
appropriation ........................................ 645,522
Total, Section 27 .................................. $132,423,044

Section 28. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from appropriations heretofore
made in Article 1, Section 19 of Public Act 91-708, are reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois Board of Higher Education
for the projects hereinafter enumerated:

STATEWIDE
(From Article 1, Section 19 of Public Act 91-708)
For miscellaneous capital improvements,
including construction, capital
facilities, cost of planning,
supplies, equipment, materials, services
and all other expenses required to
complete the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated
amounts which can be expended
for these purposes.......................... $ 14,208,400
Chicago State University ............. 336,100
Eastern Illinois University ......... 526,700
Governors State University ........... 212,000
Illinois State University ............ 1,209,800
Northeastern Illinois University .......... 375,400
Northern Illinois University ....... 1,249,300
Western Illinois University .......... 851,000
Southern Illinois University -
Carbondale ............................... 1,646,700
Southern Illinois University -
Edwardsville ......................... 663,000
University of Illinois -
Chicago ................................. 2,798,400
University of Illinois -
Springfield ........................... 243,100
University of Illinois -
Urbana/Champaign ................... 4,096,900

CHICAGO STATE UNIVERSITY
For remodeling Building K, in addition
to funds previously appropriated ......... $ 9,517,300

EASTERN ILLINOIS UNIVERSITY
For planning and beginning to renovate

New matter indicated by italics - deletions by strikeout.
and expand the Fine Arts Center -
Phase 1, in addition to funds
previously appropriated ..................

GOVERNORS STATE UNIVERSITY
For constructing addition and
remodeling the teaching & learning
complex, in addition to funds
previously appropriated ..................

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library
basement, in addition to funds previously
appropriated .............................

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating Altgeld Hall and Old
Baptist Foundation, in addition to funds
previously appropriated ..................

Total, Section 28 $64,965,400

Section 29. The sum of $3,449,361, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 29 of Public Act 91-708, is reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois Community College Board
for miscellaneous capital improvements including construction, reconstruction, remodeling,
improvement, repair and installation of capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various community
colleges. This appropriation shall be in addition to any other appropriated amounts which can
be expended for these purposes.

Section 30. The sum of $4,008,595, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 30 of Public Act 91-708, is reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois Community College Board
for miscellaneous capital improvements including construction, reconstruction, remodeling,
repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 31. The sum of $2,128,283, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 31 of Public Act 91-708, is reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois Community College Board
for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 32. The sum of $3,190,033, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 2, Section 32 of Public Act 91-708 is reappropriated from the Capital
Development Fund to the Capital Development Board for the Illinois Community College Board
for miscellaneous capital improvements including construction, capital facilities, cost of planning,
supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 33. The following named amounts, or so much thereof as may be necessary and
remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore
made for such purposes in Article 2, Section 33 of Public Act 91-708, are reappropriated from
the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**CHICAGO STATE UNIVERSITY**

(From Article 2, Section 33 of Public Act 91-708)

For planning and beginning to remodel
Building K and improving site .................. $ 1,100,000
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new library facility .......... 18,813,571
For upgrading campus infrastructure, in addition to the funds previously appropriated .................. 2,700,000
For renovating buildings and upgrading mechanical systems .................. 3,097,957
For renovating campus buildings and upgrading mechanical systems .................. 305,008
For providing campus health and safety improvements ................................................. 40,221

**EASTERN ILLINOIS UNIVERSITY - CHARLESTON**

For planning and beginning to renovate and expand the Fine Arts Center .................. 2,000,000
For upgrading campus buildings for health, safety and environmental improvements ........ 1,267,646
For constructing an addition and renovating Booth Library .................. 13,060,082
For planning an addition and renovation of Booth Library .................. 172,373
For construction of an addition and remodeling Buzzard Building .................. 117,260

**GOVERNORS STATE UNIVERSITY - PARK FOREST**

For constructing a child development center and an addition to the main building and remodeling Wings E and F .................. 13,403,900
For planning and beginning the main building renovations, a child development center, and faculty offices .................. 989,562
For upgrading and replacing cooling and refrigeration systems and equipment .................. 308,775
For renovation of the main building .................. 23,362
For remodeling the main building .................. 171,802

**ILLINOIS STATE UNIVERSITY - NORMAL**

For planning and beginning to rehabilitate Schroeder Hall .................. 1,043,632
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new facility for the College of Business .................. 18,033,157
For remodeling Julian and Moulton Halls .................. 6,455,654

**NORTHEASTERN ILLINOIS UNIVERSITY - CHICAGO**

For planning and beginning to remodel Buildings A, B and E .................. 7,795,054
For remodeling in the Science Building to upgrade heating, ventilating and air

New matter indicated by italics - deletions by strikeout.
conditioning systems ......................... 2,021,400
For replacing fire alarm systems, lighting and ceilings ...................... 2,496,900
For renovating the auditorium in Building E .......................... 5,959,874
For fire safety modifications at the facility .............................. 123,458
For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously appropriated .................. 219,790
For remodeling the library .......................... 160,697

NORTHERN ILLINOIS UNIVERSITY - DEKALB
For planning a classroom building and developing site in Hoffman Estates .......... 1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose .......................... 4,452,489
For renovating Altgeld Hall and purchasing equipment ......................... 11,299,390
For upgrading storm waterway controls in addition to funds previously appropriated .... 6,716,000

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For upgrading and remodeling Anthony Hall ...... 2,953,454
For site improvements and purchasing equipment for the Engineering and Technology Building .................. 210,808
For planning addition, remodeling and upgrading the HVAC system in Altgeld Hall .... 448,712

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE
For construction of the Engineering Facility building and related site improvements ...... 706,191
For planning and beginning construction or renovation for a classroom/administration facility at East St. Louis in addition to funds previously appropriated .......................... 616,157

UNIVERSITY CENTER OF LAKE COUNTY
For land, planning, remodeling, construction and all costs necessary to construct a facility ................................. 11,000,000

UNIVERSITY OF ILLINOIS - CHICAGO
For remodeling the Clinical Sciences Building ................................. 10,962,502
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated .................. 2,580,825

UNIVERSITY OF ILLINOIS - URBANA/CHAMPAIGN
For planning and beginning to construct a central chiller plant ............ 3,651,680
For completion of campus flood control ........... 6,000,000
For remodeling the Mechanical Engineering Laboratory Building .................. 4,504,786

UNIVERSITY OF ILLINOIS - SPRINGFIELD

New matter indicated by italics - deletions by strikeout.
For constructing and improving campus roadways, in addition to funds previously appropriated ........................................ 121,440

WESTERN ILLINOIS UNIVERSITY - MACOMB

For constructing a utility tunnel system, in addition to funds previously appropriated .... 3,707,900
For remodeling Horrabin Hall and
beginning to convert Simpkins Hall
gymsnasium and adjacent areas into
a performing arts facility ..................... 929,380
For construction of a steam and electrical
utility tunnel ....................................... 31,903
For constructing a utility tunnel and
installing piping, lines and cables .......... 5,310,941
For remodeling Horrabin and Simpkins
Halls, in addition to funds
previously appropriated........................ 1,496,183

Total, Section 33 $180,896,376

Section 34. The sum of $44,609, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 34 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 35. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 35 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Western Illinois University .................. $     19,577

Total, Section 35 $19,577

Section 36. The sum of $8,109,679, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 36 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

For Chicago State University ...... $ 271,528
For Eastern Illinois University ...... 308,852
For Governors State University ...... 122,972
For Illinois State University ....... 18,562
For Northeastern Illinois University . 423,700
For Northern Illinois University ... 1,206,900
For Western Illinois University ..... 239,021
For Southern Illinois University -

New matter indicated by italics - deletions by strikeout.
Section 37. The sum of $8,083,767, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 37 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 38. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 38 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University ..........</td>
<td>$219,230</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>421,820</td>
</tr>
<tr>
<td>Governors State University</td>
<td>136,200</td>
</tr>
<tr>
<td>Illinois State University</td>
<td>188,355</td>
</tr>
<tr>
<td>Northeastern Illinois University</td>
<td>317,800</td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td>813,497</td>
</tr>
<tr>
<td>Western Illinois University</td>
<td>605,245</td>
</tr>
<tr>
<td>Southern Illinois University -</td>
<td></td>
</tr>
<tr>
<td>Carbondale</td>
<td>497,741</td>
</tr>
<tr>
<td>Urbana-Champaign</td>
<td></td>
</tr>
<tr>
<td>Edwardsville</td>
<td>552,590</td>
</tr>
<tr>
<td>University of Illinois - Chicago</td>
<td>2,199,443</td>
</tr>
<tr>
<td>University of Illinois -</td>
<td></td>
</tr>
<tr>
<td>Urbana-Champaign</td>
<td>2,131,846</td>
</tr>
</tbody>
</table>

Section 39. The sum of $506,144, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 39 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 40. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 40 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction,
remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Northern Illinois University 
Total, Section 40 $798,656

Section 41. The sum of $11,628, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 41 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for Northern Illinois University, for the planning, architectural engineering, purchase, site improvements and construction or remodeling of a site in Rockford for use as a campus.

Section 42. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 42 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

For Eastern Illinois University $477,375
For Governors State University $71,798
For Illinois State University $311,898
For Northeastern Illinois University $645,072
For Northern Illinois University $404,039
For Southern Illinois University $229,526
For University of Illinois $1,935,281
For Western Illinois University $161,904
Total, Section 42 $4,560,384

Section 43. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 43 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of Southern Illinois University for the projects hereinafter enumerated:

CARBONDALE CAMPUS
(From Article 2, Section 43 of Public Act 91-708)
For construction of an engineering building annex $63,948

EDWARDSVILLE CAMPUS
For replacement of the high temperature water distribution system $188,842
For infrastructure, site development, and other necessary costs associated with the development of University Park $7,501
For costs associated with the consolidation of the music facilities $24,136
For planning and construction of an Art and Design Facility $24,089
Total, Section 43 $308,516

Section 44. The sum of $179,911, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 44 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University for

New matter indicated by italics - deletions by strikeout.
miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purposes in Article 2, Section 45 of Public Act 91-708, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY CENTER - CHICAGO
(From Article 2, Section 45 of Public Act 91-708)
For remodeling Alumni Hall, Phase II, including utilities $ 53,982

HEALTH SCIENCE CENTER
For remodeling the Neuropsychiatric Institute $ 75,202

URBANA-CHAMPAIGN CAMPUS
For initiating a campus flood control project $ 1,070,717

Total, Section 45 $1,199,901

Section 46. The sum of $550,194, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 46 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 47. The sum of $374,714, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 47 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 48. The sum of $10,338, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 50 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the College of Lake County for all costs associated with the renovation of the Southlake Education Center.

Section 50. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 21 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Lewis and Clark Community College for all costs associated with construction, redevelopment, infrastructure and engineering costs at the N.O. Nelson property in Edwardsville.

Section 51. The amount of $1,300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 22 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the University of Illinois at Springfield for planning and beginning construction of a classroom and office building.

Section 52. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 23 of Public Act 91-708, is reappropriated from the Capital Development
Fund to the Capital Development Board for the Department of Natural Resources to begin planning and construction for the Kankakee River State Park Lodge.

Section 53. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 25 of Public Act 91-708, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the Illinois Institute of Technology for development and improvements at the Food Safety Center.

Section 54. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 26 of Public Act 91-708, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 55. The amount of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 28 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board to construct an industrial training center at Illinois Central College.

Section 56. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 29 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Fox River Water Reclamation District for skyline sewer system renovations and improvements.

Section 57. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 30 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant for development and improvements to the Newberry Library.

Section 59. The amount of $20,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 31 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 59a. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 32 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Centreville for infrastructure improvements.

Section 60. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 33 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for construction of a fire house in the City of Madison.

Section 61. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 34 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for renovations and rehabilitation of the old Rosemont Fire Station in the Village of Washington Park.

Section 62. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 35 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with the purchase of the Crenshaw property.

Section 63. The amount of $7,935,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 36 of Public Act 91-708, is reappropriated from the Fund for Illinois' Future
to the Capital Development Board for grants to units of local government, educational facilities, and not-for-profit organizations for expenses and infrastructure improvements including, but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 64. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 37 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for all costs associated with infrastructure improvements in the Village of Fairmont City.

Section 65. The sum of $100,000, or so much thereof as may be necessary, is and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 38 of Public Act 91-708, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for the repaving of 23rd Street from Nameoki Road to Route 162 in Granite City.

Section 66. The sum of $100,000, or so much thereof as may be necessary, is and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 1, Section 39 of Public Act 91-708, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for the resurfacing of Arlington Drive in Nameoki Township.

Section 67. The sum of $334,347, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 51 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Parkland College for capital improvements.

Section 68. The sum of $32,563, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 52 of Public Act 91-708, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Prairie State College for planning for Outreach/Adult Training Center.

Section 69. The sum of $540,555, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 53 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for planning for expansion at McHenry County College at Crystal Lake.

Section 70. The sum of $111,459, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 54 of Public Act 91-708, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Spoon River College for Macomb Campus renovation and classroom enhancements.

Section 71. The sum of $7,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 55 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Rock Valley College for planning for a new instructional building.

Section 72. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 56 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 2, Section 56 of Public Act 91-708)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College

New matter indicated by italics - deletions by strikeout.
for a Community College Center and Southern Illinois University, in addition to funds previously appropriated ........................ $25,473,000

Section 73. The sum of $10,423,575, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 57 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

- Chicago State University .................. 218,500
- Eastern Illinois University .............. 330,413
- Governors State University ............ 131,700
- Illinois State University ............... 810,750
- Northeastern Illinois University ....... 307,200
- Northern Illinois University .......... 933,600
- Western Illinois University ............ 625,200
- Southern Illinois University - Carbondale ...................... 1,433,800
- Southern Illinois University - Edwardsville ..................... 544,800
- University of Illinois - Chicago Campus .................. 2,378,300
- University of Illinois - Springfield Campus .................. 157,200
- University of Illinois - Champaign/Urbana Campus ............ 2,552,112

Section 74. The sum of $3,372,224, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 58 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 75. The sum of $207,842,147, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 59 of Public Act 91-708, approved May 17, 2000, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 76. The sum of $5,211,629, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 60 of Public Act 91-708, approved May 17, 2000, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 79. The sum of $550,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 65 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Village of Arlington Heights for construction projects.

Section 80. The sum of $230,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 67 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
the City of Princeton for a new police facility.

Section 81. The sum of $125,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 68 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
the City of Toulon for a new community center.

Section 82. The sum of $805,845, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 69 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
Waubonsee Community College for infrastructure improvements (IT).

Section 83. The sum of $550,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 70 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant
to the Village of Stickney for village hall & public safety facility (1/2).

Section 84. The sum of $105,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 78 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant
to the Town of Cicero for a police station/community center.

Section 85. The sum of $150,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 82 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant
to the Village of Illiopolis for a new village hall.

Section 86. The sum of $2,000,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 86 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
the Lewis & Clark Community College for buildings and/or building improvements. The provisions
of Article V of the Public Community College Act are not applicable to this appropriation.

Section 87. The sum of $125,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 87 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
Triton College Library renovation.

Section 88. The sum of $125,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 94 of Public Act 91-708, approved May 17, 2000, is
reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
the Village of Willow Springs for a public safety building.

Section 89. The amount of $400,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purposes in Article 2, Section 96 of Public Act 91-708, approved May 17, 2000, as amended,
is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to
the Winnetka Park District for the purpose of all costs associated with the construction of a
recreational center/ice arena.

Section 90. The amount of $100,000, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore
made in Article 2, Section 97 of Public Act 91-708, as amended, is reappropriated to the Capital
Development Board from the Capital Development Fund to the North Suburban Special

New matter indicated by italics - deletions by strikeout.
Recreation Association for the purpose of all costs associated with the recreation center, offices, ice arena and for acquiring and developing an office.

Section 91. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 102 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Fund for Illinois' Future to the Capital Development Board for a grant to the Clinton County Project for Older Americans for all costs associated with building acquisition and improvements.

Section 92. The amount of $166,830, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 106 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the LaSalle Veterans Home for all costs associated with architectural and engineering designs.

Section 93. The sum of $750,913, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 107 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Blackhawk East College for all costs associated with a multi-purpose agriculture education instructional center.

Section 94. The sum of $1,320,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 108 of Public Act 91-708, approved May 17, 2000, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to the Village of Bridgeview for all costs associated with infrastructure improvements.

Section 95. The sum of $40,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 118 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Fund for Illinois' Future to the Capital Development Board to the Chicago Public Schools for a grant to West Pullman School for playground equipment.

Section 96. The sum of $9,899,375, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 123 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Chicago State University for all costs associated with construction of a Convocation Center.

Section 97. The sum of $900,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 124 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for costs associated with establishing a campus-wide fire alarm system at Governor's State University.

Section 98. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made in Article 2, Section 125 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Fund for Illinois' Future to the Capital Development Board for a grant to National Latinos with Disabilities for capital developments.

Section 99. The sum of $404,298, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 126 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Southwestern Area College (formerly Belleville Area College) for funding the construction of the Automotive Collision Repair Technology Training Facility.

Section 100. The sum of $522,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 131 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to Kendall County for all costs associated with courthouse renovation, in addition to other funds appropriated for such purpose.
Section 101. The sum of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 2, Section 132 of Public Act 91-708, approved May 17, 2000, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Italian American Sports Hall of Fame for various improvements.

Section 102. The amount of $3,952,265, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation made in Article 2, Section 134 of Public Act 91-708, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services to construct a detention and treatment facility.

Section 103. No contract shall be entered into or obligation incurred for any expenditures from appropriations made in this Article until after the purposes and amounts have been approved by the Governor.

ARTICLE 57

Division FY02. This Division contains appropriations made for the fiscal year beginning July 1, 2001.

Section 1. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 4. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 5. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 6. The sum of $20,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to The Field Museum for planning, construction and equipment for a research center.

Section 7. The sum of $9,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the University of Chicago Children's Hospital for planning, construction and equipment for the Children's Comprehensive Diabetes Care Center.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 11. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

STATEWIDE

Section 13. The sum of $101,900,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for miscellaneous capital improvements and grants including construction, capital facilities, cost of planning, supplies, equipment, materials and other expenses required to complete the work at the various facilities. This appropriated amount shall be in addition to any other appropriated amounts.
amount which can be expended for these purposes.

Section 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DU QUOIN
For installing a shell over the show horse arena and improving the interior $ 2,660,000
For renovating the Hayes House, in addition to funds previously appropriated $ 600,000

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD
For upgrading sewers, drainage and water distribution systems, in addition to funds previously appropriated $ 851,000
For replacing and upgrading roofs, in addition to funds previously appropriated $ 800,000
Total, Section 14 $4,911,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (ROOSEVELT) - CHICAGO
For replacing the roofing system $ 305,000
For upgrading the kitchen and plumbing $ 565,000

CHAMPAIGN REGIONAL OFFICE BUILDING
For upgrading the HVAC system $ 165,000
Total, Section 15 $1,035,000

Section 16. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE
For upgrading the water towers at the following locations at the approximate costs set forth below $ 1,600,000
Joliet Correctional Center $ 1,200,000
Vienna Correctional Center $ 400,000
HILL CORRECTIONAL CENTER - GALESBURG
For upgrading building automation $ 540,000
VANDALIA CORRECTIONAL CENTER
For upgrading the water distribution system and replacing the water tower, in addition to funds previously appropriated $ 600,000
Total, Section 16 $2,740,000

Section 17. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY
For rehabilitating interior & exterior $ 240,000
Total, Section 17 $240,000

Section 18. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

CHESTER MENTAL HEALTH CENTER
For renovating kitchen area, in addition to funds previously appropriated $ 175,000

CHOATE MENTAL HEALTH CENTER - ANNA

New matter indicated by italics - deletions by strikeout.
For installing courtyard/recreation area at Dogwood and Rosebud ....................... 200,000
SINGER MENTAL HEALTH CENTER

For repair and/or replacement of roofs .......... 310,000
TINLEY PARK MENTAL HEALTH CENTER

For upgrading fire/life safety systems and lighting, in addition to funds previously appropriated....................... 310,000
Total, Section 18 $995,000

Section 19. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

For rehabilitating the exterior and replacing roofing systems ............ 1,184,000
LAWRENCEVILLE ARMORY

For resurfacing floors and replacing exterior doors ................................ 145,000
MT. VERNON ARMORY

Total, Section 19 $1,329,000

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

For replacing roofs at the following locations, at the approximate costs set forth below ....................... $ 150,000
Castle Rock State Park ............... 90,000
Morrison-Rockwood State Park ........ 60,000
WELDON SPRINGS STATE PARK - DEWITT COUNTY

For improving the campgrounds .................. 350,000
Total, Section 20 $500,000

Section 21. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

For upgrading the HVAC system, in addition to funds previously appropriated .... $ 250,000
Total, Section 21 $250,000

Section 22. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

For planning expansion of facility ............... $ 1,000,000
LASALLE VETERANS HOME - LASALLE COUNTY

For constructing an equipment storage building ........................................ 2,485,000
MANTENO VETERANS HOME - KANKAKEE COUNTY

Total, Section 22 $3,485,000

Section 23. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

For restoring interior and exterior ............ 500,000
BISHOP HILL HISTORIC SITE - HENRY COUNTY

Section 24. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout.
CAPITOL COMPLEX - SPRINGFIELD

For upgrading fire alarm systems in
two buildings ............................... $ 160,000

Total, Section 23 .......................... $660,000

Section 25. The sum of $3,035,800 is appropriated from the Build Illinois Bond Fund to
the Capital Development Board for the Illinois Community College Board for miscellaneous capital
improvements including construction, capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various community
colleges. This appropriated amount shall be in addition to any other appropriated amounts which
can be expended for these purposes.

Section 26. The sum of $6,964,200 is appropriated from the Build Illinois Bond Fund to
the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital
improvements including construction, capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various universities.
This appropriated amount shall be in addition to any other appropriated amounts which can be
expended for these purposes.

Chicago State University ....................... $ 160,400
Eastern Illinois University ...................... 257,800
Governors State University .................... 94,900
Illinois State University ...................... 510,700
Northeastern Illinois University ............. 191,800
Northern Illinois University ................. 579,500
Western Illinois University .................. 396,100
Southern Illinois University - Carbondale .... 812,800
Southern Illinois University - Edwardsville .... 381,600
University of Illinois - Chicago ............ 1,388,600
University of Illinois - Springfield ........... 114,600
University of Illinois - Urbana/Champaign ...... 2,075,400

Total, Section 25 ........................... $6,964,200

Section 27. The amount of $2,000,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to the Dominican University for bondable infrastructure expenses at their
capital facilities within the State.

Section 28. The amount of $1,000,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to Lutheran General Hospital for bondable infrastructure expenses at their
capital facilities within the State.

Section 29. The amount of $1,000,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to Lincoln College for bondable infrastructure expenses at their capital facilities
within the State.

Section 30. The amount of $1,000,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to the Chinese/American Service League for bondable infrastructure expenses
at their capital facilities within the State.

Section 31. The amount of $400,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to the Lawrence County Hospital for bondable infrastructure expenses at their
capital facilities within the State.

Section 32. The amount of $2,500,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to Millikin University for bondable infrastructure expenses at their capital facilities within the State.

Section 33. The amount of $5,000,000, or so much thereof as may be necessary, is
appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community
Affairs for a grant to the Holocaust Museum for bondable infrastructure expenses at their capital facilities within the State.

Section 34. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant for the purchase of automatic defibrillators.

Section 35. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Greenville College for bondable infrastructure expenses at their capital facilities within the State.

Section 36. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant for Deer Creek flood control for bondable infrastructure expenses within the State.

Section 37. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Argonne for a nanotechnology research institute for bondable infrastructure expenses at their capital facilities within the State.

Section 38. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to IIT for Biomedical Research for bondable infrastructure expenses at their capital facilities within the State.

Section 39. The amount of $11,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Loyola University for bondable infrastructure expenses at their capital facilities within the State.

Section 40. The amount of $4,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Joffrey Ballet for bondable infrastructure expenses at their capital facilities within the State.

Section 41. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Rush Presbyterian St. Luke's Medical Center for planning, construction and equipment for the Cohn Bio-Medical Research Building.

Section 42. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Beverly Arts Center for bondable infrastructure expenses at their capital facilities within the State.

Section 43. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Blackburn College for bondable infrastructure expenses associated with the construction of an art center.

Section 44. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Metropolitan Family Services for construction of the South Chicago Center.

Section 45. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Roseland Hospital for renovations for their emergency room.

Section 46. The amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Chicago for bondable expenses associated with the Mt. Vernon Complex.

Section 47. The amount of $52,150,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit
organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 50. The amount of $55,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 51. The amount of $55,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 52. The amount of $55,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 53. The amount of $55,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 54. The amount of $1,300,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to the Jewish Federation of Chicago for various capital improvements at various locations.

Division FY01. This Division contains appropriations made for the fiscal year beginning July 1, 2000, for the purposes of the Illinois FIRST Program.

Section 1. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 1 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 2. The sum of $9,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 2 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 3 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Section 58.15 of the Environmental Protection Act.

Section 4. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 4 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 5. The sum of $32,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 5 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.
Section 6. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 6 of Public Act 91-708, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for the purpose of making grants to community organizations, for not-for-profit corporations, or local governments linked to the development of job creation projects, capital projects or any other projects that would increase economic development in economically depressed areas within the state.

Section 10. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 10 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO
For rehabilitating exterior columns, in addition to funds previously appropriated ....... $ 481,906
For rehabilitating the HVAC system .............. $ 100,000
Total, Section 10 $581,906

Section 11. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 11 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

JOLIET CORRECTIONAL CENTER - WILL COUNTY
For replacing the bar screen building and upgrading components ..................... $ 250,000
For repairing and renovating HVAC systems in the Administration Building ........................ $120,000
Total, Section 11 $370,000

Section 12. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 12 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

VANDALIA STATE HOUSE HISTORIC SITE
For rehabilitating the interior & exterior ..... $ 1,740,000
Total, Section 12 $1,740,000

Section 13. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 13 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

FOX DEVELOPMENTAL CENTER - DWIGHT
For renovating the water treatment plant ...... $ 1,300,000
Total, Section 13 $1,300,000

Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 14 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

JOLIET ARMORY - WILL COUNTY
For replacing low roof .......................... $ 150,000
Total, Section 14 $150,000

New matter indicated by italics - deletions by strikeout.
Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 15 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**CLINTON LAKE - DEWITT COUNTY**
For upgrading campground electrical .................. $ 880,000

**PERE MARQUETTE STATE PARK - JERSEY COUNTY**
For replacing Camp Ouatoga shower building .................... 370,000

**ARTISANS' SHOP & VISITORS' CENTER - REND LAKE**
For constructing a utility building .................. 351,838

**DES PLAINES GAME FARM - WILL COUNTY**
For replacing the office building and rehabilitating the shop building .......................... 1,474,260

Total, Section 15 $3,076,098

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 16 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

**WILLARD ICE BUILDING - SPRINGFIELD**
For resealing and replacing atrium windows ..................... $ 500,000
For installing fire suppression system ............... 120,000
Total, Section 16 $620,000

Section 17. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 17 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

**JOLIET DISTRICT 5 - WILL COUNTY**
For replacing roof ........................................ $ 147,000
Total, Section 17 $147,000

Section 18. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 18 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

**LASALLE VETERANS HOME - LASALLE COUNTY**
For upgrading HVAC systems and removing fungi .................. $ 400,000
For replacing the water heater ....................... 40,000
Total, Section 18 $440,000

Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 19 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

**ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO**
For upgrading automation system and replacing fans .................. $ 160,000
For installing humidification system .............. 215,000
Total, Section 19 $375,000

New matter indicated by italics - deletions by strikeout.
Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 20 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
For renovating the Library and completing HVAC, in addition to funds previously appropriated $ 235,000

Total, Section 20 $235,000

Section 21. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 21 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD
For expanding the shipping and receiving dock $ 910,000

Total, Section 21 $910,000

Section 22. The sum of $2,895,900, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 22 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 23 of Public Act 91-708, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

Chicago State University $ 168,000
Eastern Illinois University 263,300
Governors State University 106,000
Illinois State University 604,900
Northeastern Illinois University 187,700
Northern Illinois University 624,700
Western Illinois University 425,500
Southern Illinois University - Carbondale 823,400
Southern Illinois University - Edwardsville 331,500
University of Illinois - Chicago 1,399,100
University of Illinois - Springfield 121,500
University of Illinois - Urbana/Champaign 2,048,500

Total, Section 23 $7,104,100

Section 25. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 25 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Frank Lloyd Wright Home and Studio Foundation for all costs associated with the conservation and restoration of the Frederick C. Robie House.

Section 26. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 26 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Zoological...
Society for development and improvements at Brookfield Zoo.

Section 27. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 27 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Great Rivers Museum Foundation for development and improvements at the National Great Rivers Museum at the Melvin Price Lock and Dam in Alton.

Section 28. The amount of $3,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 28 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to Lawrence Hall Youth Services to plan and construct a residential treatment and education center.

Section 29. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 29 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to La Rabida Children's Hospital for development and improvements for the inpatient care facilities.

Section 30. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 30 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Chicago Art Institute to renovate the front stairs of the facility.

Section 31. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 31 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Madison County for sewer system improvements in Eagle Park Acres.

Section 32. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 32 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to East St. Louis Township for the construction of housing units.

Section 33. The amount of $15,552,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 33 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 34. The amount of $20,950,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 34 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 35. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 35 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to Unity Temple Foundation for all costs associated with renovations of the Frank Lloyd Wright Unity Temple.

Section 36. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 36 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Lawndale Christian Health Center for facility improvements.

New matter indicated by italics - deletions by strikeout.
Section 40. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 40 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Museum of Contemporary Art for exhibitions and infrastructure improvements.

Section 42. The amount of $1,700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 42 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to American Premium Foods, Inc., for planning and construction of a cooperative pork slaughtering and processing plant.

Section 43. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 43 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to relocate and purchase or construct building for a mental health center in Rock Island.

Section 47. The sum of $50,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 47 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 48. The sum of $21,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 48 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units, educational facilities and non-profit organizations for all costs associated with infrastructure improvements.

Section 49. The sum of $3,500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 49 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Auditorium Theater for renovations.

Section 50. The sum of $15,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 50 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 51. The sum of $13,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 51 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Auditorium Theater for renovations.

Section 52. The sum of $2,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 3, Division FY01, Section 52 of Public Act 91-708, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Adkins Energy Cooperative for all expenses associated with the construction of an Ethanol plant.

Division FY00. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1999 for the purposes of the Illinois FIRST Program.

Section 1-1. The sum of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for

New matter indicated by italics - deletions by strikeout.
such purpose in Article 4, Division FY00, Section 1-1 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board
of Higher Education for miscellaneous capital improvements including construction,
reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of
planning, supplies, equipment, materials, services and all other expenses required to complete the
work at the various universities set forth below. This appropriated amount shall be in
addition to any other appropriated amounts which can be expended for these purposes.

<table>
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<tr>
<th>University</th>
<th>Amount</th>
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<tr>
<td>Chicago State University</td>
<td>$190,000</td>
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<td>Eastern Illinois University</td>
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<td>Governors State University</td>
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<td>Illinois State University</td>
<td>320,000</td>
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<td>Northeastern Illinois University</td>
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<tr>
<td>Northern Illinois University</td>
<td>340,000</td>
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<tr>
<td>Western Illinois University</td>
<td>280,000</td>
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<td>Southern Illinois University - Carbondale</td>
<td>440,000</td>
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<tr>
<td>Southern Illinois University - Edwardsville</td>
<td>260,000</td>
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<tr>
<td>University of Illinois - Chicago</td>
<td>630,000</td>
</tr>
<tr>
<td>University of Illinois - Springfield</td>
<td>180,000</td>
</tr>
<tr>
<td>University of Illinois- Champaign/Urbana</td>
<td>740,000</td>
</tr>
</tbody>
</table>

Section 1-2. The sum of $5,035,088, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 1-2 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for
remodeling of facilities for compliance with the Americans with Disabilities Act. This
appropriated amount shall be in addition to any other appropriated amounts which can be expended
for these purposes.

Section 1-3. The sum of $9,463,959, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 1-3 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Capital Development Board for
miscellaneous capital improvements to state facilities including construction, reconstruction,
remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies,
equipment, materials, services and all other expenses required to complete the work at the
facilities. This appropriated amount shall be in addition to any other appropriated amounts which can
be expended for these purposes.

Section 1-4. The sum of $10,000,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 1-4 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic
Preservation Agency for all costs associated with the stabilization and restoration of the Pullman
Historic Site.

Section 1-5. The sum of $627,435, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 1-5 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for
grants and contracts for well plugging and restoration projects.

Section 1-6. The sum of $1,794,633, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 1-6 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the
Division of Water Resources for a grant to the Chicago Park District for costs associated with the
repair of the Lake Michigan shoreline in Chicago. This appropriated amount shall be in
addition to any other appropriated amounts which can be expended for these purposes.

Section 1-9. The sum of $34,000,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore
made for such purpose in Article 4, Division FY00, Section 1-9 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants and loans pursuant to Article 8 or Article 10 of the Build Illinois Act.

Section 1-10. The amount of $4,925,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 1-10 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs (formerly to the Environmental Protection Agency) for grants to units of local government for infrastructure improvements and expansions related to water and sewer systems.

Section 1-11. The amount of $8,750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 1-11 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1-12. The amount of $7,904,946, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 1-12 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Illinois Institute of Technology for a public transit noise barrier.

Section 1-13. The amount of $1,917,713, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 1-13 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board to plan and construct an industrial training center at Illinois Central College.

Section 1-14. The amount of $320,111, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 1-14 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for equipment and all other expenses necessary to complete the permanent facilities of Heartland Community College.

Section 2-4. The sum of $110,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-4 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the City of Carbondale for a teen center.

Section 2-16. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-16 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Arlington Heights for land acquisition and other improvements.

Section 2-17. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-17 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hawthorn Woods for storm sewer extensions.

Section 2-18. The sum of $37,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-18 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hawthorn Woods for storm sewer extensions.

Section 2-19. The sum of $96,250, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-19 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Round Lake Beach for storm sewer system improvements at Hook's Lake.

Section 2-20. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-20 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Tower Lakes for storm sewer system improvements.

Section 2-21. The sum of $157,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-21 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Villa Park for street light improvements.

Section 2-22. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-22 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Oswego for infrastructure improvements.

Section 2-23. The sum of $375,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-23 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Aurora Regional Fire Museum for infrastructure improvements.

Section 2-24. The sum of $545,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-24 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Westchester for infrastructure improvements.

Section 2-25. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-25 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Shorewood for development of and improvements to the DuPage River property.
reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Homer Township to develop a youth sports complex.

Section 2-31. The sum of $1,764, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-31 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Sidney for sidewalk construction.

Section 2-32. The sum of $182,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-32 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Paxton for water system improvements.

Section 2-33. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-33 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Southern View for a community park.

Section 2-36. The sum of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-36 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of New Lenox for Commons Development.

Section 2-38. The sum of $112,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-38 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Kewanee for parking lot improvements.

Section 2-39. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-39 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Hinckley for sewer and water infrastructure improvements.

Section 2-42. The sum of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-42 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Bolingbrook for storm water system improvements.

Section 2-43. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-43 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Neoga for improvements to a submersible lift station.

Section 2-46. The sum of $22,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-46 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Libertyville for infrastructure improvements and a skating rink.

Section 2-47. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-47 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Warren Township for paving for the town hall.

Section 2-48. The sum of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-48 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Libertyville for infrastructure improvements and a skating rink.

Section 2-49. The sum of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-49 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Warren Township for technology infrastructure for the town hall.

Section 2-50. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-50 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Morgan County for storm sewer improvements in Alexander.

Section 2-53. The sum of $725,000, less the amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-53 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glendale Heights for water system infrastructure and other community improvements.

Section 2-54. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-54 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Mt. Prospect for residential street lighting.

Section 2-55. The sum of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-55 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glen Ellyn for infrastructure and lighting improvements along Roosevelt Road.

Section 2-56. The sum of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-56 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Dawson for a well water system.

Section 2-58. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-58 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Sherman for infrastructure improvements.

Section 2-60. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-60 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Chenoa for infrastructure and recreation facilities improvements.
Section 2-62. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-62 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Miller Park Zoological Society for a new children's zoo.

Section 2-63. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-63 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the SMG Water Cooperative for water system improvements.

Section 2-64. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-64 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Woodson for wastewater system improvements.

Section 2-65. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-65 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Melrose Park for business district infrastructure improvements.

Section 2-66. The sum of $111,250, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-66 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Aurora for infrastructure improvements.

Section 2-67. The sum of $59,750, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-67 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Batavia for infrastructure improvements.

Section 2-68. The sum of $47,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-68 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Geneva for infrastructure improvements.

Section 2-69. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-69 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of DeKalb for street improvements.

Section 2-70. The sum of $2,496, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-70 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Rochelle for water system improvements.

Section 2-71. The sum of $600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-71 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Sycamore for storm sewer system and street improvements.

Section 2-72. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-72 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Sycamore for storm sewer system and street improvements.

New matter indicated by italics - deletions by strikeout.
Section 2-73. The sum of $74,343, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-73 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Anna for senior center improvements.

Section 2-74. The sum of $650,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-74 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Antioch Township for a senior center.

Section 2-76. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-76 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Shelbyville for a new senior center.

Section 2-78. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-78 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Senior Center/Aging Hispanic Center for infrastructure improvements.

Section 2-79. The sum of $102,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-79 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Rolling Meadows Park District to renovate and develop 3200 Central Road.

Section 2-80. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-80 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Downers Grove for the Nigas bikeway in Woodbridge and Downers.

Section 2-81. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-81 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for improvements to Finley Road to provide flood relief.

Section 2-82. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-82 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for flood control in Lynwood Subdivision, Bristol Township.

Section 2-83. The sum of $147,869, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-83 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Lincoln Park Zoo transportation center.

New matter indicated by italics - deletions by strikeout.
Section 2-86. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-86 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Plainfield Township Park District for park system improvements.

Section 2-88. The sum of $246,395, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-88 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Champaign Park District for a concrete skate park at Spalding Park.

Section 2-89. The sum of $260,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-89 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the St. Charles Park District for development of a ball and soccer field.

Section 2-91. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-91 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Forest Preserve District of Will County for bike path development.

Section 2-92. The sum of $37,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-92 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Kaneville Township for land acquisition for a park.

Section 2-94. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-94 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Summit for a flood relief sewer system, phase I.

Section 2-95. The sum of $190,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-95 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Barrington for a village-wide bike path network.

Section 2-96. The sum of $238,286, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-96 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Woodridge Park District for bike path development.

Section 2-97. The sum of $350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-97 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Woodridge Park District for renovation of Janes Avenue Park.

Section 2-99. The sum of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-99 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Dixon Park District for stabilization at the Rock River.

Section 2-100. The sum of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-100 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Sterling for a Rockfalls Dam walkway.

New matter indicated by italics - deletions by strikeout.
Section 2-101. The sum of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-101 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources, Office of Water Resources for construction of the Rand Park Flood Control Project in the City of Des Plaines and for costs associated with the rehabilitation of Farmers and Prairie Creeks.

Section 2-103. The sum of $391,690, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-103 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Antioch for a bike path at Longview and Deep Lake Road.

Section 2-104. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-104 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Hanover Park for a bike path.

Section 2-105. The sum of $232,761, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-105 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Elk Grove Village for designing bikepaths and walkways.

Section 2-106. The sum of $8,216, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-106 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Athens for park improvements.

Section 2-107. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-107 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs (formerly to the Department of Natural Resources) for a grant to the Village of Clear Lake for infrastructure improvements.

Section 2-108. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-108 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Henry for marina improvements, including dredging.

Section 2-109. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-109 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Troy for storm water management improvements.

Section 2-110. The sum of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-110 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Schaumburg Park District for park expansion.

Section 2-111. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-111 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Hickory Hills for Woodlands watershed improvements.

Section 2-118. The sum of $175,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore

New matter indicated by italics - deletions by strikeout.
made for such purpose in Article 4, Division FY00, Section 2-118 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Village of Lombard for signalization at N. Avenue & Lombard Road.

Section 2-119. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-119 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for constructing a slip ramp at Route 83 and Elmhurst Wastewater Treatment Plant.

Section 2-122. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-122 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Village of Lombard for signalization at N. Avenue & Lombard Road.

Section 2-123. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-123 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Bloomington for Airport Road improvements.

Section 2-124. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-124 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Wood Dale for an intersection study of the Irving Park/Wood Dale Road.

Section 2-125. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-125 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Wood Dale for land acquisition and construction of a salt storage structure.

Section 2-128. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-128 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to Wheatland Township for road improvements.

Section 2-138. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-138 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the Village of Frankfort for signalization of Route 45 and a new intersection located approximately $/ mile north of the Route 45/Colorado Ave. intersection.

Section 2-139. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-139 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant for intersection improvements and widening in Savanna at the junction of Route 64 and Route 84.

Section 2-143. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-143 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Sterling for street improvements in Sterling.

Section 2-144. The sum of $275,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 2-144 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the City of Park Ridge for signalization.

Section 2-146. The sum of $200,000, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore
made for such purpose in Article 4, Division FY00, Section 2-146 of Public Act 91-708, as
amended, is reappropriated from the Build Illinois Bond Fund to the Department of
Transportation for a grant to the LaGrange Park Open Street Project 31st and Kinman.

Section 2-147. The sum of $750,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-147 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the Village of Roselle for a Route 20 bike and pedestrian bridge.

Section 2-148. The sum of $60,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-148 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the Village of Arlington Heights for preliminary engineering.

Section 2-149. The sum of $42,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-149 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the Village of Hoffman Estates for intersection improvements of Higgins Road at Gannon
Drive (High School).

Section 2-150. The sum of $300,000, or so much thereof as may be necessary and
remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore
made for such purpose in Article 4, Division FY00, Section 2-150 of Public Act 91-708, as
amended, is reappropriated from the Build Illinois Bond Fund to the Department of
Transportation for a grant to Livingston & McLean Counties to resurface Weston blacktop.

Section 2-152. The sum of $300,000, for so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-152 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the Village of Franklin Park for the underpass at Grand Avenue for the railroad relocation authority.

Section 2-153. The sum of $325,000, for so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-153 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a
grant to the Village of Franklin Park for a pedestrian overpass.

Section 2-154. The sum of $24,897,354, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 2-174 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements.

Section 3-1. The sum of $562,500, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for
such purpose in Article 4, Division FY00, Section 3-1 of Public Act 91-708, as amended, is
reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for infrastructure

New matter indicated by italics - deletions by strikeout.
Section 3-2. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 3-2 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 4-1. The sum of $71,275,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY00, Section 4-1 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 5-1. The sum of $66,898,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY00, Section 5-1 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Division FY98. The reappropriation in this Division continues an appropriation initially made for the fiscal year beginning July 1, 1997, for the purpose of the Build Illinois Program as set forth below.

Section 32. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 4, Division FY98, Section 32 of Public Act 91-708, as amended, is reappropriated to the University of Illinois (formerly to the Capital Development Board) from the Build Illinois Bond Fund to plan for a medical school replacement at the University of Illinois at Chicago.

Division FY97. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1996, for the purposes of the Build Illinois Program as set forth below.

Section 5. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 4, Division FY97, Section 5 of Public Act 91-708, as amended, is reappropriated to the Department of Natural Resources from the Build Illinois Bond Fund for expenditure by the Division of Water Resources for infrastructure improvements to the Wood Dale/Itasca Reservoir.

Section 7. The sum of $182,189, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation made for such purposes in Article 4, Division FY97, Section 7 of Public Act 91-708, as amended, is reappropriated to the Department of Natural Resources from the Build Illinois Bond Fund for expenditure by the Division of Water Resources for infrastructure repairs of the Batavia Dam in Batavia, Illinois.

Section 15. The sum of $48,800, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 4, Division FY97, Section 15 of Public Act 91-708, as amended, is reappropriated to the Environmental Protection Agency from the Build Illinois Bond Fund for a grant to the Village of Maple Park for infrastructure improvements.

Section 21. The sum of $16,557, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 4, Division FY97, Section 21 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for rehabilitation of the concession building and other park improvements at Johnson Sauk Trail State Park in Henry County.

Section 32. The sum of $1,223,221, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY97, Section 32 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for all costs associated with flood improvements.
Section 36. The sum of $1,100,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY97, Section 36 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Illinois Environmental Protection Agency for a grant to the Fox River Water Reclamation District for improvements for the South Plant, the Skyline Treatment Plant and the Skyline Water Plant.

Division FY96. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1995, for the purpose of the Build Illinois program set forth below.

Section 1-9. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY96, Section 1-9 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for a grant to the Fox River Water Reclamation District for improvements for the South Plant, the Skyline Treatment Plant and the Skyline Water Plant.

Division FY91. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1990, for the purpose of the Build Illinois program as set forth below.

Section 2-6. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 2-6 of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTHERN ILLINOIS UNIVERSITY - DEKALB</td>
<td></td>
</tr>
<tr>
<td>To construct and equip the Engineering Building</td>
<td>$67,673</td>
</tr>
<tr>
<td>To purchase equipment and complete construction</td>
<td></td>
</tr>
<tr>
<td>for Faraday Hall Addition</td>
<td>$130,109</td>
</tr>
<tr>
<td>Total, Build Illinois Bond Fund</td>
<td>$197,782</td>
</tr>
</tbody>
</table>

Section 2-7. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 2-7 of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for Southern Illinois University for the projects hereinafter enumerated:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE</td>
<td>$2,782</td>
</tr>
<tr>
<td>To construct and equip the Biological Sciences</td>
<td></td>
</tr>
<tr>
<td>Facilities</td>
<td></td>
</tr>
<tr>
<td>Total, Build Illinois Bond Fund</td>
<td>$2,782</td>
</tr>
</tbody>
</table>

Section 2-8. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 2-8 of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for the projects hereinafter enumerated:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN</td>
<td>$41,746</td>
</tr>
<tr>
<td>To construct and equip the Chemical and Life</td>
<td></td>
</tr>
<tr>
<td>Sciences Building</td>
<td></td>
</tr>
<tr>
<td>Total, Build Illinois Bond Fund</td>
<td>$41,746</td>
</tr>
</tbody>
</table>

Section 2-20.1. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 2-20.1 of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTHERN ILLINOIS UNIVERSITY - DE KALB</td>
<td></td>
</tr>
<tr>
<td>For construction of the Engineering Building</td>
<td></td>
</tr>
<tr>
<td>including extension of utilities, in</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
addition to funds previously appropriated for such purpose ........................................ $ 56,439

Section 2-21A. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 2-21A of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for Southern Illinois University for the projects hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE

For construction and all other costs necessary for an addition and remodeling of the existing steam plant, in addition to funds previously appropriated for such purpose ........................................ $ 27,897

Division FY90. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1989, for the purpose of the Build Illinois Program set forth below.

Section 3-1.2a. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY90, Section 3-1.2a of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for loans and grants to units of local government for infrastructure improvements.

Section 3-1.3. The following named amounts, or so much thereof as may be necessary and remain unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY90, Section 3-1.3 of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Department of Transportation for land acquisition, engineering, and contract costs for construction, reconstruction, extension, and improvement of State highways.

FAP 412 (U.S. 51) .......................................... $ 4,356

Section 3-1.12b. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY90, Section 3-1.12b of Public Act 91-708, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DE KALB

To construct an addition to Faraday Hall ........ $ 10,024

Section 3-6.2a. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from a reappropriation heretofore made for such purposes in Article 4, Division FY90, Section 3-6.2a of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for a grant to the City of Chicago for infrastructure improvements and large equipment purchase at the Crawford Industrial Park located at 47th Street and Pulaski Road.

Section 3-6.2h. The amount of $60,840, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY90, Section 3-6.2h of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to units of local governments as provided in the "Open Space Lands Acquisition and Development Act."

Division FY89. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1988, for the purposes of the Build Illinois Program set forth below.

Section 4-1.13. The amount of $162,937, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division V, Section 4-1.13 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects

New matter indicated by italics - deletions by strikeout.
at the approximate costs set forth below:

Des Plaines Watershed Mitigation - Cook, DuPage, and Lake Counties - For implementation of flood hazard mitigation plans, developed in cooperation with units of local government in the Des Plaines Watershed, filed in accordance with Section 5 of the Flood Control Act of 1945, as amended (Ill. Rev. Stat., Ch. 19, par. 126e) .................................................. $ 100,000

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora .................. 45,431

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park ...................... 469,524

Total $614,955

Division FY88. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1987, for the purposes of the Build Illinois Program set forth below.

Section 5-1.10. The amount of $90,789, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY88, Section 5-1.10 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for loans and grants to units of local government for infrastructure improvements.

Section 5-1.11. The amount of $10,044, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY88, Section 5-1.11 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for grants and loans to establish and operate small business incubators under the Small Business Incubator Program.

Division FY87a. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1986, for the purposes of the Build Illinois Program set forth below.

Section 6-1.13. The amount of $144,887, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-1.13 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for making grants to units of local government for the planning, design, construction, rehabilitation and any other necessary costs for wastewater treatment facilities and for plans, construction, repairs, improvements and any other necessary costs for sewer and water supply systems.

Section 6-1.21. The amount of $20,058, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-1.21 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 6-2.27. The amount of $136,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-2.27 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the design, construction and land acquisition of a retention basin in East Chicago Heights.

New matter indicated by italics - deletions by strikeout.
Section 6-3.22. The amount of $50,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-3.22 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the purpose of a grant to the Rockford Park District for land acquisition and development of a park near the Illinois Central train depot in downtown Rockford.

Section 6-3.32. The amount of $140,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-3.32 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the City of Elgin for extension of sewer lines to the Northeast Subarea.

Section 6-4.4. The amount of $49,500, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-4.4 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a grant to Canteen Township in St. Clair County for road repairs.

Section 6-4.8. The amount of $198,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-4.8 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Natural Resources for a recreational and flood control project and retention basin in the City of Sycamore.

Section 6-4.18. The amount of $99,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-4.18 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a grant to the Village of Swansea to resurface local roads and repair and replace gutters and curbs.

Section 6-4.28. The amount of $49,500, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-4.28 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Transportation for a study to determine the feasibility of establishing an airport in Kankakee County.

Section 6-5.24. The amount of $25,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-5.24 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the City of Benld for recreation and park facilities.

Section 6-5.39. The amount of $127,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-5.39 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Village of Midlothian for flood control and drainage improvements.

Section 6-5.44a. The amount of $3,621, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-5.44a of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants to units of local government for the planning, design, construction, rehabilitation, repair, improvement, expansion, and any other necessary costs for storm water, sewer, sewage treatment and water supply systems, at the approximate cost set forth below:

La Grange Highlands Sanitary District...........  $ 3,621

Section 6-5.44b. The amount of $13,721, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-5.44b of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for units of local government for storm drainage at the approximate cost set forth below:

New matter indicated by italics - deletions by strikeout.
Bonnie ....................................... $    13,721

Section 6-5.44f. The amount of $300,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-5.44f of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for a grant to the Village of Summit for planning, design, construction and any other necessary costs for flood control.

Section 6-6.6. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-6.6 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Illinois Community College Board for the City Colleges of Chicago for costs associated with planning, utilities, site improvements, repairs, renovation, remodeling, and construction of Job Training Centers.

Section 6-6.10. The amount of $49,768, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-6.10 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for the viaduct and roadway improvement program.

Section 6-6.14. The amount of $507,028, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-6.14 of Public Act 91-708, as amended, is reappropriated to the Department of Transportation from the Build Illinois Bond Fund for the paving, upgrading or construction:

(a) of streets and curbs at the following locations within the City of Chicago:
1. The 4300 block of West Wrightwood;
2. The 3600 block of West Byron;
3. The 3200 block of West Waveland;
4. The 4200 block of North Hamlin;
5. The 4200 block of West Grace;
6. The 4200 block of North Springfield;
7. The 3200 block of North Lawndale;
8. East 117th from Avenue O to Avenue H;
9. Avenue N from 131st to 132nd;
10. State Line Road from 106th to 112th;
11. Princeton Street from 30th Street to 31st Street;
12. South Wells from 27th Street through 29th Street;
13. 23rd Place from Princeton to Wentworth;
14. Sayre Avenue between Higgins and Kennedy Expressway;
15. Keystone Avenue from North Avenue to Armitage Avenue;
16. Harding Avenue from North Avenue to Armitage Avenue;
17. Lawndale Avenue from North Avenue to Armitage Avenue; and
18. The 1300 block of Monticello Avenue.
(b) of curbs at the following locations within the City of Chicago:
1. The 3000 and 3100 blocks of North Elbridge Street;
2. The 2800, 2900 and 3000 blocks of West Fletcher Street;
3. The 2800, 2900 and 3000 blocks of West Wellington Street;
4. The 2800, 2900 and 3000 blocks of West Nelson Street;
5. The 5600 and 5700 blocks of West Henderson;
6. The 5600 and 5700 blocks of West Cornelia;

New matter indicated by italics - deletions by strikeout.
7. The 3300 block of North Major;
8. The 3300, 3400 and 3500 blocks of North Linder;
9. The 3300 and 3500 blocks of North Lockwood;
10. The 2000, 2100 and 2200 blocks of Leland Avenue;
11. The 2000, 2100, 2200 and 2300 blocks of Giddings;
12. The 6100 block of North Artesian;
13. The 4400 block of North Francisco;
14. The 2500 block of West Hollywood;
15. The 6100 block of North Rockwell;
16. The 2400 block of West Winona;
17. The 2300 block of West Superior;
18. The 2000, 2100 and 2200 blocks of West Thomas;
19. The 2200 block of West Cortez;
20. The 2000 and 2100 blocks of West Iowa;
21. The 1200 block of North Noble;
22. The 700 block of North Campbell;
23. The 5600, 5700 and 5800 blocks of Kostner from Bryn Mawr to Rodgers;
25. North Kedvale from Leland to Lawrence;
26. Leland from Kedvale to Kildare;
27. Leland from Kimball to Pulaski;
28. Monticello from Wilson to Lawrence;
29. St. Louis from Wilson to Lawrence;
30. Bernard from Leland to Lawrence;
31. Casson from Kennicott to Keystone;
32. West Ainslie from Kimball to Bernard;
33. The west side of the 1800 block of North Austin;
34. The west side of the 2300 block of North Austin;
35. The 3000 and 3100 blocks of North Marmora;
36. The north side of the 7100 block of West Cornelia;
37. The 5600 block of West Barry;
38. The east side of the 3000 block of Narragansett;
39. The 6100 block of Diversey;
40. The west side of the 2500 block of Neva;
41. The 3300 and 3400 blocks of Neva;
42. The 6200 and 6300 blocks of West Barry;
43. The 6600 block of West Barry;
44. The west side of the 3100 block of North Mobile;
45. The south side of 17th Street from Ashland to Paulina;
46. 17th Street from Paulina to Damen;
47. 3600 to 3800 block of Cumberland;
48. Sacramento Avenue from Addison to Cornelia;
49. Cornelia Avenue from Sacramento to Albany;
50. The 8300, 8400 and 8500 blocks of South Francisco Avenue;
51. The 8300, 8400 and 8500 blocks of South Whipple Avenue;
52. 82nd Street from Western Avenue to California Avenue;
53. 85th Street from Kenneth Avenue to Cicero Avenue;
54. The 8500, 8600 and 8700 blocks of South Ramsey Road;
55. The 4300, 4400, 4500, 4600 and 4700 blocks of South Normal Avenue;

New matter indicated by italics - deletions by strikeout.
56. The 3500, 3600, 3700 and 3800 blocks of South Lituanica Avenue;  
57. Eleanor Street from Throop to Loomis Avenue; and  
58. Pershing Road from Wentworth to Wood.  

Section 6-6.22. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-6.22 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for the repair and replacement of roadway curbs in the area bounded by Cicero Avenue, Central Avenue, Armitage Avenue and Diversey Avenue, and the area bounded by Central Avenue, Austin Avenue, Fullerton Avenue, and Grand Avenue.  

Section 6-6.25. The amount of $28,720, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87a, Section 6-6.25 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation for a grant to the City of Chicago for roadway resurfacing improvements:  
  Farwell Ave. - Ridge Ave. to Western Ave.  
  Morse Ave. - Ridge Ave. to Western Ave.  
  Greenleaf Ave. - Ridge to Western Ave.  
  Estes Ave. - Ridge Ave. to Western Ave.  
  Rosemont - Western to Kedzie  
  Leavitt - Norwood to Granville  
  Granville Ave. from Western Ave. to Kedzie  

Division FY87b. The reappropriations in this Division continue certain appropriations initially made for the purpose of the renewal of the rural areas of Illinois for the fiscal year beginning July 1, 1986.  

Section 6-3.110. The amount of $70,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY87b, Section 6-3.110 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the purpose of a grant to the City of Bloomington for extension and expansion of sewers.  

Division FY86. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985, for the purpose of the Build Illinois Program set forth below.  

Section 8-1.21. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-1.21 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:  
  Lower Des Plaines River at Tributaries Watershed  
  - Cook and DuPage Counties - For construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal Flood Control project ......................... $ 189,520  

Section 8-1.22. The amount of $33,311, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-1.22 of Public Act 91-708, as amended, is reappropriated
from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 8-2.28. The amount of $500,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-2.28 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources to assist in planning and construction of a water retention project on Tyler Creek.

Section 8-2.33. The amount of $50,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-2.33 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for feasibility, engineering, and economic and environmental studies on the LaMoine Lake Project.

Section 8-4.6. The amount of $100,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-4.6 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Purposes Fund to the Department of Commerce and Community Affairs for a grant to the Metro East Solid Waste Disposal and Energy Producing Service for its ordinary and contingent expenses.

Section 8-5.3. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-5.3 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Illinois Community College Board for the City Colleges of Chicago for costs associated with planning, utilities, site improvements, repairs, renovation, remodeling, and construction of Job Training Centers.

Section 8-5.6. The amount of $460,003, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY86, Section 8-5.6 of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Transportation as a grant to the City of Chicago for a viaduct and roadway improvement program.

Division FY86-FY93. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985 through 1992, combined for the purpose of the Build Illinois Program set forth below.

Section 10A. The amount of $8,387,599, or so much thereof as may be necessary and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY89, Section 10A of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants to units of local government for sewer systems and wastewater treatment facilities pursuant to rules and procedures established under the Anti-Pollution Bond Act.

Section 10B. The amount of $74,425,264, or so much thereof as may be necessary, and remains unexpended on June 30, 2001, from appropriations heretofore made for such purposes in Article 4, Division FY90, Section 10B of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to rules and procedures established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 10E. The amount of $165,367, or so much thereof as may be necessary, and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 10E of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation

New matter indicated by italics - deletions by strikeout.
shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10F. The amount of $2,129, or so much thereof as may be necessary, and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 10F of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10G. The amount of $1,119,478, or so much thereof as may be necessary, and remains unexpended on June 30, 2001 from appropriations heretofore made for such purposes in Article 4, Division FY91, Section 10G of Public Act 91-708, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Division 9999. This Division contains provisions governing the expenditure of funds appropriated in these Articles.

No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 58

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

**GENERAL OFFICE**

Payable from General Revenue Fund:
- For Personal Services ...................... $ 4,968,000
- For Employee Retirement Contributions
  Paid by Employer .......................... 197,200
- For State Contributions to State
  Employees' Retirement System .......... 510,700
- For State Contributions to Social Security 375,200
- For Contractual Services ................. 382,000
- For Travel .................................. 87,700
- For Commodities .......................... 34,250
- For Equipment .............................. 83,150
- For Telecommunications Services ......... 113,100
- For Operation of Auto Equipment ........ 18,000
- For Expenses of the Illinois Building Commission 372,400
Total $7,141,700

Payable from Capital Development Board Revolving Fund:
- For Personal Services ..................... $ 3,874,500
- For Employee Retirement Contributions
  Paid by Employer .......................... 148,600
- For State Contributions to State
  Employees' Retirement System .......... 386,100
- For State Contributions to Social Security 281,900
- For Group Insurance ........................ 562,800
- For Contractual Services ................. 346,000
- For Travel .................................. 295,700

New matter indicated by italics - deletions by strikeout.
For Commodities .............................. 30,600
For Printing ................................. 60,700
For Equipment ............................... 44,700
For Electronic Data Processing .......... 257,000
For operational purposes ................. 850,000
For Telecommunications Services ....... 128,300
Payable from the School Infrastructure Fund:
For operational purposes relating to the School Infrastructure Program ....... 600,000
Payable from the Illinois Building Commission Revolving Fund:
For Expenses to Administer the Illinois Building Commission Act, including Refunds 250,000
Total $8,116,900

ARTICLE 59
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:
For Personal Services ........................ $    290,200
For Employee Retirement Contributions Paid by Employer .............................. 11,800
For State Contributions to State Employees' Retirement System .................. 31,000
For State Contributions to Social Security ................................................. 20,900
For Contractual Services ..................... 57,800
For Travel ................................... 22,400
For Commodities .............................. 3,800
For Printing ................................. 1,300
For Equipment ............................... 5,500
For Telecommunications Services ........ 7,700
Total $452,400

ARTICLE 60
Section 1. The sum of $32,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for payment to the Board of the Comprehensive Health Insurance Plan pursuant to subsection (b) of Section 12 of the Comprehensive Health Insurance Plan Act.

ARTICLE 61
Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 91-CC-3439, Walter Jones. Personal Injury, against the Department of Corrections....... $75,000.00
No. 93-CC-0403, Nicholas Sabaduquia. Personal Injury, against the Department of Corrections.......................... 75,000.00
No. 93-CC-0413, Ruby Dean Landfair, Administrator of the Estate of Gary Kilpatrick Landfair and Maria Peterson, Special Administrator of the Estate of Gary Kilpatrick, A/K/A Landfair. Wrongful Death against the Department of Corrections....... $85,000.00
No. 93-CC-1324, Sandra Laniewicz. Personal Injury, against the Department of State

New matter indicated by italics - deletions by strikeout.
Police........................................ $32,500.00
No. 94-CC-0600, Karla Burns. Personal Injury, against Illinois State University........ $40,000.00
No. 94-CC-1115, John P. Daniels. Personal Injury, against the University of Illinois.. $29,978.01
No. 94-CC-3495, Laverne Schmieg, Special Administrator of the Estate of Dora A. Schmieg, Deceased. Personal Injury against the Department of Corrections.............. $9,938.54
No. 94-CC-3496, Esther Johnson. Personal Injury against the Department of Corrections...... $5,453.48
No. 94-CC-3497, Nancy Papenberg, Special Administrator of the Estate of Leo B. Moll, Deceased. Personal Injury against the Department of Corrections....................... $9,938.54
No. 95-CC-0532, Kapner, Wolfberg & Associates. Breach of Contract, against the Board of Trustees of the University of Illinois........ $11,258.20
No. 95-CC-0535, Marcello Cerasani. False Imprisonment, against the State of Illinois. $30,000.00
No. 95-CC-0614, R & G, INC. Debt against the Department of Transportation............. $33,897.50
No. 95-CC-0745, Jennifer Washlow. Personal Injury, against Illinois State University .. $25,000.00
No. 95-CC-4095, First Health Services Corporation. Breach of Contract against the Department of Public Aid......................... $1,725,000.00
No. 96-CC-2286, Gail Kaplan, Ph.D. Debt, against the Department of Children and Family Services............................................. $249,830.75
No. 96-CC-2736, Yamileth Arango Mendez, individually and as Administrator of the estate of Juan Andres Mendez and as Mother and next friend of Iriana Mendez and Taina Mendez. Wrongful Death against the Department of Corrections ....................... $12,500.00
No. 97-CC-0289, Ronald L. Barnes and Kristina R. Barnes, individually and as guardians and next friend of Ronald Nicholas Barnes. Personal Injury, against the Department of Agriculture.............................................. $6,000.00
No. 97-CC-0365, Demetrius Curry. Personal Injury against Northern Illinois University...... $60,000.00
No. 97-CC-2506, Ariel Adams, a Minor, by her Next Friend and Natural Mother, Paula Adams, and Paula Adams, against the Department of Public Aid......................................................... $20,000.00
No. 98-CC-1196, Donald F. Hollenkamp. Personal Injury, against the Department of Natural Resources.......................................................... $45,333.36
No. 98-CC-5179, Lake Environmental, INC. Fees against the Department of Public Health..... $18,115.66
No. 99-CC-0083, Debra A. Heenan. Judgement against the Department of Revenue.............. $9,542.20
No. 99-CC-0347, Capitol Systems Group. Debt,
against the Department of Public Aid....... $5,631.25
No. 99-CC-1675, Lutheran Child and Family Services of Illinois. Debt against the Department of Children and Family Services... $66,555.26
No. 99-CC-2659, Worth Township Trustees of Schools. Debt, against the Illinois State Board of Education........................ $112,656.00
No. 00-CC-2199, Aunt Martha's Youth Services Center, INC. Debt, against the Department of Children and Family Services........ $127,253.00
No. 00-CC-2376, Reimburse Federal Fund 495, Old Age Survivors Insurance Fund. Against the Department of Human Services........ $106,451.00
No. 01-CC-0130, Victor C. Newmann Associates. Debt against the Department of Children and Family Services........ $111,264.50
No. 01-CC-0226, Community Counseling Center of Chicago. Debt, against the Department of Human Services........................ $352,605.96
No. 01-CC-0277, Aunt Martha's Youth Service Center, INC. Debt against the Department of Children and Family Services........ $81,722.42
No. 01-CC-0280, Ronald Jones. Illegal Incarceration, against the Department of Corrections............................... $125,035.97
No. 01-CC-0324, Little City Foundation, Debt, against the Department of Human Services.... $245,929.50
No. 01-CC-0499, Swedish American Hospital. Debt, against the Department of Human Services........................ $73,898.13
No. 01-CC-0981, National Data Corporation. Debt, against the Department of Public Aid....... $313,203.11
No. 01-CC-1128, University of Illinois at Springfield. Debt against the Illinois Student Assistance Commission........................ $84,317.00
No. 01-CC-1406, Little City Foundation, Debt, against the Department of Human Services.... $226,701.20
No. 01-CC-1678, Citizens Organizing Project. Fees, against the Department of Natural Resources........................ $44,924.99
No. 01-CC-2107, United Developmental Services. Debt, against the Department of Human Services........................ $124,635.96
No. 01-CC-2150, Chestnut Health Systems, INC. Debt, against the Department of Human Services........................ $140,900.37
No. 01-CC-2181, Novanis. Debt, against the Department of Public Aid ................. $211,897.00
No. 01-CC-2548, Residential Options, INC. Debt, against the Department of Human Services.... $102,687.07
No. 01-CC-2695, United States of America. Settlement of debt against the Department of Natural Resources....................... $37,574.94
No. 01-CC-2761, Thresholds. Debt, against the Department of Human Services. ............. $134,123.29

New matter indicated by italics - deletions by strikeout.
No. 01-CC-2886, Green Chevrolet. Debt, against the Department of Corrections. $53,727.94
No. 01-CC-2925, Champaign-Urbana Public Health Dept. Debt, against the Department of Public Health. $50,729.51
No. 01-CC-3158, University of Illinois at Chicago, Dept. of Psychiatry. Debt, against the Department of Human Services. $52,816.50
No. 01-CC-3422, Community Services (ROCS) System. Debt, against the Department of Human Services. $116,243.28
No. 01-CC-3956, Stepping Stones of Rockford, INC. Debt against the Department of Human Services. $50,992.88

For payments of awards for lapsed appropriation claims less than $50,000. $385,702.55

Section 2. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000. $8,779.00

Section 3. The following named amounts are appropriated from State Fund 011, Road Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 90-CC-3072, J.W. Todd, personal injury, against the Department of Transportation. $425,000.00
No. 90-CC-3072, Dorothy Todd, personal injury, against the Department of Transportation. $325,000.00
No. 93-CC-2013, Larry Wade Gibbons. Personal Injury, against the Department of Transportation. $90,000.00
No. 94-CC-0811, Harold Stojentin. Personal Injury, against the Department of Transportation. $8,935.00
No. 95-CC-3948, Helen Lundy and Jack Barnes. Breach of Contract, against the Department of Transportation. $10,837.00
No. 98-CC-2699, State Farm Insurance Co. a/s/o George Tuthill and Carrie Tuthill. Property Damage, against the Department of Transportation. $2,745.11
No. 98-CC-3700, Jill Chinderle. Personal Injury, against the Department of Transportation. $9,000.00
No. 98-CC-3700, JoAnn Carnes. Personal Injury, against the Department of Transportation. $5,000.00
No. 99-CC-0329, State Farm Mutual Insurance Co. Property Damage, against the Department of Transportation. $2,827.59
No. 99-CC-0331, State Farm Mutual Insurance Co. Damages, against the Department of Transportation. $2,842.13
No. 99-CC-1067, Lori Bialka, personal injury, against the Department of Transportation. $50,000.00
No. 99-CC-4309, Liberty Mutual, a/s/o Builders

New matter indicated by italics - deletions by strikeout.
Transportation Co. INC. Property Damage, against the Department of Transportation.............................. $34,000.00
No. 99-CC-4415, Associated Technical Services. Property Damage, against the Department of Transportation........................................... $17,500.00
For payments of awards for lapsed appropriation claims less than $50,000........................................... $257,723.62
Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $3,860.70
Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 00-CC-4595, The Women's Treatment Center, Debt, against the Department of Human Services........................................... $156,610.12
No. 00-CC-4596, Caritas (formerly Interventions) Debt, against the Department of Human Services........................................... $575,283.52
No. 01-CC-0453, Heritage Behavioral Health Center, Inc. Debt, against the Department of Human Services........................................... $130,907.69
For payments of awards for lapsed appropriation claims less than $50,000........................................... $8,848.20
Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $109.99
Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 021, Financial Institution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $3,305.00
Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $330.96
Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 026, Live and Learn Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $3,309.31
Section 11. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000........................................... $532.71
Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 044, Lobbyist Registration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$2,421.31

Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$2,437.50

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$135.97

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 048, Rural/Downstate Health Access Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$1,562.50

Section 17. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$32,166.25

Section 18. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$103.04

Section 19. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$129.75

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$4,813.02

Section 21. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 01-CC-1238, Heartland Human Services, Debt, against the Department of Public Health.................................................$70,519.25
No. 01-CC-2959, Southern Illinois University, Debt, against the Department of Public Health.................................................$69,850.88
For payments of awards for lapsed appropriation
claims less than $50,000.................................................$26,492.97

Section 22. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 067, Radiation Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $5,638.28

Section 24. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $1,829.64

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 074, EPA Special State Projects Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $13,926.96

Section 26. The following named amounts are appropriated to the Court of Claims from Federal Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 01-CC-2421, Wabash & Ohio Special Educ. Coop. Debt, against the Department of Human Services......................... $48,133.44

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 085, Illinois Gaming Law Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $250.00

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000................. $2,212.70

Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 093, IL State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $247,000............... $4,902.25

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................ $109.11

Section 31. The following named amounts are appropriated to the Court of Claims from State Fund 110, State Board of Education State Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000................... $18,824.82

Section 32. The following named amounts are appropriated to the Court of Claims from State Fund 113, Community Health Center Care Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................ $4,000.00

Section 33. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $193.84

Section 34. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administration and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payment of awards for lapsed appropriation
claims less than $50,000.......................... $750.00

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $1,121.77

Section 36. The following named amounts are appropriated to the Court of Claims from State Fund 184, Violence Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $368.10

Section 37. The following named amounts are appropriated to the Court of Claims from State Fund 203, Teachers Health Insurance Security Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $99.00

Section 38. The following named amounts are appropriated to the Court of Claims from State Fund 215, CDB Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $1,178.09

Section 39. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $9,873.80

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 238, Illinois Health Facilities Planning Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $838.99

Section 41. The following named amounts are appropriated to the Court of Claims from Federal Fund 239, SBE Department of Health and Human Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $14,250.00

Section 42. The following named amounts are appropriated to the Court of Claims from State Fund 256, Public Health Water Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $46.25

Section 43. The following named amounts are appropriated to the Court of Claims from State Fund 270, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.......................... $352.00

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................................ $120.03

Section 46. The following named amounts are appropriated to the Court of Claims from State Fund 295, Secretary of State Interagency Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 .................... $20.94

Section 47. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $357.85

Section 48. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $14,194.99

Section 49. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $21,727.32

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 362, Securities Audit and Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 .................... $1,298.69

Section 51. The following named amounts are appropriated to the Court of Claims from State Fund 368, Drug Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 .................... $1,977.87

Section 52. The following named amounts are appropriated to the Court of Claims from State Fund 369, Feed Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $45.32

Section 53. The following named amounts are appropriated to the Court of Claims from Federal Fund 396, Senior Health Insurance Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $916.63

Section 54. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 01-CC-3325, University of Illinois at Chicago. Debt against the Department of Human Services ....................... $79,942.46
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $683.00

New matter indicated by italics - deletions by strikeout.
Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 421, Public Assistance Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $16,784.86

Section 56. The following named amounts are appropriated to the Court of Claims from State Fund 436, Safety Responsibility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $685.00

Section 57. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $322.57

Section 58. The following named amounts are appropriated to the Court of Claims from Federal Fund 476, Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $735.52

Section 59. The following named amounts are appropriated to the Court of Claims from State Fund 479, State Employees’ Retirement System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $991.73

Section 60. The following named amounts are appropriated to the Court of Claims from Federal Fund 483, SOS Special Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $1,500.00

Section 61. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 01-CC-1583, Office of the Attorney General. Debt, against the Criminal Justice Information Authority....................... $135,259.34
No. 01-CC-1628, Cook County State's Attorney's Office. Debt, against the Criminal Justice Information Authority............... $72,085.19
For payments of awards for lapsed appropriation
claims less than $50,000.................... $97,943.78

Section 62. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $13,231.50

Section 63. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.................... $742.00

Section 64. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation

New matter indicated by italics - deletions by strikeout.
Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 524, Health Facility Plan Review Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 99-CC-3242, St. Vincent's Home, INC., Breach of statutory duty, against the Department of Public Health................................................. $9,451.43
For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $77.00

Section 66. The following named amounts are appropriated to the Court of Claims from State Fund 537, State Offender DNA Identification Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $455.60

Section 67. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $12,995.07

Section 68. The following named amounts are appropriated to the Court of Claims from State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $284.54

Section 69. The following named amounts are appropriated to the Court of Claims from State Fund 577, Community College Health Insurance Security Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $7,897.44

Section 70. The following named amounts are appropriated to the Court of Claims from Federal Fund 607, Special Projects Division Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $433.72

Section 71. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $36,598.73

Section 72. The following named amounts are appropriated to the Court of Claims from State Fund 649, Motor Carrier Safety Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $53,033.00

Section 73. The following named amounts are appropriated to the Court of Claims from State Fund 676, Student Assistance Commission Student Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $1,504.07

Section 74. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation
claims less than $50,000 .............................. $26,043.33
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $2,279.04

Section 76. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $90.55

Section 77. The following named amounts are appropriated to the Court of Claims from State Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $4,724.99

Section 78. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $384.20

Section 79. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $6,914.04

Section 80. The following named amounts are appropriated to the Court of Claims from State Fund 801, Attorney General State Projects and Court Ordered Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $89.95

Section 81. The following named amounts are appropriated to the Court of Claims from State Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $19,119.02

Section 82. The following named amounts are appropriated to the Court of Claims from Federal Fund 826, Agriculture Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $446.40

Section 83. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $47,292.55

Section 84. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $604.28

Section 85. The following named amounts are appropriated to the Court of Claims from State Fund 865, Domestic Violence Shelter and Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $2,706.70

Section 86. The following named amounts are appropriated to the Court of Claims from Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $903.01

Section 87. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $3,000.00

Section 88. The following named amounts are appropriated to the Court of Claims from State Fund 883, Intra-Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $77.98

Section 89. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $1,854.18

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $3,879.65

Section 91. The following named amounts are appropriated to the Court of Claims from State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $734.00

Section 92. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $1,744.38

Section 93. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $5,325.29

Section 94. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $3,625.00

Section 95. The following named amounts are appropriated to the Court of Claims from State Fund 922, Insurance Producer Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $211.94

Section 96. The following named amounts are appropriated to the Court of Claims from State Fund 929, Violent Crime Victims Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
  claims less than $50,000 ................... $441.00

Section 97. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $1,180.00

Section 98. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $22,294.55

Section 99. The following named amounts are appropriated to the Court of Claims from State Fund 963, Vehicle Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $14.06

Section 100. The following named amounts are appropriated to the Court of Claims from State Fund 980, Manteno Veterans' Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $9,499.83

Section 101. The following named amounts are appropriated to the Court of Claims from Federal Fund 988, Attorney General's Federal Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $1,241.65

Section 102. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000 ................... $1,203.87

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION
Payable from the General Revenue Fund:
For Personal Services........................... $ 935,300
For State Contribution to State
    Employees' Retirement System............... 93,900
For Employee Retirement Contributions
    Paid by Employer............................ 37,400
For State Contribution to Social
    Security...................................... 71,500
For Contractual Services......................... 33,200
For Travel..................................... 12,200
For Commodities................................ 7,500
For Printing..................................... 3,500
For Equipment.................................. 5,200
For Telecommunications Services................. 5,500
For Reimbursement for Incidental
    Expenses Incurred by Judges............... 35,300
Total ........................................ $1,240,500

Section 10. The amount of $228,800, or so much thereof as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 13. The amount of $500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of awards solely as a result of the lapsing of an appropriation originally made from any funds held by the State Treasurer.
Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:
For claims under the Crime Victims Compensation Act:
Payable from General Revenue Fund............................................ $24,000,000
For claims other than Crime Victims:
Payable from the General Revenue Fund.................................... 10,000,000
Payable from the Road Fund.............................................. 1,000,000
Payable from the DCFS Children's Services Fund....................... 1,500,000
Payable from the State Garage Revolving Fund.......................... 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund..... 100,000
Payable from the Vocational Rehabilitation Fund....................... 125,000
Total $36,775,000

ARTICLE 63
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:
For Personal Services ............................................. $ 382,500
For Employee Retirement Contributions Paid by Employer......................... 15,300
For State Contributions to State Employees' Retirement System............. 39,800
For State Contributions to Social Security ................................ 29,300
For Contractual Services .............................. 113,500
For Travel .................................................... 23,000
For Commodities ................................. 4,500
For Printing ............................................... 19,000
For Equipment ............................................. 12,700
For Telecommunications Services .................. 19,000
For Operation of Automotive Equipment....... 3,000
For Expenses relative to the operation of the Commission............... 65,000
Total $726,600

ARTICLE 64
Section 1. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.
Section 2. The sum of $2,993,469, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purposes in Article 26, Section 1 of Public Act 91-0706, as amended, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 65
Section 1. The amount of $313,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the

New matter indicated by italics - deletions by strikeout.
operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 66

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

**OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,239,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>49,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>128,900</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>94,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>141,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>33,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>60,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>32,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,814,900</td>
</tr>
</tbody>
</table>

ARTICLE 67

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

**ADMINISTRATION**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$3,367,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>134,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>350,300</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>257,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,660,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>64,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>12,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>132,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>154,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>12,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$7,177,900</td>
</tr>
</tbody>
</table>

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$1,638,600</td>
</tr>
</tbody>
</table>

Payable from Underground Storage Tank Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>152,600</td>
</tr>
</tbody>
</table>

Payable from Solid Waste Management Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>167,700</td>
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</tbody>
</table>

Payable from Subtitle D Management Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>61,000</td>
</tr>
</tbody>
</table>

Payable from Clean Air Act Permit Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>795,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Payable from Water Revolving Fund:
For Contractual Services ..................... 595,600
Payable from Community Water Supply Laboratory Fund:
For Contractual Services ..................... 74,400
Payable from Used Tire Management Fund:
For Contractual Services ..................... 80,500
Payable from Conservation 2000 Fund:
For Contractual Services ..................... 20,200
Payable from Hazardous Waste Fund:
For Contractual Services ..................... 224,800
Payable from Environmental Protection Permit and Inspection Fund:
For Contractual Services ..................... 279,900
Payable from Vehicle Inspection Fund:
For Contractual Services ..................... 338,800
Total                                      $4,429,300

Section 3. The sum of $972,300, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 4. The sum of $275,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 5. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with the development and implementation of Illinois Environmental Facts On-Line.

Section 6. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for funding the Green Illinois program.

Section 7. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program.

Section 8. The sum of $342,900, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the regulatory innovation program.

Section 9. The sum of $21,100, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 10. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of administering the Emergency Planning and Community Right-To-Know Act (EPCRA).

Section 11. The sum of $240,300, or so much thereof as may be necessary, is appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for development of environmental planning activities.

Section 12. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

AIR POLLUTION CONTROL

Payable from the General Revenue Fund:
For Personal Services ....................... $ 2,192,500
For Employee Retirement Contributions
Paid by Employer ............................. 87,700
For State Contributions to State Employees' Retirement System ............... 228,000

New matter indicated by italics - deletions by strikeout.
For State Contributions to
Social Security ....................... 167,700
For Travel ............................. 8,800
For Commodities ..................... 2,000
For Equipment ........................ 16,000
For Telecommunications Services ..... 20,600
For Operation of Auto Equipment .... 1,000
Total $2,724,300

Section 13. The sum of $100,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for the purpose of funding the State's share of the cost of a photochemically reactive grid model to prepare an ozone plan for the Chicago metropolitan area.

Section 14. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:
For Personal Services .................. $ 2,838,800
For Employee Retirement Contributions
Paid by Employer ...................... 113,600
For State Contributions to State
Employees' Retirement System ............ 295,200
For State Contributions to
Social Security .......................... 217,200
For Group Insurance .................... 462,400
For Contractual Services ................ 1,425,700
For Travel ............................. 165,800
For Commodities ..................... 132,000
For Printing ............................ 43,900
For Equipment .......................... 638,300
For Telecommunications Services ........ 195,300
For Operation of Auto Equipment ........ 41,800
For Use by the City of Chicago .............. 374,600
For Expenses Related to the Development and Implementation of a Targeted Clean Air Information and Education Program ............... 600,000
Total $7,544,600

Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:
For Personal Services .................. $ 754,000
For Other Expenses .................... 630,200
For Deposit into the Clean Air Act Permit Fund ....................... 50,000
For Refunds ............................. 100,000
Total $1,534,200

Payable from the Vehicle Inspection Fund:
For Personal Services .................. $ 5,195,200
For Employee Retirement Contributions
Paid by Employer ...................... 207,800
For State Contributions to State
Employees' Retirement System ............ 529,900
For State Contributions to
Social Security .......................... 397,400

New matter indicated by italics - deletions by strikeout.
For Group Insurance ................................................. 976,800
For Vehicle Inspections ........................................... 46,838,900
For Contractual Services ........................................... 1,729,900
For Travel ............................................................... 85,000
For Commodities ....................................................... 33,000
For Printing ............................................................. 409,000
For Equipment .......................................................... 100,000
For Telecommunications ............................................... 90,000
For Operation of Auto Equipment ................................. 22,900
For Expenses Related to the Implementation and Operation of a Market Based Pollution Reduction Program ........... 281,700
Total ........................................................................... $56,897,500

Section 15. The following named amounts, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air Act Title V activities in accordance with Clean Air Act Amendments of 1990:
For Personal Services and Other Expenses of the Program ......................... $ 11,640,700
For Deposit into the Environmental Protection Permit and Inspection Fund ........................................ 50,000
For Refunds .............................................................. 100,000
Total ........................................................................... $11,790,700

Section 16. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of funding an air monitoring network at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 17. The sum of $117,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for the purpose of funding an on-site monitor at the Robbins Resource Recovery Incinerator, Robbins, Illinois.

Section 18. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
For Personal Services and Other Expenses ......................................................... $    100,000
For Grants and Rebates ................................................................. 7,000,000
Total ........................................................................... $7,100,000

Section 19. The sum of $200,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for such purpose in Article 30, Section 12 of Public Act 91-706, as amended by this Act, is reappropriated from the Fund for Illinois’ Future to the Environmental Protection Agency for all costs associated with the O’Hare Toxic Study.

Section 20. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 21. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LABORATORY SERVICES

Payable from General Revenue Fund:
For Personal Services ..................................................... $ 2,044,200
For Employee Retirement Contributions
Paid by Employer .......................................................... 81,800

New matter indicated by italics - deletions by strikeout.
For Contractual Services .......................... 264,100
For Social Security ................................ 156,400
For State Contributions to
Employees' Retirement System ... 212,600
For Travel ........................................... 5,300
For Commodities ................................. 161,900
For Printing ....................................... 9,700
For Equipment ..................................... 177,900
For Telecommunications Services ....... 6,800
For Operation of Auto Equipment ......... 1,600
For Permanent Improvements ............... 11,600
Total  $4,534,200

For Permanent Improvements ............... 8,400
Total  $4,542,600

Section 22. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.

For Personal Services and Other
Expenses of the Program ...................... $4,534,200
For Permanent Improvements ............... 8,400
Total  $4,542,600

Section 23. The sum of $682,800, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 24. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

LAND POLLUTION CONTROL
Payable from General Revenue Fund:
For Personal Services ...................... $1,487,800
For Employee Retirement Contributions
Paid by Employer ....................... 59,500
For State Contributions to State
Employees' Retirement System ............ 154,700
For State Contributions to
Social Security ............................... 113,800
Total  $1,815,800

Payable from General Revenue Fund for Expenses Related to the Illinois Hazardous Waste Site Cleanup Program:
For Personal Services ...................... $1,469,400
For Employee Retirement Contributions
Paid by Employer ....................... 58,800
For State Contributions to State
Employees' Retirement System ............ 152,800
For State Contributions to
Social Security ............................... 112,400
For Contractual Services .................. 23,100
For Travel ....................................... 33,300
For Commodities ............................. 7,900
For Equipment .................................. 35,000
For Telecommunications Services ....... 12,000

New matter indicated by italics - deletions by strikeout.
For Operation of Auto Equipment ............... 4,400
Total .................................................. $1,909,100

Payable from the General Revenue Fund for:
Expenses Related to the Solid Waste Program:
For Personal Services ............................... $741,800
For Employee Retirement Contributions
Paid by Employer ........................................ 29,700
For State Contributions to State
Employees' Retirement System .......................... 77,100
For Social Security .................................. 56,700
For Contractual Services ................................ 2,300
For Travel .................................................. 6,600
For Telecommunications Services ................... 5,900
Total .................................................... $920,100

Payable from U.S. Environmental Protection Fund:
For Personal Services ............................... $2,784,100
For Employee Retirement Contributions
Paid by Employer ........................................ 111,400
For State Contributions to State
Employees' Retirement System .......................... 289,500
For Social Security .................................. 213,000
For Group Insurance .................................. 545,800
For Contractual Services ................................ 841,000
For Travel .................................................. 58,600
For Commodities ........................................ 68,600
For Printing ............................................... 59,000
For Equipment ............................................ 106,000
For Telecommunications Services ................... 211,600
For Operation of Auto Equipment ................... 21,700
For Use by the Office of the Attorney General .... 25,000
For Underground Storage Tank Program ............. 2,268,500
Total .................................................... $7,619,800

Section 26. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U.S. Environmental Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:
For Personal Services ............................... $2,148,900
For Employee Retirement Contributions
Paid by Employer ........................................ 86,000
For State Contributions to State
Employees' Retirement System .......................... 223,500
For Social Security .................................. 164,400
For Group Insurance .................................. 379,800
For Contractual Services ................................ 270,000
For Travel .................................................. 90,000
For Commodities ........................................ 100,000
For Printing ............................................... 5,000
For Equipment ............................................ 150,000
For Telecommunications Services ................... 65,000
For Operation of Auto Equipment ................... 53,800

New matter indicated by italics - deletions by strikeout.
For Contractual Expenses Related to Remedial, Preventive or Corrective Actions in Accordance with the Federal Comprehensive and Liability Act of 1980, including Costs in Prior Years .................................................................................................................. 6,100,000
Total .................................................................................................................. $9,836,400

Section 27. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.
Payable from the Underground Storage Tank Fund:
For Personal Services .......................................................... $ 2,233,900
For Employee Retirement Contributions
Paid by Employer .......................................................... 89,400
For State Contributions to State Employees' Retirement System .............. 232,300
For State Contributions to Social Security ................................................. 170,900
For Group Insurance .......................................................... 394,800
For Contractual Services ....................................................... 489,900
For Travel ........................................................................... 40,000
For Commodities ..................................................................... 15,400
For Equipment ....................................................................... 100,400
For Telecommunications Services ...................................................... 21,300
For Operation of Auto Equipment ....................................................... 6,200
For Reimbursements to Eligible Owners/Operators of Leaking Underground Storage Tanks, including claims submitted in prior years and for costs associated with site remediation............... 55,000,000
Total ........................................................................................................... $58,794,500

Section 28. The sum of $30,405,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from reappropriations made in Article 30, Section 24 of Public Act 91-0706, as amended is reappropriated to the Environmental Protection Agency from the Anti-Pollution Fund for payment of claims submitted, including claims submitted in prior years, to the state and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.

Section 29. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:
Payable from the Hazardous Waste Fund:
For Personal Services .......................................................... $ 296,900
For Employee Retirement Contributions
Paid by Employer .......................................................... 11,800
For State Contributions to State Employees' Retirement System .............. 30,700
For State Contributions to Social Security ................................................. 22,700
For Group Insurance .......................................................... 50,400
For Contractual Services ....................................................... 440,000
For Travel ........................................................................... 4,000
For Commodities ..................................................................... 20,000
For Printing .......................................................................... 2,000
For Equipment ....................................................................... 110,000
For Telecommunications Services ...................................................... 15,000

New matter indicated by italics - deletions by strikeout.
Section 30. The sum of $10,165,600, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 30, Section 27 of Public Act 91-0706, as amended, is reappropriated from the Hazardous Waste Fund to the Environmental Protection Agency for stabilization and remediation activities at the Paxton Landfill.

Section 31. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,086,200</td>
</tr>
<tr>
<td>For Contractual Services for Site Remediations, including costs in Prior Years</td>
<td>$28,966,800</td>
</tr>
<tr>
<td>Total</td>
<td>$33,752,500</td>
</tr>
</tbody>
</table>

Section 32. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,390,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$285,600</td>
</tr>
<tr>
<td>For Refunds</td>
<td>$14,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$33,900</td>
</tr>
<tr>
<td>Total</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Contractual Services .....................                                                                                  222,100
For Group Insurance ..........................                                                                                  142,800
Security ....................................                                                                                               63,700
For State Contributions to State
Paid by Employer ............................                                                                                         34,000
For Employee Retirement Contributions
Projects Trust Fund...............................                                                                                $250,000
Environmental Protection Act:
for the purpose  of  funding  the  Subtitle  D  permit program in accordance with Section 22.44 of the
Protection Act.
purpose of funding closure activities  in  accordance with Section 22.17 of the  Environmental Protection Act:
are  appropriated  from  the Subtitle  D  Management  Fund to the Environmental Protection Agency for
appropriated from  the  Used Tire  Management  Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act.
For Personal Services ........................                                   $1,220,100
For Employee Retirement Contributions
Paid by Employer .............................                                      48,800
For State Contributions to State
Employees' Retirement System .................                                          126,900
For State Contributions to Social
Security ........................................                              93,300
For Group Insurance ............................                                210,000
For Contractual Services ..........................                                     2,089,400
For Travel ..................................                                      32,000
For Commodities ..............................                                        15,000
For Printing .................................................................                          2,000
For Equipment ............................................                                          100,000
For Telecommunications Services .............                                             14,700
For Operation of Auto Equipment .............                                                   8,000
Total                                                                                                                                          $3,960,200

Section 33. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:
Payable from the Solid Waste
Management Fund................................. $1,200,000
Payable from the General Revenue Fund........ $2,000,000
Payable from the Special State
Projects Trust Fund............................... $250,000

Section 34. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for
purposes as provided for in Section 55.6 of the Environmental Protection Act.
For Personal Services ........................                                   $1,220,100
For Employee Retirement Contributions
Paid by Employer .............................                                      48,800
For State Contributions to Social
Employees' Retirement System ..................                                          126,900
For State Contributions to Social
For Group Insurance ............................                                210,000
For Contractual Services ..........................                                     2,089,400
For Travel ..................................                                      32,000
For Commodities ..............................                                        15,000
For Printing .................................................................                          2,000
For Equipment ............................................                                          100,000
For Telecommunications Services .............                                             14,700
For Operation of Auto Equipment .............                                                   8,000
Total                                                                                                                                          $3,960,200

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:
For Personal Services ........................                                   $  849,400
For Employee Retirement Contributions
Paid by Employer .............................                                      34,000
For State Contributions to Social
Employees' Retirement System ..................                                          88,300
For State Contributions to Social
Security ............................................                               63,700
For Group Insurance ............................                                142,800
For Contractual Services ..........................                                     222,100
For Travel ..................................                                      27,000
For Commodities ..............................                                        12,000
For Equipment ............................................                                          50,000
For Telecommunications Services .............                                             16,800
For Operation of Auto Equipment .............                                                   9,100
Total                                                                                                                                          $1,515,200

Section 36. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 37. The sum of $200,000, or so much thereof as may be necessary, is appropriated
from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 38. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for oversight of site development at solid waste management facilities in accordance with the purposes specified or contributed funds.

Section 39. The named amounts, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
   Payable from General Revenue Fund:
   For Personal Services and Other Expenses of the Program ........................................... $961,000
   Payable from the Brownfields Redevelopment Fund:
   For Personal Services and Other Expenses of the Program ........................................... $370,800
   For Brownfields Redevelopment Loans in accordance with Section 58.15, including costs in prior years................. $7,000,000

Section 40. The sum of $3,000,000, new appropriation, is appropriated and the sum of $3,591,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 30, Section 36 of Public Act 91-0706, as amended, is reappropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for grants to local governments in accordance with Section 58.13.

Section 41. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

   BUREAU OF WATER

Payable from General Revenue Fund:
   For Personal Services .......................... $ 4,569,300
   For Employee Retirement Contributions
      Paid by Employer ............................. 182,800
   For State Contributions to State Employees' Retirement System .................. 475,200
   For State Contributions to Social Security .......................... 349,600
   For Contractual Services .......................... 250,300
   For Travel .................................. 41,300
   For Commodities ............................ 29,500
   For Printing ................................ 13,100
   For Equipment ................................ 106,100
   For Telecommunications Services .............. 29,000
   For Operation of Auto Equipment .............. 31,300
   For all Costs Associated with the Illinois River 2020 Program.................. 1,400,000
   Total .............................................. $7,477,500

Payable from U.S. Environmental Protection Fund:
   For Personal Services .......................... $ 6,060,400
   For Employee Retirement Contributions
      Paid by Employer ............................. 242,300
   For State Contributions to State Employees' Retirement System .................. 629,700

New matter indicated by italics - deletions by strikeout.
For State Contributions to
  Social Security ....................... 463,600
  For Group Insurance .................... 1,054,900
  For Contractual Services ............... 2,337,000
  For Travel ................................ 113,900
  For Commodities ....................... 67,600
  For Printing .......................... 58,200
  For Equipment ........................ 436,500
  For Telecommunications Services ....... 178,600
  For Operation of Auto Equipment ....... 61,500
  For Use by the Department of Public Health ......................... 653,000
  For non-point source pollution management
    including costs in prior years........... 6,235,000
  For Federal Clean Water Act Demonstrations and Studies Under
    the Federal Clean Water Act, including costs in prior years........... 520,000
  For Water Quality Planning,
    including costs in prior years........... 350,000
  For Use by the Department of Agriculture ....................... 68,800
Total ............................................................................... $19,531,000

Section 42. The sum of $744,800, or so much thereof as may be necessary, and as remains
unexpended at the close of business on June 30, 2001, from reappropriations heretofore made for
such purpose in Article 30, Section 41 of Public Act 91-0706, as amended, is reappropriated from
the U.S. Environmental Protection Fund to the Environmental Protection Agency for financial
assistance to economically disadvantaged communities for wastewater facility projects.

Section 43. The following named sums, or so much thereof as may be necessary, are
appropriated from the Hazardous Waste Fund to the Environmental Protection Agency for use in
accordance with Section 22.2 of the Environmental Protection Act:
  For Personal Services ................... $ 387,000
  For Employee Retirement Contributions
    Paid by Employer ....................... 15,500
  For State Contribution to State Employees' Retirement System ............ 40,200
  For State Contribution to Social Security ....................... 29,600
  For Group Insurance .................... 75,600
  For Contractual Services ............... 36,100
  For Travel ................................ 6,000
  For Commodities ....................... 6,000
  For Printing .......................... 4,000
  For Equipment ........................ 30,000
  For Telecommunications .................. 10,000
  For Operation of Auto Equipment ....... 2,000
Total ................................................................. $642,000

Section 44. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:
Payable from the Environmental Protection Permit
and Inspection Fund:
  For Personal Services ................... $ 706,500
  For Employee Retirement Contributions
    Paid by Employer ....................... 28,300

New matter indicated by italics - deletions by strikeout.
For State Contribution to State
  Employees' Retirement System ......................... 73,500
  For State Contribution to
  Social Security ........................................ 54,000
  For Group Insurance ................................. 117,600
  For Contractual Services ............................ 31,600
  For Travel ......................................... 10,000
  For Commodities .................................... 7,000
  For Printing ....................................... 4,000
  For Equipment ....................................... 62,000
  For Telecommunications Services ..................... 11,200
  For Operation of Automotive Equipment ............... 10,000
Total  $1,115,700

Section 45. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities required by the Illinois Lake Management Program:
  For Personal Services and Other
  Expenses of the Program ............................ $  554,800
  For Financial Assistance ............................ 1,025,000
Total  $1,579,800

Section 46. The sum of $3,033,500, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purpose in Article 30, Sections 44 and 45 of Public Act 91-0706, as amended is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance under the Illinois Lake Management Program.

Section 47. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:
Payable from the Water Revolving Fund:
  For Administrative Costs of
  Water Pollution Control Revolving Loan Program .......................... $  2,168,800
  For Program Support Costs of Water
  Pollution Control Revolving Loan Program .......................... 5,904,800
  For Administrative Costs of the Drinking
  Water Revolving Loan Program .......................................................... 1,189,800
  For Program Support Costs of the Drinking
  Water Revolving Loan Program .......................................................... 200,000
  For all Costs Associated with the Drinking
  Water Operator Certification Program .......................... 2,300,000
  For Federal Safe Drinking Water
  Act Source Water Assessments ......................................................... 1,600,000
Total  $13,363,400

Section 48. The sum of $242,000,000, new appropriation, is appropriated and the sum of $332,553,900, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made in Article 30, Section 47 and 48 of Public Act 91-0706, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 49. The sum of $95,000,000, new appropriations, is appropriated and the sum of $122,915,000, or so much thereof as may be necessary and as remains unexpended at the close of
business on June 30, 2001, from appropriations and reappropriations heretofore made in Article 30, Section 49 of Public Act 91-0706, as amended, is reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 50. The sum of $19,000,000, new appropriation, is appropriated and the sum of $46,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made for such purpose in Article 30, Section 50 of Public Act 91-0706, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 51. The sum of $5,848,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 51 of Public Act 91-0706, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 52. The sum of $200,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 52 of Public Act 91-0706, as amended, is reappropriated from the Capital Development Fund to the Environmental Protection Agency for a grant to the Village of Green Oaks to rehabilitate and upgrade the sewer system.

Section 53. The sum of $70,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 53 of Public Act 91-0706, as amended, is reappropriated from the Capital Development Fund to the Environmental Protection Agency for a grant to Crete Township for construction of a new sewer system.

Section 54. The amount of $10,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 56 of Public Act 91-0706, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for a grant to the Village of Bureau Junction for the purpose of a sludge lagoon cleanup and ambulance service.

Section 55. The amount of $25,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 30, Section 70 of Public Act 91-0706, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for a grant to the Village of Sauk Village for all costs associated with improvements to the Lincoln Lansing Drainage Ditch.

Section 56. The amount of $600,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 76 of Public Act 91-0706, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for a grant to the City of Centralia for the purpose of all costs associated with Texaco water pipeline improvements and/or additions.

Section 57. The sum of $30,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from reappropriations heretofore made in Article 30, Section 94 of Public Act 91-0706, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for grants to units of local governments and educational facilities for water and wastewater infrastructure improvements and equipment.

Section 57a. The sum of $1,095,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001 from appropriations heretofore made in Article 30, Section 84 of Public Act 91-0706, as amended by this Act, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to, planning, construction, reconstruction,
renovation, equipment, utilities and vehicles.

Section 58. The sum of $1,165,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001 from appropriations heretofore made in Article 30, Section 96 of Public Act 91-0706, as amended, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to, planning, construction, reconstruction, renovation, equipment, utilities and vehicles.

ARTICLE 68

Section 1. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Illinois Environmental Protection Agency as follows:

To Support Enhanced Environmental Protection and Enforcement Activities $ 700,000
For Support of the Illinois Environmental Regulatory Review Commission $ 170,000

Section 2. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Department of Natural Resources as follows:

For projects relating to natural resources research, protection, and educational activities $ 700,000

Section 3. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to the Pollution Control Board as follows:

For Funding Expenses of Case Processing and Other Activities $ 700,000
For Support of the Illinois Environmental Regulatory Review Commission $ 25,000

ARTICLE 69

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services $ 6,496,900
For Employee Retirement Contributions Paid by Employer 259,900
For State Contributions to the State Employees’ Retirement System 662,700
For State Contributions to Social Security 497,000
For Contractual Services 410,100
For Travel 220,400
For Commodities 16,200
For Printing 14,000
For Equipment 43,200
For Electronic Data Processing 35,000
For Telecommunications Services 295,800
For Operation of Auto Equipment 5,500
Total $8,956,700

New matter indicated by italics - deletions by strikeout.
Section 2. The sum of $210,000, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 70

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
FOR PUBLIC AFFAIRS AND DEVELOPMENT
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$55,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security...</td>
<td>108,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>150,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>31,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,100</td>
</tr>
<tr>
<td>For Lincoln Legals</td>
<td>220,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,822,200</strong></td>
</tr>
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PAYABLE FROM ILLINOIS HISTORIC SITES FUND

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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$55,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td>For historic preservation programs</td>
<td>225,000</td>
</tr>
<tr>
<td>administered by the Executive Office,</td>
<td></td>
</tr>
<tr>
<td>only to the extent that funds are received</td>
<td></td>
</tr>
<tr>
<td>through grants, and awards, or gifts</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$298,300</strong></td>
</tr>
</tbody>
</table>

Section 1a. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for a grant to the Illinois Executive Mansion Association.

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORICAL LIBRARY DIVISION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<td>For Personal Services</td>
<td>$901,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>36,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>93,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security...</td>
<td>68,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>20,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>13,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>47,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Telecommunications Services .............. $12,300
For Equipment ................................ $2,000
For Printing .................................. $1,000
For Telecommunications Services .............. $12,300
For historic preservation programs
made either independently or in
cooperation with the Federal Government
or any agency thereof, any municipal
corporation, or political subdivision
of the State, or with any public or private
corporation, organization, or individual,
or for refunds .............................. $750,000
Total $1,264,600

Section 3a. The sum of $50,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Historic Preservation Agency to computerize survey files
used in regulatory review and compliance and National Register programs.

Section 3b. The sum of $150,000, or so much thereof as may be necessary, is appropriated
from the Illinois Historic Sites Fund to the Historic Preservation Agency for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the
State, or with any public or private corporation, organization, or individual.

Section 3c. The sum of $165,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations and reappropriations heretofore made in Article 32, Sections 3b and 3c of Public Act 91-706, as amended, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 3d. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 3e. The sum of $500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 32, Section 3d of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,419,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>56,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>147,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>107,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>391,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,300</td>
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<tr>
<td>For Commodities</td>
<td>22,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>8,600</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>65,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>24,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>16,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,264,400</td>
</tr>
</tbody>
</table>

Section 4a. The sum of $125,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,710,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Section 5a. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for operations, maintenance, repairs, permanent improvements, special events, and all other costs related to the operation of Illinois Historic Sites and only to the extent which donations are received at Illinois State Historic Sites.

Section 5b. The sum of $800,000, or so much thereof as may be necessary, is appropriated to the Historic Preservation Agency from the General Revenue Fund for programs and purposes including repairing, maintaining, reconstructing, rehabilitating, replacing, fixed assets, construction and development, studies, all costs for supplies, materials, labor, land acquisition and its related costs, services and other expenses at historic sites.

Section 5c. The sum of $2,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 32, Section 5d of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for a grant to the Lake County Forest Preserve District for planning, construction and renovation of the Adlai Stevenson Home State Historic Site.

Section 6. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Historic Preservation Agency for costs associated with the A. Lincoln Presidential Library and Museum.

Section 7. The sum of $205,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 32, Section 6 of Public Act 91-706, as amended, is reappropriated from the General

New matter indicated by italics - deletions by strikeout.
Revenue Fund to the Historic Preservation Agency for the restoration of the Jarrot Mansion.

Section 8. The amount of $50,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from a reappropriation heretofore made for such purpose in Article 32, Section 7 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency for planning a new historical library and Lincoln Center.

Section 9. The sum of $572,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made in Article 32, Section 8 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency for a grant to the Mid South Planning and Development Commission for the restoration of the Overton Hygienic Building.

Section 10. The sum of $66,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 11 of Public Act 91-706, as amended, is reappropriated from the General Revenue Fund to the Historic Preservation Agency for a grant to Williamson County for the clean up and restoration of abandoned, neglected cemeteries.

Section 11. The amounts appropriated for repairs and maintenance and other capital improvements in Section 5b of this Article for repairs and/or replacements, and miscellaneous capital improvements at the agency's various historical sites, and are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials, and all other types of repairs and maintenance, and capital improvements.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 5c of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 12. The sum of $180,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 14 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for improvements to the Galena State Historic Sites for the Ulysses S. Grant Visitors Center.

Section 13. The sum of $215,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 30 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, equipment, utilities and vehicles.

Section 14. The sum of $55,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 36 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for a grant to Friends of the Albany Mounds Foundation for land acquisition.

Section 15. The sum of $215,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 37 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for grants to units of local government and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, renovation, restoration and equipment.

Section 16. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in Article 32, Section 38 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition of Sugar Loaf and/or Fox Mounds.

Section 17. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made in

New matter indicated by italics - deletions by strikeout.
Article 32, Section 39 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities for Sugar Loaf and/or Fox Mounds.

ARTICLE 71

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE

Payable from General Revenue Fund:
For Personal Services $ 1,115,400
For Employee Retirement Contributions
Paid by Employer 44,700
For State Contributions to State
Employees' Retirement System 116,100
For State Contributions to Social Security 85,400
For Contractual Services 142,000
For Travel 47,000
For Commodities 15,000
For Printing 5,500
For Equipment 13,900
For Electronic Data Processing 13,600
For Telecommunications Services 31,900
Total $1,630,500

ARTICLE 72

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE

Payable from Transportation Regulatory Fund:
For Personal Services $ 70,600
For Employee Retirement Contributions
Paid by Employer 2,800
For State Contributions to State
Employees' Retirement System 7,300
For State Contributions to Social Security 5,400
For Group Insurance 8,400
For Contractual Services 400
For Travel 2,000
For Equipment 5,600
For Telecommunications 9,200
For Operation of Auto Equipment 1,100
Total $112,800

Payable from Public Utility Fund:
For Personal Services $ 777,900
For Employee Retirement Contributions
Paid by Employer 31,100
For State Contributions to State
Employees' Retirement System 80,800
For State Contributions to Social Security 59,400
For Group Insurance 117,600
For Contractual Services 22,000
For Travel 63,900

New matter indicated by italics - deletions by strikeout.
Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

**PUBLIC UTILITIES**

Payable from Public Utility Fund:
- For Personal Services: $12,802,300
- For Employee Retirement Contributions
  - Paid by Employer: 512,300
- For State Contributions to State Employees' Retirement System: 1,331,600
- For State Contributions to Social Security: 964,800
- For Group Insurance: 1,915,200
- For Contractual Services: 1,546,300
- For Travel: 324,400
- For Commodities: 54,400
- For Printing: 36,000
- For Equipment: 46,400
- For Electronic Data Processing: 2,975,000
- For Telecommunications: 480,000
- For Operation of Auto Equipment: 18,100
- For Refunds: 70,000

Total: $23,326,800

Payable from General Revenue Fund:
- For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the retail rate law": 250,000

Total: $23,326,800

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

**TRANSPORTATION**

Payable from Transportation Regulatory Fund:
- For Personal Services: $5,400,100
- For Employee Retirement Contributions
  - Paid by Employer: 216,300
- For State Contributions to State Employees' Retirement System: 561,800
- For State Contributions to Social Security: 410,600
- For Group Insurance: 781,200
- For Contractual Services: 561,300
- For Travel: 211,000
- For Commodities: 50,400
- For Printing: 27,000
- For Equipment: 146,500
- For Electronic Data Processing: 2,123,700
- For Telecommunications: 263,700
- For Operation of Auto Equipment: 117,500
- For Refunds: 45,000

Total: $10,916,100

New matter indicated by italics - deletions by strikeout.
Section 4. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 5. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

Section 6. The sum of $1,450,300, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997.

Section 7. The sum of $584,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in prior years.

Section 8. The sum of $833,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to assist the Illinois Commerce Commission in implementing a consumer education program regarding the Electric Service Customer Choice and Rate Relief Law of 1997.

Section 9. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in planning, developing, and implementing a multi-agency "one stop" electronic credentialing system for commercial vehicles operating to, from, and through Illinois.

Section 10. The sum of $205,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission in support of grade crossing education and enforcement programs, including awards and grants to units of local government.

ARTICLE 73

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:
- For Personal Services .................. $ 686,600
- For Employee Retirement Contributions Paid By Employer .................. 27,500
- For State Contributions to the State Employees' Retirement System ............ 71,400
- For State Contributions to Social Security .................. 52,500
- For Group Insurance .................. 117,600
- For Contractual Services .................. 469,700
- For Travel .................. 43,000
- For Commodities .................. 30,000
- For Printing .................. 37,500
- For Equipment .................. 15,000
- For Electronic Data Processing ............. 25,000
- For Telecommunications Services ............. 45,000

Total $1,620,800

Section 2. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 74

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary

New matter indicated by italics - deletions by strikeout.
and contingent expenses of the Illinois Criminal Justice Information Authority:

## OPERATIONS

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
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<th>$1,793,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services ..............</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>71,900</td>
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<td>Paid by Employer ..................</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>186,700</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services ..........</td>
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<td>19,000</td>
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<td>For Commodities ..................</td>
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<td>15,400</td>
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<td>For Printing ........................</td>
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<td>43,500</td>
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<td>For Equipment ........................</td>
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<td>3,500</td>
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<td>For Electronic Data Processing ..........</td>
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<td>533,400</td>
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<td>For Telecommunications Services ........</td>
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<td>81,300</td>
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<td>For Operation of Auto Equipment ..........</td>
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<td>4,600</td>
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<td>Total</td>
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<td>$2,857,600</td>
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</table>

<table>
<thead>
<tr>
<th>Payable from Criminal Justice Information Systems Trust Fund:</th>
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<th>$3,390,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services ..............</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td>688,900</td>
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<tr>
<td>Paid by Employer ..................</td>
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<td></td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>71,800</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>52,700</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance ................</td>
<td></td>
<td>140,200</td>
</tr>
<tr>
<td>For Contractual Services ..........</td>
<td></td>
<td>181,800</td>
</tr>
<tr>
<td>For Travel ........................</td>
<td></td>
<td>14,000</td>
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<td>For Commodities ..................</td>
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<td>6,100</td>
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<tr>
<td>For Printing ........................</td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td>For Equipment ........................</td>
<td></td>
<td>4,500</td>
</tr>
<tr>
<td>For Electronic Data Processing ..........</td>
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<td>1,442,100</td>
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<tr>
<td>For Telecommunications Services ........</td>
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<td>216,700</td>
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<tr>
<td>For Operation of Auto Equipment ..........</td>
<td></td>
<td>7,100</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$2,857,600</td>
</tr>
</tbody>
</table>

Section 2. The sum of $39,579,300, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 3. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies:

Payable from the General Revenue Fund ........... $ 2,023,500
Payable from the Criminal Justice Trust Fund ................ 13,359,600
Total .................................................. $15,383,100

Section 4. The following named sums, or so much thereof as needed, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance programs administered by units of state and local government and non-profit organizations:

Payable from the General Revenue Fund ........... $ 788,200
Payable from the Criminal Justice Trust Fund ................ 5,300,000

New matter indicated by italics - deletions by strikeout.
Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:

Payable from the Criminal Justice Trust Fund .................................... $ 1,500,000

Payable from the Criminal Justice Information Projects Fund ..................... 1,000,000

Total $2,500,000

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:

Payable from the Motor Vehicle Theft Prevention Trust Fund:

For Personal Services .................. $ 202,400

For other Ordinary and Contingent Expenses ... 200,300

For Awards and Grants to federal and state agencies, units of local government, corporations, and neighborhood, community and business organizations to include operational activities and programs undertaken by the Authority in support of the Motor Vehicle Theft Prevention Act .......... 7,000,000

For Refunds.......................... 7,000,000

Total $7,502,700

Section 7. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority, in support of Federal Crime Bill Initiatives.

Section 8. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program:

Payable from the Juvenile Accountability Incentive Grant Trust Fund .......................... 17,540,800

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Criminal Justice Information Authority for awards and grants and operational costs in support of the Sexual Assault Nurse Examiner Pilot Program.

ARTICLE 75

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OFFICE OF ADMINISTRATION, FISCAL AND COMMUNICATIONS

Payable from General Revenue Fund:

For Personal Services ...................... $ 1,384,700

For Employee Retirement Contributions

Paid by Employer .......................... 56,200

For State Contributions to State Employees' Retirement System ................. 144,000

New matter indicated by italics - deletions by strikeout.
For State Contributions to

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>105,900</td>
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<tr>
<td>Contractual Services</td>
<td>308,300</td>
</tr>
<tr>
<td>Travel</td>
<td>8,900</td>
</tr>
<tr>
<td>Commodities</td>
<td>11,700</td>
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<tr>
<td>Printing</td>
<td>7,800</td>
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<tr>
<td>Equipment</td>
<td>24,500</td>
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<tr>
<td>Electronic Data Processing</td>
<td>22,500</td>
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<tr>
<td>Telecommunications</td>
<td>195,800</td>
</tr>
<tr>
<td>Operation of Auto Equipment</td>
<td>21,300</td>
</tr>
</tbody>
</table>

For Activities as a result of the Illinois Emergency Planning and Community Right to Know Act:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from Emergency Planning and Training Fund</td>
<td>150,000</td>
</tr>
</tbody>
</table>

**Total** $2,441,600

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**PLANNING AND FIELD OPERATIONS**

For Personal Services:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$1,500,300</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>364,300</td>
</tr>
</tbody>
</table>

For Employee Retirement Contributions Paid by Employer:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>60,000</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>14,600</td>
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</tbody>
</table>

For State Contributions to State Employees' Retirement System:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>150,600</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>36,600</td>
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</tbody>
</table>

For State Contributions to Social Security:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>114,900</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>27,700</td>
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</table>

For Group Insurance:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>92,400</td>
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For Contractual Services:

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<tr>
<th>Description</th>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>60,100</td>
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<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>40,500</td>
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</table>

For Travel:

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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>13,600</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>32,300</td>
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For Commodities:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>3,500</td>
</tr>
<tr>
<td>Payable from Nuclear Safety Emergency Preparedness Fund</td>
<td>7,100</td>
</tr>
</tbody>
</table>

For Printing:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>6,300</td>
</tr>
</tbody>
</table>
Payable from Nuclear Safety Emergency Preparedness Fund ....................... 4,500
For Equipment:
  Payable from the General Revenue Fund ........ 26,000
  Payable from Nuclear Safety Emergency Preparedness Fund .................... 5,000
For Electronic Data Processing:
  Payable from the General Revenue Fund ........ 34,900
  Payable from Nuclear Safety Emergency Preparedness Fund .................... 59,600
For Telecommunications:
  Payable from the General Revenue Fund ........ 51,800
  Payable from Nuclear Safety Emergency Preparedness Fund .................... 71,900
For Operation of Auto Equipment:
  Payable from the General Revenue Fund ........ 15,800
  Payable from Nuclear Safety Emergency Preparedness Fund .................... 18,500
Total $2,812,800

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS
Federally-Assisted Programs

Payable from General Revenue Fund:
  For Training and Education ................... $ 146,500
  For Planning and Analysis ................... 75,000
Payable from Nuclear Civil Protection Planning Fund:
  For Clean Air ................................. 100,000
  For Federal Projects .......................... 700,000
  For Flood Mitigation .......................... 1,500,000
Payable from Federal Civil Preparedness Administrative Fund:
  For Training and Education ................... 2,261,300
  For Terrorism Preparedness and Training ........................................ 2,000,000
Total $6,782,800

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, PUBLIC

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund ................. $ 2,450,000
Payable from General Revenue Fund:
  For costs incurred in prior

New matter indicated by italics - deletions by strikeout.
years ........................................  245,000
Total  $2,695,000

Payable from the General Revenue Fund to provide State Matching Funds for Federal Disaster Assistance:
In Fiscal Year 2002  $200,000
In prior years  500,000
Total  $700,000

Payable from the Federal Aid Disaster Fund:
In Prior Years  $45,000,000

Federal Disaster Declarations:
In Fiscal Year 2002  30,000,000
For State administration of the Federal Disaster Relief Program  1,000,000
For State administration of the Hazard Mitigation Program  1,000,000
Disaster Relief - Hazard Mitigation  8,000,000
Disaster Relief - Hazard Mitigation in Prior Years  35,000,000
Total  $120,000,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER RELIEF, INDIVIDUAL

Payable from the General Revenue Fund:
State Share of Individual and Family Grant Program for Disaster Declarations:
In Fiscal Year 2002  $ 7,000,000
In prior years  500,000

Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Family Grant Program for Disaster Declarations:
In Fiscal Year 2002  21,000,000
In prior years  1,500,000
For State administration of the Individual and Family Grant Program  1,000,000
Total  $31,000,000

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:

LOCAL ESDA ASSISTANCE

Payable from the Federal Hardware Assistance Fund:
For Communications and Warning Systems  $ 500,000
For Emergency Operating Centers  500,000

Payable from the General Revenue Fund:
For Communications and Warning Systems  150,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Urban Search and Rescue  200,000
Total  $3,850,000

Section 6a. The sum of $310,000, or so much thereof as may be necessary, and remains

New matter indicated by italics - deletions by strikeout.
unexpended at the close of business on June 30, 2001, from the appropriation heretofore made in Article 28, Section 3 of Public Act 91-706, is reappropriated from the Federal Civil Preparedness Administrative Fund for terrorism preparedness and training.

Section 7. Certain Federal receipts shall be placed in the General Revenue Fund, pursuant to law and regulation, as reimbursement for the Federal share of expenditures made from General Revenue appropriations in Sections 1, 2, 3, 4, 5, 6, and 6a of this Article. Other Federal receipts shall be paid into the proper trust fund and shall be available for expenditure only pursuant to the trust fund appropriations in Sections 1, 2, 3, 4, 5, 6, and 6a of this Article or suitable appropriation made by the General Assembly.

ARTICLE 76

Section 1. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Farm Development Authority for transfer to the Illinois Agricultural Loan Guarantee Fund.

Section 2. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Farm Development Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 77

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Health Care Cost Containment Council:

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$692,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>27,000</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>70,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>51,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>78,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>17,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>10,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>25,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>9,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>15,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>54,000</td>
</tr>
<tr>
<td>For Reimbursements to Hospitals and Ambulatory Surgical Treatment Centers</td>
<td></td>
</tr>
<tr>
<td>For the Submission of Out-Patient Billing Data</td>
<td>164,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,214,300</strong></td>
</tr>
</tbody>
</table>

Section 1a. The amount of $387,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Health Care Cost Containment Council for the collection of data on out-patient health care costs in Illinois.

Section 2. The amount of $237,200, or so much of that amount as may be necessary, is appropriated from the Illinois Health Care Cost Containment Council Special Studies Fund to the Illinois Health Care Cost Containment Council for Special Studies pursuant to the Illinois Health Finance Reform Act.

ARTICLE 78

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Labor Relations Board for the objects and purposes hereinafter named:

**OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,550,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>62,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System .................. $161,200
For State Contributions to
  Social Security ............................... $115,200
For Contractual Services ....................... $242,400
For Travel .................................... 37,000
For Commodities ............................... 7,000
For Printing ................................... 7,000
For Equipment .................................. 37,500
For Electronic Data Processing .................. 72,500
For Telecommunications Services ............... 66,700
Total

$2,358,800

ARTICLE 79

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund for the ordinary and contingent expenses of the Illinois Racing Board:

OPERATIONS

GENERAL OFFICE

For Personal Services ........................ $ 1,288,200
For Employee Retirement Contributions
  Paid by Employer ............................ 51,500
For State Contributions to State
  Employees' Retirement System .............. $134,100
For State Contributions to
  Social Security ............................ 97,200
For Group Insurance ........................... 218,400
For Contractual Services ..................... 163,100
For Contractual Services:
  Hearing Officers ............................ 23,600
For Travel ................................... 42,000
For Commodities ............................. 12,900
For Printing .................................. 6,700
For Equipment ............................... 35,100
For Telecommunications Services .......... 80,400
For Operation of Auto Equipment .......... 14,800
Total

$2,168,000

LABORATORY PROGRAM

For Personal Services ........................ $ 719,600
For Employee Retirement Contributions
  Paid by Employer ............................ 28,800
For State Contributions to State
  Employees' Retirement System .............. 74,800
For State Contributions to
  Social Security ............................ 53,900
For Group Insurance ........................... 142,800
For Contractual Services ..................... 489,000
For Travel ................................... 6,000
For Commodities ............................. 495,000
For Printing .................................. 7,500
For Equipment ............................... 24,000
For Telecommunications Services .......... 7,000
For Operation of Auto Equipment .......... 1,800
Total

$2,050,200

REGULATION OF RACING PROGRAM

For Personal Services:

New matter indicated by italics - deletions by strikeout.
For Per Diem Expenses for the Regulation of Race Days................................. $ 2,704,400
For Employee Retirement Contributions Paid by Employer............................... 108,200
For State Contributions to State Employees' Retirement System.......................... 281,200
For State Contributions to Social Security.......................................................... 206,900
For Group Insurance.......................................................................................... 630,000
For Contractual Services................................................................................... 50,900
For Travel................................................................................................... 40,400
For Commodities.................................................................................................. 21,000
For Printing.................................................................................................... 800
For Equipment.................................................................................................. 37,300
For Operation of Auto Equipment.......................................................... 1,300
For Refunds...................................................................................................... 1,000
Total...................................................................................................................... $4,083,200

Section 2. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Horse Racing Equity Fund to the Illinois Racing Board for grants pursuant to the Illinois Horse Racing Act of 1975, Section 54, Subparagraph b(1).

Section 3. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Horse Racing Equity Fund to the Illinois Racing Board for grants pursuant to the Illinois Horse Racing Act of 1975, Section 54, Subparagraph b(2).

ARTICLE 80

Section 1. The amount of $283,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Rural Bond Bank for ordinary and contingent expenses.

ARTICLE 81

Section 1. The sum of $32,179,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 82

Section 1. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of Illinois Violence Prevention Authority:

Payable from the Violence Prevention Fund:
For Personal Services ................................................................. $ 397,300
For Employee Retirement Contributions Paid by Employer......................... 15,900
For State Contributions to State Employees' Retirement System.................. 40,900
For State Contribution to Social Security......................................................... 30,400
For Group Insurance....................................................................................... 66,400
For Contractual Services............................................................................... 150,000
For Travel................................................................................................. 25,000
For Commodities........................................................................................ 25,000
For Printing................................................................................................. 12,700
For Equipment............................................................................................ 8,500
For Electronic Data Processing................................................................. 5,000
For Telecommunications Services.......................................................... 4,300
Total.................................................................................................................. $781,400

Payable from the General Revenue Fund:
For Contractual Services .......................................................... 73,400
Total........................................................................................................... $73,400

New matter indicated by italics - deletions by strikeout.
Section 2. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 3. The sum of $2,550,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 4. The amount of $13,900,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for its Safe to Learn Program.

Section 5. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

ARTICLE 83

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Industrial Commission:

GENERAL OFFICE

For Personal Services:
Regular Positions ......................... $ 3,949,300
Arbitrators .............................. 2,763,100
Court Reporters ......................... 970,000
For Employee Retirement Contributions
Paid by Employer ......................... 327,300
For State Contributions to
Employees' Retirement System .......... 389,100
For Arbitrators' Retirement System .... 269,700
For Court Reporters' Retirement System .... 98,000
For State Contributions to
Social Security .......................... 563,800
For Contractual Services ................ 414,000
For Travel ................................ 143,000
For Commodities ........................... 37,000
For Printing ............................. 37,000
For Equipment ........................... 28,000
For Telecommunications Services ........ 73,000
Total $10,062,300

ELECTRONIC DATA PROCESSING

For Personal Services ....................... $ 515,200
For State Contributions to State
Employees' Retirement System .......... 51,000
For State Contributions to
Social Security .......................... 39,100
For Contractual Services ................ 200,000
For Travel ................................. 2,500
For Commodities ........................... 1,000
For Equipment ........................... 2,400
For Printing ............................. 3,000
For Telecommunications Services ........ 30,000
Total $844,200

Section 2. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Industrial Commission for the project hereinafter enumerated:

PEORIA OFFICE

For rent, staffing and equipment to operate
an office in Peoria ......................... $101,400

New matter indicated by italics - deletions by strikeout.
Section 3. The amount of $121,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Industrial Commission for printing and distribution of Workers’ Compensation handbooks containing information as to the rights and obligations of employers.

Section 4. The amount of $271,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Industrial Commission for the implementation and operation of an accident reporting system.

Section 5. The sum of $93,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Industrial Commission for all costs associated with the establishment and operation of a satellite office in the Metro East area.

ARTICLE 84

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:
- For Personal Services ....................... $ 1,161,100
- For Employee Retirement Contributions
  Paid by Employer ............................. 46,400
- For State Contributions to State Employees’ Retirement System ............... 120,800
- For State Contributions to Social Security .......................... 87,300
- For Group Insurance .......................... 218,400
- For Contractual Services ................. 392,400
- For Travel ..................................... 35,200
- For Commodities .............................. 12,000
- For Printing ................................... 15,000
- For Equipment ................................. 39,000
- For Electronic Data Processing ........... 69,000
- For Telecommunications Services ........ 25,700
- For Operation of Auto Equipment ........ 17,000
- For Expenses Related to the Audit of Assessment Collection and Remittance To and Expenditures From the Traffic and Criminal Conviction Surcharge Fund ........... 22,000

Total                                                                 $2,261,300

Payable from the Police Training Board Services Fund:
- For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act .............................. $ 500,000

Section 1a. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal Conviction Surcharge Fund:
- For payment of and/or reimbursement of training and training services in accordance with statutory provisions ...... $ 11,000,000

ARTICLE 85

Section 1. The following named amounts, or so much thereof as may be necessary,
respectively, for the objects and purposes hereinafter named, are appropriated from the Dram
Shop Fund to the Liquor Control Commission:

For Personal Services .................. $ 2,285,300
For Employee Retirement Contributions
    Paid by Employer ..................... 91,900
For State Contributions to State
    Employees' Retirement System ........ 238,300
For State Contributions to
    Social Security ....................... 173,000
For Group Insurance ..................... 445,200
For Contractual Services ............... 311,400
For Travel ................................ 115,300
For Commodities ....................... 18,700
For Printing ............................ 6,000
For Equipment ........................... 6,000
For Electronic Data Processing .......... 81,200
For Telecommunications Services ....... 70,400
For Operation of Automotive Equipment.. 38,000
For Refunds ............................. 2,000
Total ................................... $3,882,700

Section 2. The amount of $300,000, or so much thereof as may be necessary, is appropriated
from the Dram Shop Fund to the Liquor Control Commission to conduct a study to determine the
extent of enforcement of laws relating to access by minors to tobacco products.

Section 3. The sum of $150,000, or so much thereof as may be necessary, is appropriated
from the Tobacco Settlement Recovery Fund to the Liquor Control Commission for the purpose of
operating the local government tobacco enforcement grant program.

Section 4. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated
from the Tobacco Settlement Recovery Fund to the Liquor Control Commission for grants to local
governmental units to establish enforcement programs that will reduce youth access to tobacco
products.

Section 5. The following amounts, or so much thereof as may be necessary, respectively,
are appropriated for the Retailer Education Program from the Dram Shop Fund to the Liquor
Control Commission, for the objects and purposes hereinafter named:

For Personal Services ................... $ 107,000
For Employee Retirement Contributions
    Paid by Employer ...................... 4,000
For State Contributions to State
    Employees' Retirement System ....... 10,600
For State Contributions to
    Social Security ...................... 7,900
For Group Insurance .................... 16,800
For Contractual Services ............... 65,300
For Travel ............................... 4,300
For Commodities ....................... 2,400
For Printing ............................ 21,000
For Equipment .......................... 1,000
For Electronic Data Processing .......... 6,000
For Telecommunications Services ...... 4,100
Total .................................. $250,400

Section 6. The sum of $133,000, or so much thereof as may be necessary, is appropriated
from the Dram Shop Fund to the Liquor Control Commission for the purpose of enforcing the

Section 7. The sum of $630,000, or so much thereof as may be necessary, is appropriated
from the Dram Shop Fund to the Liquor Control Commission for the purpose of operating the
Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program.

New matter indicated by italics - deletions by strikeout.
Section 8. In addition to any other amount appropriated, the sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Liquor Control Commission for the continuation of a statewide tobacco inspection program.

ARTICLE 86

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Medical District Commission:

Payable from General Revenue Fund:

For Personal Services $347,700
For Employee Retirement Contributions Paid by Employer 13,900
For State Contributions to the State Employees' Retirement System 34,900
For State Contributions to Social Security 26,000
For Contractual Services 280,000
For Operation of Chicago Technology Park Research Center and for Development and Operation of the Chicago Technology Park within the Medical Center District 116,900

Total $819,400

Section 2. The sum of $162,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for repairs, maintenance, and site improvements within the Medical Center District, City of Chicago.

Section 3. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for site development and maintenance of the Illinois Medical District Development Area.

Section 4. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase IV of District Development Initiative.

Section 5. The sum of $2,167,130, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001 from appropriations heretofore made in Article 37, Sections 4 and 5 of Public Act 91-0706, is reappropriated from the Capital Development Fund to the Illinois Medical District Commission for acquisition of property, demolition and site improvements, and related costs within the Medical Center District, City of Chicago for Phase III and IV of District Development Initiative.

Section 6. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 2, 3, 4 and 5 of this Article until the purposes and amounts have been approved in writing by the Governor.

ARTICLE 87

Section 1. The sum of $4,800,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Reconstruction Fund to the Metropolitan Pier and Exposition Authority for its corporate purposes.

Section 2. The sum of $31,631,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 3. The sum of $83,995,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.

ARTICLE 88

New matter indicated by italics - deletions by strikeout.
Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Office of Banks and Real Estate:

For Personal Services .................. $11,497,000
For Employee Retirement Contributions
   Paid by Employer .................. 458,000
For State Contribution to State
   Employees' Retirement System ......... 1,176,600
For State Contributions to
   Social Security .................. 869,900
For Group Insurance .................. 1,634,300
For Contractual Services .................. 1,248,500
For Legal Services .................. 100,000
For Travel .................. 1,033,000
For Commodities .................. 44,000
For Printing .................. 67,300
For Equipment .................. 76,800
For Electronic Data Processing .............. 1,796,000
For Telecommunications Services .............. 195,000
For Operation of Auto Equipment .............. 5,000
For Corporate Fiduciary Receivership .............. 350,000
For Refunds .................. 1,000
Total $20,552,400

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Office of Banks and Real Estate:

For Personal Services .................. $ 78,300
For Employee Retirement Contributions
   Paid by Employer .................. 3,200
For State Contributions to State
   Employees' Retirement System ......... 8,200
For State Contributions to
   Social Security .................. 5,900
For Group Insurance .................. 8,500
For Contractual Services .................. 10,400
For Travel .................. 7,100
For Commodities .................. 1,000
For Printing .................. 3,000
For Electronic Data Processing .............. 7,900
For Telecommunications Services .............. 6,800
Total $140,300

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate for the objects and purposes hereinafter named:

FOR EXAMINATION AND SUPERVISION

For Personal Services .................. $ 2,845,400
For Employee Retirement Contributions
   Paid by Employer .................. 114,400
For State Contributions to State
   Employees' Retirement System ......... 298,600
For State Contributions to
   Social Security .................. 217,000
For Group Insurance .................. 413,500
For Contractual Services .................. 654,700
For Travel .................. 142,000

New matter indicated by italics - deletions by strikeout.
For Commodities ..........................  29,900
For Printing .............................  112,600
For Equipment ...........................  58,800
For Electronic Data Processing .........  449,800
For Telecommunications Services .......  45,300
For Operation of Automotive Equipment ..  3,500
For Savings and Loan and Mortgage Board Meeting Expenses ....................  3,500
For Refunds .............................  500
Total $5,195,400

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board in the Office of Banks and Real Estate:

For Personal Services ................... $ 2,404,500
For Personal Services:
  Per Diem .................................. 56,000
  For Employee Retirement Contributions Paid by Employer ..................... 96,500
  For State Contributions to State Employees' Retirement System ............. 251,400
  For State Contributions to Social Security .............................. 195,000
  For Group Insurance ........................ 433,800
  For Contractual Services .................. 791,100
  For Travel .............................. 110,100
  For Commodities ........................ 26,900
  For Printing ........................... 87,400
  For Equipment .......................... 98,600
  For Electronic Data Processing ......... 565,700
  For Telecommunications Services ....... 65,400
  For Operation of Auto Equipment ........ 10,000
  For Refunds .............................  3,000
Total $5,195,400

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Appraisal Administration and Disciplinary Board in the Office of Banks and Real Estate:

For Personal Services ................... $ 465,300
For Personal Services:
  Per Diem .................................. 30,000
  For Employee Retirement Contributions Paid by Employer ..................... 18,700
  For State Contributions to State Employees' Retirement System ............. 48,800
  For State Contributions to Social Security .............................. 35,400
  For Group Insurance ........................ 85,100
  For Contractual Services .................. 254,100
  For Travel .............................. 37,500
  For Commodities ........................ 43,000
  For Printing ...........................  8,000
  For Equipment ..........................  3,100
  For Electronic Data Processing ..........  92,100

New matter indicated by italics - deletions by strikeout.
Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Office of Banks and Real Estate and the Auctioneer Advisory Board in the Office of Banks and Real Estate:

- For Refunds: 4,000
- For Telecommunications Services: 15,700
- For forwarding real estate appraisal fees to the federal government: 230,000
- For Refunds: 3,000

Total: $1,369,800

Section 7. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Office of Banks and Real Estate for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

ARTICLE 89

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GENERAL OFFICE**

Payable from the Fire Prevention Fund:
- For Personal Services: $6,421,600
- For Employee Retirement Contributions Paid by Employer: 256,900
- For State Contributions to the State Employees' Retirement System: 683,200
- For State Contributions to Social Security: 490,400
- For Group Insurance: 1,041,600
- For Contractual Services: 633,100
- For Travel: 115,000
- For Commodities: 64,500
- For Printing: 40,900
- For Equipment: 180,000
- For Electronic Data Processing: 383,000
- For Telecommunications: 160,000
- For Operation of Auto Equipment: 165,000
- For Refunds: 4,000

Total: $10,639,200

New matter indicated by italics - deletions by strikeout.
Payable from the Underground Storage Tank Fund:

For Personal Services.......................... $ 1,346,700
For Employee Retirement Contributions
   Paid by Employer ................................ 53,900
For State Contributions to the State
   Employees' Retirement System .............. 140,100
For State Contributions to Social Security.... 103,100
For Group Insurance.............................. 237,200
For Contractual Services....................... 158,800
For Travel........................................ 24,500
For Commodities.................................. 8,300
For Printing...................................... 2,600
For Equipment.................................... 96,500
For Electronic Data Processing.................. 222,700
For Telecommunications.......................... 34,200
For Operation of Auto Equipment................ 55,000
For Refunds...................................... 121,500
Total                                                                 $2,605,100

Payable from the General Revenue Fund:

For operating expenses for arson
   investigators.................................... $200,000
  For expenses for conducting fire protection
   plan reviews for Illinois schools............... $120,000

Section 2. The sum of $100,000, or so much thereof as may be necessary, is
appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for
the purpose of funding expenses associated with processing backlogged files pursuant to the
Leaking Underground Storage Tank Program.

Section 2a. The sum of $553,400, or so much thereof as may be necessary, is
appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for
costs associated with the development and implementation of a Global Positioning System (GPS)
program for field staff access and auditing data collection and reporting on underground
storage tank systems in Illinois.

Section 3. The sum of $276,500, or so much thereof as may be necessary, is
appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for
costs associated with compliance certification of underground storage tanks.

Section 4. The sum of $175,000, or so much thereof as may be necessary, is
appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire
Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding
the annual Fallen Firefighter and Firefighter Medal of Honor Ceremonies, and other expenses as
allowed under Public Act 91-0832.

Section 5. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:

For Fire Prevention Training.................. $  75,000
For Expenses of Life Safety
   Code Inspection Program......................  50,000
For Expenses of Fire Prevention
   Awareness Program......................... 100,000
For Expenses of Arson Education
   and Seminars ................................ 30,000

Payable from the Fire Prevention
Division Fund:

For Expenses of the U.S. Resource
Conservation and Recovery Act
Underground Storage Program................. 186,000

New matter indicated by italics - deletions by strikeout.
Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GRANTS**

Payable from the Fire Prevention Fund:
- For Chicago Fire Department Training Program: $1,176,500
- For payment to local governmental agencies which participate in the State Training Programs: 350,000
- For Regional Training Grants: 300,000

Total: $1,826,500

Section 7. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State's Underground Storage Program.

Section 8. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 9. The sum of $200,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purpose in Article 46, Section 10 of Public Act 91-706, as amended, is reappropriated from the Capital Development Fund to the Office of the State Fire Marshal for a grant to the City of Anna for the fire station and property.

Section 10. The amount of $40,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from an appropriation heretofore made for such purpose in Article 46, Section 22 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Office of the State Fire Marshal for a grant to the City of Granite City for the purpose of purchasing fire equipment.

Section 11. The amount of $10,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purpose in Article 46, Section 26 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Office of the State Fire Marshal for a grant to the City of Prairie Grove for the purchase of fire station equipment.

Section 12. The amount of $550,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2001, from appropriations heretofore made for such purpose in Article 46, Section 27 of Public Act 91-706, as amended, is reappropriated from the Fund for Illinois' Future to the Office of the State Fire Marshal for units of local government for public safety infrastructure improvements including but not limited to facilities, vehicles and equipment.

**ARTICLE 90**

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Pollution Control Board:

**GENERAL OFFICE**

Payable from General Revenue Fund:
- For Personal Services: $752,900
- For Employee Retirement Contributions: 30,300
- For State Contributions to State Employees' Retirement System: 77,700

Total: $850,900

New matter indicated by italics - deletions by strikeout.
For State Contributions to Social Security .......................... 57,700
For Contractual Services ........................................... 10,500
For Travel .................................................................. 1,300
For Commodities ...................................................... 1,000
For Printing ............................................................. 1,000
For Electronic Data Processing ................................... 1,000
For Telecommunications Services ........................... 5,100
Total ....................................................................... $938,500

Payable from the Pollution Control Board Fund:
For Contractual Services ........................................... $ 15,000
For Printing ............................................................. 3,000
For Telecommunications .......................................... 4,000
For Refunds ............................................................. 1,000
Total ....................................................................... $23,000

Payable from the Environmental Protection Permit and Inspection Fund:
For Personal Services ................................................ $ 563,500
For Employee Retirement Contributions Paid by Employer .............................................. 22,700
For State Contributions to State Employees' Retirement System ............................................. 58,600
For State Contributions to Social Security .......................... 43,100
For Group Insurance .................................................. 126,000
For Contractual Services ........................................... 7,900
For Court Reporting Costs ......................................... 5,200
For Travel ............................................................... 8,000
For Electronic Data Processing .................................. 10,000
For Telecommunications Services ........................... 15,000
Total ....................................................................... $860,000

Payable from the Clean Air Act Permit Fund:
For Personal Services ................................................ $ 545,500
For Employee Retirement Contributions Paid by Employer .............................................. 22,000
For State Contributions to State Employees' Retirement System ............................................. 56,800
For State Contributions to Social Security .......................... 41,900
For Group Insurance .................................................. 84,000
Total ....................................................................... $750,200

Section 2. The amount of $40,000, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Pollution Control Board for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

Section 3. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Clean Air Act Permit Fund to the Pollution Control Board for activities relating to the Clean Air Act Permit Program.

ARTICLE 91

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Prairie State 2000 Authority:
For Personal Services ................................................ $ 309,200
For Employee Retirement Contributions Paid by Employer .............................................. 12,400
For State Contributions to State Employees' Retirement System ............................................. 32,200
For State Contributions to Social Security .................................. 23,500

New matter indicated by italics - deletions by strikeout.
Section 2. The amount of $1,256,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Prairie State 2000 Authority for tuition and educational fee vouchers on behalf of individuals.

Section 3. The amount of $2,317,500, new appropriation, is appropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers.

Section 3a. The amount of $1,158,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the appropriation made in Public Act 91-706, Article 39, Section 3, approved May 17, 2000, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 2000 fiscal year.

Section 3b. The amount of $744,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the reappropriation heretofore made in Public Act 91-706, Article 39, Section 3a, approved May 17, 2000, as amended, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 2000 fiscal year.

Section 3c. The amount of $900,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2001, from the reappropriation made in Public Act 91-706, Article 39, Section 3b, approved May 17, 2000, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during to the 1999 fiscal year.

ARTICLE 92

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$888,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>43,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>92,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td></td>
<td>68,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>175,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>134,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>29,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>9,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>94,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>30,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>35,100</td>
</tr>
<tr>
<td>Total</td>
<td>$1,623,300</td>
</tr>
</tbody>
</table>

ARTICLE 93

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 2,158,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>86,400</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>224,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>165,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>95,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>44,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>26,000</td>
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<tr>
<td>For Printing</td>
<td>18,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>38,600</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>90,200</td>
</tr>
<tr>
<td>For Telecommunication Services</td>
<td>63,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>13,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,022,400</strong></td>
</tr>
</tbody>
</table>

ARTICLE 94

Section 1. The sum of $613,082, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Laclede Steel.

Section 2. The sum of $1,083,082, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for payment of principal and interest on bonds issued on behalf of Laclede Steel.

ARTICLE 95

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>$18,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>16,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>920</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>35,820</strong></td>
</tr>
</tbody>
</table>

Administration

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>553,848</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>22,154</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>55,607</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>40,347</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>365,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>14,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>17,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>11,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>85,500</td>
</tr>
<tr>
<td>Operation of Automotive Equipment</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,170,056</strong></td>
</tr>
</tbody>
</table>

Elections

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,296,496</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>51,860</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For State Contributions to State
  Employees' Retirement System............. 130,169
For State Contributions to
  Social Security.......................... 98,408
For Contractual Services................. 21,450
For Travel................................ 45,136
For Printing............................... 30,100
For Equipment.............................. 2,950
For Purchase of Election Codes........... 15,000
For Software Development for the Statewide Voter Registration System............ 345,600
For preparation of Congressional, Legislative and Representative Apportionment Maps and Descriptions.......................... 50,000
TOTAL........................................... 823,626

For Personal Services........................ 233,553
For Employee Retirement Contributions
  Paid By Employer........................... 9,343
For State Contributions to State
  Employees' Retirement System............ 23,449
For State Contributions to
  Social Security............................ 17,202
For Contractual Services.................. 145,700
For Travel.................................... 5,000
For Equipment................................ 500
TOTAL........................................... 434,747

For Personal Services........................ 684,646
For Employee Retirement Contributions
  Paid By Employer........................... 27,386
For State Contributions to State
  Employees' Retirement System............ 68,739
For State Contributions to
  Social Security............................ 52,376
For Contractual Services.................. 11,800
For Travel.................................... 12,250
For Printing.................................. 17,800
For Equipment................................ 13,500
TOTAL........................................... 888,497

EDP
For Personal Services........................ 300,686
For Employee Retirement Contributions
  Paid By Employer........................... 12,028
For State Contributions to State
  Employees' Retirement System............ 30,189
For State Contributions to
  Social Security............................ 23,003
For Contractual Services.................. 330,800
For Travel.................................... 11,900
For Commodities............................. 14,770
For Printing.................................. 750
For Equipment................................ 99,500
TOTAL........................................... 823,626

(Total, this Section $5,594,315)
Section 10. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for grants to local governments as follows:

For Reimbursement to Counties for increased Compensation to Judges and other Election Officials, as provided in Public Acts 81-850, 81-1149, and 90-672..... $1,374,825

For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713............... 812,500

For Payment to Election Authorities for expenses in supplying voter registration tapes to the State Board of Elections pursuant to Public Act 85-958........................................... 13,000

(Total, this Section $2,200,325)

ARTICLE 96

Section 1.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

For Personal Services......................... $ 40,000

For Employee Retirement Contributions
  Paid by Employer ............................ 1,600

For State Contributions to the State Employees' Retirement System................. 4,200

For State Contributions to Social Security.............................. 3,100

For Contractual Services...................... 25,600

For Travel.................................... 2,300

For Commodities............................... 400

For Printing .................................. 100

For Equipment ................................ 100

For Electronic Data Processing ............... 700

For Telecommunications Services............. 600

Total                                                                 $78,700

CENTRAL OFFICE

For Employee Retirement Contributions
  Paid by Employer for Prior Fiscal Year:  $ 50,000

Section 1.2. The sum of $10,290,000, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 2.1. The sum of $25,232,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 2.2. The sum of $2,300,000, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act

New matter indicated by italics - deletions by strikeout.
in relation to State finance", approved June 10, 1919, as amended.

Section 3.1. The sum of $4,168,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 3.2. The sum of $510,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 4.1. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended. $4,800,000

Total $4,800,000

Section 4.1a. The sum of $58,600,000, minus the amount transferred to the Teachers' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 5.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated to the Public School Teachers' Pension and Retirement Fund of Chicago, for supplementary payments as set forth in Sections 17-154, 17-155 and 17-156 of the "Illinois Pension Code", approved March 18, 1963, as amended.

Section 6.1. The sum of $8,300,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 97

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

For Personal Services $312,000
For Employee Retirement Contributions
Paid by Employer 12,500
For State Contributions to State Employees' Retirement System 32,400
For State Contribution to Social Security 23,900
For Contractual Services 435,100
For Travel 11,500
For Commodities 8,000
For Printing 6,000
For Equipment 4,900
For Electronic Data Processing 20,000
For Telecommunications Services 12,000
For Operation of Automotive Equipment 2,700
Total $881,000

ARTICLE 998

Section 1. "AN ACT making appropriations and reappropriations," Public Act 91-707, approved May 17, 2000, is amended by changing Sections 1, 3 and 6 of Article 1 as

New matter indicated by italics - deletions by strikeout.
follows:

(P.A. 91-707, Art. 1, Sec. 1)
Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF OLDER AMERICAN SERVICES

Payable from Services for Older Americans Fund:
For Personal Services ......................... $ 994,400
For State Contributions to State
  Employees' Retirement System ............... 101,400
  For State Contributions to Social Security ... 76,000
  For Group Insurance .......................... 118,400
  For Travel ................................. 49,700
Total ......................................... $1,334,900

(P.A. 91-707, Art. 1, Sec. 3)
Sec. 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:
For Personal Services ........................ $ 1,464,100
For State Contributions to State
  Employees' Retirement System ............... 149,300
  For State Contributions to Social Security ... 112,000
  For Contractual Services .......................... 181,000
  For Travel ................................... 49,400
  For Commodities .............................. 19,500
  For Printing ................................. 23,600
  For Equipment ................................ 78,300
  For Telecommunications ....................... 51,000
  For Operation of Auto Equipment ............. 2,500
Total ......................................... $2,253,700
Payable from Services for Older Americans Fund:
For Personal Services ........................ $ 483,800
For State Contributions to State
  Employees' Retirement System ............... 59,100
  For State Contributions to Social Security ... 37,100
  For Group Insurance .......................... 102,300
  For Contractual Services ..................... 66,100
  For Travel ................................... 26,400
  For Commodities .............................. 7,200
  For Printing ................................. 17,800
  For Equipment ................................ 41,100
  For Telecommunications....................... 15,500
  For Operations of Auto Equipment .......... 2,400
Total ......................................... $818,200

(P.A. 91-707, Art. 1, Sec. 6)
Sec. 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISITVE ITEMS
GRANTS-IN-AID

New matter indicated by italics - deletions by strikeout.
Payable from General Revenue Fund:
For the purchase of Illinois Community Care Program homemaker and Senior Companion Services .......... $169,250,000
For Case Coordination Units .................. 23,907,100
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment ... 6,618,500
Grants for Community Based Services including information and referral services, transportation and delivered meals ............................................... 3,107,200
Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging .............. 2,000,000
For Grants for Adult Day Care Services ...... 11,831,700
For Purchase of Services in connection with Alzheimer's Initiative and Related Programs .................. 107,100
For Grants for Retired Senior Volunteer Program .................. 800,000
For Planning and Service Grants to Area Agencies on Aging .............. 2,293,300
For Grants for the Foster Grandparent Program .................. 350,000
For Expenses to the Area Agencies on Aging for Long-Term Care Systems Development .................. 282,400
For Grants for Suburban Area Agency on Aging for the Red Tape Cutter Program .................. 257,500
For Grants for Chicago Department on Aging for the Red Tape Cutter Program .................. 617,500
For the Ombudsman Program .................. 400,000
For Grants for Prior Year Court of Claims Payments for the Community Care Program .................. 100,000

For Community Based Services, including information and referral services, transportation, and delivered meals, to be distributed to the following Area Agencies on Aging:
Chicago Department on Aging (Area 12) ............. $428,954
Northeastern Illinois Area Agency (Area 2) ............. 68,554
Suburban Area Agency (Area 13) ............. 161,154
Total ........................................ $658,662
Total ........................................ $222,580,962 $221,922,300

Payable from Services for Older Americans Fund:
For Grants for Social Services .............. $ 21,505,100 $ 18,230,100
For Grants for Nutrition Services .............. 29,980,100
For Grants for Employment Services .............. 3,383,700

New matter indicated by italics - deletions by strikeout.
For Grants for USDA Adult Day Care .......... 1,000,000
Total $52,693,900

Payable from the Tobacco Settlement Recovery Fund:
For Grants for Senior Health Assistance Programs ......................... $ 1,000,000
For Grants for Distribution to
the 13 Area Agencies on Aging for
costs for Mobile Food Equipment .................. $ 800,000

Section 2. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 5, 8, 10, and 19A and adding new
Section 25 to Article 1 as follows:

(P.A. 91-706, Art. 1, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:
For Personal Services ........... $ 3,377,000 $ 3,462,800
For Employee Retirement Contributions
  Paid by Employer .................. 135,100 138,600
For State Contributions to State Employees' Retirement System .. 336,100 353,400
For State Contributions to Social Security .................. 258,400 260,500
For Contractual Services ....... 1,235,900 452,100
For Travel .................................. 95,000
For Commodities ..................... 375,600
For Printing ........................... 15,800
For Equipment .......................... 113,000
For Telecommunications Services ........... 47,600
For Operation of Auto Equipment ........... 58,200
For Swine Disease Research ............. 42,700
For Bovine Disease Research ............ 20,200
Total $5,326,800 $5,435,500

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act .................. $ 600,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects .......................... $ 300,000

(P.A. 91-706, Art. 1, Sec. 8)

Sec. 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ENVIRONMENTAL PROGRAMS

Payable from the General Revenue Fund:
For Personal Services ........... $ 653,700 $ 676,600
For Employee Retirement Contributions
  Paid by Employer .................. 25,900 27,100
For State Contributions to State Employees' Retirement System .. 64,300 69,100
For State Contributions to Social Security .................. 49,300 51,700

New matter indicated by italics - deletions by strikeout.
For Contractual Services .......... 1,900
For Travel ................................ 47,300
For Commodities ..................... 800
For Printing .............................. 1,000
For Equipment ........................... 900
For Telecommunications Services ....... 16,000
For Operation of Auto Equipment ...... 12,000
For Administration of the Livestock Management Facilities Act ............... 742,400
For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth ............. 250,000
Total ........................................ $1,865,500

Payable from Agriculture Pesticide Control Act Fund:
For Expenses of Pesticide Enforcement Program .................. $770,000

Payable from Pesticide Control Fund:
For Administration and Enforcement of the Pesticide Act of 1979 ................. $1,950,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects ........................................ $530,000

(P.A. 91-706, Art. 1, Sec. 10)

Sec. 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
For Personal Services:
For regular positions ..................... $1,354,800
For extra help-crafts ....................... 872,900
For Extra Help:
For extra help-crafts ..................... 266,000
For extra help-crafts ..................... 307,000
For Employee Retirement Contributions Paid by Employer .................. 99,000
For State Contributions to State Employees' Retirement System ............. 233,000
For State Contributions to Social Security ....................................... 223,400
For Contractual Services .......... 2,258,500
For Payment to the City of Springfield for Fire Protection Services at the Illinois State Fairgrounds .............. 150,000
For Commodities .......................... 85,000
For Equipment ........................... 222,000
For Telecommunications Services ....... 85,600
For Operation of Auto Equipment ............. 28,600
Total ........................................ $6,045,800

(P.A. 91-706, Art. 1, Sec. 19A)

Sec. 19A. The sum of $15,063,347 $14,054,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for payment into the Thoroughbred and Standardbred Horse Racing Purse Accounts at Illinois Pari-mutuel Tracks.

New matter indicated by italics - deletions by strikeout.
The amount paid to each Account shall be the amount certified by the Illinois Racing Board in January 2000 to be transferred from each Account to each eligible racing facility.

(P.A. 91-706, Art. 1, new Sec. 25)

Sec. 25. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for a grant to an aquaculture cooperative for the purpose of developing a fish processing center.

Section 3. "AN ACT making appropriations and re appropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 4 and 5 of Article 2 as follows:

(P.A. 91-706, Art. 2, Sec. 4)

Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

<table>
<thead>
<tr>
<th>Bureau of Benefits</th>
<th>Payable from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$563,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>22,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>57,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>41,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>650,367,100 630,367,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>107,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>9,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>14,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>900</td>
</tr>
<tr>
<td>For payment of claims under the Representation and Indemnification in Civil Law Suits Act</td>
<td>2,422,200 2,447,200</td>
</tr>
<tr>
<td>For payment of Workers' Compensation Act claims and contractual services in connection with said claims payments</td>
<td>19,238,100</td>
</tr>
<tr>
<td>For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims</td>
<td>3,252,900 1,752,900</td>
</tr>
<tr>
<td>Total</td>
<td>$654,638,000</td>
</tr>
</tbody>
</table>

PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND

<table>
<thead>
<tr>
<th>Bureau of Benefits</th>
<th>Payable from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$490,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>19,700</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>50,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>37,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>88,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>169,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>19,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>10,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>140,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Equipment ................................ 17,700
For Electronic Data Processing ............... 47,000
For Telecommunications Services .......... 18,400
For Operation of Auto Equipment .......... 6,500
Total .................................. $1,115,100

For the Local Governments Contribution
Under Program of Group Life, Dental, Hospital,
And Surgical And Medical Insurance For
Persons Serving Local Governments ....... $112,255,500

PAYABLE FROM ROAD FUND
For Group Insurance ....................... $ 79,551,400
For payment of claims and claims
administration under the
Workers' Compensation Act .............. $ 4,405,500
PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program .... $ 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees
Group Insurance Act ........................ $ 78,827,200
PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program ...... $ 158,900
For Provisions of Health Care Coverage
As Elected by Eligible Members
Per State Employees
Group Insurance Act ............. $1,005,744,400
$985,744,400
PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee ....................... $ 650,000
Expenditures from appropriations for treatment and expense may be made after the
Department of Central Management Services has certified that the injured person was employed
and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount
of such compensation to be paid to the injured person.
Expenditures for this purpose may be made by the Department of Central Management Services without regard to the fiscal year in which benefit or services was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND
For expenses related to the administration
of the State Employees Deferred
Compensation Plan......................... $ 1,856,900
(P.A.91-706, Art. 2, Sec. 5)
Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF PERSONNEL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ..................... $ 5,485,100
For Employee Retirement Contributions
Paid by Employer ....................... 219,400
For State Contributions to State
Employees' Retirement System ............. 559,400
For State Contributions to Social

New matter indicated by italics - deletions by strikeout.
Security ......................................... 400,800
For Contractual Services ..................... 413,900
For Travel ....................................... 52,000
For Commodities................................ 33,500
For Printing ..................................... 67,100
For Equipment ................................... 35,400
For Telecommunications Services .......... 80,700
For Operation of Auto Equipment .......... 5,900
For Awards to Employees and Expenses of Employees' Suggestion Award Board ........... 10,500
For Wage Claims ................................ 1,600,000
For Expenses of Compensation Review Board .. 8,500
For Expenses of the Upward Mobility Program .. 5,186,700
For Expenses of the Ethics Commission of the Governor .................. 379,200
For Expenses of the Governor's Commission on the Status of Women in Illinois ..... 250,000
For Veterans' Job Assistance Program ........ 347,000
For Governor's and Vito Marzullo's Internship programs ........... 867,200
For Nurses' Tuition .................. 125,000 100,000
Total ........................................... 16,102,300

Section 4. "AN ACT making appropriations and reappropriations," Public Act 91-707, approved May 17, 2000, is amended by changing Section 13 of Article 2 as follows:

(P.A. 91-707, Art. 2, Sec. 13)

Sec. 13. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND

For Foster Homes and Specialized Foster Care and Prevention ................. $246,645,700
For Counseling and Auxiliary Services ...... 21,535,300
For Homemaker Services ...................... 7,857,400
For Institution and Group Home Care and Prevention ......................... 161,244,200
For Services Associated with the Foster Care Initiative ..................... 6,707,400
For Purchase of Adoption and Guardianship Services ..................... 131,355,200
For Health Care Network ......................... 4,634,700
For Cash Assistance and Housing Locator Service to Families in the Class Defined in the Norman Consent Order ... 3,547,900
For Youth in Transition Program .............. 715,500
For Children's Personal and Physical Maintenance ......................... 5,612,900
For MCO Technical Assistance and Program Development ................... 1,693,300
For Pre Admission/Post Discharge Psychiatric Screening .................... 8,216,500
For Counties to Assist in the Development of Children's Advocacy Centers ....... 2,025,300

New matter indicated by italics - deletions by strikeout.
For the Statewide Office of Children's Advocacy Centers of Illinois, pursuant to P.A. 91-0158 .......................... 200,000
For Psychological Assessments including Operations and Administrative Expenses .............................. 4,987,000
Total $606,778,300

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
Foster Care and Prevention .............................. $164,353,700
For Counseling and Auxiliary Services .......... 9,646,800
For Homemaker Services ............................... 1,178,300
For Institution and Group Home Care and Prevention .............................. 102,687,600
For Services Associated with the Foster Care Initiative .................. 2,061,100
For Purchase of Adoption and Guardianship Services ....................... 85,154,500
For Family Preservation Services .............. 23,066,800
For Purchase of Children's Services ........... 722,700
For Family Centered Services Initiative ...... 10,550,000
Total $399,421,500

Section 5. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by repealing Sections 152, 261, 268, 297, 529, 583, 712, 828, 860, 943, 974, 975, 1045, 1073 and 1233a, and changing Sections 50, 61, 85, 325, 421, 429, 519, 541, 575, 601, 821, 831, 838, 850, 852, 945, 988, 1000, 1004, 1017, 1141, 1151, 1154, 1236, 1241, 1242, 1246 and 1265, and adding new Sections 1270, 1271, 1272, 1273 and 1274 to Article 75 as follows:

(P.A. 91-706, Art. 75, Sec. 50)
Sec. 50. The sum of $3,500,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made for such purpose in Article 16, Section 78c of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Argonne National Laboratory for the "TRUE GRID I-WIRE" Program.

(P.A. 91-706, Art. 75, Sec. 61)
Sec. 61. The amount of $200,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Low Income Home Energy Assistance Block Grant Fund for grants to eligible recipients under the Low Income Home Energy Assistance Act of 1981, including reimbursement for costs in prior years.

(P.A. 91-706, Art. 75, Sec. 85)
Sec. 85. The sum of $50,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2000, from reappropriations heretofore made for such purpose in Article 16, Section 116 of Public Act 91-20, as amended, is reappropriated from the General Revenue Fund to the Department of Commerce and Community Affairs for the purpose of a grant to the Village of St. Joseph for a park area computer system upgrade.

(P.A. 91-706, Art. 75, Sec. 325)
Sec. 325. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 372 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for a grant to the Village of Sauk Village for all costs associated with field improvements and baseball lights.

(P.A. 91-706, Art. 75, Sec. 421)
Sec. 421. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from appropriations heretofore made for

New matter indicated by italics - deletions by strikeout.
such purposes in Article 16, Section 473 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to Maywood Boys and Girls Club for second floor improvements, and/or the installation of a fence and building sign.

(P.A. 91-706, Art. 75, Sec. 429)

Sec. 429. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 481 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Time Dollar Cross-Age Peer Tutoring Program for all costs associated with computers in every household in Chicago.

(P.A. 91-706, Art. 75, Sec. 519)

Sec. 519. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from appropriations heretofore made for such purposes in Article 16, Section 575 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Rogers Park Community Development Corporation for the purpose of operational expenses, salaries, office equipment, and the purchase and installation of a telephone system and network computer system.

(P.A. 91-706, Art. 75, Sec. 541)

Sec. 541. The amount of $18,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 597 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to McHenry County for the purpose of purchasing a six-wheel police vehicle, and other equipment.

(P.A. 91-706, Art. 75, Sec. 575)

Sec. 575. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from appropriations heretofore made for such purposes in Article 16, Section 631 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for a grant to the City of Sparta for the purpose of improvements at the Teen Center, fire department, and senior center, and upgrading of the Public Library parking lot.

(P.A. 91-706, Art. 75, Sec. 601)

Sec. 601. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 658 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to Cornerstone for the purpose of purchasing, and/or installing a plumbing and sprinkler system modifying heating, air conditioning, and sprinkler systems.

(P.A. 91-706, Art. 75, Sec. 821)

Sec. 821. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 907 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to Northeastern University for a grant to the North Avondale Neighbors Association.

(P.A. 91-706, Art. 75, Sec. 838)
Sec. 838. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 914 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Village of Mounds for building renovation, equipment, furniture, and miscellaneous purchases; a feasibility study.

(P.A. 91-706, Art. 75, Sec. 850)

Sec. 850. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 926 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the T.L. Foundation Lawden Homes LAC.

(P.A. 91-706, Art. 75, Sec. 852)

Sec. 852. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 928 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the T.L. Foundation Trumbull Park LAC.

(P.A. 91-706, Art. 75, Sec. 945)

Sec. 945. The amount of $70,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 1022 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Amy B. Jones Foundation Luck Awareness Program.

(P.A. 91-706, Art. 75, Sec. 988)

Sec. 988. The sum of $36,191,100, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 1060 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, equipment, utilities, and vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

(P.A. 91-706, Art. 75, Sec. 1000)

Sec. 1000. The sum of $65,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from appropriations heretofore made for such purposes in Article 16, Section 1072a of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund Board to the Department of Commerce and Community Affairs for a grant to the Senior Services Center in Joliet for a new elevator.

(P.A. 91-706, Art. 75, Sec. 1004)

Sec. 1004. The sum of $2,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 1075 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Indo-American Center for the purpose of promoting relations within the community; 47th District CAPS for telecommunications.

(P.A. 91-706, Art. 75, Sec. 1017)

Sec. 1017. The sum of $75,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 16, Section 1088 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois’ Future to the Department of Commerce and Community Affairs for a grant to the Association House of Chicago for the West Town Leadership Project.

(P.A. 91-706, Art. 75, Sec. 1141)

Sec. 1141. The sum of $120,000, or so much thereof as may be necessary and remains unexpended...
unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in
Article 16, Section 1211 of Public Act 91-20, approved June 7, 1999, as amended, is
reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for a grant to the Seniors Activities Association of St. Clair County City of Washington
Park to purchase and renovate the Senior Center.
(P.A. 91-706, Art. 75, Sec. 1151)

Sec. 1151. The sum of $110,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in
Article 16, Section 1221 of Public Act 91-20, approved June 7, 1999, as amended, is
reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for a grant to the Department of Human Services for the Community Mental Health
Council for training of State of Illinois employees on violence prevention.
(P.A. 91-706, Art. 75, Sec. 1154)

Sec. 1154. The sum of $250,000, or so much thereof as may be necessary and remains
unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in
Article 16, Section 1225 of Public Act 91-20, approved June 7, 1999, as amended, is
reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for a grant to the City of East St. Louis for the rehabilitation of the fire station at 18th
and Broadway and the purchase of a fire truck.
(P.A. 91-706, Art. 75, Sec. 1236)

Sec. 1236. The amount of $500,000, or so much thereof as may be necessary, is
appropriated to the Department of Commerce and Community Affairs from the General Revenue
Fund for a grant to Third World Press Northeastern Illinois University to support the activities
of the Institute of Positive Education.
(P.A. 91-706, Art. 75, Sec. 1241)

Sec. 1241. The amount of $62,666,500 $62,030,000, or so much thereof as may be
necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for the administrative costs associated with the Department's facilitation
of infrastructure improvements, or for grants to governmental units, educational facilities,
and not-for-profit organizations for all costs associated with, but not limited to infrastructure
improvements, miscellaneous purchases, and operating expenses.
(P.A. 91-706, Art. 75, Sec. 1242)

Sec. 1242. The amount of $30,300,000 $30,000,000, or so much thereof as may be
necessary, is appropriated from the Capital Development Fund to the Department of Commerce
and Community Affairs for grants to governmental units, educational facilities and
not-for-profit organizations for all costs associated with, but not limited to infrastructure
improvements.
(P.A. 91-706, Art. 75, Sec. 1246)

Sec. 1246. The amount of $65,000,000, or so much thereof as may be necessary, is
appropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for grants to units of local government, educational facilities and not-for-profit organizations
for education and training, infrastructure improvements and other capital projects, including
but not limited to planning, construction, reconstruction, equipment, utilities, and vehicles,
and all costs associated with economic development programs, community service programs, public
health programs, public safety programs, and other programs and activities.
(P.A. 91-706, Art. 75, Sec. 1265)

Sec. 1265. The amount of $17,500,000 $10,000,000, or so much thereof as may be
necessary, is appropriated from the Fund for Illinois' Future to the Department of Commerce and Community
Affairs for all costs associated with grants to various units of local government, community, civic, not-for-profit, educational facilities and business development
organizations for the purpose of grants which include, but are not limited to, one-time
operating assistance, construction, rehabilitation, equipment purchases, and any other
necessary costs.
(P.A. 91-706, Art. 75, new Sec. 1270)

Sec. 1270. The amount of $75,000, or so much thereof as may be necessary, is
appropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Illinois Youth Advocate Program.

(P.A. 91-706, Art. 75, new Sec. 1271)

Sec. 1271. The amount of $15,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Tri-City Girls' Softball League.

(P.A. 91-706, Art. 75, new Sec. 1272)

Sec. 1272. The amount of $150,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Pastors Network of Illinois.

(P.A. 91-706, Art. 75, new Sec. 1273)

Sec. 1273. The amount of $100,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Valley Kingdom Ministries International.

(P.A. 91-706, Art. 75, new Sec. 1274)

Sec. 1274. The amount of $35,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Community Affairs from the Fund for Illinois' Future for a grant to the Village of Dolton for various improvements.

Section 5A. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 1, 3, 4 and 5 of Article 3 as follows:

(P.A. 91-706, Art. 3, Sec. 1)

Sec. 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections.

FOR OPERATIONS
GENERAL OFFICE

For Personal Services ......................... $ 18,646,700
For Employee Retirement Contributions
   Paid by Employer .......................... 1,009,200
For State Contributions to State
   Employees' Retirement System ............. 1,865,900
For State Contributions to Social Security ........ 1,394,600
For Contractual Services ...................... 11,232,400
For Travel ...................................... 640,000
For Commodities .............................. 1,187,700
For Printing ................................. 138,300
For Equipment ................................ 364,300
For Electronic Data Processing ............... 10,006,000
For Telecommunications Services ............. 2,536,500
For Operation of Auto Equipment ............. 248,200
For Sheriffs' Fees for Conveying Prisoners ... 390,500
For support costs associated with the
   Criminal Law and Corrections Task Force.... 500,000
For payment of claims as provided by the
   "Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including
   Treatment, Expenses and Benefits Payable
   for Total Temporary Incapacity for Work:
   Payable from General Revenue Fund ......... 7,939,600

Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid.
to the injured person. Expenditures for this purpose may be made by the Department of Corrections without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

Payable from General Revenue Fund:
- For Tort Claims ........................................... 490,000
- For the State's share of Assistant State's Attorneys' salaries - reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes ........................................... 435,600
- For Repairs, Maintenance and Other Capital Improvements .................. 3,326,000
- Total ..................................................... $62,351,500

Payable from the Department of Corrections Reimbursement and Education Fund:
- For payment of expenses associated with School District Programs ................. $  7,000,000
- For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision ................... 52,200,000
- For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs .................... 21,000,000
- Total ..................................................... $80,200,000

SCHOOL DISTRICT
- For Personal Services ........................................ $ 23,065,100
- For Employee Retirement Contributions Paid by Employer .......................... 1,257,300
- For Student, Member and Inmate Compensation ........................................ 58,600
- For State Contributions to State Employees' Retirement System ............... 2,305,600
- For State Contributions to Teachers' Retirement System ........................ 3,600
- For State Contributions to Social Security ....................................... 1,520,900
- For Contractual Services .................................. 15,854,400
- For Travel ................................................... 84,500
- For Commodities ........................................ 870,500 875,200
- For Printing .............................................. 102,400
- For Equipment ............................................ 1,136,600
- For Telecommunications Services ................................ 6,500
- For Operation of Auto Equipment .................................................. 13,500
- Total ..................................................... $46,279,500 $46,284,200

(P.A. 91-706, Art. 3, Sec. 3)

Sec. 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Corrections:

ILLINOIS YOUTH CENTER - CHICAGO
- For Personal Services ........................................ $ 3,455,800
- For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Harrisburg</th>
<th>Joliet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>187,300</td>
<td>616,600</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>20,300</td>
<td>87,500</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>345,600</td>
<td>1,234,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>260,400</td>
<td>955,700</td>
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<tr>
<td>For Contractual Services</td>
<td>2,294,000</td>
<td>1,720,500</td>
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<td>For Travel</td>
<td>25,000</td>
<td>19,400</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>2,000</td>
<td>2,800</td>
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<tr>
<td>For Commodities</td>
<td>137,500</td>
<td>743,900</td>
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<td>For Printing</td>
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<td>10,300</td>
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<tr>
<td>For Equipment</td>
<td>68,200</td>
<td>101,700</td>
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<tr>
<td>For Telecommunications Services</td>
<td>40,000</td>
<td>67,800</td>
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<td>For Operation of Auto Equipment</td>
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<tr>
<td>Total</td>
<td>$6,822,400</td>
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**ILLINOIS YOUTH CENTER - HARRISBURG**

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<tr>
<th>Description</th>
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<th>Joliet</th>
</tr>
</thead>
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<tr>
<td>For Personal Services</td>
<td>$12,336,600</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td>667,800</td>
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<td>Paid by Employer</td>
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<td>55,900</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>1,139,600</td>
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<td>For State Contributions to Social Security</td>
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<td>For Travel</td>
<td>19,400</td>
<td>12,000</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>2,800</td>
<td>800</td>
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<tr>
<td>For Commodities</td>
<td>743,900</td>
<td>714,400</td>
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<td>For Printing</td>
<td>10,300</td>
<td>101,700</td>
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<tr>
<td>For Equipment</td>
<td>45,300</td>
<td>67,800</td>
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<tr>
<td>For Telecommunications Services</td>
<td>67,800</td>
<td>45,300</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<td>Total</td>
<td>$17,865,600</td>
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**ILLINOIS YOUTH CENTER - JOLIET**

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Service Description</th>
<th>For Telecommunications Services</th>
<th>For Operation of Auto Equipment</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>43,500</td>
<td>57,000</td>
<td>$16,692,900</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<td>$16,528,600</td>
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<td>Total</td>
<td>$16,692,900</td>
<td>$16,528,600</td>
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**ILLINOIS YOUTH CENTER - Kewanee**

<table>
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<tr>
<th>Service Description</th>
<th>$1,579,300</th>
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<td>For Personal Services</td>
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</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>59,200</td>
<td>206,300</td>
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<tr>
<td>For Student Member and Inmate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>4,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>157,000</td>
<td>382,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>115,300</td>
<td>286,900</td>
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<tr>
<td>For Contractual Services</td>
<td>363,400</td>
<td>370,400</td>
<td></td>
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<tr>
<td>For Travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Travel and Allowances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for Committed, Paroled and Discharged Prisoners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>211,200</td>
<td></td>
<td></td>
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<tr>
<td>For Printing</td>
<td>7,600</td>
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<td></td>
</tr>
<tr>
<td>For Equipment</td>
<td>312,200</td>
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<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>40,500</td>
<td>45,600</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>5,900</td>
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<tr>
<td>For Deposit into the Travel and Allowance Revolving Fund</td>
<td>10,000</td>
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<td>Total</td>
<td>$2,876,600</td>
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**ILLINOIS YOUTH CENTER - Murphysboro**

<table>
<thead>
<tr>
<th>Service Description</th>
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<tbody>
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<td>For Personal Services</td>
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<td></td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
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<td></td>
</tr>
<tr>
<td>For Student Member and Inmate</td>
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<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>31,600</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to State</td>
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<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>578,800</td>
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</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>434,200</td>
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<tr>
<td>For Contractual Services</td>
<td>907,500</td>
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<tr>
<td>For Travel</td>
<td>16,400</td>
<td></td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>3,700</td>
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<tr>
<td>For Commodities</td>
<td>480,100</td>
<td>540,800</td>
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<tr>
<td>For Printing</td>
<td>11,100</td>
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</tr>
<tr>
<td>For Equipment</td>
<td>9,200</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>41,000</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
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<tr>
<td>Total</td>
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<td>$8,696,200</td>
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**ILLINOIS YOUTH CENTER - Pere Marquette**

<table>
<thead>
<tr>
<th>Service Description</th>
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<tbody>
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<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate</td>
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</tr>
<tr>
<td>Compensation</td>
<td>22,800</td>
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</tr>
<tr>
<td>For State Contributions to State</td>
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<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>225,600</td>
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<tr>
<td>For State Contributions to</td>
<td></td>
<td></td>
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<table>
<thead>
<tr>
<th>Item</th>
<th>IL YOUTH CENTER - ST. CHARLES</th>
<th>20008</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$15,894,000</td>
<td>$12,882,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$1,674,800</td>
<td>$1,642,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>$84,200</td>
<td>$12,800</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged</td>
<td>$600</td>
<td>$900</td>
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<td>Discharged Prisoners</td>
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</tr>
<tr>
<td>For Commodities</td>
<td>$698,100</td>
<td>$706,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>$20,000</td>
<td>$603,300</td>
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<tr>
<td>For Equipment</td>
<td>$90,000</td>
<td>$121,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$120,200</td>
<td>$72,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$121,600</td>
<td>$70,900</td>
</tr>
<tr>
<td>Total</td>
<td>$3,449,100</td>
<td>$3,462,200</td>
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</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>IL YOUTH CENTER - VALLEY VIEW</th>
<th>20008</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$8,362,000</td>
<td>$8,362,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$1,674,800</td>
<td>$1,642,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>$12,800</td>
<td>$12,800</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged</td>
<td>$900</td>
<td>$900</td>
</tr>
<tr>
<td>Discharged Prisoners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>$603,300</td>
<td>$603,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$9,500</td>
<td>$9,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$121,500</td>
<td>$121,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$72,600</td>
<td>$72,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$70,900</td>
<td>$70,900</td>
</tr>
<tr>
<td>Total</td>
<td>$12,882,500</td>
<td>$12,850,600</td>
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</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>IL YOUTH CENTER - WARRENVILLE</th>
<th>20008</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,085,000</td>
<td>$5,085,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by Employer</td>
<td>275,100</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>31,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>508,800</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>383,200</td>
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<tr>
<td>For Contractual Services</td>
<td>1,066,300</td>
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<td>For Travel</td>
<td>15,300</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>296,900</td>
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<tr>
<td>For Printing</td>
<td>9,500</td>
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<tr>
<td>For Equipment</td>
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</tr>
<tr>
<td>For Telecommunications Services</td>
<td>42,900</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>32,200</td>
</tr>
<tr>
<td>Total</td>
<td>$7,792,700</td>
</tr>
</tbody>
</table>

(P.A. 91-706, Art. 3, Sec. 4)

Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

**JUVENILE FIELD SERVICES**

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 3,589,400</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>194,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>258,600</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>17,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>31,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,700</td>
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<tr>
<td>For Equipment</td>
<td>314,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>165,300</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>58,400</td>
</tr>
<tr>
<td>Total</td>
<td>$16,884,000</td>
</tr>
</tbody>
</table>

(P.A. 91-706, Art. 3, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

**BIG MUDDY RIVER CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 18,589,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>1,022,600</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>439,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,860,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,385,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,481,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>40,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
<table>
<thead>
<tr>
<th>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</th>
<th>$81,900</th>
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<tbody>
<tr>
<td>For Commodities</td>
<td>$3,114,700</td>
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<tr>
<td>For Printing</td>
<td>$31,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$193,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$141,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$76,800</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$32,458,600</strong></td>
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**PUBLIC ACT 92-0008**

<table>
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<tr>
<th>CENTRALIA CORRECTIONAL CENTER</th>
<th>560</th>
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<tr>
<td><strong>For Personal Services</strong></td>
<td><strong>$18,728,900</strong></td>
</tr>
<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
<td><strong>$1,030,100</strong></td>
</tr>
<tr>
<td><strong>Paid by Employer</strong></td>
<td><strong>$1,030,100</strong></td>
</tr>
<tr>
<td><strong>For Student, Member and Inmate Compensation</strong></td>
<td><strong>$313,400</strong></td>
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<tr>
<td><strong>For State Contributions to State Employees' Retirement System</strong></td>
<td><strong>$1,874,200</strong></td>
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<td><strong>For State Contributions to Social Security</strong></td>
<td><strong>$1,387,200</strong></td>
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<td><strong>For Contractual Services</strong></td>
<td><strong>$3,431,400</strong></td>
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<tr>
<td><strong>For Travel</strong></td>
<td><strong>$42,400</strong></td>
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<tr>
<td><strong>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</strong></td>
<td><strong>$67,700</strong></td>
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<tr>
<td><strong>For Commodities</strong></td>
<td><strong>$1,030,100</strong></td>
</tr>
<tr>
<td><strong>For Printing</strong></td>
<td><strong>$19,000</strong></td>
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<tr>
<td><strong>For Equipment</strong></td>
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<tr>
<td><strong>For Telecommunications Services</strong></td>
<td><strong>$64,500</strong></td>
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<tr>
<td><strong>For Operation of Auto Equipment</strong></td>
<td><strong>$63,500</strong></td>
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<td><strong>Total</strong></td>
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<thead>
<tr>
<th>DANVILLE CORRECTIONAL CENTER</th>
<th>560</th>
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<tbody>
<tr>
<td><strong>For Personal Services</strong></td>
<td><strong>$18,238,200</strong></td>
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<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
<td><strong>$999,400</strong></td>
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<tr>
<td><strong>Paid by Employer</strong></td>
<td><strong>$999,400</strong></td>
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<tr>
<td><strong>For Student, Member and Inmate Compensation</strong></td>
<td><strong>$506,300</strong></td>
</tr>
<tr>
<td><strong>For State Contributions to State Employees' Retirement System</strong></td>
<td><strong>$1,824,800</strong></td>
</tr>
<tr>
<td><strong>For State Contributions to Social Security</strong></td>
<td><strong>$1,365,000</strong></td>
</tr>
<tr>
<td><strong>For Contractual Services</strong></td>
<td><strong>$4,720,000</strong></td>
</tr>
<tr>
<td><strong>For Travel</strong></td>
<td><strong>$59,200</strong></td>
</tr>
<tr>
<td><strong>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</strong></td>
<td><strong>$29,200</strong></td>
</tr>
<tr>
<td><strong>For Commodities</strong></td>
<td><strong>$3,275,700</strong></td>
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<tr>
<td><strong>For Printing</strong></td>
<td><strong>$28,000</strong></td>
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<tr>
<td><strong>For Equipment</strong></td>
<td><strong>$81,900</strong></td>
</tr>
<tr>
<td><strong>For Telecommunications Services</strong></td>
<td><strong>$111,600</strong></td>
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<tr>
<td><strong>For Operation of Auto Equipment</strong></td>
<td><strong>$145,000</strong></td>
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<tr>
<th>DECATUR WOMEN'S CORRECTIONAL CENTER</th>
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<tbody>
<tr>
<td><strong>For Personal Services</strong></td>
<td><strong>$12,075,900</strong></td>
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<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
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<tr>
<td><strong>For Student, Member and Inmate Compensation</strong></td>
<td><strong>$135,900</strong></td>
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<table>
<thead>
<tr>
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<th>Amount</th>
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<tbody>
<tr>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**DIXON CORRECTIONAL CENTER**

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<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**DWIGHT CORRECTIONAL CENTER**

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<th>Description</th>
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<tr>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>Paid by Employer</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to Employee's Retirement System</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
<td>154,700</td>
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<td>For Operation of Auto Equipment</td>
<td>199,800</td>
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<th>Location</th>
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<th>Amount 2</th>
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<td>For Personal Services</td>
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<td>For Student, Member and Inmate Compensation</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
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<td>1,709,300</td>
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<td>For Printing</td>
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<tr>
<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>81,800</td>
<td></td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<td>5,712,800</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>116,900</td>
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<td>For Operation of Auto Equipment</td>
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<td>$35,583,400</td>
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<td><strong>HILL CORRECTIONAL CENTER</strong></td>
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<td>For Personal Services</td>
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<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>3,662,100</td>
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<td>For Travel</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>27,600</td>
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<th>Amount</th>
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<td>For Printing</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>$ 36,200</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>$ 29,400</td>
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**ILLINOIS RIVER CORRECTIONAL CENTER**

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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
<td>$ 1,512,700</td>
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<tr>
<td>For Contractual Services</td>
<td></td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$33,258,700</strong></td>
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**JACKSONVILLE CORRECTIONAL CENTER**

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<th>Description</th>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>$ 2,105,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$ 1,569,100</td>
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<td>For Contractual Services</td>
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<td>For Operation of Auto Equipment</td>
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<td><strong>Total</strong></td>
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**JOLIET CORRECTIONAL CENTER**

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<tr>
<td>For Personal Services</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>$ 2,383,000</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$33,856,100</strong></td>
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New matter indicated by italics - deletions by strikeout.
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .......... 23,700
For Commodities .................................................. 1,436,900
For Printing .............................................................. 55,800
For Equipment ......................................................... 267,700
For Telecommunications Services .................. 181,300
For Operation of Auto Equipment ............... 239,500
Total 39,324,300 $38,294,900

**LAWRENCE CORRECTIONAL CENTER**

For Personal Services .............. 9,118,200 $ 9,790,000
For Employee Retirement Contributions
Paid by Employer ......................... 419,200 538,400
For Student, Member and Inmate Compensation .................. 32,700 105,000
For State Contributions to State Employees' Retirement System .. 931,800 998,600
For State Contributions to Social Security ....................... 671,400 748,900
For Contractual Services ....... 1,411,800 1,846,200
For Travel .............................. 44,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .............. 4,300 14,900
For Commodities .................. 2,293,000
For Printing .............................................................. 7,600
For Equipment ......................................................... 564,300
For Telecommunications Services .................. 106,100
For Operation of Auto Equipment ............... 24,200
For Deposit into the Travel and Allowance Revolving Fund ..................... 10,000
Total $15,639,000 $17,091,600

**LINCOLN CORRECTIONAL CENTER**

For Personal Services ......................... $ 13,188,500
For Employee Retirement Contributions
Paid by Employer ......................... 720,200
For Student, Member and Inmate Compensation .................. 333,300
For State Contributions to State Employees' Retirement System ........... 1,319,400
For State Contributions to Social Security ....................... 985,900
For Contractual Services .................. 3,408,600 3,101,200
For Travel ......................................................... 9,800
For Travel and Allowances for Committed, Paroled and Discharged Prisoners .............. 35,100
For Commodities .................. 4,258,200 4,392,100
For Printing .............................................................. 14,700
For Equipment ......................................................... 73,600
For Telecommunications Services .................. 54,600
For Operation of Auto Equipment ............... 96,700
Total $24,498,600 $24,325,100

**LOGAN CORRECTIONAL CENTER**

For Personal Services ......................... $ 18,739,600
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout.
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<th>Description</th>
<th>Amount</th>
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<tr>
<td>For State Contributions to Social Security</td>
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<tr>
<td>For Equipment</td>
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<td>For Telecommunications Services</td>
<td>$141,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<td>Total</td>
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**MENARD CORRECTIONAL CENTER**

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<td>Paid by Employer</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>$4,357,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>$3,258,600</td>
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<tr>
<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**PINCKNEYVILLE CORRECTIONAL CENTER**

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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Equipment</td>
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New matter indicated by italics - deletions by strikeout.
### PONTIAC CORRECTIONAL CENTER

For Telecommunications Services .......... 109,800
For Operation of Auto Equipment .......... 54,200
Total $31,688,900 $31,441,600

### ROBINSON CORRECTIONAL CENTER

For Telecommunications Services .......... 109,800
For Operation of Auto Equipment .......... 54,200
Total $31,688,900 $31,441,600

### SHAWNEE CORRECTIONAL CENTER

For Telecommunications Services .......... 109,800
For Operation of Auto Equipment .......... 54,200
Total $31,688,900 $31,441,600

New matter indicated by italics - deletions by strikeout.
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<th>Correctional Center</th>
<th>For Personal Services</th>
<th>For Employee Retirement Contributions Paid by Employer</th>
<th>For Student, Member and Inmate Compensation</th>
<th>For State Contributions to State Employees' Retirement System</th>
<th>For State Contributions to Social Security</th>
<th>For Contractual Services</th>
<th>For Travel</th>
<th>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</th>
<th>For Commodities</th>
<th>For Printing</th>
<th>For Equipment</th>
<th>For Telecommunications Services</th>
<th>For Operation of Auto Equipment</th>
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New matter indicated by italics - deletions by strikeout.
For Operation of Automotive Equipment .......... 72,600
Total $21,118,800

THOMSON CORRECTIONAL CENTER

For Personal Services .......... $  4,471,000 $  4,751,100
For Employee Retirement Contributions
Paid by Employer .............. 248,200 261,300
For Student, Member and Inmate
Compensation .................... 0 7,500
For State Contributions to State
Employees' Retirement System .. 461,400 484,600
For State Contributions to
Social Security ................. 337,700 363,500
For Contractual Services ...... 521,700 595,300
For Travel ....................... 5,000 32,100
For Travel and Allowances
for Committed, Paroled and
Discharged Prisoners .......... 0 700
For Commodities ................ 11,000 923,200
For Printing ...................... 500 21,000
For Equipment .................... 248,200 261,300
For Telecommunications Services . 10,500 72,300
For Operation of Auto Equipment .............. 5,800
For Deposit into the Travel and
Allowance Revolving Fund .......... 10,000
Total $6,615,300 $8,060,900

VANDALIA CORRECTIONAL CENTER

For Personal Services ........................ $ 20,972,100
For Employee Retirement Contributions
Paid by Employer ............................ 1,151,500
For Student, Member and Inmate
Compensation ................................ 380,900
For State Contributions to State
Employees' Retirement System .......... 2,098,600
For State Contributions to
Social Security ............................. 1,559,800
For Contractual Services ...... 3,861,900 3,666,400
For Travel ......................... 24,400
For Travel and Allowances
for Committed, Paroled and
Discharged Prisoners ............ 94,600
For Commodities ................. 2,704,500 2,705,400
For Printing ............................ 25,900
For Equipment ........................... 532,500
For Telecommunications Services ......... 78,100
For Operation of Auto Equipment ............................... 94,800
Total $33,314,000 $33,119,400

VIENNA CORRECTIONAL CENTER

For Personal Services .............................. $ 18,097,200
For Employee Retirement Contributions
Paid by Employer ............................ 991,800
For Student, Member and Inmate
Compensation ............................... 245,800
For State Contributions to State
Employees' Retirement System .......... 1,811,000
For State Contributions to

New matter indicated by italics - deletions by strikeout.
Section 6. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 2 of Article 5 as follows:

Sec. 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

### CONSUMER CREDIT

#### Payable from Financial Institution Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,027,900</td>
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<tr>
<td>For Employee Retirement Contributions</td>
<td>$17,772,500</td>
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<tr>
<td>Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<tr>
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<tr>
<td>Social Security</td>
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<td>For Travel</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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</tr>
<tr>
<td>For Equipment</td>
<td>$297,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$64,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$81,900</td>
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<tr>
<td>Total</td>
<td>$30,628,100</td>
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WESTERN ILLINOIS CORRECTIONAL CENTER

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,027,900</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to Employees' Retirement System</td>
<td>$1,778,500</td>
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<tr>
<td>Social Security</td>
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<tr>
<td>For Contractual Services</td>
<td>$4,810,700</td>
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<tr>
<td>For Travel</td>
<td>$25,700</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>$57,600</td>
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<tr>
<td>For Commodities</td>
<td>$3,197,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>$29,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$297,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$64,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$81,900</td>
</tr>
<tr>
<td>Total</td>
<td>$30,628,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Community Service Grant Programs for Persons with Mental Illness:
Payable from General Revenue Fund .......... $163,417,800
Payable from Community Mental Health Services Block

New matter indicated by italics - deletions by strikeout.
Grant Fund............................ 11,827,400 9,827,400
Payable from the DHS Federal Projects Fund ............................... 10,000,000

For Costs Associated With The Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community:
Payable from General Revenue Fund...................... 3,000,000

For Community Integrated Living Arrangements for Persons with Mental Illness:
Payable from General Revenue Fund.............. 35,618,700
Payable from Community Mental Health Services Block Grant Fund ............... 4,036,400 3,371,400

For Purchase of Care for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund .............. 23,872,000
Payable from Community Mental Health Services Block Grant Fund ............... 206,400

For Medicaid Services for Persons with Mental Illness/and KidCare Clients:
Payable from General Revenue Fund.............. 44,689,000

For Emergency Psychiatric Services:
Payable from General Revenue Fund.............. 10,020,700

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund.............. 20,976,800

For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program:
Payable from General Revenue Fund.............. 11,040,800

For Teens Suicide Prevention Including Provisions Established in Public Act 85-0928:
Payable from Community Mental Health Services Block Grant Fund ............... 206,400

For Grants for Mental Health Research:
Payable from Mental Health Research Fund .................. 150,000
Total $338,191,000

For Community Service Grant Programs for Persons with Developmental Disabilities:
Payable from General Revenue Fund: .............. 99,368,200 96,848,500

For Community Integrated Living Arrangements for the Persons with Developmental Disabilities:
Payable from General Revenue Fund .............. 230,041,400 224,208,200

For Purchase of Care for Persons with Developmental Disabilities:
Payable from General Revenue Fund.............. 85,341,000 82,924,200
Payable from the Mental Health Fund . 9,965,600

New matter indicated by italics - deletions by strikeout.
For Medicaid Services for Persons with Developmental Disabilities:
Payable from General Revenue Fund .......... 14,149,600 13,790,800

For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities,
Payable from General Revenue Fund .......... 10,137,100 9,880,000

Total $437,617,400

(P.A. 91-707, Art. 5, Sec. 13)

Sec. 13. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:

For Expenses Related to Providing Care, Support, and Treatment of Low Income, Developmentally Disabled Persons:
Payable from the Fund for the Developmentally Disabled ............... $ 100,000

For Family Assistance and Home Based Support Services:
Payable from General Revenue Fund -
For costs associated with Family Assistance Programs at the approximate costs set forth below:
Payable from General Revenue Fund .......... 8,191,300
For Persons with Developmental Disabilities ................ 6,273,900
For Persons with Mental Illness .................. 1,917,400

For costs associated with Home Based Support Services Programs at the approximate costs set forth below:
Payable from General Revenue Fund......... 11,721,300
For Persons with Developmental Disabilities .......... 8,641,865
For Persons with Mental Illness .................. 3,079,435

For Costs Related to the Determination of Eligibility and Service Needs for Persons with Developmental Disabilities:
Payable from General Revenue Fund .......... 4,055,200 3,952,400

For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs in fiscal year 2001 and in all prior fiscal years:
Payable from the General Revenue Fund ...... 332,670,600 319,016,100
Payable from the Care Provider Fund for Persons With A Developmental Disability .. 36,000,000

For a Grant to Lewis and Clark Community College to Provide a Comprehensive Program of Services Designed Specifically to Serve the Growing Number of Students with Developmental Disabilities

New matter indicated by italics - deletions by strikeout.
Payable from the General Revenue Fund ...... 220,000
For Costs Associated with Quality Assurance and Enhancements Related to the Home and Community Based Waiver Program, Including Operating and Administrative Costs Payable from the General Revenue Fund ...... 9,800,000
For Costs Associated with Services for Individuals with Developmental Disabilities to Enable Them to Reside in Their Homes Payable from the General Revenue Fund ...... 6,156,100 6,000,000
Total $395,001,100

(P.A. 91-707, Art. 5, Sec. 22)

Sec. 22. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

PROGRAM ADMINISTRATION - DISABILITIES AND BEHAVIORAL HEALTH

Payable from General Revenue Fund:
For Personal Services .............................. $ 11,445,700
For Employee Retirement Contributions Paid by Employer .............................. 449,800
For Retirement Contributions .............................. 1,167,500
For State Contributions to Social Security ... 875,600
For Contractual Services .............................. 2,186,700
For Travel .............................. 420,300
For Commodities .............................. 17,114,200
For Printing .............................. 40,600
For Equipment .............................. 1,384,600
For Telecommunications Services .............................. 274,200
For Operation of Auto Equipment .............................. 3,500
For Contractual Services:
For Private Hospitals for Recipients of State Facilities .............................. 1,273,900
Total $36,636,600

Payable from the Prevention/Treatment - Alcoholism and Substance Abuse Block Grant Fund:
For Personal Services .............................. $ 1,667,500
For Employee Retirement Contributions Paid by Employer .............................. 66,700
For Retirement Contributions .............................. 170,000
For State Contributions to Social Security ... 127,600
For Group Insurance .............................. 211,200
For Contractual Services .............................. 1,375,300
For Travel .............................. 133,600
For Commodities .............................. 53,800
For Printing .............................. 80,200
For Equipment .............................. 5,300
For Electronic Data Processing .............................. 400,000
For Telecommunications Services .............................. 117,800
For Operation of Auto Equipment .............................. 2,100
For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and

New matter indicated by italics - deletions by strikeout.
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<td>For Equipment</td>
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<td>For Expenses Associated with the</td>
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<tr>
<td>Administration of the Alcohol and</td>
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<td>Substance Abuse Prevention and</td>
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<td>Treatment Programs</td>
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Payable from the Drunk and Drugged Driving Prevention Fund:

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<tr>
<td>For Group Insurance</td>
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<tr>
<td>For Contractual Services</td>
<td>1,879,400</td>
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<tr>
<td>For Travel</td>
<td>24,400</td>
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<tr>
<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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<tr>
<td>For Equipment</td>
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<tr>
<td>For Electronic Data Processing</td>
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<tr>
<td>For Telecommunications Services</td>
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<tr>
<td>For Group Insurance</td>
<td>25,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,879,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>24,400</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>451,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>5,100</td>
</tr>
<tr>
<td>Payable from the Community Mental Health Services Block Grant Fund:</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td>432,500</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid</td>
<td></td>
</tr>
<tr>
<td>by Employer</td>
<td>17,300</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>44,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>33,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>64,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>150,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0008

For Commodities ................................. 30,000
For Equipment ...................................... 5,000
Total                                                                 $721,100

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs ............... $7,299,200
Payable from the Mental Health Fund:
For Costs Related to Provision of Support Services Provided to Departmental and Non-Departmental Organizations .......... $3,720,400
Payable from the Youth Alcoholism and Substance Abuse Prevention Fund:
For Deposit into the Fund Which Receives All Payments Under Section 5-3 of Act for Alcoholic Liquors .................. $150,000
(P.A. 91-707, Art. 5, Sec. 41)

Sec. 41. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

Payable from the General Revenue Fund:
For Personal Services ............................... $4,765,400
For Employee Retirement Contributions
Paid by Employer .................................... 189,800
For Retirement Contributions ....................... 486,100
For State Contributions to Social Security ... 364,600
For Contractual Services .............................. 210,400
For Travel .............................................. 144,900
For Commodities ................................. 22,700
For Printing ............................................ 6,400
For Equipment ...................................... 38,200
For Telecommunications Services ............... 59,000
For Operation of Auto Equipment .................. 400
For Expenses for the Development and Implementation of Cornerstone ............. 3,100,000
Total                                                                 $9,387,900

Payable from the DHS Federal Projects Fund:
For Personal Services ............................... $589,200
For Employee Retirement Contributions
Paid by Employer .................................... 23,700
For Retirement Contributions ....................... 60,200
For State Contributions to Social Security ... 45,100
For Group Insurance ................................. 70,400
For Contractual Services .............................. 1,393,700
For Travel .............................................. 155,500
For Commodities ................................. 36,000
For Printing ............................................ 22,000
For Equipment ...................................... 568,000
For Telecommunications Services ............... 246,800
For Expenses Related to Public Health Programs .................................. 256,200
For Operational Expenses for Maternal and Child Health Special Projects of Regional and National Significance ......... 226,300
Total                                                                 $3,693,100

Payable from the USDA Women, Infants

New matter indicated by italics - deletions by strikeout.
and Children Fund:
For Personal Services ........................  $ 2,854,400
For Employee Retirement Contributions
  Paid by Employer ..............................  114,100
For Retirement Contributions ................  291,200
For State Contributions to Social Security ...
  For Group Insurance ...........................  218,300
For Contractual Services .....................  384,000
For Travel ......................................  494,500
For Commodities ..............................  239,000
For Printing ...................................  53,000
For Equipment .................................  184,500
For Telecommunications Services ..........  279,000
For Operation of Auto Equipment ..........  494,500
For Operational Expenses of the Women,
  Infants and Children (WIC) Program,
  Including Investigations ....................  53,000
For Operational Expenses of Banking
  Services for Food Instruments
  Verification and Vendor Payment under
  the Women, Infants and Children (WIC)
  Program ......................................  1,600,000
For Operational Expenses of the
  Federal Commodity Supplemental
  Food Program ................................  800,000
For Operational Expenses Associated
  with Support of the USDA Women,
  Infants and Children Program .............  700,000
  Total ........................................  800,000

Payable from the Sexual Assault
  Services Fund:
  For Expenses Related to the
  Sexual Assault Services Program ..........  $ 75,000

Payable from the Maternal and Child
  Health Services Block Grant
  Fund:
  For Operational Expenses of Maternal and
  Child Health Programs ......................  $ 3,943,500

Payable from the Preventive Health
  and Health Services Block
  Grant Fund:
  For Expenses of Preventive Health and
  Health Services Programs ...................  $ 55,000

Payable from the DHS State Projects Fund:
  For Operational Expenses for
  Public Health Programs .....................  $ 368,000

(P.A. 91-707, Art. 5, Sec. 41.1)
Sec. 41.1. The following named amounts, or so much thereof as may be necessary,
are appropriated to the Department of Human Services for the objects and purposes hereinafter
named:

COMMUNITY HEALTH
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants to Public and Private Agencies
  for Problem Pregnancies ...................  $ 257,800

New matter indicated by italics - deletions by strikeout.
For Grants for the Extension and Provision of Perinatal Services for Premature and High-Risk Infants and Their Mothers .......... 1,184,300
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities .................. 5,542,000
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services ........ 17,354,800
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services for Medicaid Eligible Families ................ 28,599,600
For Grants for the Zero to Five Saves Lives...................... 2,000,000
For Grants to the Chicago Department of Health for Maternal and Child Health Services ....................... 1,105,700
For Grants and Administrative Expenses Related to the Healthy Families Program .................. 8,836,700
For Domestic Violence Shelters and Services Program .................. 21,979,200
For Grants for After School Youth Support Programs .................. 19,782,600
For Grants Associated with the Project Success Program ............. 3,826,300
For Teen Parent Services .................. 7,698,300
For Grants Associated With Organizing Youth Basketball .................. 100,000
For Grants for South Shore Community Partnership Network to Provide Low Income Persons Access to the Internet .................. 125,000
For Grants for Crisis Nurseries .................. 500,000
For Grants for Gilead Referral & Outreach Center for the Uninsured .......... 250,000
For Grants to Family Planning Programs For Contraceptive Services .................. 750,000
Total
Payable from the Special Purposes Trust Fund:
For Family Violence Prevention Services ...... $ 5,000,000
Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs .................. 830,000
For Grants for Maternal and Child Health Special Projects of Regional and National Significance .................. 600,000
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act .................. 7,000,000
For Grants for the Federal Healthy Start Program .................. 4,000,000
Total
Payable from the American Diabetes
Association Fund:
For Grants for Diabetes Research .................. $ 150,000
Payable from the Children's Cancer Fund:
For Grants for Children's Cancer Research ...... $ 150,000
Payable from the Special Purposes
Trust Fund:
For Community Grants ................................ $ 5,698,100
Payable from the Domestic Violence Abuser
Services Fund:
For Domestic Violence Abuser Services ......... $ 100,000
Payable from the Federal National
Community Services Grant Fund:
For Payment for Community Activities,
Including Prior Years' Costs ..................... $ 6,000,000
Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies
for Costs of Administering the USDA Women,
Infants, and Children (WIC) Nutrition
Program ................................. $ 35,000,000 $ 32,060,000
For Grants for the Federal
Commodity Supplemental
Food Program ...................... 1,400,000
For Grants for Free Distribution of Food
Supplies under the USDA Women,
Infants, and Children (WIC)
Nutrition Program .................. 160,000,000 $56,723,400
For Grants for Administering USDA Women,
Infants, and Children (WIC) Nutrition
Program Food Centers ............. 20,000,000 $17,500,000
Total $207,683,400
Payable from the Maternal and Child Health
Services Block Grant Fund:
For Grants for Maternal and Child Health
Programs, Including Programs Appropriated
Elsewhere in this Section ..................... $ 10,867,000
For Grants to the Chicago Department of
Health for Maternal and Child Health
Services .................................... 5,000,000
For Grants to the Board of Trustees of the
University of Illinois, Division of
Specialized Care for Children ............ 7,800,000
For Grants for an Abstinence Education
Program including operating and
administrative costs ....................... 3,500,000
Total $27,167,000
Payable from the Preventive Health and Health
Services Block Grant Fund:
For Grants to Provide Assistance to Sexual
Assault Victims and for Sexual Assault
Prevention Activities ......................... $ 500,000
For Grants for Rape Prevention Education
Programs, including operating and
administrative costs ...................... 3,000,000
Total $3,500,000
Payable from the DHS State Projects Fund:

New matter indicated by italics - deletions by strikeout.
Payable from Domestic Violence Shelter and Service Fund:
- For Domestic Violence Shelters and Services Program: $1,000,000

Payable from Tobacco Settlement Recovery Fund:
- For Children's Health Programs: $1,750,000
- For a Grant to the Coalition for Technical Assistance and Training Related to Children's Health: $250,000

Communities Youth Services Grants-In-Aid
Payable from the Special Purposes Trust Fund:
- For Parents Too Soon Program, including grants and operations: $3,665,200

Payable from the DHS Federal Projects Fund:
- For Grants Associated With the Early Intervention Program, including operating and administrative costs: $28,000,000

Section 8. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 1 of Article 7 as follows:

Sec. 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent

New matter indicated by italics - deletions by strikeout.
expenses of the Department of Insurance:

**ADMINISTRATIVE AND SUPPORT DIVISION**

Payable from Insurance Producer Administration Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$807,600</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>32,400</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>82,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>61,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,328,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>49,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>109,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>114,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,600</td>
</tr>
<tr>
<td>Total</td>
<td>$2,776,600</td>
</tr>
</tbody>
</table>

Payable from Insurance Financial Regulation Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$699,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>28,100</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>71,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>53,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,712,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>2,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>59,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>46,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>60,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>12,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>7,100</td>
</tr>
<tr>
<td>Total</td>
<td>$2,909,000</td>
</tr>
</tbody>
</table>

Section 9. "AN ACT making appropriations and reapprorations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 1 of Article 10 as follows:

(P.A. 91-706, Art. 10, Sec. 1)

Sec. 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

**FOR OPERATIONS OFFICE OF THE ADJUTANT GENERAL**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,289,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td>51,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>131,700</td>
</tr>
<tr>
<td>Social Security</td>
<td>100,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>45,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,900</td>
</tr>
<tr>
<td>Total</td>
<td>$1,314,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
### FACILITIES OPERATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>$5,226,400</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ........................................</td>
<td>30,000</td>
</tr>
<tr>
<td>Payable from State Parks Fund ................................................</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund ............................................</td>
<td>209,100</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund ....................................</td>
<td>2,473,600</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund ............</td>
<td>2,153,600</td>
</tr>
<tr>
<td>Payable from Natural Resources Information Fund ................................</td>
<td>533,100</td>
</tr>
<tr>
<td>Payable from Illinois Beach Marina Fund .......................................</td>
<td>538,100</td>
</tr>
<tr>
<td>Total</td>
<td>$8,763,200</td>
</tr>
</tbody>
</table>

### Section 10. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by repealing Section 269 and changing Sections 15, 235, 245, 247 and 268 and adding new Section 275 to Article 11 as follows:

### Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund ................................................</td>
<td>$1,600</td>
</tr>
<tr>
<td>Payable from State Boating Act Fund ...............................................</td>
<td>30,000</td>
</tr>
<tr>
<td>Payable from State Parks Fund .....................................................</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Wildlife and Fish Fund ...............................................</td>
<td>209,100</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund .......................................</td>
<td>2,473,600</td>
</tr>
<tr>
<td>Payable from Natural Resources Information Fund ..................................</td>
<td>500,000</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund ............</td>
<td>25,000</td>
</tr>
<tr>
<td>Payable from Illinois Beach Marina Fund ..........................................</td>
<td>1,000</td>
</tr>
<tr>
<td>Total</td>
<td>$832,600</td>
</tr>
</tbody>
</table>

### Section 235. The sum of $280,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 20, Section 263 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Fund for Illinois Future to the Department of Natural Resources for a grant to the Fon du Lac Park District for the purpose of trail enhancement project.

### Section 245. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in
Article 20, Section 273 of Public Act 91-20, approved June 7, 1999, as amended, is reapportioned from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA to construct a walking/biking path, toboggan run, ice hockey rink and rollerblade park for the City of LaSalle for park improvements and installation of facilities for roller skaters.

(P.A. 91-706, Art. 11, Sec. 247)

Sec. 247. The sum of $200,000, or so much thereof as may be necessary is and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made in Article 20, Section 275 of Public Act 91-20, approved June 7, 1999, as amended, is reapportioned from the Fund for Illinois' Future to the Department of Natural Resources for a grant to the Illinois Valley YMCA in Peru for establishing a recreational park.

(P.A. 91-706, Art. 11, Sec. 268)

Sec. 268. The sum of $7,500,000, or so much thereof as may be necessary, is appropriated from the Fund for Illinois' Future to the Department of Natural Resources for all costs associated with grants to various units of local government and not-for-profit entities for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, equipment and any other necessary costs.

(Sec. 275. The sum of $115,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the General Revenue Fund for a grant to the City of Ottawa for acquisition of Harper's Farm.

Sec. 11. "AN ACT making appropriations and reapportionments," Public Act 91-707, approved May 17, 2000, is amended by changing Section 2 of Article 10 as follows:

(P.A. 91-707, Art. 10, Sec. 2)

Sec. 2. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:

For Physicians .................. $433,738,000
For Physicians ..................  $396,727,000
For Dentists....................... 65,670,700
For Optometrists..................  7,825,400
For Podiatrists...................  2,336,000
For Chiropractors................  1,299,500
For Hospital In-Patient and Disproportionate Share ...... 1,548,604,900
For Hospital Ambulatory Care.. 373,341,400
For Prescribed Drugs ........... 985,723,800
For Skilled, Intermediate, and Other Related Long Term Care Services ............. 1,058,858,600
For Community Health Centers........... 81,818,500
For Hospice Care ................ 21,388,900
For Independent Laboratories...... 15,157,000
For Home Health Care, Therapy, and Nursing Services.................. 67,150,000
For Appliances................... 36,983,600
For Transportation.............. 57,429,100
For Other Related Medical Services and for development, implementation, and operation of the managed care and children's health programs including operating and administrative costs and

New matter indicated by italics - deletions by strikeout.
related distributive purposes............... 79,486,000
For Medicare Part A Premiums............... 11,654,700
For Medicare Part B Premiums............... 87,350,400
For Medicare Part B Premiums for
Qualified Individuals under the
Federal Balanced Budget Act of 1997 ....... 4,397,700
For Health Maintenance Organizations and
Managed Care Entities ..................... 236,526,700
Total $5,176,740,900 $4,976,740,900

The following named amounts, or so much thereof as may be necessary, are appropriated
to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:
For Grants for Medical Care for Persons
Suffering from Chronic Renal Disease ....... $ 2,873,700
For Grants for Medical Care for Persons
Suffering from Hemophilia ................... 4,000,500
For Grants for Medical Care for Sexual
Assault Victims ............................ 606,900
Total $7,481,100

The Department, with the consent in writing from the Governor, may reapportion not
more than two percent of the total appropriations in Section 2 above among the various purposes
therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,758,300, or so much
thereof as may be necessary, is appropriated to the Department of Public Aid from the General
Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including
payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 12. "AN ACT making appropriations and reallocations," Public Act
91-707, approved May 17, 2000, is amended by changing Section 2.1 of Article 11 as follows:

(P.A. 91-707, Art. 11, Sec. 2.1)

Sec. 2.1. The following named amount, or so much thereof as may be necessary, are
appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health
Departments and the Public Health
Workforce, including Operational Expenses ...

For a Grant for the Promotion and
Marketing of the Adoption
Registry ................................. 67,900
Total $329,900

Section 13. "AN ACT making appropriations and reallocations," Public Act
91-706, approved May 17, 2000, is amended by changing Section 1 of Article 14 as follows:

(P.A. 91-706, Art. 14, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the
ordinary and contingent expenses of the Department of Revenue:

GOVERNMENT SERVICES

For Personal Services:
Payable from General Revenue Fund .......... $ 4,804,000
Payable from Motor Fuel Tax Fund ........... 578,600
Payable from Illinois Tax
Increment Fund ............................ 187,900

New matter indicated by italics - deletions by strikeout.
For Extra Help:

For Employee Retirement Contributions
Paid by Employer:
Payable from General Revenue Fund .......... 195,400
Payable from Motor Fuel Tax Fund .......... 23,100
Payable from Illinois Tax Increment Fund ................. 7,600
Payable from Personal Property Tax Replacement Fund ................. 31,000

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund .......... 488,600
Payable from Motor Fuel Tax Fund .......... 57,800
Payable from Illinois Tax Increment Fund ................. 18,800
Payable from Personal Property Tax Replacement Fund ................. 77,400

For State Contributions to Social Security:
Payable from General Revenue Fund .......... 354,600
Payable from Motor Fuel Tax Fund .......... 43,000
Payable from Illinois Tax Increment Fund ................. 14,400
Payable from Personal Property Tax Replacement Fund ................. 54,400

For Group Insurance:
Payable from Motor Fuel Tax Fund .......... 96,200
Payable from Illinois Tax Increment Fund ................. 29,600
Payable from Personal Property Tax Replacement Fund ................. 133,200

For Contractual Services:
Payable from General Revenue Fund .......... 149,500
Payable from Motor Fuel Tax Fund .......... 30,600
Payable from Personal Property Tax Replacement Fund ................. 10,000

For Travel:
Payable from General Revenue Fund .......... 76,900
Payable from Motor Fuel Tax Fund .......... 19,300
Payable from Personal Property Tax Replacement Fund ................. 23,200

For Commodities:
Payable from General Revenue Fund .......... 6,400
Payable from Motor Fuel Tax Fund .......... 1,500
Payable from Personal Property Tax Replacement Fund ................. 5,800

For Equipment:
Payable from General Revenue Fund .......... 418,500
Payable from Motor Fuel Tax Fund .......... 114,100
Payable from Personal Property Tax Replacement Fund ................. 65,000

For Administration of the Illinois Affordable Housing Act:
Payable from Illinois Affordable
Section 14. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 1 and 13, and adding new Section 20 to Article 15 as follows:

(P.A. 91-706, Art. 15, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF ADMINISTRATION**

Payable from General Revenue Fund:

- For Personal Services .................. $ 8,677,100
- For Employee Retirement Contributions
  - Paid by Employer ...................... 358,200
- For State Contributions to State Employees' Retirement System ............. 865,100
- For State Contributions to Social Security .................................. 827,000
- For Contractual Services .............. 4,351,400
- For Travel ............................. 205,000
- For Commodities ........................ 205,000
- For Printing ........................... 338,600
- For Equipment .......................... 338,600
- For Equipment:
  - Lease-Purchase of Police Cars-FY99 .......... $ 3,433,100
  - Purchase of Police Cars-FY01 .............. 2,378,000
- For Telecommunications Services .......... 249,100
- For Operation of Auto Equipment .......... 320,700
- For Repairs and Maintenance and
  - Permanent Improvements ................ 60,000

**Permanent Improvements - For All Costs Associated with the**

**CODIS Building .........................** $1,000,000

- For Expenses of Apprehension of Fugitives .......................... 50,000
- For Contractual Services:
  - For Payment of Tort Claims ................ 110,500
  - For Refunds ............................ 57,400
- For Expenses regarding implementation of the Juvenile Justice Reform provisions .................. 548,000

Total ........................................ $23,541,900

Payable from Missing and Exploited Children Trust Fund:

- For the Administration and fulfillment of its responsibilities under the Intergovernmental Missing Child Recovery Act of 1984 .................. 50,000

New matter indicated by italics - deletions by strikeout.
Payable from the State Police Wireless Service Service Emergency Fund:
For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act..................................... $1,300,000
(P.A. 91-706, Art. 15, Sec. 13)

Sec. 13. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:
DIVISION OF FORENSIC SERVICES AND IDENTIFICATION

Payable from the General Revenue Fund:
For Personal Services ......................... $ 31,465,000
For Employee Retirement Contributions Paid by Employer ......................... 1,267,400
For State Contributions to State Employees' Retirement System ................. 3,137,200
For State Contributions to Social Security ........................................ 2,088,000
For Contractual Services ..................... 5,569,400
For Travel .................................. 285,700
For Commodities ............................. 2,606,100
For Printing ............................... 147,500
For Equipment ................................ 2,821,400
For Electronic Data Processing............. 3,615,600
For Telecommunications Services .......... 778,000
For Operation of Auto Equipment .......... 171,000
For Administration of a Statewide Sexual Assault Evidence Collection Program ....... 101,200
Total ...................................... $55,053,500

For Administration and Operation of State Crime Laboratories:
Payable from State Crime Laboratory Fund ............ $550,000
Payable from State Crime Laboratory DUI Fund ...................... $400,000
Payable from State Offender DNA Identification System Fund .............. $600,000
(P.A. 91-706, Art. 15, new Sec. 20)

Sec. 20. The amount of $255,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for the costs associated with the Diesel Emission testing program.

Section 15. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 1b, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of Article 16 as follows:
(P.A. 91-706, Art. 16, Sec. 1b)

Sec. 1b. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Tort Claims, including payment pursuant to P.A. 80-1078 ..................... $ 500,000
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from

New matter indicated by italics - deletions by strikeout.
the Road Fund portion of their normal operations .......................... 260,000
For Enhancement and Congestion Mitigation and Air Quality Projects................. 30,000,000 5,000,000
For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations .......................... 1,932,200
For grants to Illinois Universities for applied research on transportation....... 520,000
For payment of claims as provided by the "Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including Treatment, Expenses and Benefits Payable for Total Temporary Incapacity for Work for State Employees whose salaries are paid from the Road Fund:
For Awards and Grants ................................................................ 10,600,000
Total .............................................................................. $18,812,200

Expenditures from appropriations for treatment and expense may be made after the Department of Transportation has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Transportation without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.
(P.A. 91-706, Art. 16, Sec. 7)

Sec. 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 1, SCHAUMBURG OFFICE OPERATIONS

For Personal Services ............... $ 78,471,500 $ 75,971,500
For Extra Help ..................... 6,102,300 5,602,300
For Employee Retirement Contributions
Paid by State ....................... 3,382,000 3,262,000
For State Contributions to State Employees' Retirement System .. 8,455,100 8,155,100
For State Contributions to Social Security ......... 6,241,900 6,011,900
For Contractual Services ......... 16,768,700 15,118,700
For Travel ......................... 223,600
For Commodities .................. 6,270,600 4,820,600
For Equipment ..................... 1,432,600
For Equipment:
Purchase of Cars and Trucks ... 4,184,000
For Telecommunications Services . 1,471,900
For Operation of
Automotive Equipment ............ 7,454,500 6,089,500
Total .................................. $140,458,700 $132,343,700

New matter indicated by italics - deletions by strikeout.
(P.A. 91-706, Art. 16, Sec. 8)

Sec. 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 2, DIXON OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Appropriation 1</th>
<th>Appropriation 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$24,848,800</td>
<td>$23,848,800</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>2,471,400</td>
<td>1,971,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>1,092,800</td>
<td>1,032,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System ...</td>
<td>2,732,000</td>
<td>2,582,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,968,900</td>
<td>1,853,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,072,300</td>
<td>3,507,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>238,300</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,216,600</td>
<td>1,696,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>790,000</td>
<td></td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars and Trucks ...</td>
<td>1,353,300</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services ...</td>
<td>224,500</td>
<td></td>
</tr>
<tr>
<td>For Operation of Automotive Equipment ...</td>
<td>2,772,600</td>
<td>2,072,600</td>
</tr>
<tr>
<td>Total</td>
<td>$45,781,500</td>
<td>$41,171,500</td>
</tr>
</tbody>
</table>

(P.A. 91-706, Art. 16, Sec. 9)

Sec. 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 3, OTTAWA OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Appropriation 1</th>
<th>Appropriation 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$23,061,800</td>
<td>$22,061,800</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>2,146,300</td>
<td>1,796,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid by State</td>
<td>1,008,300</td>
<td>954,300</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System ...</td>
<td>2,520,800</td>
<td>2,385,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,831,300</td>
<td>1,727,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,362,100</td>
<td>3,020,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,800</td>
<td></td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,074,100</td>
<td>2,049,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>911,500</td>
<td></td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars and Trucks ...</td>
<td>1,374,300</td>
<td></td>
</tr>
<tr>
<td>For Telecommunications Services ...</td>
<td>205,600</td>
<td></td>
</tr>
<tr>
<td>For Operation of Automotive Equipment ...</td>
<td>2,477,500</td>
<td>1,967,500</td>
</tr>
<tr>
<td>Total</td>
<td>$42,074,400</td>
<td>$38,554,400</td>
</tr>
</tbody>
</table>

(P.A. 91-706, Art. 16, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 4, PEORIA OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Object</th>
<th>Appropriation 1</th>
<th>Appropriation 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$19,418,200</td>
<td>$18,718,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Extra Help ................. 2,363,400 2,013,400
For Employee Retirement Contributions
Paid by State ................. 871,300 829,300
For State Contributions to State
Employees' Retirement System .. 2,178,200 2,073,200
For State Contributions
to Social Security .......... 1,573,700 1,492,700
For Contractual Services ...... 4,083,100 3,833,100
For Travel ..................... 138,700
For Commodities ............... 1,425,600 1,075,600
For Equipment ................ 1,004,500
For Equipment:
Purchase of Cars and Trucks ... 1,153,300
For Telecommunications Services . 219,200
For Operation of
Automotive Equipment ....... 1,714,400 1,414,400
Total $36,143,600 $33,965,600
(P.A. 91-706, Art. 16, Sec. 11)

Sec. 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE
OPERATIONS

For Personal Services ............ $ 21,661,700 $ 20,861,700
For Extra Help .................. 1,809,700 1,459,700
For Employee Retirement Contributions
Paid by State .................... 938,900 892,900
For State Contributions to State
Employees' Retirement System .. 2,347,100 2,232,100
For State Contributions
to Social Security ............ 1,672,800 1,584,800
For Contractual Services ....... 3,059,600 2,834,600
For Travel ..................... 89,500
For Commodities ............... 1,687,300 1,237,300
For Equipment ................ 688,500
For Equipment:
Purchase of Cars and Trucks ... 957,100
For Telecommunications Services . 147,500
For Operation of
Automotive Equipment ....... 2,138,200 1,638,200
Total 37,197,900 $34,623,900
(P.A. 91-706, Art. 16, Sec. 12)

Sec. 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 6, SPRINGFIELD OFFICE
OPERATIONS

For Personal Services ............ 22,437,100 21,637,100
For Extra Help .................. 1,839,200 1,339,200
For Employee Retirement Contributions
Paid by State .................... 971,100 919,100
For State Contributions to State
Employees' Retirement System .. 2,427,600 2,297,600
For State Contributions
to Social Security ............ 1,777,300 1,677,300

New matter indicated by italics - deletions by strikeout.
Sec. 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 7, EFFINGHAM OFFICE**

**OPERATIONS**

For Personal Services $15,124,200  $14,524,200  
For Extra Help 1,239,900  889,900  
For Employee Retirement Contributions  
Paid by State 654,600  616,600  
For State Contributions to State  
Employees' Retirement System 1,636,400  1,541,400  
For State Contributions to Social Security 1,175,100  1,102,100  
For Contractual Services 2,285,800  1,985,800  
For Travel 149,300  
For Commodities 1,297,800  697,800  
For Equipment 732,000  
For Equipment:  
Purchase of Cars and Trucks 849,500  
For Telecommunications Services 106,700  
For Operation of  
Automotive Equipment 1,176,200  851,200  
Total 26,427,500 $24,046,500  
(P.A. 91-706, Art. 16, Sec. 13)

Sec. 14. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 8, COLLINSVILLE OFFICE**

**OPERATIONS**

For Personal Services $28,698,300  $27,498,300  
For Extra Help 2,006,800  1,756,800  
For Employee Retirement Contributions  
Paid by State 1,228,200  1,170,200  
For State Contributions to State  
Employees' Retirement System 3,070,500  2,925,500  
For State Contributions to Social Security 2,179,900  2,068,900  
For Contractual Services 5,847,400  5,672,400  
For Travel 208,800  
For Commodities 1,542,200  1,347,200  
For Equipment 1,093,400  
For Equipment:  
Purchase of Cars and Trucks 1,563,700  
For Telecommunications Services 339,100  

New matter indicated by italics - deletions by strikeout.
For Operation of
Automotive Equipment ............ 2,013,000 $1,813,000
Total  $49,791,300 $47,427,300
(P.A. 91-706, Art. 16, Sec. 15)

Sec. 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE
OPERATIONS

For Personal Services ............ $14,799,600 $14,399,600
For Extra Help .................. 1,657,300 1,407,300
For Employee Retirement Contributions
Paid by State .................. 658,300 632,300
For State Contributions to State
Employees' Retirement System .. 1,645,700 1,580,700
For State Contributions
to Social Security ............. 1,102,700 1,052,700
For Contractual Services ...... 2,410,300 2,250,300
For Travel ........................ 67,100
For Commodities ................ 740,000 615,000
For Equipment .................. 729,900
For Equipment:
Purchase of Cars and Trucks ... 1,093,100
For Telecommunications Services . 103,500
For Operation of
Automotive Equipment .......... 1,286,700 1,086,700
Total  $26,294,200 $25,018,200

Section 16. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 6a2, 8a, 8b3, 9a, 9a3, 9a6, 25, 70 and 81, and adding new Section 25a to Article 17 as follows:

(P.A. 91-706, Art. 17, Sec. 6a2)

Sec. 6a2. The sum of $901,100 $635,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 24a, Section 18a2 and Article 24b, Section 6a2 of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

(P.A. 91-706, Art. 17, Sec. 8a)

Sec. 8a. The sum of $383,400 $303,700, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 24a, Section 19a and Article 24b, Section 8a of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

(P.A. 91-706, Art. 17, Sec. 8b3)

Sec. 8b3. The sum of $14,221,200 $8,819,200, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation concerning Public Transportation heretofore made in Article 24a, Section 19b8 and Article 24b, Section 8b6 of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

(P.A. 91-706, Art. 17, Sec. 9a)

Sec. 9a. The sum of $5,748,600 $3,088,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation concerning Rail Freight Service Assistance Program heretofore made in Article 24a, Section 20a1 and Article 24b, Section 9a of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.
Sec. 9a3. The sum of $1,937,700 $1,534,700 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation concerning the State's share of the Rail Freight Loan Repayment Program heretofore made in Article 24a, Section 20a4 and Article 24b, Section 9a3 of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Sec. 9a6. The sum of $2,439,400 $1,525,800 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation and reappropriation heretofore made in Article 24a, Section 20a6 and Article 24b, Section 9a6 of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the state share of the High Speed Rail Project.

Sec. 25. The sum of $208,100 $358,100 or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the reappropriation heretofore made in Article 24b, Section 29 of Public Act 91-0020, as amended, is reappropriated from the General Revenue Fund to the Illinois Department of Transportation for a study of the expansion of Route 23 to four lanes from Streator to Ottawa.

Sec. 25a. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Grundy County Economic Development Council for a study of creating an interchange at Route 80 and Brisbin Road.

Sec. 70. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2000, from the appropriation heretofore made in Article 24a, Section 77 of Public Act 91-0020, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for the purchase of an accelerated loading facility machine at the University of Illinois ......................... $1,500,000

For improvements to Waukegan Road in Morton Grove ......................... $200,000

For improvements to Hall Street and Holly Road in the City of Olney ......................... $600,000

For intersection improvements at Route 131 and 176 in the Village of Lake Bluff ......................... $215,000

For studying, designing and installing right turn lanes from Glenmore Woods to Route 137 in the Village of Green Oaks ......................... $100,000

For a right turn lane from Reigate Woods to Route 137 in the...
Village of Green Oaks............................. $100,000
For improvements to village streets
and an engineering study for a
possible grade separation on
Western Avenue in the City
of Blue Island................................. $100,000
For improvements to city streets
in the City of Chicago Ridge................. $200,000
For improvements to city streets
in the City of Oak Lawn....................... $250,000
For an engineering study of the
135th Street at Cicero in the
Village of Crestwood........................ $200,000
For intersection improvements at
Route 176 and Walkup Avenue
in the City of Crystal Lake............... $200,000
For the construction of Creek Drive
Bridge over Nettle Creek in the
City of Morris............................... $350,000
For the improvements of Route 113
in the Village of Braidwood............... $152,000
For installation of traffic signals
on 115th Street between Pulaski
Road and Kolin Avenue in the
City of Chicago............................ $125,000
For resurfacing of 69th Street between
State Street and South Chicago Avenue
To be used for a street restoration
project on West 74th Street from
Ashland to Vincennes in the
City of Chicago............................. $464,000
To resurface or repair King Drive
between 67th Street and 79th
Street in the City of Chicago.............. $200,000
For improvements in the Village
of Sun River Terrace......................... $100,000
For improvements to unmarked state
highway from east of city
limits to U.S. 51 in the
Village of DuBois.......................... $120,000
For improvements on Route
3/Ellis Boulevard in the
Village of Ellis Grove...................... $100,000
For improvements to New Boston
Road in Mercer County...................... 250,000

Section 17. "AN ACT making appropriations and reappropriations," Public Act
91-707, approved May 17, 2000, is amended by changing Sections 4 and 6 of Article 12 as follows:

(P.A. 91-707, Art. 12, Sec. 4)
Sec. 4. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes
hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY
Payable from General Revenue Fund:
For Personal Services ...................... $10,212,100

New matter indicated by italics - deletions by strikeout.
For Employee Retirement Contributions
Paid by Employer ............................ 408,400
For State Contributions to the State
Employees' Retirement System ............... 1,041,600
For State Contributions to
Social Security ............................. 781,100
For Contractual Services ..................... 5,100
For Commodities .............................. 100
For Electronic Data Processing ............... 100
For Maintenance and Travel for
Aided Persons ................................ 1,300
Total                                                                 $12,449,800

Payable from Quincy Veterans' Home Fund:
For Personal Services ........................ $  9,578,100
For Member Compensation ...................... 25,000
For Employee Retirement Contributions
Paid by Employer ............................ 383,100
For State Contributions to the State
Employees' Retirement System ............... 977,100
For State Contributions to
Social Security ............................. 732,800
For Contractual Services ..................... 1,956,000
For Contractual Services - Repair and
Maintenance .................................. 200,000
For Travel ................................... 8,000
For Commodities .............................. 3,600,000
For Printing .................................. 23,700
For Equipment ................................ 266,000
For Electronic Data Processing ............... 196,000
For Telecommunications Services .......... 71,000
For Operation of Auto Equipment .......... 83,900
For Refunds .................................. 42,200
Total                                                                 $18,142,900

(P.A. 91-707, Art. 12, Sec. 6)
Sec. 6. The following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes
hereinafter named:

ILLINOIS VETERANS' HOME AT MANTENO

Payable from General Revenue Fund:
For Personal Services ........................ $  7,192,900
For Employee Retirement Contributions
Paid by Employer ............................ 287,800
For State Contributions to the State
Employees' Retirement System ............... 733,700
For State Contributions to
Social Security ............................. 550,300
For Contractual Services ..................... 5,000
Total                                                                 $8,769,700

Payable from Manteno Veterans' Home Fund:
For Personal Services ........................ $  4,669,200
For Member Compensation ..................... 2,500
For Employee Retirement Contributions
Paid by Employer ............................ 186,700
For State Contributions to the State

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System ................ 476,300
For State Contributions to Social Security .................. 357,100
For Contractual Services .......... 3,231,000
For Travel ......................... 6,000
For Commodities ................. 1,100,000
For Printing ................. 22,800
For Equipment ................. 429,800
For Electronic Data Processing .......... 133,600
For Telecommunications Services .......... 48,800
For Operation of Auto Equipment .......... 43,200
For Refunds ................. 27,400
Total .................. $10,734,400

Section 18. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 1 of Article 19 as follows:

(P.A. 91-706, Art. 19, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Office of Banks and Real Estate:

For Personal Services .................. $ 10,728,100
For Employee Retirement Contributions
Paid by Employer .................. 425,300
For State Contribution to State
Employees' Retirement System ............. 1,084,100
For State Contributions to Social Security .................. 808,700
For Group Insurance ................. 1,398,600
For Contractual Services ............. 1,226,400
For Legal Services ............. 100,000
For Travel ............. 1,030,000
For Commodities ............. 45,900
For Printing ............. 29,000
For Equipment ............. 76,800
For Electronic Data Processing ............ 1,240,900
For Telecommunications Services ............ 221,200
For Operation of Auto Equipment ............ 5,000
For Corporate Fiduciary
Receivership ............. 438,818
For Refunds ............. 1,000
Total ............. $18,571,000

Section 19. "AN ACT making appropriations and reappropriations," Public Act 91-708, approved May 17, 2000, is amended by changing Sections 3, 7, and 18 and adding new Sections 7.3, 14.1, 38 and 39 to Article 1 as follows:

(P.A. 91-708, Art. 1, Sec. 3)

Sec. 3. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE

For planning, design, construction, equipment and all other necessary costs for a maximum security facility ............ $129,000,000
For planning a medium security facility and land acquisition ............ 6,000,000
For replacing locks and control panels at the following locations at the

New matter indicated by italics - deletions by strikeout.
approximate costs set forth below .......... 2,700,000
Illinois River
  Correctional Center ............. 850,000
Western Illinois
  Correctional Center ............. 850,000
Danville Correctional
  Center .......................... 1,000,000
For replacing roofing systems at the following locations at the approximate cost set forth below .......... 1,730,000
  Menard Correctional Center .... 170,000
  Vienna Correctional Center .... 155,000
  Illinois Youth Center - Harrisburg .................. 95,000
  Dixon Correctional Center .... 500,000
  Pontiac Correctional Center .... 440,000
  Illinois Youth Center - Joliet .... 370,000
For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below .................. 755,000
  Vienna Correctional Center ............. 250,000
  Pontiac Correctional Center ............. 200,000
  Joliet Correctional Center ............. 305,000
For planning and replacing windows at the following locations at the approximate cost set forth below .................. 3,285,000
  Vienna Correctional Center ............. 1,780,000
  Sheridan Correctional Center ............. 425,000
  Illinois Youth Center - Valley View .................. 500,000
  Illinois Youth Center - Joliet .................. 165,000
  Dixon Correctional Center ............. 235,000
  Shawnee Correctional Center ............. 180,000
For upgrading and renovating showers at the following locations at the approximate cost set forth below .................. 1,975,000
  Shawnee Correctional Center ............. 800,000
  Danville Correctional Center ............. 800,000
  Graham Correctional Center ............. 200,000
  Centralia Correctional Center ............. 175,000
For replacing security fencing at the following locations at the approximate
cost set forth below ......................... 1,500,000
Hill Correctional
  Center ................................. 400,000
Western IL Correctional
  Center ................................. 300,000
Joliet Correctional
  Center ................................. 200,000
Logan Correctional
  Center ................................. 200,000
Dixon Correctional
  Center ................................. 100,000
Shawnee Correctional
  Center ................................. 100,000
Graham Correctional
  Center ................................. 100,000
Danville Correctional
  Center ................................. 100,000
For upgrading roads and parking lots at
the following locations at the approximate
cost set forth below ......................... 1,000,000
Dwight Correctional
  Center ................................. 500,000
Illinois Youth Center -
  Valley View ............................. 500,000
DIXON CORRECTIONAL CENTER - LEE COUNTY
For constructing a gun range and
  classroom building ........................ $ 500,000
DWIGHT CORRECTIONAL CENTER
For renovating C9 and Old Hospital .......... 3,810,000
For renovating Housing Unit C8, in
  addition to funds previously
  appropriated ...................................... 270,000
EAST MOLINE CORRECTIONAL CENTER
For replacing the chiller/absorber ............. 400,000
HILL CORRECTIONAL CENTER
For upgrading electrical system ................... 185,000
HOPKINS PARK
For a grant to the Village of Hopkins
  Park for infrastructure improvements
in connection with the Hopkins Park
  Correctional Center ............................ 8,300,000
ILLINOIS RIVER CORRECTIONAL CENTER - CANTON
For replacing warehouse freezers ............. 150,000
ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY
For constructing a 60-bed inmate
  housing addition ............................. 4,000,000
ILLINOIS YOUTH CENTER - RUSHVILLE
For planning, design, construction, equipment
  and all other necessary costs to add
  a cellhouse ................................. 14,000,000
ILLINOIS YOUTH CENTER - ST. CHARLES - KANE COUNTY
For constructing an R & C building
  and other improvements ........................ 34,000,000
For upgrading plumbing system and replacing

New matter indicated by italics - deletions by strikeout.
LOGAN CORRECTIONAL CENTER - LINCOLN

For constructing a medical building and dietary building ......................... 675,000

MENARD CORRECTIONAL CENTER - RANDOLPH COUNTY

For stabilizing dam, in addition to funds previously appropriated .................. 510,000
For correcting slope failure & MSU improvements ...................................... 875,000
For upgrading electrical distribution system ............................................ 2,500,000
For replacing the HVAC system ................................................................. 550,000

PONTIAC CORRECTIONAL CENTER - LIVINGSTON COUNTY

For expanding the main sally port ......................................................... 400,000
For renovating the exterior of North/South Cellhouses .............................. 600,000

SHERIDAN CORRECTIONAL CENTER

For upgrading the storm sewers ............................................................... 115,000

STATEVILLE CORRECTIONAL CENTER - JOLIET

For planning and beginning renovation of H & I houses ............................. 500,000
For replacing the water line ................................................................. 3,320,000
For upgrading electrical system in "B" House ....................................... 1,500,000

VANDALIA CORRECTIONAL CENTER

For constructing a multi-purpose program building .................................... 1,300,000
For converting Administration Building and planning construction of an Administration/Health Care Unit .......................... 800,000
For upgrading the primary water distribution system ................................ 1,300,000

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING

For replacing warehouse freezers ......................................................... 150,000
Total, Section 3 $231,355,000

Sec. 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM

For fabrication of visitors centers exhibit .............................................. 700,000
For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below ................................................. 1,805,000
Wayne Fitzgerrell State Park .......... 414,000
Goose Lake Prairie State Park .......... 71,000
Wolf Creek State Park ................. 805,000
Hennepin Canal Parkway
State Trail .......................... 435,000
Kaskaskia River Fish & Wildlife Area .................. 80,000
For providing dump stations............... 200,000
For rehabilitating bridges at the

New matter indicated by italics - deletions by strikeout.
following locations, at the approximate cost set forth below ......................... 1,076,000
Rock Island Trail ...................... 681,000
Frank Holten State Park .............. 300,000
Horseshoe Lake State Park .......... 70,000
Castle Rock State Park .............. 25,000

For rehabilitating dams at the following locations, at the approximate cost set forth below .......... 1,435,000
Ramsey Lake State Park ............. 535,000
Rock Cut State Park ................. 450,000
Snakeden Hollow State Park ....... 450,000

For replacing roofs at the following locations, at the approximate cost set forth below ............. 1,384,000
Southern IL Arts & Crafts Center ........ 290,000
Frank Holten State Park .......... 28,000
DNR Geological Survey-Champaign ........ 124,000
Sangchris Lake State Park ........... 50,000
Illini State Park ................. 125,000
Shelbyville Fish & Wildlife Area ...... 100,000
Trail of Tears State Park ............. 219,000
Sanganois Conservation Area ....... 48,000
Rice Lake State Park ............... 125,000
Hidden Spring State Park ............ 67,000
Siloam Springs State Park ........... 48,000
Mississippi Palisades State Park .... 160,000

CASTLE ROCK STATE PARK - OGLE COUNTY
For replacing maintenance building ....... 434,000

FORT MASSAC STATE PARK - MASSAC COUNTY
For reconstructing the fort ............. 4,300,000

GEOLOGICAL SURVEY-CHAMPAIGN
For constructing two pole storage buildings .................. 322,000

HENNEPIN CANAL PARKWAY STATE PARK
For rehabilitating aqueducts #3, #4 and #8 ......................... 750,000
ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line ............ 545,300
KASKASKIA RIVER FISH & WILDLIFE AREA
For providing electrical service .................. 106,000
KICKAPOO STATE PARK - VERMILION COUNTY
For rehabilitating the water system and day-use areas ............ 1,041,000

LAKE CALUMET
For acquiring land, planning and beginning construction of a Visitors Center .......... 3,000,000
LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY
For replacing the district office

New matter indicated by italics - deletions by strikeout.
LINCOLN TRAIL STATE PARK - CLARK COUNTY
For renovating the concession building ..................................... 499,000
LINCOLN TRAIL STATE PARK - CLARK COUNTY
For upgrading campground electrical and drainage .......................... 815,000
LITTLE GRASSY FISH HATCHERY - WILLIAMSON COUNTY
For improving drainage discharge ........................................... 460,000
MASÓN STATE FOREST TREE NURSERY
For expanding the cold storage facility ................................... 638,000
MASÓN STATE FOREST TREE NURSERY
For expanding the seed cleaning facility ................................ 662,000
MORRISON-ROCKWOOD STATE PARK
For improving the water system and rehabilitating the campground water ...... 418,000
NATURAL HISTORY SURVEY - HAVANA
For renovating Forbes Biological Station ................................ 683,000
PRAIRIE RIDGE SANCTUARY NATURAL AREA
For replacing the Service & Hazardous Materials buildings and installing a fuel tank ................................................. 366,000
RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior ..................................................... 991,000
ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system ............................................ 2,409,000
NEW OFFICE BUILDING - SPRINGFIELD
For completing construction of an office building, in addition to funds previously appropriated ........................... 2,000,000
WASTE MANAGEMENT & RESEARCH CENTER
For constructing a garage and storage area ................................... 394,000
WATER SURVEY - CHAMPAIGN
For constructing a vehicle maintenance and shop building ...................... 3,568,000
WILDLIFE PRAIRIE PARK
For planning and beginning the upgrade of the park ................................ 1,000,000
Total, Section 7 ................................................................ 1,000,000
(P.A. 91-708, Art. 1, Sec. 18)
Sec. 18. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:
STATEWIDE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes ................ $ 5,791,600
CARL SANDBURG COLLEGE
For constructing a computer/student center ..............................

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE

For remodeling the Allied Health program facilities .................

COLLEGE OF LAKE COUNTY

For planning and beginning construction of a technology building -

Phase 1 ......................................

DANVILLE AREA COMMUNITY COLLEGE

For renovating campus buildings ............... 

IL EASTERN COMMUNITY COLLEGE - FRONTIER COLLEGE

For constructing a learning resource center. The provisions of Article V of the Public Community College Act are not applicable to this appropriation ..........

KANKAKEE COMMUNITY COLLEGE

For constructing a laboratory/classroom facility .........................

KASKASKIA COLLEGE

For renovating the learning resource center ..............................

KISHWAUKEE COLLEGE

For constructing a parking lot addition ........

LINCOLN LAND COMMUNITY COLLEGE

For constructing a conference & training facility addition to the Millenium Center, in addition to funds previously appropriated .............

MCHENRY COUNTY COLLEGE

For constructing classrooms and a student services building and remodeling space, in addition to funds previously appropriated ................

OAKTON COMMUNITY COLLEGE

For planning an addition to Ray Harstein campus - Phase 1 .............

REND LAKE COLLEGE - INA

For site development, design and construction of an Industrial & Community Training Center at Pinckneyville Industrial Park ......................

SOUTH SUBURBAN COLLEGE

For improving flood retention ........................

SPOON RIVER COLLEGE

For remodeling Engle Hall and constructing a maintenance building .........

Total, Section 18 ................................

2,653,000

602

$50,107,600

(P.A. 91-708, Art. 1, new Sec. 7.3)

Sec. 7.3. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Chicago for acquiring land, planning and beginning construction of a visitor center at Lake Calumet.

(P.A. 91-708, Art. 1, new Sec. 14.1)

Sec. 14.1. The sum of $8,300,000, or so much thereof as may be necessary, is
appropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State to construct a parking garage.

(P.A. 91-708, Art. 1, new Sec. 38)

Sec. 38. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the repaving of 23rd Street from Nameoki Road to Route 162 in Granite City.

(P.A. 91-708, Art. 1, new Sec. 39)

Sec. 39. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for the resurfacing of Arlington Drive in Nameoki Township.

Section 20. "AN ACT making appropriations and reappropriations," Public Act 91-708, approved May 17, 2000, is amended by changing Sections 2, 6, 9, 11 and 96, and adding new Section 97 to Article 2 as follows:

(P.A. 91-708, Art. 2, Sec. 2)

Sec. 2. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2000, from appropriations and reappropriations heretofore made for such purposes in Article 27, Section 11 and Article 28, Sections 2 and 13 of Public Act 91-20, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING

(From Article 28, Section 13 of Public Act 91-20)
For expanding the courthouse ................... 1,531,730
For expanding the courthouse, in
addition to funds previously
appropriated ............................... 792,000

SECOND DISTRICT APPELLATE COURT BUILDING - ELGIN

(From Article 28, Section 2 of Public Act 91-20)
For replacing the roof ......................... $ 17,994

SPRINGFIELD - SUPREME COURT BUILDING

(From Article 27, Section 11 of Public Act 91-20)
For installing humidifier and water
filtration systems ........................ 1,600,000
For upgrading the library, in
addition to funds previously appropriated .... 450,000
(From Article 28, Section 13 of Public Act 91-20)
For replacing plumbing system .................. 917,599
(From Article 28, Section 2 of Public Act 91-20)
For planning and beginning the
library upgrade .............................. 62,411

THIRD DISTRICT APPELLATE COURT - OTTAWA

(From Article 27, Section 11 of Public Act 91-20)
For replacing the Annex roof .................... 50,000
Total, Section 2 .......................... $4,629,734

(P.A. 91-708, Art. 2, Sec. 6)

Sec. 6. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2000, from appropriations and reappropriations heretofore made for such purposes in Article 27, Section 3, and Article 28, Section 5 of Public Act 91-20, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

(From Article 28, Section 5 of Public Act 91-20)

DANVILLE CORRECTIONAL CENTER

For renovation of interior and
exterior walls, in addition to
funds previously appropriated
less the amount of $797,148 ............... $ 951,766
For correction of construction defects .......... 249,801

DECATUR WOMEN'S CORRECTIONAL CENTER
For the planning and conversion of Meyer Mental Health Center into a correctional facility ............... 2,666,025

DIXON CORRECTIONAL CENTER
For renovation of the groundwater storage tank and abatement of crawlspace pipes in Buildings 26, 27 and 29 .............. 57,817
For upgrading the steam distribution system and replacement of the boiler system including asbestos abatement ......................... 87,937

DWIGHT CORRECTIONAL CENTER
(From Article 27, Section 3 of Public Act 91-20) For upgrading the water treatment plant .......... 1,000,000
(From Article 28, Section 5 of Public Act 91-20) For upgrading water and sewer systems .......... 87,370
For renovating buildings, in addition to funds previously appropriated .............. 416,122
For constructing a gatehouse and sally port and upgrading the security system ......................... 1,972,120
For completion of medical unit, in addition to funds previously appropriated ....................... 95,528
For planning the expansion of the Education Building and constructing a dietary and a warehouse .............. 1,503,268
For renovation of buildings ....................... 68,161

EAST MOLINE CORRECTIONAL CENTER
(From Article 27, Section 3 of Public Act 91-20) For upgrading fire alarm and building automation systems .................... 900,000
(From Article 28, Section 5 of Public Act 91-20) For upgrading the electrical system ......................... 1,250,312
For upgrading locking system, in addition to funds previously appropriated .................... 13,911

HANNA CITY WORK CAMP
For upgrading electrical system .................. 582,628

HILL CORRECTIONAL CENTER - GALESBURG
For upgrading and expanding freezer capacity, in addition to funds previously appropriated .................... 207,942
For replacing domestic water lines .............. 365,398

ILLINOIS YOUTH CENTER - ST. CHARLES
For planning and beginning the upgrade of existing facility ......................... 512,982

ILLINOIS YOUTH CENTER - HARRISBURG
(From Article 27, Section 3 of Public Act 91-20) For upgrading mechanical control system .......... 515,000
(From Article 28, Section 5 of Public Act 91-20) For upgrading the domestic water system ............ 137,253
For upgrading the HVAC system .................. 68,674

ILLINOIS YOUTH CENTER - JOLIET

New matter indicated by italics - deletions by strikeout.
For planning, site improvements, utility upgrade, equipment and all costs necessary to construct a housing unit and dietary facility .......... 80,303
For completing the upgrade of electrical systems, in addition to funds previously appropriated less the amount of $153,051 .................. 206,511
For upgrading the fire alarm system ............ 191,768
For completing the upgrade of the utilities, in addition to funds previously appropriated .... 40,647

ILLINOIS YOUTH CENTER - VALLEY VIEW
(From Article 27, Section 3 of Public Act 91-20)
For replacing boilers, controls, hot water heaters and softeners in residential units and administration building ..................................... 1,300,000
(From Article 28, Section 5 of Public Act 91-20)
For upgrading dormitory restrooms and fixtures, in addition to funds previously appropriated ............ 20,715
For planning and beginning the upgrade of dormitory restrooms and fixtures .................. 52,014
(From Article 27, Section 3 of Public Act 91-20)

ILLINOIS YOUTH CENTER - WARRENVILLE
For rehabilitation of the administration building ......................... 791,000

JOLIET CORRECTIONAL CENTER
For correcting erosion and stabilizing the masonry wall .............. 1,738,700
For upgrading the power house and installation of a generator .................. 108,292
For completing the west cellhouse renovation, including asbestos abatement, in addition to funds previously appropriated .......... 67,226
(From Article 27, Section 3 of Public Act 91-20)

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE
For constructing two cellhouses, in addition to funds previously appropriated .... 14,300,000
(From Article 28, Section 5 of Public Act 91-20)

LINCOLN CORRECTIONAL CENTER
For upgrading the locking systems and doors .... 42,374
For renovation of the Dietary, construction of a cooler addition and installation of blast chillers .............. 424,037

LOGAN CORRECTIONAL CENTER
For planning and beginning replacement of the Dietary and Medical Buildings .... 380,350
For renovation of sewer system .................. 135,872
For renovation of the water tower ............ 94,886
For rehabilitation of the roof ventilation systems ......................... 77,948

MENARD CORRECTIONAL CENTER - CHESTER

New matter indicated by italics - deletions by strikeout.
For improving ventilation and dehumidification systems in the kitchen and dining rooms ...... 500,000
For replacing shower room and guard tower ...... 500,000
For upgrading mechanical bar screen and storm and sanitary sewer system .................. 1,300,000

For completing the upgrade of roads and sidewalks, in addition to funds previously appropriated .................. 104,292
For completing upgrade of North Cellhouse plumbing system, in addition to funds previously appropriated .................. 386,343
For planning and beginning upgrade of the storm tunnel .................. 100,000
For replacing toilets and waste lines at E/W Cellhouse and upgrade North Cellhouse plumbing .................. 2,539,696
For renovation or replacement of the Old Hospital Building, in addition to funds previously appropriated .................. 4,700,000
For replacing and installing water storage tank .................. 581,148
For replacing Boiler #2, in addition to funds previously appropriated .................. 624,899
For converting a room into a shower room ...... 50,321
For upgrading roads and sidewalks .................. 24,763
For upgrading the coal handling system and repair or replace boiler system ............ 40,851
For conversion of the Maintenance Building to an inmate dormitory .................. 35,345
For upgrading the steam and water distribution systems, in addition to funds previously appropriated .................. 129,742
For replacement of the chimney stack and boilers, in addition to funds previously appropriated .................. 87,501
For replacement of hot water heaters and deairing tanks .................. 110,000
For planning and beginning the renovation of the old hospital building .................. 73,792
For renovation of elements of the power plants, including the main generator ......... 22,982
For planning and beginning the renovation of the Administration Building .... 15,604

For planning and construction of the Administration Building .................. 1,200,000

PONTIAC CORRECTIONAL CENTER
For completing replacement of hot water lines, in addition to funds previously appropriated .................. 1,100,000
For renovation of main sally port ............ 279,377

NEW MATTHER INDICATED BY ITALICS - DELETIONS BY STRIKEOUT.
For replacing doors and locks ................. 150,000

STATEVILLE CORRECTIONAL CENTER - JOLIET
For constructing a housing unit, cellhouse, vehicle maintenance building and warehouse for the reception and classification center, in addition to funds previously appropriated ................ 28,500,000
For replacing windows in B House ............... 3,000,000
For replacing cell fronts in F House ........... 1,000,000
For upgrading plumbing system in F House, in addition to funds previously appropriated ................................. 3,500,000
(From Article 28, Section 5 of Public Act 91-20)
For replacing power plant and utility distribution system .................. 10,000,000
For planning, design, construction, equipment and all other necessary costs for an Adult Reception and Classification Center ................................. 44,000,000
For upgrading storm drainage and wastewater systems ..................... 1,187,719
For upgrading electrical system and elevator and installing HVAC system .................. 1,200,000
For replacement of the MSU ....................... 5,856,379
For upgrading the doors, locks and hardware in B Cellhouse ....................... 27,509
(From Article 27, Section 3 of Public Act 91-20)
TAYLORVILLE CORRECTIONAL CENTER
For upgrading shower ventilation system ........ 250,000
THOMSON CORRECTIONAL CENTER
For constructing three cellhouses and expanding educational and vocational space, in addition to funds previously appropriated, less the amount of $8,300,000 ................................. 38,140,175
VANDALIA CORRECTIONAL CENTER
For planning and beginning construction for a slaughter house and meat plant ........ 500,000
For repairing exterior masonry, in addition to funds previously appropriated ................ 750,000
(From Article 28, Section 5 of Public Act 91-20)
For renovation of dormitory shower rooms ...... 209,803
(From Article 27, Section 3 of Public Act 91-20)
VIENNA CORRECTIONAL CENTER
For replacing windows, in addition to funds previously appropriated ................ 800,000
(From Article 28, Section 5 of Public Act 91-20)
For completing upgrade of the steam distribution system, in addition to funds previously appropriated ................ 844,021
For upgrading electrical system and installing emergency generator .................. 1,138,148
For renovating the kitchen ....................... 1,881,524
For upgrading the steam distribution system and renovation of Powerhouse, in addition

New matter indicated by italics - deletions by strikeout.
to funds previously appropriated .......... 459,890
For installation of security fencing .......... 31,675
For upgrading air conditioning system
and replacement of cooling tower .......... 564,684
For upgrading the electrical, plumbing and
HVAC systems in four buildings .......... 139,651
For completing the rehabilitation of duct
systems and walls, in addition to funds
previously appropriated ..................... 208,115

STATEWIDE
(From Article 27, Section 3 of Public Act 91-20)
For planning, design, construction, equipment
and all other necessary costs for a
female multi-security level
correctional center ....................... 80,000,000
For replacing roofing systems at the
following locations at the approximate
cost set forth below ...................... 1,100,000
    Vienna Correctional Center ....... 500,000
    Sheridan Correctional Center ...... 600,000
For replacing or installing mechanical bar
screens at the following locations at the
approximate cost set forth below .......... 690,000
    Graham Correctional Center -
    Hillsboro ......................... 340,000
    Western Illinois Correctional
    Center - Mt. Sterling ............ 350,000
For upgrading security control systems and
panels in housing units at the following
locations at the approximate cost set
forth below .................................. 4,850,000
    Danville Correctional Center ...... 500,000
    Hill Correctional Center -
    Galesburg ......................... 1,500,000
    Western Illinois Correctional
    Center - Mt. Sterling ............ 675,000
    Illinois River Correctional
    Center - Canton ................... 675,000
    Shawnee Correctional Center -
    Vienna ............................. 1,500,000
(From Article 28, Section 5 of Public Act 91-20)
For planning, design, construction,
equipment and all other necessary costs
for a juvenile facility ..................... 19,657,100
For replacing locks and doors at the
following locations at the approximate
cost set forth below ...................... 952,203
    Dwight Correctional Center ...... 112,000
    Illinois River Correctional
    Center - Canton ................... 29,000
    IYC - Joliet ....................... 680,803
    IYC - Pere Marquette - Grafton ..... 130,400
For replacing roofing systems at the following
locations at the approximate cost set forth
below ..................................... 1,273,264

New matter indicated by italics - deletions by strikeout.
Dixon Correctional Center,  
four buildings ..................... 649,764
IYC - St. Charles, two buildings ... 200,000
Joliet Correctional Center,  
six buildings ....................... 285,000
Logan Correctional Center - Lincoln  
three buildings ..................... 9,000
Menard Correctional Center - Chester  
six buildings ....................... 69,000
Pontiac Correctional Center,  
one building ......................... 60,500

For inspecting and upgrading water towers  
at the following locations at the approximate  
costs set forth below .................... 3,182,971
Dixon Correctional Center,  
Upgrade Water Tower .................. 1,000,000
Graham Correctional Center - Hillsboro  
Upgrade Water Tower .................. 215,000
Joliet Correctional Center,  
Upgrade Water Tower .................. 150,000
Logan Correctional Center - Lincoln  
Complete Water Tower Upgrade ....... 600,000
Menard Correctional Center - Chester  
Upgrade Water Tower .................. 325,000
Stateville Correctional Center - Joliet  
Upgrade Water Tower .................. 1,000,000
Statewide, Inspect and Upgrade  
Water Towers ......................... 300,000

For upgrading fire and safety systems at  
the following locations at the approximate  
costs set forth below, in addition to  
funds previously appropriated ............ 3,370,000
Menard Correctional Center - Chester ................ 2,200,000
Sheridan Correctional Center ............. 320,000
Vienna Correctional Center ............. 850,000

For replacing roofing systems at the  
following locations at the approximate  
costs set forth below: .................. 353,102
Big Muddy Correctional Center, Ina  
Two buildings ........................ 1,000
East Moline Correctional Center,  
Three buildings ....................... 246,102
Graham Correctional Center, Hillsboro  
Seven buildings ...................... 87,000
Sheridan Correctional Center, LaSalle  
Three buildings ....................... 18,000
Stateville Correctional Center, Joliet  
One building ........................ 1,000

For replacing doors and locks at the  
following locations at the approximate  
costs set forth below: .................. 992,476
IYC - St. Charles ...................... 363,000
Lincoln Correctional Center ............ 350,000
Jacksonville Correctional Center ....... 128,000

New matter indicated by italics - deletions by strikeout.
Sheridan Correctional Center .......... 151,476
For upgrading fire safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated: .........
Menard Correctional Center ........ 933,479
Pontiac Correctional Center ....... 3,000,000
Stateville Correctional Center .... 1,500,000
For upgrading water and wastewater systems at the following locations at the approximate costs set forth below: ....
Big Muddy Correctional Center for installing mechanical bar screen ......................... 172,000
Centralia Correctional Center for upgrading water treatment plant ...................... 1,465,183
East Moline Correctional Center for upgrading sewer system ............ 5,000
Ed Jenison Work Camp (Paris) for installing mechanical bar screen ...................... 105,000
IYC - Harrisburg for upgrading water distribution system ........ 204,000
Kankakee MSU for constructing well #2 ......................... 300,500
IYC - St. Charles for upgrading sewage/storm system ............ 143,000
IYC - Valley View for installing mechanical bar screen ................ 24,000
For correction of deficiencies in water systems at three correctional facilities ......................... 100,000
For replacement of locks, windows and doors at the following locations as set forth below: ...................... 1,152,730
Dwight ......................... 6,500
IYC Harrisburg .................... 105,000
IYC Joliet ......................... 435,000
Menard ......................... 350,230
Pontiac ....................... 78,000
IYC Valley View ................. 101,000
Vienna ......................... 77,000
For planning, design, construction, equipment and other necessary costs for a Maximum Security Correctional Center, in addition to funds previously appropriated ......................... 78,807,420
For planning, design, construction, equipment and other necessary costs for a Correctional Facility for juveniles ......................... 28,086,248
For planning, design, construction, equipment and other necessary costs for a Medium Security Correctional Center

New matter indicated by italics - deletions by strikeout.
Facility ..................................... 39,909,597  
For planning, construction, utilities, site improvements, equipment and other expenses necessary for the construction of a close supervision super maximum security prison .... 173,561  
For upgrading for fire safety at five locations and replacing boilers............. 27,567  
For correcting defects in the food preparation areas, including roofs ............. 125,979  
For renovation and improvements at various correctional facilities at the approximate costs set forth below:  
  Roof Replacement ....................... 70,000  
  Road Repavement ....................... 47,693  
For replacement of cell doors and locks and rehabilitation of locking systems at the following locations at the approximate costs set forth below:  
  Kankakee MSU  
    For rehabilitation of locking systems ....................... 118,902  
For renovation of roads and parking lots and replacement of boilers at the following locations at the approximate costs set forth below:  
  Dixon Correctional Center  
    For roads and parking ..................... 6,000  
  Logan Correctional Center  
    For roads and parking ..................... 5,656  
  Menard Correctional Center  
    For roads and parking and replacement of boilers..................... 22,929  
    Vienna Correctional Center  
    For roads ............................. 8,200  
For replacement of roofs at various Department of Corrections locations .............. 118,405  
For roof replacement at the following locations at the approximate costs set forth below:  
  Graham Correctional Center  
    Five buildings ....................... 6,543  
  Graham Correctional Center  
    Thirty-two buildings ................... 6,000  
  Menard Correctional Center  
    Warehouse Building .................... 26,000  
  Menard Correctional Center  
    Five buildings ....................... 55,000  
  Pontiac Correctional Center  
    Eight buildings ....................... 6,500  
  Illinois Youth Center-St. Charles  
    Three buildings ....................... 15,500  
  Sheridan Correctional Center  
    Six buildings ....................... 16,000  
  Stateville Correctional Center  
    Seven buildings ....................... 24,000  

New matter indicated by italics - deletions by strikeout.
Sec. 9. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2000, from appropriations and reappropriations heretofore made for such purposes in Article 27, Section 5, and Article 28, Section 8 of Public Act 91-20, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 28, Section 8 of Public Act 91-20)
For constructing two building additions
at the Forensic Complex ...................... $ 11,745,592
For rehabilitation of the central dietary ..... 1,803,719

CHESTER MENTAL HEALTH CENTER
(From Article 27, Section 5 of Public Act 91-20)
For upgrading access control/duress system ..... $ 1,500,000
(From Article 28, Section 8 of Public Act 91-20)
For renovating kitchen area ...................... 924,766
For replacing fencing and upgrading
recreational yard ............................. 383,073
For renovating support and residential
area ........................................... 3,740,527
For construction of a storage building ....... 25,003

SCHOOL OF PUBLIC HEALTH AND PSYCHIATRIC INSTITUTE
For planning and renovation of residential
and program units for children and
adolescent services .......................... 794,770

CHICAGO READ MENTAL HEALTH CENTER - CHICAGO
For upgrading fire/life safety systems, in
addition to funds previously appropriated .... 235,000
For renovating residential units, in
addition to funds previously
appropriated ................................. 2,171,000
For renovation of utility rooms and installation
of drinking fountains ......................... 56,815
For renovation of the West Campus Nurses'
Stations ...................................... 308,034
For renovation of Henry Horner Children's
Center and West Campus for fire and
life safety codes ............................. 364,926
For renovation of the West Campus shower
and toilet rooms ............................. 253,620
For rehabilitation of the bathroom shower
walls in ten buildings ....................... 16,780

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA
For rehabilitating or replacing the
Cypress Building .............................. 1,512,106
For completing HVAC system upgrade,
in addition to funds previously
appropriated .......................... 1,242,427
For upgrading the mechanical equipment,
in addition to funds previously

New matter indicated by italics - deletions by strikeout.
For renovating a residential building, in addition to funds previously appropriated

For upgrading the mechanical equipment, in addition to funds previously appropriated

ELGIN MENTAL HEALTH CENTER - KANE COUNTY

For replacing power plant and engineering building

For renovating the central dietary and kitchen

For construction of an Adult Psychiatric Building, in addition to funds previously appropriated

For construction of roads, parking lots and street lights

For upgrading and expanding the mechanical infrastructure, in addition to funds previously appropriated

For construction of a forensic services complex at Elgin Mental Health Center, in addition to funds previously appropriated

For construction of a forensic services complex, in addition to funds previously appropriated

For renovation of the HVAC systems, replacement of windows and installation of security screens, in addition to funds previously appropriated

For construction of a Forensic Services Facility, in addition to funds previously appropriated

For upgrading and expanding mechanical infrastructure, in addition to funds previously appropriated

For upgrading for fire and life safety

For planning the renovation of the Forensic Building and abating asbestos

For renovation of the Central Stores Building

For the demolition of the Old Main Building and construction of an Adult Psychiatric Center

FOX DEVELOPMENTAL CENTER - DWIGHT

(From Article 27, Section 5 of Public Act 91-20)

For upgrading electrical system and installing an emergency generator

(From Article 28, Section 8 of Public Act 91-20)

For renovating dietary, in addition to funds previously appropriated

For replacement of absorbers and upgrading HVAC system

For renovation of Building #8 and window replacement of Building

New matter indicated by italics - deletions by strikeout.
#1, in addition to funds previously appropriated .................................................................

HOWE DEVELOPMENTAL CENTER - TINLEY PARK

(From Article 27, Section 5 of Public Act 91-20)
For renovating residences, in addition to funds previously appropriated ........................................ 2,792,000

(From Article 28, Section 8 of Public Act 91-20)
For replacing roofs ................................................. 21,272
For planning and beginning access to water supply from village ........................................ 53,402
For planning and rehabilitation of utility tunnels ......................................................... 68,825
For renovation of residential buildings ...... 2,468,404
For replacement of steam and condensate lines .................................................. 51,233
For renovation of the boilers in the power plant ........................................... 29,856

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

(From Article 27, Section 5 of Public Act 91-20)
For renovating the fire alarm systems, in addition to funds previously appropriated .... 500,000

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For installation of individual package boilers, in addition to funds previously appropriated .......... 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY

For rehabilitating cooling towers at the power plant ........................................ 270,000
(From Article 28, Section 8 of Public Act 91-20)
For extending chilled water line ......................... 173,967
For rehabilitation of bathrooms and replacing doors ..................................................... 285,661
For rehabilitation of the electrical distributions system, in addition to Funds previously appropriated ............. 68,281
For installation of fire safety systems in four buildings and replacement of a code compliance generator ......................... 43,611

KILEY DEVELOPMENTAL CENTER - WAUKEGAN

For renovation of homes ...................................... 129,786
For renovation of homes ................................... 18,771

LINCOLN DEVELOPMENTAL CENTER - LOGAN COUNTY

For upgrading power plant and installing EMS, in addition to funds previously appropriated ................................................................. 1,714,388
For renovating or replacing Elmhurst Cottage ......................................................... 1,782,449
For renovating or replacing Elmhurst Cottage, in addition to funds previously appropriated ............. 1,351,795
For installation of a rethermalization food service system, in addition to funds previously appropriated ......................... 690,254
For upgrading the architectural and mechanical systems, in addition to funds

New matter indicated by italics - deletions by strikeout.
previously appropriated ........................ 191,884
For installation of rethermalization food
service system .............................. 36,162
For upgrading the HVAC systems, including
chillers ...................................... 25,157

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST
(From Article 27, Section 5 of Public Act 91-20)
For renovating residential and neighborhood
homes, in addition to funds previously
appropriated ................................. 1,850,000
(From Article 28, Section 8 of Public Act 91-20)
For replacing plumbing, HVAC and
boiler systems .............................. 788,685
For renovation of residential buildings,
in addition to funds previously
appropriated ................................. 1,879,827
For rehabilitation of the roads and parking
areas and constructing walks ............... 123,928
For renovation of residences .................. 36,652

MADDEN MENTAL HEALTH CENTER - HINES
(From Article 27, Section 5 of Public Act 91-20)
For renovating pavilions for safety/
security, in addition to
funds previously appropriated .............. 1,200,000
(From Article 28, Section 8 of Public Act 91-20)
For renovating dietary ....................... 910,000
For renovation of pavilions, in addition
to funds previously appropriated ............ 818,745
For upgrading residences for safety and
security ...................................... 39,970
For replacement of a cooling tower and
chiller and installation of an emergency
generator .................................... 166,143

MCFARLAND MENTAL HEALTH CENTER - SPRINGFIELD
(From Article 27, Section 5 of Public Act 91-20)
For renovating Kennedy Hall ................. 2,500,000
(From Article 28, Section 8 of Public Act 91-20)
For renovating Stevenson Hall ............... 977,270
For replacement of the HVAC management
control panel, in addition to funds
previously appropriated ..................... 57,476
For rehabilitation of the dietary facility .... 50,103

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
(From Article 27, Section 5 of Public Act 91-20)
For replacing energy management system .... 815,000
(From Article 28, Section 8 of Public Act 91-20)
For renovating Elm Cottage .................. 1,915,878

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
(From Article 27, Section 5 of Public Act 91-20)
For upgrading HVAC systems in four
residential buildings ....................... 1,210,000
(From Article 28, Section 8 of Public Act 91-20)
For planning and beginning the upgrade
of steam and condensate lines ............. 310,083
For rehabilitating HVAC system ............ 1,166,000

New matter indicated by italics - deletions by strikeout.
For replacing cooling towers and
rehabilitating absorbers ..................... 1,040,000
For completion of the HVAC system, in
addition to funds previously
appropriated .................................... 87,283
For replacement of boiler, in
addition to funds previously
appropriated ..................................... 765,000
For replacement of water mains
and valves ....................................... 466,192
For planning and beginning sewer and
manhole renovation ........................... 12,911
For rehabilitation of the boilers ............. 184,605
For planning and replacement of windows .... 150,291
For upgrading fire safety systems in the
support buildings ............................ 99,204
For installation of air conditioning in
Building #704, in addition to funds
previously appropriated ........................ 75,695
For replacement of cooling towers in
Buildings #100A and #100B ................. 26,402
For installation of air conditioning in
Buildings #502 and #514 ...................... 37,554

SINGER MENTAL HEALTH CENTER - ROCKFORD
For replacing roofs ............................. 81,351
For renovating mechanicals and
residential areas ............................... 2,607,775
For replacement of absorbers ................. 156,150

TINLEY PARK MENTAL HEALTH CENTER
For upgrading fire/life safety systems
and bedroom lighting, in addition to
funds previously appropriated ................ 236,000

TINLEY PARK MENTAL HEALTH CENTER/
HOWE DEVELOPMENTAL CENTER
(From Article 28, Section 8 of Public Act 91-20)
For replacement of the bar screen and
renovating the sewer system, in
addition to funds previously appropriated .... 120,546
For rehabilitation of the electrical
distribution system, in addition to
funds previously appropriated ................ 817,980
For renovating and making mechanical
improvements to Spruce Hall and Maple Hall ... 66,894
For renovation for accessibility in four
buildings ....................................... 137,036
For planning the sewer system renovation and
replacement of the rag catcher ............... 57,744
For renovation for fire and life safety in
three residences ............................. 153,206
For replacement of the windows in nine
buildings ...................................... 24,246

ZELLER MENTAL HEALTH CENTER - PEORIA
(From Article 27, Section 5 of Public Act 91-20)
For upgrading HVAC and mechanical systems ...... 685,000
(From Article 28, Section 8 of Public Act 91-20)

New matter indicated by italics - deletions by strikeout.
For renovation of the nurses' stations, in addition to funds previously appropriated ........................................... 737,149
For renovation of Nurses' Stations and seclusion rooms ...................................................... 42,558

STATEWIDE
(From Article 27, Section 5 of Public Act 91-20)
For replacing and repairing roofing systems at the following locations at the approximate cost set forth below .......................................................... 2,310,000
  Choate Developmental Center -
    Anna ........................................ 300,000
  Chicago-Read Mental Health Center ...
    ........................................... 100,000
  Tinley Park Mental Health Center.....
   ........................................... 185,000
  Illinois School for the Visually Impaired - Jacksonville .........
  ........................................... 160,000
  Shapiro Developmental Center -
    Kankakee ............................... 545,000
  Kiley Developmental Center -
    Waukegan ............................... 300,000
  Ludeman Developmental Center -
    Park Forest ............................ 720,000
For upgrading roads at the following locations at the approximate cost set forth below ............ 1,000,000
  Howe Developmental Center -
    Tinley Park ............................. 520,000
  Shapiro Developmental Center -
    Kankakee ............................... 480,000
(From Article 28, Section 8 of Public Act 91-20)
For replacing roofing systems at the following locations at the approximate costs set forth below: .......................................................... 157,025
  Elgin Mental Health Center, five buildings ........................................... 113,025
  Jacksonville Mental Health and Developmental Center, two buildings....................... 44,000
For replacement of roofing systems at the following locations at the approximate costs set forth below: .......................................................... 679,960
  Lincoln Development Center ........... 79,960
  Murray Developmental Center ........... 200,000
  Elgin Developmental Center ............ 200,000
  Shapiro Developmental Center ........ 200,000
For construction of a forensic services complex at Alton Mental Health Center and Elgin Mental Health Center, in addition to funds previously appropriated ........................................... 36,901
For conducting the preliminary design and to begin to construct, convert and/or rehabilitate a forensic facility ........................................... 8,358
For upgrading roads and parking lots at the following locations at the approximate costs set forth below: .......................................................... 34,740

New matter indicated by italics - deletions by strikeout.
McFarland Mental Health Ctr .................. 5,544
Shapiro Developmental Center .................. 32,562
For rehabilitation of water towers -
Murray and Chester ......................... 230,341
For replacement of roofs at the following
locations at the approximate costs set forth below: .......................... 412,632
   Alton Mental Health Center -
      Five buildings .................. 50,000
   Elgin Mental Health Center -
      Three buildings .................. 52,000
   Lincoln Developmental Center -
      Three buildings .................. 80,000
   Lincoln Developmental Center -
      Four buildings .................. 6,601
   Ludeman Developmental Center -
      Support buildings .................. 50,000
   Ludeman Developmental Center-
      Residences .................. 22,158
   Madden Developmental Center -
      One building .................. 103,517
   Mabley Developmental Center -
      Buildings and covered walkways ..... 5,000
   McFarland Mental Health Center -
      Three buildings .................. 5,000
   Meyer Mental Health Center -
      One building .................. 2,000
   Shapiro Developmental Center -
      Three buildings .................. 187,000
   Shapiro Developmental Center -
      Two buildings .................. 16,351
   Shapiro Developmental Center -
      Five buildings .................. 67,831
   Tinley Park Mental Health Center -
      One building .................. 7,252
   Tinley Park Mental Health Center -
      Oak Hall .................. 11,770

STATEWIDE - FIRE SAFETY
For installation of fire safety systems
(Formerly for Murray Developmental Center) ..... 14,516
For installation of fire safety systems
(Formerly for Lincoln Developmental Center) .... 30,888
To renovate fire safety systems, including
installation of sprinklers, at the following
locations at the approximate costs set forth below: .......................... 325,247
   Singer Mental Health Center ........ 325,247
For fire safety and other work necessary to meet
state and federal certification standards for the following projects:
For installation of sprinkler systems at
Chicago-Read Mental Health Center ........ 44,484
Total, Section 9 $99,771,865
(P.A. 91-708, Art. 2, Sec. 11)
Sec. 11. The following named amounts, or so much thereof as may be necessary and

New matter indicated by italics - deletions by strikeout.
remain unexpended at the close of business on June 30, 2000, from appropriations and reappropriations heretofore made for such purposes in Article 27, Section 7, and Article 28, Section 9 of Public Act 91-20, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**AURORA ARMORY**
(From Article 28, Section 9 of Public Act 91-20)
For planning and beginning construction of an armory ........................................ $ 10,820

**CAMP LINCOLN - SPRINGFIELD**
For renovating heating system and replacing windows ................................. 857,072
For construction of a military academy facility ................................................. 638,820
For site improvements and construction for a military academy facility, including repair and reconstruction of access roads and drives at Camp Lincoln .......... 24,062
For planning, design, site improvements, and other costs associated with the conversion of the old "Castle" or Commissary Building for use as a military museum ............... 65,581

**CARBONDALE ARMORY**
For upgrading mechanical systems less the amount of $792,000 ................. 868,328
(From Article 27, Section 7 of Public Act 91-20)

**CHAMPAIGN ARMORY**
For replacing roofing systems and rehabilitating exterior walls .................. 300,000
(From Article 28, Section 9 of Public Act 91-20)

**CRESTWOOD ARMORY**
For replacing roofing system and rehabilitating exterior ............................. 762,532

**DANVILLE ARMORY**
For planning and construction of a new armory .. 1,070,000
(From Article 27, Section 7 of Public Act 91-20)

**DELAVAN ARMORY**
For rehabilitating the exterior and replacing roofing system ......................... 700,000

**DIXON ARMORY - LEE COUNTY**
(From Article 28, Section 9 of Public Act 91-20)
For upgrading mechanical and electrical systems ........................................ 1,754,805

**DONNELLEY BUILDING**
For the rehabilitation and renovation of the Donnelley Building and purchase of land for parking ....................... 149,701

**GENERAL JONES ARMORY**
For renovation of the exterior and interior, mechanical areas and expansion of the parking lot, in addition to amounts previously appropriated ............... 432,215
For replacement of the Assembly Hall roofing system including its structural system ........................................ 111,135

New matter indicated by italics - deletions by strikeout.
LITCHFIELD ARMORY
For rehabilitation of exterior and upgrading the interior ................................. 7,017

MACHESNEY PARK ARMORY (ROCKFORD)
For the state's share for additional planning and construction of an armory and Organizational Maintenance Shop .................. 218,047

MARSEILLES ARMORY
For planning and beginning four buildings and wastewater facilities ............... 7,444

NORTHWEST ARMORY - CHICAGO
For renovation of interior and exterior, in addition to funds previously appropriated for such purposes .................. 1,184,276
(From Article 27, Section 7 of Public Act 91-20)

PONTIAC ARMORY
For rehabilitating the exterior and replacing the roofing system .................. 600,000
(From Article 28, Section 9 of Public Act 91-20)

ROCK ISLAND ARMORY
For construction of an armory and maintenance shop ............................... 64,292

SALEM ARMORY - MARION COUNTY
For replacement of the boiler and all domestic plumbing, piping and fixtures, and upgrading of the kitchen, including equipment .................. 209,179

SAUK AREA CAREER SCHOOL - CRESTWOOD
For the purchase and renovation of the former Sauk Area Career School, converting to an armory and upgrading the parking lot .................. 84,023
(From Article 27, Section 7 of Public Act 91-20)

STREATOR ARMORY - LASALLE COUNTY
For replacing the roofing system and tuckpointing walls ....................... 300,000
(From Article 28, Section 9 of Public Act 91-20)
For renovation of the mechanical systems, in addition to funds previously appropriated .................. 98,936

WAUKEGAN ARMORY
For replacing roofing system .................. 250,897

WEST FRANKFORT ARMORY
For replacing roofs and rehabilitating exterior ............................... 1,142,213

WILLIAMSON COUNTY ARMORY
For providing the State's share for planning and construction of a new armory, in addition to amounts previously appropriated .................. 14,316

STATEWIDE
For replacement of roofs at the following locations at the approximate costs set forth below .................. 115,420
    Camp Lincoln - AGO Building ....... 115,420

New matter indicated by italics - deletions by strikeout.
Sec. 96. The amount of $400,000 $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made for such purposes in Article 27, Section 56 of Public Act 91-20, approved June 7, 1999, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the Winnetka Park District for the purpose of all costs associated with the construction of a recreational center/ice arena.

Sec. 97. The amount of $100,000, or so much thereof as may be necessary, is appropriated to the Capital Development Board from the Capital Development Fund to the North Suburban Special Recreation Association for the purpose of all costs associated with the recreation center, offices, ice arena and for acquiring and developing an office.

Section 21. "AN ACT making appropriations and reappropriations," Public Act 91-708, approved May 17, 2000, is amended by changing Sections 36, 2-53, 4-1 and 5-1 of Article 3 as follows:

Sec. 36. The amount of $15,552,100 $15,327,100, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Sec. 2-53. The sum of $1,000,000 $1,225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made for such purpose in Article 40, Division 1, Section 2-53 of Public Act 91-20, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glendale Heights for water system infrastructure and other community improvements.

Sec. 4-1. The sum of $75,000,000, or so much thereof as may be necessary, (less $3,500,000 to be lapsed) and remains unexpended at the close of business on June 30, 2000, from an appropriation heretofore made for such purpose in Article 40, Division 1, Section 4-1 of Public Act 91-20, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Sec. 5-1. The sum of $75,000,000, or so much thereof as may be necessary (less $3,500,000 to be lapsed) and remains unexpended at the close of business on June 30, 2000, from appropriations heretofore made for such purposes in Article 40, Division 1, Section 5-1 of Public Act 91-20, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 22. "AN ACT making appropriations and reappropriations," Public Act 91-707, approved May 17, 2000, is amended by changing Section 1 of Article 3 as follows:

Sec. 1. The sum of $27,324,300 $17,324,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for payment to the Board of the Comprehensive Health Insurance Plan pursuant to subsection (b) of Section 12 of the Comprehensive Health Insurance Plan Act.

Section 24. "AN ACT making appropriations and reappropriations," Public Act 91-708, approved May 17, 2000, is amended by adding new Section 1a to Article 5 as follows:

Sec. 1a. The amount of $100,000 is appropriated from the General Revenue Fund to the Court of Claims for payment to Maureen Prendergast, the widow of Fire Captain Thomas Prendergast.
Prendergast, who suffered fatal injuries in the line of duty, as determined in Claim Number 00-CC-0935, filed pursuant to the "Law Enforcement Officer and Fireman Compensation Act".

Section 25. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 30 of Article 30 as follows:

(P.A. 91-706, Art. 30, Sec. 30)

Sec. 30. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:

Payable from the Solid Waste
Management Fund
$1,200,000

Payable from the General Revenue Fund
$2,000,000

Section 26. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 3b of Article 39 as follows:

(P.A. 91-706, Art. 39, Sec. 3b)

Sec. 3b. The amount of $1,284,780, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2000, from the appropriation heretofore made in Public Act 91-23, Article 15, Section 3b, approved June 9, 1999, is reappropriated from the General Revenue Fund to the Prairie State 2000 Authority for training grants and loans to eligible employers entered into during the 1999 fiscal year.

Section 27. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by adding new Section 65 to Article 53 as follows:

(P.A. 91-706, Art. 53, new Sec. 65)

Sec. 65. The sum of $105,500, or so much thereof as may be necessary, is appropriated for the ordinary and contingent expenses of the Senate Operations Commission including the planning costs, construction costs, moving expenses and all other costs associated with the construction and reconstruction of Senate Offices in the Capitol Complex area.

Section 28. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 1 and adding new Section 3 to Article 70 as follows:

(P.A. 91-706, Art. 70, Sec. 1)

Sec. 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$ 1,408,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>56,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>140,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>107,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>509,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>85,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>25,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>30,000</td>
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<tr>
<td>For Equipment</td>
<td>7,800</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>69,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>86,500</td>
</tr>
<tr>
<td>For Operational and Grant Expenses of the Rural Affairs Council</td>
<td>307,000</td>
</tr>
<tr>
<td>Total</td>
<td>$2,831,500</td>
</tr>
</tbody>
</table>

The amount of $200,000, or so much thereof as may be necessary, is appropriated from...

New matter indicated by italics - deletions by strikeout.
the General Revenue Fund to the Office of the Lieutenant Governor for the ordinary and contingent expenses of the Illinois River Coordination Council.

(P.A. 91-706, Art. 70, new Sec. 3)

Sec. 3. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor's Grant Fund to the Office of the Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

Section 29. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 1 of Article 71 as follows:

(P.A. 91-706, Art. 71, Sec. 1)

Sec. 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the following divisions of the Office of the Attorney General:

<table>
<thead>
<tr>
<th>Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL OFFICE</td>
<td>$26,867,600</td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>For State Contribution to State</td>
<td></td>
</tr>
<tr>
<td>Employees Retirement System</td>
<td>2,690,400</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>2,023,400</td>
</tr>
<tr>
<td>For Employees Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>1,077,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,498,000</td>
</tr>
<tr>
<td>For Contractual Services Expert Witnesses</td>
<td>100,000</td>
</tr>
<tr>
<td>For Contractual Services for Expenses Authorized Pursuant to Senate Bill 1975 of the 91st General Assembly</td>
<td>100,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>490,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>190,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>120,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>500,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,625,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>740,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>84,000</td>
</tr>
<tr>
<td>For Expenses Incurred in Post Sentencing Prosecution of all Cases of Death Penalty</td>
<td>175,000</td>
</tr>
<tr>
<td>For Expenses Incurred in Gang Crime Prevention</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$41,181,100</td>
</tr>
</tbody>
</table>

Section 30. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 5 and 240 of Article 72 as follows:

(P.A. 91-706, Art. 72, Sec. 5)

Sec. 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the Secretary of State to meet the ordinary, contingent and distributive expenses of the following organizational units of the Office of the Secretary of State:

<table>
<thead>
<tr>
<th>Unit</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE GROUP</td>
<td></td>
</tr>
<tr>
<td>For Personal Services</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>$ 4,164,200</td>
</tr>
<tr>
<td>For Regular Positions</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>38,200</td>
</tr>
<tr>
<td>For Extra Help</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Employees' Retirement System:
- Payable from General Revenue Fund .......... 3,882,500
- Payable from Road Fund ........................ 1,706,400
- Payable from Vehicle Inspection Fund .......... 42,700

For State Contribution to State Employees' Retirement System:
- Payable from General Revenue Fund .......... 420,300

For State Contribution to Social Security:
- Payable from General Revenue Fund .......... 336,000

For Contractual Services:
- Payable from General Revenue Fund .......... 533,900

For Travel Expenses:
- Payable from General Revenue Fund .......... 113,000

For Commodities:
- Payable from General Revenue Fund .......... 45,300

For Printing:
- Payable from General Revenue Fund .......... 12,700

For Equipment:
- Payable from General Revenue Fund .......... 10,000

For Telecommunications:
- Payable from General Revenue Fund .......... 176,500

GENERAL ADMINISTRATIVE GROUP
For Personal Services:
For Regular Positions:
- Payable from General Revenue Fund .......... $40,730,400
- Payable from Road Fund ........................ 4,594,400
- Payable from Securities Audit and Enforcement Fund .......... 2,405,900
- Payable from Division of Corporations Special Operations Fund .......... 477,300
- Payable from Lobbyist Registration Fund .......... 217,700
- Payable from Registered Limited Liability Partnership Fund .......... 63,700

For Extra Help:
- Payable from General Revenue Fund .......... 665,400
- Payable from Road Fund ........................ 372,900
- Payable from Securities Audit and Enforcement Fund .......... 11,400
- Payable from Division of Corporations Special Operations Fund .......... 19,800

For Employee Contribution to State Employees' Retirement System:
- Payable from Securities Audit and Enforcement Fund .......... 96,200
- Payable from Division of Corporations Special Operations Fund .......... 19,800
- Payable from Lobbyist Registration Fund .......... 8,700
- Payable from Registered Limited Liability Partnership Fund .......... 2,500

For State Contribution to State Employees' Retirement System:
<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue</td>
<td>4,139,600</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>496,700</td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>241,800</td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>49,700</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>21,800</td>
</tr>
<tr>
<td>Payable from Registered Limited Liability Partnership Fund</td>
<td>6,400</td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>3,154,200</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>366,200</td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>182,500</td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>60,100</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>22,900</td>
</tr>
<tr>
<td>Payable from Registered Limited Liability Partnership Fund</td>
<td>4,900</td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>399,600</td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>94,300</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>37,000</td>
</tr>
<tr>
<td>Payable from Registered Limited Liability Partnership Fund</td>
<td>14,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,830,900</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>362,700</td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>293,800</td>
</tr>
<tr>
<td>Payable from Motor Fuel Tax Fund</td>
<td>475,700</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>92,100</td>
</tr>
<tr>
<td>Payable from Registered Limited Liability Partnership Fund</td>
<td>500</td>
</tr>
<tr>
<td>For Travel Expenses:</td>
<td>273,700</td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>230,300</td>
</tr>
<tr>
<td>Payable from Road Fund</td>
<td>305,300</td>
</tr>
<tr>
<td>Payable from Securities Audit and Enforcement Fund</td>
<td>248,100</td>
</tr>
<tr>
<td>Payable from Division of Corporations Special Operations Fund</td>
<td>3,400</td>
</tr>
<tr>
<td>Payable from Lobbyist Registration Fund</td>
<td>2,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
### Payable from General Revenue Fund

| For Printing:                                      | Payable from General Revenue Fund | 1,016,400 |
| For Equipment:                                    | Payable from General Revenue Fund | 841,300   |
| For Electronic Data Processing:                   | Payable from General Revenue Fund | 3,050,000 |
| For Telecommunications:                           | Payable from General Revenue Fund | 469,700   |
| For Operation of Automotive Equipment:            | Payable from General Revenue Fund | 372,000   |
| For Refund of Fees and Taxes:                     | Payable from General Revenue Fund | 372,000   |
| For Regular Positions:                            | Payable from General Revenue Fund | 49,804,100 |

New matter indicated by italics - deletions by strikeout.
Payable from Road Fund......................... 31,826,500
Payable from Vehicle Inspection Fund........... 1,017,900
Payable from the Secretary of State
Special License Plate Fund...................... 424,500
Payable from Motor Vehicle Review
Board Fund..................................... 105,100
For Extra Help:
Payable from General Revenue Fund ............. 2,117,400
Payable from Road Fund......................... 3,384,500
Payable from Vehicle Inspection Fund........... 48,800
For Employees Contribution to
State Employees' Retirement System:
Payable from the Secretary of State
Special License Plate Fund...................... 17,000
Payable from Motor Vehicle Review
Board Fund..................................... 4,200
For State Contribution to
State Employees' Retirement System:
Payable from General Revenue Fund ............. 5,192,200
Payable from Road Fund......................... 3,521,100
Payable From Vehicle Inspection Fund........... 106,700
Payable from the Secretary of State
Special License Plate Fund...................... 42,400
Payable from Motor Vehicle Review
Board Fund..................................... 10,500
For State Contribution to
Social Security:
Payable from General Revenue Fund ............. 3,868,500
Payable from Road Fund......................... 2,132,900
Payable From Vehicle Inspection Fund........... 81,100
Payable from the Secretary of State
Special License Plate Fund...................... 32,100
Payable from Motor Vehicle Review
Board Fund..................................... 8,000
For Group Insurance:
Payable From Vehicle Inspection Fund........... 267,900
Payable from the Secretary of State
Special License Plate Fund...................... 111,000
For Contractual Services:
Payable from General Revenue Fund ............. 3,011,100
Payable from Road Fund......................... 2,011,100
Payable from Vehicle Inspection Fund........... 12,036,600
Payable from CDLIS AAMVANET
Trust Fund........................................ 740,000
Payable from the Secretary of State
Special License Plate Fund...................... 8,500
Payable from Motor Vehicle Review
Board Fund..................................... 85,000
For Travel Expenses:
Payable from General Revenue Fund ............. 183,900
Payable from Road Fund......................... 787,800
Payable from Vehicle Inspection Fund........... 500
Payable from the Secretary of State
Special License Plate Fund...................... 1,400
Payable from Motor Vehicle Review

New matter indicated by italics - deletions by strikeout.
Sec. 240. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the Mammogram Fund to the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 31. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 10 and 25 of Article 74 as follows:

(P.A. 91-706, Art. 74, Sec. 10)
Sec. 10. The amount of $6,500,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

(P.A. 91-706, Art. 74, Sec. 25)
Sec. 25. The amount of $27,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Transfer Tax Collection Distributive Fund for the purpose of making payments to counties pursuant to Section 13b of the Illinois Estate and Generation-Skipping Transfer Tax Act.

Section 32. "AN ACT making appropriations and reappropriations," Public Act 91-705, approved May 17, 2000, is amended by changing Sections 25, 26, 35, 85, and 110 and adding new Sections 104 and 106 to Article 15 as follows:

(P.A. 91-705, Art. 15, Sec. 25)
Sec. 25. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the State Board of Education for Grants-In-Aid:
From the General Revenue Fund:
For compensation of Regional Superintendents of Schools and assistants under Section 18-5 of the School Code........ $7,382,100 $7,082,100

For payment of one time employer's contribution to Teachers' Retirement System as provided in the Early Retirement Incentive Provision of Public Act 87-1265 and under Section 16-133.2 of Illinois Pension Code........ 242,900 142,900

For orphanage tuition claims and State owned housing claims as provided under Section 18-3 of the School Code........... 16,000,000

For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02 of the School Code............. 2,960,000

For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01 of the School Code.............. 1,162,000

For reimbursement to school districts for services and materials for programs under Section 14A-5 of the School Code........... 19,695,800

For reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code.... 228,367,500 241,500,000

For reimbursement to school districts for services and materials used in programs for the use of disabled children under Section 14-13.01 of the School Code.... 300,225,000 298,500,000

For reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section 14-7.03 of the School Code............. 127,000,000

For financial assistance to Local Education Agencies with over 500,000 population to meet the needs of those children who come from environments where the

New matter indicated by italics - deletions by strikeout.
dominant language is other than
English under Section 34-18.2
of the School Code............ 35,333,200
For financial assistance to Local
Education Agencies with under 500,000
population to meet the needs of
those children who come from
environments where the dominant
language is other than English
under Section 10-22.38a of
the School Code............... 27,218,800
For distribution to eligible recipients
for establishing and maintaining
educational programs for Low
Incidence Disabilities......... 1,500,000
For reimbursement to school districts
for a portion of the cost of
transporting disabled students
under subsection (b) of
Section 14-13.01 of
the School Code............. 205,875,000  192,000,000
For reimbursement to school districts
and for providing free lunch and
breakfast programs under the
provision of the School Free
Lunch Program Act............. 20,500,000
For providing the loan of textbooks
to students under Section 18-17 of
the School Code............... 30,192,100
Total, this Section $1,020,861,900

(P.A. 91-705, Art. 15, Sec. 26)
Sec. 26. The following amounts, or so much of those amounts as may be necessary,
respectively, for the objects and purposes named, are appropriated to the State Board of
Education for Grants-In-Aid:
From the Education Assistance Fund:
For tuition of disabled children
attending schools under Section
14-7.02 of the School Code..... $ 48,000,000
For reimbursement to school districts
qualifying under Section 29-5
of The School Code for a portion
of the cost of transporting common
school pupils................. 215,437,500  208,500,000
Total, this Section $1,020,861,900

(P.A. 91-705, Art. 15, Sec. 35)
Sec. 35. The following amounts, or so much of those amounts as may be necessary,
respectively, are appropriated from the General Revenue Fund to the State Board of Education for
the objects and purposes named:
The following amount, or so much thereof as
may be necessary, is appropriated
from the General Revenue Fund
to the State Board of Education
as a consolidated appropriation
for all costs associated with
Regional Offices' of Education,

New matter indicated by italics - deletions by strikeout.
including, but not limited to:
ROE School Bus Driver Training,
ROE School Services, and ROE
Supervisory Expense............. $12,512,000
For operational costs and grants
for Mathematics Statewide...... 1,000,000
For costs associated with the
Reading Improvement Statewide
Program......................... 3,000,000
For all costs, including prior year claims
associated with Special Education
lawsuits, including Corey H.... 1,000,000
The following amount, or so much thereof as
may be necessary, is appropriated
from the General Revenue Fund
to the State Board of Education
as a consolidated appropriation
for all costs associated with career
awareness and development programs,
including, but not limited to:
Career Awareness & Development,
Jobs for Illinois Graduates and
Illinois Government Internship
Program....................... 5,247,700
For operational costs and grants
for Family Literacy........... 1,000,000
The following amount, or so much thereof
as may be necessary, is appropriated
from the General Revenue Fund
to the State Board of Education
as a consolidated appropriation
for all costs associated with
teacher education programs,
including, but not limited to:
National Board Certification, Teacher
of the Year and Teacher Framework
Implementation............... 1,740,000
For purposes of providing liability
coverage to certificated persons in
accordance with Section 2-3.124
of the School Code............ 400,000
For costs associated with regional
and local Optional Education Programs
for dropouts, those at risk of
dropping out, and Alternative
Education Programs for chronic
truants......................... 18,660,000
For costs associated with the Metro
East Consortium for Child
Advocacy....................... 250,000
For all costs associated with
Professional Development Statewide. 3,000,000
For costs associated with
funding Vocational Education
Staff Development......... 1,299,800

New matter indicated by italics - deletions by strikeout.
For costs associated with the Certificate Renewal Administrative Payment Program............... 1,000,000

For operational costs and grants associated with the Summer Bridges Program to assist school districts which had one or more schools with a significant percentage of third and sixth grade students in the "does not meet" category on the 1998 State reading scores to achieve standards in reading......... 23,000,000

For costs associated with the Parental Involvement Campaign Program......................... 1,500,000

The following amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education as a consolidated appropriation for all costs associated with standards, assessment and accountability programs, including, but not limited to: Arts Planning K-6, Assessment Programs, Learning Improvement and Quality Assurance and Learning Standards........ 31,309,700

For operational costs associated with administering the Reading Improvement Block Grant........ 389,500

For operational costs associated with administering the Professional Development Block Grant........ 427,500

For costs associated with the Minority Transition Program..... 300,000

For funding the Golden Apple Scholars Program.................. 2,554,300

For all costs associated with vocational education programs.............. 53,874,500

The following amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education as a consolidated appropriation for all costs associated with student at-risk programs, including, but not limited to: Hispanic Student Dropout Prevention Programs, Illinois Partnership Academy and Urban Education Partnership Programs. 2,649,600

For administrative costs associated with Scientific Literacy, Mathematics and the Center on Scientific Literacy. 2,255,000

For administrative costs associated
with the Substance Abuse and
Violence Prevention Programs...  248,000
For operational expenses of administering the
Early Childhood Block Grant....  659,200
For operational costs and reimbursement
to a parent or guardian under the
transportation provisions of Section
29-5.2 of the School Code......  16,120,000
For funding the Teachers Academy for
Math and Science in Chicago....  5,880,000  5,500,000
For operational costs of the Residential
Services Authority for Behavior
Disorders and Severely Emotionally
Disturbed Children and Adolescents.  500,000
For costs associated with education
and related educational Services
to recipients of Public Assistance
as provided in Section 10-22.20
of the School Code and the
Adult Education Act
first and then for payment of
costs of education and education
related services as provided
for in Section 10-22.20
of the School Code and the
Adult Education Act.........  10,068,200
For costs associated with administering
Alternative Education Programs
for disruptive students pursuant to
Article 13A of the School Code.  16,852,000
For operational costs and grants
for schools associated with the
Academic Early Warning List and
other at-risk schools..........  4,350,000
The following amount, or so much thereof
as may be necessary, is appropriated
from the General Revenue Fund to
the State Board of Education
as a consolidated appropriation
for all costs associated
with statewide regional programs,
including, but not limited to:
ROE Audits, ISBE Services as ROE,
ROE Technology, GED Testing,
Administrators Academy and the
Leadership Development Institute.  3,444,300
For costs associated with the
Association of Illinois Middle-Level
Schools Program..............  100,000
For costs associated with the
Environmental and Nature Training
Institute for Conservation Education
(E.N.T.I.C.E.) Program.......  300,000
For funding the Illinois State Board of
Education Technology Program...  880,000

New matter indicated by italics - deletions by strikeout.
Sec. 85. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Education for the following objects and purposes:

Payable from the Common School Fund:
For general apportionment as provided by Section 18-8 of the School Code

Payable from the General Revenue Fund:
For summer school payments as provided by Section 18-4.3 of the School Code.
For supplementary payments to school districts as provided in Section 18-8.2, Section 18-8.3, Section 18-8.5, and Section 18-8A(5)(m) of the School Code.

Total, this Section

(P.A. 91-705, Art. 15, Sec. 104)

Sec. 104. The amount of $1,355,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for deposit into the School District Emergency Financial Assistance Fund. The State Board of Education may deposit this entire amount into the fund immediately for grants under Article 1B of the School Code.

(P.A. 91-705, Art. 15, new Sec. 106)

Sec. 106. The amount of $1,355,000, or so much of that amount as may be necessary, is appropriated from the School District Emergency Financial Assistance Fund to the State Board of Education for emergency financial assistance pursuant to Section 5/1B-8 of the School Code at the approximate costs set forth below:

For a grant to Round Lake Area Schools District #116 .......... 550,000
For the School District Emergency Financial Assistance Fund ..... 805,000
Total $1,355,000

(P.A. 91-705, Art. 15, Sec. 110)

Sec. 110. The amount of $65,845,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for supplementary payments to school districts under subsection (J) of Section 18-8.05 of the School Code.

Section 33. "AN ACT making appropriations and reappropriations," Public Act 91-705, approved May 17, 2000, is amended by changing Sections 35, 45, 55, and 75 of Article 12 as follows:

(P.A. 91-705, Art. 12, Sec. 35)

Sec. 35. The sum of $270,843,209 or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for payment of grant awards to students eligible to receive such awards, as provided by law, including up to $2,700,000 for transfer into the Monetary Award Program Reserve Fund.

(P.A. 91-705, Art. 12, Sec. 45)

Sec. 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law................. $ 1,000,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit

New matter indicated by italics - deletions by strikeout.
Recognition Scholarship Program provided for in Section 30 of the Higher Education Student Assistance Act................. 7,000,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law............ 220,000

For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.......................... 4,325,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law............................ 21,000,000
For college savings bond grants to students eligible to receive such awards........................................... 525,000
For payment of minority teacher scholarships................................. 3,100,000
For payment of David A. DeBolt Teacher Shortage Scholarships........... 1,850,000
For payment of Illinois Incentive for Access grants, as provided by law.............. 4,000,000
For payment of Information Technology Grants.. 2,600,000
Total $45,550,000

(P.A. 91-705, Art. 12, Sec. 55)

Sec. 55. The following sum, or so much thereof as may be necessary, is appropriated from the Federal State Student Incentive Trust Fund to the Illinois Student Assistance Commission for the following purpose:

Grants

For payment of grant awards to full-time and part-time students eligible to receive such awards, as provided by law..... 2,350,000 2,000,000

(P.A. 91-705, Art. 12, Sec. 75)

Sec. 75. The sum of $5,000,000 $3,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Federal Student Loan Fund for transfer to the Student Loan Operating Fund for activities related to the collection and administration of default prevention fees.

Section 34. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Section 5 of Article 58 as follows:

Sec. 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:

For Personal Services........... $134,101 $129,400
For Employee Retirement Contributions
Paid by Employer............ 5,365 5,200
For State Contributions to State Employees' Retirement System............. 13,336 12,900

New matter indicated by italics - deletions by strikeout.
For State Contribution to Social Security........................ 10,108 9,900
For Contractual Services........... 6,900 12,400
For Travel........................ 10,700
For Commodities.................... 1,100
For Printing........................ 3,990 3,000
For Equipment...................... 6,500
For Electronic Data Processing.... 2,500
For Telecommunications Services... 1,900
Total $196,500

Section 35. "AN ACT making appropriations and reappropriations," Public Act 91-706, approved May 17, 2000, is amended by changing Sections 22 and 47 of Article 53 as follows:

Sec. 22. The following named sums, or so much thereof as may be necessary, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:

For the Senate President ...... $2,750,000 $750,000
For the Senate Minority Leader . 2,750,000 750,000
Total $5,500,000 $1,500,000

Sec. 47. The following named sums, or so much thereof as may be necessary, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:

For the Speaker................. $2,750,000 $750,000
For the Minority Leader ...... 2,750,000 750,000
Total $5,500,000 $1,500,000

Section 36. "AN ACT making appropriations and reappropriations," Public Act 91-705, approved May 17, 2000, is amended by changing Section 50 and by adding new Section 110 to Article 1 as follows:

Sec. 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act:

Medicine.............................. $6,690,700 $6,812,700
Dentistry........................................ 35,000
Optometry........................................ 356,400
Podiatry........................................ 239,800
Allied Health............................. 1,933,500
Nursing........................................ 3,608,000
Residencies................................. 3,768,600
Pharmacy....................................... 1,320,000
Total $18,074,000

Sec. 110. In addition to any amounts previously or elsewhere appropriated, the sum of $122,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the State Geological Survey.

ARTICLE 999

Section 1. In addition to any amounts previously appropriated for such purposes, the amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims under the Crime Victims Compensation Act.

Section 2. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:

No. 91-CC-1736, Nestor Ferro. Personal Injury, against the Department of Corrections... $100,000.00

No. 92-CC-0252, Janet S. Gregory, Executor of the Estate of Richie Todd Gregory, Jordan Gregory, a Minor, by his Mother and Next Friend, Janet Sue Gregory, Nicholas Gregory, a Minor, by his Mother and Next Friend, Janet Sue Gregory and Andre Garcia by his Mother and Next Friend, Janet Sue Gregory. Wrongful Death, Survival and the Structural Work Act, against the Department of Central Management Services and State Police. $75,000.00

No. 94-CC-1303, Judy Cogan, Special Administrator of the Estate of Edward Bishop. Death, against the Department of Human Services: DMHDD ................................................................. $75,000.00

No. 94-CC-2436, Myra J. Durbin. Personal Injury, against the Department of Transportation. $15,000.00

No. 94-CC-3710, James Brandon Shaffer. Personal Injury and property damage, against the Department of Corrections........................................ $12,000.00

No. 98-CC-2853, R.R. Donnelley & Sons Company. Debt, against the Department of Military Affairs........................................ $40,358.04

No. 00-CC-3576, John Willis, Jr. Illegal Incarceration, against the Department of Corrections................................................ $125,035.97

No. 00-CC-4622, Indiana University. Debt, against the Department of Human Services.... $114,000.00

No. 01-CC-0279, Perry Cobb. Illegal Incarceration, against the Department of Corrections......................... $120,300.00

No. 01-CC-0279, Darby Tillis. Illegal Incarceration, against the Department of Corrections................................................ $120,300.00

Section 3. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $1,352.00

Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 011, Road Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 92-CC-0271, John M. Steinberg, Administrator of the Estate of Mary J. Steinberg, Deceased; John M. Steinberg, Executor of the Estate of Margaret I. Steinberg, Deceased; and John M. Steinberg, Executor of the Estate of Virgil J. Steinberg, Deceased. Death, against the Department of Transportation........ $119,000.00

No. 92-CC-3059, Robert Gushes. Personal Injury, against the Department of Transportation. $12,000.00

No. 94-CC-2474, John Alvarado. Personal Injury, against the Department of Transportation. $85,000.00

No. 96-CC-0849, Jose Lara and Irma Lara.
Personal Injury, against the Department of Transportation.................................. $8,000.00

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $231.20

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 00-CC-1553, The Wells Center, Debt, against the Department of Human Services: DASA.. $51,801.38
No. 00-CC-4520, HRDI. Debt, against the Department of Human Services: DASA............. $15,827.18

Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $2,720.62

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 021, Financial Institution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $340.11

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $146.50

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $7,678.08

Section 11. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $1,260.00

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $20.84

Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 048, Rural/Downstate Health Access Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 00-CC-4695, Deborah L. Edberg, M.D. Debt, against the Department of Public Health.. $6,250.00

Section 14. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 00-CC-4700, Viasoft. Debt, against the Department of Employment Security.......... $97,500.00

For payments of awards for lapsed
appropriation claims less than $50,000........... $140,291.90

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $28.00

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $21.22

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $944.31

Section 18. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- No. 01-CC-0329, Will County Health Department. Debt, against the Department of Public Health................................. $77,977.49
  For payments of awards for lapsed appropriation claims less than $50,000........... $43,140.95

Section 19. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $4,181.11

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $461.98

Section 21. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $2,325.85

Section 22. The following named amounts are appropriated to the Court of Claims from State Fund 113, Community Health Center Care Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- No. 00-CC-4695, Deborah L. Edberg, M.D. Debt, against the Department of Public Health... $16,000.00

Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $449.46

Section 24. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $547.81

Section 25. The following named amounts are appropriated to the Court of Claims from

New matter indicated by italics - deletions by strikeout.
State Fund 175, Illinois School Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $783.89

Section 26. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $235.00

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $523.20

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 253, Horse Racing Tax Allocation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $5,750.00

Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 274, Self-Insurers Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $69.44

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 297, Guardianship and Advocacy Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 00-CC-4023, Illinois Correctional Industries. Debt, against the Guardianship and Advocacy Commission................................. $54,900.48

For payments of awards for lapsed appropriation claims less than $50,000........... $493.88

Section 31. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $3,330.68

Section 32. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 01-CC-0150, Storage Technology Corporation. Debt, against the Department of Central Management Services.............................. $52,300.00

For payments of awards for lapsed appropriation claims less than $50,000........... $17,430.44

Section 33. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $53,791.86

Section 34. The following named amounts are appropriated to the Court of Claims from State Fund 386, Appraisal Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $451.31

New matter indicated by italics - deletions by strikeout.
Section 35. The following named amounts are appropriated to the Court of Claims from Federal Fund 404, Urban Planning Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $32.90

Section 36. The following named amounts are appropriated to the Court of Claims from Federal Fund 408, DHS Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $10,567.07

Section 37. The following named amounts are appropriated to the Court of Claims from Federal Fund 447, GI Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $22.11

Section 38. The following named amounts are appropriated to the Court of Claims from Federal Fund 476, Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $67.60

Section 39. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $185.00

Section 40. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $1,847.67

Section 41. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $2,329.95

Section 42. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $2,933.53

Section 43. The following named amounts are appropriated to the Court of Claims from Federal Fund 607, Special Projects Division Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $2,501.39

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000............ $1,525.00

Section 45. The following named amounts are appropriated to the Court of Claims from Federal Fund 646, Alcoholism and Substance Abuse Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout.
New matter indicated by italics - deletions by strikeout.

Section 46. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $169.54

Section 47. The following named amounts are appropriated to the Court of Claims from State Fund 708, Illinois Standardbred Breeders Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $107.86

Section 48. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $6,067.46

Section 49. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $9.07

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $15,016.64

Section 51. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $1,044.00

Section 52. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $316.42

Section 53. The following named amounts are appropriated to the Court of Claims from Federal Fund 798, Rehabilitation Services Elementary & Secondary Education Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $1,633.00

Section 54. The following named amounts are appropriated to the Court of Claims from State Fund 802, Personal Property Tax Replacement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $27.60

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................. $7,278.78

Section 56. The following named amounts are appropriated to the Court of Claims from
Federal Fund 872, Maternal and Child Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $50,620.17

Section 57. The following named amounts are appropriated to the Court of Claims from State Fund 884, D.N.R. Special Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $19,538.70

Section 58. The following named amounts are appropriated to the Court of Claims from State Fund 888, Design Professionals Administration and Investigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $23.10

Section 59. The following named amounts are appropriated to the Court of Claims from State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $193.08

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $455.81

Section 61. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $16,245.47

Section 62. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 00-CC-0893, Clerk of the Circuit Court of Cook County. Debt, against the Department of Public Aid................................. $270,512.11

For payments of awards for lapsed appropriation claims less than $50,000........... $35,719.13

Section 63. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $161.22

Section 64. The following named amounts are appropriated to the Court of Claims from Federal Fund 888, Attorney General Federal Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........... $90.00

ARTICLE 1000

Section 99. Effective Date. Articles 1 through 97 of this Act take effect July 1, 2001. Articles 998 and 999 of this Act take effect immediately upon becoming law.


AN ACT concerning bonds.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Build Illinois Bond Act is amended by changing Sections 2 and 4 as follows:
(30 ILCS 425/2) (from Ch. 127, par. 2802)
Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide
for the retirement of limited obligation bonds, notes and other evidences of indebtedness of the State
of Illinois in the total principal amount of $3,540,715,000 herein called "Bonds". Such authorized amount of Bonds shall be reduced from time to time by amounts, if any, which are
equal to the moneys received by the Department of Revenue in any fiscal year pursuant to Section
3-1001 of the "Illinois Vehicle Code", as amended, in excess of the Annual Specified Amount (as
defined in Section 3 of the "Retailers' Occupation Tax Act", as amended) and transferred at the end of
such fiscal year from the General Revenue Fund to the Build Illinois Purposes Fund as provided
in Section 3-1001 of said Code; provided, however, that no such reduction shall affect the validity
or enforceability of any Bonds issued prior to such reduction. Such amount of authorized Bonds shall
be exclusive of any refunding Bonds issued pursuant to Section 15 of this Act and exclusive of any
Bonds issued pursuant to this Section which are redeemed, purchased, advance refunded, or defeased
in accordance with paragraph (f) of Section 4 of this Act. Bonds shall be issued for the categories and
specific purposes expressed in Section 4 of this Act.
(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00.)
(30 ILCS 425/4) (from Ch. 127, par. 2804)
Sec. 4. Purposes of Bonds. Bonds shall be issued for the following purposes and in the
approximate amounts as set forth below:
(a) $2,399,954,000 $2,029,889,000 for the expenses of issuance and sale of Bonds, including
bond discounts, and for planning, engineering, acquisition, construction, reconstruction,
development, improvement and extension of the public infrastructure in the State of Illinois,
including: the making of loans or grants to local governments for waste disposal systems, water and
sewer line extensions and water distribution and purification facilities, rail or air or water port
improvements, gas and electric utility extensions, publicly owned industrial and commercial sites,
buildings used for public administration purposes and other public infrastructure capital
improvements; the making of loans or grants to units of local government for financing and
construction of wastewater facilities; refinancing or retiring bonds issued between January 1, 1987
and January 1, 1990 by home rule municipalities, debt service on which is provided from a tax
imposed by home rule municipalities prior to January 1, 1990 on the sale of food and drugs pursuant
to Section 8-11-1 of the Home Rule Municipal Retailers' Occupation Tax Act or Section 8-11-5 of
the Home Rule Municipal Service Occupation Tax Act; the making of deposits not to exceed
$70,000,000 in the aggregate into the Water Pollution Control Revolving Fund to provide assistance
in accordance with the provisions of Title IV-A of the Environmental Protection Act; the planning,
engineering, acquisition, construction, reconstruction, alteration, expansion, extension and
improvement of highways, bridges, structures separating highways and railroads, rest areas,
interchanges, access roads to and from any State or local highway and other transportation
improvement projects which are related to economic development activities; the making of loans or
grants for planning, engineering, rehabilitation, improvement or construction of rail and transit
facilities; the planning, engineering, acquisition, construction, reconstruction and improvement of
watershed, drainage, flood control, recreation and related improvements and facilities, including
expenses related to land and easement acquisition, relocation, control structures, channel work and
clearing and appurtenant work; the making of grants for improvement and development of zoos and
park district field houses and related structures; and the making of grants for improvement and
development of Navy Pier and related structures.
(b) $139,301,500 $114,301,500 for fostering economic development and increased
employment and the well being of the citizens of Illinois, including: the making of grants for
improvement and development of McCormick Place and related structures; the planning and
construction of a microelectronics research center, including the planning, engineering, construction,
improvement, renovation and acquisition of buildings, equipment and related utility support systems; the making of loans to businesses and investments in small businesses; acquiring real properties for industrial or commercial site development; acquiring, rehabilitating and reconveying industrial and commercial properties for the purpose of expanding employment and encouraging private and other public sector investment in the economy of Illinois; the payment of expenses associated with siting the Superconducting Super Collider Particle Accelerator in Illinois and with its acquisition, construction, maintenance, operation, promotion and support; the making of loans for the planning, engineering, acquisition, construction, improvement and conversion of facilities and equipment which will foster the use of Illinois coal; the payment of expenses associated with the promotion, establishment, acquisition and operation of small business incubator facilities and agribusiness research facilities, including the lease, purchase, renovation, planning, engineering, construction and maintenance of buildings, utility support systems and equipment designated for such purposes and the establishment and maintenance of centralized support services within such facilities; and the making of grants or loans to units of local government for Urban Development Action Grant and Housing Partnership programs.

(c) $851,308,600 $559,128,600 for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services for all citizens of Illinois, including: the making of construction and improvement grants and loans to public libraries and library systems; the making of grants and loans for planning, engineering, acquisition and construction of a new State central library in Springfield; the planning, engineering, acquisition and construction of an animal and dairy sciences facility; the planning, engineering, acquisition and construction of a campus and all related buildings, facilities, equipment and materials for Richland Community College; the acquisition, rehabilitation and installation of equipment and materials for scientific and historical surveys; the making of grants or loans for distribution to eligible vocational education instructional programs for the upgrading of vocational education programs, school shops and laboratories, including the acquisition, rehabilitation and installation of technical equipment and materials; the making of grants or loans for distribution to eligible local educational agencies for the upgrading of math and science instructional programs, including the acquisition of instructional equipment and materials; miscellaneous capital improvements for universities and community colleges including the planning, engineering, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; the making of grants or loans for repair, renovation and miscellaneous capital improvements for privately operated colleges and universities and community colleges, including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services, and all other required expenses; and the making of grants or loans for distribution to local governments for hospital and other health care facilities including the planning, engineering, acquisition, construction, reconstruction, remodeling, improvement, repair and installation of capital facilities and costs of planning, supplies, equipment, materials, services and all other required expenses.

(d) $1,150,150,900 $1,480,650,900 for protection, preservation, restoration and conservation of environmental and natural resources, including: the making of grants to soil and water conservation districts for the planning and implementation of conservation practices and for funding contracts with the Soil Conservation Service for watershed planning; the making of grants to units of local government for the capital development and improvement of recreation areas, including planning and engineering costs, sewer projects, including planning and engineering costs and water projects, including planning and engineering costs, and for the acquisition of open space lands, including the acquisition of easements and other property interests of less than fee simple ownership; the acquisition and related costs and development and management of natural heritage lands, including natural areas and areas providing habitat for endangered species and nongame wildlife, and buffer area lands; the acquisition and related costs and development and management of habitat lands, including forest, wildlife habitat and wetlands; and the removal and disposition of hazardous substances, including the cost of project management, equipment, laboratory analysis, and contractual services necessary for preventative and corrective actions related to the preservation, restoration and conservation of the environment, including deposits not to exceed $60,000,000 in the aggregate into
the Hazardous Waste Fund and the Brownfields Redevelopment Fund for improvements in accordance with the provisions of Titles V and XVII of the Environmental Protection Act.

(e) The amount specified in paragraph (a) above shall include an amount necessary to pay reasonable expenses of each issuance and sale of the Bonds, as specified in the related Bond Sale Order (hereinafter defined).

(f) Any unexpended proceeds from any sale of Bonds which are held in the Build Illinois Bond Fund may be used to redeem, purchase, advance refund, or defease any Bonds outstanding.

(Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709, eff. 5-17-00.)

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

PUBLIC ACT 92-0010
(House Bill No. 3491)

AN ACT relating to budget implementation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the FY2002 Budget Implementation (Human Services) Act.

Section 5. Purpose. It is the purpose and subject of this Act to make the changes in State programs relating to human services that are necessary to implement the State's FY2002 budget.

Section 10. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)
Sec. 5-45. Emergency rulemaking.
(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act or (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

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

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

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

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

(Source: P.A. 90-9, eff. 7-1-97; 90-587, eff. 7-1-98; 90-588, eff. 7-1-98; 91-24, eff. 7-1-99; 91-357, eff. 7-29-99; 91-712, eff. 7-1-00.)

Section 20. The State Finance Act is amended by changing Section 6z-24 and adding Sections 5.549, 5.550, 5.551, 6z-52, and 6z-53 as follows:

(30 ILCS 105/5.549 new)
Sec. 5.549. The Independent Academic Medical Center Fund.

(30 ILCS 105/5.550 new)
Sec. 5.550. The Drug Rebate Fund.

(30 ILCS 105/5.551 new)
Sec. 5.551. The Downstate Emergency Response Fund.

(30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)
Sec. 6z-24. There is created in the State Treasury the Special Education Medicaid Matching Fund. All monies received from the federal government due to expenditures by local education agencies for educationally-related services authorized under Section 1903 of the Social Security Act, as amended, and for the administrative costs related thereto shall be deposited in the Special Education Medicaid Matching Fund. All monies received from the federal government due to expenditures by local education agencies for educationally-related services authorized under Section 2105 of the Social Security Act, as amended, shall be deposited in the Special Education Medicaid Matching Fund.

The monies in the Special Education Medicaid Matching Fund shall be held subject to appropriation by the General Assembly to the State Board of Education or the Illinois Department of Public Aid for distribution to school districts, pursuant to an interagency agreement between the Illinois Department of Public Aid and the State Board of Education or intergovernmental agreements between the Illinois Department of Public Aid and individual local education agencies; for eligible special education children claims under Titles XIX and XXI of the Social Security Act.

(Source: P.A. 91-24, eff. 7-1-99; 91-266, eff. 7-23-99.)

(30 ILCS 105/6z-52 new)
Sec. 6z-52. Drug Rebate Fund.

(a) There is created in the State Treasury a special fund to be known as the Drug Rebate Fund.

New matter indicated by italics - deletions by strikeout.
(b) The Fund is created for the purpose of receiving and disbursing moneys in accordance with this Section. Disbursements from the Fund shall be made, subject to appropriation, only as follows:

(1) For payments to pharmacies for reimbursement for prescription drugs provided to a recipient of aid under Article V of the Illinois Public Aid Code or the Children's Health Insurance Program Act.

(2) For reimbursement of moneys collected by the Illinois Department of Public Aid through error or mistake.

(3) For payments of any amounts that are reimbursable to the federal government resulting from a payment into this Fund.

(c) The Fund shall consist of the following:

(1) Upon notification from the Director of Public Aid, the Comptroller shall direct and the Treasurer shall transfer the net State share of all moneys received by the Illinois Department of Public Aid from drug rebate agreements with pharmaceutical manufacturers pursuant to Title XIX of the federal Social Security Act, including any portion of the balance in the Public Aid Recoveries Trust Fund on July 1, 2001 that is attributable to such receipts.

(2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Department that are attributable to moneys deposited in the Fund.

(3) Any premium collected by the Illinois Department from participants under a waiver approved by the federal government relating to provision of pharmaceutical services.

(4) All other moneys received for the Fund from any other source, including interest earned thereon.

(30 ILCS 105/6z-53 new)
Sec. 6z-53. Downstate Emergency Response Fund.
(a) In this Section:
"Downstate county" means any county with a population of less than 250,000 with a level I trauma center.
"Trauma center" has the same meaning as in the Emergency Medical Services (EMS) Systems Act.

(b) The Downstate Emergency Response Fund is created as a special fund in the State Treasury.

(c) The following moneys shall be deposited into the Fund:

(1) Moneys appropriated by the General Assembly.

(2) Fees or other amounts paid to the Department of Transportation for the use of an emergency helicopter for the transportation of an individual to a trauma center located in a downstate county or for any other medical emergency response. The Department may adopt rules establishing reasonable fees and other amounts to be paid for the use of such helicopters and may collect those fees and other amounts.

(3) Gifts, grants, other appropriations, or any other moneys designated for deposit into the Fund.

(d) Subject to appropriation, moneys in the Fund shall be used for the following purposes:

(1) By the Department of Transportation to purchase, lease, maintain, and operate helicopters, including payment of any costs associated with personnel or other expenses necessary for the maintenance or operation of such helicopters, (A) for emergency response transportation of individuals to trauma centers located in downstate counties and (B) to support law enforcement, disaster response, and other medical emergency response. Moneys appropriated from the Fund for these purposes shall be in addition to any other moneys used for these purposes.

(2) By the Department of Public Aid for medical assistance under Article V of the Illinois Public Aid Code.

Section 25. The Excellence in Academic Medicine Act is amended by changing Sections 15, 20, 60, and 65 and adding Section 35 as follows:

(30 ILCS 775/15)
Sec. 15. Definitions. As used in this Act:
"Academic medical center hospital" means a hospital located in Illinois which is either (i)
under common ownership with the college of medicine of a college or university or (ii) a free-standing hospital in which the majority of the clinical chiefs of service are department chairmen in an affiliated medical school.

"Academic medical center children's hospital" means a children's hospital which is separately incorporated and non-integrated into the academic medical center hospital but which is the pediatric partner for an academic medical center hospital and which serves as the primary teaching hospital for pediatrics for its affiliated medical school; children's hospitals which are separately incorporated but integrated into the academic medical center hospital are considered part of the academic medical center hospital.

"Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means an academic medical center hospital located in the Chicago Medicare Metropolitan Statistical Area.

"Independent academic medical center hospital" means the primary teaching hospital for the University of Illinois at Urbana.

"Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means an academic medical center hospital located outside the Chicago Medicare Metropolitan Statistical Area.

"Qualified Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means any Chicago Medicare Metropolitan Statistical Area academic medical center hospital that either directly or in connection with its affiliated medical school receives in excess of $8,000,000 in grants or contracts from the National Institutes of Health during the calendar year preceding the beginning of the State fiscal year; except that for the purposes of Section 25, the term also includes the entity specified in subsection (e) of that Section.

"Qualified Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means the primary teaching hospital for the University of Illinois School of Medicine at Peoria and the primary teaching hospital for the University of Illinois School of Medicine at Rockford and the primary teaching hospitals for Southern Illinois University School of Medicine in Springfield.

"Qualified academic medical center hospital" means (i) a qualified Chicago Medicare Metropolitan Statistical Area academic medical center hospital, (ii) a qualified Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital, or (iii) an academic medical center children's hospital.

"Qualified programs" include:

(i) Thoracic Transplantation: heart and lung, in particular;
(ii) Cancer: particularly biologic modifiers of tumor response, and mechanisms of drug resistance in cancer therapy;
(iii) Shock/Burn: development of biological alternatives to skin for grafting in burn injury, and research in mechanisms of shock and tissue injury in severe injury;
(iv) Abdominal transplantation: kidney, liver, pancreas, and development of islet cell and small bowel transplantation technologies;
(v) Minimally invasive surgery: particularly laparoscopic surgery;
(vi) High performance medical computing: telemedicine and teleradiology;
(vii) Transmyocardial laser revascularization: a laser creates holes in heart muscles to allow new blood flow;
(viii) Pet scanning: viewing how organs function (CT and MRI only allow viewing of the structure of an organ);
(ix) Strokes in the African-American community: particularly risk factors for cerebral vascular accident (strokes) in the African-American community at much higher risk than the general population;
(x) Neurosurgery: particularly focusing on interventional neuroradiology;
(xi) Comprehensive eye center: including further development in pediatric eye trauma;
(xii) Cancers: particularly melanoma, head and neck;
(xiii) Pediatric cancer;
(xiv) Invasive pediatric cardiology;
(xv) Pediatric organ transplantation: transplantation of solid organs, marrow, and other stem cells; and
Sec. 20. Establishment of Funds.
(a) The Medical Research and Development Fund is created in the State Treasury to which the General Assembly may from time to time appropriate funds and from which the Comptroller shall pay amounts as authorized by law.
(i) The following accounts are created in the Medical Research and Development Fund: The National Institutes of Health Account; the Philanthropic Medical Research Account; and the Market Medical Research Account.
(ii) Funds appropriated to the Medical Research and Development Fund shall be assigned in equal amounts to each account within the Fund, subject to transferability of funds under subsection (c) of Section 25.
(b) The Post-Tertiary Clinical Services Fund is created in the State Treasury to which the General Assembly may from time to time appropriate funds and from which the Comptroller shall pay amounts as authorized by law.
(c) The Independent Academic Medical Center Fund is created as a special fund in the State Treasury to which the General Assembly shall from time to time appropriate funds for the purposes of the Independent Academic Medical Center Program. The amount appropriated for any fiscal year after 2002 shall not be less than the amount appropriated for fiscal year 2002. The State Comptroller shall pay amounts from the Fund as authorized by law.

Sec. 35. Independent Academic Medical Center Program. There is created an Independent Academic Medical Center Program to provide incentives to develop and enhance the independent academic medical center hospital. In each State fiscal year, beginning in fiscal year 2002, the independent academic medical center hospital shall receive funding under the Program, equal to the full amount appropriated for that purpose for that fiscal year. In each fiscal year, one quarter of the amount payable to the independent academic medical center hospital shall be paid on the fifteenth working day after July 1, October 1, January 1, and March 1.

Sec. 60. Restriction on funds. No academic medical center hospital shall be eligible for payments from the Medical Research and Development Fund unless the academic medical center hospital qualifies under Section 15 as a qualified Chicago Medicare Metropolitan Statistical Area academic medical center hospital which in connection with its affiliated medical school received at least $8,000,000 in the preceding calendar year in grants or contracts from the National Institutes of Health; except that this restriction does not apply to the entity specified in subsection (e) of Section 25.

If a hospital is eligible for funds from the Independent Academic Medical Center Fund, that hospital shall not receive funds from the Medical Research and Development Fund or the Post-Tertiary Clinical Services Fund. If a hospital receives funds from the Medical Research and Development Fund or the Post-Tertiary Clinical Services Fund, that hospital is ineligible to receive funds from the Independent Academic Medical Center Fund.

Sec. 65. Reporting requirements. On or before May 1 of each year, the chief executive officer of each Qualified Academic Medical Center Hospital shall submit a report to the Comptroller regarding the effects of the programs authorized by this Act. The report shall also report the total amount of grants from and contracts with the National Institutes of Health in the preceding calendar year. It shall assess whether the programs funded are likely to be successful, require further study, or no longer appear to be promising avenues of research. It shall discuss the probable use of the developmental program in mainstream medicine including both cost impact and medical effect. The report shall address the effects the programs may have on containing Title XIX and Title XXI costs in Illinois. The Comptroller shall immediately forward the report to the Director of Public Aid and the Director of Public Health who shall evaluate the contents in a letter submitted to the President.
of the Senate and the Speaker of the House of Representatives.  
(Source: P.A. 89-506, eff. 7-3-96.)

Section 30. The Illinois Public Aid Code is amended by changing Sections 5-5.4, 12-4.34, and 12-9 and adding Section 5-5.12a as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provides for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that no rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2001, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care

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facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 90-9, eff. 7-1-97; 90-588, eff. 7-1-98; 91-24, eff. 7-1-99; 91-712, eff. 7-1-00.)

Sec. 5-5.12a. Title XIX waiver; pharmacy assistance program. The Illinois Department may seek a waiver of otherwise applicable requirements of Title XIX of the federal Social Security Act in order to claim federal financial participation for a pharmacy assistance program for persons aged 65 and over with income levels at or less than 250% of the federal poverty level. The Illinois Department may provide by rule for all other requirements of the program, including cost sharing, as permitted by an approved waiver and without regard to any provision of this Code to the contrary. The benefits may be no more restrictive than the Pharmacy Assistance Program in effect on May 31, 2001. Benefits provided under the waiver are subject to appropriation.

The Illinois Department may not implement the waiver until cost neutrality is demonstrated for the State relative to the final Pharmacy Assistance Program appropriation for the fiscal year beginning July 1, 2001. Implementation of the waiver shall terminate on June 30, 2007.

(Source: P.A. 90-9, eff. 7-1-97; 90-588, eff. 7-1-98; 91-24, eff. 7-1-99; 91-712, eff. 7-1-00.)

Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The Public Aid Recoveries Trust Fund shall consist of (1) recoveries by the Illinois Department of Public Aid authorized by this Code in respect to applicants or recipients under Articles III, IV, V, and VI, including recoveries made by the Illinois Department of Public Aid from the estates of deceased recipients, (2) recoveries made by the Illinois Department of Public Aid in respect to applicants and recipients under the Children's Health Insurance Program, and (3) federal funds received on behalf of and earned by local governmental entities for services provided to applicants or recipients covered under this Code.

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special fund in the State Treasury.

Disbursements from this Fund shall be only (1) for the reimbursement of claims collected by the Illinois Department of Public Aid through error or mistake, (2) for payment to persons or agencies designated as payees or co-payees on any instrument, whether or not negotiable, delivered to the Illinois Department of Public Aid as a recovery under this Section, such payment to be in proportion to the respective interests of the payees in the amount so collected, (3) for payments to the Department of Human Services for collections made by the Illinois Department of Public Aid on behalf of the Department of Human Services under this Code, (4) from the State Disbursement Unit Revolving Fund under Section 12-8.1 of this Code or for payment of administrative expenses incurred in performing the activities authorized under this Code, (5) for payment of fees to persons or agencies in the performance of activities pursuant to the collection of monies owed the State that are collected under this Code, (6) for payments of any amounts which are reimbursable to the federal government which are required to be paid by State warrant by either the State or federal government, and (7) for payments to local governmental entities of federal funds for services provided to applicants or recipients covered under this Code. Disbursements from this Fund for purposes of items (4) and (5) of this paragraph shall be subject to appropriations from the Fund to the Illinois Department of Public Aid.

The balance in this Fund on the first day of each calendar quarter, after payment therefrom of any amounts reimbursable to the federal government, and minus the amount reasonably anticipated to be needed to make the disbursements during that quarter authorized by this Section, shall be certified by the Director of the Illinois Department of Public Aid and transferred by the State Comptroller to the Drug Rebate Fund or the General Revenue Fund in the State Treasury, as appropriate, within 30 days of the first day of each calendar quarter.

On July 1, 1999, the State Comptroller shall transfer the sum of $5,000,000 from the Public Aid Recoveries Trust Fund (formerly the Public Assistance Recoveries Trust Fund) into the DHS Recoveries Trust Fund.

(Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; revised 9-28-99.)

Section 35. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 3.15 as follows:

(320 ILCS 25/3.15) (from Ch. 67 1/2, par. 403.15)
Sec. 3.15. "Covered prescription drug" means (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis, (4) beginning on January 1, 2001, any prescription drug used in the treatment of cancer, (5) beginning on January 1, 2001, any prescription drug used in the treatment of Alzheimer's disease, (6) beginning on January 1, 2001, any prescription drug used in the treatment of Parkinson's disease, (7) beginning on January 1, 2001, any prescription drug used in the treatment of glaucoma, and (8) beginning on January 1, 2001, any prescription drug used in the treatment of lung disease and smoking related illnesses, and (9) beginning on July 1, 2001, any prescription drug used in the treatment of osteoporosis. The specific agents or products to be included under such categories shall be listed in a handbook to be prepared and distributed by the Department. The general types of covered prescription drugs shall be indicated by rule. The Department of Public Health shall promulgate a list of covered prescription drugs under this program that meet the definition of a narrow therapeutic index drug as described in subsection (f) of Section 4.
(Source: P.A. 91-699, eff. 1-1-01.)

Section 40. The Early Intervention Services System Act is amended by changing Sections 11 and 13 as follows:

(325 ILCS 20/11) (from Ch. 23, par. 4161)
Sec. 11. Individualized Family Service Plans. Each eligible infant or toddler and that infant's or toddler's family shall receive:

(a) timely, comprehensive, multidisciplinary assessment of the unique needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify services to meet those needs; and

(b) a written Individualized Family Service Plan developed by a multidisciplinary team

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which includes the parent or guardian.

The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help assure that resources are being used to provide appropriate early intervention services.

The evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

Parents must be informed that, at their discretion, early intervention services shall be provided to each eligible infant and toddler in the natural environment, which may include the home or other community settings. Parents shall make the final decision to accept or decline early intervention services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(325 ILCS 20/13) (from Ch. 23, par. 4163)

Sec. 13. Funding and Fiscal Responsibility. The lead agency and every other participating State agency may receive and expend funds appropriated by the General Assembly to implement the early intervention services system as required by this Act.

The lead agency and each participating State agency shall identify and report on an annual basis to the Council the State agency funds utilized for the provision of early intervention services to eligible infants and toddlers.

Funds provided under Section 633 of the Individuals with Disabilities Education Act (20 United States Code 1433) may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this Act, except whenever considered necessary to prevent delay in receiving appropriate early intervention services by the eligible infant or toddler or family in a timely manner. "Public or private source" includes public and private insurance coverage.

Funds provided under Section 633 of the Individuals with Disabilities Education Act may be used by the lead agency to pay the provider of services pending reimbursement from the appropriate state agency.

Nothing in this Act shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under Title V and Title XIX of the Social Security Act relating to the Maternal Child Health Program and Medicaid for eligible infants and toddlers in this State.

The lead agency shall create a central billing office to receive and dispense all relevant State and federal resources, as well as local government or independent resources available, for early intervention services. This office shall assure that maximum federal resources are utilized and that providers receive funds with minimal duplications or interagency reporting and with consolidated audit procedures.

The lead agency shall also create a system of payments by families, including a schedule of fees. No fees, however, may be charged for: implementing child find, evaluation and assessment, service coordination, administrative and coordination activities related to the development, review, and evaluation of Individualized Family Service Plans, or the implementation of procedural safeguards and other administrative components of the statewide early intervention system.

(Source: P.A. 91-538, eff. 8-13-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT relating to budget implementation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the FY2002 Budget Implementation (State
Finance) Act.
Section 3. Purpose. It is the purpose and subject of this Act to make the changes in State
programs relating to State finance that are necessary to implement the State's FY2002 budget.
Section 5. The Department of Commerce and Community Affairs Law of the Civil
Administrative Code of Illinois is amended by changing Section 605-710 as follows:
(20 ILCS 605/605-710)
Sec. 605-710. Regional tourism development organizations.
(a) The Department may, subject to appropriation, provide contractual funding from the
Tourism Promotion Fund for the administrative costs of not-for-profit regional tourism development
organizations that assist the Department in developing tourism throughout a multi-county
geographical area designated by the Department. Regional tourism development organizations
receiving funds under this Section may be required by the Department to submit to audits of contracts
awarded by the Department to determine whether the regional tourism development organization has
performed all contractual obligations under those contracts.
Every employee of a regional tourism development organization receiving funds under this
Section shall disclose to the organization's governing board and to the Department any economic
interest that employee may have in any entity with which the regional tourism development
organization has contracted or to which the regional tourism development organization has granted
funds.
(b) The Department, from moneys transferred from the General Revenue Fund to the
Tourism Promotion Fund and appropriated from the Tourism Promotion Fund, shall first provide
funding of $5,000,000 annually to a governmental entity with at least 2,000,000 square feet of
exhibition space that has as part of its duties the promotion of cultural, scientific and trade exhibits
and events within a county with a population of more than 3,000,000, to be used for any of the
governmental entity's general corporate purposes.
(Source: P.A. 90-26, eff. 7-1-97; 90-655, eff. 7-30-98; 91-239, eff. 1-1-00.)
Section 7. The Legislative Materials Act is amended by changing Section 1 as follows:
(25 ILCS 105/1) (from Ch. 63, par. 801)
Sec. 1. Fees.
(a) The Clerk of the House of Representatives may establish a schedule of reasonable fees
to be charged for providing copies of daily and bound journals, committee documents, committee
tape recordings, transcripts of committee proceedings, and committee notices, for providing copies
of bills on a continuing or individual basis, and for providing tape recordings and transcripts of floor
debates and other proceedings of the House.
(b) The Secretary of the Senate may establish a schedule of reasonable fees to be charged for
providing copies of daily and bound journals, committee notices, for providing copies of bills on a
continuing or individual basis, and for providing tape recordings and transcripts of floor
debates and other proceedings of the Senate.
(c) The Clerk of the House of Representatives and the Secretary of the Senate may establish
a schedule of reasonable fees to be charged for providing live audio of floor debates and other
proceedings of the House of Representatives and the Senate. The Clerk and the Secretary shall have
complete discretion over the distribution of live audio under this subsection (c), including discretion
over the conditions under which live audio shall be distributed, except that live audio shall be
distributed to the General Assembly and its staffs. Nothing in this subsection (c) shall be construed
to create an obligation on the part of the Clerk or Secretary to provide live audio to any person or
entity other than to the General Assembly and its staffs.
(c-5) The Clerk of the House of Representatives, to the extent authorized by the House Rules,
may establish a schedule of reasonable fees to be charged to members for the preparation, filing, and
reproduction of non-substantive resolutions.

New matter indicated by italics - deletions by strikeout.
(c-10) Through December 31, 2002, the Clerk of the House of Representatives may sell to a member of the House of Representatives one or more of the chairs that comprise member seating in the House chamber. The Clerk must charge the original cost of the chairs.

(c-15) Through December 31, 2002, the Secretary of the Senate may sell to a member of the Senate one or more of the chairs that comprise member seating in the Senate chamber. The Secretary must charge the original cost of the chairs.

(d) Receipts from all fees and charges established under this Section subsections (a), (b), (c), and (c-5) shall be deposited by the Clerk and the Secretary into the General Assembly Operations Revolving Fund, a special fund in the State treasury. Amounts in the Fund may be appropriated for the operations of the offices of the Clerk of the House of Representatives and the Secretary of the Senate, including the replacement of items sold under subsections (c-10) and (c-15).

(Source: P.A. 90-569, eff. 1-28-98.)

Section 10. The Space Needs Act is amended by changing Section 3.06 as follows:

(25 ILCS 125/3.06) (from Ch. 63, par. 223.06)
Sec. 3.06. (a) To review and approve or disapprove all contracts for the repair, rehabilitation, construction or alteration of all State buildings in the Capital complex of buildings in Springfield, Illinois, including all tunnels, power and heating plants and surrounding grounds.

(b) To enter into all necessary contracts for the repair, rehabilitation, construction, or alteration of any portion of a State building in the Capitol complex used or occupied by the legislative branch. The Commission may delegate its authority under this subsection, in whole or in part, to an appropriate construction agency, as defined in the Illinois Procurement Code.

(Source: Laws 1967, p. 4139.)

Section 15. The State Finance Act is amended by changing Sections 6z-43, 6z-45, and 8g and adding Section 6z-51 as follows:

(30 ILCS 105/6z-43)
Sec. 6z-43. Tobacco Settlement Recovery Fund.
(a) There is created in the State Treasury a special fund to be known as the Tobacco Settlement Recovery Fund, into which shall be deposited all monies paid to the State pursuant to (1) the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146) and (2) any settlement with or judgment against any tobacco product manufacturer other than one participating in the Master Settlement Agreement in satisfaction of any released claim as defined in the Master Settlement Agreement, as well as any other monies as provided by law. All earnings on Fund investments shall be deposited into the Fund. Upon the creation of the Fund, the State Comptroller shall order the State Treasurer to transfer into the Fund any monies paid to the State as described in item (1) or (2) of this Section before the creation of the Fund plus any interest earned on the investment of those monies. The Treasurer may invest the moneys in the Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

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

(Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00; 91-797, eff. 6-9-00; revised 6-28-00.)

(30 ILCS 105/6z-45)
Sec. 6z-45. The School Infrastructure Fund.
(a) The School Infrastructure Fund is created as a special fund in the State Treasury. In addition to any other deposits authorized by law, beginning January 1, 2000, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and State Comptroller shall transfer the sum of $5,000,000 from the General Revenue Fund to the School Infrastructure Fund; provided, however, that no such transfers shall be made from July 1, 2001 through June 30, 2002.

New matter indicated by italics - deletions by strikeout.
(b) Subject to the transfer provisions set forth below, money in the School Infrastructure Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of school improvements under the School Construction Law, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose.

In addition to other transfers to the General Obligation Bond Retirement and Interest Fund made pursuant to Section 15 of the General Obligation Bond Act, upon each delivery of bonds issued for construction of school improvements under the School Construction Law, the State Comptroller shall compute and certify to the State Treasurer the total amount of principal of, interest on, and premium, if any, on such bonds during the then current and each succeeding fiscal year.

On or before the last day of each month, the State Treasurer and State Comptroller shall transfer from the School Infrastructure Fund to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on the bonds payable on their next payment date, divided by the number of monthly transfers occurring between the last previous payment date (or the delivery date if no payment date has yet occurred) and the next succeeding payment date.

(c) The surplus, if any, in the School Infrastructure Fund after the payment of principal and interest on that bonded indebtedness then annually due shall, subject to appropriation, be used as follows:

First - to make 3 payments to the School Technology Revolving Loan Fund as follows:
Transfer of $30,000,000 in fiscal year 1999;
Transfer of $20,000,000 in fiscal year 2000; and
Transfer of $10,000,000 in fiscal year 2001.

Second - to pay the expenses of the State Board of Education and the Capital Development Board in administering programs under the School Construction Law, the total expenses not to exceed $1,200,000 in any fiscal year.

Third - to pay any amounts due for grants for school construction projects and debt service under the School Construction Law.

Fourth - to pay any amounts due for grants for school maintenance projects under the School Construction Law.

(Source: P.A. 90-548, eff. 1-1-98; 90-587, eff. 7-1-98; 91-38, eff. 6-15-99; 91-711, eff. 7-1-00.)

Sec. 6z-51. Budget Stabilization Fund.

(a) The Budget Stabilization Fund, a special fund in the State Treasury, shall consist of moneys appropriated or transferred to that Fund, as provided in Section 6z-43 and as otherwise provided by law.

(b) The State Comptroller may direct the State Treasurer to transfer moneys from the Budget Stabilization Fund to the General Revenue Fund in order to meet deficits resulting from timing variations between disbursements and the receipt of funds within a fiscal year. Any moneys so borrowed shall be repaid by June 30 of the fiscal year in which they were borrowed.

Sec. 8g. Transfers from General Revenue Fund.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth

New matter indicated by italics - deletions by strikeout.
Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(c) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2007, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the General Revenue Fund</td>
<td>$8,450,000</td>
</tr>
<tr>
<td>From the Public Utility Fund</td>
<td>1,700,000</td>
</tr>
<tr>
<td>From the Transportation Regulatory Fund.........</td>
<td>2,650,000</td>
</tr>
<tr>
<td>From the Title III Social Security and Employment Fund</td>
<td>3,700,000</td>
</tr>
<tr>
<td>From the Professions Indirect Cost Fund..........</td>
<td>4,050,000</td>
</tr>
<tr>
<td>From the Underground Storage Tank Fund...........</td>
<td>550,000</td>
</tr>
<tr>
<td>From the Agricultural Premium Fund...............</td>
<td>750,000</td>
</tr>
<tr>
<td>From the State Pensions Fund</td>
<td>200,000</td>
</tr>
<tr>
<td>From the Road Fund</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>
Section 20. The Illinois Procurement Code is amended by adding Section 30-43 as follows:

Sec. 30-43. Capitol complex construction.
(a) Any construction agency seeking to award or let a contract for construction or construction-related services relating to a State building within the Capitol complex (as defined in the Space Needs Act) that is used or occupied by the legislative branch, other than for emergency procurement, must give written notice of that intent to the Space Needs Commission at least 30 days before beginning the competitive selection process.
(b) Before making a small purchase or a sole source or emergency procurement of construction or construction-related services relating to a State building within the Capitol complex (as defined in the Space Needs Act) that is used or occupied by the legislative branch, a construction agency must submit to the Procurement Policy Board in writing its reasonings for determination of the procurement as a small purchase or a sole source or emergency procurement. Within 14 business days after receiving a written submission under this subsection, the Procurement Policy Board must review and approve or disapprove the procurement.
(c) This Section does not require any delay in the making of emergency repairs that require immediate action, to the extent necessary to undertake that immediate action.

Section 25. The State Property Control Act is amended by adding Section 15 as follows:

Sec. 15. Items sold to General Assembly members. This Act does not apply to items sold to General Assembly members under subsections (c-10) and (c-15) of Section 1 of the Legislative Materials Act.

Section 30. The Illinois Income Tax Act is amended by changing Section 901 as follows:

Sec. 901. Collection Authority.
(a) In general.
The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid.
(b) Local Governmental Distributive Fund.
Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal

New matter indicated by italics - deletions by strikeout.
to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.


(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event

New matter indicated by italics - deletions by strikeout.
that the amounts in the Homeowners' Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98; 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised 6-28-00.)

Section 35. The Public Utilities Act is amended by changing Section 2-202 as follows:

(220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)
(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this Act in the interests of the People of the State of Illinois and the public utilities as well, the public utilities subject to regulation under this Act and

New matter indicated by italics - deletions by strikeout.
which enjoy the privilege of operating as public utilities in this State, shall bear the expense of administering this Act by means of a tax on such privilege measured by the annual gross revenue of such public utilities in the manner provided in this Section. For purposes of this Section, "expense of administering this Act" includes any costs incident to studies, whether made by the Commission or under contract entered into by the Commission, concerning environmental pollution problems caused or contributed to by public utilities and the means for eliminating or abating those problems. Such proceeds shall be deposited in the Public Utility Fund in the State treasury.

(b) All of the ordinary and contingent expenses of the Commission incident to the administration of this Act shall be paid out of the Public Utility Fund except the compensation of the members of the Commission which shall be paid from the General Revenue Fund. Notwithstanding other provisions of this Act to the contrary, the ordinary and contingent expenses of the Commission incident to the administration of the Illinois Commercial Transportation Law may be paid from appropriations from the Public Utility Fund through the end of fiscal year 1986.

(c) A tax is imposed upon each public utility subject to the provisions of this Act equal to .08% of its gross revenue for each calendar year commencing with the calendar year beginning January 1, 1982, except that the Commission may, by rule, establish a different rate no greater than 0.1%. For purposes of this Section, "gross revenue" shall not include revenue from the production, transmission, distribution, sale, delivery, or furnishing of electricity. "Gross revenue" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(d) Annual gross revenue returns shall be filed in accordance with paragraph (1) or (2) of this subsection (d).

(1) Except as provided in paragraph (2) of this subsection (d), on or before January 10 of each year each public utility subject to the provisions of this Act shall file with the Commission an estimated annual gross revenue return containing an estimate of the amount of its gross revenue for the calendar year commencing January 1 of said year and a statement of the amount of tax due for said calendar year on the basis of that estimate. Public utilities may also file revised returns containing updated estimates and updated amounts of tax due during the calendar year. These revised returns, if filed, shall form the basis for quarterly payments due during the remainder of the calendar year. In addition, on or before February 15 of each year, each public utility shall file an amended return showing the actual amount of gross revenues shown by the company's books and records as of December 31 of the previous year. Forms and instructions for such estimated, revised, and amended returns shall be devised and supplied by the Commission.

(2) Beginning January 1, 1993, the requirements of paragraph (1) of this subsection (d) shall not apply to any public utility in any calendar year for which the total tax the public utility owes under this Section is less than $1,000. For such public utilities with respect to such years, the public utility shall file with the Commission, on or before January 31 of the following year, an annual gross revenue return for the year and a statement of the amount of tax due for that year on the basis of such a return. Forms and instructions for such returns and corrected returns shall be devised and supplied by the Commission.

(e) All returns submitted to the Commission by a public utility as provided in this subsection (e) or subsection (d) of this Section shall contain or be verified by a written declaration by an appropriate officer of the public utility that the return is made under the penalties of perjury. The Commission may audit each such return submitted and may, under the provisions of Section 5-101 of this Act, take such measures as are necessary to ascertain the correctness of the returns submitted. The Commission has the power to direct the filing of a corrected return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return. A taxpayer's signing a fraudulent return under this Section is perjury, as defined in Section 32-2 of the Criminal Code of 1961.

(f) (1) For all public utilities subject to paragraph (1) of subsection (d), at least one quarter of the annual amount of tax due under subsection (c) shall be paid to the Commission on or before the tenth day of January, April, July, and October of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of an amended or corrected return under subsection (d) or subsection (e) of this Section, the amount of any
deficiency shall be paid by the public utility together with the amended or corrected return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess or be refunded to the public utility in accordance with the provisions of subsection (k) of this Section. However, if such deficiency or excess is less than $1, then the public utility need not pay the deficiency and may not claim a credit.

(2) Any public utility subject to paragraph (2) of subsection (d) shall pay the amount of tax due under subsection (c) on or before January 31 next following the end of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of a corrected return under subsection (e), the amount of any deficiency shall be paid by the public utility at the time the corrected return is filed. Any excess tax payment by the public utility shall be returned to it after the filing of a claim for credit, in the form of a credit memorandum in the amount of the excess. However, if such deficiency or excess is less than $1, the public utility need not pay the deficiency and may not claim a credit.

(g) Each installment or required payment of the tax imposed by subsection (c) becomes delinquent at midnight of the date that it is due. Failure to make a payment as required by this Section shall result in the imposition of a late payment penalty, an underestimation penalty, or both, as provided by this subsection. The late payment penalty shall be the greater of:

(1) $25 for each month or portion of a month that the installment or required payment is unpaid or

(2) an amount equal to the difference between what should have been paid on the due date, based upon the most recently filed estimate, and what was actually paid, times 1%, for each month or portion of a month that the installment or required payment goes unpaid. This penalty may be assessed as soon as the installment or required payment becomes delinquent.

The underestimation penalty shall apply to those public utilities subject to paragraph (1) of subsection (d) and shall be calculated after the filing of the amended return. It shall be imposed if the amount actually paid on any of the dates specified in subsection (f) is not equal to at least one-fourth of the amount actually due for the year, and shall equal the greater of:

(1) $25 for each month or portion of a month that the amount due is unpaid or

(2) an amount equal to the difference between what should have been paid, based on the amended return, and what was actually paid as of the date specified in subsection (f), times a percentage equal to 1/12 of the sum of 10% and the percentage most recently established by the Commission for interest to be paid on customer deposits under 83 Ill. Adm. Code 280.70(e)(1), for each month or portion of a month that the amount due goes unpaid, except that no underestimation penalty shall be assessed if the amount actually paid on each of the dates specified in subsection (f) was based on an estimate of gross revenues at least equal to the actual gross revenues for the previous year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The executive director or his designee may excuse the payment of an assessed penalty if he determines that enforced collection of the penalty would be unjust.

(h) All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Public Utility Fund in the State treasury.

(i) During the month of October of each odd-numbered year the Commission shall:

(1) determine the amount of all moneys deposited in the Public Utility Fund during the preceding fiscal biennium plus the balance, if any, in that fund at the beginning of that biennium;

(2) determine the sum total of the following items:

(A) all moneys expended or obligated against appropriations made from the Public Utility Fund during the preceding fiscal biennium, plus (B) the sum of the credit memoranda then outstanding against the Public Utility Fund, if any; and

(3) determine the amount, if any, by which the sum determined as provided in item (1) exceeds the amount determined as provided in item (2).

If the amount determined as provided in item (3) of this subsection exceeds $5,000,000

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$2,500,000, the Commission shall then compute the proportionate amount, if any, which (x) the tax paid hereunder by each utility during the preceding biennium, and (y) the amount paid into the Public Utility Fund during the preceding biennium by the Department of Revenue pursuant to Sections 2-9 and 2-11 of the Electricity Excise Tax Law, bears to the difference between the amount determined as provided in item (3) of this subsection (i) and $5,000,000 $2,500,000. The Commission shall cause the proportionate amount determined with respect to payments made under the Electricity Excise Tax Law to be transferred into the General Revenue Fund in the State Treasury, and notify each public utility that it may file during the 3 month period after the date of notification a claim for credit for the proportionate amount determined with respect to payments made hereunder by the public utility. If the proportionate amount is less than $10, no notification will be sent by the Commission, and no right to a claim exists as to that amount. Upon the filing of a claim for credit within the period provided, the Commission shall issue a credit memorandum in such amount to such public utility. Any claim for credit filed after the period provided for in this Section is void.

(j) Credit memoranda issued pursuant to subsection (f) and credit memoranda issued after notification and filing pursuant to subsection (i) may be applied for the 2 year period from the date of issuance, against the payment of any amount due during that period under the tax imposed by subsection (c), or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other public utility subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(k) The chairman or executive director may make refund of fees, taxes or other charges whenever he shall determine that the person or public utility will not be liable for payment of such fees, taxes or charges during the next 24 months and he determines that the issuance of a credit memorandum would be unjust.

(Source: P.A. 90-561, eff. 8-1-98; 90-562, 12-16-97; 90-655, eff. 7-30-98.)

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

PUBLIC ACT 92-0012
(House Bill No. 1599)

AN ACT regarding Illinois resource development and energy security.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois Resource Development and Energy Security Act.
Section 5. Findings. The General Assembly finds that:
(a) Growth of the State's population and economic base has created a need for new electric generation capacity in Illinois.
(b) Illinois has considerable natural resources that are currently underutilized and could support development of new electric power at an affordable price.
(c) The development of new electric generating capacity is needed if the State is to continue to be successful in attracting new businesses and jobs.
(d) Certain regions of the State, such as Southern Illinois, could benefit greatly from new employment opportunities created by development of electric generating plants utilizing the plentiful supply of Illinois coal.
(e) Technology can be deployed that allows high-sulfur Illinois coal to be burned efficiently while meeting strict State and federal air quality limitations. Specifically, the State of Illinois will encourage the use of advanced clean coal technology, such as coal gasification.
(f) Renewable forms of energy should be promoted as an important element of the energy and environmental policies of the State and it is a goal of the State that at least 5% of the State's energy production and use be derived from renewable forms of energy by 2010 and at least 15% from renewable forms of energy by 2020.

Section 10. Definitions. As used in this Act:
"Department" means the Illinois Department of Commerce and Community Affairs.

New matter indicated by italics - deletions by strikeout.
Section 15. Purpose. The State of Illinois and its people will benefit for many years to come if new electric generating facilities are built that increase the in-State capacity to provide for current and anticipated electricity demand at a competitive price. The purpose of this Act is to enhance the State's energy security by ensuring that: (i) the State's vast and underutilized coal resources are tapped as a fuel source for new electric plants; (ii) the electric transmission system within the State is upgraded to more efficiently distribute additional amounts of electricity; (iii) well-paying jobs are created as new electric plants are built in regions of the State with relatively high unemployment; and (iv) pilot projects are undertaken to explore the capacity of new, often renewable sources of energy to contribute to the State's energy security.

Section 20. Rules. The Department is authorized to adopt rules necessary to administer the requirements of this Act. The Department may implement this Act through the use of emergency rules in accordance with the provisions of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this Act shall be deemed an emergency and necessary for the public interest, safety, and welfare.

Section 905. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by adding Section 605-332 as follows:

(20 ILCS 605/605-332 new)
Sec. 605-332. Financial assistance to energy generation facilities.
(a) As used in this Section:
"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year; and which has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs.

"Eligible business" means an entity that proposes to construct a new electric generating facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new electric generating facility.

"Department" means the Illinois Department of Commerce and Community Affairs.
(b) The Department is authorized to provide financial assistance to eligible businesses for new electric generating facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new electric generating facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. An application shall include, but not be limited to:

(1) the completion date of the new electric generating facility for which financial assistance is sought;
(2) copies of documentation deemed acceptable by the Department establishing the total State occupation and use taxes paid on Illinois-mined coal used at the new electric generating facility for a minimum of 4 preceding calendar quarters; and
(3) the amount of capital investment by the eligible business in the new electric generating facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of capital investment in the energy generation facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section

New matter indicated by italics - deletions by strikeout.
may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new electric generating facility.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new electric generating facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Bureau of the Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.

Section 910. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

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

Sec. 5.5. High Impact Business.

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

(1) such applications may be submitted at any time during the year;
(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) (A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility" for purposes of this Section means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as
(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

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

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of The Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act; and, Section 1d of the Retailers' Occupation Tax Act, provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subsection (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subsection (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 51 of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subsection (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 51 of the Retailers' Occupation Tax Act.

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

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

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

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under The Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

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

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

(Source: P.A. 91-914, eff. 7-7-00.)

Section 912. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-3 as follows:

(20 ILCS 687/6-3)

Sec. 6-3. Renewable energy resources program.

(a) The Department of Commerce and Community Affairs, to be called the "Department" hereinafter in this Law, shall administer the Renewable Energy Resources Program to provide grants, loans, and other incentives to foster investment in and the development and use of renewable energy resources.

(b) The Department shall establish eligibility criteria for grants, loans, and other incentives to foster investment in and the development and use of renewable energy resources. These criteria shall be reviewed annually and adjusted as necessary. The criteria should promote the goal of fostering investment in and the development and use, in Illinois, of renewable energy resources.

(c) The Department shall accept applications for grants, loans, and other incentives to foster investment in and the development and use of renewable energy resources.

(d) To the extent that funds are available and appropriated, the Department shall provide grants, loans, and other incentives to applicants that meet the criteria specified by the Department.

(e) The Department shall conduct an annual study on the use and availability of renewable energy resources in Illinois. Each year, the Department shall submit a report on the study to the General Assembly. This report shall include suggestions for legislation which will encourage the development and use of renewable energy resources.

(f) As used in this Law, "renewable energy resources" includes energy from wind, solar thermal energy, photovoltaic cells and panels, dedicated crops grown for energy production and organic waste biomass, hydropower that does not involve new construction or significant expansion of hydropower dams, and other such alternative sources of environmentally preferable energy. "Renewable energy resources" does not include, however, energy from the incineration, burning or heating of waste wood, tires, garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, or construction or demolition debris.

(g) There is created the Energy Efficiency Investment Fund as a special fund in the State Treasury, to be administered by the Department to support the development of technologies for wind, biomass, and solar power in Illinois. The Department may accept private and public funds, including federal funds, for deposit into the Fund.

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

Section 915. The State Finance Act is amended by adding Sections 5.545, 5.546, and 6z-51
as follows:

(30 ILCS 105/5.545 new)
Sec. 5.545. The Energy Infrastructure Fund.

(30 ILCS 105/5.546 new)
Sec. 5.546. The Energy Efficiency Investment Fund.

(30 ILCS 105/6z-51 new)
Sec. 6z-51. The Energy Infrastructure Fund.

(a) The Energy Infrastructure Fund is created as a special fund in the State treasury.

(b) Money in the Energy Infrastructure Fund shall, if and when the State of Illinois issues any bonded indebtedness for financial assistance to new electric generating facilities, as provided in Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose.

In addition to other transfers to the General Obligation Bond Retirement and Interest Fund made pursuant to Section 15 of the General Obligation Bond Act, upon each delivery of bonds issued for financial assistance to new electric generating facilities under Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, the State Comptroller shall compute and certify to the State Treasurer the total amount of principal and interest, and premium, if any, on such bonds during the then current and each succeeding fiscal year. On or before the last day of each month, the State Treasurer and the State Comptroller shall transfer from the Energy Infrastructure Fund to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on the bonds payable on their next payment date, divided by the number of monthly transfers occurring between the last previous payment date (or the delivery date if no payment date has yet occurred) and the next succeeding payment date.

(c) To the extent that moneys in the Energy Infrastructure Fund, in the opinion of the Governor and the Director of the Bureau of the Budget, are in excess of 125% of the maximum debt service in any fiscal year, such surplus shall, subject to appropriation, be used by the Department of Commerce and Community Affairs for financial assistance under other coal development programs administered by the Department, in accordance with the rules of the Department or for other State purposes subject to appropriation.

Section 918. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)
Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

New matter indicated by italics - deletions by strikeout.
(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

c) Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

c) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.
(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and
   (E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the
New matter indicated by italics - deletions by strikeout.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the
credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(e)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in the Enterprise Zone by the taxpayer; and
   (E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:
   (A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;
   (B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and
   (C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:
   (A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers
Program.
(B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.
(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.
(D) A full-time employee working 30 or more hours per week.
(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.
(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).
(6) The credit shall be available for eligible employees hired on or after January 1, 1986.
(h) Investment credit; High Impact Business.
(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be 5% of the basis for such property. The credit shall not be available until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such minimum investments shall be taken in the taxable year in which such minimum investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.
Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.
(2) The term qualified property means property which:
(A) is tangible, whether new or used, including buildings and structural components of buildings;
(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

New matter indicated by italics - deletions by strikeout.
(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.
(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.
(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.
(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.
(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.
(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).
(i) A credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.
Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsection (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.
(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986, a taxpayer shall be allowed a credit against the tax imposed by subsection (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S taxpayers, and others with a proportionate share of the training expense credit for the taxable year, the tax imposed by subsections (a) and (b) shall be increased by the amount of the credit for training expenses. The credit shall not be allowed for expenses paid or accrued on behalf of dependents of the taxpayer.
corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

(k) Research and development credit.

Beginning with tax years ending after July 1, 1990, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

Unless extended by law, the credit shall not include costs incurred after December 31, 2004, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2004.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action.
pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs. The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and of subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit.

Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this Section claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection;
"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.
"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.
"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.
"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the
parents, a legal guardian, or the legal guardians of the qualifying pupils.
(Source: P.A. 90-123, eff. 7-21-97; 90-458, eff. 8-17-97; 90-605, eff. 6-30-98; 90-655, eff. 7-30-98; 90-717, eff. 8-7-98; 90-792, eff. 1-1-99; 91-9, eff. 1-1-00; 91-357, eff. 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff. 6-22-00; 91-913, eff. 1-1-01; revised 10-24-00.)

Section 920. The Use Tax Act is amended by changing Section 9 as follows:
(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation...
and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department on or before the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarterly reporting period. The amount of such quarterly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarterly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter periods is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for

New matter indicated by italics - deletions by strikeout.
change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal

New matter indicated by italics - deletions by strikeout.
property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser’s name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser’s application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer’s failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

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If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Fund 50% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Fund 50% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.
Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
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<td>1993</td>
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</tr>
<tr>
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<td>58,000,000</td>
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each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant

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Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Section 925. The Service Use Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer.
Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payments by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

If the serviceman is otherwise required to file a monthly return and if the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns

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hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed
to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<tr>
<td>2012</td>
<td>138,000,000</td>
</tr>
<tr>
<td>2013 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.</td>
<td></td>
</tr>
</tbody>
</table>

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the

New matter indicated by italics - deletions by strikeout.
selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photo processing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation. Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

All remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

(Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00.)

Section 930. The Service Occupation Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as
a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

A serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarterly annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.
The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys.
received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<td>138,000,000</td>
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<tr>
<td>2013 and</td>
<td>145,000,000</td>
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<tr>
<td>each fiscal year thereafter that bonds</td>
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are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the two amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, payroll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

New matter indicated by italics - deletions by strikeout.
(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00.)

Section 935. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section...
A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a
given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in...
allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the
tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken
with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department
under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act,
excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act,
was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with
the Department each month by the 20th day of the month next following the month during which
such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th,
22nd and last day of the month during which such liability is incurred. On and after October 1, 2000,
if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the
Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales
tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the
preceding 4 complete calendar quarters, he shall file a return with the Department each month by
the 20th day of the month next following the month during which such tax liability is incurred and shall
make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during
which such liability is incurred. If the month during which such tax liability is incurred began prior
to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability
for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability
of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the
month of highest liability and the month of lowest liability in such 4 quarter period). If the month
during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1,
1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the
month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the
month during which such tax liability is incurred begins on or after January 1, 1987 and prior to
January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability
for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year.
If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior
to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal
to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year. If the month during which such tax liability is incurred begins
on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal
to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter
monthly reporting period. The amount of such quarter monthly payments shall be credited against
the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable,
the requirement of the making of quarter monthly payments to the Department by taxpayers having
an average monthly tax liability of $10,000 or more as determined in the manner provided above
shall continue until such taxpayer's average monthly liability to the Department during the preceding
4 complete calendar quarters (excluding the month of highest liability and the month of lowest
liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as
computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than
$10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's
business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for
the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for

New matter indicated by italics - deletions by strikeout.
a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass
Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 6.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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<tr>
<td>1988</td>
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<tr>
<td>1989</td>
<td>$88,510,000</td>
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<tr>
<td>1990</td>
<td>$115,330,000</td>
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<tr>
<td>1991</td>
<td>$145,470,000</td>
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<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
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</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act.
Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
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<tr>
<td>1994</td>
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<tr>
<td>2011</td>
<td>132,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>138,000,000</td>
</tr>
<tr>
<td>2013 and</td>
<td>145,000,000</td>
</tr>
</tbody>
</table>
| each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% New matter indicated by italics - deletions by strikeout.
of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department

New matter indicated by italics - deletions by strikeout.
of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 1-15-01.)

Section 940. The Property Tax Code is amended by changing Section 18-165 as follows:

(35 ILCS 200/18-165)
Sec. 18-165. Abatement of taxes.
(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:
(1) Commercial and industrial.
(A) The property of any commercial or industrial firm, including but not limited to the property of (i) any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility, or (ii) any firm that is used for the generation and transmission of electricity locating within the taxing district during the immediately preceding year or expanding its presence within the taxing district during the immediately preceding year by construction of a new electric generating facility that uses natural gas as its fuel, or any firm that is used for production operations at a new, expanded, or reopened coal mine within the taxing district, that has been certified as a High Impact Business by the Illinois Department of Commerce and Community Affairs. The property of any firm used for the generation and transmission of electricity shall include all property of the firm used for transmission

New matter indicated by italics - deletions by strikeout.
facilities as defined in Section 5.5 of the Illinois Enterprise Zone Act. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000.

(A-5) Any property in the taxing district of a new electric generating facility, as defined in Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois. The abatement shall not exceed a period of 10 years. The abatement shall be subject to the following limitations:

(i) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $25,000,000 but less than $50,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 5% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 20% of the taxing district's taxes from the new electric generating facility;

(ii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $50,000,000 but less than $75,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 10% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 35% of the taxing district's taxes from the new electric generating facility;

(iii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $75,000,000 but less than $100,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 20% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 50% of the taxing district's taxes from the new electric generating facility;

(iv) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $100,000,000 but less than $125,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 30% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(v) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $125,000,000 but less than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 40% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(vi) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 50% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility.

The abatement is not effective unless the owner of the new electric generating facility agrees to repay to the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the owner of the new electric generating facility closes the new electric generating facility before the expiration of the entire term of the abatement.

The authorization of taxing districts to abate taxes under this subdivision (a)(1)(A-5) expires on January 1, 2010.

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not
(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that (i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2000, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.

(Source: P.A. 90-46, eff. 7-3-97; 90-415, eff. 8-15-97; 90-568, eff. 1-1-99; 90-655, eff. 7-30-98; 91-644, eff. 8-20-99; 91-885, eff. 7-6-00.)

Section 945. The Public Utilities Act is amended by changing Sections 9-222, 9-222.1A, and 16-126 as follows:

(220 ILCS 5/9-222) (from Ch. 111 2/3, par. 9-222)

Sec. 9-222. Whenever a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption pursuant to Section 2 of the Gas Revenue Tax Act, or whenever a tax is required to be collected by a delivering supplier pursuant to Section 2-7 of the Electricity Excise Tax Act, or whenever a tax is imposed upon a public utility pursuant to Section 2-202 of this Act, such utility may charge its customers, other than customers who are high impact businesses under Section 5.5 of the Illinois Enterprise Zone Act, or certified business enterprises under Section 9-222.1 of this Act, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the total amount of such taxes. The exemption of this Section relating to

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high impact businesses shall be subject to the provisions of subsections (a), and (b), and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act. This requirement shall not apply to taxes on invested capital imposed pursuant to the Messages Tax Act, the Gas Revenue Tax Act and the Public Utilities Revenue Act. Such utility shall file with the Commission a supplemental schedule which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have the power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission. Except with respect to taxes imposed on invested capital, such tax liabilities shall be recovered from customers solely by means of the additional charges authorized by this Section.

(Source: P.A. 91-914, eff. 7-7-00.)

(220 ILCS 5/9-222.1A)
Sec. 9-222.1A. High impact business. Beginning on August 1, 1998 and thereafter, a business enterprise that is certified as a High Impact Business by the Department of Commerce and Community Affairs is exempt from the tax imposed by Section 2-4 of the Electricity Excise Tax Law, if the High Impact Business is registered to self-assess that tax, and is exempt from any additional charges added to the business enterprise's utility bills as a pass-on of State utility taxes under Section 9-222 of this Act, to the extent the tax or charges are exempted by the percentage specified by the Department of Commerce and Community Affairs for State utility taxes, provided the business enterprise meets the following criteria:

1. (A) it intends either (i) to make a minimum eligible investment of $12,000,000 that will be placed in service in qualified property in Illinois and is intended to create at least 500 full-time equivalent jobs at a designated location in Illinois; or (ii) to make a minimum eligible investment of $30,000,000 that will be placed in service in qualified property in Illinois and is intended to retain at least 1,500 full-time equivalent jobs at a designated location in Illinois; or
2. it meets the criteria of subdivision (a)(3)(B), (a)(3)(C), or (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act;
3. it is designated as a High Impact Business by the Department of Commerce and Community Affairs;
4. it is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this Section. The Department of Commerce and Community Affairs shall determine the period during which the exemption from the Electricity Excise Tax Law and the charges imposed under Section 9-222 are in effect, which shall not exceed 20 years from the date of initial certification, and shall specify the percentage of the exemption from those taxes or additional charges.

The Department of Commerce and Community Affairs is authorized to promulgate rules and regulations to carry out the provisions of this Section, including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments that business enterprises must make in order to receive State utility tax exemptions or exemptions from the additional charges imposed under Section 9-222 and this Section; to approve such utility tax exemptions for business enterprises whose investments are not yet placed in service; and to require that business enterprises granted tax exemptions or exemptions from additional charges under Section 9-222 repay the exempted amount if the business enterprise fails to comply with the terms and conditions of the certification.

Upon certification of the business enterprises by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the tax or pass-on charges of State utility taxes.

New matter indicated by italics - deletions by strikeout.
The exemption status shall take effect within 3 months after certification of the business enterprise.
(Source: P.A. 91-914, eff. 7-7-00.)

Sec. 16-126. Membership in an independent system operator.
(a) The General Assembly finds that the establishment of one or more independent system operators or their functional equivalents is required to facilitate the development of an open and efficient marketplace for electric power and energy to the benefit of Illinois consumers. Therefore, each Illinois electric utility owning or controlling transmission facilities or providing transmission services in Illinois and that is a member of the Mid-American Interconnected Network as of the effective date of this amendatory Act of 1997 shall submit for approval to the Federal Energy Regulatory Commission an application for establishing or joining an independent system operator that shall:

1. independently manage and control transmission facilities of any electric utility;
2. provide for nondiscriminatory access to and use of the transmission system for buyers and sellers of electricity;
3. direct the transmission activities of the control area operators;
4. coordinate, plan, and order the installation of new transmission facilities;
5. adopt inspection, maintenance, repair, and replacement standards for the transmission facilities under its control and direct maintenance, repair, and replacement of all facilities under its control; and
6. implement procedures and act to assure the provision of adequate and reliable service.

These standards shall be consistent with reliability criteria no less stringent than those established by the Mid-American Interconnected Network and the North American Electric Reliability Council or their successors.

(b) The requirements of this Section may be met by joining or establishing a regional independent system operator that meets the criteria enumerated in subsections (a), (c), and (d) of this Section, as determined by the Commission. To achieve the objectives set forth in subsection (a), the State of Illinois, through the appropriate officers, departments, and agencies, shall work cooperatively with the appropriate officials and agencies of those States contiguous to this State and the Federal Energy Regulatory Commission towards the formation of one or more regional independent system operators.

(c) The independent system operator's governance structure must be fair and nondiscriminatory, and the independent system operator must be independent of any one market participant or class of participants. The independent system operator's rules of governance must prevent control, or the appearance of control, of decision-making by any class of participants.

(d) Participants in the independent system operator shall make available to the independent system operator all information required by the independent system operator in performance of its functions described herein. The independent system operator and the electric utilities participating in the independent system operator shall make all filings required by the Federal Energy Regulatory Commission. The independent system operator shall ensure that additional filings at the Federal Energy Regulatory Commission request confirmation of the relevant provisions of this amendatory Act of 1997.

(e) If a spot market, exchange market, or other market-based mechanism providing transparent real-time market prices for electric power has not been developed, the independent system operator or a closely cooperating agent of the independent system operator may provide an efficient competitive power exchange auction for electric power and energy, open on a nondiscriminatory basis to all suppliers, which meets the loads of all auction customers at efficient prices.

(f) For those electric utilities referred to in subsection (a) which have not filed with the Federal Energy Regulatory Commission by June 30, 1998 an application for establishment or participation in an independent system operator or if such application has not been approved by the Federal Energy Regulatory Commission by March 31, 1999, a 5 member Oversight Board shall be formed. The Oversight Board shall (1) oversee the creation of an Illinois independent system operator and (2) determine the composition and initial terms of service of, and appoint the initial members of,
the Illinois independent system operator board of directors. The Oversight Board shall consist of the following: (1) 3 persons appointed by the Governor; (2) one person appointed by the Speaker of the House of Representatives; and (3) one person appointed by the President of the Senate. The Oversight Board shall take the steps that are necessary to ensure the earliest possible incorporation of an Illinois independent system operator under the Business Corporation Act of 1983, and shall serve until the Illinois independent system operator is incorporated.

(g) After notice and hearing, the Commission shall require each electric utility referred to in subsection (a), that is not participating in an independent system operator meeting the requirements of subsections (a) and (c), to seek authority from the Federal Energy Regulatory Commission to transfer functional control of transmission facilities to the Illinois independent system operator for control by the Illinois independent system operator consistent with the requirements of subsection (a). Upon approval by the Federal Energy Regulatory Commission, electric utilities may also elect to transfer ownership of transmission facilities to the Illinois independent system operator. Nothing in this Act shall be deemed to preclude the Illinois independent system operator from (1) seeking authority, as necessary, to merge with or otherwise combine its operations with those of one or more other entities authorized to provide transmission services, (2) purchasing or leasing transmission assets from transmission-owning entities not required by this Section to lease transmission facilities to the Illinois independent system operator, or (3) operating as a transmission public utility under the Federal Power Act.

(h) Any other owner of transmission facilities in Illinois not required by this Section to participate in an independent system operator shall be permitted, but not required, to become a member of the Illinois independent system operator.

(i) The Illinois independent system operator created under this Section, and any other independent system operator authorized by the Federal Energy Regulatory Commission to provide transmission services as a public utility under the Federal Power Act within the State of Illinois, shall be deemed to be a public utility for purposes of Section 8-503 and 8-509 of this Act. An independent system operator or regional transmission organization that is the subject of an order entered by the Commission under Section 8-503 need not possess a certificate of service authority under Section 8-406 in order to be authorized to take the actions set forth in Section 8-509.

(j) Electric utilities referred to in subsection (a) may withdraw from the Illinois independent system operator upon becoming a member of an independent system operator or operators conforming with the criteria in subsections (a) and (c) and whose formation and operation has been approved by the Federal Energy Regulatory Commission. This subsection does not relieve any electric utility of any obligations under Federal law.

(k) Nothing in this Section shall be construed as imposing any requirements or obligations that are in conflict with federal law.

(l) A regional transmission organization created under the rules of the Federal Energy Regulatory Commission shall be considered to be the functional equivalent of an independent system operator for purposes of this Section, and an electric utility shall be deemed to meet its obligations under this Section through membership in a regional transmission organization that fulfills the requirements of an independent system operator under this Section.

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

Section 950. The Environmental Protection Act is amended by changing Section 9.9 and adding Section 9.10 as follows:

(415 ILCS 5/9.9)
Sec. 9.9. Nitrogen oxides trading system.
(a) The General Assembly finds:
   (1) That USEPA has issued a Final Rule published in the Federal Register on October 27, 1998, entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone", hereinafter referred to as the "NOx SIP Call", compliance with which will require reducing emissions of nitrogen oxides ("NOx");
   (2) That reducing emissions of NOX in the State helps the State to meet the national ambient air quality standard for ozone;
   (3) That emissions trading is a cost-effective means of obtaining reductions of NOx
emissions.

(b) The Agency shall propose and the Board shall adopt regulations to implement an interstate NOx trading program (hereinafter referred to as the "NOx Trading Program") as provided for in 40 CFR Part 96, including incorporation by reference of appropriate provisions of 40 CFR Part 96 and regulations to address 40 CFR Section 96.4(b), Section 96.55(c), Subpart E, and Subpart I. In addition, the Agency shall propose and the Board shall adopt regulations to implement NOx emission reduction programs for cement kilns and stationary internal combustion engines.

(c) Allocations of NOx allowances to large electric generating units ("EGUs") and large non-electric generating units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall not exceed the State's trading budget for those source categories to be included in the State Implementation Plan for NOx.

(d) In adopting regulations to implement the NOx Trading Program, the Board shall:

(1) assure that the economic impact and technical feasibility of NOx emissions reductions under the NOx Trading Program are considered relative to the traditional regulatory control requirements in the State for EGUs and non-EGUs;

(2) provide that emission units, as defined in Section 39.5(1) of this Act, may opt into the NOx Trading Program;

(3) provide for voluntary reductions of NOx emissions from emission units, as defined in Section 39.5(1) of this Act, not otherwise included under paragraph (c) or (d)(2) of this Section to provide additional allowances to EGUs and non-EGUs to be allocated by the Agency. The regulations shall further provide that such voluntary reductions are verifiable, quantifiable, permanent, and federally enforceable;

(4) provide that the Agency allocate to non-EGUs allowances that are designated in the rule, unless the Agency has been directed to transfer the allocations to another unit subject to the requirements of the NOx Trading Program, and that upon shutdown of a non-EGU, the unit may transfer or sell the NOx allowances that are allocated to such unit; and

(5) provide that the Agency shall set aside annually a number of allowances, not to exceed 5% of the total EGU trading budget, to be made available to new EGUs.

(A) Those EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, at a time that is more than half way through the control period in 2003 shall return to the Agency any allowances that were issued to it by the Agency and were not used for compliance in 2004.

(B) The Agency may charge EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, on or after January 1, 2003, for the allowances it issues to them.

(e) The Agency may adopt procedural rules, as necessary, to implement the regulations promulgated by the Board pursuant to subsections (b) and (d) and to implement subsection (i) of this Section.

(f) Notwithstanding any provisions in subparts T, U, and W of Section 217 of Title 35 of the Illinois Administrative Code to the contrary, compliance with the regulations promulgated by the Board pursuant to subsections (b) and (d) of this Section is required by May 31, 2004. The regulations promulgated by the Board pursuant to subsections (b) and (d) of this Section shall not be enforced until the later of May 1, 2003, or the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NOx SIP Call that are located in USEPA Region V or that are contiguous to Illinois have adopted regulations to implement NOx trading programs and other required reductions of NOx emissions pursuant to the NOx SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective for such other states.

(g) To the extent that a court of competent jurisdiction finds a provision of 40 CFR Part 96 invalid, the corresponding Illinois provision shall be stayed until such provision of 40 CFR Part 96 is found to be valid or is re-promulgated. To the extent that USEPA or any court of competent jurisdiction stays the applicability of any provision of the NOx SIP Call to any person or circumstance relating to Illinois, during the period of that stay, the effectiveness of the corresponding Illinois provision shall be stayed. To the extent that the invalidity of the particular requirement or application does not affect other provisions or applications of the NOx SIP Call pursuant to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR Part 96 or 40 CFR Part 97, this Section, and
rules or regulations promulgated hereunder, will be given effect without the invalid provisions or applications.

(h) Notwithstanding any other provision of this Act, any source or other authorized person that participates in the NOx Trading Program shall be eligible to exchange NOx allowances with other sources in accordance with this Section and with regulations promulgated by the Board or the Agency.

(i) There is hereby created within the State Treasury an interest-bearing special fund to be known as the NOx Trading System Fund, which shall be used and administered by the Agency for the purposes stated below:

(1) To accept funds from persons who purchase NOx allowances from the Agency;
(2) To disburse the proceeds of the NOx allowances sales pro-rata to the owners or operators of the EGUs that received allowances from the Agency but not from the Agency's set-aside, in accordance with regulations that may be promulgated by the Agency; and
(3) To finance the reasonable costs incurred by the Agency in the administration of the NOx Trading System.

(Source: P.A. 91-631, eff. 8-19-99.)

(415 ILCS 5/9.10 new)
Sec. 9.10. Fossil fuel-fired electric generating plants.
(a) The General Assembly finds and declares that:

(1) fossil fuel-fired electric generating plants are a significant source of air emissions in this State and have become the subject of a number of important new studies of their effects on the public health;
(2) existing state and federal policies, that allow older plants that meet federal standards to operate without meeting the more stringent requirements applicable to new plants, are being questioned on the basis of their environmental impacts and the economic distortions such policies cause in a deregulated energy market;
(3) fossil fuel-fired electric generating plants are, or may be, affected by a number of regulatory programs, some of which are under review or development on the state and national levels, and to a certain extent the international level, including the federal acid rain program, tropospheric ozone, mercury and other hazardous pollutant control requirements, regional haze, and global warming;
(4) scientific uncertainty regarding the formation of certain components of regional haze and the air quality modeling that predict impacts of control measures requires careful consideration of the timing of the control of some of the pollutants from these facilities, particularly sulfur dioxides and nitrogen oxides that each interact with ammonia and other substances in the atmosphere;
(5) the development of energy policies to promote a safe, sufficient, reliable, and affordable energy supply on the state and national levels is being affected by the ongoing deregulation of the power generation industry and the evolving energy markets;
(6) the Governor's formation of an Energy Cabinet and the development of a State energy policy calls for actions by the Agency and the Board that are in harmony with the energy needs and policy of the State, while protecting the public health and the environment;
(7) Illinois coal is an abundant resource and an important component of Illinois' economy whose use should be encouraged to the greatest extent possible consistent with protecting the public health and the environment;
(8) renewable forms of energy should be promoted as an important element of the energy and environmental policies of the State and that it is a goal of the State that at least 5% of the State's energy production and use be derived from renewable forms of energy by 2010 and at least 15% from renewable forms of energy by 2020;
(9) efforts on the state and federal levels are underway to consider the multiple environmental regulations affecting electric generating plants in order to improve the ability of government and the affected industry to engage in effective planning through the use of multi-pollutant strategies; and
(10) these issues, taken together, call for a comprehensive review of the impact of these facilities on the public health, considering also the energy supply, reliability, and costs, the
role of renewable forms of energy, and the developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(b) Taking into account the findings and declarations of the General Assembly contained in subsection (a) of this Section, the Agency shall, before September 30, 2004, but not before September 30, 2003, issue to the House and Senate Committees on Environment and Energy findings that address the potential need for the control or reduction of emissions from fossil fuel-fired electric generating plants, including the following provisions:

1. reduction of nitrogen oxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

2. reduction of sulfur dioxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

3. incentives to promote renewable sources of energy consistent with item (8) of subsection (a) of this Section;

4. reduction of mercury as appropriate, consideration of the availability of control technology, industry practice requirements, or incentive programs, or some combination of these approaches that are sufficient to prevent unacceptable local impacts from individual facilities and with consideration of the developments in federal law and regulations that may affect any state action, prior to making final decisions in Illinois; and

5. establishment of a banking system, consistent with the United States Department of Energy's voluntary reporting system, for certifying credits for voluntary offsets of emissions of greenhouse gases, as identified by the United States Environmental Protection Agency, or other voluntary reductions of greenhouse gases. Such reduction efforts may include, but are not limited to, carbon sequestration, technology-based control measures, energy efficiency measures, and the use of renewable energy sources.

The Agency shall consider the impact on the public health, considering also energy supply, reliability and costs, the role of renewable forms of energy, and developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(c) Nothing in this Section is intended to or should be interpreted in a manner to limit or restrict the authority of the Illinois Environmental Protection Agency to propose, or the Illinois Pollution Control Board to adopt, any regulations applicable or that may become applicable to the facilities covered by this Section that are required by federal law.

(d) The Agency may file proposed rules with the Board to effectuate its findings provided to the Senate Committee on Environment and Energy and the House Committee on Environment and Energy in accordance with subsection (b) of this Section. Any such proposal shall not be submitted sooner than 90 days after the issuance of the findings provided for in subsection (b) of this Section. The Board shall take action on any such proposal within one year of the Agency's filing of the proposed rules.

(e) This Section shall apply only to those electrical generating units that are subject to the provisions of Subpart W of Part 217 of Title 35 of the Illinois Administrative Code, as promulgated by the Illinois Pollution Control Board on December 21, 2000.

Section 955. The Illinois Development Finance Authority Act is amended by adding Section 7.90 as follows:

Sec. 7.90. Clean Coal and Energy Project Financing.

(a) Findings and declaration of policy. It is hereby found and declared that Illinois has abundant coal resources and, in some areas of Illinois, the demand for power exceeds the generating capacity. Incentives to encourage the construction of coal-fired electric generating plants in Illinois to ensure power-generating capacity into the future are in the best interests of all of the citizens of Illinois. The Authority is authorized to issue bonds to help finance Clean Coal and Energy projects pursuant to this Section and under this Act.

(b) Definition. "Clean Coal and Energy projects" means new electric generating facilities,
New matter indicated by italics - deletions by strikeout.
AN ACT concerning general obligation bonds.

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

Section 5. The General Obligation Bond Act is amended by changing Sections 1, 2, 3, 4, 6, and 7 as follows:

(30 ILCS 330/1) (from Ch. 127, par. 651)
Sec. 1. Short Title. This Act shall be known and may be cited as the "General Obligation Bond Act". (Source: P.A. 83-1490.)

(30 ILCS 330/2) (from Ch. 127, par. 652)
Sec. 2. Authorization for Bonds. The State of Illinois is authorized to issue, sell and provide for the retirement of General Obligation Bonds of the State of Illinois for the categories and specific purposes expressed in Sections 2 through 8 of this Act, in the total amount of $15,265,000,000.
The bonds authorized in this Section 2 and in Section 16 of this Act are herein called "Bonds".

Of the total amount of Bonds authorized in this Act, up to $2,200,000,000 in aggregate original principal amount may be issued and sold in accordance with the Baccalaureate Savings Act in the form of General Obligation College Savings Bonds.

Of the total amount of Bonds authorized in this Act, up to $300,000,000 in aggregate original principal amount may be issued and sold in accordance with the Retirement Savings Act in the form of General Obligation Retirement Savings Bonds.
The issuance and sale of Bonds pursuant to the General Obligation Bond Act is an economical and efficient method of financing the capital needs of the State. This Act will permit the issuance of a multi-purpose General Obligation Bond with uniform terms and features. This will not only lower the cost of registration but also reduce the overall cost of issuing debt by improving the marketability of Illinois General Obligation Bonds. (Source: P.A. 90-1, eff. 2-20-97; 90-8, eff. 12-8-97; 90-549, eff. 12-8-97; 90-586, eff. 6-4-98; 91-39, eff. 6-15-99; 91-53, eff 6-30-99; 91-710, eff. 5-17-00.)

(30 ILCS 330/3) (from Ch. 127, par. 653)
Sec. 3. Capital Facilities. The amount of $6,626,093,492 is authorized to be used for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning and installation of capital facilities within the State, consisting of buildings, structures, durable equipment, land, and interests in land for the following specific purposes:

(a) $1,880,077,346 for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act;
(b) $1,584,450,168 for correctional purposes at State prison and correctional centers;
(c) $496,685,786 for open spaces, recreational and conservation purposes and the protection of land;
(d) $556,926,486 for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses;
(e) $1,290,153,341 for use by the State, its departments, authorities, public corporations, commissions and agencies;
(f) $818,100 for cargo handling facilities at port districts and for breakwaters, including
harbor entrances, at port districts in conjunction with facilities for small boats and pleasure crafts;

(g) $198,657,796 for water resource management projects;
(h) $16,940,269 for the provision of facilities for food production research and related instructional and public service activities at the State universities and public community colleges;
(i) $36,000,000 for grants by the Secretary of State, as State Librarian, for central library facilities authorized by Section 8 of the Illinois Library System Act and for grants by the Capital Development Board to units of local government for public library facilities;
(j) $25,000,000 for the acquisition, development, construction, reconstruction, improvement, financing, architectural planning and installation of capital facilities consisting of buildings, structures, durable equipment and land for grants to counties, municipalities or public building commissions with correctional facilities that do not comply with the minimum standards of the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections;
(k) $5,000,000 for grants in fiscal year 1988 by the Department of Conservation for improvement or expansion of aquatic facilities located on property owned by a park district;
(l) $367,584,200 to State agencies for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land; and
(m) $167,800,000 for the Illinois Open Land Trust Program as defined by the Illinois Open Land Trust Act.

The amounts authorized above for capital facilities may be used for the acquisition, installation, alteration, construction, or reconstruction of capital facilities and for the purchase of equipment for the purpose of major capital improvements which will reduce energy consumption in State buildings or facilities.

(30 ILCS 330/4) (from Ch. 127, par. 654)

Sec. 4. Transportation. The amount of $5,313,399,000 for use by the Department of Transportation for the specific purpose of promoting and assuring rapid, efficient, and safe highway, air and mass transportation for the inhabitants of the State by providing monies, including the making of grants and loans, for the acquisition, construction, reconstruction, extension and improvement of the following transportation facilities and equipment, and for the acquisition of real property and interests in real property required or expected to be required in connection therewith as follows:

(a) $3,432,129,000 for use statewide,
(b) $1,529,670,000 for rail facilities and for mass transit facilities, as defined in Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), including rapid transit, rail, bus and other equipment used in connection therewith by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide and promote public transportation within the State or two or more of the foregoing jointly, for the following specific purposes:

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(1) $1,433,870,000 statewide,
(2) $83,350,000 for use within the counties of Cook, DuPage, Kane, Lake, McHenry and Will,
(3) $12,450,000 for use outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will.
(c) $351,600,000 for airport or aviation facilities and any equipment used in connection therewith, including engineering and land acquisition costs, by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State, or two or more of the foregoing acting jointly, and for the making of deposits into the Airport Land Loan Revolving Fund for loans to public airport owners pursuant to the Illinois Aeronautics Act.
(Source: P.A. 90-8, eff. 12-8-97 (changed from 6-1-98 by P.A. 90-549); 90-586, eff. 6-4-98; 91-39, eff. 6-15-99; 91-239, eff. 1-1-00; 91-712, eff. 7-1-00.)
(30 ILCS 330/6) (from Ch. 127, par. 656)
Sec. 6. Anti-Pollution.
(a) The amount of $281,815,000 is authorized for allocation by the Environmental Protection Agency for grants or loans to units of local government in such amounts, at such times and for such purpose as the Agency deems necessary or desirable for the planning, financing, and construction of municipal sewage treatment works and solid waste disposal facilities and for making of deposits into the Water Revolving Fund and the U.S. Environmental Protection Fund to provide assistance in accordance with the provisions of Title IV-A of the Environmental Protection Act.
(b) The amount of $160,500,000 is authorized for allocation by the Environmental Protection Agency for payment of claims submitted to the State and approved for payment under the Leaking Underground Storage Tank Program established in Title XVI of the Environmental Protection Act.
(Source: P.A. 90-1, eff. 2-20-97; 90-8, eff. 12-8-97; 90-549, eff. 12-8-97; 90-586, eff. 6-4-98; 91-39, eff. 6-15-99; 91-710, eff. 5-17-00.)
(30 ILCS 330/7) (from Ch. 127, par. 657)
Sec. 7. Coal and Energy Development. The amount of $663,200,000 is authorized to be used by the Department of Commerce and Community Affairs for coal and energy development purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois Coal and Energy Development Bond Act, and for the purposes specified in Section 8.1 of the Energy Conservation and Coal Development Act, and for the purposes specified in Section 605-332 of the Department of Commerce and Community Affairs of the Civil Administrative Code of Illinois. Of this amount:
   (a) $115,000,000 is for the specific purposes of acquisition, development, construction, reconstruction, improvement, financing, architectural and technical planning and installation of capital facilities consisting of buildings, structures, durable equipment, and land for the purpose of capital development of coal resources within the State and for the purposes specified in Section 8.1 of the Energy Conservation and Coal Development Act;
   (b) $35,000,000 is for the purposes specified in Section 8.1 of the Energy Conservation and Coal Development Act and making a grant to the owner of a generating station located in Illinois and having at least three coal-fired generating units with accredited summer capability greater than 500 megawatts each at such generating station as provided in Section 6 of that Bond Act; and
   (c) $13,200,000 is for research, development and demonstration of forms of energy other than that derived from coal, either on or off State property; and
   (d) $500,000,000 is for the purpose of providing financial assistance to new electric generating facilities as provided in Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.
(Source: P.A. 89-445, eff. 2-7-96; 90-312, eff. 8-1-97; 90-549, eff. 12-8-97.)
Section 99. Effective date. This Act takes effect upon becoming law.
PUBLIC ACT 92-0014

(General Assembly Bill No. 0250)

AN ACT in relation to public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Sections 14-103.05, 14-104.6, 14-106, 14-108, 14-110, 14-114, 14-133, 16-106, and 16-131.6 and adding Section 14-108.2c as follows:

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to: (1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;
(2) incumbents of offices normally filled by vote of the people;
(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;
(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;
(5) an employee of a municipality or any other political subdivision of the State;
(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;
(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;
(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;
(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory

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Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons; (10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or (11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher.

(Source: P.A. 89-246; eff. 8-4-95; 89-445, eff. 2-7-96; 90-448, eff. 8-16-97.)

(40 ILCS 5/14-104.6) (from Ch. 108 1/2, par. 14-104.6)
Sec. 14-104.6. Service transferred from Article 16. Service also includes the following:
(a) Any period as a teacher employed by the Department of Corrections for which credit was established under Article 16 of this Code, subject to the following conditions: (1) the credits accrued for such employment under Article 16 have been transferred to this System; and (2) the participant has contributed to this System an amount equal to (A) employee contributions at the rate in effect for noncoordinated eligible creditable service at the date of membership in this System, based upon the salary in effect during such period of service, plus (B) the employer's share of the normal cost under this System for each year that credit is being established, based on the salary in effect during such period of service, plus (C) regular interest, compounded annually, from July 1, 1987 to the date of payment, less (D) the amount transferred on behalf of the participant under Section 16-131.6.

(b) Any period as a security employee of the Department of Human Services, as defined in Section 14-110, for which credit was established under Article 16 of this Code, subject to the following conditions: (1) the credits accrued for that employment under Article 16 have been transferred to this System; and (2) the participant has contributed to this System an amount equal to (A) employee contributions at the rate in effect for noncoordinated eligible creditable service at the date of membership in this System, based upon the salary in effect during the period of service, plus (B) the employer's share of the normal cost under this System for each year that credit is being established, based on the salary in effect during the period of service, plus (C) regular interest, compounded annually, from July 1, 2001 to the date of payment, less (D) the amount transferred on behalf of the participant under Section 16-131.6.

(c) Credit established under this Section shall be deemed noncoordinated eligible creditable service as defined in Section 14-110.
(Source: P.A. 86-1488; 87-794.)

(40 ILCS 5/14-106) (from Ch. 108 1/2, par. 14-106)
Sec. 14-106. Membership service credit.
(a) After January 1, 1944, all service of a member since he last became a member with respect to which contributions are made shall count as membership service; provided, that for service on and after July 1, 1950, 12 months of service shall constitute a year of membership service, the completion of 15 days or more of service during any month shall constitute 1 month of membership service, 8 to 15 days shall constitute 1/2 month of membership service and less than 8 days shall constitute 1/4 month of membership service. The payroll record of each department shall constitute conclusive evidence of the record of service rendered by a member.

(b) For a member who is employed and paid on an academic-year basis rather than on a 12-month annual basis, employment for a full academic year shall constitute a full year of membership service, except that the member shall not receive more than one year of membership service credit (plus any additional service credit granted for unused sick leave) for service during any 12-month period. This subsection (b) applies to all such service for which the member has not begun to receive a retirement annuity before January 1, 2001.

(c) A member shall be entitled to additional service credit, under rules prescribed by the Board, for accumulated unused sick leave credited to his account in the last Department on the date of withdrawal from service or for any period for which he would have been eligible to receive benefits under a sick pay plan authorized by law, if he had suffered a sickness or accident on the date of withdrawal from service. It shall be the responsibility of the last Department to certify to the Board
the length of time salary or benefits would have been paid to the member based upon the accumulated unused sick leave or the applicable sick pay plan if he had become entitled thereto because of sickness on the date that his status as an employee terminated. This period of service credit granted under this paragraph shall not be considered in determining the date the retirement annuity is to begin, or final average compensation.
(Source: P.A. 87-1265.)

(40 ILCS 5/14-108) (from Ch. 108 1/2, par. 14-108)

Sec. 14-108. Amount of retirement annuity. A member who has contributed to the System for at least 12 months shall be entitled to a prior service annuity for each year of certified prior service credited to him, except that a member shall receive 1/3 of the prior service annuity for each year of service for which contributions have been made and all of such annuity shall be payable after the member has made contributions for a period of 3 years. Proportionate amounts shall be payable for service of less than a full year after completion of at least 12 months.

The total period of service to be considered in establishing the measure of prior service annuity shall include service credited in the Teachers' Retirement System of the State of Illinois and the State Universities Retirement System for which contributions have been made by the member to such systems; provided that at least 1 year of the total period of 3 years prescribed for the allowance of a full measure of prior service annuity shall consist of membership service in this system for which credit has been granted.

(a) In the case of a member who retires on or after January 1, 1998 and is a noncovered employee, the retirement annuity for membership service and prior service shall be 2.2% of final average compensation for each year of service. Any service credit established as a covered employee shall be computed as stated in paragraph (b).

(b) In the case of a member who retires on or after January 1, 1998 and is a covered employee, the retirement annuity for membership service and prior service shall be computed as stated in paragraph (a) for all service credit established as a noncovered employee; for service credit established as a covered employee it shall be 1.67% of final average compensation for each year of service.

(c) For a member retiring after attaining age 55 but before age 60 with at least 30 but less than 35 years of creditable service if retirement is before January 1, 2001, or with at least 25 but less than 30 years of creditable service if retirement is on or after January 1, 2001, the retirement annuity shall be reduced by 1/2 of 1% for each month that the member's age is under age 60 at the time of retirement.

(d) A retirement annuity shall not exceed 75% of final average compensation, subject to such extension as may result from the application of Section 14-114 or Section 14-115.

(e) The retirement annuity payable to any covered employee who is a member of the System and in service on January 1, 1969, or in service thereafter in 1969 as a result of legislation enacted by the Illinois General Assembly transferring the member to State employment from county employment in a county Department of Public Aid in counties of 3,000,000 or more population, under a plan of coordination with the Old Age, Survivors and Disability provisions thereof, if not fully insured for Old Age Insurance payments under the Federal Old Age, Survivors and Disability Insurance provisions at the date of acceptance of a retirement annuity, shall not be less than the amount for which the member would have been eligible if coordination were not applicable.

(f) The retirement annuity payable to any covered employee who is a member of the System and in service on January 1, 1969, or in service thereafter in 1969 as a result of the legislation designated in the immediately preceding paragraph, if fully insured for Old Age Insurance payments under the Federal Social Security Act at the date of acceptance of a retirement annuity, shall not be less than an amount which when added to the Primary Insurance Benefit payable to the member upon attainment of age 65 under such Federal Act, will equal the annuity which would otherwise be payable if the coordinated plan of coverage were not applicable.

(g) In the case of a member who is a noncovered employee, the retirement annuity for membership service as a security employee of the Department of Corrections or security employee of the Department of Human Services shall be: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; or if retirement occurs before January 1, 2001, 1.9% of final average compensation for each of the first 10 years of service, 2.1%

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for each of the next 10 years of service, 2.25% for each year of service in excess of 20 but not exceeding 30, and 2.5% for each year in excess of 30; except that the annuity may be calculated under subsection (a) rather than this subsection (g) if the resulting annuity is greater.

(h) In the case of a member who is a covered employee, the retirement annuity for membership service as a security employee of the Department of Corrections or security employee of the Department of Human Services shall be: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of service, 1.90% for each of the next 10 years of service, 2.10% for each year of service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

(i) For the purposes of this Section and Section 14-133 of this Act, the term "security employee of the Department of Corrections" and the term "security employee of the Department of Human Services" shall have the meanings ascribed to them in subsection (c) of Section 14-110.

(j) The retirement annuity computed pursuant to paragraphs (g) or (h) shall be applicable only to those security employees of the Department of Corrections and security employees of the Department of Human Services who have at least 20 years of membership service and who are not eligible for the alternative retirement annuity provided under Section 14-110. However, persons transferring to this System under Section 14-108.2 or 14-108.2c who have service credit under Article 16 of this Code may count such service toward establishing their eligibility under the 20-year service requirement of this subsection; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(k) (Blank).

(l) The changes to this Section made by this amendatory Act of 1997 (changing certain retirement annuity formulas from a stepped rate to a flat rate) apply to members who retire on or after January 1, 1998, without regard to whether employment terminated before the effective date of this amendatory Act of 1997. An annuity shall not be calculated in steps by using the new flat rate for some steps and the superseded stepped rate for other steps of the same type of service.

(Source: P.A. 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-655, eff. 7-30-98; 91-927, eff. 12-14-00.)

Sec. 14-108.2c. Transfer of membership from TRS. A security employee of the Department of Human Services, as defined in Section 14-110, who is a member of the Teachers' Retirement System established under Article 16 of this Code may elect to become a member of this System on either June 1, 2001 or July 1, 2001 by notifying the Board of the election in writing on or before May 31, 2001. For persons electing to become covered employees, participation in the Article 16 system shall terminate on June 1, 2001, and membership in this System shall begin on that date. For persons electing to become noncovered employees, participation in the Article 16 system shall terminate on July 1, 2001, and membership in this System shall begin on that date.

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation

New matter indicated by italics - deletions by strikeout.
for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

1. State policeman;
2. Firefighter in the fire protection service of a department;
3. Air pilot;
4. Special agent;
5. Investigator for the Secretary of State;
6. Conservation police officer;
7. Investigator for the Department of Revenue;
8. Security employee of the Department of Human Services;
9. Central Management Services security police officer;
10. Security employee of the Department of Corrections;
11. Dangerous drugs investigator;
12. Investigator for the Department of State Police;
13. Investigator for the Office of the Attorney General;
14. Controlled substance inspector;
15. Investigator for the Office of the State's Attorneys Appellate Prosecutor;
16. Commerce Commission police officer;
17. Arson investigator.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

1. The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
2. The term "firefighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.
3. The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.
4. The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
5. The term "investigator for the Secretary of State" means any person employed by the
Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Mental health police officer" means any person employed by the Department of Human Services in a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by this amendatory Act of the 92nd General Assembly apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) The term "security employee of the Department of Corrections" means any employee of the Department of Corrections or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates by working within a correctional facility or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

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(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(d) A security employee of the Department of Corrections, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or
(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or
(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service

New matter indicated by italics - deletions by strikeout.
rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount
of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(40 ILCS 5/14-114) (from Ch. 108 1/2, par. 14-114)
Sec. 14-114. Automatic increase in retirement annuity.

(a) Any person receiving a retirement annuity under this Article who retires having attained age 60, or who retires before age 60 having at least 35 years of creditable service, or who retires on or after January 1, 2001 at an age which, when added to the number of years of his or her creditable service, equals at least 85, shall, on January 1 next following the first full year of retirement, have the amount of the then fixed and payable monthly retirement annuity increased 3%. Any person receiving a retirement annuity under this Article who retires before attainment of age 60 and with less than (i) 35 years of creditable service if retirement is before January 1, 2001, or (ii) the number of years of creditable service which, when added to the member's age, would equal 85, if retirement is on or after January 1, 2001, shall have the amount of the fixed and payable retirement annuity increased by 3% on the January 1 occurring on or next following (1) attainment of age 60, or (2) the first anniversary of retirement, whichever occurs later. However, for persons who receive the alternative retirement annuity under Section 14-110, references in this subsection (a) to attainment of age 60 shall be deemed to refer to attainment of age 55. For a person receiving early retirement incentives under Section 14-108.3 whose retirement annuity began after January 1, 1992 pursuant to an extension granted under subsection (e) of that Section, the first anniversary of retirement shall be deemed to be January 1, 1993. For a person who retires on or after the effective date of this amendatory Act of the 92nd General Assembly and on or before the first day of the fourth calendar month following the month in which this amendatory Act takes effect, and whose retirement annuity is calculated, in whole or in part, under Section 14-110 or subsection (g) or (h) of Section 14-108, the first anniversary of retirement shall be deemed to be January 1, 2002.

On each January 1 following the date of the initial increase under this subsection, the employee's monthly retirement annuity shall be increased by an additional 3%.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article.

(b) The provisions of subsection (a) of this Section shall be applicable to an employee only
if the employee makes the additional contributions required after December 31, 1969 for the purpose of the automatic increases for not less than the equivalent of one full year. If an employee becomes an annuitant before his additional contributions equal one full year's contributions based on his salary at the date of retirement, the employee may pay the necessary balance of the contributions to the system, without interest, and be eligible for the increasing annuity authorized by this Section.

(c) The provisions of subsection (a) of this Section shall not be applicable to any annuitant who is on retirement on December 31, 1969, and thereafter returns to State service, unless the member has established at least one year of additional creditable service following reentry into service.

(d) In addition to other increases which may be provided by this Section, on January 1, 1981 any annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his retirement annuity then being paid increased $1 per month for each year of creditable service. On January 1, 1982, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have his retirement annuity then being paid increased $1 per month for each year of creditable service.

On January 1, 1987, any annuitant who began receiving a retirement annuity on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

(e) Every person who receives the alternative retirement annuity under Section 14-110 and who is eligible to receive the 3% increase under subsection (a) on January 1, 1986, shall also receive on that date a one-time increase in retirement annuity equal to the difference between (1) his actual retirement annuity on that date, including any increases received under subsection (a), and (2) the amount of retirement annuity he would have received on that date if the amendments to subsection (a) made by Public Act 84-162 had been in effect since the date of his retirement.

(Source: P.A. 91-927, eff. 12-14-00.)

(40 ILCS 5/14-133) (from Ch. 108 1/2, par. 14-133)

Sec. 14-133. Contributions on behalf of members.

(a) Each participating employee shall make contributions to the System, based on the employee's compensation, as follows:

(1) Covered employees, except as indicated below, 3.5% for retirement annuity, and 0.5% for a widow or survivors annuity;

(2) Noncovered employees, except as indicated below, 7% for retirement annuity and 1% for a widow or survivors annuity;

(3) Noncovered employees serving in a position in which "eligible creditable service" as defined in Section 14-110 may be earned, 8.5% for retirement annuity and 1% for a widow or survivors annuity plus the following amount for retirement annuity: 8.5% through December 31, 2001; 9.5% in 2002; 10.5% in 2003; and 11.5% in 2004 and thereafter;

(4) Covered employees serving in a position in which "eligible creditable service" as defined in Section 14-110 may be earned, 5% for retirement annuity and 0.5% for a widow or survivors annuity plus the following amount for retirement annuity: 5% through December 31, 2001; 6% in 2002; 7% in 2003; and 8% in 2004 and thereafter;

(5) Each security employee of the Department of Corrections or of the Department of Human Services who is a covered employee, 5% for retirement annuity and 0.5% for a widow or survivors annuity plus the following amount for retirement annuity: 5% through December 31, 2001; 6% in 2002; 7% in 2003; and 8% in 2004 and thereafter;

(6) Each security employee of the Department of Corrections or of the Department of Human Services who is not a covered employee, 8.5% for retirement annuity and 1% for a widow or survivors annuity plus the following amount for retirement annuity: 8.5% through December 31, 2001; 9.5% in 2002; 10.5% in 2003; and 11.5% in 2004 and thereafter.

(b) Contributions shall be in the form of a deduction from compensation and shall be made notwithstanding that the compensation paid in cash to the employee shall be reduced thereby below the minimum prescribed by law or regulation. Each member is deemed to consent and agree to the deductions from compensation provided for in this Article, and shall receipt in full for salary or compensation.

(Source: P.A. 89-507, eff. 7-1-97; 90-448, eff. 8-16-97.)
Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees’ Retirement System pursuant to Section 14-108.2 of this Code; except that "teacher" does not include any person who (A) becomes a security employee of the Department of Human Services, as defined in Section 14-110, after the effective date of this amendatory Act of the 92nd General Assembly, or (B) becomes a member of the State Employees’ Retirement System pursuant to Section 14-108.2c of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers;

(5) Any person employed by the retirement system as an executive, and any person employed by the retirement system who is certificated under the law governing the certification of teachers;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member, and (iii) the individual does not receive credit for such service under any other Article of this Code;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers.

An annuitant receiving a retirement annuity under this Article or under Article 17 of this Code who is temporarily employed by a board of education or other employer not exceeding that permitted under Section 16-118 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article.

(Source: P.A. 89-450, eff. 4-10-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-448, eff. 8-16-97.)

Sec. 16-131.6. Transfer to Article 14.

(a) Any active member of the State Employees’ Retirement System of Illinois may apply for transfer to that System of credits and creditable service accumulated under this System for service under Article 17 of this Code.
as a teacher employed by the Department of Corrections. Such creditable service shall be transferred forthwith. Payment by this System to the State Employees' Retirement System shall be made at the same time and shall consist of:

(1) the amounts accumulated to the credit of the applicant for such service, including interest, on the books of this System on the date of transfer; and
(2) employer contributions in an amount equal to the amount of member contributions as determined under item (1).

Participation in this System as to any credits transferred under this subsection shall terminate on the date of transfer.

(b) Any active member of the State Employees' Retirement System of Illinois may apply for transfer to that System of credits and creditable service accumulated under this System for service as a security employee of the Department of Human Services as defined (at the time of application) in Section 14-110. That creditable service shall be transferred forthwith. Payment by this System to the State Employees' Retirement System shall be made at the same time and shall consist of:

(1) the amounts accumulated to the credit of the applicant for that service, including interest, on the books of this System on the date of transfer, but excluding any contribution paid by the member under Section 16-129.1 to upgrade that credit to the augmented rate, which shall be refunded to the member; and
(2) employer contributions in an amount equal to the amount of member contributions as determined under item (1).

Participation in this System as to any credits transferred under this subsection shall terminate on the date of transfer.

(Source: P.A. 86-1488.)

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

PUBLIC ACT 92-0015
(House Bill No. 0508)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-809 as follows:

Sec. 3-809. Farm machinery, exempt vehicles and fertilizer spreaders - registration fee.
(a) Vehicles of the second division having a corn sheller, a well driller, hay press, clover huller, feed mixer and unloader, or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and used only for the transportation of bulk fertilizer, and farm wagon type tank trailers of not to exceed 2,000 gallons capacity, used during the liquid fertilizer season as field-storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farm or field or from one farm or field to another, or used during the lime season and moved on the highways only for bringing from a local source of supply to farm or field or from one farm or field to another, shall be registered upon the filing of a proper application and the payment of a registration fee of $13 per 2-year registration period. This registration fee of $13 shall be paid in full and shall not be reduced even though such registration is made after the beginning of the registration period.

(b) Vehicles exempt from registration under the provisions of Section 3-402.A of this Act, as amended, except those vehicles required to be registered under paragraph (c) of this Section, may, at the option of the owner, be identified as exempt vehicles by displaying registration plates issued by the Secretary of State. The owner thereof may apply for such registration plates upon the filing of a proper application and the payment of a registration fee of $13, and this registration shall be valid for a 2 year registration period. This $13 fee shall be paid in full and shall not be reduced even

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though the application is made after the beginning of the registration period. The application for and display of such registration plates for identification purposes by vehicles exempt from registration shall not be deemed as a waiver or recision of its exempt status, nor make such vehicle subject to registration.

(c) Any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise specially adapted for the application of plant food materials or agricultural chemicals, desiring to be operated upon the highways laden with load shall be registered upon the filing of a proper application and payment of a registration fee of $250. The registration fee shall be paid in full and shall not be reduced even though such registration is made during the second half of the registration year. These vehicles shall, whether loaded or unloaded, be limited to a maximum gross weight of 36,000 pounds, restricted to a highway speed of not more than 30 miles per hour and a legal width of not more than 12 feet. Such vehicles shall be limited to the furthering of agricultural or horticultural pursuits and in furtherance of these pursuits, such vehicles may be operated upon the highway, within a 50 mile radius of their point of loading as indicated on the written or printed statement required by the "Illinois Fertilizer Act of 1961", as amended, for the purpose of moving plant food materials or agricultural chemicals to the field, or from field to field, for the sole purpose of application.

No single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise specially adapted for the application of plant food materials or agricultural chemicals, having a width of more than 12 feet or a gross weight in excess of 36,000 pounds, shall be permitted to operate upon the highways laden with load.

Whenever any vehicle is operated in violation of Section 3-809 (c) of this Act, the owner or the driver of such vehicle shall be deemed guilty of a petty offense and either may be prosecuted for such violation.

(Source: P.A. 91-37, eff. 7-1-99.)

Section 99. Effective date. This Act takes effect July 1, 2001.
Passed in the General Assembly May 9, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0016
(Exercise Bill No. 0708)

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

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

Section 1. Nature of this Act.

(a) This Act may be cited as the First 2001 General Revisory Act.

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

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

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

(d) Public Acts 91-001 through 91-937 were considered in the preparation of the combining revisories included in this Act. Many of those combining revisories contain no striking or underscoring because no additional changes are being made in the material that is being combined.
Section 5. The Regulatory Sunset Act is amended by changing Sections 4.10, 4.20, and 4.21 as follows:

(5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)
Sec. 4.10. The following Acts are repealed December 31, 1999:
The Fire Equipment Distributor and Employee Regulation Act.
The Land Sales Registration Act of 1989.
(Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132, eff. 7-16-99; 91-133, eff. 7-16-99;
91-245, eff. 12-31-99; 91-255, eff. 12-30-99; revised 11-9-99.)
(5 ILCS 80/4.20)
Sec. 4.20. Acts Act is repealed on January 1, 2010 December 31, 2009. The following Acts are
Act is repealed on January 1, 2010 December 31, 2009:
The Auction License Act.
The Land Sales Registration Act of 1999.
The Perfusionist Practice Act.
The Real Estate License Act of 2000.
(Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132, eff. 7-16-99; 91-133, eff. 7-16-99;
91-245, eff. 12-31-99; 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff. 1-1-00; 91-590, eff.
1-1-00; 91-603, eff. 1-1-00; revised 12-10-99.)
(5 ILCS 80/4.21)
Sec. 4.21. Acts Act is repealed on January 1, 2011. The following Acts are Act is repealed on
January 1, 2011:
The Fire Equipment Distributor and Employee Regulation Act of 2000.
The Radiation Protection Act of 1990.
(Source: P.A. 91-752, eff. 6-2-00; 91-835, eff. 6-16-00; revised 9-1-00.)
Section 6.5. The Illinois Administrative Procedure Act is amended by changing Section
10-50 as follows:
(5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)
Sec. 10-50. Decisions and orders.
(a) A final decision or order adverse to a party (other than the agency) in a contested case
shall be in writing or stated in the record. A final decision shall include findings of fact and
conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be
accompanied by a concise and explicit statement of the underlying facts supporting the findings. If,
in accordance with agency rules, a party submitted proposed findings of fact, the decision shall
include a ruling upon each proposed finding. Parties or their agents appointed to receive service of
process shall be notified either personally or by registered or certified mail of any decision or order.
Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and
to his attorney of record.
(b) All agency orders shall specify whether they are final and subject to the Administrative
Review Law.
(c) A decision by any agency in a contested case under this Act shall be void unless the
proceedings are conducted in compliance with the provisions of this Act relating to contested cases,
except to the extent those provisions are waived under Section 10-70 10-75 and except to the extent
the agency has adopted its own rules for contested cases as authorized in Section 1-5.
(Source: P.A. 87-823; revised 2-24-00.)
Section 7. The Freedom of Information Act is amended by changing Section 7 as follows:
(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules

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and regulations adopted under federal or State law.

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

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;
(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;
(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;
(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and
(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(ii) interfere with pending administrative enforcement proceedings conducted by any public body;
(iii) deprive a person of a fair trial or an impartial hearing;
(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;
(vi) constitute an invasion of personal privacy under subsection (b) of this Section;
(vii) endanger the life or physical safety of law enforcement personnel or any other person; or
(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including

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sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

(i) Valuable formulae, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

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

(k) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift Ban Act.

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

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

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

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

(Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97; 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff. 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

Section 8. The State Records Act is amended by changing Section 4a as follows:

(5 ILCS 160/4a)

Sec. 4a. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) Endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) Compromise the security of any correctional facility.

(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

Section 9. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3 and 10 and by changing and renumbering multiple versions of Section 6.12 as follows:

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

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

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

(b) "Annuittant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14, 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was
receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

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

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

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

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

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the

New matter indicated by italics - deletions by strikeout.
Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Rural Bond Bank.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled.

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

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

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the

New matter indicated by italics - deletions by strikeout.
(l) "Member" means an employee, annuitant, retired employee or survivor.
(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.
(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.
(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.
(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.
(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.
(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5).
(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).
(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).
(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.
(s) "Unit of local government" means any county, municipality, township, school district, special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.
(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for
providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

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

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

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

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

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

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

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

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

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

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

(2) "Community college benefit recipient" means a person who:

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

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

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

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

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

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-497, eff. 8-18-97; 90-511, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff.
Sec. 6.12. Payment for services. The program of health benefits is subject to the provisions of Section 368a, of the Illinois Insurance Code. 
(Source: P.A. 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; revised 6-28-00.)

Sec. 6.13. Managed Care Reform and Patient Rights Act. The program of health benefits is subject to the provisions of the Managed Care Reform and Patient Rights Act, except the fee for service program shall only be required to comply with Section 85 and the definition of "emergency medical condition" in Section 10 of the Managed Care Reform and Patient Rights Act. 
(Source: P.A. 91-617, eff. 8-19-99; revised 10-18-99.)

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

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5%
of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

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

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

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

(a-8) A new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

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

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

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

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

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

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

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

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

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

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

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 85% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a
full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection, "participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

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

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

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

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

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund. The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All expenditures from this fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its
annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

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

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

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

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

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

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

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

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

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

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

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

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

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

(Source: P.A. 90-65, eff. 7-7-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-280, eff. 7-23-99; 91-311; eff. 7-29-99; 91-357, eff. 7-29-99; 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; revised 8-31-99.)

Section 10. The Election Code is amended by changing Sections 7-10 and 7-30 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committee, or township committee, or precinct committee, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Jones</td>
<td>Governor</td>
<td>Belvidere, Ill.</td>
</tr>
<tr>
<td>Thomas Smith</td>
<td>Attorney General</td>
<td>Oakland, Ill.</td>
</tr>
</tbody>
</table>

Name..................         Address.......................
State of Illinois)
) ss.
County of........)

I, ...., do hereby certify that I am a registered voter and have been a registered voter at all times I have circulated this petition, that I reside at No. .... street, in the .... of ......, county of ...., and State of Illinois, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

.........................
Subscribed and sworn to before me on (insert date).

.........................

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a statement signed by a registered voter of the political division, who has been a registered voter at all times he or she circulated the petition, for which the candidate is seeking a nomination, stating the street address or rural route number of the voter, as the case may be, as well as the voter's county, and city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his presence; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for filing of the petition, or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election; and certifying that the signatures on the sheet are genuine, and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in
Section 7-12 for the filing of such petition, or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that: :-

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy
Name Address Office District Party
John Jones 102 Main St. Governor Statewide Republican
Belvidere, Illinois State of Illinois)
) ss.
County of .......

I, ...., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed ......................
Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).
Signed ......................
(Official Character)
(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed

New matter indicated by italics - deletions by strikeout.
guilty of a forgery and on conviction thereof shall be punished accordingly.

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.

Such petitions for nominations shall be signed:

(a) If for a State office, or for delegate or alternate delegate to be elected from the State at large to a National nominating convention by not less than 5,000 nor more than 10,000 primary electors of his party.

(b) If for a congressional officer or for delegate or alternate delegate to be elected from a congressional district to a national nominating convention by at least .5% of the qualified primary electors of his party in his congressional district, except that for the first primary following a redistricting of congressional districts such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his congressional district.

(c) If for a county office (including county board member and chairman of the county board where elected from the county at large), by at least .5% of the qualified electors of his party cast at the last preceding general election in his county. However, if for the nomination for county commissioner of Cook County, then by at least .5% of the qualified primary electors of his or her party in his or her county in the district or division in which such person is a candidate for nomination; and if for county board member from a county board district, then by at least .5% of the qualified primary electors of his party in the county board district.

In the case of an election for county board member to be elected from a district, for the first primary following a redistricting of county board districts or the initial establishment of county board districts, then by at least .5% of the qualified electors of his party in the entire county at the last preceding general election, divided by the number of county board districts, but in any event not less than 25 qualified primary electors of his party in the district.

(d) If for a municipal or township office by at least .5% of the qualified primary electors of his party in the municipality or township; if for alderman, by at least .5% of the voters of his party of his ward. In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district.

(e) If for State central committeeman, by at least 100 of the primary electors of his or her party of his or her congressional district.

(f) If for a candidate for trustee of a sanitary district in which trustees are not elected from wards, by at least .5% of the primary electors of his party, from such sanitary district.

(g) If for a candidate for trustee of a sanitary district in which the trustees are elected from wards, by at least .5% of the primary electors of his party in his ward of such sanitary district, except that for the first primary following a reapportionment of the district such petitions shall be signed by at least 150 qualified primary electors of the candidate's ward of such sanitary district.

(h) If for a candidate for judicial office in a district, circuit, or subcircuit, by a number of primary electors at least equal to shall be 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last regular general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event fewer shall be less than 500 signatures.

(i) If for a candidate for precinct committeeman, by at least 10 primary electors of his or her party of his or her precinct; if for a candidate for ward committeeman, by not less than 10% nor more than 16% (or 50 more than the minimum, whichever is greater) of the primary electors of his party of his ward; if for a candidate for township committeeman, by not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the
primary electors of his party in his township or part of a township as the case may be.

(j) If for a candidate for State's Attorney or Regional Superintendent of Schools to serve 2 or more counties, by at least .5% of the primary electors of his party in the territory comprising such counties.

(k) If for any other office by at least .5% of the total number of registered voters of the political subdivision, district or division for which the nomination is made or a minimum of 25, whichever is greater.

For the purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

(Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99; 91-358, eff. 7-29-99; revised 8-17-99.)

Sec. 7-30. Previous to any vote being taken, the primary judges shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully and honestly discharge the duties of primary judge, according to the best of my ability, and that I have resided in this State for 30 days, (and only in the case of a primary judge in counties of less than 500,000 inhabitants, have resided the following:

in this precinct for the 30 days next preceding this primary),

and in the case of a registered voter, am entitled to vote at this primary)."

All persons subscribing the oath as aforesaid, and all persons actually serving as primary judges, whether sworn or not, shall be deemed to be and are hereby declared to be officers of the circuit court of their respective counties.

(Source: P.A. 91-352, eff. 1-1-00; revised 2-23-00.)

Section 10.2. The State Library Act is amended by changing Section 7 as follows:

Sec. 7. Purposes of the State Library. The Illinois State Library shall:

(a) Maintain a library for officials and employees of the State, consisting of informational material and resources pertaining to the phases of their work, and serve as the State's library by extending its resources to citizens of Illinois.

(b) Maintain and provide research library services for all State agencies.

(c) Administer the Illinois Library System Act.

(d) Promote and administer the law relating to Interstate Library Compacts.

(e) Enter into interagency agreements, pursuant to the Intergovernmental Cooperation Act, including agreements to promote access to information by Illinois students and the general public.

(f) Promote and develop a cooperative library network operating regionally or statewide for providing effective coordination of the library resources of public, academic, school, and special libraries.

(g) Administer grants of federal library funds pursuant to federal law and requirements.

(h) Assist libraries in their plans for library services, including funding the State-funded library systems for the purpose of local library development and networking.

(i) Assist local library groups in developing programs by which library services can be established and enhanced in areas without those services.

(j) Be a clearing house, in an advisory capacity, for questions and problems pertaining to the administration and functioning of libraries in Illinois and to publish booklets and pamphlets to

New matter indicated by italics - deletions by strikeout.
implement this service.

(k) Seek the opinion of the Attorney General for legal questions pertaining to public libraries and their function as governmental agencies.

(l) Contract with any other library or library agency to carry out the purposes of the State Library. If any such contract requires payments by user libraries for goods and services, the State Library may distribute billings from contractors to applicable user libraries and may receive and distribute payments from user libraries to contractors. There is hereby created in the State Treasury the Library Trust Fund, into which all moneys payable to contractors which are received from user libraries under this paragraph (l) shall be paid. The Treasurer shall pay such funds to contractors at the direction of the State Librarian.

(m) Compile, preserve and publish public library statistical information.

(n) Compile the annual report of local public libraries and library systems submitted to the State Librarian pursuant to law.

(o) Conduct and arrange for library training programs for library personnel, library directors and others involved in library services.

(p) Prepare an annual report for each fiscal year.

(q) Make available to the public, by means of access by way of the largest nonproprietary nonprofit cooperative public computer network, certain records of State agencies.

As used in this subdivision (q), "State agencies" means all officers, boards, commissions and agencies created by the Constitution; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, and bodies politic and corporate of the State; administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor; however, "State agencies" does not include any agency, officer, or other entity of the judicial or legislative branch.

As used in this subdivision (q), "records" means public records, as defined in the Freedom of Information Act, that are not exempt from inspection and copying under that Act.

The State Librarian and each appropriate State agency shall specify the types and categories of records that shall be accessible through the public computer network and the types and categories of records that shall be inaccessible. Records currently held by a State agency and documents that are required to be provided to the Illinois State Library in accordance with Section 21 shall be provided to the Illinois State Library in an appropriate electronic format when feasible. The cost to each State agency of making records accessible through the public computer network or of providing records in an appropriate electronic format shall be considered in making determinations regarding accessibility.

As soon as possible and no later than 18 months after the effective date of this amendatory Act of 1995, the types and categories of information, specified by the State Librarian and each appropriate State agency, shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this State. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information shall be made available in the shortest feasible time after it is publicly available.

Any documentation that describes the electronic digital formats of the information shall be made available by means of access by way of the same public computer network.

Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

The electronic public access provided by way of the public computer network shall be in addition to other electronic or print distribution of the information.

No action taken under this subdivision (q) shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Illinois relating to any of the information made available under this subdivision (q).

(r) Coordinate literacy programs for the Secretary of State.
(s) Provide coordination of statewide preservation planning, act as a focal point for preservation advocacy, assess statewide needs and establish specific programs to meet those needs, and manage state funds appropriated for preservation work relating to the preservation of the library and archival resources of Illinois.

(t) Create and maintain a State Government Report Distribution Center for the General Assembly. The Center shall receive all reports in all formats available required by law or resolution to be filed with the General Assembly and shall furnish copies of such reports on the same day on which the report is filed with the Clerk of the House of Representatives and the Secretary of the Senate, as required by the General Assembly Organization Act, without charge to members of the General Assembly upon request. This paragraph does not affect the requirements of Section 21 of this Act relating to the deposit of State publications with the State library.

(Source: P.A. 91-507, eff. 8-13-99; revised 2-25-00.)

Section 10.4. The State Treasurer Act is amended by changing Section 16.5 as follows:

15 ILCS 505/16.5
Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person that makes investments in the pool.
"Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The
Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic workload for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the
investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; revised 7-3-00.)

Section 11. The Civil Administrative Code of Illinois is amended by changing the heading to Article 1, adding Section 1-2 and changing Sections 1-5, 5-300, 5-310, 5-315, 5-320, 5-325, 5-330, 5-335, 5-340, 5-345, 5-350, 5-355, 5-360, 5-365, 5-370, 5-375, 5-385, 5-390, 5-395, 5-400, 5-410, 5-415, 5-420, and 5-550 as follows:

(20 ILCS 5/Art. 1 heading)

ARTICLE 1. SHORT TITLE AND GENERAL PROVISIONS

(20 ILCS 5/1-2 new)

Sec. 1-2. Article short title. This Article may be cited as the General Provisions Article of the Civil Administrative Code of Illinois.

(20 ILCS 5/1-5)

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

Article 5. Departments of State Government Law (20 ILCS 5/5-1 and following).
Article 50. State Budget Law (15 ILCS 20/50/).
Article 110. Department on Aging Law (20 ILCS 110/).
Article 205. Department of Agriculture Law (20 ILCS 205/).
Article 250. State Fair Grounds Title Law (5 ILCS 620/250/).
Article 310. Department of Human Services (Alcoholism and Substance Abuse) Law (20 ILCS 310/).
Article 405. Department of Central Management Services Law (20 ILCS 405/).
Article 510. Department of Children and Family Services Powers Law (20 ILCS 510/).
Article 605. Department of Commerce and Community Affairs Law (20 ILCS 605/).
Article 805. Department of Natural Resources (Conservation) Law (20 ILCS 805/).
Article 1005. Department of Employment Security Law (20 ILCS 1005/).
Article 1405. Department of Insurance Law (20 ILCS 1405/).
Article 1505. Department of Labor Law (20 ILCS 1505/).
Article 1710. Department of Human Services (Mental Health and Developmental Disabilities) Law (20 ILCS 1710/).
Article 1905. Department of Natural Resources (Mines and Minerals) Law (20 ILCS 1905/).
Article 2105. Department of Professional Regulation Law (20 ILCS 2105/).
Article 2205. Department of Public Aid Law (20 ILCS 2205/).
Article 2310. Department of Public Health Powers and Duties Law (20 ILCS 2310/).
Article 2505. Department of Revenue Law (20 ILCS 2505/).
Article 2605. Department of State Police Law (20 ILCS 2605/).
Article 2705. Department of Transportation Law (20 ILCS 2705/).
Article 3000. University of Illinois Exercise of Functions and Duties Law (110 ILCS 355/).

(Source: P.A. 91-239, eff. 1-1-00; revised 7-27-99.)

(20 ILCS 5/5-300) (was 20 ILCS 5/9)

Sec. 5-300. Officers' qualifications and salaries. The executive and administrative officers,

New matter indicated by italics - deletions by strikeout.
whose offices are created by this Act, must have the qualifications prescribed by law and shall receive annual salaries, payable in equal monthly installments, as designated in the Sections following this Section and preceding Section 5-500. If set by the Governor, those annual salaries may not exceed 85% of the Governor's annual salary.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-2-99.)

(20 ILCS 5/5-310) (was 20 ILCS 5/9.21)

Sec. 5-310. In the Department on Aging. The Director of Aging shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-315) (was 20 ILCS 5/9.02)

Sec. 5-315. In the Department of Agriculture. The Director of Agriculture shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Agriculture shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-320) (was 20 ILCS 5/9.19)

Sec. 5-320. In the Department of Central Management Services. The Director of Central Management Services shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

Each Assistant Director of Central Management Services shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-325) (was 20 ILCS 5/9.16)

Sec. 5-325. In the Department of Children and Family Services. The Director of Children and Family Services shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-330) (was 20 ILCS 5/9.18)

Sec. 5-330. In the Department of Commerce and Community Affairs. The Director of Commerce and Community Affairs shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Commerce and Community Affairs shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

Sec. 5-335. In the Department of Corrections. The Director of Corrections shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Corrections - Juvenile Division shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Corrections - Adult Division shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-340) (was 20 ILCS 5/9.30)

Sec. 5-340. In the Department of Employment Security. The Director of Employment Security shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

Each member of the Board of Review shall receive $15,000.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 5-345. In the Department of Financial Institutions. The Director of Financial Institutions shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. The Assistant Director of Financial Institutions shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. The Assistant Director of Financial Institutions shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

Sec. 5-350. In the Department of Human Rights. The Director of Human Rights shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

Sec. 5-355. In the Department of Human Services. The Secretary of Human Services shall receive an annual salary as set by the Governor from time to time or such other amount as may be set by the Compensation Review Board, whichever is greater.

The Assistant Secretaries of Human Services shall each receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

Sec. 5-360. In the Department of Insurance. The Director of Insurance shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Insurance shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Insurance shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. The Chief Factory Inspector shall receive $24,700 from the third Monday in January, 1979 to the third Monday in January, 1980, and $25,000 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Safety Inspection and Education shall receive $27,500, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Women's and Children's Employment shall receive $22,000 from the third Monday in January, 1979 to the third Monday in January, 1980, and $22,500 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Safety Inspection and Education shall receive $27,500, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Women's and Children's Employment shall receive $22,000 from the third Monday in January, 1979 to the third Monday in January, 1980, and $22,500 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of the Lottery shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. The Chief Factory Inspector shall receive $24,700 from the third Monday in January, 1979 to the third Monday in January, 1980, and $25,000 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Safety Inspection and Education shall receive $27,500, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of Women's and Children's Employment shall receive $22,000 from the third Monday in January, 1979 to the third Monday in January, 1980, and $22,500 thereafter, or as set by the Compensation Review Board, whichever is greater.

The Superintendent of the Lottery shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Natural Resources shall continue to receive the annual salary set by law for the Director of Conservation until January 20, 1997. Beginning on that date, the Director of Natural Resources shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is greater.

The Assistant Director of Natural Resources shall continue to receive the annual salary set by law for the Assistant Director of Conservation until January 20, 1997. Beginning on that date, the
Assistant Director of Natural Resources shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-385) (was 20 ILCS 5/9.25)

Sec. 5-385. In the Department of Nuclear Safety. The Director of Nuclear Safety shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-390) (was 20 ILCS 5/9.08)

Sec. 5-390. In the Department of Professional Regulation. The Director of Professional Regulation shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

Sec. 5-395. In the Department of Public Aid. The Director of Public Aid shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Public Aid shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-400) (was 20 ILCS 5/9.07)

Sec. 5-400. In the Department of Public Health. The Director of Public Health shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Public Health shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

Sec. 5-410. In the Department of State Police. The Director of State Police shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of State Police shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-415) (was 20 ILCS 5/9.05)

Sec. 5-415. In the Department of Transportation. The Secretary of Transportation shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Secretary of Transportation shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-420) (was 20 ILCS 5/9.22)

Sec. 5-420. In the Department of Veterans' Affairs. The Director of Veterans' Affairs shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of Veterans' Affairs shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; revised 8-1-99.)

(20 ILCS 5/5-550) (was 20 ILCS 5/6.23)

Sec. 5-550. In the Department of Human Services. A State Rehabilitation Council, hereinafter referred to as the Council, is hereby established for the purpose of advising the Secretary and the vocational rehabilitation administrator of the provisions of the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 in matters concerning individuals with disabilities and the provision of rehabilitation services. The Council shall consist of 25 members appointed by the Governor after soliciting recommendations from representatives of organizations

New matter indicated by italics - deletions by strikeout.
representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The Governor shall appoint to this Council the following:

(1) One representative of a parent training center established in accordance with the federal Individuals with Disabilities Education Act.
(2) One representative of the client assistance program.
(3) One vocational rehabilitation counselor who has knowledge of and experience with vocational rehabilitation programs. (If an employee of the Department is appointed, that appointee shall serve as an ex officio, nonvoting member.)
(4) One representative of community rehabilitation program service providers.
(5) Four representatives of business, industry, and labor.
(6) Eight representatives of disability advocacy groups representing a cross section of the following:
   (A) individuals with physical, cognitive, sensory, and mental disabilities; and
   (B) parents, family members, guardians, advocates, or authorized representative of individuals with disabilities who have difficulty in representing themselves or who are unable, due to their disabilities, to represent themselves.
(7) One current or former applicant for, or recipient of, vocational rehabilitation services.
(8) Three representatives from secondary or higher education.
(9) One representative of the State Workforce Investment Board.
(10) One representative of the Illinois State Board of Education who is knowledgeable about the Individuals with Disabilities Education Act.

The chairperson of, or a member designated by, the Statewide Independent Living Council created under Section 12a of the Disabled Persons Rehabilitation Act, the chairperson of the Blind Services Planning Council created under the Bureau for the Blind Act, and the vocational rehabilitation administrator shall serve as ex officio members. The vocational rehabilitation administrator shall have no vote.

The Council shall select a Chairperson.

The Chairperson and at least 12 other members of the Council shall have a recognized disability. One member shall be a senior citizen age 60 or over. A majority of the Council members shall not be employees of the Department of Human Services. Current members of the Rehabilitation Services Council shall serve until members of the newly created Council are appointed.

The terms of all members appointed before the effective date of Public Act 88-10 shall expire on July 1, 1993. The members first appointed under Public Act 88-10 shall be appointed to serve for staggered terms beginning July 1, 1993, as follows: 7 members shall be appointed for terms of 3 years, 7 members shall be appointed for terms of 2 years, and 6 members shall be appointed for terms of one year. Thereafter, all appointments shall be for terms of 3 years. Vacancies shall be filled for the unexpired term. Appointments to fill vacancies in unexpired terms and new terms shall be filled by the Governor or by the Council if the Governor delegates that power to the Council by executive order. Members shall serve until their successors are appointed and qualified. No member, except the representative of the client assistance program, shall serve for more than 2 full terms.

Members shall be reimbursed for their actual expenses incurred in the performance of their duties, including expenses for travel, child care, and personal assistance services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council.

The Council shall meet at least 4 times per year at times and places designated by the Chairman upon 10 days written notice to the members. Special meetings may be called by the Chairperson or 7 members of the Council upon 7 days written notice to the other members. Nine members shall constitute a quorum. No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under Illinois law.

The Council shall prepare and submit to the vocational rehabilitation administrator the reports and findings that the vocational rehabilitation administrator or she may request or that the Council deems fit. The Council shall select jointly with the vocational rehabilitation administrator a pool of qualified persons to serve as impartial hearing officers. The Council shall, with the vocational rehabilitation unit in the Department, jointly develop, agree to, and review annually State
goals and priorities and jointly submit annual reports of progress to the federal Commissioner of the Rehabilitation Services Administration.

To the extent that there is a disagreement between the Council and the unit within the Department of Human Services responsible for the administration of the vocational rehabilitation program, regarding the resources necessary to carry out the functions of the Council as set forth in this Section, the disagreement shall be resolved by the Governor.

(Source: P.A. 90-453, eff. 8-16-97; 91-239, eff. 1-1-00; 91-540, eff. 8-13-99; revised 8-25-99.)

Section 13. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by renumbering Section 40.43 and changing Section 205-60 as follows:

(20 ILCS 205/205-47) (was 20 ILCS 205/40.43)
Sec. 205-47. 40.43. Value Added Agricultural Products.
(a) To expend funds appropriated to the Department of Agriculture to develop and implement a grant program for value added agricultural products, to be called the "Illinois Value-Added Agriculture Enhancement Program". The grants are to provide 50% of (i) the cost of undertaking feasibility studies, competitive assessments, and consulting or productivity services that the Department determines may result in enhancement of value added agricultural products and (ii) seed money for new or expanding agribusiness.
(b) "Agribusiness" means any sole proprietorship, limited partnership, copartnership, joint venture, corporation, or cooperative that operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics, and silviculture) or the manufacturing, production, or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. Agribusiness includes but is not limited to the following:

(1) grain handling and processing, including grain storage, drying, treatment, conditioning, milling, and packaging;
(2) seed and feed grain development and processing;
(3) fruit and vegetable processing, including preparation, canning, and packaging;
(4) processing of livestock and livestock products, dairy products, poultry and poultry products, fish, or apiarian products, including slaughter, shearing, collecting, preparation, canning, and packaging;
(5) fertilizer and agricultural chemical manufacturing, processing, application, and supplying;
(6) farm machinery, equipment, and implement manufacturing and supplying;
(7) manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughter, treatment, handling, collecting, preparation, canning, or packaging of agricultural commodities;
(8) farm building and farm structure manufacturing, construction, and supplying;
(9) construction, manufacturing, implementation, supplying, or servicing of irrigation, drainage, and soil and water conservation devices or equipment;
(10) fuel processing and development facilities that produce fuel from agricultural commodities or by-products;
(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;
(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture, or other goods from forestry products; and
(13) facilities and equipment for research and development of products, processes, and equipment for the production, processing, preparation, or packaging of agricultural commodities and by-products.

c) The "Illinois Value-Added Agriculture Enhancement Program Fund" is created as a special fund in the State Treasury to provide grants to Illinois' small agribusinesses, subject to appropriation for that purpose. Each grant awarded under this program shall provide funding for up to 50% of the cost of (i) the development of valued added agricultural products or (ii) seed money.
for new or expanding agribusiness, not to exceed 50% of appropriated funds. Notwithstanding the
other provisions of this paragraph, the fund shall not be used to provide seed money to an Illinois
small agribusiness for the purpose of compliance with the provisions of the Livestock Management
Facilities Act.

(d) For the purposes of this Section, "Illinois small agribusiness" means a "small business
concern" as defined in Title 15 United States Code, Section 632, that primarily conducts its business
in Illinois.

(e) The Department shall make such rules and regulations as may be necessary to carry out
its statutory duties. Among other duties, the Department, through the program, may do all of the
following:

(1) Make and enter into contracts, including but not limited to making grants specified
by the General Assembly pursuant to appropriations by the General Assembly from the
Illinois Value-Added Agriculture Enhancement Program Fund, and generally to do all such
things as, in its judgment, may be necessary, proper, and expedient in accomplishing its
duties.

(2) Provide for, staff, and administer a program in which the Department shall plan and
coordinate State efforts designed to aid and stimulate the development of value-added
agribusiness.

(3) Make grants on the terms and conditions that the Department shall determine, except
that no grant made under the provisions of this item (3) shall exceed 50% of the direct costs.

(4) Act as the State Agriculture Planning Agency, and accept and use planning grants
or other financial assistance from the federal government (i) for statewide comprehensive
planning work including research and coordination activity directly related to agriculture
needs; and (ii) for state and inter-state comprehensive planning and research and
coordination activity related thereto. All such grants shall be subject to the terms and
conditions prescribed by the federal government.

(f) The Illinois Value-Added Agricultural Enhancement Fund is subject to the provisions of
the Illinois Grant Funds Recovery Act (GFRA).

(Source: P.A. 91-560, eff. 8-14-99; revised 10-25-99.)
(20 ILCS 205/205-60) (was 20 ILCS 205/40.35)
Sec. 205-60. Aquaculture. The Department has the power to develop and implement a
program to promote aquaculture and to make grants to an aquaculture cooperative in this State
pursuant to the Aquaculture Development Act, to promulgate the necessary rules and regulations, and
to cooperate with and seek the assistance of the Department of Natural Resources and the Department
of Transportation in the implementation and enforcement of that Act.

(Source: P.A. 91-239, eff. 1-1-00; 91-530, eff. 8-13-99; revised 10-25-99.)

Section 13.5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by
changing Section 10-45 as follows:
(20 ILCS 301/10-45)
Sec. 10-45. Membership. The Board shall consist of 16 members:
(a) The Director of Aging.
(b) The State Superintendent of Education.
(c) The Director of Corrections.
(d) The Director of State Police.
(e) The Director of Professional Regulation
(f) (Blank).
(g) The Director of Children and Family Services.
(h) (Blank).
(i) The Director of Public Aid.
(j) The Director of Public Health.
(k) The Secretary of State.
(l) The Secretary of Transportation.
(m) The Director of Insurance.
(n) The Director of the Administrative Office of the Illinois Courts.
(o) The Chairman of the Board of Higher Education.

New matter indicated by italics - deletions by strikeout.
(p) The Director of Revenue.
(q) The Executive Director of the Criminal Justice Information Authority.
(r) A chairman who shall be appointed by the Governor for a term of 3 years.

Each member may designate a representative to serve in his or her place by written notice to the Department.

(Source: P.A. 88-80; 89-507, eff. 7-1-97; revised 2-23-00.)

Section 15. The Department of Children and Family Services Powers Law of the Civil Administrative Code of Illinois is amended by changing Section 510-5 as follows:

(20 ILCS 510/510-5)

Sec. 510-5. Definition. As used in this Article 510, "Department" means the Department of Children and Family Services.

(Source: P.A. 91-239, eff. 1-1-00; revised 11-5-99.)

Section 16. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-55, 605-385, 605-415, 605-615, 605-705, 605-850, 605-855, 605-860, and 605-940 and renumbering Sections 46.19k, 46.34a, 46.34b, 46.70, 46.71, and 46.76 as follows:

(20 ILCS 605/605-55) (was 20 ILCS 605/46.21)

Sec. 605-55. Contracts and other acts to accomplish Department's duties. To make and enter into contracts, including but not limited to making grants and loans to units of local government, private agencies as defined in the Illinois State Auditing Act, non-profit corporations, educational institutions, and for-profit businesses as authorized pursuant to appropriations by the General Assembly from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, the Capital Development Fund, and the General Revenue Fund, and generally to do all things that, in its judgment, may be necessary, proper, and expedient in accomplishing its duties.

(Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; revised 8-3-99.)

(20 ILCS 605/605-111) (was 20 ILCS 605/46.34a)

Sec. 605-111. Transfer relating to the Illinois Main Street Program. 46.34a. To assume from the Office of the Lieutenant Governor on July 1, 1999, all personnel, books, records, papers, documents, property both real and personal, and pending business in any way pertaining to the Illinois Main Street Program. All personnel transferred pursuant to this Section shall receive certified status under the Personnel Code.

(Source: P.A. 91-25, eff. 6-9-99; revised 8-2-99.)

(20 ILCS 605/605-112) (was 20 ILCS 605/46.34b)

Sec. 605-112. Transfer relating to the State Data Center. 46.34b. To assume from the Executive Office of the Governor, Bureau of the Budget, on July 1, 1999, all personnel, books, records, papers, documents, property both real and personal, and pending business in any way pertaining to the State Data Center, established pursuant to a Memorandum of Understanding entered into with the Census Bureau pursuant to 15 U.S.C. Section 1525. All personnel transferred pursuant to this Section shall receive certified status under the Personnel Code.

(Source: P.A. 91-25, eff. 6-9-99; revised 8-2-99.)

(20 ILCS 605/605-323) (was 20 ILCS 605/46.76)

Sec. 605-323. 46.76. Energy Assistance Contribution Fund.

(a) The Department may accept gifts, grants, awards, matching contributions, interest income, appropriations, and cost sharings from individuals, businesses, governments, and other third-party sources, on terms that the Director deems advisable, to assist eligible households, businesses, industries, educational institutions, hospitals, health care facilities, and not-for-profit entities to obtain and maintain reliable and efficient energy related services, or to improve the efficiency of such services.

(b) The Energy Assistance Contribution Fund is created as a special fund in the State Treasury, and all moneys received under this Section shall be deposited into that Fund. Moneys in the Energy Assistance Contribution Fund may be expended for purposes consistent with the conditions under which those moneys are received, subject to appropriations made by the General Assembly for those purposes.

(Source: P.A. 91-34, eff. 7-1-99; revised 8-3-99.)

(20 ILCS 605/605-385) (was 20 ILCS 605/46.62)
Sec. 605-385. Technology Challenge Grant Program; Illinois Advanced Technology Enterprise Development and Investment Program. To establish and administer a Technology Challenge Grant Program and an Illinois Technology Enterprise Development and Investment Program as provided by the Technology Advancement and Development Act and to expend appropriations in accordance therewith.
(Source: P.A. 91-239, eff. 1-1-00; 91-476, eff. 8-11-99; revised 10-20-99.)

(20 ILCS 605/605-415)
Sec. 605-415. Job Training and Economic Development Grant Program.
(a) Legislative findings. The General Assembly finds that:
(1) Despite the large number of unemployed job seekers, many employers are having difficulty matching the skills they require with the skills of workers; a similar problem exists in industries where overall employment may not be expanding but there is an acute need for skilled workers in particular occupations.
(2) The State of Illinois should foster local economic development by linking the job training of unemployed disadvantaged citizens with the workforce needs of local business and industry.
(3) Employers often need assistance in developing training resources that will provide work opportunities for disadvantaged populations.
(b) Definitions. As used in this Section:
"Community based provider" means a not-for-profit organization, with local boards of directors, that directly provides job training services.
"Disadvantaged persons" has the same meaning as in Titles II-A and II-C of the federal Job Training Partnership Act.
"Training partners" means a community-based provider and one or more employers who have established training and placement linkages.
(c) From funds appropriated for that purpose, the Department of Commerce and Community Affairs shall administer a Job Training and Economic Development Grant Program. The Director shall make grants to community-based providers. The grants shall be made to support the following:
(1) Partnerships between community-based providers and employers for the customized training of existing low-skilled, low-wage employees and newly hired disadvantaged persons.
(2) Partnerships between community-based providers and employers to develop and operate training programs that link the workforce needs of local industry with the job training of disadvantaged persons.
(d) For projects created under paragraph (1) of subsection (c):
(1) The Department shall give a priority to projects that include an in-kind match by an employer in partnership with a community-based provider and projects that use instructional materials and training instructors directly used in the specific industry sector of the partnership employer.
(2) The partnership employer must be an active participant in the curriculum development and train primarily disadvantaged populations.
(e) For projects created under paragraph (2) of subsection (c):
(1) Community based organizations shall assess the employment barriers and needs of local residents and work in partnership with local economic development organizations to identify the priority workforce needs of the local industry.
(2) Training partners (that is, community-based organizations and employers) shall work together to design programs with maximum benefits to local disadvantaged persons and local employers.
(3) Employers must be involved in identifying specific skill-training needs, planning curriculum, assisting in training activities, providing job opportunities, and coordinating job retention for people hired after training through this program and follow-up support.
(4) The community-based organizations shall serve disadvantaged persons, including welfare recipients.
(f) The Department shall adopt rules for the grant program and shall create a competitive application procedure for those grants to be awarded beginning in fiscal year 1998. Grants shall be
based on a performance based contracting system. Each grant shall be based on the cost of providing the training services and the goals negotiated and made a part of the contract between the Department and the training partners. The goals shall include the number of people to be trained, the number who stay in the program, the number who complete the program, the number who enter employment, their wages, and the number who retain employment. The level of success in achieving employment, wage, and retention goals shall be a primary consideration for determining contract renewals and subsequent funding levels. In setting the goals, due consideration shall be given to the education, work experience, and job readiness of the trainees; their barriers to employment; and the local job market. Periodic payments under the contracts shall be based on the degree to which the relevant negotiated goals have been met during the payment period.

(Source: P.A. 90-474, eff. 1-1-98; 90-655, eff. 7-30-98; 90-758, eff. 8-14-98; 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; revised 8-3-99.)

(20 ILCS 605/605-512) (was 20 ILCS 605/46.70)
Sec. 605-512. Small business incubator grants.

(a) Subject to availability of funds in the Small Business Incubator Fund, the Director of Commerce and Community Affairs may make grants to eligible small business incubators in an amount not to exceed 50% of State income taxes paid in the previous calendar year by qualified tenant businesses subject to the restrictions of this Section.

(b) There is created a special fund in the State Treasury known as the Small Business Incubator Fund. The money in the Fund may be used only for making grants under subsection (a) of this Section. The Department of Revenue shall certify by March 1 of each year to the General Assembly the amount of State income taxes paid by qualified tenant businesses in the previous year. The Department of Revenue may, by rule, prescribe forms necessary to identify qualified tenant businesses under this Section. An amount equal to 50% of the amount certified by the Department of Revenue shall be appropriated into the Fund annually.

(c) Eligible small business incubators that receive a grant under this Section may use the grant only for capital improvements on the building housing the eligible small business incubator. Each small business incubator shall be eligible for a grant equal to no more than 50% of the amount of State income taxes paid in the previous year by qualified tenant businesses of the small business incubator, minus administrative costs. The eligible small business incubator must keep written records of the use of the grant money for a period of 5 years from disbursement.

(d) By April 1 of each year, an eligible small business incubator may apply for a grant under this Section on forms developed by the Department. The Department may require applicants to provide proof of eligibility. Upon review of the applications, the Director of Commerce and Community Affairs shall approve or disapprove the application. At the start of each fiscal year or upon approval of the budget for that fiscal year, whichever is later, the Director shall determine the amount of funds available for grants under this Section and shall then approve the grants.

(e) For purposes of this Section:
   (1) "Eligible small business incubator" means an entity that is dedicated to the successful development of entrepreneurial companies, has a specific written policy identifying requirements for a business "to graduate" from the incubator, either owns or leases real estate in which qualified tenant businesses operate, and provides all of the following services: management guidance, rental spaces, shared basic business equipment, technology support services, and assistance in obtaining financing.
   (2) "Qualified tenant business" means a business that currently leases space from an eligible small business incubator, is less than 5 years old, and either has not fulfilled the eligible small business incubator's graduation requirements or has fulfilled these requirements within the last 5 years.

(f) Five percent of the amount that is appropriated annually into the Small Business Incubator Fund shall be allotted to the Department of Commerce and Community Affairs for the purpose of administering, overseeing, and evaluating the grant process and outcome.

(g) This Section is repealed on December 31, 2004.

The evaluation of the effectiveness of the grant process and subsequent outcome of job and business creation shall recommend the continuation or the repeal of this Section and shall be
Sec. 605-550. Model domestic violence and sexual assault employee awareness and assistance policy.

(a) The Department shall convene a task force including members of the business community, employees, employee organizations, representatives from the Department of Labor, and directors of domestic violence and sexual assault programs, including representatives of statewide advocacy organizations for the prevention of domestic violence and sexual assault, to develop a model domestic violence and sexual assault employee awareness and assistance policy for businesses.

The Department shall give due consideration to the recommendations of the Governor, the President of the Senate, and the Speaker of the House of Representatives for participation by any person on the task force, and shall make reasonable efforts to assure regional balance in membership.

(b) The purpose of the model employee awareness and assistance policy shall be to provide businesses with the best practices, policies, protocols, and procedures in order that they ascertain domestic violence and sexual assault awareness in the workplace, assist affected employees, and provide a safe and helpful working environment for employees currently or potentially experiencing the effects of domestic violence or sexual assault. The model plan shall include but not be limited to:

1. The establishment of a definite corporate policy statement recognizing domestic violence and sexual assault as workplace issues as well as promoting the need to maintain job security for those employees currently involved in domestic violence or sexual assault disputes;
2. Policy and service publication requirements, including posting these policies and service availability pamphlets in break rooms, on bulletin boards, and in restrooms, and transmitting them through other communication methods;
3. A listing of current domestic violence and sexual assault community resources such as shelters, crisis intervention programs, counseling and case management programs, and legal assistance and advocacy opportunities for affected employees;
4. Measures to ensure workplace safety including, where appropriate, designated parking areas, escort services, and other affirmative safeguards;
5. Training programs and protocols designed to educate employees and managers in how to recognize, approach, and assist employees experiencing domestic violence or sexual assault, including both victims and batterers; and
6. Other issues as shall be appropriate and relevant for the task force in developing the model policy.

(c) The model policy shall be reviewed by the task force to assure consistency with existing law and shall be made the subject of public hearings convened by the Department throughout the State at places and at times which are convenient for attendance by the public, after which the policy shall be reviewed by the task force and amended as necessary to reflect concerns raised at the hearings. If approved by the task force, the model policy shall be provided as approved with explanation of its provisions to the Governor and the General Assembly not later than one year after the effective date of this amendatory Act of the 91st General Assembly. The Department shall make every effort to notify businesses of the availability of the model domestic violence and sexual assault employee awareness and assistance policy.

(d) The Department, in consultation with the task force, providers of services, the advisory council, the Department of Labor, and representatives of statewide advocacy organizations for the prevention of domestic violence and sexual assault, shall provide technical support, information, and encouragement to businesses to implement the provisions of the model.

(e) Nothing contained in this Section shall be deemed to prevent businesses from adopting their own domestic violence and sexual assault employee awareness and assistance policy.

(f) The Department shall survey businesses within 4 years of the effective date of this amendatory Act of the 91st General Assembly to determine the level of model policy adoption amongst businesses and shall take steps necessary to promote the further adoption of such policy. (Source: P.A. 91-592, eff. 8-14-99; revised 10-26-99.)
Sec. 605-615. Assistance with exports. The Department shall have the following duties and responsibilities in regard to the Civil Administrative Code of Illinois:

1) To establish or cosponsor mentoring conferences, utilizing experienced manufacturing exporters, to explain and provide information to prospective export manufacturers and businesses concerning the process of exporting to both domestic and international opportunities.

2) To provide technical assistance to prospective export manufacturers and businesses seeking to establish domestic and international export opportunities.

3) To coordinate with the Department's Small Business Development Centers to link buyers with prospective export manufacturers and businesses.

4) To promote, both domestically and abroad, products made in Illinois in order to inform and advise consumers and buyers of their high quality standards and craftsmanship.

5) To provide technical assistance toward establishment of export trade corporations in the private sector.

6) To develop an electronic database to compile information on international trade and investment activities in Illinois companies, provide access to research and business opportunities through external data bases, and connect this database through international communication systems with appropriate domestic and worldwide networks users.

7) To collect and distribute to foreign commercial libraries directories, catalogs, brochures, and other information of value to foreign businesses considering doing business in this State.

8) To establish an export finance awareness program to provide information to banking organizations about methods used by banks to provide financing for businesses engaged in exporting and about other State and federal programs to promote and expedite export financing.

9) To undertake a survey of Illinois' businesses to identify exportable products and the businesses interested in exporting.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-5-99.)

Sec. 605-705. Grants to local tourism and convention bureaus.

(a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are defined as those bureaus in legal existence as of January 1, 1985 that are either a unit of local government or incorporated as a not-for-profit organization, are affiliated with at least one municipality or county, and employ one full time staff person whose purpose is to promote tourism. Each bureau receiving funds under this Act will be certified by the Department as the designated recipient to serve an area of the State. These funds may not be used in support of the Chicago World's Fair.

(b) To distribute grants to local tourism and convention bureaus from appropriations made from the Local Tourism Fund for that purpose. Of the amounts appropriated annually to the Department for expenditure under this Section, one-third of those monies shall be used for grants to convention and tourism bureaus in cities with a population greater than 500,000. The remaining two-thirds of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with a formula based upon the population served. The Department may reserve up to 10% of the total appropriated to conduct audits of grants, to provide incentive funds to those bureaus that will conduct promotional activities designed to further the Department's statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State's parks or historic sites.

(Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-4-99.)

Sec. 605-817. Family loan program.

(a) From amounts appropriated for such purpose, the Department in consultation with the Department of Human Services shall solicit proposals to establish programs to be known as family loan programs. Such programs shall provide small, no-interest loans to custodial parents with income below 200% of the federal poverty level who are working or enrolled in a post-secondary education program, to aid in covering the costs of unexpected expenses that could interfere with their ability to maintain employment or continue education. Loans awarded through a family loan program...
may be paid directly to a third party on behalf of a loan recipient and in either case shall not constitute income or resources for the purposes of public assistance and care so long as the funds are used for the intended purpose.

(b) The Director shall enter into written agreements with not-for-profit organizations or local government agencies to administer loan pools. Agreements shall be entered into with no more than 4 organizations or agencies, no more than one of which shall be located in the city of Chicago.

(c) Program sites shall be approved based on the demonstrated ability of the organization or governmental agency to secure funding from private or public sources sufficient to establish a loan pool to be maintained through repayment agreements entered into by eligible low-income families. Funds awarded by the Department to approved program sites shall be used for the express purposes of covering staffing and administration costs associated with administering the loan pool.

(Source: P.A. 91-372, eff. 1-1-00; revised 8-11-99.)

(20 ILCS 605/605-850) (was 20 ILCS 605/46.32a in part)
Sec. 605-850. Labor-management-community relations; Labor-Management-Community Cooperation Committee.

(a) Because economic development investment programs must be supplemented with efforts to maintain a skilled, stable, and diverse workforce able to meet the needs of new and growing business enterprises, the Department shall promote better labor-management-community and government operations by providing assistance in the development of local labor-management-community committees and coalitions established to address employment issues facing families and by helping Illinois current and prospective employers attract and retain a diverse and productive workforce through the promotion and support of dependent care policies and programs in the workplace and community.

(b) In the Department there shall be a Labor-Management-Community Cooperation Committee composed of 18 public members appointed by the Governor with the advice and consent of the Senate. Six members shall represent executive level management of businesses, 6 members shall represent major labor union leadership, and 6 members shall represent community leadership. The Governor shall designate one business representative and one labor representative as cochairmen. Appointed members shall not be represented at a meeting by another person. There shall be 9 ex officio nonvoting members: the Director, who shall serve as Secretary, the Director of Labor, the Secretary of Human Services, the Director of Public Health, the Director of Employment Security, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. Each ex officio member shall serve during the term of his or her office. Ex officio members may be represented by duly authorized substitutes.

In making the initial public member appointments to the Committee, 3 of the business representatives and 3 of the labor union representatives shall be appointed for terms expiring July 1, 1987. The remaining public members shall be appointed for terms expiring July 1, 1988. The public members appointed under this amendatory Act of the 91st General Assembly shall be divided into 2 groups with the first group having terms that expire on July 1, 2002 and the second group having terms that expire on July 1, 2003. Thereafter, public members of the Committee shall be appointed for terms of 2 years expiring on July 1, or until their successors are appointed and qualified. The Governor may at any time, with the advice and consent of the Senate, make appointments to fill vacancies for the balance of an unexpired term. Public members shall serve without compensation but shall be reimbursed by the Department for necessary expenses incurred in the performance of their duties. The Department shall provide staff assistance to the Committee.

(c) The Committee shall have the following duties:

1. To improve communications between labor, management, and communities on significant economic problems facing the State, especially with respect to identifying new ways to attract and retain employees and provide an environment in which employees can do their best work.

2. To encourage and support the development of local labor, management, and community committees at the plant, industry and area levels across the State and encourage and support the development of local coalitions to support the implementation of family-friendly policies in the workplace.

New matter indicated by italics - deletions by strikeout.
(3) To assess the progress of area labor-management-community committees and local coalitions that have been formed across the State and provide input to the Governor and General Assembly concerning grant programs established in this Act.

(4) To convene a statewide conference on labor-management-community concerns at least once every 2 years and to convene a series of regional work, family, and community planning conferences throughout the State for employers, unions, and community leaders to form local coalitions to share information, pool resources, and address work and family concerns in their own communities.

(5) To issue a report on labor-management-community and employment-related family concerns to the Governor and the General Assembly every 2 years. This report shall outline the accomplishments of the Committee and specific recommendations for improving statewide labor-management-community relations and supporting the adoption of family-friendly work practices throughout the State.

(6) To advise the Department on dependent care and other employment-related family initiatives; and

(7) To advise the Department on other initiatives to foster maintenance and development of productive, stable, and diverse workforces to supplement and advance community and State investment-based economic development programs.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 91-476, eff. 8-11-99; revised 10-20-99.)

(20 ILCS 605/605-855) (was 20 ILCS 605/46.32a in part)

Sec. 605-855. Grants to local coalitions and labor-management-community committees.

(a) The Director, with the advice of the Labor-Management-Community Cooperation Committee, shall have the authority to provide grants to employee coalitions or other coalitions that enhance or promote work and family programs and address specific community concerns, and to provide matching grants, grants, and other resources to establish or assist area labor-management-community committees and other projects that serve to enhance labor-management-community relations. The Department shall have the authority, with the advice of the Labor-Management-Community Cooperation Committee, to award grants or matching grants in the following areas as provided in subsections (b) through (g):

(b) To provide 60% matching grants to existing local labor-management-community committees. To be eligible for matching grants pursuant to this subsection, local labor-management-community committees shall meet all of the following criteria:

(1) Be a formal, not-for-profit organization structured for continuing service with voluntary membership.
(2) Be composed of labor, management, and community representatives.
(3) Service a distinct and identifiable geographic region.
(4) Be staffed by a professional chief executive officer.
(5) Have been established with the Department for at least 2 years.
(6) Operate in compliance with rules set forth by the Department with the advice of the Labor-Management-Community Cooperation Committee.
(7) Ensure that their efforts and activities are coordinated with relevant agencies, including but not limited to the following:
Department of Commerce and Community Affairs
Illinois Department of Labor
Economic development agencies
Planning agencies
Colleges, universities, and community colleges
U.S. Department of Labor
Statewide Job Training Partnership Act entities or entities under any successor federal workforce training and development legislation.

Further, the purpose of the local labor-management-community committees will include, but not be limited to, the following:

(i) Enhancing the positive labor-management-community relationship within the
State, region, community, and/or work place.

(ii) Assisting in the retention, expansion, and attraction of businesses and jobs within the State through special training programs, gathering and disseminating information, and providing assistance in local economic development efforts as appropriate.

(iii) Creating and maintaining a regular nonadversarial forum for ongoing dialogue between labor, management, and community representatives to discuss and resolve issues of mutual concern outside the realm of the traditional collective bargaining process.

(iv) Acting as an intermediary for initiating local programs between unions and employers that would generally improve economic conditions in a region.

(v) Encouraging, assisting, and facilitating the development of work-site and industry labor-management-community committees in the region.

Any local labor-management-community committee meeting these criteria may apply to the Department for annual matching grants, provided that the local committee contributes at least 25% in matching funds, of which no more than 50% shall be "in-kind" services. Funds received by a local committee pursuant to this subsection shall be used for the ordinary operating expenses of the local committee.

(c) To provide 20% Matching grants to local labor-management-community committees that do not meet all of the eligibility criteria set forth in subsection (b). However, to be eligible to apply for a grant under this subsection (c), the local labor-management-community committee, at a minimum, shall meet all of the following criteria:

(1) Be composed of labor, management, and community representatives.
(2) Service a distinct and identifiable geographic region.
(3) Operate in compliance with the rules set forth by the Department with the advice of the Labor-Management-Community Cooperation Committee.
(4) Ensure that its efforts and activities are directed toward enhancing the labor-management-community relationship within the State, region, community, and/or work place.

Any local labor-management-community committee meeting these criteria may apply to the Department for an annual matching grant, provided that the local committee contributes at least 25% in matching funds of which no more than 50% shall be "in-kind" services. Funds received by a local committee pursuant to this subsection (c) shall be used for the ordinary and operating expenses of the local committee. Eligible committees shall be limited to 3 years of funding under this subsection. With respect to those committees participating in this program prior to enactment of this amendatory Act of 1988 that fail to qualify under paragraph (1) of this subsection (c), previous years' funding shall be counted in determining whether those committees have reached their funding limit under this subsection (c) paragraph (2).

(d) To provide 10% Grants to develop and conduct specialized education and training programs of direct benefit to representatives of labor, management, labor-management-community committees and/or their staff. The type of education and training programs to be developed and offered will be determined and prioritized annually by the Department, with the advice of the Labor-Management-Community Cooperation Committee. The Department will develop and issue an annual request for proposals detailing the program specifications.

(e) To provide 10% Grants for research and development projects related to labor-management-community or employment-related family issues. The Department, with the advice of the Labor-Management-Community Cooperation Committee, will develop and prioritize annually the type and scope of the research and development projects deemed necessary.

(f) To provide Grants of up to a maximum of $5,000 to support the planning of regional work, family, and community planning conferences that will be based on specific community concerns.

(g) To provide Grants to initiate or support recently created employer-led coalitions to establish pilot projects that promote the understanding of the work and family issues and support local workforce dependent care services.

(h) The Department is authorized to establish applications and application procedures and promulgate any rules deemed necessary in the administration of the grants.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 91-476, eff. 8-11-99; revised 10-20-99.)
Sec. 605-860. Office of Work and Family Issues Labor Management Corporation. To administer the grant programs created by this Law, the Department shall establish an Office of Work and Family Issues. The purpose of this office shall include, but not be limited to the following:

1. To administer the grant programs, including developing grant applications and requests for proposals, program monitoring, and evaluation.

2. To serve as State liaison with other state, regional, and national organizations devoted to promoting labor-management-community cooperation and employment-related family issues; and to disseminate pertinent information secured through these State, regional, and national affiliations to local labor-management-community committees, the Labor-Management-Community Cooperation Committee, employer coalitions, Illinois Employment and Training Centers, and other interested parties throughout the State.

3. To provide technical assistance to area, industry, or work-site labor-management-community committees as requested.

4. To serve as a clearinghouse for information related to labor-management-community cooperation.

5. To serve as a catalyst to developing and strengthening a partnership among local, State, regional, and national organizations and agencies devoted to enhancing labor-management-community cooperation and employment-related family issues.

6. To provide any other programs or services that enhance labor-management-community cooperation or that may promote the adoption of family-friendly workplace practices at companies located within the State of Illinois as determined by the Director with the advice of the Labor-Management-Community Cooperation Committee.

7. To establish an Illinois Work and Family Clearinghouse to disseminate best-practice work and family policies and practices throughout the State, including through the Illinois Employment and Training Centers; to provide and develop a computerized database listing dependent care information and referral services; to help employers by providing information about options for dependent care assistance; to conduct and compile research on elder care, child care, and other employment-related family issues in Illinois; and to compile and disseminate any other information or services that support the adoption of family-friendly workplace practices at companies located in the State.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 91-467, eff. 8-11-99; revised 10-20-99.)

Sec. 605-940. Clearing house for local government problems; aid with financial and administrative matters. The Department shall provide for a central clearing house for information concerning local government problems and various solutions to those problems and shall assist and aid local governments of the State in matters relating to budgets, fiscal procedures, and administration. In performing this responsibility the Department shall have the power and duty to do the following:

1. Maintain communication with all local governments and assist them, at their request, to improve their administrative procedures and to facilitate improved local government and development.

2. Assemble and disseminate information concerning State and federal programs, grants, gifts, and subsidies available to local governments and to provide counsel and technical services and other assistance in applying for those programs, grants, gifts, and subsidies.

3. Assist in coordinating activities by obtaining information, on forms provided by the Department or by receipt of proposals and applications, concerning State and federal assisted programs, grants, gifts, and subsidies applied for and received by all local governments.

4. Provide direct consultative services to local governments upon request and provide staff services to special commissions, the Governor, or the General Assembly or its committees.

5. Render advice and assistance with respect to the establishment and maintenance of programs for the training of local government officials and other personnel.
(6) Act as the official State agency for the receipt and distribution of federal funds that are or may be provided to the State on a flat grant basis for distribution to local governments or in the event federal law requires a State agency to implement programs affecting local governments and for State funds that are or may be provided for the use of local governments unless otherwise provided by law.

(7) Administer laws relating to local government affairs as the General Assembly may direct.

(8) Provide all advice and assistance to improve local government administration, ensure the economical and efficient provision of local government services, and make the Civil Administrative Code of Illinois effective.

(9) Give advice and counsel on fiscal problems of local governments of the State to those local governments.

(10) Prepare uniform budgetary forms for use by the local governments of the State.

(11) Assist and advise the local governments of the State in matters pertaining to budgets, appropriation requests and ordinances, the determination of property tax levies and rates, and other matters of a financial nature.

(12) Be a repository for financial reports and statements required by law of local governments of the State, and publish financial summaries of those reports and statements.

(13) (Blank).

(14) Prepare proposals and advise on the investment of idle local government funds.

(15) Administer the program of grants, loans, and loan guarantees under the federal Public Works and Economic Development Act of 1965, 42 U.S.C. 3121 and following, and receive and disburse State and federal funds provided for that program and moneys received as repayments of loans made under the program.

(16) After January 1, 1985, upon the request of local governments, prepare and provide model financial statement forms designed to communicate to taxpayers, service consumers, voters, government employees, and news media, in a non-technical manner, all significant financial information regarding a particular local government, and to prepare and provide to local governments a summary of local governments' obligations concerning the adoption of an annual operating budget. The summary shall be set forth in a non-technical manner and shall be designed principally for distribution to, and the use of, taxpayers, service consumers, voters, government employees, and news media.

(Source: P.A. 91-239, eff. 1-1-00; 91-583, eff. 1-1-00; revised 10-26-99.)

Section 16.5. The Illinois Enterprise Zone Act is amended by changing Section 5.3 as follows:

(20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

Sec. 5.3. Certification of Enterprise Zones; Effective date.

(a) Approval of designated Enterprise Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each Enterprise Zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the Enterprise Zone Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the Enterprise Zone lies.

(b) An Enterprise Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality or county.

(c) An Enterprise Zone shall be in effect for 30 calendar years, or for a lesser number of years specified in the certified designating ordinance. Enterprise Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 5.4. In Vermilion County, however, an enterprise zone shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance. The Whiteside County/Carroll
County Enterprise Zone, however, solely with respect to industrial purposes and uses, shall be in effect for 30 calendar years or for a lesser number of years specified in the certified designating ordinance.

(d) No more than 12 Enterprise Zones may be certified by the Department in calendar year 1984, no more than 12 Enterprise Zones may be certified by the Department in calendar year 1985, no more than 13 Enterprise Zones may be certified by the Department in calendar year 1986, no more than 15 Enterprise Zones may be certified by the Department in calendar year 1987, and no more than 20 Enterprise Zones may be certified by the Department in calendar year 1990. In other calendar years, no more than 13 Enterprise Zones may be certified by the Department. The Department may also designate up to 8 additional Enterprise Zones outside the regular application cycle if warranted by the extreme economic circumstances as determined by the Department. The Department may also designate one additional Enterprise Zone outside the regular application cycle if an aircraft manufacturer agrees to locate an aircraft manufacturing facility in the proposed Enterprise Zone. Notwithstanding any other provision of this Act, no more than 89 Enterprise Zones may be certified by the Department for the 10 calendar years commencing with 1983. The 7 additional Enterprise Zones authorized by Public Act 86-15 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to June 30, 1989. The 7 additional Enterprise Zones (excluding the additional Enterprise Zone which may be designated outside the regular application cycle) authorized by Public Act 86-1030 shall not lie within municipalities or unincorporated areas of counties that abut or are contiguous to Enterprise Zones certified pursuant to this Section prior to February 28, 1990. In any calendar year, the Department may not certify more than 3 Zones located within the same municipality. The Department may certify Enterprise Zones in each of the 10 calendar years commencing with 1983. The Department may not certify more than a total of 18 Enterprise Zones located within the same county (whether within municipalities or within unincorporated territory) for the 10 calendar years commencing with 1983. Thereafter, the Department may not certify any additional Enterprise Zones, but may amend and rescind certifications of existing Enterprise Zones in accordance with Section 5.4.

(e) Notwithstanding any other provision of law, if (i) the county board of any county in which a current military base is located, in part or in whole, or in which a military base that has been closed within 20 years of the effective date of this amendatory Act of 1998 is located, in part or in whole, adopts a designating ordinance in accordance with Section 5 of this Act to designate the military base in that county as an enterprise zone and (ii) the property otherwise meets the qualifications for an enterprise zone as prescribed in Section 4 of this Act, then the Department may certify the designating ordinance or ordinances, as the case may be.

(Source: P.A. 90-657, eff. 7-30-98; 91-567, eff. 8-14-99; 91-937, eff. 1-11-01; revised 1-15-01.)

Section 17. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by changing Sections 1005-110 and 1005-130 as follows:

(20 ILCS 1005/1005-110) (was 20 ILCS 1005/44a)
Sec. 1005-110. Board of Review. The Board of Review in the Department shall exercise all powers and be subject to all duties conferred or imposed upon the Board by the provisions of the Unemployment Insurance Act, in its own name and without any direction, supervision, or control by the Director.
(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-5-99.)
Sec. 1005-130. Exchange of information for child support enforcement.
(20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)
(a) The Department has the power to exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.
(b) Notwithstanding any provisions in the Civil Administrative Code of Illinois to the contrary, the Department of Employment Security shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action

New matter indicated by italics - deletions by strikeout.
taken in good faith to comply with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; revised 8-5-99.)

Section 18. The Department of Insurance Law of the Civil Administrative Code of Illinois is amended by renumbering Section 56.3 (as added by Public Act 91-406) as follows:

(20 ILCS 1405/1405-20) (was 20 ILCS 1405/56.3)
Sec. 1405-20. 56.3. Investigational cancer treatments; study.

(a) The Department of Insurance shall conduct an analysis and study of costs and benefits derived from the implementation of the coverage requirements for investigational cancer treatments established under Section 356y of the Illinois Insurance Code. The study shall cover the years 2000, 2001, and 2002. The study shall include an analysis of the effect of the coverage requirements on the cost of insurance and health care, the results of the treatments to patients, the mortality rate among cancer patients, any improvements in care of patients, and any improvements in the quality of life of patients.

(b) The Department shall report the results of its study to the General Assembly and the Governor on or before March 1, 2003.
(Source: P.A. 91-406, eff. 1-1-00; revised 10-18-99.)

Section 19. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-5, 2105-15, 2105-75, 2105-120, and 2105-150 and renumbering Section 60p as follows:

(20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)
Sec. 2105-5. Definitions.

(a) In this Law:
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.

(b) In the construction of this Section and Sections 2105-10, 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325, the following definitions shall govern unless the context otherwise clearly indicates:
"Board" means the board of persons designated for a profession, trade, or occupation under the provisions of any Act now or hereafter in force whereby the jurisdiction of that profession, trade, or occupation is devolved on the Department.
"Certificate" means a license, certificate of registration, permit, or other authority purporting to be issued or conferred by the Department by virtue or authority of which the registrant has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.
"Registrant" means a person who holds or claims to hold a certificate.
(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

(20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)
Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.
(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.
(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.
(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

New matter indicated by italics - deletions by strikeout.
(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Illinois Department of Public Aid as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Public Aid or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Illinois Department of Public Aid under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(9) To perform other duties prescribed by law.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the

New matter indicated by italics - deletions by strikeout.
Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 1 of the Private Business and Vocational Schools Act.

(f) Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 2000, nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act.

(Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00; 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; revised 9-29-99.)

(20 ILCS 2105/2105-30) (was 20 ILCS 2105/60p)

Sec. 2105-30. 60p. License forms; notification of abuse. Beginning January 1, 2000, each license or permit application or renewal form the Department provides to a person who is required by law to report child abuse or elder abuse must include a notification that the applicant or licensee is required by law to report that abuse and must include telephone numbers the licensee may call to report the abuse.

(Source: P.A. 91-244, eff. 1-1-00; revised 11-3-99.)

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

Sec. 2105-75. Design Professionals Dedicated Employees. There are established within the Department certain design professionals dedicated employees. These employees shall be devoted exclusively to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The design professionals dedicated employees that the Director shall employ, in conformity with the Personnel Code, at a minimum shall consist of one full-time design licensing Coordinator, one full-time Assistant Coordinator, 4 full-time licensing clerks, one full-time attorney, and 2 full-time investigators. These employees shall work exclusively in the licensing and enforcement of the design profession Acts set forth in this Section and shall not be used for the licensing and enforcement of any other Act or other duties in the Department.

(Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 2105-120. Board's report; registrant's motion for rehearing.

(a) The board shall present to the Director its written report of its findings and recommendations. A copy of the report shall be served upon the registrant, either personally or by registered mail as provided in Section 2105-100 for the service of the citation.

(b) Within 20 days after the service required under subsection (a), the registrant may present to the Department a motion in writing for a rehearing. The written motion shall specify the particular grounds for a rehearing. If the registrant orders and pays for a transcript of the record as provided in Section 2105-115, the time elapsing thereafter and before the transcript is ready for delivery to the registrant shall not be counted as part of the 20 days.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

Sec. 2105-150. Violations of Medical Practice Act. Notwithstanding any of the provisions of Section 2105-5, 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, 2105-200, or 2105-325 of this Law, for violations of Section 22 of the Medical Practice Act of 1987, the Department shall suspend, revoke, place on probationary status, or take other disciplinary action as it deems proper with regard to licenses issued under that Act only in accordance with Sections 7 and 36 through 46 of that Act.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

Section 20. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-205, 2310-350, 2310-370, 2310-397, and 2310-430 and renumbering Sections 55.56a, 55.58a, 55.75a, 55.95, and multiple versions of Section 55.91 as follows:

Sec. 2310-205. Community health centers. From appropriations from the Community Health Center Care Fund, a special fund in the State treasury which is hereby created, the Department shall provide financial assistance to migrant health centers and community health centers established pursuant to Sections 329 or 330 of the federal Public Health Service Act or that meet the standards contained in either of those Sections and for the purpose of establishing new migrant health centers or community health centers in areas of need.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

Sec. 2310-227. AIDS awareness; senior citizens. The Department must include within its public health promotion programs and materials information targeted to persons 50 years of age and more concerning the dangers of HIV and AIDS and sexually transmitted diseases.

(Source: P.A. 91-106, eff. 1-1-00; revised 8-6-99.)

Sec. 2310-337. Asthma information.

(a) The Department of Public Health, in conjunction with representatives of State and community based agencies involved with asthma, shall develop and implement an asthma information program targeted at population groups in Illinois with high risk of suffering from asthma, including but not limited to the following:

New matter indicated by italics - deletions by strikeout.
(1) African Americans.
(2) Hispanics.
(3) The elderly.
(4) Children.
(5) Those exposed to environmental factors associated with high risk of asthma.
(6) Those with a family history of asthma.
(7) Those with allergies.

(b) The Department's asthma information program shall include but need not be limited to information about:
(1) The causes and prevention of asthma.
(2) The types of treatment for asthma.
(3) The availability of treatment for asthma.
(4) Possible funding sources for treatment of asthma.

(c) The Department shall report to the General Assembly by January 1, 2000 upon its development and implementation of the asthma information program.

(Source: P.A. 91-515, eff. 8-13-99; revised 10-21-99.)

(20 ILCS 2310/2310-350) (was 20 ILCS 2310/55.70)
Sec. 2310-350. Penny Severns Breast and Cervical Cancer Research Fund. From funds appropriated from the Penny Severns Breast and Cervical Cancer Research Fund, the Department shall award grants to eligible physicians, hospitals, laboratories, education institutions, and other organizations and persons to enable organizations and persons to conduct research. For the purposes of this Section, "research" includes, but is not limited to, expenditures to develop and advance the understanding, techniques, and modalities effective in early detection, prevention, cure, screening, and treatment of breast and cervical cancer and may include clinical trials.

Moneys received for the purposes of this Section, including but not limited to income tax checkoff receipts and gifts, grants, and awards from private foundations, nonprofit organizations, other governmental entities, and persons shall be deposited into the Penny Severns Breast and Cervical Cancer Research Fund, which is hereby created as a special fund in the State treasury.

The Department shall create an advisory committee with members from, but not limited to, the Illinois Chapter of the American Cancer Society, Y-Me, the Susan G. Komen Foundation, and the State Board of Health for the purpose of awarding research grants under this Section. Members of the advisory committee shall not be eligible for any financial compensation or reimbursement.

(Source: P.A. 91-107, eff. 7-13-99; 91-239, eff. 1-1-00; revised 8-6-99.)

(20 ILCS 2310/2310-351) (was 20 ILCS 2310/55.91)
Sec. 2310-351. Ovarian cancer; Cancer Information Service. The Department of Public Health, in cooperation with the Cancer Information Service, shall promote the services of the Cancer Information Service in relation to ovarian cancer.

(Source: P.A. 91-108, eff. 7-13-99; revised 8-6-99.)

(20 ILCS 2310/2310-370) (was 20 ILCS 2310/55.76)
Sec. 2310-370. Heart Disease Treatment and Prevention Fund; grants. From funds appropriated from the Heart Disease Treatment and Prevention Fund, a special fund created in the State treasury, the Department shall make grants to public and private agencies for the purposes of funding (i) research into causes, prevention, and treatment of heart disease and (ii) public education relating to treatment and prevention of heart disease within the State of Illinois.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-6-99.)

(20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)
Sec. 2310-397. Prostate and testicular cancer program.

(a) The Department, subject to appropriation or other available funding, shall conduct a program to promote awareness and early detection of prostate and testicular cancer. The program may include, but need not be limited to:
(1) Dissemination of information regarding the incidence of prostate and testicular cancer, the risk factors associated with prostate and testicular cancer, and the benefits of early detection and treatment.
(2) Promotion of information and counseling about treatment options,
(3) Establishment and promotion of referral services and screening programs.

New matter indicated by italics - deletions by strikeout.
(b) Subject to appropriation or other available funding, a Prostate Cancer Screening Program shall be established in the Department of Public Health.

(1) The Program shall apply to the following persons and entities:
   (A) uninsured and underinsured men 50 years of age and older;
   (B) uninsured and underinsured men between 40 and 50 years of age who are at high risk for prostate cancer, upon the advice of a physician or upon the request of the patient; and
   (C) non-profit organizations providing assistance to persons described in subparagraphs (A) and (B).

(2) Any entity funded by the Program shall coordinate with other local providers of prostate cancer screening, diagnostic, follow-up, education, and advocacy services to avoid duplication of effort. Any entity funded by the Program shall comply with any applicable State and federal standards regarding prostate cancer screening.

(3) Administrative costs of the Department shall not exceed 10% of the funds allocated to the Program. Indirect costs of the entities funded by this Program shall not exceed 12%. The Department shall define "indirect costs" in accordance with applicable State and federal law.

(4) Any entity funded by the Program shall collect data and maintain records that are determined by the Department to be necessary to facilitate the Department's ability to monitor and evaluate the effectiveness of the entities and the Program. Commencing with the Program's second year of operation, the Department shall submit an Annual Report to the General Assembly and the Governor. The report shall describe the activities and effectiveness of the Program and shall include, but not be limited to, the following types of information regarding those served by the Program:
   (A) the number;
   (B) the ethnic, geographic, and age breakdown;
   (C) the stages of presentation; and
   (D) the diagnostic and treatment status.

(5) The Department or any entity funded by the Program shall collect personal and medical information necessary to administer the Program from any individual applying for services under the Program. The information shall be confidential and shall not be disclosed other than for purposes directly connected with the administration of the Program or except as otherwise provided by law or pursuant to prior written consent of the subject of the information.

(6) The Department or any entity funded by the program may disclose the confidential information to medical personnel and fiscal intermediaries of the State to the extent necessary to administer the Program, and to other State public health agencies or medical researchers if the confidential information is necessary to carry out the duties of those agencies or researchers in the investigation, control, or surveillance of prostate cancer.

c) The Department shall adopt rules to implement the Prostate Cancer Screening Program in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 90-599, eff. 1-1-99; 91-109, eff. 1-1-00; 91-239, eff. 1-1-00; revised 8-6-99.)

Sec. 2310-398. Prostate Cancer Research Fund; grants. From funds appropriated from the Prostate Cancer Research Fund, a special fund created in the State treasury, the Department of Public Health shall make grants to public or private entities in Illinois, which may include the Lurie Comprehensive Cancer Center at the Northwestern University Medical School and the Kellogg Cancer Care Center at Evanston/Glenbrook Hospitals, for the purpose of funding research applicable to prostate cancer patients. The grant funds may not be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.

(Source: P.A. 91-104, eff. 7-13-99; revised 8-6-99.)

Sec. 2310-430. Women's health issues.

(a) The Department shall designate a member of its staff to handle women's health issues not currently or adequately addressed by the Department.

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(b) The staff person's duties shall include, without limitation:

1. Assisting in the assessment of the health needs of women in the State.
2. Recommending treatment methods and programs that are sensitive and relevant to the unique characteristics of women.
3. Promoting awareness of women's health concerns and encouraging, promoting, and aiding in the establishment of women's services.
4. Providing adequate and effective opportunities for women to express their views on Departmental policy development and program implementation.
5. Providing information to the members of the public, patients, and health care providers regarding women's gynecological cancers, including but not limited to the signs and symptoms, risk factors, the benefits of early detection through appropriate diagnostic testing, and treatment options.
6. Publishing the health care summary required under Section 2310-425 55.66 of this Act.

(c) The information provided under item (5) of subsection (b) of this Section may include, but is not limited to, the following:

1. Educational and informational materials in print, audio, video, electronic, or other media.
2. Public service announcements and advertisements.
3. The health care summary required under Section 2310-425 55.66 of this Act.

The Department may develop or contract with others to develop, as the Director deems appropriate, the materials described in this subsection (c) or may survey available publications from, among other sources, the National Cancer Institute and the American Cancer Society. The staff person designated under this Section shall collect the materials, formulate a distribution plan, and disseminate the materials according to the plan. These materials shall be made available to the public free of charge.

In exercising its powers under this subsection (c), the Department shall consult with appropriate health care professionals and providers, patients, and organizations representing health care professionals and providers and patients.

(Source: P.A. 91-106, eff. 1-1-00; 91-239, eff. 1-1-00; revised 8-6-99.)

Sec. 2310-537. 55.75a. Review of inspection programs. The Department of Public Health shall, utilizing the expertise and membership of the Hospital Licensing Board created pursuant to Section 10 of the Hospital Licensing Act, conduct a review of the hospital inspection programs of the Department under the Hospital Licensing Act and any other hospital program operated by the Department. The required review should include (i) a study of the basis for, and establishment of, standards by the various entities who regulate hospitals; (ii) the survey activities of any other public or private agency inspecting hospitals; and (iii) the interpretation and application of the adopted standards by each of the entities.

The Department shall issue a report of the review and any recommendations regarding the feasibility of development of a consolidated or consistent set of regulations among the various entities. The Department shall seek the input and participation of the various federal and private organizations that establish standards for hospitals. A report shall be issued to the Governor and the General Assembly by July 1, 2000.

(Source: P.A. 91-154, eff. 7-16-99; revised 8-6-99.)

Section 21. The Disabled Persons Rehabilitation Act is amended by changing Section 12a as follows:

Sec. 12a. Centers for independent living.

(a) Purpose. Recognizing that persons with significant disabilities deserve a high quality of life within their communities regardless of their disabilities, the Department, working with the Statewide Independent Living Council, shall develop a State plan for submission on an annual basis to the Commissioner. The Department shall adopt rules for implementing the State plan in accordance with the federal Act, including rules adopted under the federal Act governing the award of grants.
(b) Definitions. As used in this Section, unless the context clearly requires otherwise:

"Federal Act" means the federal Rehabilitation Act of 1973, as amended.

"Center for independent living" means a consumer controlled, community based, cross-disability, non-residential, private non-profit agency that is designated and operated within a local community by individuals with disabilities and provides an array of independent living services.

"Consumer controlled" means that the center for independent living vests power and authority in individuals with disabilities and that at least 51% of the directors of the center are persons with one or more disabilities as defined by this Act.

"Commissioner" means the Commissioner of the Rehabilitation Services Administration in the United States Department of Education.

"Council" means the Statewide Independent Living Council appointed under subsection (d).

"Individual with a disability" means any individual who has a physical or mental impairment that substantially limits a major life activity, has a record of such an impairment, or is regarded as having such an impairment.

"Individual with a significant disability" means an individual with a significant physical or mental impairment, whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment.

"State plan" means the materials submitted by the Department to the Commissioner on an annual basis that contain the State's proposal for:

1. The provision of statewide independent living services.
2. The development and support of a statewide network of centers for independent living.
3. Working relationships between (i) programs providing independent living services and independent living centers and (ii) the vocational rehabilitation program administered by the Department under the federal Act and other programs providing services for individuals with disabilities.

(c) Authority. The unit of the Department headed by the vocational rehabilitation administrator shall be designated the State unit under Title VII of the federal Act and shall have the following responsibilities:

1. To receive, account for, and disburse funds received by the State under the federal Act based on the State plan.
2. To provide administrative support services to centers for independent living programs.
3. To keep records, and take such actions with respect to those records, as the Commissioner finds to be necessary with respect to the programs.
4. To submit additional information or provide assurances the Commissioner may require with respect to the programs.

The vocational rehabilitation administrator and the Chairperson of the Council are responsible for jointly developing and signing the State plan required by Section 704 of the federal Act. The State plan shall conform to the requirements of Section 704 of the federal Act.

(d) Statewide Independent Living Council.

The Governor shall appoint a Statewide Independent Living Council, comprised of 18 members, which shall be established as an entity separate and distinct from the Department. The composition of the Council shall include the following:

1. At least one director of a center for independent living chosen by the directors of centers for independent living within the State.
2. A representative from the unit of the Department of Human Services responsible for the administration of the vocational rehabilitation program and a representative from another unit in the Department of Human Services that provides services for individuals with disabilities and a representative each from the Department on Aging, the State Board of Education, and the Department of Children and Family Services, all as ex-officio, non-voting members who shall not be counted in the 18 members appointed by the Governor.

In addition, the Council may include the following:

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(A) One or more representatives of centers for independent living.
(B) One or more parents or guardians of individuals with disabilities.
(C) One or more advocates for individuals with disabilities.
(D) One or more representatives of private business.
(E) One or more representatives of organizations that provide services for individuals with disabilities.
(F) Other appropriate individuals.

After soliciting recommendations from organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities, the Governor shall appoint members of the Council for terms beginning July 1, 1993. The Council shall be composed of members (i) who provide statewide representation; (ii) who represent a broad range of individuals with disabilities from diverse backgrounds; (iii) who are knowledgeable about centers for independent living and independent living services; and (iv) a majority of whom are persons who are individuals with disabilities and are not employed by any State agency or center for independent living.

The council shall elect a chairperson from among its voting membership.

Each member of the Council shall serve for terms of 3 years, except that (i) a member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of that term and (ii) terms of the members initially appointed after the effective date of this amendatory Act of 1993 shall be as follows: 6 of the initial members shall be appointed for terms of one year, 6 shall be appointed for terms of 2 years, and 6 shall be appointed for terms of 3 years. No member of the council may serve more than 2 consecutive full terms.

Appointments to fill vacancies in unexpired terms and new terms shall be filled by the Governor or by the Council if the Governor delegates that power to the Council by executive order. The vacancy shall not affect the power of the remaining members to execute the powers and duties of the Council. The Council shall have the duties enumerated in subsections (c), (d), and (e) of Section 705 of the federal Act.

Members shall be reimbursed for their actual expenses incurred in the performance of their duties, including expenses for travel, child care, and personal assistance services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council. The reimbursement or compensation shall be paid from moneys made available to the Department under Part B of Title VII of the federal Act.

In addition to the powers and duties granted to advisory boards by Section 5-505 of the Departments of State Government Law (20 ILCS 5/5-505), the Council shall have the authority to appoint jointly with the vocational rehabilitation administrator a peer review committee to consider and make recommendations for grants to eligible centers for independent living.

(e) Grants to centers for independent living. Each center for independent living that receives assistance from the Department under this Section shall comply with the standards and provide and comply with the assurances that are set forth in the State plan and consistent with Section 725 of the federal Act. Each center for independent living receiving financial assistance from the Department shall provide satisfactory assurances at the time and in the manner the vocational rehabilitation administrator requires.

Beginning October 1, 1994, the vocational rehabilitation administrator may award grants to any eligible center for independent living that is receiving funds under Title VII of the federal Act, unless the vocational rehabilitation administrator makes a finding that the center for independent living fails to comply with the standards and assurances set forth in Section 725 of the federal Act.

If there is no center for independent living serving a region of the State or the region is underserved, and the State receives a federal increase in its allotment sufficient to support one or more additional centers for independent living in the State, the vocational rehabilitation administrator may award a grant under this subsection to one or more eligible agencies, consistent with the provisions of the State plan setting forth the design of the State for establishing a statewide network for centers for independent living.

In selecting from among eligible agencies in awarding a grant under this subsection for a new
center for independent living, the vocational rehabilitation administrator and the chairperson of (or other individual designated by) the Council acting on behalf of and at the direction of the Council shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in Section 725 of the federal Act and criteria jointly established by the vocational rehabilitation administrator and the chairperson or designated individual. The peer review committee shall consider the ability of the applicant to operate a center for independent living and shall recommend an applicant to receive a grant under this subsection based on the following:

1. Evidence of the need for a center for independent living, consistent with the State plan.
2. Any past performance of the applicant in providing services comparable to independent living services.
3. The applicant's plan for complying with, or demonstrated success in complying with, the standards and assurances set forth in Section 725 of the federal Act.
4. The quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant.
5. The budgets and cost effectiveness of the applicant.
6. The evaluation plan of the applicant.
7. The ability of the applicant to carry out the plan.

The vocational rehabilitation administrator shall award the grant on the basis of the recommendation of the peer review committee if the actions of the committee are consistent with federal and State law.

(f) Evaluation and review. The vocational rehabilitation administrator shall periodically review each center for independent living that receives funds from the Department under Title VII of the federal Act, or moneys appropriated from the General Revenue Fund, to determine whether the center is in compliance with the standards and assurances set forth in Section 725 of the federal Act. If the vocational rehabilitation administrator determines that any center receiving those federal or State funds is not in compliance with the standards and assurances set forth in Section 725, the vocational rehabilitation administrator shall immediately notify the center that it is out of compliance. The vocational rehabilitation administrator shall terminate all funds to that center 90 days after the date of notification or, in the case of a center that requests an appeal, the date of any final decision, unless the center submits a plan to achieve compliance within 90 days and that plan is approved by the vocational rehabilitation administrator or (if on appeal) by the Commissioner.

(Source: P.A. 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-372, eff. 7-1-98; 90-453, eff. 8-16-97; 91-239, eff. 1-1-00; 91-540, eff. 8-13-99; revised 10-25-99.)

Section 22. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-65 as follows:

(20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)
Sec. 2505-65. Exchange of information.
(a) The Department has the power to exchange with any state, with any local subdivisions of any state, or with the federal government, except when specifically prohibited by law, any information that may be necessary to efficient tax administration and that may be acquired as a result of the administration of the laws set forth in the Sections following Section 95-10 and preceding Section 2505-60.
(b) The Department has the power to exchange with the Illinois Department of Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Revenue shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under this subsection (b) or for any other action taken in good faith to comply with the requirements of this subsection (b).

(Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; revised 8-5-99.)

Section 23. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing and resectioning material added to Section 55a as follows:
Sec. 2605-302. Arrest reports.

(a) 5.5. Provide, When an individual is arrested, that the following information must be made available to the news media for inspection and copying:

(1) (a) Information that identifies the individual person, including the name, age, address, and photograph, when and if available.

(2) (b) Information detailing any charges relating to the arrest.

(3) (c) The time and location of the arrest.

(4) (d) The name of the investigating or arresting law enforcement agency.

(5) (e) If the individual is incarcerated, the amount of any bail or bond.

(6) (f) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) (¶) The information required by this Section paragraph must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in items (3), (4), (5), and (6) of subsection (a) subparagraphs (c), (d), (e), and (f) of this paragraph, however, may be withheld if it is determined that disclosure would (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(c) (2) For the purposes of this Section paragraph, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) (‡) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) (¶) The provisions of this Section paragraph do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

Sec. 2605-330. Firefighter background investigations.

37. Upon the request of the chief of a volunteer fire department, the Department shall conduct criminal background investigations of prospective firefighters and report to the requesting chief any record of convictions maintained in the Department's files about those persons. The Department may charge a fee, based on actual costs, for the dissemination of conviction information under this Section paragraph. The Department may prescribe the form and manner for requesting and furnishing conviction information under this Section paragraph.

(Source: P.A. 91-371, eff. 1-1-00; revised 11-3-99.)


37. To exercise the powers and perform the duties specifically assigned to the Department under the Wireless Emergency Telephone Safety Act with respect to the development and improvement of emergency communications procedures and facilities in such a manner as to facilitate a quick response to any person calling the number "9-1-1" seeking police, fire, medical, or other emergency services through a wireless carrier as defined in Section 10 of the Wireless Emergency Telephone Safety Act. Nothing in the Wireless Emergency Telephone Safety Act shall require the Illinois State Police to provide wireless enhanced 9-1-1 services.

(Source: P.A. 91-660, eff. 12-22-99; revised 1-17-00.)

Section 24. The Criminal Identification Act is amended by changing Section 3 as follows:

(20 ILCS 2630/3) (from Ch. 38, par. 206-3)

Sec. 3. Information to be furnished peace officers and commanding officers of certain military installations in Illinois.

(A) The Department shall file or cause to be filed all plates, photographs, outline pictures, measurements, descriptions and information which shall be received by it by virtue of its office and

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shall make a complete and systematic record and index of the same, providing thereby a method of convenient reference and comparison. The Department shall furnish, upon application, all information pertaining to the identification of any person or persons, a plate, photograph, outline picture, description, measurements, or any data of which there is a record in its office. Such information shall be furnished to peace officers of the United States, of other states or territories, of the Insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois, to investigators of the Illinois Law Enforcement Training Standards Board and, conviction information only, to units of local government, school districts and private organizations, under the provisions of Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of State Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500, 2605/2605-525, or 2605/2605-550). Applications shall be in writing and accompanied by a certificate, signed by the peace officer or chief administrative officer or his designee making such application, to the effect that the information applied for is necessary in the interest of and will be used solely in the due administration of the criminal laws or for the purpose of evaluating the qualifications and character of employees, prospective employees, volunteers, or prospective volunteers of units of local government, school districts, and private organizations.

For the purposes of this subsection, "chief administrative officer" is defined as follows:

a) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.

b) The manager of a village or, if a village does not employ a manager, the president of the village.

c) The chairman or president of a county board or, if a county has adopted the county executive form of government, the chief executive officer of the county.

d) The president of the school board of a school district.

e) The supervisor of a township.

f) The official granted general administrative control of a special district, an authority, or organization of government establishment by law which may issue obligations and which either may levy a property tax or may expend funds of the district, authority, or organization independently of any parent unit of government.

g) The executive officer granted general administrative control of a private organization defined in Section 2605-335 of the Department of State Police Law (20 ILCS 2605/2605-335).

(B) Upon written application and payment of fees authorized by this subsection, State agencies and units of local government, not including school districts, are authorized to submit fingerprints of employees, prospective employees and license applicants to the Department for the purpose of obtaining conviction information maintained by the Department and the Federal Bureau of Investigation about such persons. The Department shall submit such fingerprints to the Federal Bureau of Investigation on behalf of such agencies and units of local government. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection.

(C) Upon payment of fees authorized by this subsection, the Department shall furnish to the commanding officer of a military installation in Illinois having an arms storage facility, upon written request of such commanding officer or his designee, in the form and manner prescribed by the Department, all criminal history record information pertaining to any individual seeking access to
such a storage facility, where such information is sought pursuant to a federally-mandated security or criminal history check.

The Department shall establish and charge a fee, not to exceed actual costs, for providing information pursuant to this subsection.

(Source: P.A. 91-176, eff. 7-16-99; 91-239, eff. 1-1-00; revised 10-12-99.)

Section 25. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-200 as follows:

- (a) The Department has the power to develop and maintain a continuing, comprehensive, and integrated planning process that shall develop and periodically revise a statewide master plan for transportation to guide program development and to foster efficient and economical transportation services in ground, air, water, and all other modes of transportation throughout the State. The Department shall coordinate its transportation planning activities with those of other State agencies and authorities and shall supervise and review any transportation planning performed by other Executive agencies under the direction of the Governor. The Department shall cooperate and participate with federal, regional, interstate, State, and local agencies, in accordance with Sections 5-301 and 7-301 of the Illinois Highway Code, and with interested private individuals and organizations in the coordination of plans and policies for development of the state's transportation system.

To meet the provisions of this Section, the Department shall publish and deliver to the Governor and General Assembly by January 1, 1982 and every 2 years thereafter, its master plan for highway, waterway, aeronautic, mass transportation, and railroad systems. The plan shall identify priority subsystems or components of each system that are critical to the economic and general welfare of the State regardless of public jurisdictional responsibility or private ownership.

The master plan shall provide particular emphasis and detail of the 5 year period in the immediate future.

Annual and 5 year project programs for each State system in this Section shall be published and furnished the General Assembly on the first Wednesday in April of each year.

Identified needs included in the project programs shall be listed and mapped in a distinctive fashion to clearly identify the priority status of the projects: (1) projects to be committed for execution; (2) tentative projects that are dependent upon funding or other constraints; and (3) needed projects that are not programmed due to lack of funding or other constraints.

All projects shall be related to the priority systems of the master plan, and the priority criteria identified. Cost and estimated completion dates shall be included for work required to complete a useable segment or component beyond the 5 year period of the program.

(b) The Department shall publish and deliver to the Governor and General Assembly on the first Wednesday in April of each year a 5-year Highway Improvement Program reporting the number of fiscal years each project has been on previous 5-year plans submitted by the Department.

(c) The Department shall publish and deliver to the Governor and the General Assembly by November 1 of each year a For the Record report that shall include the following:

(1) All the projects accomplished in the previous fiscal year listed by each Illinois Department of Transportation District.

(2) The award cost and the beginning dates of each listed project.

(Source: P.A. 90-277, eff. 1-1-98; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-12-99.)

Section 25.5. The Illinois Capital Budget Act is amended by changing Section 3 as follows:

- Each capital improvement program shall include, but not be limited to, roads, bridges, buildings, including schools, prisons, recreational facilities and conservation areas, and other infrastructure facilities that are owned by the State of Illinois.

Each capital improvement program shall include a needs assessment of the State's capital facilities. Each needs assessment shall include where possible the inventory, age, condition, use, sources of financing, past investment, maintenance history, trends in condition, financing and investment, and projected dollar amount of need in the next 5 years, 10 years, and until the year 2000. Needs assessment of State facilities shall use, to the fullest extent possible, existing studies and

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data from other agencies such as the Illinois Department of Transportation, the Illinois Environmental Protection Agency, the Illinois Economic and Fiscal Commission, the Capital Development Board, the Governor's Task Force on the Future of Illinois, and relevant federal agencies, so that studies can be completed as efficiently as possible, and so information on needs can be used to seek federal funds as soon as possible.

Each capital improvement program shall include an identification and analysis of factors that affect estimated capital investment needs, including but not limited to, economic assumptions, engineering standards, estimates of spending for operations and maintenance, federal and State regulations, and estimation of demand for services.

Each capital improvement program shall include an identification and analysis of the principal policy issues that affect estimated capital investment needs, including but not limited to, economic development policy, equity considerations, policies regarding alternative technologies, political jurisdiction over different infrastructure systems, and the role of the private sector in planning for and investing in infrastructure.

(Source: P.A. 84-838; revised 9-22-00.)

Section 26. The Capital Development Board Act is amended by changing Section 16 as follows:

(20 ILCS 3105/16) (from Ch. 127, par. 783b)

Sec. 16. (a) In addition to any other power granted in this Act to adopt rules or regulations, the Board may adopt regulations or rules relating to the issuance or renewal of the prequalification of an architect, engineer or contractor or the suspension or modification of the prequalification of any such person or entity including, without limitation, an interim or emergency suspension or modification without a hearing founded on any one or more of the bases set forth in this Section.

(b) Among the bases for an interim or emergency suspension or modification of prequalification are:

(1) A finding by the Board that the public interest, safety or welfare requires a summary suspension or modification of a prequalification without hearings.

(2) The occurrence of an event or series of events which, in the Board's opinion, warrants a summary suspension or modification of a prequalification without a hearing including, without limitation, (i) the indictment of the holder of the prequalification by a State or federal agency or other branch of government for a crime; (ii) the suspension or modification of a license or prequalification by another State agency or federal agency or other branch of government after hearings; (iii) a material breach of a contract made between the Board and an architect, engineer or contractor; and (iv) the failure to comply with State law including, without limitation, the Minority and Female Business Enterprise Act, the prevailing wage requirements, and the Steel Products Procurement Act.

(c) If a prequalification is suspended or modified by the Board without hearings for any reason set forth in this Section or in Section 10-65 of the Illinois Administrative Procedure Act, as amended, the Board shall within 30 days of the issuance of an order of suspension or modification of a prequalification initiate proceedings for the suspension or modification of or other action upon the prequalification.

(Source: P.A. 88-45; revised 8-23-99.)

Section 26.2. The Illinois Emergency Management Agency Act is amended by changing Section 10 as follows:

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

Sec. 10. Emergency Services and Disaster Agencies.

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

(b) Each county shall maintain an emergency services and disaster agency that has jurisdiction over and serves the entire county, except as otherwise provided under this Act and except that in any county with a population of over 3,000,000 containing a municipality with a population of over 500,000 the jurisdiction of the county agency shall not extend to the municipality when the
municipality has established its own agency.

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

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

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

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

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

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

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

(j) In carrying out the provisions of this Act, each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat the disasters as are described in Section 4, to protect the health and safety of persons, to protect property, and to provide emergency assistance to victims of those disasters. If a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and

New matter indicated by italics - deletions by strikeout.
formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(k) Emergency services and disaster agency personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if (1) the claimant is a duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and (2) if the claimant was participating in an actual disaster as defined in paragraph (c) of Section 4 of this Act or the exercise participated in was specifically and expressly approved by the Illinois Emergency Management Agency. Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing State volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

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

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

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

(Source: P.A. 87-168; 88-606, eff. 1-1-95; revised 2-9-00.)

Section 26.4. The Illinois Research Park Authority Act is amended by changing Section 1-130 as follows:

(20 ILCS 3850/1-130)

Sec. 1-130. Complete, additional, and alternative methods. The foregoing Sections of this Act are deemed to provide a complete, additional, and alternative methods for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, provided that the issuance of bonds and refunding bonds under this Act need not comply with the requirements of any other law applicable to the issuance of bonds. Except as otherwise expressly provided in this Act, none of the powers granted to the Authority under this Act shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official, or agency thereof or of the State.

(Source: P.A. 88-669, eff. 11-29-94; revised 2-23-00.)

Section 26.6. The Correctional Budget and Impact Note Act is amended by changing Sections 3 and 9 as follows:

(25 ILCS 70/3) (from Ch. 63, par. 42.83)

Sec. 3. Upon the request of the sponsor of any bill described in subsection (a) of Section 2, the Director of the Department of Corrections, or any person within the Department whom the Director may designate, shall prepare a written statement setting forth the information specified in subsection (a) of Section 2. Upon the request of the sponsor of any bill described in subsection (b) of Section 2, the Director of the Administrative Office of the Illinois Courts, or any person the Director may designate, shall prepare a written statement setting forth the information specified in subsection (b) of Section 2.

The statement prepared by the Director of Corrections or Director of Administrative Office
of the Illinois Courts, as the case may be, shall be designated a Correctional Budget and Impact Note and shall be furnished to the sponsor within 10 calendar days thereafter, except that whenever, because of the complexity of the bill, additional time is required for the preparation of the note, the Department of Corrections or Administrative Office of the Illinois Courts may so notify the sponsor and request an extension of time not to exceed 5 additional days within which such note is to be furnished. Such extension shall not extend beyond May 15 following the date of the request.

(Source: P.A. 89-198, eff. 7-21-95; revised 2-23-00.)

Sec. 9. The subject matter of bills submitted to the Director of the Department of Corrections or the Director of the Administrative Office of the Illinois Courts shall be kept in strict confidence and no information relating thereto or relating to the budget or impact thereof shall be divulged by an official or employee of the Department or the Administrative Office of the Illinois Courts, except to the bill's sponsor or his designee, prior to the bill's introduction in the General Assembly.

(Source: P.A. 89-198, eff. 7-21-95; revised 2-23-00.)

Section 27. The State Finance Act is amended by changing Section 6z-43 and setting forth, changing, and renumbering multiple versions of Sections 5.490, 5.491, 5.492, 5.505, 5.540, 5.541, 5.542, and 8.36 as follows:

(30 ILCS 105/5.490)
Sec. 5.490. The Horse Racing Equity Fund.

(Source: P.A. 91-40, eff. 6-25-99.)

(30 ILCS 105/5.491)
Sec. 5.491. The Illinois Racing Quarterhorse Breeders Fund.

(Source: P.A. 91-40, eff. 6-25-99.)

(30 ILCS 105/5.492)
Sec. 5.492. The Horse Racing Fund.

(Source: P.A. 91-40, eff. 6-25-99.)

(30 ILCS 105/5.493)
Sec. 5.493. 5.490. The Federal Workforce Development Fund.

(Source: P.A. 91-34, eff. 7-1-99; revised 11-12-99.)

(30 ILCS 105/5.494)
Sec. 5.494. 5.491. The Energy Assistance Contribution Fund.

(Source: P.A. 91-34, eff. 7-1-99; revised 11-12-99.)

(30 ILCS 105/5.497)
Sec. 5.497. 5.494. The Motor Vehicle License Plate Fund.

(Source: P.A. 91-37, eff. 7-1-99; revised 11-12-99.)

(30 ILCS 105/5.498)
Sec. 5.498. 5.490. The Fund for Illinois' Future.

(Source: P.A. 91-38, eff. 6-15-99; revised 11-12-99.)

(30 ILCS 105/5.499)
Sec. 5.499. 5.490. The Video Conferencing User Fund.

(Source: P.A. 91-44, eff. 7-1-99; revised 11-12-99.)

(30 ILCS 105/5.501)
Sec. 5.501. 5.505. The School Technology Revolving Loan Fund.

(Source: P.A. 90-548, eff. 1-1-98; revised 12-18-99.)

(30 ILCS 105/5.502)
Sec. 5.502. 5.494. The Electronic Commerce Security Certification Fund.

(Source: P.A. 91-58, eff. 7-1-99; revised 11-12-99.)

(30 ILCS 105/5.503)
Sec. 5.503. 5.490. The Prostate Cancer Research Fund.

(Source: P.A. 91-104, eff. 7-13-99; revised 11-12-99.)

(30 ILCS 105/5.504)
(Section scheduled to be repealed on July 16, 2003)
Sec. 5.504. 5.490. The State Board of Education Fund. This Section is repealed 4 years after the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 5.505. The State Board of Education Special Purpose Trust Fund. This Section is repealed 4 years after the effective date of this amendatory Act of the 91st General Assembly. (Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

Sec. 5.506. The Private Business and Vocational Schools Fund. This Section is repealed 4 years after the effective date of this amendatory Act of the 91st General Assembly. (Source: P.A. 91-143, eff. 7-16-99; revised 11-12-99.)

Sec. 5.507. The Open Lands Loan Fund. (Source: P.A. 91-220, eff. 7-21-99; revised 11-12-99.)

Sec. 5.508. The Diesel Emissions Testing Fund. (Source: P.A. 91-254, eff. 7-1-99; revised 11-12-99.)

Sec. 5.509. The Death Certificate Surcharge Fund. (Source: P.A. 91-382, eff. 7-30-99; revised 11-12-99.)

Sec. 5.510. The Charter Schools Revolving Loan Fund. (Source: P.A. 91-407, eff. 8-3-99; revised 11-12-99.)

Sec. 5.511. The Illinois Adoption Registry and Medical Information Exchange Fund. (Source: P.A. 91-417, eff. 1-1-00; revised 11-12-99.)

Sec. 5.512. The Economic Development for a Growing Economy Fund. (Source: P.A. 91-476, eff. 8-11-99; revised 11-12-99.)

Sec. 5.513. The Illinois Aquaculture Development Fund. (Source: P.A. 91-530, eff. 8-13-99; revised 11-12-99.)

Sec. 5.514. The Motor Carrier Safety Inspection Fund. (Source: P.A. 91-537, eff. 8-13-99; revised 11-12-99.)

Sec. 5.515. The Airport Land Loan Revolving Fund. (Source: P.A. 91-543, eff. 8-14-99; revised 11-12-99.)

Sec. 5.516. The Illinois Value-Added Agriculture Enhancement Program Fund. (Source: P.A. 91-560, eff. 8-14-99; revised 11-12-99.)

Sec. 5.517. The Illinois Building Commission Revolving Fund. (Source: P.A. 91-581, eff. 8-14-99; revised 11-12-99.)

Sec. 5.518. The Capital Litigation Trust Fund. (Source: P.A. 91-589, eff. 1-1-00; revised 11-12-99.)

Sec. 5.519. The Small Business Incubator Fund. (Source: P.A. 91-592, eff. 8-14-99; revised 11-12-99.)

Sec. 5.520. The Auction Regulation Administration Fund. (Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)

Sec. 5.521. The Auction Recovery Fund. (Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)
(30 ILCS 105/5.522)
Sec. 5.522. The Auction Education Fund.
(Source: P.A. 91-603, eff. 1-1-00; revised 11-12-99.)
(30 ILCS 105/5.523)
Sec. 5.523. The International Tourism Fund.
(Source: P.A. 91-604, eff. 8-16-99; revised 11-12-99.)
(30 ILCS 105/5.524)
Sec. 5.524. The NOx Trading System Fund.
(Source: P.A. 91-633, eff. 8-19-99; revised 11-12-99.)
(30 ILCS 105/5.525)
Sec. 5.525. The John Joseph Kelly Home Fund.
(Source: P.A. 91-634, eff. 8-19-99; revised 11-12-99.)
(30 ILCS 105/5.526)
Sec. 5.526. The Insurance Premium Tax Refund Fund.
(Source: P.A. 91-644, eff. 8-20-99; revised 11-12-99.)
(30 ILCS 105/5.527)
Sec. 5.527. The Assisted Living and Shared Housing Regulatory Fund.
(Source: P.A. 91-656, eff. 1-1-01; revised 1-19-00.)
(30 ILCS 105/5.528)
Sec. 5.528. The Academic Improvement Trust Fund for Community College Foundations.
(Source: P.A. 91-664, eff. 12-22-99; revised 1-19-99.)
(30 ILCS 105/5.529)
Sec. 5.529. The Wireless Service Emergency Fund.
(Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)
(30 ILCS 105/5.530)
Sec. 5.530. The State Police Wireless Service Emergency Fund.
(Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)
(30 ILCS 105/5.531)
Sec. 5.531. The Wireless Carrier Reimbursement Fund.
(Source: P.A. 91-660, eff. 12-22-99; revised 1-19-00.)
(30 ILCS 105/5.532)
Sec. 5.532. The Spinal Cord Injury Paralysis Cure Research Trust Fund.
(Source: P.A. 91-737, eff. 6-2-00; revised 7-13-00.)
(30 ILCS 105/5.533)
Sec. 5.533. The Brain Injury and Spinal Cord Injury Trust Fund.
(Source: P.A. 91-737, eff. 6-2-00; revised 7-13-00.)
(30 ILCS 105/5.534)
Sec. 5.534. The Organ Donor Awareness Fund.
(Source: P.A. 91-805, eff. 1-1-01; revised 7-13-00.)
(30 ILCS 105/5.535)
Sec. 5.535. The National World War II Memorial Fund.
(Source: P.A. 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; revised 7-13-00.)
(30 ILCS 105/5.536)
Sec. 5.536. The Post Transplant Maintenance and Retention Fund.
(Source: P.A. 91-873, eff. 7-1-00; revised 7-13-00.)
(30 ILCS 105/5.540)
Sec. 5.540. The Tobacco Settlement Recovery Fund.
(Source: P.A. 91-646, eff. 11-19-99.)
(30 ILCS 105/5.541)
Sec. 5.541. The Homeowners' Tax Relief Fund.
(Source: P.A. 91-703, eff. 5-16-00.)
(30 ILCS 105/5.542)
Sec. 5.542. The Budget Stabilization Fund.
(Source: P.A. 91-703, eff. 5-16-00.)

New matter indicated by italics - deletions by strikeout.
Sec. 6z-43. Tobacco Settlement Recovery Fund.

(a) There is created in the State Treasury a special fund to be known as the Tobacco Settlement Recovery Fund, into which shall be deposited all monies paid to the State pursuant to (1) the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146) and (2) any settlement with or judgment against any tobacco product manufacturer other than one participating in the Master Settlement Agreement in satisfaction of any released claim as defined in the Master Settlement Agreement, as well as any other monies as provided by law. All earnings on Fund investments shall be deposited into the Fund. Upon the creation of the Fund, the State Comptroller shall order the State Treasurer to transfer into the Fund any monies paid to the State as described in item (1) or (2) of this Section before the creation of the Fund plus any interest earned on the investment of those monies. The Treasurer may invest the moneys in the Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(b) As soon as may be practical after June 30, 2001, the State Comptroller shall direct and the State Treasurer shall transfer the unencumbered balance in the Tobacco Settlement Recovery Fund as of June 30, 2001 into the Budget Stabilization Fund. The Treasurer may invest the moneys in the Budget Stabilization Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00; 91-797, eff. 6-9-00; revised 6-28-00.)

(30 ILCS 105/8.36)

Sec. 8.36. Airport Land Loan Revolving Fund. Appropriations for loans to public airport owners by the Department of Transportation pursuant to Section 34b of the Illinois Aeronautics Act shall be payable from the Airport Land Loan Revolving Fund.

(Source: P.A. 91-543, eff. 8-14-99.)

(30 ILCS 105/8.37)


(a) The State Police Wireless Service Emergency Fund is created as a special fund in the State Treasury.

(b) Grants to the Department of State Police from the Wireless Service Emergency Fund shall be deposited into the State Police Wireless Service Emergency Fund and shall be used in accordance with Section 20 of the Wireless Emergency Telephone Safety Act.

(c) On July 1, 1999, the State Comptroller and State Treasurer shall transfer $1,300,000 from the General Revenue Fund to the State Police Wireless Service Emergency Fund. On June 30, 2003 the State Comptroller and State Treasurer shall transfer $1,300,000 from the State Police Wireless Service Emergency Fund to the General Revenue Fund.

(Source: P.A. 91-660, eff. 12-22-99; revised 1-17-00.)

Section 28. The General Obligation Bond Act is amended by changing Section 9 as follows:

(30 ILCS 330/9) (from Ch. 127, par. 659)

Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds. Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Bureau of the Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 30 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed rate or rates, and the Bond Authorization Act be dated as shall be fixed and determined by the Director of the Bureau of the Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Said Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement as fixed and determined in the Bond Sale Order.

(Source: P.A. 91-39, eff. 6-15-99; 91-357, eff. 7-29-99; revised 8-23-99.)
Section 30. The Downstate Public Transportation Act is amended by changing Section 2-7 as follows:
(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)
Sec. 2-7. Quarterly reports; annual audit.
(a) Any Metro-East Transit District participant shall, no later than 30 days following the end of each month of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, and upon determining that such operating deficits were incurred in conformity with the program of proposed expenditures approved by the Department pursuant to Section 2-11, pay to any Metro-East Transit District participant such portion of such operating deficit as funds have been transferred to the Metro-East Transit Public Transportation Fund and allocated to that Metro-East Transit District participant.
(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Year 2001 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.
(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. Any discrepancy between the grants paid and one-third of the eligible operating expenses or in the case of the Bi-State Metropolitan Development District the approved program amount shall be reconciled by appropriate payment or credit. Beginning in Fiscal Year 1985, for those participants other than the Bi-State Metropolitan Development District, any discrepancy between the grants paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit.
(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)
Section 31. The State Mandates Act is amended by changing Sections 8.23 and 8.24 as follows:
(30 ILCS 805/8.23)
Sec. 8.23. Exempt mandates.
(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 91-17, 91-56, 91-254, 91-401, 91-466, 91-474, 91-478, 91-486, 91-523, 91-578, 91-617, 91-635, or 91-651 this amendatory Act of the 91st General Assembly 1999.
(b) Notwithstanding Sections 6 and 8 of this Act and except for the payment provided in subsection (k) of Section 21-14 of the School Code, no reimbursement by the State is required for the implementation of any mandate created by Public Act 91-102 this amendatory Act of the 91st General Assembly.
(Source: P.A. 91-17, eff. 6-4-99; 91-56, eff. 6-30-99; 91-102, eff. 7-12-99; 91-254, eff. 7-1-00;

New matter indicated by italics - deletions by strikeout.
Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 91-699, 91-722, 91-834, 91-852, 91-870, 91-885, or 91-897. this amendatory Act of the 91st General Assembly.

Section 32. The Illinois Income Tax Act is amended by changing Sections 201, 203, 703, and 901 as follows:

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S
(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer’s net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:
   (A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus
   (B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and

New matter indicated by italics - deletions by strikeout.
applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and
   (E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a
(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;
   (D) is used in the Enterprise Zone by the taxpayer; and
   (E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.
(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:
   (A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;
   (B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and
   (C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:
   (A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.
   (B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.
   (C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.
   (D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.
(h) Investment credit; High Impact Business.

(1) Subject to subsection (b) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available until the minimum investments in qualified property set forth in Section 5.5 of the Illinois Enterprise Zone Act have been satisfied and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such minimum investments shall be taken in the taxable year in which such minimum investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
   (D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer
relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) A credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsection (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986, a taxpayer shall be allowed a credit against the tax imposed by subsection (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

(k) Research and development credit.

Beginning with tax years ending after July 1, 1990, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for
each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

Unless extended by law, the credit shall not include costs incurred after December 31, 2004, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2004.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs. The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and ef subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or

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part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit.

Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this Section claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(Source: P.A. 90-123, eff. 7-21-97; 90-458, eff. 8-17-97; 90-605, eff. 6-30-98; 90-655, eff. 7-30-98; 90-717, eff. 8-7-98; 90-792, eff. 1-1-99; 91-9, eff. 1-1-00; 91-357, eff. 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff. 6-22-00; 91-913, eff. 1-1-01; revised 10-24-00.)

(35 ILCS 5/203) (from Ch. 120, par. 2-203) Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

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(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (i) of Section 201; and by deducting from the total so obtained the sum of the following amounts:

(E) Any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;
(N) An amount equal to all amounts included in such total which are exempt from
taxation by this State either by reason of its statutes or Constitution or by reason of the
Constitution, treaties or statutes of the United States; provided that, in the case of any
statute of this State that exempts income derived from bonds or other obligations from
the tax imposed under this Act, the amount exempted shall be the interest net of bond
premium amortization;

(O) An amount equal to any contribution made to a job training project established
pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal
income tax credit for restoration of substantial amounts held under claim of right for the
taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer
as an acceleration in the payment of life, endowment or annuity benefits in advance of
the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans
of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount
of a contribution made in the taxable year on behalf of the taxpayer to a medical care
savings account established under the Medical Care Savings Account Act or the Medical
Care Savings Account Act of 2000 to the extent the contribution is accepted by the
account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount
of interest earned in the taxable year on a medical care savings account established under
the Medical Care Savings Account Act or the Medical Care Savings Account Act of
2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this
paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to
the total amount of tax imposed and paid under subsections (a) and (b) of Section 201
of this Act on grant amounts received by the taxpayer under the Nursing Home Grant
Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with
tax years ending on or before December 31, 2004, an amount equal to the amount paid
by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a
shareholder in a Subchapter S corporation for health insurance or long-term care
insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the
amount paid for that health insurance or long-term care insurance may be deducted
under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the
federal income tax return of the taxpayer, and does not exceed the taxable income
attributable to that taxpayer's income, self-employment income, or Subchapter S
corporation income; except that no deduction shall be allowed under this item (V) if the
taxpayer is eligible to participate in any health insurance or long-term care insurance
plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health
insurance and long-term care insurance subtracted under this item (V) shall be
determined by multiplying total health insurance and long-term care insurance premiums
paid by the taxpayer times a number that represents the fractional percentage of eligible
medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually
deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included
in the taxpayer's federal gross income in the taxable year from amounts converted from
a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section
250; and

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i)
distributions, to the extent includible in gross income for federal income tax purposes,
made to the taxpayer because of his or her status as a victim of persecution for racial or
religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim

New matter indicated by italics - deletions by strikeout.
and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer’s taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

- An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;
- An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;
- In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);
- The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;
- For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:
  - The addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and
  - The addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;
- For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and
- An amount equal to any...
eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of
the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2)(A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

New matter indicated by italics - deletions by strikeout.
(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

New matter indicated by italics - deletions by strikeout.
(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set
aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.
(d) Partnerships.
(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).
(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:
(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;
(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;
(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and
(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and by deducting from the total so obtained the following amounts:
(E) The valuation limitation amount;
(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;
(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;
(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;
(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;
(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;
(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;
(M) An amount equal to those dividends included in such total which were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and
(N) An amount equal to the amount of the deduction used to compute the federal
income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation

New matter indicated by italics - deletions by strikeout.
for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (1) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98; 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; revised 1-15-01.)

(35 ILCS 5/703) (from Ch. 120, par. 7-703)

Sec. 703. Information statement. Every employer required to deduct and withhold tax under this Act from compensation of an employee, or who would have been required so to deduct and withhold tax if the employee's withholding exemption were not in excess of the basic amount in Section 204(b), shall furnish in duplicate to each such employee in respect of the compensation paid by such employer to such employee during the calendar year on or before January 31 of the
succeeding year, or, if his employment is terminated before the close of such calendar year, on the
date on which the last payment of compensation is made, a written statement in such form as the
Department may by regulation prescribe showing the amount of compensation paid by the employer
to the employee, the amount deducted and withheld as tax, the tax-exempt amount contributed to a
medical savings account, and such other information as the Department shall prescribe. A copy of
such statement shall be filed by the employee with his return for his taxable year to which it relates
(as determined under Section 601(b)(1)).
(Source: P.A. 90-613, eff. 7-9-98; 91-841, eff. 6-22-00; revised 9-1-00.)
(35 ILCS 5/901) (from Ch. 120, par. 9-901)
Sec. 901. Collection Authority.
(a) In general.
The Department shall collect the taxes imposed by this Act. The Department shall collect
certified past due child support amounts under Section 2505-650 of the Department of Revenue Law
(20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money
collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General
Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section
201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the
State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20
ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund
outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the
Illinois Public Aid Code, as directed by the Department of Public Aid.
(b) Local Governmental Distributive Fund.
Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer
each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from
the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month.
Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each
month from the General Revenue Fund to the Local Government Distributive Fund an amount equal
to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201
of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each
month from the General Revenue Fund to the Local Government Distributive Fund an amount equal
to 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201
of the Illinois Income Tax Act during the preceding month. Net revenue realized for a month shall
be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act
which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income
Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out
of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for
overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.
(c) Deposits Into Income Tax Refund Fund.
(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a
percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of
Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund
Fund. The Department shall deposit 6% of such amounts during the period beginning
January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for
each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during
a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual
Percentage shall be 7.1%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for
payment by the Department during the preceding fiscal year as a result of overpayment of
tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the
amount of such refunds remaining approved but unpaid at the end of the preceding fiscal
year, the denominator of which shall be the amounts which will be collected pursuant to
subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal
year. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the
last business day of the fiscal year immediately preceding the fiscal year for which it is to

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be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.


(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners’ Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director.
in accordance with the provisions of this Section.

(c) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3\% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0\% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4\% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475\% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98; 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised 6-28-00.)

Section 33. The Use Tax Act is amended by changing Sections 3-55 and 9 as follows:

Sec. 3-55. Multistate exemption. The tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property.

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to a destination outside Illinois, for use outside Illinois.

(h) The use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(35 ILCS 105/9) (from Ch. 120, par. 439.9)
Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
6. The signature of the taxpayer; and
7. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.
Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 25% of the taxpayer's liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that.
month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20
of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code; and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt)

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which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed.

When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.
Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers’ Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers’ Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and

New matter indicated by italics - deletions by strikeout.
Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
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<th>Fiscal Year</th>
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<tr>
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<td>2013 and</td>
<td>145,000,000</td>
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<td>each fiscal year</td>
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</table>
| thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.  
Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 8-30-00.)

Section 34. The Service Use Tax Act is amended by changing Sections 3-5 and 3-45 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7).
Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.
(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99;
Sec. 3-45. Multistate exemption. The tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of property that is acquired outside this State and that is moved into this State for use as rolling stock moving in interstate commerce.

(c) The use, in this State, of property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.

(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(e) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-75.

(35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

Sec. 35. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809.

New matter indicated by italics - deletions by strikeout.
of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

New matter indicated by italics - deletions by strikeout.
Personal property sold to a lessor who leases the property, under a lease of one year or longer executed in or effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

The Retailers' Occupation Tax Act is amended by changing Sections 2-5 and 3 as follows:

1. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:
   (1) Farm chemicals.
   (2) Farm machinery and equipment, both new and used, including that manufactured on
special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or
organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier,
for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) (32) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational
or technical schools or institutes organized and operated exclusively to provide a course of study of
not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a
manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through
fundraising events for the benefit of a public or private elementary or secondary school, a group of
those schools, or one or more school districts if the events are sponsored by an entity recognized by
the school district that consists primarily of volunteers and includes parents and teachers of the school
children. This paragraph does not apply to fundraising events (i) for the benefit of private home
instruction or (ii) for which the fundraising entity purchases the personal property sold at the events
from another individual or entity that sold the property for the purpose of resale by the fundraising
entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the
provisions of Section 2-70.

(35) Beginning January 1, 2000, new or used automatic vending machines that prepare
and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for
these machines. This paragraph is exempt from the provisions of Section 2-70.
(Source: P.A. 90-14, eff. 7-1-97; 90-519, eff. 6-12-97; 90-605, eff. 6-30-98;
91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.
8-20-99; 91-644, eff. 8-20-99; revised 9-28-99.)

(35 ILCS 120/3) (from Ch. 120, par. 442)
Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar
month, every person engaged in the business of selling tangible personal property at retail in this
State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the
   address of the principal place of business (if that is a different address) from which he
   engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or
   quarter, as the case may be, from sales of tangible personal property, and from services
   furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on
   charge and time sales of tangible personal property, and from services furnished, by him
   prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or
   quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for
signature by the Department, the return shall be considered valid and any amount shown to be due
on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section
2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in
satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the
appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's
Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act,
may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in
the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return
for each calendar quarter shall be filed on or before the twentieth day of the calendar month following
the end of such calendar quarter. The taxpayer shall also file a return with the Department for each
of the first two months of each calendar quarter, on or before the twentieth day of the following
calendar month, stating:

New matter indicated by italics - deletions by strikeout.
1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payments by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes
him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers sells more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; and such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.
With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the
preceding 4 complete calendar quarters, he shall file a return with the Department each month by the
20th day of the month next following the month during which such tax liability is incurred and shall
make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during
which such liability is incurred. If the month during which such tax liability is incurred began prior
to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability
for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability
of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the
month of highest liability and the month of lowest liability in such 4 quarter period). If the month
during which such tax liability is incurred began on or after January 1, 1985 and prior to January 1,
1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the
month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the
month during which such tax liability is incurred begins on or after January 1, 1987 and prior to
January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability
for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year.
If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior
to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal
to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year. If the month during which such tax liability is incurred begins
on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal
to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same
calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter
monthly reporting period. The amount of such quarter monthly payments shall be credited against
the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable,
the requirement of the making of quarter monthly payments to the Department by taxpayers having
an average monthly tax liability of $10,000 or more as determined in the manner provided above
shall continue until such taxpayer's average monthly liability to the Department during the preceding
4 complete calendar quarters (excluding the month of highest liability and the month of lowest
liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as
computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than
$10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's
business has occurred which causes the taxpayer to anticipate that his average monthly tax liability
for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such
taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after
October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the
Department by taxpayers having an average monthly tax liability of $20,000 or more as determined
in the manner provided above shall continue until such taxpayer's average monthly liability to the
Department during the preceding 4 complete calendar quarters (excluding the month of highest
liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average
monthly liability to the Department as computed for each calendar quarter of the 4 preceding
complete calendar quarter period is less than $20,000. However, if a taxpayer can show the
Department that a substantial change in the taxpayer's business has occurred which causes the
taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will
fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a
change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting
status unless it finds that such change is seasonal in nature and not likely to be long term. If any such
quarter monthly payment is not paid at the time or in the amount required by this Section, then the
taxpayer shall be liable for penalties and interest on the difference between the minimum amount due
as a payment and the amount of such quarter monthly payment actually and timely paid, except
insofar as the taxpayer has previously made payments for that month to the Department in excess of
the minimum payments previously due as provided in this Section. The Department shall make
reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly
payment dates for taxpayers who file on other than a calendar monthly basis.

Without regard to whether a taxpayer is required to make quarter monthly payments as
specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid
taxes and has collected prepaid taxes which average in excess of $25,000 per month during the

New matter indicated by italics - deletions by strikeout.
preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2F and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2D. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2F, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2D of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75%
thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after
July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any
fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received
by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section
9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation
Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as
the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount
transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less
than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall
be immediately paid into the Build Illinois Fund from other moneys received by the Department
pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for
fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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<td>1992</td>
<td>$182,730,000</td>
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<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build
Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal
year thereafter; and further provided, that if on the last business day of any month the sum of (1) the
Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois
Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and
Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an
amount equal to the difference shall be immediately paid into the Build Illinois Fund from other
moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event
shall the payments required under the preceding proviso result in aggregate payments into the Build
Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act
Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build
Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such
time as the aggregate amount on deposit under each trust indenture securing Bonds issued and
outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future
investment income, to fully provide, in accordance with such indenture, for the defeasance of or the
payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture
and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto,
all as certified by the Director of the Bureau of the Budget. If on the last business day of any month
in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys
deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less
than the amount required to be transferred in such month from the Build Illinois Bond Account to
the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois
Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received
by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any
amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed
to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce
the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received
by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are
subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding
paragraph or in any amendment thereto hereafter enacted, the following specified monthly
installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and
Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of
sums designated as "Total Deposit", shall be deposited in the aggregate from collections under

New matter indicated by italics - deletions by strikeout.
Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
</tr>
<tr>
<td>1994</td>
<td>53,000,000</td>
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<td>1995</td>
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<td>1998</td>
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<td>2000</td>
<td>75,000,000</td>
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<td>2004</td>
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<td>2005</td>
<td>97,000,000</td>
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<tr>
<td>2006</td>
<td>102,000,000</td>
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<td>2007</td>
<td>108,000,000</td>
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<td>2008</td>
<td>115,000,000</td>
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<td>2009</td>
<td>120,000,000</td>
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<tr>
<td>2010</td>
<td>126,000,000</td>
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<tr>
<td>2011</td>
<td>132,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>138,000,000</td>
</tr>
<tr>
<td>2013 and</td>
<td>145,000,000</td>
</tr>
</tbody>
</table>

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.
Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.
Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 1-15-01.)

Section 37. The Hotel Operators' Occupation Tax Act is amended by changing Section 6 as follows:

(35 ILCS 145/6) (from Ch. 120, par. 481b.36)
(Text of Section before amendment by P.A. 91-935)
Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;
3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;
4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
5. Total amount of other exclusions from gross rental receipts allowed by this Act;
6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;
7. The amount of tax due;
8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money

New matter indicated by italics - deletions by strikeout.
received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax herein imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or $25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, $5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of $5,000,000 plus cumulative deficiencies in such deposits for prior months, and an additional $8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of $8,000,000 plus any cumulative deficiencies in such deposits for prior months. (The deposits of the additional $8,000,000 during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority solely from collections of the tax imposed by the Authority pursuant to Section 19 of the Illinois Sports Facilities Act, as amended.)

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section 605-705 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-705) in the Local Tourism Fund, and beginning August 1, 1999, the amount equal to 6% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 605-725 of the Department of Commerce and Community Affairs Law. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose payroll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

New matter indicated by italics - deletions by strikeout.
If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00; 91-604, eff. 8-16-99; revised 10-27-99.)

Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;
3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;
4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
5. Total amount of other exclusions from gross rental receipts allowed by this Act;
6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;
7. The amount of tax due;
8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be
signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax herein imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or $25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, $5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of $5,000,000 plus cumulative deficiencies in such deposits for prior months, and an additional $8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of $8,000,000 plus any cumulative deficiencies in such deposits for prior months; provided, that for fiscal years ending after June 30, 2001, the amount to be so deposited into the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year shall be increased from $8,000,000 to the then applicable Advance Amount and the required monthly deposits beginning with July 2001 shall be in the amount of 1/8 of the then applicable Advance Amount plus any cumulative deficiencies in those deposits for prior months. (The deposits of the additional $8,000,000 or the then applicable Advance Amount, as applicable, during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority pursuant to Section 19 of the Illinois Sports Facilities Authority Act, as amended. If in any fiscal year the full amount of the then applicable Advance Amount is not repaid into the General Revenue Fund, then the deficiency shall be paid from the amount in the Local Government Distributive Fund that would otherwise be allocated to the City of Chicago under the State Revenue Sharing Act.)

For purposes of the foregoing paragraph, the term "Advance Amount" means, for fiscal year 2002, $22,179,000, and for subsequent fiscal years through fiscal year 2032, 105.615% of the Advance Amount for the immediately preceding fiscal year, rounded up to the nearest $1,000.

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section 605-705 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-705) in the Local Tourism Fund, and beginning August 1, 1999 the amount equal to 6% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 46.6d of the Civil Administrative Code of Illinois. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Department for the same period,
the operator shall attach to his annual information return a schedule showing a reconciliation of the amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose payroll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00; 91-604, eff. 8-16-99; 91-935, eff. 6-1-01.)

Section 38. The Property Tax Code is amended by changing Sections 15-35, 15-105, and 27-10 and setting forth and renumbering multiple versions of the Article 10, Division 11 heading and Sections 10-235 and 10-240 as follows:

(35 ILCS 200/Art. 10, Div. 11 heading)
DIVISION 11. LOW-INCOME HOUSING
(35 ILCS 200/10-235)
Sec. 10-235. Section 515 low-income housing project valuation policy; intent. It is the policy of this State that low-income housing projects under Section 515 of the federal Housing Act shall be valued at 33 and one-third percent of the fair market value of their economic productivity to the owners of the projects to help insure that their valuation for property taxation does not result in taxes so high that rent levels must be raised to cover this project expense, which can cause excess vacancies, project loan defaults, and eventual loss of rental housing facilities for those most in need of them, low-income families and the elderly. It is the intent of this State that the valuation required by this Division is the closest representation of cash value required by law and is the method established as proper and fair.
(Source: P.A. 91-651, eff. 1-1-00.)
(35 ILCS 200/10-240)
Sec. 10-240. Definition of Section 515 low-income housing projects. "Section 515 low-income housing projects" mean rental apartment facilities (i) developed and managed under a United States Department of Agriculture Rural Rental Housing Program designed to provide affordable housing to low to moderate income families and seniors in rural communities with populations under 20,000, (ii) that receive a subsidy in the form of a 1% loan interest rate and a 50-year amortization of the mortgage, (iii) that would not have been built without a Section 515 interest credit subsidy, and (iv) where the owners of the projects are limited to an annual profit of an 8% return on a 5% equity investment, which may result in a modest cash flow to owners of the projects unless actual expenses, including property taxes, exceed budget projections, in which case no profit may be realized.
(Source: P.A. 91-651, eff. 1-1-00.)
(35 ILCS 200/10-260)
Sec. 10-260. Low-income housing. In determining the fair cash value of property receiving benefits from the Low-Income Housing Tax Credit authorized by Section 42 of the Internal Revenue Code, 26 U.S.C. 42, emphasis shall be given to the income approach, except in those circumstances where another method is clearly more appropriate.
(Source: P.A. 91-502, eff. 8-13-99; revised 1-10-00.)
(35 ILCS 200/Art. 10, Div. 12 heading)
DIVISION 12. VETERANS ORGANIZATION PROPERTY

New matter indicated by italics - deletions by strikeout.
Sec. 10-300. Veterans organization assessment freeze.

(a) For the taxable year 2000 and thereafter, the assessed value of real property owned and used by a veterans organization chartered under federal law, on which is located the principal building for the post, camp, or chapter, must be frozen by the chief county assessment officer at (i) 15% of the 1999 assessed value of the property for property that qualifies for the assessment freeze in taxable year 2000 or (ii) 15% of the assessed value of the property for the taxable year that the property first qualifies for the assessment freeze after taxable year 2000. If, in any year, improvements or additions are made to the property that would increase the assessed value of the property were it not for this Section, then 15% of the assessed value of such improvements shall be added to the assessment of the property for that year and all subsequent years the property is eligible for the freeze.

(b) The veterans organization must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, including (i) a copy of the organization's congressional charter, (ii) the location or description of the property on which is located the principal building for the post, camp, or chapter, (iii) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property, (iv) an affidavit that the organization is liable for paying the real property taxes on the property, and (v) the signature of the organization's chief presiding officer. Subsequent applications shall include any changes in the initial application and shall be signed by the organization's chief presiding officer. All applications shall be notarized.

(c) This Section shall not apply to parcels exempt under Section 15-145.

(Source: P.A. 91-635, eff. 8-20-99; revised 1-10-00.)

Sec. 15-35. Schools. All property donated by the United States for school purposes, and all property of schools, not sold or leased or otherwise used with a view to profit, is exempt, whether owned by a resident or non-resident of this State or by a corporation incorporated in any state of the United States. Also exempt is:

(a) property of schools which is leased to a municipality to be used for municipal purposes on a not-for-profit basis;

(b) property of schools on which the schools are located and any other property of schools used by the schools exclusively for school purposes, including, but not limited to, student residence halls, dormitories and other housing facilities for students and their spouses and children, staff housing facilities, and school-owned and operated dormitory or residence halls occupied in whole or in part by students who belong to fraternities, sororities, or other campus organizations;

(c) property donated, granted, received or used for public school, college, theological seminary, university, or other educational purposes, whether held in trust or absolutely;

(d) in counties with more than 200,000 inhabitants which classify property, property (including interests in land and other facilities) on or adjacent to (even if separated by a public street, alley, sidewalk, parkway or other public way) the grounds of a school, if that property is used by an academic, research or professional society, institute, association or organization which serves the advancement of learning in a field or fields of study taught by the school and which property is not used with a view to profit; and

(e) property owned by a school district. The exemption under this subsection is not affected by any transaction in which, for the purpose of obtaining financing, the school district, directly or indirectly, leases or otherwise transfers the property to another for which or whom property is not exempt and immediately after the lease or transfer enters into a leaseback or other agreement that directly or indirectly gives the school district a right to use, control, and possess the property. In the case of a conveyance of the property, the school district must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the school district.

(1) If the property has been conveyed as described in this subsection, the property

New matter indicated by italics - deletions by strikeout.
is no longer exempt under this Section as of the date when:

(A) the right of the school district to use, control, and possess the property is terminated;

(B) the school district no longer has an option to purchase or otherwise acquire the property; and

(C) there is no provision for a reverter of the property to the school district within the limitations period for reverters.

(2) Pursuant to Sections 15-15 and 15-20 of this Code, the school district shall notify the chief county assessment officer of any transaction under this subsection. The chief county assessment officer shall determine initial and continuing compliance with the requirements of this subsection for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(3) No provision of this subsection shall be construed to affect the obligation of the school district to which an exemption certificate has been issued under this Section from its obligation under Section 15-10 of this Code to file an annual certificate of status or to notify the chief county assessment officer of transfers of interest or other changes in the status of the property as required by this Code.

(4) The changes made by this amendatory Act of the 91st General Assembly are declarative of existing law and shall not be construed as a new enactment; and:

(e) in counties with more than 200,000 inhabitants which classify property, property of a corporation, which is an exempt entity under paragraph (3) of Section 501(c) of the Internal Revenue Code or its successor law, used by the corporation for the following purposes: (1) conducting continuing education for professional development of personnel in energy-related industries; (2) maintaining a library of energy technology information available to students and the public free of charge; and (3) conducting research in energy and environment, which research results could be ultimately accessible to persons involved in education.

(35 ILCS 200/15-105)
Sec. 15-105. Park and conservation districts.

(a) All property within a park or conservation district with 2,000,000 or more inhabitants and owned by that district is exempt, as is all property located outside the district but owned by it and used as a nursery, garden, or farm for the growing of shrubs, trees, flowers and plants for use in beautifying, maintaining and operating playgrounds, parks, parkways, public grounds, and buildings owned or controlled by the district.

(b) All property belonging to any park or conservation district with less than 2,000,000 inhabitants is exempt. All property leased to such park district for $1 or less per year and used exclusively as open space for recreational purposes not exceeding 50 acres in the aggregate for each district is exempt.

(c) Also exempt is All property belonging to a park district organized pursuant to the Metro-East Park and Recreation District Act is exempt.

(35 ILCS 200/27-10)
Sec. 27-10. Providing special services. In any case in which a municipality or county exercises the power granted in item (6) of Section 7 of Article VII of the Illinois Constitution, or in item (2) of subsection (l) of Section 6 of Article VII; of the Illinois Constitution to provide special services, a tax to provide those special services service or provide for the payment of debt incurred for that purpose shall be levied or imposed in accordance with this Article.

(35 ILCS 200/15-105)
Sec. 15-105. Park and conservation districts.

(a) All property within a park or conservation district with 2,000,000 or more inhabitants and owned by that district is exempt, as is all property located outside the district but owned by it and used as a nursery, garden, or farm for the growing of shrubs, trees, flowers and plants for use in beautifying, maintaining and operating playgrounds, parks, parkways, public grounds, and buildings owned or controlled by the district.

(b) All property belonging to any park or conservation district with less than 2,000,000 inhabitants is exempt. All property leased to such park district for $1 or less per year and used exclusively as open space for recreational purposes not exceeding 50 acres in the aggregate for each district is exempt.

(c) Also exempt is All property belonging to a park district organized pursuant to the Metro-East Park and Recreation District Act is exempt.
Sec. 1.2. Distributor. "Distributor" means a person who either (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State, or (iii) engages in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he or she has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in item (A) of Section 5 of this Law.

"Distributor" does not, however, include a person who receives or transports into this State and sells or uses motor fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the constitution and statutes of the United States. However, a person operating a motor vehicle into the State, may transport motor fuel in the ordinary fuel tank attached to the motor vehicle for the operation of the motor vehicle, without being considered a distributor. Any railroad licensed as a bulk user and registered under Section 18c-7201 of the Illinois Vehicle Code may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a distributor.

(Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99; revised 10-12-99.)

Sec. 1.14. Supplier. "Supplier" means any person other than a licensed distributor who (i) transports special fuel into this State or (ii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of this Law.

"Supplier" does not, however, include a person who receives or transports into this State and sells or uses special fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the Constitution and laws of the United States. However, a person operating a motor vehicle into the State, may transport special fuel in the ordinary fuel tank attached to the motor vehicle for the operation of the motor vehicle without being considered a supplier. Any railroad licensed as a bulk user and registered under Section 18c-7201 of the Illinois Vehicle Code may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a supplier.

(Source: P.A. 91-173, eff. 1-1-00; 91-198, eff. 7-20-99; revised 10-12-99.)

Sec. 8. Except as provided in Sections 8a and 13a.6 and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) $2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; beginning with fiscal year 1997 and ending in fiscal year 2000, $1,500,000, beginning with fiscal year 2001 and ending in fiscal year 2003, $2,250,000, and $750,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of the Fund.
highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;
(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;
(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;
(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, and for the period July 1, 2000 through June 30, 2006, one-twelfth of $30,000,000 each month, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;
(5) amounts ordered paid by the Court of Claims; and
(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:
(A) 37% into the State Construction Account Fund, and
(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;
(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

New matter indicated by italics - deletions by strikeout.
(A) 49.10% to the municipalities of the State,
(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,
(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,
(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective counties bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment...
if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98; 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99; 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; revised 6-28-00.)

Section 39.5. The Telecommunications Municipal Infrastructure Maintenance Fee Act is amended by changing Section 22 as follows:

(35 ILCS 635/22)

Sec. 22. Certificates. It shall be unlawful for any person to engage in business as a telecommunications retailer in this State within the meaning of this Act without first having obtained a certificate of registration to do so from the Department. Application for the certificate shall be made to the Department in a form prescribed and furnished by the Department. Each applicant for a certificate shall furnish to the Department on a form prescribed by the Department and signed by the applicant under penalties of perjury, the following information:

(1) The name of the applicant.

(2) The address of the location at which the applicant proposes to engage in business as a telecommunications retailer in this State.

(3) Other information the Department may reasonably require.

The Department, upon receipt of an application in proper form, shall issue to the applicant a certificate, in a form prescribed by the Department, which shall permit the applicant to whom it is issued to engage in business as a telecommunications retailer at the place shown on his or her application. No certificate issued under this Act is transferable or assignable. No certificate shall be issued to any person who is in default to the State of Illinois for moneys due under this Act or any other tax Act administered by the Department. Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

The Department may, in its discretion, upon application, authorize the payment of the fees imposed under this Act by any telecommunications retailer not otherwise subject to the fees imposed under this Act who, to the satisfaction of the Department, furnishes adequate security to ensure payment of the fees. The telecommunications retailer shall be issued, without charge, a certificate to remit the fees. When so authorized, it shall be the duty of the telecommunications retailer to remit the fees imposed upon the gross charges charged by the telecommunications retailer to service...
addresses in this State for telecommunications in the same manner and subject to the same requirements as a telecommunications retailer operating within this State.
(Source: P.A. 90-562, eff. 12-16-97; revised 9-22-00.)

Section 40. The Illinois Pension Code is amended by changing Sections 1-109.1, 7-109.3, 15-136, 15-139, 15-154, and 16-138 as follows:
(40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)
(1) Subject to the provisions of Section 22A-113 of this Code and subsections (2) and (3) of this Section, the board of trustees of a retirement system or pension fund established under this Code may:

(a) Appoint one or more investment managers as fiduciaries to manage (including the power to acquire and dispose of) any assets of the retirement system or pension fund; and
(b) Allocate duties among themselves and designate others as fiduciaries to carry out specific fiduciary activities other than the management of the assets of the retirement system or pension fund.

(2) The board of trustees of a pension fund established under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not transfer its investment authority, nor transfer the assets of the fund to any other person or entity for the purpose of consolidating or merging its assets and management with any other pension fund or public investment authority, unless the board resolution authorizing such transfer is submitted for approval to the contributors and pensioners of the fund at elections held not less than 30 days after the adoption of such resolution by the board, and such resolution is approved by a majority of the votes cast on the question in both the contributors election and the pensioners election. The election procedures and qualifications governing the election of trustees shall govern the submission of resolutions for approval under this paragraph, insofar as they may be made applicable.

(3) Pursuant to subsections (h) and (i) of Section 6 of Article VII of the Illinois Constitution, the investment authority of boards of trustees of retirement systems and pension funds established under this Code is declared to be a subject of exclusive State jurisdiction, and the concurrent exercise by a home rule unit of any power affecting such investment authority is hereby specifically denied and preempted.

(4) For the purposes of this Code, "emerging investment manager" means a qualified investment adviser that manages an investment portfolio of at least $10,000,000 but less than $400,000,000 on January 1, 1993 and is a "minority owned business" or "female owned business" as those terms are defined in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

It is hereby declared to be the public policy of the State of Illinois to encourage the trustees of public employee retirement systems to use emerging investment managers in managing their system's assets to the greatest extent feasible within the bounds of financial and fiduciary prudence, and to take affirmative steps to remove any barriers to the full participation of emerging investment managers in investment opportunities afforded by those retirement systems.

Each retirement system subject to this Code shall prepare a report to be submitted to the Governor and the General Assembly by September 1 of each year. The report shall identify the emerging investment managers used by the system, the percentage of the system's assets under the investment control of emerging investment managers, and the actions it has undertaken to increase the use of emerging investment managers, including encouraging other investment managers to use emerging investment managers as subcontractors when the opportunity arises.

The use of an emerging investment manager does not constitute a transfer of investment authority for the purposes of subsection (2) of this Section.
(Source: P.A. 86-1488; 87-1265; revised 8-23-99)
(40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)
Sec. 7-109.3. "Sheriff's Law Enforcement Employees".
(a) "Sheriff's law enforcement employee" or "SLEP" means:
(1) A county sheriff and all deputies, other than special deputies, employed on a full time basis in the office of the sheriff.
(2) A person who has elected to participate in this Fund under Section 3-109.1 of this
Code, and who is employed by a participating municipality to perform police duties.

(3) A law enforcement officer employed on a full-time basis by a Forest Preserve
District, provided that such officer shall be deemed a "sheriff's law enforcement employee"
for the purposes of this Article, and service in that capacity shall be deemed to be service as
a sheriff's law enforcement employee, only if the board of commissioners of the District have
so elected by adoption of an affirmative resolution. Such election, once made, may not be
rescinded.

(4) A person not eligible to participate in a fund established under Article 3 of this Code
who is employed on a full-time basis by a participating municipality or participating
instrumentality to perform police duties at an airport, but only if the governing authority of
the employer has approved sheriff's law enforcement employee status for its airport police
employees by adoption of an affirmative resolution. Such approval, once given, may not be
rescinded.

(b) An employee who is a sheriff's law enforcement employee and is granted military leave
or authorized leave of absence shall receive service credit in that capacity. Sheriff's law enforcement
employees shall not be entitled to out-of-State service credit under Section 7-139.

(Source: P.A. 90-448, eff. 8-16-97; revised 9-27-00.)
(40 ILCS 5/15-136) (from Ch. 108 1/2, par. 15-136)
Sec. 15-136. Retirement annuities - Amount. The provisions of this Section 15-136 apply
only to those participants who are participating in the traditional benefit package or the portable
benefit package and do not apply to participants who are participating in the self-managed plan.

(a) The amount of a participant's retirement annuity, expressed in the form of a single-life
annuity, shall be determined by whichever of the following rules is applicable and provides the
largest annuity:

Rule 1: The retirement annuity shall be 1.67% of final rate of earnings for each of the first
10 years of service, 1.90% for each of the next 10 years of service, 2.10% for each year of service
in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30; or for persons who
retire on or after January 1, 1998, 2.2% of the final rate of earnings for each year of service.

Rule 2: The retirement annuity shall be the sum of the following, determined from amounts
credited to the participant in accordance with the actuarial tables and the prescribed rate of interest
in effect at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the
accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount equal to that which can be
provided on an actuarially equivalent basis from the accumulated normal contributions made
by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other
accumulated normal contributions made by the participant.

With respect to a police officer or firefighter who retires on or after August 14, 1998, the
accumulated normal contributions taken into account under clauses (i) and (ii) of this Rule 2 shall
include the additional normal contributions made by the police officer or firefighter under Section
15-157(a).

The amount of a retirement annuity calculated under this Rule 2 shall be computed solely
on the basis of the participant's accumulated normal contributions, as specified in this Rule and
defined in Section 15-116. Neither an employee or employer contribution for early retirement under
Section 15-136.2 nor any other employer contribution shall be used in the calculation of the amount
of a retirement annuity under this Rule 2.

This amendatory Act of the 91st General Assembly is a clarification of existing law and
applies to every participant and annuitant without regard to whether status as an employee terminates
before the effective date of this amendatory Act.

Rule 3: The retirement annuity of a participant who is employed at least one-half time during
the period on which his or her final rate of earnings is based, shall be equal to the participant's years
of service not to exceed 30, multiplied by (1) $96 if the participant's final rate of earnings is less than
$3,500, (2) $108 if the final rate of earnings is at least $3,500 but less than $4,500, (3) $120 if the
final rate of earnings is at least $4,500 but less than $5,500, (4) $132 if the final rate of earnings is
at least $5,500 but less than $6,500, (5) $144 if the final rate of earnings is at least $6,500 but less
than $7,500, (6) $156 if the final rate of earnings is at least $7,500 but less than $8,500, (7) $168 if 
the final rate of earnings is at least $8,500 but less than $9,500, and (8) $180 if the final rate of 
earnings is $9,500 or more, except that the annuity for those persons having made an election under 
Section 15-154(a-1) shall be calculated and payable under the portable retirement benefit program 
pursuant to the provisions of Section 15-136.4.

Rule 4: A participant who is at least age 50 and has 25 or more years of service as a police 
officer or firefighter, and a participant who is age 55 or over and has at least 20 but less than 25 years 
of service as a police officer or firefighter, shall be entitled to a retirement annuity of 2 1/4% of the 
final rate of earnings for each of the first 10 years of service as a police officer or firefighter, 2 1/2% 
for each of the next 10 years of service as a police officer or firefighter, and 2 3/4% for each year of 
service as a police officer or firefighter in excess of 20. The retirement annuity for all other service 
shall be computed under Rule 1.

For purposes of this Rule 4, a participant's service as a firefighter shall also include the 
following:

(i) service that is performed while the person is an employee under subsection (h) of 
Section 15-107; and

(ii) in the case of an individual who was a participating employee employed in the fire 
department of the University of Illinois's Champaign-Urbana campus immediately prior to 
the elimination of that fire department and who immediately after the elimination of that fire 
department transferred to another job with the University of Illinois, service performed as 
an employee of the University of Illinois in a position other than police officer or firefighter, 
from the date of that transfer until the employee's next termination of service with the 
University of Illinois.

Rule 5: The retirement annuity of a participant who elected early retirement under the 
provisions of Section 15-136.2 and who, on or before February 16, 1995, brought administrative 
proceedings pursuant to the administrative rules adopted by the System to challenge the calculation 
of his or her retirement annuity shall be the sum of the following, determined from amounts credited 
to the participant in accordance with the actuarial tables and the prescribed rate of interest in effect 
at the time the retirement annuity begins:

(i) the normal annuity which can be provided on an actuarially equivalent basis, by the 
accumulated normal contributions as of the date the annuity begins; and

(ii) an annuity from employer contributions of an amount equal to that which can be 
provided on an actuarially equivalent basis from the accumulated normal contributions made 
by the participant under Section 15-113.6 and Section 15-113.7 plus 1.4 times all other 
accumulated normal contributions made by the participant; and

(iii) an annuity which can be provided on an actuarially equivalent basis from the 
employee contribution for early retirement under Section 15-136.2, and an annuity from 
employer contributions of an amount equal to that which can be provided on an actuarially 
equivalent basis from the employee contribution for early retirement under Section 15-136.2.

In no event shall a retirement annuity under this Rule 5 be lower than the amount obtained 
by adding (1) the monthly amount obtained by dividing the combined employee and employer 
contributions made under Section 15-136.2 by the System's annuity factor for the age of the 
participant at the beginning of the annuity payment period and (2) the amount equal to the 
participant's annuity if calculated under Rule 1, reduced under Section 15-136(b) as if no 
contributions had been made under Section 15-136.2.

With respect to a participant who is qualified for a retirement annuity under this Rule 5 
whose retirement annuity began before the effective date of this amendatory Act of the 91st General 
Assembly, and for whom an employee contribution was made under Section 15-136.2, the System 
shall recalculate the retirement annuity under this Rule 5 and shall pay any additional amounts due 
in the manner provided in Section 15-186.1 for benefits mistakenly set too low.

The amount of a retirement annuity calculated under this Rule 5 shall be computed solely 
on the basis of those contributions specifically set forth in this Rule 5. Except as provided in clause 
(iii) of this Rule 5, neither an employee nor employer contribution for early retirement under Section 
15-136.2, nor any other employer contribution, shall be used in the calculation of the amount of a 
retirement annuity under this Rule 5.

New matter indicated by italics - deletions by strikeout.
The General Assembly has adopted the changes set forth in Section 25 of this amendatory Act of the 91st General Assembly in recognition that the decision of the Appellate Court for the Fourth District in Mattis v. State Universities Retirement System et al. might be deemed to give some right to the plaintiff in that case. The changes made by Section 25 of this amendatory Act of the 91st General Assembly are a legislative implementation of the decision of the Appellate Court for the Fourth District in Mattis v. State Universities Retirement System et al. with respect to that plaintiff.

The changes made by Section 25 of this amendatory Act of the 91st General Assembly apply without regard to whether the person is in service as an employee on or after its effective date.

(b) The retirement annuity provided under Rules 1 and 3 above shall be reduced by 1/2 of 1% for each month the participant is under age 60 at the time of retirement. However, this reduction shall not apply in the following cases:

1. For a disabled participant whose disability benefits have been discontinued because he or she has exhausted eligibility for disability benefits under clause (6) of Section 15-152;
2. For a participant who has at least the number of years of service required to retire at any age under subsection (a) of Section 15-135; or
3. For that portion of a retirement annuity which has been provided on account of service of the participant during periods when he or she performed the duties of a police officer or firefighter, if these duties were performed for at least 5 years immediately preceding the date the retirement annuity is to begin.

(c) The maximum retirement annuity provided under Rules 1, 2, 4, and 5 shall be the lesser of (1) the annual limit of benefits as specified in Section 415 of the Internal Revenue Code of 1986, as such Section may be amended from time to time and as such benefit limits shall be adjusted by the Commissioner of Internal Revenue, and (2) 80% of final rate of earnings.

(d) An annuitant whose status as an employee terminates after August 14, 1969 shall receive automatic increases in his or her retirement annuity as follows:

Effective January 1 immediately following the date the retirement annuity begins, the annuitant shall receive an increase in his or her monthly retirement annuity of 0.125% of the monthly retirement annuity provided under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5, contained in this Section, multiplied by the number of full months which elapsed from the date the retirement annuity payments began to January 1, 1972, plus 0.1667% of such annuity, multiplied by the number of full months which elapsed from January 1, 1972, or the date the retirement annuity payments began, whichever is later, to January 1, 1978, plus 0.25% of such annuity multiplied by the number of full months which elapsed from January 1, 1978, or the date the retirement annuity payments began, whichever is later, to the effective date of the increase.

The annuitant shall receive an increase in his or her monthly retirement annuity on each January 1 thereafter during the annuitant's life of 3% of the monthly annuity provided under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5 contained in this Section. The change made under this subsection by P.A. 81-970 is effective January 1, 1980 and applies to each annuitant whose status as an employee terminates before or after that date.

Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including all increases previously granted under this Article.

The change made in this subsection by P.A. 85-1008 is effective January 26, 1988, and is applicable without regard to whether status as an employee terminated before that date.

(e) If, on January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, the sum of the retirement annuity provided under Rule 1 or Rule 2 of this Section and the automatic annual increases provided under the preceding subsection or Section 15-136.1, amounts to less than the retirement annuity which would be provided by Rule 3, the retirement annuity shall be increased as of January 1, 1987, or the date the retirement annuity payment period begins, whichever is later, to the amount which would be provided by Rule 3 of this Section. Such increased amount shall be considered as the retirement annuity in determining benefits provided under other Sections of this Article. This paragraph applies without regard to whether status as an employee terminated before the effective date of this amendatory Act of 1987, provided that the annuitant was employed at least one-half time during the period on which the final rate of earnings was based.
(f) A participant is entitled to such additional annuity as may be provided on an actuarially equivalent basis, by any accumulated additional contributions to his or her credit. However, the additional contributions made by the participant toward the automatic increases in annuity provided under this Section shall not be taken into account in determining the amount of such additional annuity.

(g) If, (1) by law, a function of a governmental unit, as defined by Section 20-107 of this Code, is transferred in whole or in part to an employer, and (2) a participant transfers employment from such governmental unit to such employer within 6 months after the transfer of the function, and (3) the sum of (A) the annuity payable to the participant under Rule 1, 2, or 3 of this Section (B) all proportional annuities payable to the participant by all other retirement systems covered by Article 20, and (C) the initial primary insurance amount to which the participant is entitled under the Social Security Act, is less than the retirement annuity which would have been payable if all of the participant's pension credits validated under Section 20-109 had been validated under this system, a supplemental annuity equal to the difference in such amounts shall be payable to the participant.

(h) On January 1, 1981, an annuitant who was receiving a retirement annuity on or before January 1, 1971 shall have his or her retirement annuity then being paid increased $1 per month for each year of creditable service. On January 1, 1982, an annuitant whose retirement annuity began on or before January 1, 1977, shall have his or her retirement annuity then being paid increased $1 per month for each year of creditable service.

(i) On January 1, 1987, any annuitant whose retirement annuity began on or before January 1, 1977, shall have the monthly retirement annuity increased by an amount equal to 8¢ per year of creditable service times the number of years that have elapsed since the annuity began.

Sec. 15-139. Retirement annuities; cancellation; suspended during employment.

(a) If an annuitant returns to employment for an employer within 60 days after the beginning of the retirement annuity payment period, the retirement annuity shall be cancelled, and the annuitant shall refund to the System the total amount of the retirement annuity payments which he or she received. If the retirement annuity is cancelled, the participant shall continue to participate in the System.

(b) If an annuitant retires prior to age 60 and receives or becomes entitled to receive during any month compensation in excess of the monthly retirement annuity (including any automatic annual increases) for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall not be payable.

If an annuitant retires at age 60 or over and receives or becomes entitled to receive during any academic year compensation in excess of the difference between his or her highest annual earnings prior to retirement and his or her annual retirement annuity computed under Rule 1, Rule 2, Rule 3, Rule 4, or Rule 5 of Section 15-136, or under Section 15-136.4, for services performed after the date of retirement for any employer under this System, that portion of the monthly retirement annuity provided by employer contributions shall be reduced by an amount equal to the compensation that exceeds such difference.

However, any remuneration received for serving as a member of the Illinois Educational Labor Relations Board shall be excluded from "compensation" for the purposes of this subsection (b), and serving as a member of the Illinois Educational Labor Relations Board shall not be deemed to be a return to employment for the purposes of this Section. This provision applies without regard to whether service was terminated prior to the effective date of this amendatory Act of 1991.

(c) If an employer certifies that an annuitant has been reemployed on a permanent and continuous basis or in a position in which the annuitant is expected to serve for at least 9 months, the annuitant shall resume his or her status as a participating employee and shall be entitled to all rights applicable to participating employees upon filing with the board an election to forego all annuity payments during the period of reemployment. Upon subsequent retirement, the retirement annuity shall consist of the annuity which was terminated by the reemployment, plus the additional retirement annuity.
annuity based upon service granted during the period of reemployment, but the combined retirement annuity shall not exceed the maximum annuity applicable on the date of the last retirement.

The total service and earnings credited before and after the initial date of retirement shall be considered in determining eligibility of the employee or the employee's beneficiary to benefits under this Article, and in calculating final rate of earnings.

In determining the death benefit payable to a beneficiary of an annuitant who again becomes a participating employee under this Section, accumulated normal and additional contributions shall be considered as the sum of the accumulated normal and additional contributions at the date of initial retirement and the accumulated normal and additional contributions credited after that date, less the sum of the annuity payments received by the annuitant.

The survivors insurance benefits provided under Section 15-145 shall not be applicable to an annuitant who resumes his or her status as a participating employee, unless the annuitant, at the time of initial retirement, has a survivors insurance beneficiary who could qualify for such benefits.

If the annuitant's employment is terminated because of circumstances other than death before 9 months from the date of reemployment, the provisions of this Section regarding resumption of status as a participating employee shall not apply. The normal and survivors insurance contributions which are deducted during this period shall be refunded to the annuitant without interest, and subsequent benefits under this Article shall be the same as those which were applicable prior to the date the annuitant resumed employment.

The amendments made to this Section by this amendatory Act of the 91st General Assembly apply without regard to whether the annuitant was in service on or after the effective date of this amendatory Act.

(Source: P.A. 91-887 (Sections 10 and 25), eff. 7-6-00; revised 9-1-00.)

“(40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)

Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional and survivors insurance contributions, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2 years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the refund was received to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date.

(c) If a participant covered under the traditional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall
be entitled to elect a refund of the accumulated survivors insurance contributions, or to elect an additional annuity the value of which is equal to the accumulated survivors insurance contributions. This election must be made prior to the date the person's retirement annuity is approved by the Board of Trustees.

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3, 4, or 5 of Section 15-136, or under Section 15-136.4, that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the employee contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates.

(40 ILCS 5/16-138) (from Ch. 108 1/2, par. 16-138)

Sec. 16-138. Refund of contributions upon death of member or annuitant. Upon the death of a member or annuitant, the following amount shall be payable (i) to a beneficiary nominated by written designation of the member or annuitant filed with the system, or (ii) if no beneficiary is nominated, to the surviving spouse, or (iii) if no beneficiary is nominated and there is no surviving spouse, to the decedent's estate, upon receipt of proper proof of death:

1. Upon the death of a member, an amount consisting of the sum of the following: (A) the member's accumulated contributions; (B) the sum of the contributions made by the member toward the cost of the automatic increase in annuity under Section 16-152, without interest thereon; and (C) contributions made by the member toward prior service, without interest thereon.

2. Upon the death of an annuitant, unless a reversionary annuity is payable under Section 16-136, an amount determined by subtracting the total amount of monthly annuity payments received as a result of the deceased annuitant's retirement from the sum of: (A) the accumulated contributions at retirement; (B) the sum of the contributions made by the deceased toward the cost of the automatic increase in annuity under Section 16-152, without interest thereon; and (C) any contributions made by the deceased for prior service or other purposes, exclusive of contributions toward the cost of the automatic increase in annuity, without interest thereon.

(Source: P.A. 91-887, eff. 7-6-00; revised 9-5-00.)

Section 41. The Public Building Commission Act is amended by changing Section 18 as follows:

(50 ILCS 20/18) (from Ch. 85, par. 1048)

Sec. 18. Whenever, and as often as, a municipal corporation having taxing power enters into a lease with a Public Building Commission, the governing body of such municipal corporation shall provide by ordinance or resolution, as the case may be, for the levy and collection of a direct annual tax sufficient to pay the annual rent payable under such lease as and when it becomes due and payable. A certified copy of the lease of such municipal corporation and a certified copy of the tax levying ordinance or resolution, as the case may be, of such municipal corporation shall be filed in
the office of the county clerk in each county in which any portion of the territory of such municipal
Corporation is situated, which certified copies shall constitute the authority for the county clerk or
clerks, in each case, to extend the taxes annually necessary to pay the annual rent payable under such
lease as and when it becomes due and payable. No taxes shall be extended for any lease entered into
after the effective date of this amendatory Act of 1993, however, until after a public hearing on the
lease. The clerk or secretary of the governing body of the municipal corporation shall cause notice
of the time and place of the hearing to be published at least once, at least 15 days before the hearing,
in a newspaper published or having general circulation within the municipal corporation. If no such
newspaper exists, the clerk or secretary shall cause the notice to be posted, at least 15 days before the
hearing, in at least 10 conspicuous places within the municipal corporation. The notice shall be in
the following form:

NOTICE OF PUBLIC HEARING ON LEASE between (name of the municipal corporation)
and (name of the public building commission).

A public hearing regarding a lease between (name of the municipal corporation) and (name
of the public building commission) will be held by (name of the governing body of the municipal
corporation) on (date) at (time) at (location). The largest yearly rental payment set forth in the lease
is ($ amount). The maximum length of the lease is (years).
The purpose of the lease is (explain in 25 words or less).

Dated (insert date), this ___ day of___.

By Order of (name of the governing body
of the Municipal Corporation)

/s/............

Clerk or Secretary:

At the hearing, all persons residing or owning property in the municipal corporation shall
have an opportunity to be heard orally, in writing, or both.

Upon the filing of the certified copies of the lease and the tax levying ordinance or resolution
in the office of the county clerk or clerks of the proper county or counties, it shall be the duty of such
county clerk or clerks to ascertain the rate per cent which, upon the value of all property subject to
taxation within the municipal corporation, as that property is assessed or equalized by the Department
of Revenue, will produce a net amount of not less than the amount of the annual rent reserved in such
lease. The county clerk or clerks shall thereupon, and thereafter annually during the term of the lease,
extend taxes against all of the taxable property contained in that municipal corporation sufficient to
pay the annual rental reserved in such lease. Such tax shall be levied and collected in like manner
with the other taxes of such municipal corporation and shall be in addition to all other taxes now or
hereafter authorized to be levied by that municipal corporation. This tax shall not be included within
any statutory limitation of rate or amount for that municipal corporation but shall be excluded
therefrom and be in addition thereto and in excess thereof. The fund realized from such tax levy shall
be set aside for the payment of the annual rent and shall not be disbursed for any other purpose until
the annual rental has been paid in full. This Section shall not be construed to limit the power of the
Commission to enter into leases with any municipal corporation whether or not the municipal
corporation has the power of taxation.

(Source: P.A. 87-1208; 87-1279; revised 1-10-00.)

Section 42. The Local Records Act is amended by changing Section 3b as follows:
(50 ILCS 205/3b)

Sec. 3b. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the
news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address,
and photograph, when and if available.
(2) Information detailing any charges relating to the arrest.
(3) The time and location of the arrest.
(4) The name of the investigating or arresting law enforcement agency.
(5) If the individual is incarcerated, the amount of any bail or bond.
(6) If the individual is incarcerated, the time and date that the individual was received,
discharged, or transferred from the arresting agency's custody.
(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

1. interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
2. endanger the life or physical safety of law enforcement or correctional personnel or any other person; or
3. compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(Section 43. The Emergency Telephone System Act is amended by changing Section 15.6 as follows:

(50 ILCS 750/15.6)
Sec. 15.6. Enhanced 9-1-1 service; business service.
(a) After June 30, 2000, or within 18 months after enhanced 9-1-1 service becomes available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that the system is connected to the public switched network in a manner that calls to 9-1-1 result in automatic number and location identification. For buildings having their own street address and containing workspace of 40,000 square feet or less, location identification shall include the building’s street address. For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building’s street address and one distinct location identification per 40,000 square feet of workspace. Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a distinct location identification for each building in addition to the street address.

(b) Exemptions. Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements of subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building. Health care facilities are presumed to meet the requirements of this paragraph if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building’s street address.

Buildings containing workspace of more than 40,000 square feet are exempt from subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and the building is serviced by its own medical, fire and security personnel. Buildings under this exemption are subject to emergency phone system certification by the Illinois Commerce Commission.

Buildings in communities not serviced by enhanced 9-1-1 service are exempt from subsection (a). 2000

(c) This Act does not apply to any PBX telephone extension that uses radio transmissions to convey electrical signals directly between the telephone extension and the serving PBX.

(d) An entity that violates this Section is guilty of a business offense and shall be fined not less than $1,000 and not more than $5,000.

(e) Nothing in this Section shall be construed to preclude the Attorney General on behalf of

New matter indicated by italics - deletions by strikeout.
the Commission or on his or her own initiative, or any other interested person, from seeking judicial relief, by mandamus, injunction, or otherwise, to compel compliance with this Section.

(f) The Commission shall promulgate rules for the administration of this Section no later than January 1, 2000.

(Source: P.A. 90-819, eff. 3-23-99; 91-518, eff. 8-13-99; revised 10-20-99.)

Section 44. The Counties Code is amended by changing Section 3-5018 as follows:

(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

(1) Text of Section before amendment by P.A. 91-893

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor; otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services. No filing fee shall be charged for providing informational copies of financing statements to the recorder pursuant to subsection (8) of Section 9-403 of the Uniform Commercial Code.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.
(5) The document shall not have any attachment stapled or otherwise affixed to any page.
A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to computers or micrographics.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document record system.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01.)

(Text of Section after amendment by P.A. 91-893)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in
the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

1. The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.
2. The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.
3. The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.
4. The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.
5. The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to computers or micrographics.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

New matter indicated by italics - deletions by strikeout.
A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01; 91-893, eff. 7-1-01; revised 9-7-00.)

Section 44.5. The Township Code is amended by changing Section 105-35 as follows:

(60 ILCS 1/105-35)
Sec. 105-35. Township plan commission.
(a) In townships located in counties with a population of less than 600,000 and in townships with a population of more than 500 located in counties with a population of more than 3,000,000, the township board may by resolution create a township plan commission. The commission shall consist of 5 members appointed by the township supervisor with the advice and consent of the township board. Their terms of office shall be prescribed by the township board. The township supervisor shall designate one of the members as chairman, and the plan commission may appoint other officers it deems necessary and appropriate. The township board may authorize a plan commission to have necessary staff and shall pay the expenses of that staff.

(b) Every township plan commission may have the following powers and duties:

(1) The commission may prepare and recommend to the township board a comprehensive plan for the present and future development or redevelopment of the unincorporated areas of the township. The plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official plan, or part of the official plan, of that township. The plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements specified in this Section. The plan may recommend (i) establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment with respect to public improvements as defined in this Section and (ii) establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment.

(2) The commission may from time to time recommend changes in the official comprehensive plan.

(3) The commission may from time to time prepare and recommend to the township authorities plans for specific improvements in pursuance of the official comprehensive plan.

(4) The commission may give aid to the officials charged with the direction of projects for improvements embraced within the official plan to further the making of these projects and, generally, may promote the realization of the official comprehensive plan.

(5) The commission may prepare and recommend to the township board schemes for regulating or forbidding structures or activities in unincorporated areas that may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in Section 1.2 of the Comprehensive Solar Energy Act of 1977, or may recommend changes in those schemes.

(6) The commission may exercise other powers germane to the powers granted by this Section that are conferred by the township board.

(c) If the county in which the township is located has adopted a county zoning ordinance under Division 5-12 of the Counties Code, the recommendations of the township plan commission may be presented by the township board to the county board of that county.

(Source: P.A. 91-721, eff. 6-2-00; 91-738, eff. 1-1-01; revised 6-27-00.)

Section 45. The Illinois Municipal Code is amended by changing Sections 11-31-1, 11-74.4-4, and 11-74.4-8 as follows:

(65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)
Sec. 11-31-1. Demolition, repair, enclosure, or remediation.

New matter indicated by italics - deletions by strikeout.
(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act, the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous
or unsafe building located within the territory of a municipality with a population of 500,000 or more
may file with the appropriate municipal authority a request that the municipality apply to the circuit
court of the county in which the building is located for an order permitting the demolition, removal
of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or
enclosure of the building in the manner prescribed in subsection (a) of this Section. If the
municipality fails to institute an action in circuit court within 90 days after the filing of the request,
the owner or tenant of real property within 1200 feet in any direction of the building may institute
an action in circuit court seeking an order compelling the owner or owners of record to demolish,
remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or
enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy
substances and materials removed from, repaired, or enclosed the building in question. A private
owner or tenant who institutes an action under the preceding sentence shall not be required to pay
any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall
be borne by the owner or owners of record of the building. In the event the owner or owners of record
fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials
from, repair, or enclose the building within 90 days of the date the court entered its order, the owner
or tenant who instituted the action may request that the court join the municipality as a party to the
action. The court may order the municipality to demolish, remove materials from, repair, or enclose
the building, or cause that action to be taken upon the request of any owner or tenant who instituted
the action or upon the municipality’s request. The municipality may file, and the court may approve,
a plan for rehabilitating the building in question. A court order authorizing the municipality to
demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall
not preclude the court from adjudging the owner or owners of record of the building in contempt of
court due to the failure to comply with the order to demolish, remove garbage, debris, and other
noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost
of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials,
repair, or enclosure pursuant to a court order, the cost, including court costs, attorney’s fees, and other
costs related to the enforcement of this subsection, is recoverable from the owner or owners of the
real estate and is a lien on the real estate; the lien is superior to all prior existing liens and
encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure,
the municipality or the person or persons who paid the costs of demolition, removal, repair, or
enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in
the county in which the real estate is located or in the office of the registrar of the county if the real
estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form
as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking
an order to compel the owner or owners of record to demolish, remove materials from, repair, or
enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection
may recover court costs and reasonable attorney’s fees for instituting the action from the owner or
owners of record of the building. Upon payment of the costs and expenses by the owner of or a
person interested in the property after the notice of lien has been filed, the lien shall be released by
the municipality or the person in whose name the lien has been filed or his or her assignee, and the
release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced
under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage
foreclosures under Article XV of the Code of Civil Procedure or mechanics’ lien foreclosures. An
action to foreclose this lien may be commenced at any time after the date of filing of the notice of
lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable
attorneys’ fees, advances to preserve the property, and other costs related to the enforcement of this
subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality
from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of
the lien shall have the same power to enforce the lien as the assigning party, except that the lien may
not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the
municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien

New matter indicated by italics - deletions by strikeout.
is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

1. the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
2. the property is unoccupied by persons legally in possession; and
3. the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a
safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to RemEDIATE to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to RemEDIATE mailed under paragraph (1) in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing

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the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;
(2) "abandoned" means;
   (A) the property has been tax delinquent for 2 or more years;
   (B) the property is unoccupied by persons legally in possession; and
(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

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(4) "hazardous substances" means the same as in Section 3.14 of the Environmental Protection Act.

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring.

The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be
enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 90-393, eff. 1-1-98; 90-597, eff. 6-25-98; 91-162, eff. 7-16-99; 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00; revised 8-27-99.)

(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)
Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. A municipality may:

(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land owned by a municipality or agreement relating to the development of such municipal property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure

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or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incurred project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in the plan approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities, may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition.

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to the municipal clerk under the provisions of this subsection. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area from which the revenues are received. Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from, the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.

(Source: P.A. 90-258, eff. 7-30-97; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; revised 10-20-99.)

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

Sec. 11-74.4-8. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that

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is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of installments in which real estate taxes are billed and collected within the county; provided that the payments on or before December 31, 1999 to a municipal treasurer shall be made only if each of the following conditions are met:

1. The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.
2. Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.
3. The municipal clerk has certified to the county clerk that the municipality has issued its obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.
4. The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

The conditions of paragraphs (1) through (4) do not apply after December 31, 1999 to payments to a municipal treasurer made by a county with 3,000,000 or more inhabitants that has adopted an estimated billing procedure for collecting taxes. If a county that has adopted the estimated billing procedure makes an erroneous overpayment of tax revenue to the municipal treasurer, then the county may seek a refund of that overpayment. The county shall send the municipal treasurer a notice of

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liability for the overpayment on or before the mailing date of the next real estate tax bill within the county. The refund shall be limited to the amount of the overpayment.

It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year if: (a) the plan for the area restricts the use of the property primarily to industrial purposes, (b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the total current homestead exemptions provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of such funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If such municipality provides for the appointment of a trustee, such trustee shall be considered the assignee of any payments assigned by the municipality pursuant to such
ordinance and this Section. Any amounts paid to such trustee as assignee shall be deposited in the funds or accounts established pursuant to such trust agreement, and shall be held by such trustee in trust for the benefit of the holders of the bonds, and such holders shall have a lien on and a security interest in such funds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for deposit in the special tax allocation fund.

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, retirement of obligations and the distribution of any excess monies pursuant to this Section, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area. Municipalities shall notify affected taxing districts prior to November 1 if the redevelopment project area is to be terminated by December 31 of that same year. If a municipality extends estimated dates of completion of a redevelopment project and retirement of obligations to finance a redevelopment project, as allowed by this amendatory Act of 1993, that extension shall not extend the property tax increment allocation financing authorized by this Section. Thereafter the rates of the taxing districts shall be extended and taxes levied, collected and distributed in the manner applicable in the absence of the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property in such redevelopment project areas from being assessed as provided in the Property Tax Code or as relieving owners of such property from paying a uniform rate of taxes, as required by Section 4 of Article 9 of the Illinois Constitution.

(Source: P.A. 90-258, eff. 7-30-97; 91-190, eff. 7-20-99; 91-478, eff. 11-1-99; revised 10-13-99.)

Section 46. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 23.1 as follows:

(70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

Sec. 23.1. (a) The Authority shall, within 90 days after the effective date of this amendatory Act of 1984, establish and maintain an affirmative action program designed to promote equal employment opportunity and eliminate the effects of past discrimination. Such program shall include a plan, including timetables where appropriate, which shall specify goals and methods for increasing participation by women and minorities in employment by the Authority and by parties which contract with the Authority. The Authority shall submit a detailed plan with the General Assembly prior to September 1 of each year. Such program shall also establish procedures and sanctions (including debarment), which the Authority shall enforce to ensure compliance with the plan established pursuant to this Section and with State and federal laws and regulations relating to the employment of women and minorities. A determination by the Authority as to whether a party to a contract with the Authority has achieved the goals or employed the methods for increasing participation by women and minorities shall be determined in accordance with the terms of such contracts or the applicable provisions of rules and regulations of the Authority existing at the time such contract was executed, including any provisions for consideration of good faith efforts at compliance which the Authority may reasonably adopt.

(b) The Authority shall adopt and maintain minority and female owned business enterprise procurement programs under the affirmative action program described in subsection (a) for any and all work undertaken by the Authority. That work shall include, but is not limited to, the purchase of professional services, construction services, supplies, materials, and equipment. The programs shall

New matter indicated by italics - deletions by strikeout.
establish goals of awarding not less than 25% of the annual dollar value of all contracts, purchase orders, or other agreements (collectively referred to as "contracts") to minority owned businesses and 5% of the annual dollar value of all contracts to female owned businesses. Without limiting the generality of the foregoing, the programs shall require in connection with the prequalification or consideration of vendors for professional service contracts, construction contracts, and contracts for supplies, materials, equipment, and services that each proposer or bidder submit as part of his or her proposal or bid a commitment detailing how he or she will expend 25% or more of the dollar value of his or her contracts with one or more minority owned businesses and 5% or more of the dollar value with one or more female owned businesses. Bids or proposals that do not include such detailed commitments are not responsive and shall be rejected unless the Authority deems it appropriate to grant a waiver of these requirements. In addition the Authority may, in connection with the selection of providers of professional services, reserve the right to select a minority or female owned business or businesses to fulfill the commitment to minority and female business participation. The commitment to minority and female business participation may be met by the contractor or professional service provider's status as a minority or female owned business, by joint venture or by subcontracting a portion of the work with or purchasing materials for the work from one or more such businesses, or by any combination thereof. Each contract shall require the contractor or provider to submit a certified monthly report detailing the status of that contractor or provider's compliance with the Authority's minority and female owned business enterprise procurement program. The Authority, after reviewing the monthly reports of the contractors and providers, shall compile a comprehensive report regarding compliance with this procurement program and file it quarterly with the General Assembly. If, in connection with a particular contract, the Authority determines that it is impracticable or excessively costly to obtain minority or female owned businesses to perform sufficient work to fulfill the commitment required by this subsection, the Authority shall reduce or waive the commitment in the contract, as may be appropriate. The Authority shall establish rules and regulations setting forth the standards to be used in determining whether or not a reduction or waiver is appropriate. The terms "minority owned business" and "female owned business" have the meanings given to those terms in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(c) The Authority shall adopt and maintain an affirmative action program in connection with the hiring of minorities and women on the Expansion Project and on any and all construction projects undertaken by the Authority. The program shall be designed to promote equal employment opportunity and shall specify the goals and methods for increasing the participation of minorities and women in a representative mix of job classifications required to perform the respective contracts awarded by the Authority.

(d) In connection with the Expansion Project, the Authority shall incorporate the following elements into its minority and female owned business procurement programs to the extent feasible: (1) a major contractors program that permits minority owned businesses and female owned businesses to bear significant responsibility and risk for a portion of the project; (2) a mentor/protege program that provides financial, technical, managerial, equipment, and personnel support to minority owned businesses and female owned businesses; (3) an emerging firms program that includes minority owned businesses and female owned businesses that would not otherwise qualify for the project due to inexperience or limited resources; (4) a small projects program that includes participation by smaller minority owned businesses and female owned businesses on jobs where the total dollar value is $5,000,000 or less; and (5) a set-aside program that will identify contracts requiring the expenditure of funds less than $50,000 for bids to be submitted solely by minority owned businesses and female owned businesses.

(e) The Authority is authorized to enter into agreements with contractors' associations, labor unions, and the contractors working on the Expansion Project to establish an Apprenticeship Preparedness Training Program to provide for an increase in the number of minority and female journeymen and apprentices in the building trades and to enter into agreements with Community College District 508 to provide readiness training. The Authority is further authorized to enter into contracts with public and private educational institutions and persons in the hospitality industry to provide training for employment in the hospitality industry.

(f) McCormick Place Advisory Board. There is created a McCormick Place Advisory Board
composed as follows: 7 members shall be named by the Authority who are residents of the area surrounding the McCormick Place Expansion Project and are either minorities, as defined in this subsection, or women; 7 members shall be State Senators named by the President of the Senate who are residents of the City of Chicago and are either members of minority groups or women; and 7 members shall be State Representatives named by the Speaker of the House who are residents of the City of Chicago and are either members of minority groups or women. A State Senator or State Representative member may appoint a designee to serve on the McCormick Place Advisory Board in his or her absence.

A "member of a minority group" shall mean a person who is a citizen or lawful permanent resident of the United States and who is

(1) Black (a person having origins in any of the black racial groups in Africa);
(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); or
(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Members of the McCormick Place Advisory Board shall serve 2-year terms and until their successors are appointed, except members who serve as a result of their elected position whose terms shall continue as long as they hold their designated elected positions. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments are made. The McCormick Place Advisory Board shall elect its own chairperson.

Members of the McCormick Place Advisory Board shall serve without compensation but, at the Authority's discretion, shall be reimbursed for necessary expenses in connection with the performance of their duties.

The McCormick Place Advisory Board shall meet quarterly, or as needed, shall produce any reports it deems necessary, and shall:

(1) Work with the Authority on ways to improve the area physically and economically;
(2) Work with the Authority regarding potential means for providing increased economic opportunities to minorities and women produced indirectly or directly from the construction and operation of the Expansion Project;
(3) Work with the Authority to minimize any potential impact on the area surrounding the McCormick Place Expansion Project, including any impact on minority or female owned businesses, resulting from the construction and operation of the Expansion Project;
(4) Work with the Authority to find candidates for building trades apprenticeships, for employment in the hospitality industry, and to identify job training programs;
(5) Work with the Authority to implement the provisions of subsections (a) through (e) of this Section in the construction of the Expansion Project, including the Authority's goal of awarding not less than 25% and 5% of the annual dollar value of contracts to minority and female owned businesses, the outreach program for minorities and women, and the mentor/protege program for providing assistance to minority and female owned businesses.

(Source: P.A. 91-422, eff. 1-1-00; revised 8-23-99.)

Section 46.2. The Public Health District Act is amended by changing Section 24 as follows:

(70 ILCS 905/24) (from Ch. 111 1/2, par. 20.4)

Sec. 24. The bonds authorized by this Act shall be sold and the proceeds thereof used solely for the specified purpose. At or before the time of delivery of any bond, the board shall file with the county clerk of each county in which the district is situated its certificates, stating the amount of bonds to be issued, or denominations, rate of interest, where payable, and shall include a form of bond to be issued. The board shall levy a direct tax upon all of the taxable property within the district sufficient to pay the principal and interest on the bonds as and when the same respectively mature. The certificates so filed shall be full authority to the county clerk to extend the tax named therein upon all the taxable property within the district. Such tax shall be in addition to all other taxes and shall not be within any rate limitation otherwise prescribed by law.

The proceeds received from the sale of the bonds shall be received and held by the board and expended under its direction upon the warrant of a majority of the members.
Section 46.4. The Metropolitan Water Reclamation District Act is amended by changing Section 8c as follows:

(70 ILCS 2605/8c) (from Ch. 42, par. 327c)

Sec. 8c. Every lease of property no longer or not immediately required for corporate purposes of a sanitory district, from such district to others for a term not to exceed 99 years, in accordance with Section 8 of this Act, shall be negotiated, created and executed in the following manner:

(1) Notice of such proposed leasing shall be published for 3 consecutive weeks in a newspaper of general circulation published in such sanitary district, if any, and otherwise in the county containing such district.

(2) Prior to receipt of bids for the lease under this Section, the fair market value of every parcel of real property to be leased must be determined by 2 professional appraisers who are members of the American Institute of Real Estate Appraisers or a similar, equivalently recognized professional organization. The sanitary district acting through the general superintendent may select and engage an additional appraiser for such determination of fair market value. Every appraisal report must contain an affidavit certifying the absence of any collusion involving the appraiser and relating to the lease of such property.

(3) Such lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids, except that no lease may be awarded unless the bid of such highest responsible bidder provides for an annual rental payment to the sanitary district of at least 6% of the fair market value determined under this Section.

(4) Prior to acceptance of the bid of the highest responsible bidder and before execution of the lease the bidder shall submit to the board of commissioners and general superintendent, for incorporation in the lease, a detailed plan and description of improvements to be constructed upon the leased property, the time within which the improvements will be completed, and the intended uses of the leased property. If there is more than one responsible bid, the board of commissioners may authorize and direct the general superintendent to solicit from the 2 highest responsible bidders written amendments to their prior bids, increasing their rental bid proposal by at least 5% in excess of their prior written bid, or otherwise amending the financial terms of their bid so as to maximize the financial return to the sanitary district during the term of the proposed lease. Upon the general superintendent's tentative agreement with one or more amended bids, the bids may be submitted to the board of commissioners with the recommendation of the general superintendent for acceptance of one or rejection of all. The amendments may not result in a diminution of the terms of the transaction and must result in an agreement that is equal to or greater in value than the highest responsible bid initially received.

(5) The execution of such lease must be contemporaneous to the execution by the lessee, each member of the board of commissioners and the general superintendent of an affidavit certifying the absence of any collusion involving the lessee, the members and the general superintendent and relating to such lease.

(6) No later than 30 days after the effective date of the lease, the lessee must deliver to the sanitary district a certified statement of the County Assessor, Township Assessor or the county clerk of the county wherein the property is situated that such property is presently contained in the official list of lands and lots to be assessed for taxes for the several towns or taxing districts in his county.

(7) Such lease shall provide for a fixed annual rental payment for the first year not less than 6% of the fair market value as determined under this Section and may be subject to annual adjustments based on changes in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, or some other well known economic governmental activity index. Any lease, the term of which will extend for 15 years or more, shall provide for a redetermination of the fair market value (independent of improvements to the property subsequent to the effective date of the lease) after the initial 10 years and every 10 years thereafter, in the manner set forth in paragraph (2) of this Section, said redetermination to be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The rental payment for the first year of the new 10 year period may be subject to Consumer
Price Index or other allowable index adjustments for each of the next 9 years, or until the end of the lease term if there are less than 9 years remaining.

(8) A sanitary district may require compensation to be paid in addition to rent, based on a reasonable percentage of revenues derived from a lessee's business operations on the leasehold premises or subleases, or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solid waste disposal; provided, however, that such additional compensation shall not be considered in determining the highest responsible bid, said highest responsible bid to be determined only on the initial annual rental payment as set forth in paragraph (3) of this Section.

(9) No assignment of such lease or sublease of such property is effective unless approved in writing by the general superintendent and the board of commissioners of the sanitary district. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the general superintendent and the board of commissioners of the sanitary district.

(10) Failure by the lessee to comply with a provision in the lease relating to improvements upon the leased property or any other provision constitutes grounds for forfeiture of the lease, and upon such failure the sanitary district acting through the general superintendent shall serve the lessee with a notice to terminate the lease and deliver possession of the property to the sanitary district within a particular period.

(11) If the general superintendent and the board of commissioners conclude that it would be in the public interest, said sanitary district may lease to the United States of America and the State of Illinois, County of Cook, any municipal corporation, or any institution of higher learning which has been in existence for 5 years prior to said lease, provided that such lease limit the institution's use of the leased land to only those purposes relating to the operation of such institution's academic or physical educational programs without complying with the prior provisions of this section, upon such terms as may be mutually agreed upon, in accordance with an act concerning "Transfer of Real Estate between Municipal Corporations", approved July 2, 1925, as amended, with provisions that such property is to be applied exclusively to public recreational purposes or other public purposes and that such lease is terminable in accordance with service of a one-year notice to terminate after determination by the board of commissioners and the general superintendent that such property (or part thereof) has become essential to the corporate purposes of the sanitary district.

(Source: P.A. 91-248, eff. 1-1-00; revised 3-9-00.)

Section 47. The Illinois Sports Facilities Authority Act is amended by changing Section 9 as follows:

(70 ILCS 3205/9) (from Ch. 85, par. 6009)
(Text of Section before amendment by P.A. 91-935)
Sec. 9. Duties. In addition to the powers set forth elsewhere in this Act, subject to the terms of any agreements with the holders of the Authority's bonds or notes, the Authority shall:

(1) Comply with all zoning, building, and land use controls of the municipality within which it owns any stadium facility.

(2) Enter into a management agreement with a tenant to operate the facility for a period at least as long as the term of any bonds issued to finance construction of the facility. Such agreement shall contain appropriate and reasonable provisions with respect to termination, default and legal remedies.

(3) Create and maintain a financial reserve for repair and replacement of capital assets and deposit into this reserve not less than $1,000,000 per year beginning at such time as the Authority and the tenant shall agree.

(4) Acquire a site or sites for a facility reasonably accessible to the interested public and capable of providing adequate spaces for automobile parking.

(5) In connection with prequalification of general contractors for construction of the new stadium facility, the Authority shall require submission of a commitment detailing how the general contractor will expend 25% or more of the dollar value of the general contract with one or more minority business enterprises and 5% or more of the dollar value with one or more female business enterprises. This commitment may be met by contractor's status as a
minority business enterprise or female business enterprise, by a joint venture or by subcontracting a portion of the work with or by purchasing materials for the work from one or more such enterprises, or by any combination thereof. Any contract with the general contractor for construction of the new stadium facility shall require the general contractor to meet the foregoing obligations and shall require monthly reporting to the Authority with respect to the status of the implementation of the contractor's affirmative action plan and compliance with that plan. This report shall be filed with the General Assembly. The Authority shall establish and maintain an affirmative action program designed to promote equal employment opportunity which specifies the goals and methods for increasing participation by minorities and women in a representative mix of job classifications required to perform the respective contracts. The Authority shall file a report before March 1 of each year with the General Assembly detailing its implementation of this paragraph. The terms "minority business enterprise" and "female business enterprise" shall have the same meanings as "minority owned business" and "female owned business", respectively, as defined provided in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(6) Provide for the construction of any facility pursuant to one or more contracts which require delivery of a completed facility at a fixed maximum price to be insured or guaranteed by a third party determined by the Authority to be financially capable of causing completion of construction of such a facility.

(Source: P.A. 85-1034; revised 8-23-99.)

(Text of Section after amendment by P.A. 91-935)

Sec. 9. Duties. In addition to the powers set forth elsewhere in this Act, subject to the terms of any agreements with the holders of the Authority's bonds or notes, the Authority shall:

(1) Comply with all zoning, building, and land use controls of the municipality within which is located any stadium facility owned by the Authority or for which the Authority provides financial assistance.

(2) With respect to a facility owned or to be owned by the Authority, enter or have entered into a management agreement with a tenant of the Authority to operate the facility that requires the tenant to operate the facility for a period at least as long as the term of any bonds issued to finance the development, establishment, construction, erection, acquisition, repair, reconstruction, remodeling, adding to, extension, improvement, equipping, operation, and maintenance of the facility. Such agreement shall contain appropriate and reasonable provisions with respect to termination, default and legal remedies.

(3) With respect to a facility owned or to be owned by a governmental owner other than the Authority, enter into an assistance agreement with either a governmental owner of a facility or its tenant, or both, that requires the tenant, or if the tenant is not a party to the assistance agreement requires the governmental owner to enter into an agreement with the tenant that requires the tenant to use the facility for a period at least as long as the term of any bonds issued to finance the reconstruction, renovation, remodeling, extension or improvement of all or substantially all of the facility.

(4) Create and maintain a separate financial reserve for repair and replacement of capital assets of any facility owned by the Authority or for which the Authority provides financial assistance and deposit into this reserve not less than $1,000,000 per year for each such facility beginning at such time as the Authority and the tenant, or the Authority and a governmental owner of a facility, as applicable, shall agree.

(5) In connection with prequalification of general contractors for the construction of a new stadium facility or the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing facility, the Authority shall require submission of a commitment detailing how the general contractor will expend 25% or more of the dollar value of the general contract with one or more minority business enterprises and 5% or more of the dollar value with one or more female business enterprises. This commitment may be met by contractor's status as a minority business enterprise or female business enterprise, by a joint venture or by subcontracting a portion of the work with or by purchasing materials for the work from one or more such enterprises, or by any combination

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thereof. Any contract with the general contractor for construction of the new stadium facility and any contract for the reconstruction, renovation, remodeling, adding to, extension or improvement of all or substantially all of an existing facility shall require the general contractor to meet the foregoing obligations and shall require monthly reporting to the Authority with respect to the status of the implementation of the contractor's affirmative action plan and compliance with that plan. This report shall be filed with the General Assembly. The Authority shall establish and maintain an affirmative action program designed to promote equal employment opportunity which specifies the goals and methods for increasing participation by minorities and women in a representative mix of job classifications required to perform the respective contracts. The Authority shall file a report before March 1 of each year with the General Assembly detailing its implementation of this paragraph. The terms "minority business enterprise" and "female business enterprise" shall have the same meanings as "minority owned business" and "female owned business", respectively, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(6) Provide for the construction of any new facility pursuant to one or more contracts which require delivery of a completed facility at a fixed maximum price to be insured or guaranteed by a third party determined by the Authority to be financially capable of causing completion of such construction of the new facility.

In connection with any assistance agreement with a governmental owner that provides financial assistance for a facility to be used by a National Football League team, the assistance agreement shall provide that the Authority or its agent shall enter into the contract or contracts for the design and construction services or design/build services for such facility and thereafter transfer its rights and obligations under the contract or contracts to the governmental owner of the facility. In seeking parties to provide design and construction services or design/build services with respect to such facility, the Authority may use such procurement procedures as it may determine, including, without limitation, the selection of design professionals and construction managers or design/builders as may be required by a team that is at risk, in whole or in part, for the cost of design and construction of the facility.

An assistance agreement may not provide, directly or indirectly, for the payment to the Chicago Park District of more than a total of $10,000,000 on account of the District's loss of property or revenue in connection with the renovation of a facility pursuant to the assistance agreement.

(Source: P.A. 91-935, eff. 6-1-01.)

Section 48. The Regional Transportation Authority Act is amended by changing Section 4.09 as follows:

(70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

Sec. 4.09. Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund.

(a) As soon as possible after the first day of each month, beginning November 1, 1983, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury, to be known as the "Public Transportation Fund" $9,375,000 for each month remaining in State fiscal year 1984. As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act, from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. Net revenue realized for a month shall be the revenue collected by the State pursuant to Sections 4.03 and 4.03.1 during the previous month from within the metropolitan region, less the amount paid out during that same month as refunds to taxpayers for overpayment of liability in the metropolitan
region under Sections 4.03 and 4.03.1.

(b) (1) All moneys deposited in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund, whether deposited pursuant to this Section or otherwise, are allocated to the Authority. Pursuant to appropriation, the Comptroller, as soon as possible after each monthly transfer provided in this Section and after each deposit into the Public Transportation Fund, shall order the Treasurer to pay to the Authority out of the Public Transportation Fund the amount so transferred or deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act.

Subject to appropriation to the Department of Revenue, the Comptroller, as soon as possible after each deposit into the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided in this Section and Section 6z-17 of the State Finance Act, shall order the Treasurer to pay to the Authority out of the Regional Transportation Authority Occupation and Use Tax Replacement Fund the amount so deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act.

(2) Provided, however, no moneys deposited under subsection (a) of this Section shall be paid from the Public Transportation Fund to the Authority or its assignee for any fiscal year beginning after the effective date of this amendatory Act of 1983 until the Authority has certified to the Governor, the Comptroller, and the Mayor of the City of Chicago that it has adopted for that fiscal year a budget and financial plan meeting the requirements in Section 4.01(b).

(c) In recognition of the efforts of the Authority to enhance the mass transportation facilities under its control, the State shall provide financial assistance ("Additional State Assistance") in excess of the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional State Assistance shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

1990 $5,000,000;
1991 $5,000,000;
1992 $10,000,000;
1993 $10,000,000;
1994 $20,000,000;
1995 $30,000,000;
1996 $40,000,000;
1997 $50,000,000;
1998 $55,000,000; and each year thereafter $55,000,000.

(c-5) The State shall provide financial assistance ("Additional Financial Assistance") in addition to the Additional State Assistance provided by subsection (c) and the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional Financial Assistance provided by this subsection shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

2000 $0;
2001 $16,000,000;
2002 $35,000,000;
2003 $54,000,000;
2004 $73,000,000;
2005 $93,000,000; and each year thereafter $100,000,000.

(d) Beginning with State fiscal year 1990 and continuing for each State fiscal year thereafter, the Authority shall annually certify to the State Comptroller and State Treasurer, separately with respect to each of subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the following amounts:

(1) The amount necessary and required, during the State fiscal year with respect to which the certification is made, to pay its obligations for debt service on all outstanding bonds or notes issued by the Authority under subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

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(2) An estimate of the amount necessary and required to pay its obligations for debt service for any bonds or notes which the Authority anticipates it will issue under subdivisions (g)(2) and (g)(3) of Section 4.04 during that State fiscal year.

(3) Its debt service savings during the preceding State fiscal year from refunding or advance refunding of bonds or notes issued under subdivisions (g)(2) and (g)(3) of Section 4.04.

(4) The amount of interest, if any, earned by the Authority during the previous State fiscal year on the proceeds of bonds or notes issued pursuant to subdivisions (g)(2) and (g)(3) of Section 4.04, other than refunding or advance refunding bonds or notes.

The certification shall include a specific schedule of debt service payments, including the date and amount of each payment for all outstanding bonds or notes and an estimated schedule of anticipated debt service for all bonds and notes it intends to issue, if any, during that State fiscal year, including the estimated date and estimated amount of each payment.

Immediately upon the issuance of bonds for which an estimated schedule of debt service payments was prepared, the Authority shall file an amended certification with respect to item (2) above, to specify the actual schedule of debt service payments, including the date and amount of each payment, for the remainder of the State fiscal year.

On the first day of each month of the State fiscal year in which there are bonds outstanding with respect to which the certification is made, the State Comptroller shall order transferred and the State Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund the Additional State Assistance and Additional Financial Assistance in an amount equal to the aggregate of (i) one-twelfth of the sum of the amounts certified under items (1) and (3) above less the amount certified under item (4) above, plus (ii) the amount required to pay debt service on bonds and notes issued during the fiscal year, if any, divided by the number of months remaining in the fiscal year after the date of issuance, or some smaller portion as may be necessary under subsection (c) or (c-5) of this Section for the relevant State fiscal year, plus (iii) any cumulative deficiencies in transfers for prior months, until an amount equal to the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, has been transferred; except that these transfers are subject to the following limits:

(A) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(2) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

(B) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(3) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c-5) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

The term "outstanding" does not include bonds or notes for which refunding or advance refunding bonds or notes have been issued.

(c) Neither Additional State Assistance nor Additional Financial Assistance may be pledged, either directly or indirectly as general revenues of the Authority, as security for any bonds issued by the Authority. The Authority may not assign its right to receive Additional State Assistance or Additional Financial Assistance, or direct payment of Additional State Assistance or Additional Financial Assistance, to a trustee or any other entity for the payment of debt service on its bonds.

(f) The certification required under subsection (d) with respect to outstanding bonds and notes of the Authority shall be filed as early as practicable before the beginning of the State fiscal year to which it relates. The certification shall be revised as may be necessary to accurately state the debt service requirements of the Authority.

(g) Within 6 months of the end of the 3 month period ending December 31, 1983, and each fiscal year thereafter, the Authority shall determine whether the aggregate of all system generated revenues for public transportation in the metropolitan region which is provided by, or under grant or purchase of service contracts with, the Service Boards equals 50% of the aggregate of all costs of
providing such public transportation. "System generated revenues" include all the proceeds of fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other revenues properly included consistent with generally accepted accounting principles but may not include the proceeds from any borrowing. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligations for borrowed money of the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost as to which it is reasonably expected that a cash expenditure will not be made; costs up to $5,000,000 annually for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; or costs as exempted by the Board for projects pursuant to Section 2.09 of this Act. If said system generated revenues are less than 50% of said costs, the Board shall remit an amount equal to the amount of the deficit to the State. The Treasurer shall deposit any such payment in the General Revenue Fund.

(h) If the Authority makes any payment to the State under paragraph (g), the Authority shall reduce the amount provided to a Service Board from funds transferred under paragraph (a) in proportion to the amount by which the Service Board failed to meet its required system generated revenues recovery ratio. A Service Board which is affected by a reduction in funds under this paragraph shall submit to the Authority concurrently with its next due quarterly report a revised budget incorporating the reduction in funds. The revised budget must meet the criteria specified in clauses (i) through (vi) of Section 4.11(b)(2). The Board shall review and act on the revised budget as provided in Section 4.11(b)(3).

(105 ILCS 5/2-3.126)

Sec. 2-3.126. State Board of Education Fund. The State Board of Education Fund is created as a special fund in the State treasury. Unless specifically directed to be deposited into any other funds or into the General Revenue Fund, all moneys received by the State Board of Education in connection with any fees, registration amounts, or other moneys collected by the State Board of Education for various purposes shall be deposited into this Fund. Moneys in this Fund shall be used, subject to appropriation by the General Assembly, by the State Board of Education for expenses incurred in administering programs, initiatives, and activities implemented or supported by the State Board of Education as authorized by statute or rule. The State Board of Education may expend moneys in this Fund in such amounts and at such times as it deems necessary or desirable, including for payment of administrative costs, staff services, and costs for other lawful purposes. Moneys in this Fund shall be used together with and supplemental to regular appropriations to the State Board of Education for any purpose, and nothing in this Section shall be construed to prohibit appropriations from the General Revenue Fund for expenses incurred in the administration of programs, initiatives, or activities implemented or supported by the State Board of Education. This Section is repealed 4 years after the effective date of this amendatory Act of the 91st General Assembly.

(105 ILCS 5/2-3.128)

Sec. 2-3.128. Job training program; prohibition.

The State Board of Education shall not require a school district or a student of any district to participate in any school-to-work or job training program.
Sec. 2-3.129. School safety assessment audit. The State Board of Education shall, in cooperation with the Task Force on School Safety and utilizing any of its manuals or resource guides, develop uniform criteria to be implemented in school safety plans. Using these criteria, the State Board of Education shall develop a school safety assessment audit, which shall be distributed to all public schools.

Sec. 2-3.130. Time out and physical restraint rules. The State Board of Education shall promulgate rules governing the use of time out and physical restraint in the public schools. The rules shall include provisions governing recordkeeping that is required when physical restraint or more restrictive forms of time out are used.

Sec. 10-20.31. Occupational standards. A school board shall not require a student to meet occupational standards for grade level promotion or graduation unless that student is voluntarily enrolled in a job training program.

Sec. 10-20.32. School safety assessment audit; safety plan. The school board shall require schools, subject to the award of a grant by the State Board of Education, to complete a school safety assessment audit, as developed by the State Board of Education pursuant to Section 2-3.129, and to develop a written safety plan or revise their current safety plan to implement the criteria developed by the State Board of Education, in cooperation with the Task Force on School Safety, as specified in the school safety assessment audit. The plan shall be subject to approval by the school board. Once approved, the school shall file the plan with the State Board of Education and the regional superintendent of schools. The State Board of Education shall provide, subject to appropriation, grants for the purposes of this Section.

Sec. 10-20.33. Time out and physical restraint. Until rules are adopted under Section 2-3.130 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

1. a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;
2. a confining space such as a closet or box;
3. a room where the student cannot be continually observed; or
4. any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education.

The use of physical restraints is prohibited except when (i) the student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

New matter indicated by italics - deletions by strikeout.
Sec. 14-8.05. Behavioral intervention.

(a) The General Assembly finds and declares that principals and teachers of students with disabilities require training and guidance that provide ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur. It is the intent of the General Assembly:

(1) That when behavioral interventions are used, they be used in consideration of the pupil's physical freedom and social interaction, and be administered in a manner that respects human dignity and personal privacy and that ensures a pupil's right to placement in the least restrictive educational environment.

(2) That behavioral management plans be developed and used, to the extent possible, in a consistent manner when a local educational agency has placed the pupil in a day or residential setting for education purposes.

(3) That a statewide study be conducted of the use of behavioral interventions with students with disabilities receiving special education and related services.

(4) That training programs be developed and implemented in institutions of higher education that train teachers, and that in-service training programs be made available as necessary in school districts, in educational service centers, and by regional superintendents of schools to assure that adequately trained staff are available to work effectively with the behavioral intervention needs of students with disabilities.

(b) On or before September 30, 1993, the State Superintendent of Education shall conduct a statewide study of the use of behavioral interventions with students with disabilities receiving special education and related services. The study shall include, but not necessarily be limited to, identification of the frequency in the use of behavioral interventions; the number of districts with policies in place for working with children exhibiting continuous serious behavioral problems; how policies, rules, or regulations within districts differ between emergency and routine behavioral interventions commonly practiced; the nature and extent of costs for training provided to personnel for implementing a program of nonaversive behavioral interventions; and the nature and extent of costs for training provided to parents of students with disabilities who would be receiving behavioral interventions. The scope of the study shall be developed by the State Board of Education, in consultation with individuals and groups representing parents, teachers, administrators, and advocates. On or before June 30, 1994, the State Board of Education shall issue guidelines based on the study's findings. The guidelines shall address, but not be limited to, the following: (i) appropriate behavioral interventions, and (ii) how to properly document the need for and use of behavioral interventions in the process of developing individualized education plans for students with disabilities. The guidelines shall be used as a reference to assist school boards in developing local policies and procedures in accordance with this Section. The State Board of Education, with the advice of parents of students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities, shall review its behavioral intervention guidelines at least once every 3 years to determine their continuing appropriateness and effectiveness and shall make such modifications in the guidelines as it deems necessary.

(c) Each school board must establish and maintain a committee to develop policies and procedures on the use of behavioral interventions for students with disabilities who require behavioral intervention. The policies and procedures shall be adopted and implemented by school boards by January 1, 1996, shall be amended as necessary to comply with the rules established by the State Board of Education under Section 2-3.126 of this Code not later than one month after commencement of the school year after the State Board of Education's rules are adopted, and shall: (i) be developed with the advice of parents with students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities; (ii) emphasize positive interventions that are designed to develop and strengthen desirable behaviors; (iii) incorporate procedures and methods consistent with generally accepted practice in the field of behavioral intervention; (iv) include criteria for determining when a student with disabilities may require a behavioral intervention plan; (v) reflect that the guidelines of the State Board of Education have been reviewed and considered and provide the address of the State Board.
of Education so that copies of the State Board of Education behavioral guidelines may be requested; and (vi) include procedures for monitoring the use of restrictive behavioral interventions. Each school board shall (i) furnish a copy of its local policies and procedures to parents and guardians of all students with individualized education plans within 15 days after the policies and procedures have been adopted by the school board, or within 15 days after the school board has amended its policies and procedures, or at the time an individualized education plan is first implemented for the student, and (ii) require that each school inform its students of the existence of the policies and procedures annually. Provided, at the annual individualized education plan review, the school board shall (1) explain the local policies and procedures, (2) furnish a copy of the local policies to parents and guardians, and (3) make available, upon request of any parents and guardians, a copy of local procedures.

(d) The State Superintendent of Education shall consult with representatives of institutions of higher education and the State Teacher Certification Board in regard to the current training requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions consistent with professionally accepted practices and standards for people entering the field of education.

(Source: P.A. 90-63, eff. 7-3-97; 91-600, eff. 8-14-99; revised 11-8-99.)

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).
(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,425 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).
(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year, except that any days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.
Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year.
whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which

New matter indicated by italics - deletions by strikeout.
the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, and if the Available Local Resources of that school district as calculated pursuant to subsection (D) using the Base Tax Year are less than the product of 1.75 times the Foundation Level for the Budget Year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the last calculated Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H).
(2) Supplemental general State aid pursuant to this subsection shall be provided as follows:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-1999 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an
acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall
be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board

New matter indicated by italics - deletions by strikeout.
of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial
members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(105 ILCS 5/21-2) (from Ch. 122, par. 21-2)

Sec. 21-2. Grades of certificates.

(a) Until February 15, 2000, all certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree with not less than 120 semester hours and a minimum of 16 semester hours in professional education.

(b) Initial Teaching Certificate. Beginning February 15, 2000, persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) Standard Certificate. Beginning February 15, 2000, persons who (1) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (2) have completed 4 years of
teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (3) were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (1) and (2) of this subsection (c), have successfully completed the Standard Teaching Certificate Examinations, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(d) Master Certificate. Beginning February 15, 2000, persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements in the area or areas for which he or she holds a Master Certificate for the 10-year term of the teacher's Master Certificate.

(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99; 91-606, eff. 8-16-99; 91-609, eff. 1-1-00; revised 10-7-99.)

(105 ILCS 5/27A-4)
Sec. 27A-4. General Provisions.
(a) The General Assembly does not intend to alter or amend the provisions of any court-ordered desegregation plan in effect for any school district. A charter school shall be subject to all federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, or need for special education services.

(b) The total number of charter schools operating under this Article at any one time shall not exceed 45. Not more than 15 charter schools shall operate at any one time in any city having a population exceeding 500,000; not more than 15 charter schools shall operate at any one time in the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside a city having a population exceeding 500,000, with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located; and not more than 15 charter schools shall operate at any one time in the remainder of the State, with not more than one charter school that has been initiated by a board of education, or by an intergovernmental agreement between or among boards of education, operating at any one time in the school district where the charter school is located.

For purposes of implementing this Section, the State Board shall assign a number to each charter submission it receives under Section 27A-6 for its review and certification, based on the chronological order in which the submission is received by it. The State Board shall promptly notify local school boards when the maximum numbers of certified charter schools authorized to operate have been reached.

(c) No charter shall be granted under this Article that would convert any existing private, parochial, or non-public school to a charter school.

(d) Enrollment in a charter school shall be open to any pupil who resides within the
geographic boundaries of the area served by the local school board.

(e) Nothing in this Article shall prevent 2 or more local school boards from jointly issuing a charter to a single shared charter school, provided that all of the provisions of this Article are met as to those local school boards.

(f) No local school board shall require any employee of the school district to be employed in a charter school.

(g) No local school board shall require any pupil residing within the geographic boundary of its district to enroll in a charter school.

(h) If there are more eligible applicants for enrollment in a charter school than there are spaces available, successful applicants shall be selected by lottery. However, priority shall be given to siblings of pupils enrolled in the charter school and to pupils who were enrolled in the charter school the previous school year, unless expelled for cause. Dual enrollment at both a charter school and a public school or non-public school shall not be allowed. A pupil who is suspended or expelled from a charter school shall be deemed to be suspended or expelled from the public schools of the school district in which the pupil resides.

(i) (Blank).

(Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99; 91-407, eff. 8-3-99; revised 8-27-99.)

(105 ILCS 5/27A-9)

Sec. 27A-9. Term of charter; renewal.

(a) A charter may be granted for a period not less than 5 and not more than 10 school years. A charter may be renewed in incremental periods not to exceed 5 school years.

(b) A charter school renewal proposal submitted to the local school board or State Board, as the chartering entity, shall contain:

(1) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter proposal; and

(2) A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of those costs to other schools or other comparable organizations, in a format required by the State Board.

(c) A charter may be revoked or not renewed if the local school board or State Board, as the chartering entity, clearly demonstrates that the charter school did any of the following, or otherwise failed to comply with the requirements of this law:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter.

(3) Failed to meet generally accepted standards of fiscal management.

(4) Violated any provision of law from which the charter school was not exempted.

(d) (Blank).

(e) Notice of a local school board's decision to deny, revoke or not to renew a charter shall be provided to the State Board. The State Board may reverse a local board's decision if the State Board finds that the charter school or charter school proposal (i) is in compliance with this Article, and (ii) is in the best interests of the students it is designed to serve. The State Board may condition the granting of an appeal on the acceptance by the charter school of funding in an amount less than that requested in the proposal submitted to the local school board. Final decisions of the State Board shall be subject to judicial review under the Administrative Review Law.

(f) Notwithstanding other provisions of this Article, if the State Board on appeal reverses a local board's decision or if a charter school is approved by referendum, the State Board shall act as the authorized chartering entity for the charter school. The State Board shall approve and certify the charter and shall perform all functions under this Article otherwise performed by the local school board. The State Board shall report the aggregate number of charter school pupils resident in a school district to that district and shall notify the district of the amount of funding to be paid by the State Board to the charter school enrolling such students. The State Board shall require the charter school to maintain accurate records of daily attendance that shall be deemed sufficient to file claims under

New matter indicated by italics - deletions by strikeout.
Section 18-8.05 notwithstanding any other requirements of that Section regarding hours of instruction and teacher certification. The State Board shall withhold from funds otherwise due the district the funds authorized by this Article to be paid to the charter school and shall pay such amounts to the charter school.

(Source: P.A. 90-548, eff. 1-1-98; 91-96, eff. 7-9-99; 91-407, eff. 8-3-99; revised 10-7-99.)

Sec. 27A-11.5. State financing. The State Board of Education shall make the following funds available to school districts and charter schools:

1. From a separate appropriation made to the State Board for purposes of this subdivision (1), the State Board shall make transition impact aid available to school districts that approve a new charter school or that have funds withheld by the State Board to fund a new charter school that is chartered by the State Board. The amount of the aid shall equal 90% of the per capita funding paid to the charter school during the first year of its initial charter term, 65% of the per capita funding paid to the charter school during the second year of its initial term, and 35% of the per capita funding paid to the charter school during the third year of its initial term. This transition impact aid shall be paid to the local school board in equal quarterly installments, with the payment of the installment for the first quarter being made by August 1st immediately preceding the first, second, and third years of the initial term. The district shall file an application for this aid with the State Board in a format designated by the State Board. If the appropriation is insufficient in any year to pay all approved claims, the impact aid shall be prorated. Transition impact aid shall be paid beginning in the 1999-2000 school year for charter schools that are in the first, second, or third year of their initial term. If House Bill 230 of the 91st General Assembly becomes law, transition impact aid shall not be paid for any charter school that is proposed and created by one or more boards of education, as authorized under the provisions of Public Act 91-405.

2. From a separate appropriation made for the purpose of this subdivision (2), the State Board shall make grants to charter schools to pay their start-up costs of acquiring educational materials and supplies, textbooks, furniture, and other equipment needed during their initial term. The State Board shall annually establish the time and manner of application for these grants, which shall not exceed $250 per student enrolled in the charter school.

3. The Charter Schools Revolving Loan Fund is created as a special fund in the State treasury. Federal funds, such other funds as may be made available for costs associated with the establishment of charter schools in Illinois, and amounts repaid by charter schools that have received a loan from the Charter Schools Revolving Loan Fund shall be deposited into the Charter Schools Revolving Loan Fund, and the moneys in the Charter Schools Revolving Loan Fund shall be appropriated to the State Board and used to provide interest-free loans to charter schools. These funds shall be used to pay start-up costs of acquiring educational materials and supplies, textbooks, furniture, and other equipment needed in the initial term of the charter school and for acquiring and remodeling a suitable physical plant, within the initial term of the charter school. Loans shall be limited to one loan per charter school and shall not exceed $250 per student enrolled in the charter school. A loan shall be repaid by the end of the initial term of the charter school. The State Board may deduct amounts necessary to repay the loan from funds due to the charter school or may require that the local school board that authorized the charter school deduct such amounts from funds due the charter school and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan. The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program.

4. A charter school may apply for and receive, subject to the same restrictions applicable to school districts, any grant administered by the State Board that is available for school districts.

(Source: P.A. 91-407, eff. 8-3-99; revised 8-4-99.)

Sec. 34-8.3. Remediation and probation of attendance centers.

(a) The general superintendent shall monitor the performance of the attendance centers within
the district and shall identify attendance centers, pursuant to criteria that the board shall establish, in which:

1. there is a failure to develop, implement, or comply with a school improvement plan;
2. there is a pervasive breakdown in the educational program as indicated by factors, including, but not limited to, the absence of improvement in student reading and math achievement scores, an increased drop-out rate, a decreased graduation rate, and a decrease in rate of student attendance;
3. (blank); or
4. there is a failure or refusal to comply with the provisions of this Act, other applicable laws, collective bargaining agreements, court orders, or with Board rules which the Board is authorized to promulgate.

(b) If the general superintendent identifies a nonperforming school as described herein, he or she shall place the attendance center on remediation by developing a remediation plan for the center. The purpose of the remediation plan shall be to correct the deficiencies in the performance of the attendance center by one or more of the following methods:

1. drafting a new school improvement plan;
2. applying to the board for additional funding for training for the local school council;
3. directing implementation of a school improvement plan;
4. mediating disputes or other obstacles to reform or improvement at the attendance center.

If, however, the general superintendent determines that the problems are not able to be remediated by these methods, the general superintendent shall place the attendance center on probation. The board shall establish guidelines that determine the factors for placing an attendance center on probation.

(c) Each school placed on probation shall have a school improvement plan and school budget for correcting deficiencies identified by the board. The plan shall include specific steps that the local school council and school staff must take to correct identified deficiencies and specific objective criteria by which the school's subsequent progress will be determined. The school budget shall include specific expenditures directly calculated to correct educational and operational deficiencies identified at the school by the probation team.

(d) Schools placed on probation that, after a maximum of one year, fail to make adequate progress in correcting deficiencies are subject to the following action by the general superintendent with the approval of the board, after opportunity for a hearing:

1. Ordering new local school council elections.
2. Removing and replacing the principal.
3. Replacement of faculty members, subject to the provisions of Section 24A-5.
4. Reconstitution of the attendance center and replacement and reassignment by the general superintendent of all employees of the attendance center.
5. Intervention under Section 34-8.4.
6. Closing of the school.

(e) Schools placed on probation shall remain on probation from year to year until deficiencies are corrected, even if such schools make acceptable annual progress. The board shall establish, in writing, criteria for determining whether or not a school shall remain on probation. If academic achievement tests are used as the factor for placing a school on probation, the general superintendent shall consider objective criteria, not just an increase in test scores, in deciding whether or not a school shall remain on probation. These criteria shall include attendance, test scores, student mobility rates, poverty rates, bilingual education eligibility, special education, and English language proficiency programs, with progress made in these areas being taken into consideration in deciding whether or not a school shall remain on probation.

(f) Where the board has reason to believe that violations of civil rights, or of civil or criminal law have occurred, or when the general superintendent deems that the school is in educational crisis it may take immediate corrective action, including the actions specified in this Section, without first placing the school on remediation or probation. Nothing described herein shall limit the authority of the board as provided by any law of this State. The board shall develop criteria governing the determination regarding when a school is in educational crisis.

New matter indicated by italics - deletions by strikeout.
(g) All persons serving as subdistrict superintendent on May 1, 1995 shall be deemed by operation of law to be serving under a performance contract which expires on June 30, 1995, and the employment of each such person as subdistrict superintendent shall terminate on June 30, 1995. The board shall have no obligation to compensate any such person as a subdistrict superintendent after June 30, 1995.

(h) The general superintendent shall, in consultation with local school councils, conduct an annual evaluation of each principal in the district pursuant to guidelines promulgated by the Board of Education.

(Source: P.A. 91-219, eff. 1-1-00; 91-622, eff. 8-19-99; revised 10-13-99.)

(105 ILCS 5/34-18.18)

Sec. 34-18.18. Occupational standards. The Board shall not require a student to meet occupational standards for grade level promotion or graduation unless that student is voluntarily enrolled in a job training program.

(Source: P.A. 91-175, eff. 1-1-00.)

(105 ILCS 5/34-18.19)

Sec. 34-18.19. School safety assessment audit; safety plan. The board of education shall require schools, subject to the award of a grant by the State Board of Education, to complete a school safety assessment audit, as developed by the State Board of Education pursuant to Section 2-3.129, 2-3.126, and to develop a written safety plan or revise their current safety plan to implement the criteria developed by the State Board of Education, in cooperation with the Task Force on School Safety, as specified in the school safety assessment audit. The plan shall be subject to approval by the board of education. Once approved, the school shall file the plan with the State Board of Education and the regional superintendent of schools. The State Board of Education shall provide, subject to appropriation, grants for the purposes of this Section.

(Source: P.A. 91-491, eff. 8-13-99; revised 11-8-99.)

(105 ILCS 5/34-18.20)

Sec. 34-18.20. Time out and physical restraint. Until rules are adopted under Section 2-3.130 of this Code, the use of any of the following rooms or enclosures for time out purposes is prohibited:

1. a locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person;
2. a confining space such as a closet or box;
3. a room where the student cannot be continually observed; or
4. any other room or enclosure or time out procedure that is contrary to current guidelines of the State Board of Education.

The use of physical restraints is prohibited except when (i) the student poses a physical risk to himself, herself, or others, (ii) there is no medical contraindication to its use, and (iii) the staff applying the restraint have been trained in its safe application. For the purposes of this Section, "restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and that are designed (i) to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. The use of physical restraints that meet the requirements of this Section may be included in a student's individualized education plan where deemed appropriate by the student's individualized education plan team. Whenever physical restraints are used, school personnel shall fully document the incident, including the events leading up to the incident, the type of restraint used, the length of time the student is restrained, and the staff involved. The parents or guardian of a student shall be informed whenever physical restraints are used.

(Source: P.A. 91-600, eff. 8-14-99; revised 11-8-99.)

Section 49.5. The School Breakfast and Lunch Program Act is amended by changing Section 8 as follows:

(105 ILCS 125/8) (from Ch. 122, par. 712.8)

Sec. 8. Filing and forwarding claims for reimbursement. School boards and welfare centers shall file claims for reimbursement, on forms provided by the State Board of Education, on a monthly basis as prescribed by the State Board of Education.
Section 50. The Campus Security Act is amended by changing Section 15 as follows:

(110 ILCS 12/15)

Sec. 15. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

Section 50.1. The University of Illinois Trustees Act is amended by changing Section 1 as follows:

(110 ILCS 310/1) (from Ch. 144, par. 41)

Sec. 1. The Board of Trustees of the University of Illinois shall consist of the Governor and at least 12 trustees. Nine trustees shall be appointed by the Governor, by and with the advice and consent of the Senate. The other trustees shall be students, of whom one student shall be selected from each University campus.

Each student trustee shall serve a term of one year, beginning on July 1 or on the date of his or her selection, whichever is later, and expiring on the next succeeding June 30.

Each trustee shall have all of the privileges of membership, except that only one student trustee shall have the right to cast a legally binding vote. The Governor shall designate which one of the student trustees shall possess, for his or her entire term, the right to cast a legally binding vote. Each student trustee who does not possess the right to cast a legally binding vote shall have the right to cast an advisory vote and the right to make and second motions and to attend executive sessions.

Each trustee shall be governed by the same conflict of interest standards. Pursuant to those standards, it shall not be a conflict of interest for a student trustee to vote on matters pertaining to students generally, such as tuition and fees. However, it shall be a conflict of interest for a student trustee to vote on faculty member tenure or promotion. Student trustees shall be chosen by campus-wide student election, and the student trustee designated by the Governor to possess a legally binding vote shall be one of the students selected by this method. A student trustee who does not possess a legally binding vote on a measure at a meeting of the Board or any of its committees shall not be considered a trustee for the purpose of determining whether a quorum is present at the time.
that measure is voted upon. To be eligible for selection as a student trustee and to be eligible to
remain as a voting or nonvoting student trustee, a student trustee must be a resident of this State, must
have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be
a full time student enrolled at all times during his or her term of office except for that part of the term
which follows the completion of the last full regular semester of an academic year and precedes the
first full regular semester of the succeeding academic year at the University (sometimes commonly
referred to as the summer session or summer school). If a voting or nonvoting student trustee fails
to continue to meet or maintain the residency, minimum grade point average, or enrollment
requirement established by this Section, his or her membership on the Board shall be deemed to have
terminated by operation of law.

If a voting student trustee resigns or otherwise ceases to serve on the Board, the Governor
shall, within 30 days, designate one of the remaining student trustees to possess the right to cast a
legally binding vote for the remainder of his or her term. If a nonvoting student trustee resigns or
otherwise ceases to serve on the Board, the chief executive of the student government from that
campus shall, within 30 days, select a new nonvoting student trustee to serve for the remainder of the
term.

No more than 5 of the 9 appointed trustees shall be affiliated with the same political party.
Each trustee appointed by the Governor must be a resident of this State. A failure to meet or maintain
this residency requirement constitutes a resignation from and creates a vacancy in the Board. The
term of office of each appointed trustee shall be 6 years from the third Monday in January of each
odd numbered year. The regular terms of office of the appointed trustees shall be staggered so that
3 terms expire in each odd-numbered year.

Vacancies for appointed trustees shall be filled for the unexpired term in the same manner
as original appointments. If a vacancy in membership occurs at a time when the Senate is not in
session, the Governor shall make temporary appointments until the next meeting of the Senate, when
he shall appoint persons to fill such memberships for the remainder of their respective terms. If the
Senate is not in session when appointments for a full term are made, appointments shall be made as
in the case of vacancies.

No action of the board shall be invalidated by reason of any vacancies on the board, or by
reason of any failure to select student trustees.
(Source: P.A. 90-630, eff. 7-24-98; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

Section 50.2. The Southern Illinois University Management Act is amended by changing
Sections 2 and 5 as follows:

Sec. 2. The Board shall consist of 7 members appointed by the Governor, by and with the
advice and consent of the Senate, the Superintendent of Public Instruction, or his chief assistant for
liaison with higher education when designated to serve in his place, ex-officio, and one voting
student member designated by the Governor from one campus of the University and one nonvoting
student member from the campus of the University not represented by the voting student member.
The Governor shall designate one of the student members serving on the Board to serve as the voting
student member. Each student member shall be chosen by the respective campuses of Southern
Illinois University at Carbondale and Edwardsville. The method of choosing these student members
shall be by campus-wide student election, and any student designated by the Governor to be a voting
student member shall be one of the students chosen by this method. The student members shall serve
terms of one year beginning on July 1 of each year, except that the student members initially selected
shall serve a term beginning on the date of such selection and expiring on the next succeeding June
30. To be eligible for selection as a student member and to be eligible to remain as a voting or
nonvoting student member of the Board, a student member must be a resident of this State, must have
and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full
time student enrolled at all times during his or her term of office except for that part of the term
which follows the completion of the last full regular semester of an academic year and precedes the
first full regular semester of the succeeding academic year at the university (sometimes commonly
referred to as the summer session or summer school). If a voting or nonvoting student member
serving on the Board fails to continue to meet or maintain the residency, minimum grade point
average, or enrollment requirement established by this Section, his or her membership on the Board
shall be deemed to have terminated by operation of law. No more than 4 of the members appointed by
the Governor shall be affiliated with the same political party. Each member appointed by the
Governor must be a resident of this State. A failure to meet or maintain this residency requirement
constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms
of members appointed by the Governor, their respective successors shall be appointed for terms of
6 years from the third Monday in January of each odd-numbered year and until their respective
successors are appointed for like terms. If the Senate is not in session appointments shall be made
as in the case of vacancies.
(Source: P.A. 90-630, eff. 7-24-98; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)
(110 ILCS 520/5) (from Ch. 144, par. 655)
Sec. 5. Members of the Board shall elect annually by secret ballot from their own number
a chairman who shall preside over meetings of the Board and a secretary.
Meetings of the Board shall be held at least once each quarter on a campus of Southern
Illinois University. At all regular meetings of the Board, a majority of its voting members shall
constitute a quorum. The student members shall have all of the privileges of membership, including
the right to make and second motions and to attend executive sessions, other than the right to vote,
extcept that the student member designated by the Governor as the voting student member shall have
the right to vote on all Board matters except those involving faculty tenure, faculty promotion or any
issue on which the student member has a direct conflict of interest. A student member who is not
entitled to vote on a measure at a meeting of the Board or any of its committees shall not be
considered a member for the purpose of determining whether a quorum is present at the time that
measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the
Board, or by reason of any failure to select a student member.
Special meetings of the Board may be called by the chairman of the Board or by any 3
members of the Board.
At each regular and special meeting that is open to the public, members of the public and
employees of the University shall be afforded time, subject to reasonable constraints, to make
comments to or ask questions of the Board.
(Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)
Section 50.3. The Chicago State University Law is amended by changing Sections 5-15 and
5-25 as follows:
(110 ILCS 660/5-15)
Sec. 5-15. Membership; terms; vacancies. The Board shall consist of 7 voting members
appointed by the Governor, by and with the advice and consent of the Senate, and one voting member
who is a student at Chicago State University. The student member shall be chosen by a campus-wide
student election. The student member shall serve a term of one year beginning on July 1 of each year,
extcept that the student member initially selected shall serve a term beginning on the date of his or
her selection and expiring on the next succeeding June 30. To be eligible for selection as a student
member and to be eligible to remain as a student member of the Board, the student member must be
a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5
on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office
except for that part of the term which follows the completion of the last full regular semester of an
academic year and precedes the first full regular semester of the succeeding academic year at the
university (sometimes commonly referred to as the summer session or summer school). If a student
member serving on the Board fails to continue to meet or maintain the residency, minimum grade
point average, or enrollment requirement established by this Section, his or her membership on the
Board shall be deemed to have terminated by operation of law. Of the members first appointed by
the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999, and 3
shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in
session on the effective date of this Article, or if a vacancy in an appointive membership occurs at
a time when the Senate is not in session, the Governor shall make temporary appointments until the
next meeting of the Senate when he shall nominate persons to fill such memberships for the
remainder of their respective terms. No more than 4 of the members appointed by the Governor shall
be affiliated with the same political party. Each member appointed by the Governor must be a
resident of this State. A failure to meet or maintain this residency requirement constitutes a
resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.

(Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

(110 ILCS 660/5-25)
Sec. 5-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Chicago State University at Chicago, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 50.4 The Eastern Illinois University Law is amended by changing Sections 10-15 and 10-25 as follows:

(110 ILCS 665/10-15)
Sec. 10-15. Membership; terms; vacancies. The Board shall consist of 7 voting members appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Eastern Illinois University. The student member shall be chosen by a campus-wide student election. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible for selection as a student member and to be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate when he shall nominate persons to fill such memberships for the remainder of their respective terms. No more than 4 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation form and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.

New matter indicated by italics - deletions by strikeout.
Sec. 10-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary. Meetings of the Board shall be held at least once each quarter on the campus of Eastern Illinois University at Charleston, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalid by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

Sec. 50.5. The Governors State University Law is amended by changing Sections 15-15 and 15-25 as follows:

Sec. 15-15. Membership; terms; vacancies. The Board shall consist of 7 voting members appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Governors State University. The student member shall be chosen by a campus-wide student election. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible for selection as a student member and to be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the spring/summer semester). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate when he shall nominate persons to fill such memberships for the remainder of their respective terms. No more than 4 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.

Sec. 15-25. Officers; meetings. Members of the Board shall elect annually by secret ballot
from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Governors State University at University Park, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 89-4, eff. 1-1-96; 89-552, eff. 7-26-96; 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 50.6. The Illinois State University Law is amended by changing Sections 20-15 and 20-25 as follows:

(110 ILCS 675/20-15)

Sec. 20-15. Membership; terms; vacancies. The Board shall consist of 7 voting members appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Illinois State University. The student member shall be chosen by a campus-wide student election. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate when he shall nominate persons to fill such memberships for the remainder of their respective terms. No more than 4 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.

(Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

(110 ILCS 675/20-25)

Sec. 20-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Illinois State University at Normal, Illinois. At all regular meetings of the Board, a majority of its members shall
constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments or ask questions of the Board.

(Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 50.7. The Northeastern Illinois University Law is amended by changing Sections 25-15 and 25-25 as follows:

(110 ILCS 680/25-15)

Sec. 25-15. Membership; terms; vacancies. The Board shall consist of 9 voting members who are residents of this State and are appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Northeastern Illinois University. The student member shall be elected by a campus-wide election of all students of the University. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected under this amendatory Act of the 91st General Assembly shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time undergraduate student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. If any member of the Board appointed by the Governor fails to continue to meet or maintain the residency requirement established by this Section, he or she shall resign membership on the Board within 30 days thereafter and, failing submission of this resignation, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999 and until their successors are appointed and qualified, and 3 shall be appointed for terms to expire on the third Monday in January, 2001 and until their successors are appointed and qualified. The 2 additional members appointed by the Governor, by and with the advice and consent of the Senate, under this amendatory Act of the 91st General Assembly, shall not be from the same political party and shall be appointed for terms to expire on the third Monday in January, 2003 and until their successors are appointed and qualified. Any vacancy in membership existing on January 1, 1999 shall be filled by appointment by the Governor, with the advice and consent of the Senate, for a term to expire on the third Monday in January, 2003. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments to fill the vacancy. Members with these temporary appointments shall be deemed qualified to serve upon appointment and shall continue to serve until the next meeting of the Senate when the Governor shall appoint persons to fill such memberships, by and with the advice and consent of the Senate, for the remainder of their respective terms. No more than 5 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor for other than temporary appointments, their

New matter indicated by italics - deletions by strikeout.
respective successors shall be appointed, by and with the advice and consent of the Senate, for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.

(Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99; 91-565, eff. 8-14-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)

(110 ILCS 680/25-25)

Sec. 25-25. Officers; meetings. Members of the Board appointed by the Governor shall elect by secret ballot from their own number a chairperson, who shall serve for a period of 2 years from his or her election and who shall preside over meetings of the Board, a secretary, and other officers that the Board deems necessary. The secretary and other officers shall also serve for a period of 2 years from their election.

Meetings of the Board shall be held at least once each quarter on the campus of Northeastern Illinois University at Chicago, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairperson of the Board or by any 4 members of the Board. At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 90-630, eff. 7-24-98; 91-565, eff. 8-14-99; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 50.8. The Northern Illinois University Law is amended by changing Sections 30-15 and 30-25 as follows:

(110 ILCS 685/30-15)

Sec. 30-15. Membership; terms; vacancies. The Board shall consist of 7 voting members appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Northern Illinois University. The student member shall be chosen by a campus-wide student election. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. To be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments until the next meeting of the Senate when he shall nominate persons to fill such memberships for the remainder of their respective terms. No more than 4 of the members appointed by the Governor shall be appointed to the Board shall continue to serve in such capacity until their successors are appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are
appointed and qualified.
(Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; revised 6-29-00.)
(110 ILCS 685/30-25)
Sec. 30-25. Officers; meetings. Members of the Board shall elect annually by secret ballot
from their own number a chairman who shall preside over meetings of the Board and a secretary.
Meetings of the Board shall be held at least once each quarter on the campus of Northern
Illinois University at Dekalb, Illinois or on any other University-owned property located in the State.
At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student
member shall have all of the privileges of membership, including the right to make and second
motions, to attend executive sessions, and to vote on all Board matters except those involving faculty
tenure, faculty promotion or any issue on which the student member has a direct conflict of interest.
Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its
committees, he or she shall not be considered a member for the purpose of determining whether a
quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated
by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3
members of the Board.
At each regular and special meeting that is open to the public, members of the public and
employees of the University shall be afforded time, subject to reasonable constraints, to make
comments to or ask questions of the Board.
(Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 50.9. The Western Illinois University Law is amended by changing Sections 35-15
and 35-25 as follows:
(110 ILCS 690/35-15)
Sec. 35-15. Membership; terms; vacancies. The Board shall consist of 7 voting members
appointed by the Governor, by and with the advice and consent of the Senate, and one voting member
who is a student at Western Illinois University. The student member shall be chosen by a
campus-wide student election. The student member shall serve a term of one year beginning on July
1 of each year, except that the student member initially selected shall serve a term beginning on the
date of his or her selection and expiring on the next succeeding June 30. To be eligible to remain as
a student member of the Board, the student member must be a resident of this State, must have and
maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time
student enrolled at all times during his or her term of office except for that part of the term which
follows the completion of the last full regular semester of an academic year and precedes the first full
regular semester of the succeeding academic year at the university (sometimes commonly referred
to as the summer session or summer school). If a student member serving on the Board fails to
continue to meet or maintain the residency, minimum grade point average, or enrollment requirement
established by this Section, his or her membership on the Board shall be deemed to have terminated
by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms
to expire on the third Monday in January, 1999, and 3 shall be appointed for terms to expire on the
third Monday in January, 2001. If the Senate is not in session on the effective date of this Article, or
if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the
Governor shall make temporary appointments until the next meeting of the Senate when he shall
nominate persons to fill such memberships for the remainder of their respective terms. No more than
4 of the members appointed by the Governor shall be affiliated with the same political party. Each
member appointed by the Governor must be a resident of this State. A failure to meet or maintain this
residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the
expiration of the terms of members appointed by the Governor, their respective successors shall be
appointed for terms of 6 years from the third Monday in January of each odd-numbered year. Any
members appointed to the Board shall continue to serve in such capacity until their successors are
appointed and qualified.
(Source: P.A. 90-630, eff. 7-24-98; 90-814, eff. 2-4-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00;
revised 6-29-00.)
(110 ILCS 690/35-25)
Sec. 35-25. Officers; meetings. Members of the Board shall elect annually by secret ballot from their own number a chairman who shall preside over meetings of the Board and a secretary.

Meetings of the Board shall be held at least once each quarter on the campus of Western Illinois University at Macomb, Illinois. At all regular meetings of the Board, a majority of its members shall constitute a quorum. The student member shall have all of the privileges of membership, including the right to make and second motions, to attend executive sessions, and to vote on all Board matters except those involving faculty tenure, faculty promotion or any issue on which the student member has a direct conflict of interest. Unless the student member is entitled to vote on a measure at a meeting of the Board or any of its committees, he or she shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action of the Board shall be invalidated by reason of any vacancies on the Board or by reason of any failure to select a student member.

Special meetings of the Board may be called by the chairman of the Board or by any 3 members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments to or ask questions of the Board.

(Source: P.A. 90-630, eff. 7-24-98; 91-715, eff. 1-1-01; 91-778, eff. 1-1-01; revised 6-23-00.)

Section 51. The Public Community College Act is amended by setting forth and renumbering multiple versions of Section 2-16.04 as follows:

(110 ILCS 805/2-16.04)

Sec. 2-16.04. Video Conferencing User Fund. The Video Conferencing User Fund is created as a special fund in the State treasury. The State Board may charge a fee to other State agencies and non-State entities for the use of the State Board's video conferencing facilities. This fee shall be deposited into the Video Conferencing User Fund. All money in the Video Conferencing User Fund shall be used, subject to appropriation, by the State Board to pay for telecommunications charges as billed by the Department of Central Management Services and upgrades to the system as needed.

(Source: P.A. 91-44, eff. 7-1-99.)

(110 ILCS 805/2-16.05)

Sec. 2-16.05. The Academic Improvement Trust Fund for Community College Foundations.

(a) The Academic Improvement Trust Fund for Community College Foundations is created in the State treasury. All moneys transferred, credited, deposited, or otherwise paid to the Fund as provided in this Section shall be promptly invested by the State Treasurer in accordance with law, and all interest and other earnings accruing or received thereon shall be credited and paid to the Fund. No moneys, interest, or earnings transferred, credited, deposited, or otherwise paid to the Academic Improvement Trust Fund for Community College Foundations shall be transferred or allocated by the Comptroller or Treasurer to any other fund, nor shall the Governor authorize any such transfer or allocation, nor shall any moneys, interest, or earnings transferred, credited, deposited, or otherwise paid to the Fund be used, temporarily or otherwise, for interfund borrowing, or be otherwise used or appropriated, except to encourage private support in enhancing community college foundations by providing community college foundations with the opportunity to receive and match challenge grants as provided in this Section.

(b) On the first day of fiscal year 2000 and each fiscal year thereafter, or as soon thereafter as may be practicable, the Comptroller shall order the transfer and the Treasurer shall transfer from the General Revenue Fund to the Academic Improvement Trust Fund for Community College Foundations the amount of the fiscal year appropriation made to the State Board for making challenge grants to community college foundations as provided in this Section.

(c) For each fiscal year in which an appropriation and transfer are made as provided in subsection (b), moneys sufficient to provide each community college foundation with the opportunity to match at least one $25,000 challenge grant shall be reserved from moneys in the Academic Improvement Trust Fund for Community College Foundations, and the balance of the moneys in the Fund shall be available for matching by any community college foundation. Moneys in the Academic Improvement Trust Fund for Community College Foundations that remain unmatched by contribution or pledge on April 1 of the fiscal year in which an appropriation and transfer are made...
as provided in subsection (b) shall also be available for matching by any community college foundation, along with any interest or earnings accruing to the unmatched portion of the Fund. If for any fiscal year in which an appropriation and transfer are made as provided in subsection (b) there are not sufficient moneys which may be reserved in the Academic Improvement Trust Fund for Community College Foundations to provide each community college foundation with the opportunity to match at least one $25,000 challenge grant, the amount of the challenge grant that each community college foundation shall have the opportunity to match for the fiscal year shall be reduced from $25,000 to an amount equal to the result obtained when the total of all moneys, interest, and earnings in the Fund immediately following the appropriation and transfer made for the fiscal year is divided by the number of community college foundations then existing in this State. The State Board shall promulgate rules prescribing the form and content of applications made by community college foundations for challenge grants under this Section. These rules shall provide all community college foundations with an opportunity to apply for challenge grants to be awarded from any moneys in the Academic Improvement Trust Fund for Community College Foundations in excess of the moneys required to be reserved in the Fund for the purpose of providing each community college foundation with the opportunity to match at least one $25,000 challenge grant; and the opportunity to apply for challenge grants to be awarded from the excess moneys shall be afforded to all community college foundations prior to awarding any challenge grants from the excess moneys. No community college foundation shall receive more than $100,000 in challenge grants awarded from the excess moneys.

(d) Challenge grants shall be proportionately allocated from the Academic Improvement Trust Fund for Community College Foundations on the basis of matching each $2 of State funds with $3 of local funds. The matching funds shall come from contributions made after July 1, 1999, which are pledged for the purpose of matching challenge grants. To be eligible, a minimum of $10,000 must be raised from private sources, and the contributions must be in excess of the total average annual cash contributions made to the foundation at each community college district in the 3 fiscal years before July 1, 1999.

(e) Funds sufficient to provide the match shall be paid, subject to appropriation, from the Academic Improvement Trust Fund for Community College Foundations to the community college foundation in increments of $5,000, after the initial $10,000 is matched and released, and upon certification to the Comptroller by the State Board that a proportionate amount has been received and deposited by the community college foundation in its own trust fund. However, no community college foundation may receive more than $100,000, above the original allocation, from the Academic Improvement Trust Fund for Community College Foundations in any fiscal year.

(f) The State Board shall certify, prepare, and submit to the Comptroller vouchers setting forth the amount of each challenge grant from time to time to be proportionately allocated in accordance with this Section from the Academic Improvement Trust Fund for Community College Foundations to the community college foundation entitled to receive the challenge grant, and the Comptroller shall cause his or her warrants to be drawn for the respective amounts due, payable from the Fund to the foundation.

(g) The board of each community college foundation shall establish an academic improvement trust fund as a depository for the private contributions and challenge grants allocated to any such community college foundation from the Academic Improvement Trust Fund for Community College Foundations. Each community college foundation is responsible for the maintenance, investment, and administration of its academic improvement trust fund.

(h) The board of the community college foundation is responsible for determining the uses for the proceeds of the academic improvement trust fund established. Such uses may include:

1. scientific and technical equipment;
2. professional development and training for faculty; and
3. student scholarships and other activities appropriate to improving the quality of education at the community college.

(i) The State Board may promulgate such additional rules as are required to provide for the efficient operation and administration of the challenge grant program established by this Section.

(Source: P.A. 91-664, eff. 12-22-99; revised 1-12-00.)

Section 51.5. The Family Practice Residency Act is amended by changing Section 4.10 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 4.10. To establish a program, and the criteria for such program, for the repayment of the educational loans of primary care physicians who agree to serve in Designated Shortage Areas for a specified period of time, no less than 2 years. Payments under this program may be made for the principal, interest and related expenses of government and commercial loans received by the individual for tuition expenses, and all other reasonable educational expenses incurred by the individual. The maximum annual payment which may be made to an individual under this law is $20,000, or 25% of the total covered educational indebtedness as provided in this Section, whichever is less. Payments made under this provision shall be exempt from Illinois State Income Tax.

(Source: P.A. 86-926; revised 9-22-00.)

Section 52.5. The Currency Exchange Act is amended by changing Section 4.2 as follows:

Sec. 4.2. Whensoever the ownership of any Currency Exchange, theretofore licensed under the provisions of this Act, shall be held or contained in any estate subject to the control and supervision of any Administrator, Executor or Guardian appointed, approved or qualified by any Court of the State of Illinois, having jurisdiction so to do, such Administrator, Executor or Guardian may, upon the entry of an order by such Court granting leave to continue the operation of such Currency Exchange, apply to the Director of Financial Institutions for a license under the provisions of this Act. When any such Administrator, Executor or Guardian shall apply for a Currency Exchange License pursuant to the provisions of this Section, and shall otherwise fully comply with all of the provisions of this Act relating to the application for a Currency Exchange license, the Director may issue to such applicant a Currency Exchange license. Any Currency Exchange license theretofore issued to a Currency Exchange, for which an application for a license shall be sought under the provisions of this Section, if not previously surrendered, lapsed, or revoked, shall be surrendered, revoked or otherwise terminated before a license shall be issued pursuant to application made therefor under this Section.

(Source: P.A. 83-706; revised 7-21-00.)

Section 53. The Illinois Insurance Code is amended by changing Sections 131.12a, 143.13, and 143.19 as follows:

Sec. 131.12a. Acquisitions involving insurers not otherwise covered.

(1) Definitions. The following definitions shall apply for the purposes of this Section only:

(a) "Acquisition" means any agreement, arrangement or activity the consummation of which results in a person acquiring directly or indirectly the control of another person or control of the insurance in force of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, the transaction of bulk reinsurance and the act of merging or consolidating.

(b) An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired or is the result of a merger.

(2) Scope.

(a) Except as exempted in paragraph (b) of this subsection (2), this Section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this State.

(b) This Section shall not apply to the following:

(i) an acquisition subject to approval or disapproval by the Director pursuant to Section 131.8;

(ii) a purchase of securities solely for investment purposes so long as such securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this State. If a purchase of securities results in a presumption of control under subsection (b) of Section 131.1, it is not solely for investment purposes unless the commissioner of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and such disclaimer action or affirmative finding is communicated by the domiciliary commissioner to the Director of this State;

(iii) the acquisition of a person by another person when both persons are neither directly

New matter indicated by italics - deletions by strikeout.
nor through affiliates primarily engaged in the business of insurance, if pre-acquisition notification is filed with the Director in accordance with subsection (3)(a) of this Section, 30 days prior to the proposed effective date of the acquisition. However, such pre-acquisition notification is not required for exclusion from this Section if the acquisition would otherwise be excluded from this Section by any other subparagraph of subsection (2)(b):

(iv) the acquisition of already affiliated persons;

(v) an acquisition if, as an immediate result of the acquisition,

(A) in no market would the combined market share of the involved insurers exceed 5% of the total market,

(B) there would be no increase in any market share, or

(C) in no market would the combined market share of the involved insurers exceed 12% of the total market, and the market share increase by more than 2% of the total market.

For the purpose of this subparagraph (b)(v), "market" means direct written insurance premium in this State for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this State;

(vi) an acquisition for which a pre-acquisition notification would be required pursuant to this Section due solely to the resulting effect on the ocean marine insurance line of business;

(vii) an acquisition of an insurer whose domiciliary commissioner affirmatively finds that such insurer is in failing condition; there is a lack of feasible alternative to improving such condition; the public benefits of improving such insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and such findings are communicated by the domiciliary commissioner to the Director of this State.

(3) Pre-acquisition Notification; Waiting Period. An acquisition covered by subsection (2) may be subject to an order pursuant to subsection (5) unless the acquiring person files a pre-acquisition notification and the waiting period has expired. The acquired person may file a pre-acquisition notification. The Director shall give confidential treatment to information submitted under this subsection in the same manner as provided in Section 131.22 of this Article.

(a) The pre-acquisition notification shall be in such form and contain such information as prescribed by the Director, which shall conform substantially to the form of notification adopted by the National Association of Insurance Commissioners relating to those markets which, under subsection (b)(v) of Section (2), cause the acquisition not to be exempted from the provisions of this Section. The Director may require such additional material and information as he deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection (4). The required information may include an opinion of an economist as to the competitive impact of the acquisition in this State accompanied by a summary of the education and experience of such person indicating his or her ability to render an informed opinion.

(b) The waiting period required shall begin on the date of the receipt by the Director of a pre-acquisition notification and shall end on the earlier of the 30th day after the date of such receipt, or termination of the waiting period by the Director. Prior to the end of the waiting period, the Director on a one time basis may require the submission of additional needed information relevant to the proposed acquisition, in which event the waiting period shall end on the earlier of the 30th day after the receipt of such additional information by the Director or termination of the waiting period by the Director.

(4) Competitive Standard.

(a) The Director may enter an order under subsection (5)(a) with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in any line of insurance in this State or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection (3).

(b) In determining whether a proposed acquisition would violate the competitive standard of paragraph (a) (a) of this subsection the Director shall consider the following:

(i) any acquisition covered under subsection (2) involving 2 or more insurers competing in the same market is prima facie evidence of violation of the competitive standards.
(A) if the market is highly concentrated and the involved insurers possess the following shares of the market:

<table>
<thead>
<tr>
<th>Insurer A</th>
<th>Insurer B</th>
</tr>
</thead>
<tbody>
<tr>
<td>4%</td>
<td>4% or more</td>
</tr>
<tr>
<td>10%</td>
<td>2% or more</td>
</tr>
<tr>
<td>15%</td>
<td>1% or more</td>
</tr>
</tbody>
</table>

(B) or, if the market is not highly concentrated and the involved insurers possess the following shares of the market:

<table>
<thead>
<tr>
<th>Insurer A</th>
<th>Insurer B</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>5% or more</td>
</tr>
<tr>
<td>10%</td>
<td>4% or more</td>
</tr>
<tr>
<td>15%</td>
<td>3% or more</td>
</tr>
<tr>
<td>19%</td>
<td>1% or more</td>
</tr>
</tbody>
</table>

A highly concentrated market is one in which the share of the 4 largest insurers is 75% or more of the market. Percentages not shown in the tables are to be interpolated proportionately to the percentages that are shown. If more than 2 insurers are involved, exceeding the total of the 2 columns in the table is prima facie evidence of violation of the competitive standard in paragraph (a) of this subsection. For the purpose of this subparagraph, the insurer with the largest share of the market shall be deemed to be Insurer A.

(ii) There is a significant trend toward increased concentration when the aggregate market share of any grouping of the largest insurers in the market from the 2 largest to the 8 largest has increased by 7% or more of the market over a period of time extending from any base year 5-10 years prior to the acquisition up to the time of the acquisition. Any acquisition covered under subsection (2) involving 2 or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in paragraph (a) of this subsection if:

(A) there is a significant trend toward increased concentration in the market,

(B) one of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share, and

(C) another involved insurer's market is 2% or more.

(iii) For the purpose of subsection (4)(b):

(A) The term "insurer" includes any company or group of companies under common management, ownership or control.

(B) The term "market" means the relevant product and geographic markets. In determining the relevant product and geographical markets, the Director shall give due consideration to, among other things, the definitions or guidelines, if any, promulgated by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business with such line being that used in the annual statement required to be filed by insurers doing business in this State and the relevant geographical market is assumed to be this State.

(C) The burden of showing prima facie evidence of violation of the competitive standard rests upon the Director.

(iv) Even though an acquisition is not prima facie violative of the competitive standard under subparagraph (b)(i) and (b)(ii) of this subsection the Director may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under subparagraphs (b)(i) and (b)(ii) of this subsection (4), a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under this paragraph include, but are not limited to, the following: market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(c) An order may not be entered under subsection (5)(a) if:

New matter indicated by italics - deletions by strikeout.
(i) the acquisition will yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved in any other way, and the public benefits which would arise from such economies exceed the public benefits which would arise from not lessening competition; or
(ii) the acquisition will substantially increase the availability of insurance, and the public benefits of such increase exceed the public benefits which would arise from not lessening competition.

(5) Orders and Penalties:
   (a)(i) If an acquisition violates the standard of this Section, the Director may enter an order
       (A) requiring an involved insurer to cease and desist from doing business in this State with respect to the line or lines of insurance involved in the violation, or
       (B) denying the application of an acquired or acquiring insurer for a license to do business in this State.
       (ii) Such an order shall not be entered unless there is a hearing, notice of such hearing is issued prior to the end of the waiting period and not less than 15 days prior to the end of the waiting period and not less than 15 days prior to the hearing, and the hearing is concluded and the order is issued no later than 60 days after the end of the waiting period. Every order shall be accompanied by a written decision of the Director setting forth his findings of fact and conclusions of law.
       (iii) An order entered under this paragraph shall not become final earlier than 30 days after it is issued, during which time the involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon such plan or other information, the Director shall specify, if any, the conditions under and the time period during which the aspects of the acquisition causing a violation of the standards of this Section would be remedied and the order vacated or modified.
       (iv) An order pursuant to this paragraph shall not apply if the acquisition is not consummated.
   (b) Any person who violates a cease and desist order of the Director under paragraph (a) and while such order is in effect may after notice and hearing and upon order of the Director be subject at the discretion of the Director to any one or more of the following:
       (i) a monetary penalty of not more than $10,000 for every day of violation or
       (ii) suspension or revocation of such person's license or both.
   (c) Any insurer or other person who fails to make any filing required by this Section and who also fails to demonstrate a good faith effort to comply with any such filing requirement shall be subject to a civil penalty of not more than $50,000.

(6) Inapplicable Provisions. Subsections (2) and (3) of Section 131.23 and Section 131.25 do not apply to acquisitions covered under subsection (2).

(Source: P.A. 83-749; revised 4-4-00.)

(215 ILCS 5/143.13) (from Ch. 73, par. 755.13)
Sec. 143.13. Definition of terms used in Sections 143.11 through 143.24.
(a) "Policy of automobile insurance" means a policy delivered or issued for delivery in this State, insuring a natural person as named insured or one or more related individuals resident of the same household and under which the insured vehicles therein designated are motor vehicles of the private passenger, station wagon, or any other 4-wheeled motor vehicle with a load capacity of 1500 pounds or less which is not used in the occupation, profession or business of the insured or not used as a public or livery conveyance for passengers nor rented to others. Policy of automobile insurance shall also mean a named non-owner's automobile policy.

Policy of automobile insurance does not apply to policies of automobile insurance issued under the Illinois Automobile Insurance Plan, to any policy covering garages, automobile sales agencies, repair shops, service stations or public parking place operation hazards. "Policy of automobile insurance" does not include a policy, binder, or application for which the applicant gives or has given for the initial premium a check or credit card charge that is subsequently dishonored for payment, unless the check or credit card charge was dishonored through no fault of the payor.

(b) "Policy of fire and extended coverage insurance" means a policy delivered or issued for

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delivery in this State, that includes but is not limited to, the perils of fire and extended coverage, and
covers real property used principally for residential purposes up to and including a 4 family dwelling
or any household or personal property that is usual or incidental to the occupancy to any premises
used for residential purposes.

(c) "All other policies of personal lines" means any other policy of insurance issued to a
natural person for personal or family protection.

d) "Renewal" or "to renew" means (1) any change to an entire line of business in accordance
with subsection b-5 of Section 143.17 and (2) the issuance and delivery by an insurer of a policy
superseding at the end of the policy period a policy previously issued and delivered by the same
insurer or the issuance and delivery of a certificate or notice extending the term of a policy beyond
its policy period or term; however, any successive policies issued by the same insurer to the same
insured, for the same or similar coverage, shall be considered a renewal policy.

Any policy with a policy period or term of less than 6 months or any policy with no fixed
expiration date shall be considered as if written for successive policy periods or terms of 6 months
for the purpose of "renewal" or "to renew" as defined in this paragraph (d) and for the purpose of any
non-renewal notice required by Section 143.17 of this Code.

e) "Nonpayment of premium" means failure of the named insured to discharge, when due,
yany of his obligations in connection with the payment of premiums or any installment of such
premium that is payable directly to the insurer or to its agent. Premium shall mean the premium that
is due for an individual policy which shall not include any membership dues or other consideration
required to be a member of any organization in order to be eligible for such policy. The term
"nonpayment of premium" does not include a check, credit card charge, or money order that an
applicant gives or has given to any person for the initial premium payment for a policy, binder, or
application and that is subsequently dishonored for payment, and any policy, binder, or application
in connection therewith is void and of no effect and not subject to the cancellation provisions of this
Code.

(f) "A policy delivered or issued for delivery in this State" shall include but not be limited
to all binders of insurance, whether written or oral, and all applications bound for future delivery by
a duly licensed resident agent. A written binder of insurance issued for a term of 60 days or less,
which contains on its face a specific inception and expiration date and which a copy has been
furnished to the insured, shall not be subject to the non-renewal requirements of Section 143.17 of
this Code.

(g) "Cancellation" or "cancelled" means the termination of a policy by an insurer prior to the
expiration date of the policy. A policy of automobile or fire and extended coverage insurance which
expires by its own terms on the policy expiration date unless advance premiums are received by the
insurer for succeeding policy periods shall not be considered "cancelled" or a "cancellation" effected
by the insurer in the event such premiums are not paid on or before the policy expiration date.

(h) "Commercial excess and umbrella liability policy" means a policy written over one or
more underlying policies for an insured:

(1) that has at least 25 full-time employees at the time the commercial excess and
umbrella liability policy is written and procures the insurance of any risk or risks, other than
life, accident and health, and annuity contracts, as described in clauses (a) and (b) of Class
1 of Section 4 and clause (a) of Class 2 of Section 4, by use of the services of a full-time
employee acting as an insurance manager or buyer; or

(2) whose aggregate annual premiums for all property and casualty insurance on all risks
is at least $50,000.

(Source: P.A. 91-552, eff. 8-14-99; 91-597, eff. 1-1-00; revised 10-25-99.)

(215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

Sec. 143.19. Cancellation of Automobile Insurance Policy - Grounds. After a policy of
automobile insurance as defined in Section 143.13(a) has been effective for 60 days, or if such policy
is a renewal policy, the insurer shall not exercise its option to cancel such policy except for one or
more of the following reasons:

a. Nonpayment of premium;
b. The policy was obtained through a material misrepresentation;
c. Any insured violated any of the terms and conditions of the policy;

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d. The named insured failed to disclose fully his motor vehicle accidents and moving traffic violations for the preceding 36 months if called for in the application;

e. Any insured made a false or fraudulent claim of knowingly aided or abetted another in the presentation of such a claim;

f. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

1. has, within the 12 months month prior to the notice of cancellation, had his driver's license under suspension or revocation;

2. is or becomes subject to epilepsy or heart attacks, and such individual does not produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely;

3. has an accident record, conviction record (criminal or traffic), physical, or mental condition which is such that his operation of an automobile might endanger the public safety;

4. has, within the 36 months prior to the notice of cancellation, been addicted to the use of narcotics or other drugs; or

5. has been convicted, or forfeited bail, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of an accident without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operator's or chauffeur's license or has been convicted or forfeited bail for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense of different offenses;

g. The insured automobile is:

1. so mechanically defective that its operation might endanger public safety;

2. used in carrying passengers for hire or compensation (the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation);

3. used in the business of transportation of flammables or explosives;

4. an authorized emergency vehicle;

5. changed in shape or condition during the policy period so as to increase the risk substantially; or

6. subject to an inspection law and has not been inspected or, if inspected, has failed to qualify.

Nothing in this Section shall apply to nonrenewal.

(Source: P.A. 79-686; revised 8-4-00.)

Section 53.5. The Small Employer Health Insurance Rating Act is amended by changing Section 15 as follows:

(215 ILCS 93/15)

Sec. 15. Applicability and scope. (a) This Act shall apply to each health benefit plan for a small employer that is delivered, issued for delivery, renewed, or continued in this State after July 1, 2000. For purposes of this Section, the date a plan is continued shall be the first rating period which commences after July 1, 2000. The Act shall apply to any such health benefit plan which provides coverage to employees of a small employer, except that the Act shall not apply to individual health insurance policies.

(Source: P.A. 91-510, eff. 1-1-00; revised 3-20-00.)

Section 54. The Children's Health Insurance Program Act is amended by changing Section 22 as follows:

(215 ILCS 106/22)

(Section scheduled to be repealed on July 1, 2002)

Sec. 22. Enrollment in program. The Department shall develop procedures to allow community providers, and schools, youth service agencies, employers, labor unions, local chambers
of commerce, and religious organizations to assist in enrolling children in the Program.
(Source: P.A. 91-470, eff. 8-10-99; 91-471, eff. 8-10-99; revised 6-23-00.)

Section 54.5. The Dental Care Patient Protection Act is amended by changing Section 60 as follows:

(215 ILCS 109/60)
Sec. 60. Record of complaints.
(a) The Department shall maintain records concerning the complaints filed against the plan
with the Department. The Department shall make a summary of all data collected available upon
request and publish the summary on the World Wide Web.
(b) The Department shall maintain records on the number of complaints filed against each
plan.
(c) The Department shall maintain records classifying each complaint by whether the
complaint was filed by:
(1) a consumer or enrollee;
(2) a provider; or
(3) any other individual.
(d) (Blank).
(e) The Department shall maintain records classifying each complaint according to the nature
of the complaint as it pertains to a specific function of the plan. The complaints shall be classified
under the following categories:
(1) denial of care or treatment;
(2) denial of a diagnostic procedure;
(3) denial of a referral request;
(4) sufficient choice and accessibility of dentists;
(5) underwriting;
(6) marketing and sales;
(7) claims and utilization review;
(8) member services;
(9) provider relations; and
(10) miscellaneous.
(f) The Department shall maintain records classifying the disposition of each complaint. The
disposition of the complaint shall be classified in one of the following categories:
(1) complaint referred to the plan and no further action necessary by the Department;
(2) no corrective action deemed necessary by the Department; or
(3) corrective action taken by the Department.
(g) No Department publication or release of information shall identify any enrollee, dentist,
or individual complainant.
(Source: P.A. 91-355, eff. 1-1-00; revised 2-23-00.)

Section 55. The Health Maintenance Organization Act is amended by changing Sections 1-3
and 2-7 as follows:

(215 ILCS 125/1-3) (from Ch. 111 1/2, par. 1402.1)
Sec. 1-3. Definitions of admitted assets. "Admitted Assets" includes the investments
authorized or permitted by Section 3-1 of this Act and, in addition thereto, only the following:

(1) Amounts due from affiliates pursuant to management contracts or service agreements
which meet the requirements of Section 141.1 of the Illinois Insurance Code to the extent
that the affiliate has liquid assets with which to pay the balance and maintain its accounts on
a current basis; provided that the aggregate amount due from affiliates may not exceed the
lesser of 10% of the organization's admitted assets or 25% of the organization's net worth as
defined in Section 3-1. Any amount outstanding more than 3 months shall be deemed not
current. For purpose of this subsection "affiliates are as defined in Article VIII 1/2 of the
Illinois Insurance Code.

(2) Amounts advanced to providers under contract to the organization for services to be
rendered to enrollees pursuant to the contract. Amounts advanced must be for period of not
more than 3 months and must be based on historical or estimated utilization patterns with the

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provider and must be reconciled against actual incurred claims at least semi-annually. Amounts due in the aggregate may not exceed 50% of the organization's net worth as defined in Section 3-1. Amounts due from a single provider may not exceed the lesser of 5% of the organization's admitted assets or 10% of the organization's net worth.

(3) Amounts permitted under Section 2-7.

(Source: P.A. 91-357, eff. 7-29-99; 91-549, eff. 8-14-99; revised 8-27-99.)

(215 ILCS 125/2-7) (from Ch. 111 1/2, par. 1407)
Sec. 2-7. Annual statement; audited financial reports.
(a) A health maintenance organization shall file with the Director by March 1st in each year 2 copies of its financial statement for the year ending December 31st immediately preceding on forms prescribed by the Director, which shall conform substantially to the form of statement adopted by the National Association of Insurance Commissioners. Unless the Director provides otherwise, the annual statement is to be prepared in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners. The Director shall have power to make such modifications and additions in this form as he may deem desirable or necessary to ascertain the condition and affairs of the organization. The Director shall have authority to extend the time for filing any statement by any organization for reasons which he considers good and sufficient. The statement shall be verified by oaths of the president and secretary of the organization or, in their absence, by 2 other principal officers. In addition, any organization may be required by the Director, when he considers that action to be necessary and appropriate for the protection of enrollees, creditors, shareholders, subscribers, or claimants, to file, within 60 days after mailing to the organization a notice that such is required, a supplemental summary statement as of the last day of any calendar month occurring during the 100 days next preceding the mailing of such notice designated by him on forms prescribed and furnished by the Director. The Director may require supplemental summary statements to be certified by an independent actuary deemed competent by the Director or by an independent certified public accountant. filed

(b) Audited financial reports shall be filed on or before June 1 of each year for the two calendar years immediately preceding and shall provide an opinion expressed by an independent certified public accountant on the accompanying financial statement of the Health Maintenance Organization and a detailed reconciliation for any differences between the accompanying financial statements and each of the related financial statements filed in accordance with subsection (a) of this Section. Any organization failing, without just cause, to file the annual audited financial statement as required in this Act shall be required, after the notice and hearing, to pay a penalty of $100 for each day's delay, to be recovered by the Director of Insurance of the State of Illinois and the penalty so recovered shall be paid into the General Revenue Fund of the State of Illinois. The Director may reduce the penalty if the organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the organization.

(c) The Director may require that additional summary financial information be filed no more often than 3 times per year on reporting forms provided by him. However, he may request certain key information on a more frequent basis if necessary for a determination of the financial viability of the organization.

(d) The Director shall have the authority to extend the time for filing any statement by any organization for reasons which the Director considers good and sufficient.

(Source: P.A. 91-357, eff. 7-29-99; 91-549, eff. 8-14-99; revised 8-27-99.)

Section 57. The Service Contract Act is amended by changing Section 10 as follows:

(215 ILCS 152/10)
Sec. 10. Exemptions. Service contract providers and related service contract sellers and administrators complying with this Act are not required to comply with and are not subject to any provision of the Illinois Insurance Code. A service contract provider who is the manufacturer or a wholly-owned subsidiary of the manufacturer of the product or the builder, seller, or lessor of the product that is the subject of the service contract is required to comply only with Sections 30, 35, 45, and 50 of this Act; except that, a service contract provider who sells a motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois Vehicle Code, or who leases, but is not the manufacturer of, the motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois

New matter indicated by italics - deletions by strikeout.
Vehicle Code, that is the subject of the service contract must comply with this Act in its entirety. Contracts for the repair and monitoring of private alarm or private security systems regulated under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 are not required to comply with this Act and are not subject to any provision of the Illinois Insurance Code.

(Section: P.A. 90-711, eff. 8-7-98; 90-817, eff. 3-23-99; 91-430, eff. 1-1-00; revised 10-19-99.)

Section 58. The Title Insurance Act is amended by changing Section 3 as follows:

(215 ILCS 155/3) (from Ch. 73, par. 1403)

Sec. 3. As used in this Act, the words and phrases following shall have the following meanings unless the context requires otherwise:

(1) "Title insurance business" or "business of title insurance" means:
   (A) Issuing as insurer or offering to issue as insurer title insurance; and
   (B) Transacting or proposing to transact one or more of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of title insurance:
      (i) soliciting or negotiating the issuance of title insurance;
      (ii) guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases, and for all liens or charges affecting the same;
      (iii) handling of escrows, settlements, or closings;
      (iv) executing title insurance policies;
      (v) effecting contracts of reinsurance;
      (vi) abstracting, searching, or examining titles; or
      (vii) issuing closing protection letters;
   (C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property, with the exception of preparing an attorney's opinion of title; or
   (D) Guaranteeing or warranting the status of title as to ownership of or liens on real property and personal property by any person other than the principals to the transaction; or
   (E) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subsection, provided that the preparation of an attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance business" or "business of title insurance".

(1.5) "Title insurance" means insuring, guaranteeing, warranting, or indemnifying owners of real or personal property or the holders of liens or encumbrances thereon or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to the property; the invalidity or unenforceability of any liens or encumbrances thereon; or doing any business in substance equivalent to any of the foregoing. "Warranting" for purpose of this provision shall not include any warranty contained in instruments of encumbrance or conveyance. An attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance".

(2) "Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia or foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(3) "Title insurance agent" means a person, firm, partnership, association, corporation or other legal entity registered by a title insurance company and authorized by such company to determine insurability of title in accordance with generally acceptable underwriting rules and standards in reliance on either the public records or a search package prepared from a title plant, or both, and authorized in addition to do any of the following: act as an escrow agent, solicit title insurance, collect premiums, issue title reports, binders or commitments to insure and policies in its behalf, provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company.

(4) "Producer of title business" is any person, firm, partnership, association, corporation or other legal entity engaged in this State in the trade, business, occupation or profession of (i) buying
or selling interests in real property, (ii) making loans secured by interests in real property, or (iii) acting as broker, agent, attorney, or representative of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security.

(5) "Associate" is any firm, association, partnership, corporation or other legal entity organized for profit in which a producer of title business is a director, officer, or partner thereof, or owner of a financial interest, as defined herein, in such entity; any legal entity that controls, is controlled by, or is under common control with a producer of title business; and any natural person or legal entity with whom a producer of title business has any agreement, arrangement, or understanding or pursues any course of conduct the purpose of which is to evade the provisions of this Act.

(6) "Financial interest" is any ownership interest, legal or beneficial, except ownership of publicly traded stock.

(7) "Refer" means to place or cause to be placed, or to exercise any power or influence over the placing of title business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(8) "Escrow Agent" means any title insurance company or any title insurance agent acting on behalf of a title insurance company which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrow agent until title to the real property that is the subject of the escrow is in a prescribed condition.

(9) "Independent Escrowee" means any firm, person, partnership, association, corporation or other legal entity, other than a title insurance company or a title insurance agent, which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrowee until title to the real property that is the subject of the escrow is in a prescribed condition. Federal and State chartered banks, savings and loan associations, credit unions, mortgage bankers, banks or trust companies authorized to do business under the Illinois Corporate Fiduciary Act, licensees under the Consumer Installment Loan Act, real estate brokers licensed pursuant to the Real Estate License Act of 2000, as such Acts are now or hereafter amended, and licensed attorneys when engaged in the attorney-client relationship are exempt from the escrow provisions of this Act.

(10) "Single risk" means the insured amount of any title insurance policy, except that where 2 or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy.

(11) "Department" means the Department of Financial Institutions.

(12) "Director" means the Director of Financial Institutions.

(13) "Insured closing letter" or "closing protection letter" means an indemnification or undertaking to a party to a real estate transaction, from a principal such as a title insurance company or similar entity, setting forth in writing the extent of the principal's responsibility for intentional misconduct or errors in closing the real estate transaction on the part of a settlement agent, such as a title insurance agent or other settlement service provider.

(Source: P.A. 91-159, eff. 1-1-00; 91-245, eff. 12-31-99; revised 8-12-99.)

Section 60. The Public Utilities Act is amended by changing Section 4-101 as follows:

(220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

Sec. 4-101. The Commerce Commission shall have general supervision of all public utilities, except as otherwise provided in this Act, shall inquire into the management of the business thereof and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine those public utilities and keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipment and other property owned, leased, controlled or operated are managed, conducted and operated, not only with respect to the adequacy, security and accommodation afforded by their service but also with respect to their compliance with this Act and any other law, with the orders of the Commission and with the

New matter indicated by italics - deletions by strikeout.
Whenever the Commission is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(Source: P.A. 91-239, eff. 1-1-00; 91-638, eff. 1-1-00; revised 10-27-99.)

Section 61. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)
Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:
"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.
"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.
"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.
"Health care employer" means:
(1) the owner or licensee of any of the following:
   (i) a community living facility, as defined in the Community Living Facilities Act;
   (ii) a life care facility, as defined in the Life Care Facilities Act;
   (iii) a long-term care facility, as defined in the Nursing Home Care Act;
   (iv) a home health agency, as defined in the Home Health Agency Licensing Act;
   (v) a full hospice, as defined in the Hospice Program Licensing Act;
   (vi) a hospital, as defined in the Hospital Licensing Act;
   (vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
   (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
   (ix) a respite care provider, as defined in the Respite Program Act;
   (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
   (x) a supportive living program, as defined in the Illinois Public Aid Code;
   (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
   (xii) the University of Illinois Hospital, Chicago;
   (xiii) programs funded by the Department on Aging through the Community Care Program;
   (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;
   (xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
   (xvi) locations licensed under the Alternative Health Care Delivery Act;
(2) a day training program certified by the Department of Human Services; or
(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act.
"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

(Source: P.A. 90-14, eff. 7-1-97; 90-776, eff. 1-1-99; 91-598, eff. 1-1-00; 91-656, eff. 1-1-01; revised 1-6-00.)

New matter indicated by italics - deletions by strikeout.
Section 61.5. The Hearing Instrument Consumer Protection Act is amended by changing Section 33 as follows:

(225 ILCS 50/33) (from Ch. 111, par. 7433)

Sec. 33. Violation of Act; unlawful practice. The advertising, offering for sale, sale, or distribution of hearing instrument goods and services to consumers by any person in violation of any of the provisions of this Act is an unlawful practice pursuant to Section 27 of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 89-72, eff. 12-31-95; revised 3-27-00.)

Section 62. The Medical Practice Act of 1987 is amended by changing Section 21 as follows:

(225 ILCS 60/21) (from Ch. 111, par. 4400-21)

Sec. 21. License renewal; restoration; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall mail to each licensee under this Act, at his or her last known address, at least 60 days in advance of the expiration date of his or her license, a notice of that fact and an application for renewal form. No such license shall be deemed to have lapsed until 90 days after the expiration date and after such notice and application have been mailed by the Department as herein provided.

(B) Restoration. Any licensee who has permitted his or her license to lapse or who has had his or her license on inactive status may have his or her fitness to have the license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the continuing education requirements for one renewal period, and by paying the required restoration fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Licensing Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of the practical examination.

However, any registrant whose license has expired while he or she has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to restore his or her license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury, and used only for the following purposes: (a) by the Medical Disciplinary Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Medical Disciplinary Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the
Department of Professional Regulation.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited in the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in such Fund.

(E) Fees. The following fees are nonrefundable.

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

(2) The fee for a license under Section 9 of this Act is $300.

(3) The fee for a license under Section 19 of this Act is $300.

(4) The fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of $100 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be $100. The fee for the renewal of a license for a nonresident shall be calculated at the rate of $200 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be $200.

(5) The fee for the restoration of a license other than from inactive status, is $100. In addition, payment of all lapsed renewal fees not to exceed $600 is required.

(6) The fee for a 3-year temporary license under Section 17 is $100.

(7) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

(8) The fee to be paid for a license record for any purpose is $20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is $20 plus any fees charged by the applicable testing service.

(10) The fee to be paid by a licensee for a wall certificate showing his or her license shall be the actual cost of producing the certificate.

(11) The fee for a roster of persons licensed as physicians in this State shall be the actual cost of producing such a roster.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

New matter indicated by italics - deletions by strikeout.
Section 63. The Pharmacy Practice Act of 1987 is amended by changing Section 9 as follows:

(225 ILCS 85/9) (from Ch. 111, par. 4129)

Sec. 9. Registration as pharmacy technician. Any person shall be entitled to registration as a registered pharmacy technician who is of the age of 16 or over, has not engaged in conduct or behavior determined to be grounds for discipline under this Act, is of temperate habits, is attending or has graduated from an accredited high school or comparable school or educational institution, and has filed a written application for registration on a form to be prescribed and furnished by the Department for that purpose. The Department shall issue a certificate of registration as a registered pharmacy technician to any applicant who has qualified as aforesaid, and such registration shall be the sole authority required to assist licensed pharmacists in the practice of pharmacy, under the personal supervision of a licensed pharmacist. Any person registered as a pharmacy technician who is also enrolled in a first professional degree program in pharmacy in a school or college of pharmacy or a department of pharmacy of a university approved by the Department shall be considered a "student pharmacist" and entitled to use the title "student pharmacist". The Department, upon the recommendation of the Board, may take any action set forth in Section 30 of this Act with regard to certificates pursuant to this Section.

Any person who is enrolled in a non-traditional Pharm.D. PharmD program at an ACPE accredited college of pharmacy and is a licensed pharmacist under the laws of another United States jurisdiction shall be permitted to engage in the program of practice experience required in the academic program by virtue of such license. Such person shall be exempt from the requirement of registration as a registered pharmacy technician while engaged in the program of practice experience required in the academic program.

An applicant for registration as a pharmacy technician may assist a registered pharmacist in the practice of pharmacy for a period of up to 60 days prior to the issuance of a certificate of registration if the applicant has submitted the required fee and an application for registration to the Department. The applicant shall keep a copy of the submitted application on the premises where the applicant is assisting in the practice of pharmacy.

(Source: P.A. 90-253, eff. 7-29-97; revised 12-13-99.)

Section 64. The Professional Boxing and Wrestling Act is amended by changing Section 23 as follows:

(225 ILCS 105/23) (from Ch. 111, par. 5023)

Sec. 23. Fees. The fees for the administration and enforcement of this Act including, but not limited to, original licensure or registration, renewal, and restoration shall be set by rule. The fees shall not be refundable. (Blank).

(Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00; revised 8-27-99.)

Section 65. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 8, 12, and 38 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, or the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a registered architect from practicing...
interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

This Act does not apply to any of the following:

(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, all buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt under those paragraphs but subsequently non-exempt due to a change in occupany or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; revised 10-6-99.)

(225 ILCS 305/8) (from Ch. 111, par. 1308)

Sec. 8. Powers and duties of the Department.

(1) Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) conduct examinations to ascertain the qualifications and fitness of applicants for licensure as licensed architects, and pass upon the qualifications and fitness of applicants for licensure by endorsement;

(b) prescribe rules for a method of examination of candidates;

(c) prescribe rules defining what constitutes a school, college or university, or department of a university, or other institution, reputable and in good standing, to determine whether or not a school, college or university, or department of a university, or other institution is reputable and in good standing by reference to a compliance with such rules, and to terminate the approval of such school, college or university or department of a university or other institution that refuses admittance to applicants solely on the basis of race, color, creed, sex or national origin. The Department may adopt, as its own rules relating to education requirements, those guidelines published from time to time by the National Architectural Accrediting Board;

(d) prescribe rules for diversified professional training;

(e) conduct oral interviews, disciplinary conferences and formal evidentiary hearings on proceedings to impose fines or to suspend, revoke, place on probationary status, reprimand, and refuse to issue or restore any license issued under the provisions of this Act for the reasons set forth in Section 22 of this Act;

(f) issue licenses to those who meet the requirements of this Act; and

(g) formulate and publish rules necessary or appropriate to carrying out the provisions of this Act; and

(h) To maintain membership in the National Council of Architectural Registration Boards and participate in activities of the Council by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the Council. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.

(2) Prior to issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board in writing with an explanation of the deviation and provide a reasonable time for the Board to submit writing comments to the Director regarding the proposed action. In the event that the Board fails or

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declines to submit such written comments within 30 days of the said notification, the Director may issue a final decision or order consistent with the Director's original decision. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(Source: P.A. 91-133, eff. 1-1-00; revised 3-20-00.)

Sec. 12. Examinations; subjects; failure or refusal to take examination. The Department shall authorize examination of applicants as architects at such times and places as it may determine. The examination shall be in English and shall be written or written and graphic. It shall include at a minimum the following subjects:

4(a) pre-design (environmental analysis, architectural programming, and application of principles of project management and coordination);
(b) site planning (site analysis, design and development, parking, and application of zoning requirements);
(c) building planning (conceptual planning of functional and space relationships, building design, interior space layout, barrier-free design, and the application of the life safety code requirements and principles of energy efficient design);
(d) building technology (application of structural systems, building components, and mechanical and electrical systems);
(e) general structures (identification, resolution, and incorporation of structural systems and the long span design on the technical aspects of the design of buildings and the process and construction);
(f) lateral forces (identification and resolution of the effects of lateral forces on the technical aspects of the design of buildings and the process of construction);
(g) mechanical and electrical systems (as applied to the design of buildings, including plumbing and acoustical systems);
(h) materials and methods (as related to the design of buildings and the technical aspects of construction); and
(i) construction documents and services (conduct of architectural practice as it relates to construction documents, bidding, and construction administration and contractual documents from beginning to end of a building project).

It shall be the responsibility of the applicant to be familiar with this Act and its rules. Examination subject matter headings and bases on which examinations are graded shall be indicated in rules pertaining to this Act. The Department may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. Content of any particular examination shall not be considered public record under the Freedom of Information Act.

If an applicant neglects without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing an application, the application shall be denied. The applicant may, however, make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of the new application.

The Department may by rule prescribe additional subjects for examination.

An applicant has one year from the date of notification of successful completion of all the examination requirements to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination.

(Source: P.A. 91-133, eff. 1-1-00; revised 3-9-00.)

Sec. 38. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of
Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

All fines and penalties under Sections 22 and 36 shall be deposited in the Design Professionals Administration and Investigation Fund.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is an addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239, eff. 1-1-00; revised 10-7-99.)

Section 66. The Interior Design Profession Title Act is amended by changing Sections 4 and 30 as follows:

(225 ILCS 310/4) (from Ch. 111, par. 8204)

Sec. 4. (a) No individual shall, without a valid registration as an interior designer issued by the Department, in any manner hold himself out to the public as an interior designer or attach the title "interior designer" or any other name or designation which would in any way imply that he is able to use the title "interior designer" as defined in this Act. No individual shall, without a valid registration as a residential interior designer issued by the Department, in any manner hold himself out to the public as a residential interior designer, or use the title "residential interior designer" or any name or designation that would in any way imply that he is able to use the title "residential interior designer" as defined in this Act.

(a-5) Nothing in this Act shall be construed as preventing or restricting the services offered or advertised by an interior designer who is registered under this Act.

(b) Nothing in this Act shall prevent the employment, by an interior designer or residential interior designer, association, partnership, or a corporation furnishing interior design or residential interior design services for remuneration, of persons not registered as interior designers or residential interior designers to perform services in various capacities as needed, provided that the persons do not represent themselves as, or use the title of, "interior designer", "registered interior designer", "residential interior designer" or "registered residential interior designer".

(c) Nothing in this Act shall be construed to limit the activities and use of the title "interior designer" or "residential interior designer" on the part of a person not registered under this Act who is a graduate of an interior design program and a full-time employee of a duly chartered institution of higher education insofar as such person engages in public speaking, with or without remuneration, provided that such person does not represent himself to be an interior designer or use the title "registered interior designer" or "registered residential interior designer".

(d) Nothing contained in this Act shall restrict any person not registered under this Act from carrying out any of the activities listed in the definition of "the profession of interior design" in Section 3 if such person does not represent himself or his services in any manner prohibited by this Act.

(e) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of any person licensed in this State under any other law from engaging in the profession or occupation for which he is licensed.

(f) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of engineers licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Practice Act of 1989; architects licensed pursuant to the Illinois Architectural Practice Act of 1989; any interior decorator or individual offering interior decorating services

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including, but not limited to, the selection of surface materials, window treatments, wall coverings, furniture, accessories, paint, floor coverings, and lighting fixtures; or builders, home furnishings salespersons, and similar purveyors of goods and services relating to homemaking.

(g) Nothing in this Act or any other Act shall prevent a licensed architect from practicing interior design services or from using the title "interior designer" or "residential interior designer". Nothing in this Act shall be construed as requiring the services of an interior designer or residential interior designer for the interior designing of a single family residence.

(h) Nothing in this Act shall authorize interior designers or residential interior designers to perform services, including life safety services that they are prohibited from performing, or any practice (i) that is restricted in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, or the Structural Engineering Practice Act of 1989, or (ii) that they are not authorized to perform under the Environmental Barriers Act.

(225 ILCS 310/30) (from Ch. 111, par. 8230)
Sec. 30. Interior Design Administration and Investigation Fund. All of the fees collected pursuant to this Act shall be deposited into the General Professions Dedicated Fund.

On January 1, 2000 the State Comptroller shall transfer the balance of the monies in the Interior Design Administration and Investigation Fund into the General Professions Dedicated Fund. Amounts appropriated for fiscal year 2000 out of the Interior Design Administration and Investigation Fund may be paid out of the General Professions Dedicated Fund.

The monies deposited in the General Professions Dedicated Fund may be used for the expenses of the Department in the administration of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Interior Design Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(225 ILCS 315/15) (from Ch. 111, par. 8115)
Sec. 15. Disposition of funds. All of the fees collected pursuant to this Act shall be deposited in the General Professions Dedicated Fund.

On January 1, 2000 the State Comptroller shall transfer the balance of the monies in the Landscape Architects' Administration and Investigation Fund into the General Professions Dedicated Fund. Amounts appropriated for fiscal year 2000 out of the Landscape Architects' Administration and Investigation Fund may be paid out of the General Professions Dedicated Fund.

The monies deposited in the General Professions Dedicated Fund may be used for the expenses of the Department in the administration of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Section 67. The Illinois Landscape Architecture Act of 1989 is amended by changing Section 15 as follows:

(225 ILCS 315/15) (from Ch. 111, par. 8115)
Sec. 15. Disposition of funds. All of the fees collected pursuant to this Act shall be deposited in the General Professions Dedicated Fund.

On January 1, 2000 the State Comptroller shall transfer the balance of the monies in the Landscape Architects' Administration and Investigation Fund into the General Professions Dedicated Fund. Amounts appropriated for fiscal year 2000 out of the Landscape Architects' Administration and Investigation Fund may be paid out of the General Professions Dedicated Fund.

The monies deposited in the General Professions Dedicated Fund may be used for the expenses of the Department in the administration of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(225 ILCS 325/4) (from Ch. 111, par. 5204)
Sec. 4. Definitions. As used in this Act:
(a) "Approved engineering curriculum" means an engineering curriculum of 4 academic years or more which meets the standards established by the rules of the Department.
(b) "Board" means the State Board of Professional Engineers of the Department of Professional Regulation, previously known as the Examining Committee.

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

(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

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

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Board's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials and methods to be used in, administration of construction contracts for, or site observation of an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; irrigation works; aircraft, airports and landing fields; waterworks, piping systems and appurtenances, sewers, sewage disposal works; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil classification, geology and geohydrology, incidental to the practice of professional engineering; energy analysis, environmental design, hazardous waste mitigation and control; recognition, measurement, evaluation and control of environmental systems and emissions; automated building management systems; or
the provision of professional engineering site observation of the construction of works and
engineering systems. Nothing contained in this Section imposes upon a person licensed under this
Act the responsibility for the performance of any of the foregoing functions unless such person
specifically contracts to provide it.

(p) "Project representative" means the professional engineer's representative at the project
site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory
completion of which results in a Bachelor of Science degree, and which contains courses from such
areas as life, earth, engineering and computer sciences, including but not limited to, physics and
chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about
the nature of its phenomena, including quantitative expression, appropriate to particular fields of
engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(u) "Site observation" is visitation of the construction site for the purpose of reviewing, as
available, the quality and conformance of the work to the technical submissions as they relate to
design.

(v) "Support design professional" means a professional engineer practicing in conformance
with the Professional Engineering Practice Act of 1989, who provides services to the design
professional who has contract responsibility.

(w) "Technical submissions" means designs, drawings, and specifications which establish
the standard of quality for materials, workmanship, equipment, and the construction systems, studies,
and other technical reports prepared in the course of a design professional's practice.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised 10-7-99.)

Sec. 23. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional
Service Corporation Act, as amended, of a corporation to practice professional engineering.

Any business, including a Professional Service Corporation, that includes within its stated
purposes or practices, or holds itself out as available to practice, professional engineering shall be
registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional
licensed under this Act shall be prohibited from offering professional engineering services to the
public. Any sole proprietorship owned and operated by a professional engineer with an active license
issued under this Act and conducting or transacting such business under an assumed name in
accordance with the provisions of the Assumed Business Name Act shall comply with the registration
requirements of a professional design firm. Any sole proprietorship owned and operated by a
professional engineer with an active license issued under this Act and conducting or transacting such
business under the real name of the sole proprietor is exempt from the registration requirements of
a professional design firm. "Illinois licensed design professional" means a person who holds an active
license as a professional engineer under this Act, as an architect under the Illinois Architecture
Practice Act of 1989, or as a structural engineer under the Structural Engineering Practice Act of
1989.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this
Section shall not be registered unless one or more managing agents in charge of professional
engineering activities in this State are designated by the professional design firm. Each managing
agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

No individual whose license to practice professional engineering in this State is currently in
a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form
provided by the Department and shall provide such information as requested by the Department,
which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in
responsible charge of the practice of professional engineering in Illinois. In the case of a
corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional engineering services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 24, 39, and 40 of this Act for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised 10-7-99.)

(225 ILCS 325/44) (from Ch. 111, par. 5244)

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

New matter indicated by italics - deletions by strikeout.
Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

All fines and penalties under Section 24, Section 39, Section 42, and Section 43 shall be deposited in the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that audit includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit report open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 91-239, eff. 1-1-00; revised 10-7-99.)

(225 ILCS 325/47) (from Ch. 111, par. 5247)
Sec. 47. Practice of structural engineering or architecture.
(a) No professional engineer may practice either structural engineering as defined in the Structural Engineering Practice Act of 1989 or architecture as defined in the Illinois Architecture Practice Act of 1989 unless he or she is licensed under the provisions of either the Structural Engineering Licensing Act of 1989 or the Illinois Architecture Practice Act, respectively.

(b) No professional engineer may practice architecture as defined in the Illinois Architecture Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

(Source: P.A. 91-91, eff. 1-1-00; revised 2-23-00.)

Section 69. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4 and 48 as follows:
(225 ILCS 330/4) (from Ch. 111, par. 3254)
Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Land Surveyors Licensing Board.
(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.
(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.
(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer practicing in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.
(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.
(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.
(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.
(Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; revised 10-7-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 48. Fund, appropriations, investments and audits. The moneys deposited in the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in that Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-239, eff. 1-1-00; revised 10-7-99.)

Section 69.5. The Auction License Act is amended by changing Section 5-10 as follows:

(225 ILCS 407/5-10)

Sec. 5-10. Definitions.

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitations, electronic media, and other means of promotion.

"Advisory Board" means the Auctioneer Advisory Board.

"Associate auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the Internet.

"Auction contract" means a written agreement between an auctioneer, associate auctioneer, or an auction firm and a seller or sellers.

"Auction firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction school" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by the Office of Banks and Real Estate.

"Auction service" means the service of arranging, managing, advertising, or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission, or any other valuable consideration at auction or with the intention or expectation of receiving valuable consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or his or
her designee.

"Director" means the Director of Auction Regulation.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under this Act.

"Managing auctioneer" means any person licensed as an auctioneer who manages and supervises licensees sponsored by an auction firm or auctioneer.

"OBRE" means the Office of Banks and Real Estate.

"Person" means an individual, association, partnership, corporation, or limited liability company or the officers, directors, or employees of the same.

"Pre-renewal period" means the 24 months prior to the expiration date of a license issued under this Act.

"Sponsoring auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Sponsor card" means the temporary permit issued by the sponsoring auctioneer certifying that the licensee named thereon is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

(Source: P.A. 91-603, eff. 1-1-00; revised 3-20-00.)

Section 70. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 30 as follows:

(225 ILCS 446/30)
Sec. 30. Exemptions.
(a) This Act does not apply to:
(1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.
(2) An attorney-at-law licensed to practice in Illinois while engaging in the practice of law.
(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:
(i) Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer.
(ii) Information for employment purposes.
(iii) Information for the underwriting of insurance involving the consumer.
(4) Insurance adjusters legally employed or under contract as adjusters and who engage in no other investigative activities other than those directly connected with adjustment of claims against an insurance company or self-insured by which they are employed or with which they have a contract. No insurance adjuster or company may utilize the term "investigation" or any derivative thereof in its company name or in its advertising other than for the handling of insurance claims.
For the purposes of this Code, "insurance adjuster" includes any person expressly authorized to act on behalf of an insurance company or self-insured and any employee thereof who acts or appears to act on behalf of the insurance company or self-insured in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.
(5) A person engaged exclusively and employed by a person, firm, association, or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.
(6) Any person, watchman, or guard employed exclusively and regularly by one

New matter indicated by italics - deletions by strikeout.
employer in connection with the affairs of that employer only and there exists an employer/employee relationship.

(7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as prescribed by the Illinois Law Enforcement Training Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

In this subsection an "employee" is a person who is employed by an employer who has the right to control and direct the employee who performs the services in question, not only as to the result to be accomplished by the work, but also as to the details and means by which the result is to be accomplished; and an "employer" is any person or entity, with the exception of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency, whose purpose it is to hire persons to perform the business of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency.

(8) A person who sells burglar alarm systems and does not install, monitor, maintain, alter, repair, service, or respond to burglar alarm systems at protected premises or premises to be protected, provided:

(i) The burglar alarm systems are approved either by Underwriters Laboratories or another authoritative source recognized by the Department and are identified by a federally registered trademark.

(ii) The owner of the trademark has expressly authorized the person to sell the trademark owner's products, and the person provides proof of this authorization upon the request of the Department.

(iii) The owner of the trademark maintains, and provides upon the Department's request, a certificate evidencing insurance for bodily injury or property damage arising from faulty or defective products in an amount not less than $1,000,000 combined single limit; provided that the policy of insurance need not relate exclusively to burglar alarm systems.

(9) A person who sells, installs, maintains, or repairs automobile alarm systems.

(9-5) A person, firm, or corporation engaged solely and exclusively in tracing and compiling lineage or ancestry.

(10) A person employed as either an armed or unarmed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(b) Nothing in this Act prohibits any of the following:

(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in an emergency situation, as long as they do not hold themselves out to the public as locksmiths.

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) The installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling, as long as they do not hold themselves out to the public as locksmiths.

(E) The employees of towing services, repossessors, or auto clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page
advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith.

(F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths.

(G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths.

(H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency, as long as the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency.

(I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith.

(J) A person, firm, or corporation from engaging in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(K) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.


(N) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(c) This Act does not prohibit any persons legally regulated in this State under any other Act from engaging in the practice for which they are licensed, provided that they do not represent themselves by any title prohibited by this Act.

(Source: P.A. 90-436, eff. 1-1-98; 90-633, eff. 7-24-98; 91-91, eff. 1-1-00; 91-287, eff. 1-1-00; revised 10-7-99.)

Section 71. The Real Estate License Act of 2000 is amended by changing Sections 5-20 and 15-20 as follows:

(225 ILCS 454/5-20)

Sec. 5-20. Exemptions from broker, salesperson, or leasing agent license requirement. The requirement for holding a license under this Article 5 shall not apply to:

1. Any person, partnership, or corporation that as owner or lessor performs any of the acts described in the definition of "broker" under Section 1-10 of this Act with reference to property owned or leased by it, or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of or as an incident to the management, sale, or other disposition of such property and the investment therein, provided that such regular employees do not perform any of the acts described in the definition of "broker" under Section 1-10 of this Act in connection with a vocation of selling or leasing any real estate or the improvements thereon not so owned or leased.

2. An attorney in fact acting under a duly executed and recorded power of attorney to convey real estate from the owner or lessor or the services rendered by an attorney at law in the performance of the attorney's duty as an attorney at law.

3. Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will or testamentary trust.

4. Any person acting as a resident manager for the owner or any employee acting as the resident manager for a broker managing an apartment building, duplex, or apartment complex, when the resident manager resides on the premises, the premises is his or her primary residence, and the resident manager is engaged in the leasing of the property of which he or she is the resident manager.

5. Any officer or employee of a federal agency in the conduct of official duties.

New matter indicated by italics - deletions by strikeout.
(6) Any officer or employee of the State government or any political subdivision thereof performing official duties.

(7) Any multiple listing service or other information exchange that is engaged in the collection and dissemination of information concerning real estate available for sale, purchase, lease, or exchange along with which no other licensed activities are provided.

(8) Railroads and other public utilities regulated by the State of Illinois, or the officers or full time employees thereof, unless the performance of any licensed activities is in connection with the sale, purchase, lease, or other disposition of real estate or investment therein not needing the approval of the appropriate State regulatory authority.

(9) Any medium of advertising in the routine course of selling or publishing advertising along with which no other licensed activities are provided.

(10) Any resident lessee of a residential dwelling unit who refers for compensation to the owner of the dwelling unit, or to the owner's agent, prospective lessees of dwelling units in the same building or complex as the resident lessee's unit, but only if the resident lessee (i) refers no more than 3 prospective lessees in any 12-month period, (ii) receives compensation of no more than $1,000 or the equivalent of one month's rent, whichever is less, in any 12-month period, and (iii) limits his or her activities to referring prospective lessees to the owner, or the owner's agent, and does not show a residential dwelling unit to a prospective lessee, discuss terms or conditions of leasing a dwelling unit with a prospective lessee, or otherwise participate in the negotiation of the leasing of a dwelling unit.

(11) An exchange company registered under the Real Estate Timeshare Act of 1999 and the regular employees of that registered exchange company but only when conducting an exchange program as defined in that Act.

(12) An existing timeshare owner who, for compensation, refers prospective purchasers, but only if the existing timeshare owner (i) refers no more than 20 prospective purchasers in any calendar year, (ii) receives no more than $1,000, or its equivalent, for referrals in any calendar year and (iii) limits his or her activities to referring prospective purchasers of timeshare interests to the developer or the developer's employees or agents, and does not show, discuss terms or conditions of purchase or otherwise participate in negotiations with regard to timeshare interests.

(13) Any person who is licensed without examination under Section 10-25 of the Auction License Act is exempt from holding a broker's or salesperson's license under this Act for the limited purpose of selling or leasing real estate at auction, so long as:

(A) that person has made application for said exemption by July 1, 2000;
(B) that person verifies to OBRE that he or she has sold real estate at auction for a period of 5 years prior to licensure as an auctioneer;
(C) the person has had no lapse in his or her license as an auctioneer; and
(D) the license issued under the Auction License Act has not been disciplined for violation of those provisions of Article 20 of the Auction License Act dealing with or related to the sale or lease of real estate at auction.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; revised 10-27-99.)

Sec. 15-20. Failure to disclose information not affecting physical condition. No cause of action shall arise against a licensee for the failure to disclose: (i) that an occupant of the property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition; (ii) that the property was the site of an act or occurrence that had no effect on the physical condition of the property or its environment or the structures located thereon; (iii) fact situations on property that is not the subject of the transaction; or (iv) physical conditions located on property that is not the subject of the transaction that do not have a substantial adverse effect on the value of the real estate that is the subject of the transaction.

(Source: P.A. 91-245, eff. 12-31-99; revised 8-11-99.)

Section 72. The Meat and Poultry Inspection Act is amended by changing Section 5 as follows:

(225 ILCS 650/5) (from Ch. 56 1/2, par. 305)

Sec. 5. Exemptions - Producers, Retailers, and Poultry Raisers.

The following types of establishments are exempt from the specific provisions of this Act:

New matter indicated by italics - deletions by strikeout.
(A) A "producer" means any person engaged in producing agricultural products, for personal or family use, on whose farm the number of animals or poultry is in keeping with the size of the farm or with the volume or character of the agricultural products produced thereon, but does not mean any person engaged in producing agricultural products who:
1. actively engages in buying or trading animals or poultry or both; or
2. actively engages directly or indirectly in conducting a business which includes the slaughter of animals or poultry or both, for human food purposes; or
3. actively engages, directly or indirectly, in canning, curing, pickling, freezing, salting meat or poultry, or in preparing meat or poultry products for sale; or
4. slaughters or permits any person to slaughter on his or their farm animals or poultry not owned by the producer for more than 30 days.

(A-5) Retail dealers or retail butchers with respect to meat or poultry products sold directly to consumers in retail stores; provided, that the only processing operation performed by such retail dealers or retail butchers is the cutting up of meat or poultry products which have been inspected under the provisions of this Act and is incidental to the operation of the retail food store.

(B) Poultry raisers with respect to poultry raised on their own farms or premises (a) if such raisers slaughter, eviscerate, or further process not more than 5,000 poultry during the calendar year for which this exemption is being granted; (b) such poultry raisers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms or premises; (c) such poultry or poultry products are slaughtered, otherwise prepared, sold or delivered to the consumer on or from the premises for which the exemption is given; (d) such slaughter or preparation shall be performed in sanitary facilities, in a sanitary manner, and subject to periodic inspection by Department personnel; (e) persons desiring such exemptions shall submit in writing a request to the Department. The exemption shall be effective upon written notice from the Department and shall remain in effect for a period of 2 years, unless revoked. Adequate records must be maintained to assure that not more than the number of exempted poultry are slaughtered or processed in one calendar year. Such records shall be kept for one year following the termination of each exemption. Any advertisement regarding the exempt poultry or poultry products shall reflect the fact of exemption so as not to mislead the consumer to presume official inspection has been made under The Meat and Poultry Inspection Act.

(Source: P.A. 91-170, eff. 1-1-00; 91-614, eff. 1-1-00; revised 10-12-99.)

Section 73. The Illinois Horse Racing Act of 1975 is amended by changing Sections 12.1 and 28 as follows:

(230 ILCS 5/12.1) (from Ch. 8, par. 37-12.1)
Sec. 12.1. (a) The General Assembly finds that the Illinois Racing Industry does not include a fair proportion of minority or female workers.

Therefore, the General Assembly urges that the job training institutes, trade associations and employers involved in the Illinois Horse Racing Industry take affirmative action to encourage equal employment opportunity to all workers regardless of race, color, creed or sex.

Before an organization license, inter-track wagering license or inter-track wagering location license can be granted, the applicant for any such license shall execute and file with the Board a good faith affirmative action plan to recruit, train and upgrade minorities and females in all classifications with the applicant for license. One year after issuance of any such license, and each year thereafter, the licensee shall file a report with the Board evidencing and certifying compliance with the originally filed affirmative action plan.

(b) At least 10% of the total amount of all State contracts for the infrastructure improvement of any race track grounds in this State shall be let to minority owned businesses or female owned businesses. "State contract", "minority owned business" and "female owned business" shall have the meanings ascribed to them under the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(Source: P.A. 89-16, eff. 5-30-95; revised 8-23-99.)

(230 ILCS 5/28) (from Ch. 8, par. 37-28)
Sec. 28. Except as provided in subsection (g) of Section 27 of this Act, moneys collected shall be distributed according to the provisions of this Section 28.

(a) Thirty per cent of the total of all monies received by the State as privilege taxes shall be
paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund in the State treasury until such Fund contains sufficient money to pay in full, both principal and interest, all of the outstanding bonds issued pursuant to the Fair and Exposition Authority Reconstruction Act, approved July 31, 1967, as amended, and thereafter shall be paid into the Metropolitan Exposition Auditorium and Office Building Fund in the State Treasury.

(b) Four and one-half per cent of the total of all monies received by the State as privilege taxes shall be paid into the State treasury into a special Fund to be known as the "Metropolitan Exposition, Auditorium, and Office Building Fund".

(c) Fifty per cent of the total of all monies received by the State as privilege taxes under the provisions of this Act shall be paid into the "Metropolitan Exposition, Auditorium, and Office Building Fund".

(d) Seven per cent of the total of all monies received by the State as privilege taxes shall be paid into the Fair and Exposition Fund in the State treasury; provided, however, that when all bonds issued prior to July 1, 1984 by the Metropolitan Fair and Exposition Authority shall have been paid or payment shall have been provided for upon a refunding of those bonds, thereafter 1/12 of $1,665,662 of such monies shall be paid each month into the Build Illinois Fund, and the remainder into the Fair and Exposition Fund. All excess monies shall be allocated to the Department of Agriculture for distribution to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act.

(e) The monies provided for in Section 30 shall be paid into the Illinois Thoroughbred Breeders Fund.

(f) The monies provided for in Section 31 shall be paid into the Illinois Standardbred Breeders Fund.

(g) Until January 1, 2000, that part representing 1/2 of the total breakage in Thoroughbred, Harness, Appaloosa, Arabian, and Quarter Horse racing in the State shall be paid into the "Illinois Race Track Improvement Fund" as established in Section 32.

(h) All other monies received by the Board under this Act shall be paid into the General Revenue Fund of the State.

(i) The salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board shall be paid out of the Agricultural Premium Fund.

(j) The Agricultural Premium Fund shall also be used:

1. for the expenses of operating the Illinois State Fair and the DuQuoin State Fair, including the payment of prize money or premiums;

2. for the distribution to county fairs, vocational agriculture section fairs, agricultural societies, and agricultural extension clubs in accordance with the "Agricultural Fair Act", as amended;

3. for payment of prize monies and premiums awarded and for expenses incurred in connection with the International Livestock Exposition and the Mid-Continent Livestock Exposition held in Illinois, which premiums, and awards must be approved, and paid by the Illinois Department of Agriculture;

4. for personal service of county agricultural advisors and county home advisors;

5. for distribution to agricultural home economic extension councils in accordance with "An Act in relation to additional support and finance for the Agricultural and Home Economic Extension Councils in the several counties in this State and making an appropriation therefor", approved July 24, 1967, as amended;

6. for research on equine disease, including a development center therefor;

7. for training scholarships for study on equine diseases to students at the University of Illinois College of Veterinary Medicine;

8. for the rehabilitation, repair and maintenance of the Illinois and DuQuoin State Fair Grounds and the structures and facilities thereon and the construction of permanent improvements on such Fair Grounds, including such structures, facilities and property located on such State Fair Grounds which are under the custody and control of the Department of Agriculture;
(9) for the expenses of the Department of Agriculture under Section 5-530 of the Departments of State Government Law (20 ILCS 5/5-530);
(10) for the expenses of the Department of Commerce and Community Affairs under Sections 605-620, 605-625, and 605-630 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-620, 605/605-625, and 605/605-630);
(11) for remodeling, expanding, and reconstructing facilities destroyed by fire of any Fair and Exposition Authority in counties with a population of 1,000,000 or more inhabitants;
(12) for the purpose of assisting in the care and general rehabilitation of disabled veterans of any war and their surviving spouses and orphans;
(13) for expenses of the Department of State Police for duties performed under this Act;
(14) for the Department of Agriculture for soil surveys and soil and water conservation purposes;
(15) for the Department of Agriculture for grants to the City of Chicago for conducting the Chicagofest.
(k) To the extent that monies paid by the Board to the Agricultural Premium Fund are in the opinion of the Governor in excess of the amount necessary for the purposes herein stated, the Governor shall notify the Comptroller and the State Treasurer of such fact, who, upon receipt of such notification, shall transfer such excess monies from the Agricultural Premium Fund to the General Revenue Fund.
(Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; revised 8-9-99.)

Section 75. The Grain Code is amended by changing Sections 1-10 and 1-15 as follows:
(240 ILCS 40/1-10)
Sec. 1-10. Definitions. As used in this Act:
"Board" means the governing body of the Illinois Grain Insurance Corporation.
"Certificate" means a document, other than the license, issued by the Department that certifies that a grain dealer's license has been issued and is in effect.
"Claimant" means:
(a) a person, including, without limitation, a lender:
(1) who possesses warehouse receipts issued from an Illinois location covering grain owned or stored by a failed warehouseman; or
(2) who has other written evidence of a storage obligation of a failed warehouseman issued from an Illinois location in favor of the holder, including, but not limited to, scale tickets, settlement sheets, and ledger cards; or
(3) who has loaned money to a warehouseman and was to receive a warehouse receipt issued from an Illinois location as security for that loan, who surrendered warehouse receipts as part of a grain sale at an Illinois location, or who delivered grain out of storage with the warehouseman as part of a grain sale at an Illinois location; and
(i) the grain dealer or warehouseman failed within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be, and no warehouse receipt was issued or payment in full was not made on the grain sale, as the case may be; or
(ii) written notice was given by the person to the Department within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be, stating that no warehouse receipt was issued or payment in full made on the grain sale, as the case may be; or
(b) a producer not included in item (a)(3) in the definition of "Claimant" who possesses evidence of the sale at an Illinois location of grain delivered to a failed grain dealer and who was not paid in full.
"Class I warehouseman" means a warehouseman who is authorized to issue negotiable and non-negotiable warehouse receipts.
"Class II warehouseman" means a warehouseman who is authorized to issue only non-negotiable warehouse receipts.
"Code" means the Grain Code.
"Collateral" means:

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(a) irrevocable letters of credit;
(b) certificates of deposit;
(c) cash or a cash equivalent; or
(d) any other property acceptable to the Department to the extent there exists equity in that property. For the purposes of this item (d), "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid, prior, perfected security interest in or other lien on the property.

"Corporation" means the Illinois Grain Insurance Corporation.

"Daily position record" means a grain inventory accountability record maintained on a daily basis that includes an accurate reflection of changes in grain inventory, storage obligations, company-owned inventory by commodity, and other information that is required by the Department.

"Daily grain transaction report" means a record of the daily transactions of a grain dealer showing the amount of all grain received and shipped during each day and the amount on hand at the end of each day.

"Date of delivery of grain" means:
(a) the date grain is delivered to a grain dealer for the purpose of sale;
(b) the date grain is delivered to a warehouseman for the purpose of storage; or
(c) in reference to grain in storage with a warehouseman, the date a warehouse receipt representing stored grain is delivered to the issuer of the warehouse receipt for the purpose of selling the stored grain or, if no warehouse receipt was issued:
   (1) the date the purchase price for stored grain is established; or
   (2) if sold by price later contract, the date of the price later contract.

"Department" means the Illinois Department of Agriculture.

"Depositor" means a person who has evidence of a storage obligation from a warehouseman.

"Director", unless otherwise provided, means the Illinois Director of Agriculture, or the Director's designee.

"Emergency storage" means space measured in bushels and used for a period of time not to exceed 3 months for storage of grain as a consequence of an emergency situation.

"Equity assets" means:
(a) The equity in any property of the licensee or failed licensee, other than grain assets. For purposes of this item (a):
   (1) "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid security interest in or other lien on the property that was perfected before the date of failure of the licensee;
   (2) a creditor is not deemed to have a valid security interest or other lien on property if (i) the property can be directly traced as being from the sale of grain by the licensee or failed licensee; (ii) the security interest was taken as additional collateral on account of an antecedent debt owed to the creditor; and (iii) the security interest or other lien was perfected on or within 90 days before the date of failure of the licensee or (B) when the creditor is a related person, within one year of the date of failure of the licensee.

"Failure" means, in reference to a licensee:
(a) a formal declaration of insolvency;
(b) a revocation of a license;
(c) a failure to apply for license renewal, leaving indebtedness to claimants;
(d) a denial of license renewal, leaving indebtedness to claimants; or
(e) a voluntary surrender of a license, leaving indebtedness to claimants.

"Federal warehouseman" means a warehouseman licensed by the United States government under the United States Warehouse Act (7 U.S.C. 241 et seq.).

"Fund" means the Illinois Grain Insurance Fund.

"Grain" means corn, soybeans, wheat, oats, rye, barley, grain sorghum, canola, buckwheat, flaxseed, edible soybeans, and other like agricultural commodities designated by rule.

"Grain assets" means:
(a) all grain owned and all grain stored by a licensee or failed licensee, wherever located;
(b) redeposited grain of a licensee or failed licensee;
(c) identifiable proceeds, including, but not limited to, insurance proceeds, received by or
due to a licensee or failed licensee resulting from the sale, exchange, destruction, loss, or theft of grain, or other disposition of grain by the licensee or failed licensee; or

(d) assets in hedging or speculative margin accounts held by commodity or security exchanges on behalf of a licensee or failed licensee and any moneys due or to become due to a licensee or failed licensee, less any secured financing directly associated with those assets or moneys, from any transactions on those exchanges.

For purposes of this Act, storage charges, drying charges, price later contract service charges, and other grain service charges received by or due to a licensee or failed licensee shall not be deemed to be grain assets, nor shall such charges be deemed to be proceeds from the sale or other disposition of grain by a licensee or a failed licensee, or to have been directly or indirectly traceable from, to have resulted from, or to have been derived in whole or in part from, or otherwise related to, the sale or other disposition of grain by the licensee or failed licensee.

"Grain dealer" means a person who is licensed by the Department to engage in the business of buying grain from producers.

"Grain Indemnity Trust Account" means a trust account established by the Director under Section 205-410 of the Department of Agriculture Law (20 ILCS 205/205-410) that is used for the receipt and disbursement of moneys paid from the Fund and proceeds from the liquidation of and collection upon grain assets, equity assets, collateral, or guarantees of or relating to failed licensees. The Grain Indemnity Trust Account shall be used to pay valid claims, authorized refunds from the Fund, and expenses incurred in preserving, liquidating, and collecting upon grain assets, equity assets, collateral, and guarantees relating to failed licensees.

"Guarantor" means a person who assumes all or part of the obligations of a licensee to claimants.

"Guarantee" means a document executed by a guarantor by which the guarantor assumes all or part of the obligations of a licensee to claimants.

"Incidental grain dealer" means a grain dealer who purchases grain only in connection with a feed milling operation and whose total purchases of grain from producers during the grain dealer's fiscal year do not exceed $100,000.

"Licensed storage capacity" means the maximum grain storage capacity measured in bushels approved by the applicable licensing agency for use by a warehouseman.

"Licensee" means a grain dealer or warehouseman who is licensed by the Department and a federal warehouseman that is a participant in the Fund, under subsection (c) of Section 30-10.

"Official grain standards" means the official grade designations as adopted by the United States Department of Agriculture under the United States Grain Standards Act and regulations adopted under that Act (7 U.S.C. 71 et seq. and 7 CFR 810.201 et seq.).

"Permanent storage capacity" means the capacity of permanent structures available for storage of grain on a regular and continuous basis and measured in bushels.

"Producer" means the owner, tenant, or operator of land who has an interest in and receives all or part of the proceeds from the sale of the grain produced on the land.

"Producer protection holding corporation" means a holding corporation to receive, hold title to, and liquidate assets of or relating to a failed licensee, including assets in reference to collateral or guarantees relating to a failed licensee.

"Related persons" means affiliates of a licensee, key persons of a licensee, owners of a licensee, and persons who have control over a licensee. For the purposes of this definition:

(a) "Affiliate" means a person who has direct or indirect control of a licensee, is controlled by a licensee, or is under common control with a licensee.

(b) "Key person" means an officer, a director, a trustee, a partner, a proprietor, a
manager, a managing agent, or the spouse of a licensee. An officer or a director of an entity organized or operating as a cooperative, however, shall not be considered to be a "key person".

(c) "Owner" means the holder of: over 10% of the total combined voting power of a corporation or over 10% of the total value of shares of all classes of stock of a corporation; over a 10% interest in a partnership; over 10% of the value of a trust computed actuarially; or over 10% of the legal or beneficial interest in any other business, association, endeavor, or entity that is a licensee. For purposes of computing these percentages, a holder is deemed to own stock or other interests in a business entity whether the ownership is direct or indirect.

(d) "Control" means the power to exercise authority over or direct the management or policies of a business entity.

(e) "Indirect" means an interest in a business held by the holder not through the holder's actual holdings in the business, but through the holder’s holdings in other businesses.

(f) Notwithstanding any other provision of this Act, the term "related person" does not include a lender, secured party, or other lien holder solely by reason of the existence of the loan, security interest, or lien, or solely by reason of the lender, secured party, or other lien holder having or exercising any right or remedy provided by law or by agreement with a licensee or a failed licensee.

"Successor agreement" means an agreement by which a licensee succeeds to the grain obligations of a former licensee.

"Temporary storage space" means space measured in bushels and used for 6 months or less for storage of grain on a temporary basis due to a need for additional storage in excess of permanent storage capacity.

"Trust account" means the Grain Indemnity Trust Account.

"Valid claim" means a claim, submitted by a claimant, whose amount and category have been determined by the Department, to the extent that determination is not subject to further administrative review or appeal.

"Warehouse" means a building, structure, or enclosure in which grain is stored for the public for compensation, whether grain of different owners is commingled or whether identity of different lots of grain is preserved.

"Warehouse receipt" means a receipt for the storage of grain issued by a warehouseman.

"Warehouseman" means a person who is licensed:

(a) by the Department to engage in the business of storing grain for compensation; or
(b) under the United States Warehouse Act who participates in the Fund under subsection (c) of Section 30-10.

(Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00; revised 10-13-99.)

(240 ILCS 40/1-15)

Sec. 1-15. Powers and duties of Director. The Director has all powers necessary and proper to fully and effectively execute the provisions of this Code and has the general duty to implement this Code. The Director's powers and duties include, but are not limited to, the following:

(1) The Director may, upon application, issue or refuse to issue licenses under this Code, and the Director may extend, renew, reinstate, suspend, revoke, or accept voluntary surrender of licenses under this Code.

(2) The Director shall examine and inspect each licensee at least once each calendar year. The Director may inspect the premises used by a licensee at any time. The books, accounts, records, and papers of a licensee are at all times during business hours subject to inspection by the Director. Each licensee may also be required to make reports of its activities, obligations, and transactions that are deemed necessary by the Director to determine whether the interests of producers and the holders of warehouse receipts are adequately protected and safeguarded. The Director may take action or issue orders that in the opinion of the Director are necessary to prevent fraud upon or discrimination against producers or depositors by a licensee.

(3) The Director may, upon his or her initiative or upon the written verified complaint of any person setting forth facts that if proved would constitute grounds for a refusal to issue or renew a license or for a suspension or revocation of a license, investigate the actions of any person applying

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for, holding, or claiming to hold a license or any related party of that person.

(4) The Director (but not the Director's designee) may issue subpoenas and bring before the Department any person and take testimony either at an administrative hearing or by deposition with witness fees and mileage fees and in the same manner as prescribed in the Code of Civil Procedure. The Director or the Director's designee may administer oaths to witnesses at any proceeding that the Department is authorized by law to conduct. The Director (but not the Director's designee) may issue subpoenas duces tecum to command the production of records relating to a licensee, guarantor, related business, related person, or related party. Subpoenas are subject to the rules of the Department.

(5) Notwithstanding other judicial remedies, the Director may file a complaint and apply for a temporary restraining order or preliminary or permanent injunction restraining or enjoining any person from violating or continuing to violate this Code or its rules.

(6) The Director shall act as Trustee for the Trust Account, act as Trustee over all collateral, guarantees, grain assets, and equity assets held by the Department for the benefit of claimants, and exercise certain powers and perform related duties under Section 20-5 of this Code and Section 205-410 of the Department of Agriculture Law (20 ILCS 205/205-410), except that the provisions of the Trust and Trustees Act do not apply to the Trust Account or any other trust created under this Code.

(7) The Director shall personally serve as president of the Corporation.

(8) The Director shall collect and deposit all monetary penalties, printer registration fees, funds, and assessments authorized under this Code into the Fund.

(9) The Director may initiate any action necessary to pay refunds from the Fund.

(10) The Director shall maintain a holding corporation to receive, hold title to, and liquidate assets of or relating to a failed licensee, including assets in reference to collateral or guarantees, and deposit the proceeds into the Fund.

(11) The Director may initiate, participate in, or withdraw from any proceedings to liquidate and collect upon grain assets, equity assets, collateral, and guarantees relating to a failed licensee, including, but not limited to, all powers needed to carry out the provisions of Section 20-15.

(12) The Director, as Trustee or otherwise, may take any action that may be reasonable or appropriate to enforce this Code and its rules.

(Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00; revised 10-13-99.)

Section 76. The Illinois Public Aid Code is amended by changing Sections 5-2, 5-5, 9-1, 10-3.1, 10-8, 10-10, 10-10.5, 10-11.1, 10-15, 10-16, 10-19, and 12-9 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002, and equal to or less than 100% in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002, and equal to or less than 100% in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined in item (i) of this
(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.
3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.
4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.
5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.
(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.
(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.
6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.
7. Persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:
   (a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;
   (b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;
   (c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.
8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:
   (a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and
   (b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:
      (i) such coverage shall be pursuant to provisions of the federal Social Security Act;
      (ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;
      (iii) no premium shall be charged for such coverage; and

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(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII A shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; revised 6-26-00.)

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The
Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

1. dental services, which shall include but not be limited to prosthodontics; and
2. eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. In formulating these regulations the Illinois Department shall consult with and give substantial weight to the recommendations offered by the Citizens Assembly/Council on Public Aid. The Department should seek the advice of formal

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professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

1. Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

2. The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

3. Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical

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equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require that all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code. The Illinois Department shall report regularly the results of the operation of such systems and programs to the Citizens Assembly/Council on Public Aid to enable the Committee to ensure, from time to time, that these programs are effective and meaningful.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, such additional copies with the State Government Report Distribution Center for the
General Assembly as is required under paragraph (t) of Section 7 of the State Library Act and one copy with the Citizens Assembly/Council on Public Aid or its successor shall be deemed sufficient to comply with this Section.
(Source: P.A. 90-7, eff. 6-10-97; 90-14, eff. 7-1-97; 91-344, eff. 1-1-00; 91-462, eff. 8-6-99; 91-666, eff. 12-22-99; revised 1-6-00.)

(305 ILCS 5/9-1) (from Ch. 23, par. 9-1)
Sec. 9-1. Declaration of Purpose. It is the purpose of this Article to aid applicants for and recipients of public aid under Articles III, IV, V, VI and VII, to increase their capacities for self-support, self-care, and responsible citizenship, and to assist them in maintaining and strengthening family life. If authorized pursuant to Section 9-8, this Article may be extended to former and potential recipients and to persons whose income does not exceed the standard established to determine eligibility for aid as a medically indigent person under Article V. The Department, with the written consent of the Governor, may also:
(a) extend this Article to individuals and their families with income closely related to national indices of poverty who have special needs resulting from institutionalization of a family member or conditions that may lead to institutionalization or who live in impoverished areas or in facilities developed to serve persons of low income;
(b) establish, where indicated, schedules of payment for service provided based on ability to pay;
(c) provide for the coordinated delivery of the services described in this Article and related services offered by other public or private agencies or institutions, and cooperate with the Illinois Department on Aging to enable it to properly execute and fulfill its duties pursuant to the provisions of Section 4.01 of the "Illinois Act on the Aging", as now or hereafter amended;
(d) provide in-home care services, such as chore and housekeeping services or homemaker services, to recipients of public aid under Articles IV and VI, the scope and eligibility criteria for such services to be determined by rule; and:
(e) contract with other State agencies for the purchase of social service under Title XX of the Social Security Act, such services to be provided pursuant to such other agencies' enabling legislation; and:
(f) cooperate with the Illinois Department of Public Aid to provide services to public aid recipients for the treatment and prevention of alcoholism and substance abuse.
(Source: P.A. 89-507, eff. 7-1-97; revised 1-16-01.)

(305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)
Sec. 10-3.1. Child and Spouse Support Unit. The Illinois Department shall establish within its administrative staff a Child and Spouse Support Unit to search for and locate absent parents and spouses liable for the support of persons resident in this State and to exercise the support enforcement powers and responsibilities assigned the Department by this Article. The unit shall cooperate with all law enforcement officials in this State and with the authorities of other States in locating persons responsible for the support of persons resident in other States and shall invite the cooperation of these authorities in the performance of its duties.

In addition to other duties assigned the Child and Spouse Support Unit by this Article, the Unit may refer to the Attorney General or units of local government with the approval of the Attorney General, any actions under Sections 10-10 and 10-15 for judicial enforcement of the support liability. The Child and Spouse Support Unit shall act for the Department in referring to the Attorney General support matters requiring judicial enforcement under other laws. If requested by the Attorney General to do so, as provided in Section 12-16, attorneys of the Unit may assist the Attorney General or themselves institute actions in behalf of the Illinois Department under the Revised Uniform Reciprocal Enforcement of Support Act; under the Illinois Parentage Act of 1984; under the Non-Support of Spouse and Children Act; under the Non-Support Punishment Act; or under any other law, State or Federal, providing for support of a spouse or dependent child.

The Illinois Department shall also have the authority to enter into agreements with local governmental units or individuals, with the approval of the Attorney General, for the collection of moneys owing because of the failure of a parent to make child support payments for any child receiving services under this Article. Such agreements may be on a contingent fee basis, but such contingent fee shall not exceed 25% of the total amount collected.

New matter indicated by italics - deletions by strikeout.
An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action brought pursuant to this Section, an attorney-client relationship does not exist for purposes of that action between that attorney and (i) an applicant for or recipient of child and spouse support services or (ii) any other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain confidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

The Illinois Department may also enter into agreements with local governmental units for the Child and Spouse Support Unit to exercise the investigative and enforcement powers designated in this Article, including the issuance of administrative orders under Section 10-11, in locating responsible relatives and obtaining support for persons applying for or receiving aid under Article VI. Payments for defrayment of administrative costs and support payments obtained shall be deposited into the DHS Recoveries Trust Fund. Support payments shall be paid over to the General Assistance Fund of the local governmental unit at such time or times as the agreement may specify.

With respect to those cases in which it has support enforcement powers and responsibilities under this Article, the Illinois Department may provide by rule for periodic or other review of each administrative and court order for support to determine whether a modification of the order should be sought. The Illinois Department shall provide for and conduct such review in accordance with any applicable federal law and regulation.

As part of its process for review of orders for support, the Illinois Department, through written notice, may require the responsible relative to disclose his or her Social Security Number and past and present information concerning the relative's address, employment, gross wages, deductions from gross wages, net wages, bonuses, commissions, number of dependent exemptions claimed, individual and dependent health insurance coverage, and any other information necessary to determine the relative's ability to provide support in a case receiving child and spouse support services under this Article X.

The Illinois Department may send a written request for the same information to the relative's employer. The employer shall respond to the request for information within 15 days after the date the employer receives the request. If the employer willfully fails to fully respond within the 15-day period, the employer shall pay a penalty of $100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action which may be brought against the employer in favor of the Illinois Department.

A written request for information sent to an employer pursuant to this Section shall consist of (i) a citation of this Section as the statutory authority for the request and for the employer's obligation to provide the requested information, (ii) a returnable form setting forth the employer's name and address and listing the name of the employee with respect to whom information is requested, and (iii) a citation of this Section as the statutory authority authorizing the employer to withhold a fee of up to $20 from the wages or income to be paid to each responsible relative for providing the information to the Illinois Department within the 15-day period. If the employer is withholding support payments from the responsible relative's income pursuant to an order for withholding, the employer may withhold the fee provided for in this Section only after withholding support as required under the order. Any amounts withheld from the responsible relative's income for payment of support and the fee provided for in this Section shall not be in excess of the amounts permitted under the federal Consumer Credit Protection Act.

In a case receiving child and spouse support services, the Illinois Department may request and obtain information from a particular employer under this Section no more than once in any 12-month period, unless the information is necessary to conduct a review of a court or administrative order for support at the request of the person receiving child and spouse support services.

The Illinois Department shall establish and maintain an administrative unit to receive and transmit to the Child and Spouse Support Unit information supplied by persons applying for or receiving child and spouse support services under Section 10-1. In addition, the Illinois Department shall address and respond to any alleged deficiencies that persons receiving or applying for services from the Child and Spouse Support Unit may identify concerning the Child and Spouse Support Unit's provision of child and spouse support services. Within 60 days after an action or failure to act by the Child and Spouse Support Unit that affects his or her case, a recipient of or applicant for child support services may request an informal conference with an administrative officer of the Illinois Department who is responsible for the Child and Spouse Support Unit.
and spouse support services under Article X of this Code may request an explanation of the Unit's handling of the case. At the requestor's option, the explanation may be provided either orally in an interview, in writing, or both. If the Illinois Department fails to respond to the request for an explanation or fails to respond in a manner satisfactory to the applicant or recipient within 30 days from the date of the request for an explanation, the applicant or recipient may request a conference for further review of the matter by the Office of the Administrator of the Child and Spouse Support Unit. A request for a conference may be submitted at any time within 60 days after the explanation has been provided by the Child and Spouse Support Unit or within 60 days after the time for providing the explanation has expired.

The applicant or recipient may request a conference concerning any decision denying or terminating child or spouse support services under Article X of this Code, and the applicant or recipient may also request a conference concerning the Unit's failure to provide services or the provision of services in an amount or manner that is considered inadequate. For purposes of this Section, the Child and Spouse Support Unit includes all local governmental units or individuals with whom the Illinois Department has contracted under Section 10-3.1.

Upon receipt of a timely request for a conference, the Office of the Administrator shall review the case. The applicant or recipient requesting the conference shall be entitled, at his or her option, to appear in person or to participate in the conference by telephone. The applicant or recipient requesting the conference shall be entitled to be represented and to be afforded a reasonable opportunity to review the Illinois Department's file before or at the conference. At the conference, the applicant or recipient requesting the conference shall be afforded an opportunity to present all relevant matters in support of his or her claim. Conferences shall be without cost to the applicant or recipient requesting the conference and shall be conducted by a representative of the Child or Spouse Support Unit who did not participate in the action or inaction being reviewed.

The Office of the Administrator shall conduct a conference and inform all interested parties, in writing, of the results of the conference within 60 days from the date of filing of the request for a conference.

In addition to its other powers and responsibilities established by this Article, the Child and Spouse Support Unit shall conduct an annual assessment of each institution's program for institution based paternity establishment under Section 12 of the Vital Records Act.

Sec. 10-8. Support Payments - Partial Support - Full Support. The notice to responsible relatives issued pursuant to Section 10-7 shall direct payment (a) to the Illinois Department in cases of applicants and recipients under Articles III, IV, V and VII, (b) except as provided in Section 10-3.1, to the local governmental unit in the case of applicants and recipients under Article VI, and (c) to the Illinois Department in cases of non-applicants and non-recipients given access to the child and spouse support services of this Article, as provided by Section 10-1. However, if the support payments by responsible relatives are sufficient to meet needs of a recipient in full, including current and anticipated medical needs, and the Illinois Department or the local governmental unit, as the case may be, has reasonable grounds to believe that such needs will continue to be provided in full by the responsible relatives, the relatives may be directed to make subsequent support payments to the needy person or to some person or agency in his behalf and the recipient shall be removed from the rolls. In such instance the recipient also shall be notified by registered or certified mail of the action taken. If a recipient removed from the rolls requests the Illinois Department to continue to collect the support payments in his behalf, the Department, at its option, may do so and pay amounts so collected to the person. The Department may provide for deducting any costs incurred by it in making the collection from the amount of any recovery made and pay only the net amount to the person.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.
To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; revised 9-28-99.)

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

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII; (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

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The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the support services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving support services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

1. that the person pay the past-due support in accordance with a plan approved by the
court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child and spouse support services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

Upon notification in writing or by electronic transmission from the Illinois Department to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department until the Illinois Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department's notification in the court file. The clerk's failure to file a copy of the notification in the court file shall not, however, affect the Illinois Department's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit’s General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply. (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; revised 1-16-01.) (305 ILCS 5/10-10.5)

Sec. 10-10.5. Information to State Case Registry.

(a) When an order for support is entered or modified by the circuit court under Section 10-10,
the clerk of the circuit court shall, within 5 business days, provide to the Illinois Department's State Case Registry established under Section 10-27 of this Code the court docket number and county in which the order is entered or modified and the following information, which the parties shall disclose to the court:

1. The names of the custodial and non-custodial parents and the child or children covered by the order.
2. The dates of birth of the custodial and non-custodial parents and of the child or children covered by the order.
3. The social security numbers of the custodial and non-custodial parents and of the child or children covered by the order.
4. The residential and mailing addresses for the custodial and non-custodial parents.
5. The telephone numbers for the custodial and non-custodial parents.
6. The driver's license numbers for the custodial and non-custodial parents.
7. The name, address, and telephone number of each parent's employer or employers.

(b) When a child support order is entered or modified for a case in which a party is receiving child and spouse support services under Article X of this Code, the clerk shall provide the State Case Registry with the following information:

1. The information specified in subsection (a) of this Section.
2. The amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order.
3. Any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk.
4. The distribution of the amounts received by the clerk.

(c) A party shall report to the clerk of the circuit court changes in information required to be disclosed under this Section within 5 business days of the change.

(d) To the extent that updated information is in the clerk's possession, the clerk shall provide updates of the information specified in subsection (b) of this Section within 5 business days after the Illinois Department's request for that updated information.

(Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

(305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)

Sec. 10-11.1. (a) Whenever it is determined in a proceeding under Sections 10-6, 10-7, 10-11 or 10-17.1 that the responsible relative is unemployed, and support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code or other persons who are given access to the child and spouse support services of this Article as provided in Section 10-1, the administrative enforcement unit may order the responsible relative to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code or to the Illinois Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs.

(b) Whenever it is determined that a responsible relative owes past-due support for a child under an administrative support order entered under subsection (b) of Section 10-7 or under Section 10-11 or 10-17.1 and the child is receiving assistance under this Code, the administrative enforcement unit shall order the following:

1. That the responsible relative pay the past-due support in accordance with a plan approved by the administrative enforcement unit; or
2. If the responsible relative owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the responsible relative participate in job search, training, or work programs established under Section 9-6 and Article IXA of this Code.

(Source: P.A. 90-18, eff. 7-1-97; revised 2-23-00.)

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

Sec. 10-15. Enforcement of administrative order; costs and fees. If a responsible relative refuses, neglects, or fails to comply with a final administrative support or reimbursement order of the Illinois Department entered by the Child and Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or registered pursuant to Section 10-17.1, the Child and Spouse Support Unit may file suit
Suits shall be instituted in the name of the People of the State of Illinois on the relation of the Department of Public Aid of the State of Illinois and the spouse or dependent children for whom the support order has been issued.

The court shall order the payment of the support obligation, or orders for reimbursement of moneys for support provided, directly to the Illinois Department but the order shall permit the Illinois Department to direct the responsible relative or relatives to make payments of support directly to the spouse or dependent children, or to some person or agency in his or their behalf, as provided in Section 10-8 or 10-10, as applicable.

Whenever it is determined in a proceeding to enforce an administrative order that the responsible relative is unemployed, and support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code or other persons who are given access to the child and spouse support services of this Article as provided in Section 10-1, the court may order the responsible relative to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. In addition, the court may order the unemployed responsible relative to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 of this Code or to the Illinois Department of Employment Security for job search services or to make application with the local Job Jobs Training Partnership Act provider for participation in job search, training or work programs.

Charges imposed in accordance with the provisions of Section 10-21 shall be enforced by the Court in a suit filed under this Section.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(305 ILCS 5/10-16) (from Ch. 23, par. 10-16)
Sec. 10-16. Judicial enforcement of court and administrative support orders. Court orders entered in proceedings under Section 10-10 and court orders for enforcement of an administrative order under Section 10-15 and for the payment of money may be enforced by attachment as for contempt against the persons of the defendants, and in addition, as other judgments for the payment of money, and costs may be adjudged against the defendants and apportioned among them; but if the complaint is dismissed, costs shall be borne by the Illinois Department or the local governmental unit, as the case may be. If a responsible relative is directed by the Illinois Department, or the local governmental unit, under the conditions stated in Section 10-8, to make support payments directly to the person, or to some person or agency in his behalf, the court order entered against him under this Section or Section 10-10 may be enforced as herein provided if he thereafter fails to furnish support in accordance with its terms. The State of Illinois shall not be required to make a deposit for or pay any costs or fees of any court or officer thereof in any proceeding instituted under this Section.

The provisions of the Civil Practice Law, and all amendments and modifications thereof, shall apply to and govern all actions instituted under this Section and Section 10-10. In such actions proof that a person is an applicant for or recipient of public aid under any Article of this Code shall be prima facie proof that he is a person in necessitous circumstances by reason of infirmity, unemployment or other cause depriving him of the means of a livelihood compatible with health and well-being.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment of Spouse and Children Act may be prosecuted under that Act Section, and a person convicted under that Act Section may be sentenced in accordance with that Act Section. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50

New matter indicated by italics - deletions by strikeout.
subsection (b) of that Act or participate in a work alternative program under Section 50 subsection (c) of that Act. A person may not be required to participate in a work alternative program under Section 50 subsection (c) of that Act if the person is currently participating in a work program pursuant to Section 10-11.1 of this Code.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 90-733, eff. 8-11-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; revised 10-13-99.)

(305 ILCS 5/10-19) (from Ch. 23, par. 10-19)
Sec. 10-19. Support Payments Ordered Under Other Laws; where deposited. The Illinois Department and local governmental units are authorized to receive payments directed by court order for the support of recipients, as provided in the following Acts:

1. "Non-Support of Spouse and Children Act", approved June 24, 1915, as amended,
2. "The Non-Support Punishment Act,
3. "Illinois Marriage and Dissolution of Marriage Act", as now or hereafter amended,
4. The Illinois Parentage Act, as amended,
5. "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended,
6. The Juvenile Court Act or the Juvenile Court Act of 1987, as amended,
7. The "Unified Code of Corrections", approved July 26, 1972, as amended,
8. Part 7 of Article XII of the Code of Civil Procedure, as amended,
9. Part 8 of Article XII of the Code of Civil Procedure, as amended, and
10. Other laws which may provide by judicial order for direct payment of support moneys.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-613, eff. 10-1-99; revised 9-28-99.)

(305 ILCS 5/12-9) (from Ch. 23, par. 12-9)
Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The Public Aid Recoveries Trust Fund shall consist of (1) recoveries by the Illinois Department of Public Aid authorized by this Code in respect to applicants or recipients under Articles III, IV, V, and VI, including recoveries made by the Illinois Department of Public Aid from the estates of deceased recipients, (2) recoveries made by the Illinois Department of Public Aid in respect to applicants and recipients under the Children's Health Insurance Program, and (3) federal funds received on behalf of and earned by local governmental entities for services provided to applicants or recipients covered under this Code. The Fund shall be held as a special fund in the State Treasury.

Disbursements from this Fund shall be only (1) for the reimbursement of claims collected by the Illinois Department of Public Aid through error or mistake, (2) for payment to persons or agencies designated as payees or co-payees on any instrument, whether or not negotiable, delivered to the Illinois Department of Public Aid as a recovery under this Section, such payment to be in proportion to the respective interests of the payees in the amount so collected, (3) for payments to the Department of Human Services for collections made by the Illinois Department of Public Aid on behalf of the Department of Human Services under this Code, (4) from the State Disbursement Unit Revolving Fund under Section 12-8.1 of this Code for payment of administrative expenses incurred in performing the activities authorized under this Code, (5) for payment of fees to persons or agencies in the performance of activities pursuant to the collection of monies owed the State that are collected under this Code, (6) for payments of any amounts which are reimbursable to the federal government which are required to be paid by State warrant by either the State or federal government,
and (7) for payments to local governmental entities of federal funds for services provided to applicants or recipients covered under this Code. Disbursements from this Fund for purposes of items (4) and (5) of this paragraph shall be subject to appropriations from the Fund to the Illinois Department of Public Aid.

The balance in this Fund on the first day of each calendar quarter, after payment therefrom of any amounts reimbursable to the federal government, and minus the amount reasonably anticipated to be needed to make the disbursements during that quarter authorized by this Section, shall be certified by the Director of the Illinois Department of Public Aid and transferred by the State Comptroller to the General Revenue Fund in the State Treasury within 30 days of the first day of each calendar quarter.

On July 1, 1999, the State Comptroller shall transfer the sum of $5,000,000 from the Public Aid Recoveries Trust Fund (formerly the Public Assistance Recoveries Trust Fund) into the DHS Recoveries Trust Fund.

(Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; revised 9-28-99.)

Section 76.5. The Respite Program Act is amended by changing Section 2 as follows:

Sec. 2. Definitions. As used in this Act:

(1) "Respite care" means the provision of intermittent and temporary substitute care or supervision of frail or abused or functionally disabled or cognitively impaired older adults on behalf of and in the absence of the primary care-giver, for the purpose of providing relief from the stress or responsibilities concomitant with providing constant care, so as to enable the care-giver to continue the provision of care in the home. Respite care should be available to sustain the primary care-giver throughout the period of care-giving, which can vary from several months to a number of years. Respite care can be provided in the home, in a community based day care setting during the day, overnight, or for more extended periods of time on a temporary basis.

(2) "Care-giver" shall mean the family member or other natural person who normally provides the daily care or supervision of a frail, abused or disabled elderly adult. Such care-giver may, but need not, reside in the same household as the frail or disabled adult.

(3) "Provider" shall mean any entity enumerated in paragraph (1) of this Section which is the supplier of services providing respite.

(4) "Sponsor" shall mean the provider, public agency or community group approved by the Director which establishes a contractual relationship with the Department for the purposes of providing services to persons under this Act, and which is responsible for the recruitment of providers, the coordination and arrangement of provider services in a manner which meets client needs, the general supervision of the local program, and the submission of such information or reports as may be required by the Director.

(5) "Director" shall mean the Director of Aging.

(6) "Department" shall mean the Department on Aging.

(7) "Abused" shall have the same meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986.

(8) "Frail or disabled adult" shall mean any person suffering from Alzheimer's disease and who is 55 years of age or older or any adult 60 years of age or older, who is unable to attend to his or her daily needs without the assistance or regular supervision of a care-giver due to mental or physical impairment and who is otherwise eligible for services on the basis of his or her level of impairment.

(9) "Emergency respite care" means the immediate placement of a trained, in-home respite care worker in the home during an emergency or unplanned event to substitute for the primary care-giver. Emergency respite care may be provided in the home on one or more occasions unless an extension is deemed necessary by the case coordination unit. When there is an urgent need for emergency respite care, procedures to accommodate this need must be determined. An emergency is:

(a) An unplanned event that results in the immediate and unavoidable absence of the primary care-giver from the home in an excess of 4 hours at a time when no other qualified care-giver is available.

(b) An unplanned situation that prevents the primary care-giver from providing the care
required by a frail or abused or functionally disabled or cognitively impaired adult living at home.

(c) An unplanned event that threatens the health and safety of the disabled adult.

(d) An unplanned event that threatens the health and safety of the primary care-giver thereby placing the frail or abused or functionally disabled or cognitively impaired older adult in danger.

(1) "Primary care-giver" means the spouse, relative, or friend, 18 years of age or older, who provides the daily in-home care and supervision of a frail or abused or functionally disabled or cognitively impaired older adult. A primary care-giver may, but does not need to, reside in the same household as the frail or abused or functionally disabled or cognitively impaired adult. A primary care-giver requires intermittent relief from his or her caregiving duties to continue to function as the primary care-giver.

(Source: P.A. 91-357, eff. 7-29-99; revised 2-23-00.)

Section 77. The Elder Abuse and Neglect Act is amended by changing Sections 2 and 3.5 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

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

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; and

(7) A "community-integrated living arrangement" as defined in the Community Integrated Living Arrangements Licensure and Certification Act.

(c) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

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(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 1994, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) a Christian Science Practitioner;

(5) field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or

(8) a person who performs the duties of a coroner or medical examiner.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.

(Source: P.A. 90-628, eff. 1-1-99; 91-259, eff. 1-1-00; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-30-99.)

(320 ILCS 20/3.5)

Sec. 3.5. Other Responsibilities. The Department shall also be responsible for the following activities, contingent upon adequate funding:

(a) promotion of a wide range of endeavors for the purpose of preventing elder abuse, neglect, and financial exploitation in both domestic and institutional settings, including, but not limited to, promotion of public and professional education to increase awareness of elder abuse, neglect, and financial exploitation, to increase reports, and to improve response by various legal,
financial, social, and health systems;

(b) coordination of efforts with other agencies, councils, and like entities, to include but not be limited to, the Office of the Attorney General, the State Police, the Illinois Law Enforcement Training and Standards Board, the State Triad, the Criminal Justice Information Authority, the Departments of Public Health, Public Aid, and Human Services, the Family Violence Coordinating Council, the Violence Prevention Authority, and other entities which may impact awareness of, and response to, elder abuse, neglect, and financial exploitation;

collection and analysis of data;

d) monitoring of the performance of regional administrative agencies and elder abuse provider agencies; and

e) promotion of prevention activities.

(Source: P.A. 90-628, eff. 1-1-99; revised 2-23-00.)

Section 78. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, Christian Science practitioner, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department. Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act. In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child. Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer. The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.
Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, shall be guilty of a Class A misdemeanor.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(Source: P.A. 90-116, eff. 7-14-97; 91-259, eff. 1-1-00; 91-516, eff. 8-13-99; revised 10-14-99.)

Section 78.5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 2-107.1, 3-603, 3-704, and 3-820 as follows:

(405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)
Sec. 2-107.1. Administration of authorized involuntary treatment upon application to a court.
(a) An adult recipient of services and the recipient's guardian, if the recipient is under guardianship, and the substitute decision maker, if any, shall be informed of the recipient's right to refuse medication. The recipient and the recipient's guardian or substitute decision maker shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication.

(a-5) Notwithstanding the provisions of Section 2-107 of this Code, authorized involuntary treatment may be administered to an adult recipient of services without the informed consent of the recipient under the following standards:

(1) Any person 18 years of age or older, including any guardian, may petition the circuit court for an order authorizing the administration of authorized involuntary treatment to a recipient of services. The petition shall state that the petitioner has made a good faith attempt to determine whether the recipient has executed a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act and to obtain copies of these instruments if they exist. If either of the above-named instruments is available to the petitioner, the instrument or a copy of the instrument shall be attached to the petition as an exhibit. The petitioner shall deliver a copy of the petition, and notice of the time and place of the hearing, to the respondent, his or her attorney, any known agent or attorney-in-fact, if any, and the guardian, if any, no later than 3 days prior to the date of the hearing. Service of the petition and notice of the time and place of the hearing may be made by transmitting them via facsimile machine to the respondent or other party. Upon receipt of the petition and notice, the party served, or the person delivering the petition and notice to the party served, shall acknowledge service. If the party sending the petition and notice does not receive acknowledgement of service within 24 hours, service must be made by personal service.

If the hearing is requested to be held immediately following the hearing on a petition for involuntary admission, then the notice requirement shall be the same as that for the hearing on the petition for involuntary admission, and the petition filed pursuant to this Section shall be filed with the petition for involuntary admission. The petition may include a request that the court authorize such testing and procedures as may be essential for the safe and effective administration of the authorized involuntary treatment sought to be administered, but only where the petition sets forth the specific testing and procedures sought to be administered.

If a hearing is requested to be held immediately following the hearing on a petition for involuntary admission, then the notice requirement shall be the same as that for the hearing on the petition for involuntary admission, and the petition filed pursuant to this Section shall be filed with the petition for involuntary admission.

(2) The court shall hold a hearing within 7 days of the filing of the petition. The People, the petitioner, or the respondent shall be entitled to a continuance of up to 7 days as of right. An additional continuance of not more than 7 days may be granted to any party (i) upon a showing that the continuance is needed in order to adequately prepare for or present evidence in a hearing under this Section or (ii) under exceptional circumstances. The court may grant an additional continuance not to exceed 21 days when, in its discretion, the court determines...
that such a continuance is necessary in order to provide the recipient with an examination pursuant to Section 3-803 or 3-804 of this Act, to provide the recipient with a trial by jury as provided in Section 3-802 of this Act, or to arrange for the substitution of counsel as provided for by the Illinois Supreme Court Rules. The hearing shall be separate from a judicial proceeding held to determine whether a person is subject to involuntary admission but may be heard immediately preceding or following such a judicial proceeding and may be heard by the same trier of fact or law as in that judicial proceeding.

(3) Unless otherwise provided herein, the procedures set forth in Article VIII of Chapter 3 of this Act, including the provisions regarding appointment of counsel, shall govern hearings held under this subsection (a-5).

(4) Authorized involuntary treatment shall not be administered to the recipient unless it has been determined by clear and convincing evidence that all of the following factors are present:

(A) That the recipient has a serious mental illness or developmental disability.

(B) That because of said mental illness or developmental disability, the recipient exhibits any one of the following: (i) deterioration of his or her ability to function, (ii) suffering, or (iii) threatening behavior.

(C) That the illness or disability has existed for a period marked by the continuing presence of the symptoms set forth in item (B) of this subdivision (4) or the repeated episodic occurrence of these symptoms.

(D) That the benefits of the treatment outweigh the harm.

(E) That the recipient lacks the capacity to make a reasoned decision about the treatment.

(F) That other less restrictive services have been explored and found inappropriate.

(G) If the petition seeks authorization for testing and other procedures, that such testing and procedures are essential for the safe and effective administration of the treatment.

(5) In no event shall an order issued under this Section be effective for more than 90 days. A second 90-day period of involuntary treatment may be authorized pursuant to a hearing that complies with the standards and procedures of this subsection (a-5). Thereafter, additional 180-day periods of involuntary treatment may be authorized pursuant to the standards and procedures of this Section without limit. If a new petition to authorize the administration of authorized involuntary treatment is filed at least 15 days prior to the expiration of the prior order, and if any continuance of the hearing is agreed to by the recipient, the administration of the treatment may continue in accordance with the prior order pending the completion of a hearing under this Section.

(6) An order issued under this subsection (a-5) shall designate the persons authorized to administer the authorized involuntary treatment under the standards and procedures of this subsection (a-5). Those persons shall have complete discretion not to administer any treatment authorized under this Section. The order shall also specify the medications and the anticipated range of dosages that have been authorized.

(b) A guardian may be authorized to consent to the administration of authorized involuntary treatment to an objecting recipient only under the standards and procedures of subsection (a-5).

(c) Notwithstanding any other provision of this Section, a guardian may consent to the administration of authorized involuntary treatment to a non-objecting recipient under Article XIa of the Probate Act of 1975.

(d) Nothing in this Section shall prevent the administration of authorized involuntary treatment to recipients in an emergency under Section 2-107 of this Act.

(e) Notwithstanding any of the provisions of this Section, authorized involuntary treatment may be administered pursuant to a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act.

(Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00; 91-787, eff. 1-1-01; revised 6-28-00.)

(405 ILCS 5/3-603) (from Ch. 91 1/2, par. 3-603)

Sec. 3-603. (a) If no physician, qualified examiner, or clinical psychologist is immediately
available or it is not possible after a diligent effort to obtain the certificate provided for in Section 3-602, the respondent may be detained for examination in a mental health facility upon presentation of the petition alone pending the obtaining of such a certificate.

(b) In such instance the petition shall conform to the requirements of Section 3-601 and further specify that:

1. the petitioner believes, as a result of his personal observation, that the respondent is subject to involuntary admission;
2. a diligent effort was made to obtain a certificate;
3. no physician, qualified examiner, or clinical psychologist could be found who has examined or could examine the respondent; and
4. a diligent effort has been made to convince the respondent to appear voluntarily for examination by a physician, qualified examiner, or clinical psychologist, unless the petitioner reasonably believes that effort would impose a risk of harm to the respondent or others.

(Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00; revised 7-5-00.)

(405 ILCS 5/3-704) (from Ch. 91 1/2, par. 3-704)
Sec. 3-704. Examination; detention.

(a) The respondent shall be permitted to remain in his or her place of residence pending any examination. The respondent may be accompanied by one or more of his or her relatives or friends or by his or her attorney to the place of examination. If, however, the court finds that it is necessary in order to complete the examination the court may order that the person be admitted to a mental health facility pending examination and may order a peace officer or other person to transport the person there. The examination shall be conducted at a local mental health facility or hospital or, if possible, in the respondent's own place of residence. No person may be detained for examination under this Section for more than 24 hours. The person shall be released upon completion of the examination unless the physician, qualified examiner or clinical psychologist executes a certificate stating that the person is subject to involuntary admission and in need of immediate hospitalization to protect such person or others from physical harm. Upon admission under this Section treatment may be given pursuant to Section 3-608.

(a-5) Whenever a respondent has been transported to a mental health facility for an examination, the admitting facility shall inquire, upon the respondent's arrival, whether the respondent wishes any person or persons to be notified of his or her detention at that facility. If the respondent does wish to have any person or persons notified of his or her detention at the facility, the facility must promptly make all reasonable attempts to locate the individual identified by the respondent, or at least 2 individuals identified by the respondent if more than one has been identified, and notify them of the respondent's detention at the facility for a mandatory examination pursuant to court order.

(b) Not later than 24 hours, excluding Saturdays, Sundays, and holidays, after admission under this Section, the respondent shall be asked if he desires the petition and the notice required under Section 3-206 sent to any other persons and at least 2 such persons designated by the respondent shall be sent the documents. At the time of his admission the respondent shall be allowed to complete not fewer than 2 telephone calls to such persons as he chooses.

(Source: P.A. 91-726, eff. 6-2-00; 91-837, eff. 6-16-00; revised 7-5-00.)

(405 ILCS 5/3-820) (from Ch. 91 1/2, par. 3-820)
Sec. 3-820. Domestic violence; order of protection. An order of protection, as defined in the Illinois Domestic Violence Act of 1986, as enacted by the 84th General Assembly, may be issued in conjunction with a proceeding for involuntary commitment if the petition for an order of protection alleges that a person who is party to or the subject of the proceeding has been abused by or has abused a family or household member. The Illinois Domestic Violence Act of 1986 shall govern the issuance, enforcement, and recording of orders of protection issued under this Section.

(Source: P.A. 84-1305; revised 2-23-00.)

Section 79. The Illinois Rural/Downstate Health Act is amended by changing Section 4 as follows:

(410 ILCS 65/4) (from Ch. 111 1/2, par. 8054)
Sec. 4. The Center shall have the authority:
(a) To assist rural communities and communities in designated shortage areas by providing

New matter indicated by italics - deletions by strikeout.
technical assistance to community leaders in defining their specific health care needs and identifying strategies to address those needs.

(b) To link rural communities and communities in designated shortage areas with other units in the Department or other State agencies which can assist in the solution of a health care access problem.

c) To maintain and disseminate information on innovative health care strategies, either directly or indirectly.

d) To administer State or federal grant programs relating to rural health or medically underserved areas established by State or federal law for which funding has been made available.

e) To promote the development of primary care services in rural areas and designated shortage areas. Subject to available appropriations, the Department may annually award grants of up to $300,000 each to enable the health services in those areas to offer multi-service comprehensive ambulatory care, thereby improving access to primary care services. Grants may cover operational and facility construction and renovation expenses, including but not limited to the cost of personnel, medical supplies and equipment, patient transportation, and health provider recruitment. The Department shall prescribe by rule standards and procedures for the provision of local matching funds in relation to each grant application. Grants provided under this paragraph (e) shall be in addition to support and assistance provided under subsection (a) of Section 2310-200 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-200). Eligible applicants shall include, but not be limited to, community-based organizations, hospitals, local health departments, and Community Health Centers as defined in Section 4.1 of this Act.

(f) To annually provide grants from available appropriations to hospitals located in medically underserved areas or health manpower shortage areas as defined by the United States Department of Health and Human Services, whose governing boards include significant representation of consumers of hospital services residing in the area served by the hospital, and which agree not to discriminate in any way against any consumer of hospital services based upon the consumer's source of payment for those services. Grants that may be awarded under this paragraph (f) shall be limited to $500,000 and shall not exceed 50% of the total project need indicated in each application. Expenses covered by the grants may include but are not limited to facility renovation, equipment acquisition and maintenance, recruitment of health personnel, diversification of services, and joint venture arrangements.

g) To establish a recruitment center which shall actively recruit physicians and other health care practitioners to participate in the program, maintain contacts with participating practitioners, actively promote health care professional practice in designated shortage areas, assist in matching the skills of participating medical students with the needs of community health centers in designated shortage areas, and assist participating medical students in locating in designated shortage areas.

h) To assist communities in designated shortage areas find alternative services or temporary health care providers when existing health care providers are called into active duty with the armed forces of the United States.

(i) To develop, in cooperation with the Illinois Development Finance Authority, financing programs whose goals and purposes shall be to provide moneys to carry out the purpose of this Act, including, but not limited to, revenue bond programs, revolving loan programs, equipment leasing programs, and working cash programs. The Department may transfer to the Illinois Development Finance Authority, into an account outside of the State treasury, moneys in special funds of the Department for the purposes of establishing those programs. The disposition of any moneys so transferred shall be determined by an interagency agreement.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-5-99.)

Section 79.5. The Vital Records Act is amended by changing Section 25.5 as follows:

Sec. 25.5. Death Certificate Surcharge Fund. The additional $2 fee for certified copies of death certificates and fetal death certificates must be deposited into the Death Certificate Surcharge Fund, a special fund created in the State treasury. Moneys in the Fund, subject to appropriations, may be used as follows: (i) 25% by the Illinois Law Enforcement Training and Standards Board for the purpose of training coroners, (ii) 25% by the Illinois Necropsy Board for equipment and lab facilities, (iii) 25% by the Department of Public Health for the purpose of setting up a statewide database of

New matter indicated by italics - deletions by strikeout.
death certificates, and (iv) 25% for a grant by the Department of Public Health to the Cook County Health Department.
(Source: P.A. 91-382, eff. 7-30-99; revised 2-23-00.)

Section 80. The Environmental Protection Act is amended by changing Sections 19.2, 19.3, 19.4, 19.5, 19.6, 31.1, and 55.6 and by setting forth and renumbering multiple versions of Section 58.15 as follows:

(415 ILCS 5/19.2) (from Ch. 111 1/2, par. 1019.2)
Sec. 19.2. As used in this Title, unless the context clearly requires otherwise:
(a) "Agency" means the Illinois Environmental Protection Agency.
(b) "Fund" means the Water Revolving Fund created pursuant to this Title, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.
(c) "Loan" means a loan made from the Water Pollution Control Loan Program or the Public Water Supply Loan Program to an eligible applicant or a privately owned community water supply as a result of a contractual agreement between the Agency and such applicant.
(d) "Construction" means any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the treatment works or public water supply, engineering, architectural, legal, fiscal or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works or public water supplies, or the inspection or supervision of any of the foregoing items. "Construction" also includes implementation of source water quality protection measures and establishment and implementation of wellhead protection programs in accordance with Section 1452(k)(1) of the federal Safe Drinking Water Act.
(e) "Intended use plan" means a plan which includes a description of the short and long term goals and objectives of the Water Pollution Control Loan Program and the Public Water Supply Loan Program, project categories, discharge requirements, terms of financial assistance and the loan applicants.
(f) "Treatment works" means any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process for wastewater facilities.
(g) "Local government unit" means a county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both.
(h) "Privately owned community water supply" means:
(1) an investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility;
(2) a not-for-profit water corporation, if operating specifically as a water utility; and
(3) a mutually owned or cooperatively owned community water system, if operating as a separate water utility.
(Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99; 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)
(415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)
Sec. 19.3. Water Revolving Fund.
(a) There is hereby created within the State Treasury a Water Revolving Fund, consisting of 3 interest-bearing special programs to be known as the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program, which shall be used and administered by the Agency.
(b) The Water Pollution Control Loan Program shall be used and administered by the Agency.
to provide assistance for the following purposes:

(1) to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal;
(2) to make direct loans at or below market interest rates to any eligible local government unit to finance the construction of wastewater treatment works;
(3) to make direct loans at or below market interest rates to any eligible local government unit to buy or refinance debt obligations for treatment works incurred after March 7, 1985;
(3.5) to make direct loans at or below market interest rates for the implementation of a management program established under Section 319 of the Federal Water Pollution Control Act, as amended;
(4) to guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;
(5) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited in the Fund;
(6) to finance the reasonable costs incurred by the Agency in the administration of the Fund; and
(7) (blank).

(c) The Loan Support Program shall be used and administered by the Agency for the following purposes:

(1) to accept and retain funds from grant awards and appropriations;
(2) to finance the reasonable costs incurred by the Agency in the administration of the Fund, including activities under Title III of this Act, including the administration of the State construction grant program;
(3) to transfer funds to the Water Pollution Control Loan Program and the Public Water Supply Loan Program;
(4) to accept and retain a portion of the loan repayments;
(5) to finance the development of the low interest loan program for public water supply projects;
(6) to finance the reasonable costs incurred by the Agency to provide technical assistance for public water supplies; and
(7) to finance the reasonable costs incurred by the Agency for public water system supervision programs, to administer or provide for technical assistance through source water protection programs, to develop and implement a capacity development strategy, to delineate and assess source water protection areas, and for an operator certification program in accordance with Section 1452 of the federal Safe Drinking Water Act.

(d) The Public Water Supply Loan Program shall be used and administered by the Agency to provide assistance to local government units and privately owned community water supplies for public water supplies for the following public purposes:

(1) to accept and retain funds from grant awards, appropriations, transfers, and payments of interest and principal;
(2) to make direct loans at or below market interest rates to any eligible local government unit or to any eligible privately owned community water supply to finance the construction of water supplies;
(3) to buy or refinance the debt obligation of a local government unit for costs incurred on or after July 17, 1997;
(4) to guarantee local obligations where such action would improve credit market access or reduce interest rates;
(5) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of such bonds will be deposited into the Fund; and
(6) (blank).

(e) The Agency is designated as the administering agency of the Fund. The Agency shall submit to the Regional Administrator of the United States Environmental Protection Agency an
intended use plan which outlines the proposed use of funds available to the State. The Agency shall take all actions necessary to secure to the State the benefits of the federal Water Pollution Control Act and the federal Safe Drinking Water Act, as now or hereafter amended.

(f) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Water Revolving Fund. Moneys on deposit in the Water Revolving Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to this Section. For the purpose of obtaining capital for deposit into the Water Revolving Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Water Revolving Fund, including any reserve fund or pledged fund, shall be deposited into the Water Revolving Fund.

(Source: P.A. 89-27, eff. 1-1-96; 90-121, eff. 7-17-97; 91-36, eff. 6-15-99; 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)

(415 ILCS 5/19.4) (from Ch. 111 1/2, par. 1019.4)
Sec. 19.4. Regulations; priorities.

(a) The Agency shall have the authority to promulgate regulations to set forth procedures and criteria concerning loan applications. For units of local government, the regulations shall include, but need not be limited to, the following elements: submittal of information to the Agency to ascertain the credit worthiness of the loan applicant; types of security required for the loan including liens; mortgages; and other kinds of security interests; types of collateral as necessary that can be pledged to meet or exceed the loan amount; special loan terms for securing repayment of the loan; the staged access to the fund by privately owned community water supplies;

(1) loan application requirements;
(2) determination of credit worthiness of the loan applicant;
(3) special loan terms, as necessary, for securing the repayment of the loan;
(4) assurance of payment;
(5) interest rates;
(6) loan support rates;
(7) impact on user charges;
(8) eligibility of proposed construction;
(9) priority of needs;
(10) special loan terms for disadvantaged communities;
(11) maximum limits on annual distributions of funds to applicants or groups of applicants;
(12) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery of loan funds; and
(13) indemnification of the State of Illinois and the Agency by the loan recipient.

(b) The Agency shall have the authority to promulgate regulations to set forth procedures and criteria concerning loan applications for loan recipients other than units of local government. In addition to all of the elements required for units of local government under subsection (a), the regulations shall include, but need not be limited to, the following elements:

(1) types of security required for the loan;
(2) types of collateral, as necessary, that can be pledged for the loan; and

(c) The Agency shall develop and maintain a priority list of loan applicants as categorized by need. Priority in making loans from the Public Water Supply Loan Program must first be given to local government units and privately owned community water supplies that need to make capital improvements to protect human health and to achieve compliance with the State and federal primary drinking water standards adopted pursuant to this Act and the federal Safe Drinking Water Act, as now and hereafter amended.

(Source: P.A. 90-121, eff. 7-17-97; 91-36, eff. 6-15-99; 91-52, eff. 6-30-99; 91-501, eff. 8-13-99; revised 10-13-99.)
Sec. 19.5. Loans; repayment.

(a) The Agency shall have the authority to make loans to local government units and privately owned community for the construction of public water supplies pursuant to the regulations promulgated under Section 19.4.

(b) Loans made from the Fund shall provide for:

1. a schedule of disbursement of proceeds;
2. a fixed rate that includes interest and loan support based upon priority, but the loan support rate shall not exceed one-half of the fixed rate established for each loan;
3. a schedule of repayment;
4. initiation of principal repayments within one year after the project is operational; and
5. a confession of judgment upon default.

(c) The Agency may amend existing loans to include a loan support rate only if the overall cost to the loan recipient is not increased.

(d) A local government unit or privately owned community water supply shall secure the payment of its obligations to the Fund by a dedicated source of repayment, including revenues derived from the imposition of rates, fees and charges and other types of security or collateral or both required to secure the loan pursuant to the regulations promulgated under Section 19.4. Other loan applicants shall secure the payment of their obligations by appropriate security and collateral pursuant to regulations promulgated under Section 19.4.

Sec. 19.6. Delinquent loan repayment.

(a) In the event that a timely payment is not made by a loan recipient or privately owned community water supply according to the loan schedule of repayment, the loan recipient or privately owned community water supply shall notify the Agency in writing within 15 days after the payment due date. The notification shall include a statement of the reasons the payment was not timely tendered, the circumstances under which the late payments will be satisfied, and binding commitments to assure future payments. After receipt of this notification, the Agency shall confirm in writing the acceptability of the plan or take action in accordance with subsection (b) of this Section.

(b) In the event that a loan recipient or privately owned community water supply fails to comply with subsection (a) of this Section, the Agency shall promptly issue a notice of delinquency to the loan recipient or privately owned community water supply which shall require a written response within 15 days. The notice of delinquency shall require that the loan recipient or privately owned community water supply revise its rates, fees and charges to meet its obligations pursuant to subsection (d) of Section 19.5 or take other specified actions as may be appropriate to remedy the delinquency and to assure future payments.

(c) In the event that the loan recipient or privately owned community water supply fails to timely or adequately respond to a notice of delinquency, or fails to meet its obligations made pursuant to subsections (a) and (b) of this Section, the Agency shall pursue the collection of the amounts past due, the outstanding loan balance and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by any other reasonable means as may be provided by law, including the taking of title by foreclosure or otherwise to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

Sec. 31.1. Administrative citation.

(a) The prohibitions specified in subsections (o) and (p) of Section 21 of this Act shall be enforceable either by administrative citation under this Section or as otherwise provided by this Act.

(b) Whenever Agency personnel or personnel of a unit of local government to which the Agency has delegated its functions pursuant to subsection (r) of Section 4 of this Act, on the basis of direct observation, determine that any person has violated any provision of subsection (o) or (p)
of Section 21 of this Act, the Agency or such unit of local government may issue and serve an administrative citation upon such person within not more than 60 days after the date of the observed violation. Each such citation issued shall be served upon the person named therein or such person's authorized agent for service of process, and shall include the following information:

1. a statement specifying the provisions of subsection (o) or (p) of Section 21 of which the person was observed to be in violation;

2. a copy of the inspection report in which the Agency or local government recorded the violation, which report shall include the date and time of inspection, and weather conditions prevailing during the inspection;

3. the penalty imposed by subdivision (b)(4) or (b)(4-5) of Section 42 for such violation;

4. instructions for contesting the administrative citation findings pursuant to this Section, including notification that the person has 35 days within which to file a petition for review before the Board to contest the administrative citation; and

5. an affidavit by the personnel observing the violation, attesting to their material actions and observations.

(c) The Agency or unit of local government shall file a copy of each administrative citation served under subsection (b) of this Section with the Board no later than 10 days after the date of service.

(d)(1) If the person named in the administrative citation fails to petition the Board for review within 35 days from the date of service, the Board shall adopt a final order, which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified in subdivision (b)(4) or (b)(4-5) of Section 42.

(2) If a petition for review is filed before the Board to contest an administrative citation issued under subsection (b) of this Section, the Agency or unit of local government shall appear as a complainant at a hearing before the Board to be conducted pursuant to Section 32 of this Act at a time not less than 21 days after notice of such hearing has been sent by the Board to the Agency or unit of local government and the person named in the citation. In such hearings, the burden of proof shall be on the Agency or unit of local government. If, based on the record, the Board finds that the alleged violation occurred, it shall adopt a final order which shall include the administrative citation and findings of violation as alleged in the citation, and shall impose the penalty specified in subdivision (b)(4) or (b)(4-5) of Section 42. However, if the Board finds that the person appealing the citation has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.

(e) Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act shall not apply to any administrative citation issued under subsection (b) of this Section.

(f) The other provisions of this Section shall not apply to a sanitary landfill operated by a unit of local government solely for the purpose of disposing of water and sewage treatment plant sludges, including necessary stabilizing materials.

(g) All final orders issued and entered by the Board pursuant to this Section shall be enforceable by injunction, mandamus or other appropriate remedy, in accordance with Section 42 of this Act.

(Source: P.A. 88-45; 88-496; 88-670, eff. 12-2-94; revised 11-30-00.)

(415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

Sec. 55.6. Used Tire Management Fund.

(a) There is hereby created in the State Treasury a special fund to be known as the Used Tire Management Fund. There shall be deposited into the Fund all monies received as (1) recovered costs or proceeds from the sale of used tires under Section 55.3 of this Act, (2) repayment of loans from the Used Tire Management Fund, or (3) penalties or punitive damages for violations of this Title, except as provided by subdivision (b)(4) or (b)(4-5) of Section 42.

(b) Beginning January 1, 1992, in addition to any other fees required by law, the owner or operator of each site required to be registered under subsection (d) of Section 55 shall pay to the Agency an annual fee of $100. Fees collected under this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Pursuant to appropriation, monies up to an amount of $2 million per fiscal year from the
Used Tire Management Fund shall be allocated as follows:

(1) 38% shall be available to the Agency for the following purposes, provided that priority shall be given to item (i):

(i) To undertake preventive, corrective or removal action as authorized by and in accordance with Section 55.3, and to recover costs in accordance with Section 55.3.

(ii) For the performance of inspection and enforcement activities for used and waste tire sites.

(iii) To assist with marketing of used tires by augmenting the operations of an industrial materials exchange service.

(iv) To provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to subsection (r) of Section 4 at used and waste tire sites.

(v) To provide financial assistance for used and waste tire collection projects sponsored by local government or not-for-profit corporations.

(vi) For the costs of fee collection and administration relating to used and waste tires, and to accomplish such other purposes as are authorized by this Act and regulations thereunder.

(2) 23% shall be available to the Department of Commerce and Community Affairs for the following purposes, provided that priority shall be given to item (A):

(A) To provide grants or loans for the purposes of:

(i) assisting units of local government and private industry in the establishment of facilities and programs to collect, process and utilize used and waste tires and tire derived materials;

(ii) demonstrating the feasibility of innovative technologies as a means of collecting, storing, processing and utilizing used and waste tires and tire derived materials; and

(iii) applying demonstrated technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials.

(B) To develop educational material for use by officials and the public to better understand and respond to the problems posed by used tires and associated insects.

(C) (Blank).

(D) To perform such research as the Director deems appropriate to help meet the purposes of this Act.

(E) To pay the costs of administration of its activities authorized under this Act.

(3) 25% shall be available to the Illinois Department of Public Health for the following purposes:

(A) To investigate threats or potential threats to the public health related to mosquitoes and other vectors of disease associated with the improper storage, handling and disposal of tires, improper waste disposal, or natural conditions.

(B) To conduct surveillance and monitoring activities for mosquitoes and other arthropod vectors of disease, and surveillance of animals which provide a reservoir for disease-producing organisms.

(C) To conduct training activities to promote vector control programs and integrated pest management as defined in the Vector Control Act.

(D) To respond to inquiries, investigate complaints, conduct evaluations and provide technical consultation to help reduce or eliminate public health hazards and nuisance conditions associated with mosquitoes and other vectors.

(E) To provide financial assistance to units of local government for training, investigation and response to public nuisances associated with mosquitoes and other vectors of disease.

(4) 2% shall be available to the Department of Agriculture for its activities under the Illinois Pesticide Act relating to used and waste tires.

(5) 2% shall be available to the Pollution Control Board for administration of its activities relating to used and waste tires.

(6) 10% shall be available to the Department of Natural Resources for the Illinois

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Natural History Survey to perform research to study the biology, distribution, population ecology, and biosystematics of tire-breeding arthropods, especially mosquitoes, and the diseases they spread.

(d) By January 1, 1998, and biennially thereafter, each State agency receiving an appropriation from the Used Tire Management Fund shall report to the Governor and the General Assembly on its activities relating to the Fund.

(e) Any monies appropriated from the Used Tire Management Fund, but not obligated, shall revert to the Fund.

(f) In administering the provisions of subdivisions (1), (2) and (3) of subsection (c) of this Section, the Agency, the Department of Commerce and Community Affairs, and the Illinois Department of Public Health shall ensure that appropriate funding assistance is provided to any municipality with a population over 1,000,000 or to any sanitary district which serves a population over 1,000,000.

(g) Pursuant to appropriation, monies in excess of $2 million per fiscal year from the Used Tire Management Fund shall be used as follows:

1. 55% shall be available to the Agency to undertake preventive, corrective or renewed action as authorized by and in accordance with Section 55.3 and to recover costs in accordance with Section 55.3.

2. 45% shall be available to the Department of Commerce and Community Affairs to provide grants or loans for the purposes of:
   (i) assisting units of local government and private industry in the establishment of facilities and programs to collect, process and utilize waste tires and tire derived material;
   (ii) demonstrating the feasibility of innovative technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials; and
   (iii) applying demonstrated technologies as a means of collecting, storing, processing, and utilizing used and waste tires and tire derived materials.

(Source: P.A. 91-856, eff. 6-22-00; revised 11-30-00.)

(415 ILCS 5/58.15)
Sec. 58.15. Brownfields Redevelopment Loan Program.

(a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. All principal, interest, and penalty payments from loans made under this Section shall be deposited into the Brownfields Redevelopment Fund and reused in accordance with this Section.

(b) General requirements for loans:

1. Loans shall be at or below market interest rates in accordance with a formula set forth in regulations promulgated under subsection (c) of this Section.

2. Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in the regulations promulgated under subsection (c) of this Section.

3. The maximum loan amount under this Section for any one project is $1,000,000.

4. In addition to any requirements or conditions placed on loans by regulation, loan agreements under the Brownfields Redevelopment Loan Program shall include the following requirements:
   (A) the loan recipient shall secure the loan repayment obligation;
   (B) completion of the loan repayment shall not exceed 5 years; and
   (C) loan agreements shall provide for a confession of judgment by the loan recipient upon default.

5. Loans shall not be used to cover expenses incurred prior to the approval of the loan application.

6. If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this Section or implementing regulations, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by any other
means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

(c) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to promulgate regulations setting forth procedures and criteria for administering the Brownfields Redevelopment Loan Program. The regulations promulgated by the Agency for loans under this Section shall include, but need not be limited to, the following elements:

(1) loan application requirements;
(2) determination of credit worthiness of the loan applicant;
(3) types of security required for the loan;
(4) types of collateral, as necessary, that can be pledged for the loan;
(5) special loan terms, as necessary, for securing the repayment of the loan;
(6) maximum loan amounts;
(7) purposes for which loans are available;
(8) application periods and content of applications;
(9) procedures for Agency review of loan applications, loan approvals or denials, and loan acceptance by the loan recipient;
(10) procedures for establishing interest rates;
(11) requirements applicable to disbursement of loans to loan recipients;
(12) requirements for securing loan repayment obligations;
(13) conditions or circumstances constituting default;
(14) procedures for repayment of loans and delinquent loans including, but not limited to, the initiation of principal and interest payments following loan acceptance;
(15) loan recipient responsibilities for work schedules, work plans, reports, and record keeping;
(16) evaluation of loan recipient performance, including auditing and access to sites and records;
(17) requirements applicable to contracting and subcontracting by the loan recipient, including procurement requirements;
(18) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery of loan funds; and
(19) indemnification of the State of Illinois and the Agency by the loan recipient.

(d) Moneys in the Brownfields Redevelopment Fund may be used as a source of revenue or security for the principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of those bonds will be deposited into the Fund.

(Source: P.A. 91-36, eff. 6-15-99.)

Sec. 58.16. Construction of school; requirements. This Section applies only to counties with a population of more than 3,000,000. In this Section, "school" means a school as defined in Section 34-1.1 of the School Code. No person shall commence construction on real property of a building intended for use as a school unless:

(1) a Phase 1 Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained;
(2) if the Phase 1 Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, a Phase II Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained; and
(3) if the Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, the real property is enrolled in the Site Remediation Program and remedial action that the Agency approves for the intended use of the property is completed.

(Source: P.A. 91-442, eff. 1-1-00; revised 10-19-99.)

Section 81. The Public Water Supply Operations Act is amended by changing Sections 1 and
Sec. 1. (1) In order to safeguard the health and well being of the populace, every community water supply in Illinois shall have on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of this Act. Except for exempt community water supplies as specified in Section 9.1 of this Act, all portions of a community water supply system shall be under the direct supervision of a properly certified community water supply operator.

(2) The following class requirements apply:
(a) Each community water supply which includes coagulation, lime softening, or sedimentation as a part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class A community water supply operator. This includes all surface water community water supplies.
(b) Each community water supply which includes filtration, aeration and filtration, or ion exchange equipment as a part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class B or Class A community water supply operator.
(c) Each community water supply which utilizes chemical feeding only shall have in its employ at least one natural person certified as competent as a Class C, Class B, or Class A community water supply operator.
(d) Each community water supply in which the facilities are limited to pumpage, storage, or distribution shall have in its employ at least one natural person certified as competent as a Class D, Class C, Class B, or Class A community water supply operator.
(e) A community water supply that cannot be clearly grouped according to this Section will be considered individually and designated within one of the above groups by the Agency. This determination will be based on the nature of the community water supply and on the education and experience necessary to operate it.

(3) A community water supply may satisfy the requirements of this Section by contracting the services of a properly qualified certified operator of the required class or higher, as specified in subsection (2) this. A written agreement to this effect must be on file with the Agency certifying that such an agreement exists, and delegating responsibility and authority to the contracted party. This written agreement shall be signed by both the certified operator to be contracted and the responsible community water supply owner or official custodian and must be approved in writing by the Agency. (Source: P.A. 91-84, eff. 7-9-99; 91-357, eff. 7-29-99; revised 8-30-99.)

Sec. 10. The Agency shall exercise the following functions, powers, and duties with respect to community water supply operator certification:
(a) The Agency shall conduct examinations to ascertain the qualifications of applicants for certificates of competency as community water supply operators, and pass upon the qualifications of applicants for reciprocal certificates.
(b) The Agency shall determine the qualifications of each applicant on the basis of written examinations, and upon a review of the requirements stated in Sections 13 and 14 of this Act.
(c) The Agency may suspend, revoke, or refuse to issue any certificate of competency for any one or any combination of the following causes:
(1) the practice of any fraud or deceit in obtaining or attempting to obtain, renew, or restore a certificate of competency;
(2) any gross negligence, incompetency, misconduct, or falsification of reports in the operation of a water supply;
(3) being declared to be a person under legal disability by a court of competent jurisdiction and not thereafter having been lawfully declared to be a person not under legal disability or to have recovered; or
(4) failure to comply with any of the Rules pertaining to the operation of a water supply.
(e) The Agency shall issue a Certificate to any applicant who has satisfactorily met all the requirements of the Act pertaining to a certificate of competency as a water supply operator.
The Agency shall notify every certified community water supply operator at the last address specified by the operator to the Agency, and at least one month in advance of the expiration of the certificate, of the date of expiration of the certificate and the amount of fee required for its renewal for 3 years.

The Agency shall, upon its own motion, or upon a written complaint, investigate the action of any person holding or claiming to hold a certificate, and take appropriate action.

The Agency is authorized to adopt reasonable and necessary rules to set forth procedures and criteria for the administration of this Act.

(Source: P.A. 91-84, eff. 7-9-99; revised 3-20-00.)

Section 81.5. The Lawn Care Products Application and Notice Act is amended by changing Section 3 as follows:

Sec. 3. Notification requirements for application of lawn care products.

(a) Lawn Markers.

(1) Immediately following application of lawn care products to a lawn, other than a golf course, an applicator for hire shall place a lawn marker at the usual point or points of entry.

(2) The lawn marker shall consist of a 4 inch by 5 inch sign, vertical or horizontal, attached to the upper portion of a dowel or other supporting device with the bottom of the marker extending no less than 12 inches above the turf.

(3) The lawn marker shall be white and lettering on the lawn marker shall be in a contrasting color. The marker shall state on one side, in letters of not less than 3/8 inch, the following: "LAWN CARE APPLICATION - STAY OFF GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall be inserted the name and business telephone number of the applicator for hire)."

(4) The lawn marker shall be removed and discarded by the property owner or resident, or such other person authorized by the property owner or resident, on the day following the application. The lawn marker shall not be removed by any person other than the property owner or resident or person designated by such property owner or resident.

(5) For applications to residential properties of 2 families or less, the applicator for hire shall be required to place lawn markers at the usual point or points of entry.

(6) For applications to residential properties of 2 families or more, or for application to other commercial properties, the applicator for hire shall place lawn markers at the usual point or points of entry to the property to provide notice that lawn care products have been applied to the lawn.

(b) Notification requirement for application of plant protectants on golf courses.

(1) Blanket posting procedure. Each golf course shall post in a conspicuous place or places an all-weather poster or placard stating to users of or visitors to the golf course that from time to time plant protectants are in use and additionally stating that if any questions or concerns arise in relation thereto, the golf course superintendent or his designee should be contacted to supply the information contained in subsection (c) of this Section.

(2) The poster or placard shall be prominently displayed in the pro shop, locker rooms and first tee at each golf course.

(3) The poster or placard shall be a minimum size of 8 1/2 by 11 inches and the lettering shall not be less than 1/2 inch.

(4) The poster or placard shall read: "PLANT PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE. IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION."

(c) Information to Customers of Applicators for Hire. At the time of application of lawn care products to a lawn, an applicator for hire shall provide the following information to the customer:

(1) The brand name or common name of each lawn care product applied;

(2) The type of fertilizer or pesticide contained in the lawn care product applied;

(3) The reason for use of each lawn care product applied;

(4) The range of concentration of end use product applied to the lawn and amount of material applied;

(5) Any special instruction appearing on the label of the lawn care product applicable
to the customer's use of the lawn following application; and

(6) The business name and telephone number of the applicator for hire as well as the
name of the person actually applying lawn care products to the lawn.

(d) Prior notification of application to lawn. In the case of all lawns other than golf courses:

(1) Any neighbor whose property abuts or is adjacent to the property of a customer of
an applicator for hire may receive prior notification of an application by contacting the
applicator for hire and providing his name, address and telephone number.

(2) At least the day before a scheduled application, an applicator for hire shall provide
notification to a person who has requested notification pursuant to paragraph (1) of this
subsection (d), such notification to be made in writing, in person or by telephone, disclosing
the date and approximate time of day of application.

(3) In the event that an applicator for hire is unable to provide prior notification to a
neighbor whose property abuts or is adjacent to the property because of the absence or
inaccessibility of the individual, at the time of application to a customer's lawn, the
applicator for hire shall leave a written notice at the residence of the person requesting
notification, which shall provide the information specified in paragraph (2) of this subsection
(d).

(e) Prior notification of application to golf courses.

(1) Any landlord or resident with property that abuts or is adjacent to a golf course may
receive prior notification of an application of lawn care products or plant protectants, or both,
by contacting the golf course superintendent and providing his name, address and telephone
number.

(2) At least the day before a scheduled application of lawn care products or plant
protectants, or both, the golf course superintendent shall provide notification to any person
who has requested notification pursuant to paragraph (1) of this subsection (e), such
notification to be made in writing, in person or by telephone, disclosing the date and
approximate time of day of application.

(3) In the event that the golf course superintendent is unable to provide prior notification
to a landlord or resident because of the absence or inaccessibility, at the time of application,
of the landlord or resident, the golf course superintendent shall leave a written notice with
the landlord or at the residence which shall provide the information specified in paragraph
(2) of this subsection (e).

(f) Notification for applications of pesticides to school grounds other than school structures.
School districts must maintain a registry of parents and guardians of students who have registered
to receive written notification prior to the application of pesticides to school grounds or provide
written notification to all parents and guardians of students before such pesticide application. Written
notification may be included in newsletters, bulletins, calendars, or other correspondence currently
published by the school district. The written notification must be given at least 2 business days before
application of the pesticide and should identify the intended date of the application of the pesticide
and the name and telephone contact number for the school personnel responsible for the pesticide
application program. Prior written notice shall not be required if there is imminent threat to health
or property. If such a situation arises, the appropriate school personnel must sign a statement
describing the circumstances that gave rise to the health threat and ensure that written notice is
provided as soon as practicable.

(Source: P.A. 91-99, eff. 7-9-99; revised 2-23-00.)

Section 82. The Radiation Protection Act of 1990 is amended by changing Sections 4, 11,
and 25 as follows:

(420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

Sec. 4. Definitions. As used in this Act:

(a) "Accreditation" means the process by which the Department of Nuclear Safety grants
permission to persons meeting the requirements of this Act and the Department's rules and
regulations to engage in the practice of administering radiation to human beings.

(a-5) "By-product material" means: (1) any radioactive material (except special nuclear
material) yielded in or made radioactive by exposure to radiation incident to the process of producing

New matter indicated by italics - deletions by strikeout.
or utilizing special nuclear material; and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

(b) "Department" means the Department of Nuclear Safety in the State of Illinois.

c) "Director" means the Director of the Department of Nuclear Safety.

d) "General license" means a license, pursuant to regulations promulgated by the Department, effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material, including but not limited to by-product, source or special nuclear materials.

(d-3) "Mammography" means radiography of the breast primarily for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

(d-7) "Operator" is an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation.

(e) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law.

(f) "Radiation" or "ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves or visible, infrared, or ultraviolet light.

(f-5) "Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare, and safety.

(g) "Radiation installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed of, or used for any purpose.

(h) "Radiation machine" is any device that produces radiation when in use.

(i) "Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously.

(j) "Radiation source" or "source of ionizing radiation" means a radiation machine or radioactive material as defined herein.

(k) "Source material" means (1) uranium, thorium, or any other material which the Department declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the Department declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.

(l) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Department declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(m) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive materials.

(Source: P.A. 91-188, eff. 7-20-99; 91-340, eff. 7-29-99; revised 10-13-99.)

(420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

(Section scheduled to be repealed on January 1, 2011)

Sec. 11. Federal-State Agreements.

(1) The Governor, on behalf of this State, is authorized to enter into agreements with the
Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State, including, but not limited to, agreements concerning by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(e)(2).

(2) Any person who, on the effective date of an agreement under subsection (1) above, possesses a license issued by the Federal Government governing activities for which the Federal Government, pursuant to such agreement, is transferring its responsibilities to this State shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire 90 days after receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

(3) At such time as Illinois enters into a Federal-State Agreement in accordance with the provisions of this Act, the Department shall license and collect license fees from persons operating radiation installations, including installations involving the use or possession of by-product material as defined in subsection (a-5)(2) of Section 4 and installations having such devices or equipment utilizing or producing radioactive materials but licensure shall not apply to any x-ray machine, including those located in an office of a licensed physician or dentist. The Department may also collect license fees from persons authorized by the Department to engage in decommissioning and decontamination activities at radiation installations including installations licensed to use or possess by-product material as defined in subsection (a-5)(2) of Section 4. The license fees collected from persons authorized to use or possess by-product material as defined in subsection (a-5)(2) of Section 4 or to engage in decommissioning and decontamination activities at radiation installations where such by-product material is used or possessed may include fees sufficient to cover the expenses incurred by the Department in conjunction with monitoring unlicensed properties contaminated with by-product material as defined in subsection (a-5)(2) of Section 4 and overseeing the decontamination of such unlicensed properties.

The Department may impose fees for termination of licenses including, but not limited to, licenses for refining uranium mill concentrates to uranium hexafluoride; licenses for possession and use of source material at ore buying stations, at ion exchange facilities and at facilities where ore is processed to extract metals other than uranium or thorium; and licenses authorizing the use of possession of by-product material as defined in subsection (a-5)(2) of Section 4. The Department may also set license fees for licenses which authorize the distribution of devices, products, or sealed sources involved in the production, utilization, or containment of radiation. After a public hearing before the Department, the fees and collection procedures shall be prescribed under rules and regulations for protection against radiation hazards promulgated under this Act.

(4) The Department is authorized to enter into agreements related to the receipt and expenditure of federal grants and other funds to provide assistance to states and compact regions in fulfilling responsibilities under the federal Low-Level Radioactive Waste Policy Act, as amended. (Source: P.A. 91-86, eff. 7-9-99; 91-340, eff. 7-29-99; revised 10-6-99.)

(420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)
Section scheduled to be repealed on January 1, 2011
Sec. 25. Radiation inspection and testing; fees.
(a) The Department shall inspect and test radiation installations and radiation sources, their immediate surroundings and records concerning their operation to determine whether or not any radiation resulting therefrom is or may be detrimental to health. For the purposes of this Section, "radiation installation" means any location or facility where radiation machines are used. The inspection and testing frequency of a radiation installation shall be based on the installation's class designation in accordance with subsection (f).

Inspections of mammography installations shall also include evaluation of the quality of mammography phantom images produced by mammography equipment. The Department shall promulgate rules establishing procedures and acceptance standards for evaluating the quality of mammography phantom images.

Beginning on the effective date of this amendatory Act of 1997 and until June 30, 2000, the fee for inspection and testing shall be paid yearly at an annualized rate based on the classifications and frequencies set forth in subsection (f). The annualized fee for inspection and testing shall be based on the rate of $55 per radiation machine for machines located in dental offices and clinics and
used solely for dental diagnosis, located in veterinary offices and used solely for diagnosis, or located in offices and clinics of persons licensed under the Podiatric Medical Practice Act of 1987 and shall be based on the rate of $80 per radiation machine for all other radiation machines. The Department may adopt rules detailing the annualized rate structure. For the year beginning January 1, 2000, the annual fee for inspection and testing of Class D radiation installations shall be $25 per radiation machine. The Department is authorized to bill the fees listed in this paragraph as part of the annual fee specified in Section 24.7 of this Act.

Beginning July 1, 2000, the Department shall establish the fees under Section 24.7 of this Act by rule, provided that no increase of the fees shall take effect before January 1, 2001.

(b) (Blank).
(c) (Blank).
(d) (Blank).
(e) (Blank).
(f) For purposes of this Section, radiation installations shall be divided into 4 classes:
   Class A - Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. Operators of Class A installations shall have their radiation machines inspected and tested every 5 years by the Department.
   Class B - Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders. Operators of Class B installations shall have their radiation machines inspected and tested every 2 years by the Department.
   Class C - Class C shall include installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations. Operators of Class C installations shall have their radiation machines inspected and tested annually by the Department.
   Class D - Class D shall include all hospitals and all other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. Each operator of a Class D installation shall maintain a comprehensive radiation protection program. The individual or individuals responsible for implementing this program shall register with the Department in accordance with Section 25.1. As part of this program, the registered individual or individuals shall conduct an annual performance evaluation of all radiation machines and oversee the equipment-related quality assurance practices within the installation. The registered individual or individuals shall determine and document whether the installation's radiation machines are being maintained and operated in accordance with standards promulgated by the Department. Class D installation shall be inspected annually by the Department.
(f-1) Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection and testing.
(f-2) Radiation installations not classified as Class A, B, C, or D shall be inspected according to frequencies established by the Department based upon the associated radiation hazards, as determined by the Department.

(g) The Department is authorized to maintain a facility for the purpose of calibrating radiation detection and measurement instruments in accordance with national standards. The Department may make calibration services available to public or private entities within or outside of Illinois and may assess a reasonable fee for such services.
(Source: P.A. 90-391, eff. 8-15-97; 91-188, eff. 7-20-99; 91-340, eff. 7-29-99; revised 10-13-99.)

Section 82.5. The Food and Agriculture Research Act is amended by changing Section 20 as follows:

(505 ILCS 82/20)

New matter indicated by italics - deletions by strikeout.
Sec. 20. Use of funds. The universities receiving funds under this Act shall work closely with the Illinois Council on Food and Agricultural Research to develop and prioritize an appropriate research agenda for the State system. To support that agenda, funds shall be expended as follows:

1) To support a broad program of food and agricultural research, to include, but not limited to, research on natural resource, environmental, economic, nutritional, and social impacts of agricultural systems, human and animal health, and the concerns of consumers of food and agricultural products and services.

2) To build and maintain research capacity including construction, renovation, and maintenance of physical facilities; acquire and maintain equipment; employ appropriately trained and qualified personnel; provide supplies; and meet the expenses required to conduct the research and related technology transfer activities.

3) A minimum of 15% of the funds allocated to each university shall be used to fund an innovative competitive grants program administered jointly by the 4 institutions identified in Section 15. The grants program is intended to be organized around desired practical, quantifiable, and achievable objectives in the food and agricultural sector. The Illinois Council on Food and Agricultural Research shall assist in evaluating and selecting the proposals for funding. Proposals may be submitted by any nonprofit institution, organization, or agency in Illinois. The principal investigator must be a qualified researcher with experience in a food and agriculture related discipline. Funds from other sources (both public and private) may be combined with funds appropriated for this Act to support cooperative efforts.

4) It is intended that the universities that receive these funds shall continue (i) to operate and maintain the on-campus buildings and facilities used in their agriculture related programs and provide the support services typically provided other university programs, and (ii) to fund agricultural programs from the higher education budget.

(Source: P.A. 89-182, eff. 7-19-95; revised 3-9-00.)

Section 83. The Humane Care for Animals Act is amended by changing Section 16 as follows;

(510 ILCS 70/16) (from Ch. 8, par. 716)
Sec. 16. Violations; punishment; injunctions.
(a) Any person convicted of violating Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor.

(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000.

(3) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor, if such person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of
that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b).

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class C misdemeanor. A second conviction for a violation of Section 3.01 is a Class B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(7) Any person convicted of violating Section 4.03 is guilty of a Class B misdemeanor.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class B misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog.

(9) Any person convicted of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a petty offense. A second or subsequent conviction for a violation of Section 7.1 is a Class C misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 4 felony. A second or subsequent offense is a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97; 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; revised 8-30-99.)

Section 83.5. The Livestock Management Facilities Act is amended by changing Section 20 as follows:

(510 ILCS 77/20)

Sec. 20. Handling, storing and disposing of livestock waste.

(a) The livestock management facility owner or operator shall comply with the requirements for handling, storing, and disposing of livestock wastes as set forth in the rules adopted pursuant to the Illinois Environmental Protection Act concerning agriculture related pollution.

(b) The livestock management facility owner or operator at a facility of less than 1,000 animal units shall not be required to prepare and maintain a waste management plan.

New matter indicated by italics - deletions by strikeout.
(c) The livestock management facility owner or operator at a facility of 1,000 or greater animal units but less than 5,000 animal units shall prepare and maintain on file at the livestock management facility a general waste management plan. Notwithstanding this requirement, a livestock management facility subject to this subsection may be operated on an interim basis but not to exceed 6 months after the effective date of the rules promulgated pursuant to this Act to allow for the owner or operator of the facility to develop a waste management plan. The waste management plan shall be available for inspection during normal business hours by Department personnel.

(d) The livestock management facility owner or operator at a facility of 5,000 or greater animal units shall prepare, maintain, and submit to the Department the waste management plan for approval. Approval of the waste management plan shall be predicated on compliance with provisions of subsection (f). The waste management plan shall be approved by the Department before operation of the facility or in the case of an existing facility, the waste management plan shall be submitted within 60 working days after the effective date of the rules promulgated pursuant to this Act.

The owner or operator of an existing livestock management facility that through growth meets or exceeds 5,000 animal units shall file its waste management plan with the Department within 60 working days after reaching the stated animal units.

The owner or operator of a livestock management facility that is subject to this subsection (d) shall file within 60 working days with the Department a revised waste management plan when there is a change as provided in subsection (c) of this Section that will materially affect compliance with the waste management plan.

(d-5) The owner or operator of multiple livestock management facilities under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (c) of this Section shall prepare and keep on file at each facility a waste management plan in accordance with the requirements of subsection (c). The owner or operator of multiple livestock management facilities that are under common facility ownership where the cumulative animal units of the facilities are equal to or greater than the animal unit numbers provided for in subsection (d) of this Section shall prepare and file with the Department a waste management plan in accordance with the provisions of subsection (d). Cumulative animal units shall be determined by combining the animal units of multiple livestock management facilities under the common facility ownership based upon the design capacity of each facility. For the purposes of this subsection (d-5), "under common facility ownership" means the same person or persons own, directly or indirectly, through majority owned business entities at least 51% of any person or persons (as defined by Section 10.55) that own or operate the livestock management facility or livestock waste handling facility located in the State of Illinois.

(e) The owner or operator of a livestock management facility shall update the waste management plan when there is a change in values shown in the plan under item (1) of subsection (f) of this Section. The waste management plan and records of livestock waste disposal shall be kept on file for three years.

(f) The application of livestock waste to the land is an acceptable, recommended, and established practice in Illinois. However, when livestock waste is not applied in a responsible manner, it may create pollutional problems. It should be recognized that research relative to livestock waste application based on livestock waste nutrient content is currently ongoing. The Dean of the College of Agricultural, Consumer and Environmental Sciences at the University of Illinois, or his or her designee, shall annually report to the Advisory Committee on the status of phosphorus research, including research that has been supported in whole or in part by the Illinois Council on Food and Agricultural Research. The Advisory Committee may also consult with other appropriate research entities on the status of phosphorus research. It is considered acceptable to prepare and implement a waste management plan based on a nitrogen rate, unless otherwise restricted by this Section. The waste management plan shall include the following:

(1) An estimate of the volume of livestock waste to be disposed of annually, which shall be obtained by multiplying the design capacity of the facility by the appropriate amount of waste generated by the animals. The values showing the amount of waste generated in Table 2-1, Midwest Plan Service's, MWPS-18, Livestock Waste Management Facilities Handbook or Design Criteria for the field application of livestock waste adopted by the Agency may be used.
(2) The number of acres available for disposal of the waste, whether they are owned by the owner or operator of the livestock waste management facility or are shown to be contracted with another person or persons for disposal of waste.

(3) An estimate of the nutrient value of the waste. The owner or operator may prepare a plan based on an average of the minimum and maximum numbers in the table values derived from Midwest Plan Service's, MWPS-18, Livestock Waste Facilities Handbook, the Agency's Agriculture Related Pollution regulations, or the results of analysis performed on samples of waste. For the purposes of compliance with this subsection, the nutrient values of livestock waste may vary as indicated in the source table. In the case of laboratory analytical results, the nutrient values may vary with the accuracy of the analytical method.

(3.5) Results of the Bray P1 or Mehlich test for soil phosphorus reported in pounds of elemental phosphorus per acre. Soil samples shall be obtained and analyzed from the livestock waste application fields on land owned or under the control of the owner or operator where applications are planned. Fields where livestock waste is applied shall be sampled every 3 years. Sampling procedures, such as the number of samples and the depth of sampling, as outlined in the current edition of the Illinois Agronomy Handbook shall be followed when soil samples are obtained.

(3.6) If the average Bray P1 or Mehlich test result for soil phosphorus calculated from samples obtained from the application field is 300 pounds or less of elemental phosphorus per acre, livestock waste may continue to be applied to that field in accordance with subsection (f) of this Section. If the average Bray P1 or Mehlich test result for soil phosphorus for an application field is greater than 300 pounds of elemental phosphorus per acre, the owner or operator shall apply livestock waste at the phosphorus rate to the field until the average Bray P1 or Mehlich test for soil phosphorus indicates there is less than 300 pounds of elemental phosphorus per acre. Upon the development of a phosphorus index that is approved subject to the provisions established in Section 55 of this Act, the owner or operator shall use such index in lieu of the 300 pounds of elemental phosphorus per acre.

(4) An indication that the livestock waste will be applied at rates not to exceed the agronomic nitrogen demand of the crops to be grown when averaged over a 5-year period.

(5) A provision that livestock waste applied within 1/4 mile of any residence not part of the facility shall be injected or incorporated on the day of application. However, livestock management facilities and livestock waste handling facilities that have irrigation systems in operation prior to the effective date of this Act or existing facilities applying waste on frozen ground are not subject to the provisions of this item (5).

(6) A provision that livestock waste may not be applied within 200 feet of surface water unless the water is upgrade or there is adequate diking, and waste will not be applied within 150 feet of potable water supply wells.

(7) A provision that livestock waste may not be applied in a 10-year flood plain unless the injection or incorporation method of application is used.

(8) A provision that livestock waste may not be applied in waterways.

(9) A provision that if waste is spread on frozen or snow-covered land, the application will be limited to land areas on which:

(A) land slopes are 5% or less, or

(B) adequate erosion control practices exist.

(10) Methods for disposal of animal waste.

(g) Any person who is required to prepare and maintain a waste management plan and who fails to do so shall be issued a warning letter by the Department for the first violation and shall be given 30 working days to prepare a waste management plan. For failure to prepare and maintain a waste management plan, the person shall be fined an administrative penalty of up to $1,000 by the Department and shall be required to enter into an agreement of compliance to prepare and maintain a waste management plan within 30 working days. For failure to prepare and maintain a waste management plan after the second 30 day period or for failure to enter into a compliance agreement, the Department may issue an operational cease and desist order until compliance is attained.

(Source: P.A. 90-565, eff. 6-1-98; 91-110, eff. 7-13-99; revised 3-9-00.)

Section 84. The Toll Highway Act is amended by changing Section 20.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 20.1. (a) The Authority is hereby authorized, by resolution, to provide for the issuance, from time to time, of refunding or advance refunding bonds for the purpose of refunding any bonds then outstanding at maturity or on any redemption date, whether an entire issue or series, or one or more issues or series, or any portions or parts of any issue or series, which shall have been issued by the Authority or its predecessor, the Illinois State Toll Highway Commission. 

(b) The proceeds of any such refunding bonds may be used for any one or more of the following purposes:

1. To pay the principal amount of any outstanding bonds to be retired at maturity or redeemed prior to maturity;
2. To pay the total amount of any redemption premium incident to redemption of such outstanding bonds to be refunded;
3. To pay the total amount of any interest accrued or to accrue to the date or dates of redemption or maturity of such outstanding bonds to be refunded;
4. To pay any and all costs or expenses incident to such refunding;
5. To make deposits into an irrevocable trust in accordance with subsection (f) of this Section 20.1. Refunding bonds may be issued in amounts sufficient to accomplish any one or more of the foregoing purposes, taking into consideration the income earned on bond proceeds prior to the application thereof or without taking such income into consideration.

(c) The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this Act, insofar as the same may be applicable, and may in harmony therewith be adjusted and modified to conform to the facts and circumstances prevailing in each instance of issuance of such refunding bonds. The Authority need not comply with the requirements of any other law applicable to the issuance of bonds other than as set forth in this Act.

(d) With reference to the investment of the proceeds of any such refunding bonds, the Authority shall not authorize or anticipate investment earnings exceeding such as are authorized or permitted under prevailing federal laws, regulations and administrative rulings and interpretations relating to arbitrage bonds.

(e) The proceeds of any such refunding bonds (together with any other funds available for application to refunding purposes, if so provided or permitted by resolution authorizing the issuance of such refunding bonds, or in a trust indenture securing the same) may be placed in trust to be applied to the purchase, retirement at maturity or redemption of the bonds to be refunded on such dates as may be determined by the Authority. Pending application thereof, the proceeds of such refunding bonds and such other available funds, if any, may be invested in direct obligations of, or obligations the principal of which and any interest on which are unconditionally guaranteed by, the United States of America which shall mature, or which shall be subject to redemption by the holder thereof at its option, not later than the respective date or dates when such proceeds and other available funds, if any, will be required for the refunding purpose intended or authorized.

(f) Upon (1) the deposit of the proceeds of the refunding bonds (together with any other funds available for application to refunding purposes, if so provided or permitted by resolution authorizing the issuance of such refunding bonds, or in a trust indenture securing the same) in an irrevocable trust pursuant to a trust agreement with a trustee requiring the trustee to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption the outstanding bonds for which the proceeds of the refunding bonds and other funds, if any, are deposited, in an amount sufficient to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, or (2) the deposit in such irrevocable trust of direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America in an amount sufficient, without regard to investment earnings thereon, to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, or (3) the deposit in such irrevocable trust of obligations referred to in (2) above in an amount sufficient so that, taking into account investment earnings, upon maturity (or upon optional redemption by the trustee) of such obligations amounts will be produced on a timely basis sufficient to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, such outstanding bonds shall be deemed paid and no longer be deemed to be
outstanding for purposes of such resolution or trust indenture and all rights and obligations under any
such prior resolution or trust indenture shall be deemed discharged notwithstanding any provision
of any such outstanding bonds or any resolution or trust indenture authorizing the issuance of such
outstanding bonds; provided, however, that the holders of such outstanding bonds shall have an
irrevocable and unconditional right to payment in full of all principal of and premium, if any, and
interest on such outstanding bonds, at maturity or upon prior redemption, from the amounts on
deposit in such trust. The trustee shall be any trust company or bank in the State of Illinois having
the power of a trust company possessing capital and surplus of not less than $100,000,000.

(g) It is hereby found and determined that the contractual rights of the bondholders under any
such prior resolution or trust indenture will not be impaired by a refunding pursuant to the provisions
of this Section 20.1 in that, the payment of such outstanding bonds having been provided for as set
forth herein, the bondholders' rights and security as to payment of the principal of, premium, if any,
and interest on such outstanding bonds will have been enhanced, and the bondholders shall suffer no
financial loss. It is hereby further found and determined that a refunding of any outstanding bonds
of the Authority pursuant to this Section 20.1 shall further the purposes set forth in Section 1.
(Source: P.A. 83-1258; revised 1-11-00.)

Section 85. The Illinois Vehicle Code is amended by changing Sections 2-119, 3-616, 3-818,
3-821, 6-110.1, 6-210, 7-707, 11-501.5, and 12-201 as follows:

Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School
Fund in the State Treasury.

(b) Beginning January 1, 1990 and concluding December 31, 1994, of the money collected
for each certificate of title, duplicate certificate of title and corrected certificate of title, $0.50 shall
be deposited into the Used Tire Management Fund. Beginning January 1, 1990 and concluding
December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title
and corrected certificate of title, $1.50 shall be deposited in the Park and Conservation Fund.

Beginning January 1, 1995, of the money collected for each certificate of title, duplicate
certificate of title and corrected certificate of title, $2 shall be deposited in the Park and Conservation
Fund. The moneys deposited in the Park and Conservation Fund pursuant to this Section shall be
used for the acquisition and development of bike paths as provided for in Section 805-420 of the
Department of Natural Resources (Conservation) Law (20 ILCS 805/805-420).

Beginning January 1, 2000 and continuing through December 31, 2004, of the moneys
collected for each certificate of title, duplicate certificate of title, and corrected certificate of title, $48
shall be deposited into the Road Fund and $4 shall be deposited into the Motor Vehicle License Plate
Fund, except that if the balance in the Motor Vehicle License Plate Fund exceeds $40,000,000 on the
last day of a calendar month, then during the next calendar month the $4 shall instead be deposited
into the Road Fund.

Beginning January 1, 2005, of the moneys collected for each certificate of title, duplicate
certificate of title, and corrected certificate of title, $52 shall be deposited into the Road Fund.

Except as otherwise provided in this Code, all remaining moneys collected for certificates
of title, and all moneys collected for filing of security interests, shall be placed in the General
Revenue Fund in the State Treasury.

(c) All moneys collected for that portion of a driver's license fee designated for driver
education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.

(d) Beginning January 1, 1999, of the monies collected as a registration fee for each
motorcycle, motor driven cycle and motorized pedalcycle, 27% of each annual registration fee for
such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle
Rider Safety Training Fund.

(e) Of the monies received by the Secretary of State as registration fees or taxes or as
payment of any other fee, as provided in this Act, except fees received by the Secretary under
paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be
deposited into the State Construction Fund.

(f) Of the total money collected for a CDL instruction permit or original or renewal issuance
of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act

New matter indicated by italics - deletions by strikeout.
(UCDLA): (i) $6 of the total fee for an original or renewal CDL, and $6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) $20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) All remaining moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing special registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

On or before October 1, 1995, the Secretary of State shall direct the State Comptroller and State Treasurer to transfer any unexpended balance in the Special Environmental License Plate Fund, the Special Korean War Veteran License Plate Fund, and the Retired Congressional License Plate Fund to the Secretary of State Special License Plate Fund.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, $17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(Source: P.A. 90-14, eff. 7-1-97; 90-287, eff. 1-1-98; 90-622, eff. 1-1-99; 91-37, eff. 7-1-99; 91-239, eff. 1-1-00; 91-537, eff. 8-13-99; 91-832, eff. 6-16-00; revised 7-5-00.)

(625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

Sec. 3-616. Person with disabilities license plates.

(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611, provided that the person with disabilities or person who is deaf or hard of hearing must not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided

New matter indicated by italics - deletions by strikeout.
that any person making such a request must submit a statement certified by a licensed physician to
the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code,
or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type
Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For
purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois
Identification Card Act indicating that the person thereon named has a disability shall be adequate
documentation of such a disability.

(b) The Secretary shall issue plates under this Section to a person without disabilities if a
member of that person's immediate family has a Class 1A or Class 2A disability as defined in Section
4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section 1-159.1
of this Code, and does not possess a vehicle registered in the name of the person with disabilities
under Section 3-616, provided that the person with disabilities relies frequently on the applicant for
transportation in the vehicle to be registered. Only 2 two vehicles per family may be registered under
this subsection. Any person requesting special plates under this subsection shall submit such
documentation or such physician's statement as is required in subsection paragraph (a) and a
statement describing the circumstances qualifying for issuance of special plates under this subsection.

(c) The Secretary may issue a person with disabilities parking decal or device to a person
with disabilities as defined by Section 1-159.1 without regard to qualification of such person with
disabilities for a driver's license or registration of a vehicle by such person with disabilities or such
person's immediate family, provided such person with disabilities making such a request has been
issued a Disabled Person Identification Card indicating that the person named thereon has a Class
1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician to
the effect that such person is a person with disabilities as defined by Section 1-159.1.

(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify
as necessary the eligibility of persons whose disabilities are other than permanent for special plates
or person with disabilities parking decals or devices issued under subsections (a), (b) and (c). Except
as provided under subsection (f) of this Section, no such special plates, decals or devices shall be
issued by the Secretary of State to or on behalf of any person with disabilities unless such person is
certified as meeting the definition of a person with disabilities pursuant to Section 1-159.1 or meeting
the requirement of a Type Four disability as provided under Section 4A of the Illinois Identification
Card Act for the period of time that the physician determines the applicant will have the disability,
but not to exceed 6 months from the date of certification or recertification.

(e) Any person requesting special plates under this Section may also apply to have the special
plates personalized, as provided under Section 3-405.1.

(f) The Secretary of State, upon application, shall issue person with disabilities registration
plates or a person with disabilities parking decal to corporations, school districts, State or municipal
agencies, limited liability companies, nursing homes, convalescent homes, or special education
cooperatives which will transport persons with disabilities. The Secretary shall prescribe by rule a
means to certify or re-certify the eligibility of organizations to receive person with disabilities plates
decals or devices and to designate which of the 2 two person with disabilities emblems shall be placed on
qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into agreements with other
jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of
parking privileges by such jurisdictions to permanently disabled residents of this State who display
a special license plate or parking device that contains the International symbol of access on his or her
motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State
shall grant the same parking privileges which are granted to disabled residents of this State to any
non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if
such vehicle displays the international symbol of access or a distinguishing insignia on license plates
or parking device issued in accordance with the laws of the non-resident's state, district, territory or
foreign country.

(Source: P.A. 91-769, eff. 6-9-00; revised 12-26-00.)

(625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)
Sec. 3-818. (a) Mileage weight tax option. Any owner of a vehicle of the second division
may elect to pay a mileage weight tax for such vehicle in lieu of the flat weight tax set out in Section

New matter indicated by italics - deletions by strikeout.
3-815. Such election shall be binding to the end of the registration year. Renewal of this election must be filed with the Secretary of State on or before July 1 of each registration period. In such event the owner shall, at the time of making such election, pay the $10 registration fee and the minimum guaranteed mileage weight tax, as hereinafter provided, which payment shall permit the owner to operate that vehicle the maximum mileage in this State hereinafter set forth. Any vehicle being operated on mileage plates cannot be operated outside of this State. In addition thereto, the owner of that vehicle shall pay a mileage weight tax at the following rates for each mile traveled in this State in excess of the maximum mileage provided under the minimum guaranteed basis:

<table>
<thead>
<tr>
<th>BUS, TRUCK OR TRUCK TRACTOR</th>
<th>Maximum Mileage</th>
<th>Minimum Mileage</th>
<th>Weight Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Weight and Load Class</td>
<td>Guaranteed Permitted for Mileage</td>
<td>Weight</td>
<td>Guaranteed</td>
</tr>
<tr>
<td>12,000 lbs. or less MD</td>
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<td>5,000</td>
<td>26 Mills</td>
</tr>
<tr>
<td>12,001 to 16,000 lbs. MF</td>
<td>120</td>
<td>6,000</td>
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<td>55,000 to 59,500 lbs. MS</td>
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<td>77,001 to 80,000 lbs. MZ</td>
<td>1,415</td>
<td>7,000</td>
<td>275 Mills</td>
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<table>
<thead>
<tr>
<th>TRAILER</th>
<th>Maximum Mileage</th>
<th>Minimum Mileage</th>
<th>Weight Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Weight and Load Class</td>
<td>Guaranteed Permitted for Mileage</td>
<td>Weight</td>
<td>Guaranteed</td>
</tr>
<tr>
<td>14,000 lbs. or less ME</td>
<td>$75</td>
<td>5,000</td>
<td>31 Mills</td>
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<td>14,001 to 20,000 lbs. MF</td>
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<td>150 Mills</td>
</tr>
</tbody>
</table>

(a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that are subject to the gross weight limitations in subsection (b) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in subsection (a), $125 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Special Hauling Vehicle.

In preparing rate schedules on registration applications, the Secretary of State shall add to the above rates, the $10 registration fee. The Secretary may decline to accept any renewal filed after July 1st.

The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.

Every owner of a second division motor vehicle for which he has elected to pay a mileage weight tax shall keep a daily record upon forms prescribed by the Secretary of State, showing the mileage covered by that vehicle in this State. Such record shall contain the license number of the

New matter indicated by italics - deletions by strikeout.
vehicle and the miles traveled by the vehicle in this State for each day of the calendar month. Such owner shall also maintain records of fuel consumed by each such motor vehicle and fuel purchases therefor. On or before the 10th day of January and July the owner shall certify to the Secretary of State upon forms prescribed therefor, summaries of his daily records which shall show the miles traveled by the vehicle in this State during the preceding 6 months and such other information as the Secretary of State may require. The daily record and fuel records shall be filed, preserved and available for audit for a period of 3 years. Any owner filing a return hereunder shall certify that such return is a true, correct and complete return. Any person who willfully makes a false return hereunder is guilty of perjury and shall be punished in the same manner and to the same extent as is provided therefor.

At the time of filing his return, each owner shall pay to the Secretary of State the proper amount of tax at the rate herein imposed.

Every owner of a vehicle of the second division who elects to pay on a mileage weight tax basis and who operates the vehicle within this State, shall file with the Secretary of State a bond in the amount of $500. The bond shall be in a form approved by the Secretary of State and with a surety company approved by the Illinois Department of Insurance to transact business in this State as surety, and shall be conditioned upon such applicant's paying to the State of Illinois all money becoming due by reason of the operation of the second division vehicle in this State, together with all penalties and interest thereon.

Upon notice from the Secretary that the registrant has failed to pay the excess mileage fees, the surety shall immediately pay the fees together with any penalties and interest thereon in an amount not to exceed the limits of the bond.

(Source: P.A. 91-37, eff. 7-1-99; 91-499, eff. 8-13-99; revised 10-26-99.)

(625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

Sec. 3-821. Miscellaneous Registration and Title Fees.

(a) The fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule:

- Certificate of Title, except for an all-terrain vehicle or off-highway motorcycle: $65
- Certificate of Title for an all-terrain vehicle or off-highway motorcycle: $30
- Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade: 13
- Transfer of Registration or any evidence of proper registration: 15
- Duplicate Registration Card for plates or other evidence of proper registration: 3
- Duplicate Registration Sticker or Stickers, each: 5
- Duplicate Certificate of Title: 65
- Corrected Registration Card or Card for other evidence of proper registration: 3
- Corrected Certificate of Title: 65
- Salvage Certificate: 4
- Fleet Reciprocity Permit: 15
- Prorate Decal: 1
- Prorate Backing Plate: 3

There shall be no fee paid for a Junking Certificate.

(b) The Secretary may prescribe the maximum service charge to be imposed upon an applicant for renewal of a registration by any person authorized by law to receive and remit or transmit to the Secretary such renewal application and fees therewith.

(c) If a check is delivered to the Office of the Secretary of State as payment of any fee or tax under this Code, and such check is not honored by the bank on which it is drawn for any reason, the
registrant or other person tendering the check remains liable for the payment of such fee or tax. The Secretary of State may assess a service charge of $19 in addition to the fee or tax due and owing for all dishonored checks.

If the total amount then due and owing exceeds the sum of $50 and has not been paid in full within 60 days from the date such fee or tax became due to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid.

All amounts payable under this Section shall be computed to the nearest dollar.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be $15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of $8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be $15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(Source: P.A. 90-287, eff. 1-1-98; 90-774, eff. 8-14-98; 91-37, eff. 7-1-99; 91-441, eff. 1-1-00; revised 10-19-99.)

(625 ILCS 5/6-110.1)
Sec. 6-110.1. Confidentiality of captured photographs or images. The Secretary of State shall maintain a file on or contract to file all photographs and signatures obtained in the process of issuing a driver's license, permit, or identification card. The photographs and signatures shall be confidential and shall not be disclosed except to the following persons:

(1) the individual upon written request;
(2) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling driver's licenses, permits, or identification cards;
(3) law enforcement officials for a lawful, civil, or criminal law enforcement investigation; or
(4) other entities that as the Secretary may exempt by rule.

(Source: P.A. 90-191, eff. 1-1-98; revised 2-9-00.)

(625 ILCS 5/6-210) (from Ch. 95 1/2, par. 6-210)
Sec. 6-210. No operation under foreign license during suspension or revocation in this State. Any resident or nonresident whose drivers license or permit or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this State:

(1) during the period of such suspension, except as permitted by a restricted driving permit issued under the provisions of Section 6-206 (b) of this Act; or
(2) after such revocation until a license is obtained when and as permitted under this Act, except as permitted by a restricted driving permit issued under the provisions in paragraph (c) of Section 6-205 of this Act.

(Source: P.A. 76-1586; revised 1-16-01.)
Sec. 7-707. Payment of reinstatement fee. When an obligor receives notice from the Secretary of State that the suspension of driving privileges has been terminated based upon receipt of notification from the circuit clerk of the obligor's compliance with a court order of support, the obligor shall pay a $30 reinstatement fee to the Secretary of State as set forth in Section 6-118 of this Code. The fee shall be deposited into the Family Responsibility Fund. In accordance with subsection (e) of Section 6-115 of this Code, the Secretary of State may decline to process a renewal of a driver's license of a person who has not paid this fee.

(Source: P.A. 89-92, eff. 7-1-96; revised 10-20-00.)

Sec. 11-501.5. Preliminary Breath Screening Test.

(a) If a law enforcement officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501 or a similar provision of a local ordinance, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The person may refuse the test. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2, and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the preliminary breath screening test, if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Section 11-501 or 11-501.1.

(b) The Department of State Police shall create a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as a noninvasive technique to detect and measure possible impairment of any person who drives or is in actual physical control of a motor vehicle resulting from the suspected usage of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof. This technology shall also be used to detect fatigue levels of the operator of a Commercial Motor Vehicle as defined in Section 6-500(6), pursuant to Section 18b-105 (Part 395-Hours of Service of Drivers) of the Illinois Vehicle Code. A State Police officer may request that the operator of a commercial motor vehicle have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The State Police officer shall have the device readily available to limit undue delays.

If a State Police officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501, the officer may use the pupillometer technology, when available. The officer, prior to an arrest, may request the person to have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The results of this examination or test may be used by the officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2 and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the pupillometer examination or test, if probable cause for an arrest exists. The result of the examination or test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Section 11-501 or 11-501.1.

The pilot program shall last for a period of 18 months and involve the testing of 15 pupillometer devices. Within 90 days of the completion of the pilot project, the Department of State Police shall file a report with the President of the Senate and Speaker of the House evaluating the project.

(Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; revised 7-12-00.)

Sec. 12-201. When lighted lamps are required.

(a) When operated upon any highway in this State, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least 500 feet in the direction the motorcycle is proceeding. However, in lieu of such lighted lamp, a motorcycle may be equipped with and use a means of modulating the upper beam of the head lamp between high and a lower
brightness. No such head lamp shall be modulated, except to otherwise comply with this Code, during times when lighted lamps are required for other motor vehicles.

(b) All other motor vehicles shall exhibit at least 2 lighted head lamps, with at least one on each side of the front of the vehicle, which satisfy United States Department of Transportation requirements, showing white lights, including that emitted by high intensity discharge (HID) lamps, or lights of a yellow or amber tint, during the period from sunset to sunrise, at times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet. Parking lamps may be used in addition to but not in lieu of such head lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least 2 lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction, except that a truck tractor or road tractor manufactured before January 1, 1968 and all motorcycles need be equipped with only one such tail lamp.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(d) A person shall install only head lamps that satisfy United States Department of Transportation regulations and show white light, including that emitted by HID lamps, or light of a yellow or amber tint for use by a motor vehicle.

(Source: P.A. 91-130, eff. 1-1-00; 91-135, eff. 1-1-00; revised 10-8-99.)

Section 85.2. The Official Court Reports Act is amended by changing Section 6 as follows:

(705 ILCS 65/6) (from Ch. 37, par. 646)

Sec. 6. The reports of decisions of the Supreme Court and Appellate Court shall be distributed as follows: Five copies to the Library of Congress, one copy to the President of the United States, one copy to each state and territorial library, one copy to each State officer required to reside at the seat of government, and one copy to the Legislative Reference Bureau. Five copies shall be deposited in the library of the Supreme Court of this State, and 2 copies shall be deposited in the State Library for the use of the State.

For the purpose of carrying into effect the provisions of this Section, the Director of the Administrative Office of the Illinois Courts is authorized and required to purchase a sufficient number of copies of each volume of the said reports from time to time as they are published.

This provision shall not be construed to require the Director to purchase and distribute the reports to any office or library that declines receipt of them.

The Director of the Administrative Office of the Illinois Courts is authorized to purchase a sufficient number of copies of each volume of reports as required by the judges, clerks of courts, and research departments of the Supreme Court, the Appellate Court, and the circuit courts of this State.

(Source: P.A. 88-44; revised 2-23-00.)

Section 85.4. The Foreign Language Court Interpreter Act is amended by changing Section 5 as follows:

(705 ILCS 78/5)

Sec. 5. Foreign Language Court Interpreter Program. The Supreme Court may establish and administer by rule or procedure a program of testing and certification for foreign language court interpreters. The program may provide that:

(1) The Administrative Office of the Illinois Courts may work cooperatively with community colleges and other private or public educational institutions and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs may be made readily available throughout the State.

(2) The Administrative Office of the Illinois Courts may establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(3) The Administrative Office of the Illinois Courts may conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations may be made readily available throughout the State.

New matter indicated by italics - deletions by strikeout.
available throughout the State.


(5) The Administrative Office of the Illinois Courts may charge reasonable fees, as authorized by the Supreme Court, for testing, training, and certification. These fees shall be deposited into the Foreign Language Interpreter Fund, which is hereby created as a special fund in the State Treasury.

(6) The expenses of testing, training, and certifying foreign language court interpreters under the program, as authorized by the Supreme Court, may be paid, subject to appropriation, from the Foreign Language Interpreter Fund or any other source of funds available for this purpose.

(Source: P.A. 90-771, eff. 1-1-99; revised 2-23-00.)

Section 86. The Clerks of Courts Act is amended by changing Sections 27.1, 27.1a, and 27.2 as follows:

(705 ILCS 105/27.1) (from Ch. 25, par. 27.1)
Sec. 27.1. The fees of the Clerk of the Circuit Court in all counties having a population of 180,000 inhabitants or less shall be paid in advance, except as otherwise provided, and shall be as follows:

<table>
<thead>
<tr>
<th>Civil Cases</th>
<th>$40</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) All civil cases except as otherwise provided</td>
<td>$40</td>
</tr>
<tr>
<td>(2) Judicial Sales (except Probate)</td>
<td>$40</td>
</tr>
<tr>
<td>(b) Family</td>
<td></td>
</tr>
<tr>
<td>(1) Commitment petitions under the Mental Health and Developmental Disabilities Code, filing transcript of commitment proceedings held in another county, and cases under the Juvenile Court Act of 1987</td>
<td>$25</td>
</tr>
<tr>
<td>(2) Petition for Marriage Licenses</td>
<td>$10</td>
</tr>
<tr>
<td>(3) Marriages in Court</td>
<td>$10</td>
</tr>
<tr>
<td>(4) Paternity</td>
<td>$40</td>
</tr>
<tr>
<td>(c) Criminal and Quasi-Criminal</td>
<td></td>
</tr>
<tr>
<td>(1) Each person convicted of a felony</td>
<td>$40</td>
</tr>
<tr>
<td>(2) Each person convicted of a misdemeanor, leaving scene of an accident, driving while intoxicated, reckless driving or drag racing, driving when license revoked or suspended, overweight, or no interstate commerce certificate, or when the disposition is court supervision</td>
<td>$25</td>
</tr>
<tr>
<td>(3) Each person convicted of a business offense</td>
<td>$25</td>
</tr>
<tr>
<td>(4) Each person convicted of a petty offense</td>
<td>$25</td>
</tr>
<tr>
<td>(5) Minor traffic, conservation, or ordinance violation, including without limitation when the disposition is court supervision:</td>
<td></td>
</tr>
<tr>
<td>(i) For each offense</td>
<td>$10</td>
</tr>
<tr>
<td>(ii) For each notice sent to the defendant's last known address pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code</td>
<td>$2</td>
</tr>
<tr>
<td>(iii) For each notice sent to the Secretary of State pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code</td>
<td>$2</td>
</tr>
<tr>
<td>(6) When Court Appearance required</td>
<td>$15</td>
</tr>
<tr>
<td>(7) Motions to vacate or amend final orders</td>
<td>$10</td>
</tr>
<tr>
<td>(8) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fees shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
(d) Other Civil Cases.
   (1) Money or personal property claimed does not exceed $500................................. $10
   (2) Exceeds $500 but not more than $10,000... $25
   (3) Exceeds $10,000, when relief in addition to or supplemental to recovery of money alone is sought in an action to recover personal property taxes or retailers occupational tax regardless of amount claimed......................................................... $45
   (4) The Clerk of the Circuit Court shall be entitled to receive, in addition to other fees allowed by law, the sum of $62.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain, and in every equitable action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing his jury demand. If such a fee is not paid by either party, no jury shall be called in the action, suit, or proceeding, and the same shall be tried by the court without a jury.

(e) Confession of judgment and answer.
   (1) When the amount does not exceed $1,000... $20
   (2) Exceeds $1,000........................... $40

(f) Auxiliary Proceedings.
    Any auxiliary proceeding relating to the collection of a money judgment, including garnishment, citation, or wage deduction action.... $5

(g) Forcible entry and detainer.
    (1) For possession only or possession and rent not in excess of $10,000................. $10
    (2) For possession and rent in excess of $10,000........................................... $40

(h) Eminent Domain.
    (1) Exercise of Eminent Domain............... $45
    (2) For each and every lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessments by a jury............. $45

(i) Reinstatement.
    Each case including petition for modification of a judgment or order of Court if filed later than 30 days after the entry of a judgment or order, except in forcible entry and detainer cases and small claims and except a petition to modify, terminate, or enforce a judgement or order for child or spousal support or to modify, suspend, or terminate an order for withholding, petition to vacate judgment of dismissal for want of prosecution whenever filed, petition to reopen an estate, or redocketing of any cause................ $20

(j) Probate.
    (1) Administration of decedent's estates, whether testate or intestate, guardianships of the person or estate or both of a person under legal disability, guardianships of the person or estate or both of a minor or minors, or petitions to sell real estate in the administration of any estate...$50
    (2) Small estates in cases where the real and personal property of an estate does not exceed $5,000................................. $25
    (3) At any time during the administration of the estate, however, at the request of the Clerk, the Court shall examine the record of the estate and the personal representative to determine the total value of the real and personal property of the estate, and if such value exceeds $5,000 shall order the payment of an additional fee in the amount of................................. $40
    (4) Inheritance tax proceedings............. $15
    (5) Issuing letters only for a certain specific reason other than the administration of an estate, including but not limited to the release of mortgage; the issue of letters of guardianship in order that consent to marriage may be granted or for some other specific reason other than for the care of property or person; proof of heirship without administration;
or when a will is to be admitted to probate, but the estate is to be settled without administration............................................. $10

(6) When a separate complaint relating to any matter other than a routine claim is filed in an estate, the required additional fee shall be charged for such filing........................................... $45

(k) Change of Venue.
From a court, the charge is the same amount as the original filing fee; however, the fee for preparation and certification of record on change of venue, when original documents or copies are forwarded......................................................... $10

(l) Answer, adverse pleading, or appearance.
In civil cases........................................ $15
With the following exceptions:
(1) When the amount does not exceed $500..... $5
(2) When amount exceeds $500 but not $10,000. $10
(3) When amount exceeds $10,000.............. $15
(4) Court appeals when documents are forwarded, over 200 pages, additional fee per page over 200........................................... 10¢

(m) Tax objection complaints.
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining the complaint......................................................... $10

(n) Tax deed.
(1) Petition for tax deed, if only one parcel is involved........................................ $45
(2) For each additional parcel involved, an additional fee of.............................................. $10

(o) Mailing Notices and Processes.
(1) All notices that the clerk is required to mail as first class mail............................... $2
(2) For all processes or notices the Clerk is required to mail by certified or registered mail, the fee will be $2 plus cost of postage.

(p) Certification or Authentication.
(1) Each certification or authentication for taking the acknowledgement of a deed or other instrument in writing with seal of office............. $2
(2) Court appeals when original documents are forwarded, 100 pages or under, plus delivery costs........................................... $25
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery costs..... $60
(4) Court appeals when original documents are forwarded, over 200 pages, additional fee per page over 200........................................... 10¢

(q) Reproductions.
Each record of proceedings and judgment, whether on appeal, change of venue, certified copies of orders and judgments, and all other instruments, documents, records, or papers:
(1) First page........................................ $1
(2) Next 19 pages, per page............. 50¢
(3) All remaining pages, per page........ 25¢

(r) Counterclaim.
When any defendant files a counterclaim as part of his or her answer or otherwise, or joins another party as a third party defendant, or both, he or she shall pay a fee for each such counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(s) Transcript of Judgment.
From a court, the same fee as if case originally filed.

(t) Publications.
The cost of publication shall be paid directly to the publisher by the person seeking the publication, whether the clerk is required by law to publish, or the parties to the action.

(u) Collections.
(1) For all collections made for others, except the State and County and except in
maintenance or child support cases, a sum equal to 2% of the amount collected and turned over.

(2) In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court, the Clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(3) In maintenance and child support matters, the Clerk may deduct from each payment an amount equal to the United States postage to be used in mailing the maintenance or child support check to the recipient. In such cases, the Clerk shall collect an annual fee of up to $36 from the person making such payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited in a separate Maintenance and Child Support Collection Fund of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(4) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office. The Clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(v) Correction of Cases.

For correcting the case number or case title on any document filed in his office, to be charged against the party that filed the document........... $10

(w) Record Search.

For searching a record, per year searched..... $4

(x) Printed Output.

For each page of hard copy print output, when case records are maintained on an automated medium. $2

(y) Alias Summons.

For each alias summons issued.................. $2

(z) Expungement of Records.

For each expungement petition filed......... $15

(aa) Other Fees.

Any fees not covered by this Section shall be set by rule or administrative order of the Circuit Court, with the approval of the Supreme Court.

(bb) Exemptions.

No fee provided for herein shall be charged to any unit of State or local government or school district unless the Court orders another party to pay such fee on its behalf. The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws and ordinances. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the
building to take any of the actions authorized under that subsection.

(cc) Adoptions.

(1) For an adoption......................... $65
(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(dd) Adoption exemptions.

No fee other than that set forth in subsection (cc) shall be charged to any person in connection with an adoption proceeding.

(ee) Additional Services.

Beginning July 1, 1993, the clerk of the circuit court may provide such additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the public and by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff. 7-29-99; 91-612, eff. 10-1-99; revised 10-26-99.)

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population in excess of 180,000 but not more than 650,000 inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows: (a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.
(B) When that amount exceeds $250 but does not exceed $500, $20.
(C) When that amount exceeds $500 but does not exceed $2500, $30.
(D) When that amount exceeds $2500 but does not exceed $15,000, $75.
(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150. (a-1) Family.
For filing a petition under the Juvenile Court Act of 1987, $25.
For filing a petition for a marriage license, $10.
For performing a marriage in court, $10.
For filing a petition under the Illinois Parentage Act of 1984, $40. (b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $50. When the amount exceeds $1500, but does not exceed $15,000, $115. When the amount exceeds $15,000, $200.

New matter indicated by italics - deletions by strikeout.
(e) Appearance.
   The fee for filing an appearance in each civil case shall be $50, except as follows:
   (A) When the plaintiff in a forcible entry and detainer case seeks possession only, $20.
   (B) When the amount in the case does not exceed $1500, $20.
   (C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.
   In garnishment affidavit, wage deduction affidavit, and citation petition when the amount
does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000,
$20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.
   (1) Petition to vacate or modify any final judgment or order of court, except in forcible
   entry and detainer cases and small claims cases or a petition to reopen an estate, to modify,
terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend,
or terminate an order for withholding, if filed before 30 days after the entry of the judgment
or order, $40.
   (2) Petition to vacate or modify any final judgment or order of court, except a petition
to modify, terminate, or enforce a judgment or order for child or spousal support or to
modify, suspend, or terminate an order for withholding, if filed later than 30 days after the
entry of the judgment or order, $60.
   (3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.
   When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.
   Each certified copy of a judgment after the first, except in small claims and forcible entry
and detainer cases, $10.

(j) Habeas Corpus.
   For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.
   (1) Each certification or authentication for taking the acknowledgment of a deed or other
   instrument in writing with the seal of office, $4.
   (2) Court appeals when original documents are forwarded, under 100 pages, plus
delivery and costs, $50.
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery
   and costs, $120.
   (4) Court appeals when original documents are forwarded, over 200 pages, an additional
   fee of 20 cents per page.
   (5) For reproduction of any document contained in the clerk's files:
      (A) First page, $2.
      (B) Next 19 pages, 50 cents per page.
      (C) All remaining pages, 25 cents per page.

(l) Remands.
   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate
   Court for a new trial, the clerk shall file the remanding order and reinstate the case with
   either its original number or a new number. The Clerk shall not charge any new or additional
   fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the
   reinstatement. A party shall have the same right to a jury trial on remand and reinstatement
   as he or she had before the appeal, and no additional or new fee or charge shall be made for
   a jury trial after remand.

(m) Record Search.
   For each record search, within a division or municipal district, the clerk shall be entitled
to a search fee of $4 for each year searched.

(n) Hard Copy.
   For each page of hard copy print output, when case records are maintained on an
automated medium, the clerk shall be entitled to a fee of $4.

New matter indicated by italics - deletions by strikeout.
(o) Index Inquiry and Other Records.
No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.
For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, $25.

(q) Alias Summons.
For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.
Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.
The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.
For filing each deed of voluntary assignment, $10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.
The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.
The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

1. For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:
   A. When the value of the real and personal property does not exceed $15,000, the fee shall be $25.
   B. When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.

2. For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:

New matter indicated by italics - deletions by strikeout.
(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $15.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25; when the amount claimed is $10,000 or more, $40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $10.

(F) For each jury demand, $102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.

(H) For each certified copy of letters of office, of court order or other certification, $1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, $1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $80.
(B) Misdemeanor complaints, $50.
(C) Business offense complaints, $50.
(D) Petty offense complaints, $50.
(E) Minor traffic or ordinance violations, $20.
(F) When court appearance required, $30.
(G) Motions to vacate or amend final orders, $20.
(H) Motions to vacate bond forfeiture orders, $20.
(I) Motions to vacate ex parte judgments, whenever filed, $20.
(J) Motions to vacate judgment on forfeitures, whenever filed, $20.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the

New matter indicated by italics - deletions by strikeout.
Secretary of State, $20.

(2) In counties having a population in excess of 180,000 but not more than 650,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.
(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.
(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.
(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.
(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of

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the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption........................................ $65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, $20.

(C) When that amount exceeds $500 but does not exceed $2,500, $30.

(D) When that amount exceeds $2,500 but does not exceed $15,000, $75.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1,500, $50. When the amount exceeds $1,500, but does not exceed $15,000, $115. When the amount exceeds $15,000, $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only;
$20.
   (B) When the amount in the case does not exceed $1500, $20.
   (C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.
   In garnishment affidavit, wage deduction affidavit, and citation petition when the amount
does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000,
$20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.
   (1) Petition to vacate or modify any final judgment or order of court, except in forcible
   entry and detainer cases and small claims cases or a petition to reopen an estate, to modify,
terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend,
or terminate an order for withholding, if filed before 30 days after the entry of the judgment
or order, $40.
   (2) Petition to vacate or modify any final judgment or order of court, except a petition
to modify, terminate, or enforce a judgment or order for child or spousal support or to
modify, suspend, or terminate an order for withholding, if filed later than 30 days after the
entry of the judgment or order, $60.
   (3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.
   When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.
   Each certified copy of a judgment after the first, except in small claims and forcible entry
and detainer cases, $10.

(j) Habeas Corpus.
   For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.
   (1) Each certification or authentication for taking the acknowledgment of a deed or other
   instrument in writing with the seal of office, $4.
   (2) Court appeals when original documents are forwarded, under 100 pages, plus
delivery and costs, $50.
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery
   and costs, $120.
   (4) Court appeals when original documents are forwarded, over 200 pages, an additional
fee of 20 cents per page.
   (5) For reproduction of any document contained in the clerk's files:
       (A) First page, $2.
       (B) Next 19 pages, 50 cents per page.
       (C) All remaining pages, 25 cents per page.

(l) Remands.
   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate
Court for a new trial, the clerk shall file the remanding order and reinstate the case with
either its original number or a new number. The Clerk shall not charge any new or additional
fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the
reinstatement. A party shall have the same right to a jury trial on remand and reinstatement
as he or she had before the appeal, and no additional or new fee or charge shall be made for
a jury trial after remand.

(m) Record Search.
   For each record search, within a division or municipal district, the clerk shall be entitled
to a search fee of $4 for each year searched.

(n) Hard Copy.
   For each page of hard copy print output, when case records are maintained on an
automated medium, the clerk shall be entitled to a fee of $4.

(o) Index Inquiry and Other Records.
   No fee shall be charged for a single plaintiff/defendant index inquiry or single case
record inquiry when this request is made in person and the records are maintained in a
current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.
For filing commitment petitions under the Mental Health and Developmental Disabilities Code, $25.

(q) Alias Summons.
For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.
Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.
The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.
For filing each deed of voluntary assignment, $10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.
The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.
The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:
   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.
   (B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.
(2) For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:
   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.
   (B) When (i) letters of office are issued to a guardian of the person or persons, but

New matter indicated by italics - deletions by strikeout.
not of the estate or (ii) letters of office are issued in the estate of a ward without
administration of the estate, including filing or joining in the filing of a tax return or
releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.
(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the
following fees are payable:
   (A) For each account (other than one final account) filed in the estate of a decedent,
or ward, $15.
   (B) For filing a claim in an estate when the amount claimed is $150 or more but less
than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25;
when the amount claimed is $10,000 or more, $40; provided that the court in allowing
a claim may add to the amount allowed the filing fee paid by the claimant.
   (C) For filing in an estate a claim, petition, or supplemental proceeding based upon
an action seeking equitable relief including the construction or contest of a will,
enforcement of a contract to make a will, and proceedings involving testamentary trusts
or the appointment of testamentary trustees, $40.
   (D) For filing in an estate (i) the appearance of any person for the purpose of consent
or (ii) the appearance of an executor, administrator, administrator to collect, guardian,
guardian ad litem, or special administrator, no fee.
   (E) Except as provided in subsection (v)(3)(D), for filing the appearance of any
person or persons, $10.
   (F) For each jury demand, $102.50.
   (G) For disposition of the collection of a judgment or settlement of an action or
claim for wrongful death of a decedent or of any cause of action of a ward, when there
is no other administration of the estate, $30, less any amount paid under subsection
(v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee,
including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.
   (H) For each certified copy of letters of office, of court order or other certification,
$1, plus 50¢ per page in excess of 3 pages for the document certified.
   (I) For each exemplification, $1, plus the fee for certification.
(4) The executor, administrator, guardian, petitioner, or other interested person or his or
her attorney shall pay the cost of publication by the clerk directly to the newspaper.
(5) The person on whose behalf a charge is incurred for witness, court reporter,
appraiser, or other miscellaneous fee shall pay the same directly to the person entitled
thereto.
(6) The executor, administrator, guardian, petitioner, or other interested person or his
attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions,
orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.
(w) Criminal and Quasi-Criminal Costs and Fees.
(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each
person convicted or sentenced to supervision therein as follows:
   (A) Felony complaints, $80.
   (B) Misdemeanor complaints, $50.
   (C) Business offense complaints, $50.
   (D) Petty offense complaints, $50.
   (E) Minor traffic or ordinance violations, $20.
   (F) When court appearance required, $30.
   (G) Motions to vacate or amend final orders, $20.
   (H) Motions to vacate bond forfeiture orders, $20.
   (I) Motions to vacate ex parte judgments, whenever filed, $20.
   (J) Motions to vacate judgment on forfeitures, whenever filed, $20.
   (K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the
Secretary of State, $20.
(2) In counties having a population of more than 650,000 but fewer than 3,000,000
inhabitants, when the violation complaint is issued by a municipal police department, the
clerk shall be entitled to costs from each person convicted therein as follows:

New matter indicated by italics - deletions by strikeout.
(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.

(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois...
Municipal Code by a private owner or tenant of real property within 1200 feet of a
dangerous or unsafe building seeking an order compelling the owner or owners of the
building to take any of the actions authorized under that subsection.

(ee) Adoptions.
(1) For an adoption.............................. $65
(2) Upon good cause shown, the court may waive the adoption filing fee in a special
needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by
the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.
No fee other than that set forth in subsection (ee) shall be charged to any person in
connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99;
revised 10-15-99.)

Section 87. The Juvenile Court Act of 1987 is amended by changing Sections 5-130 and
5-615 and by setting forth and renumbering multiple versions of Section 5-160 as follows:

(705 ILCS 405/5-130)
Sec. 5-130. Excluded jurisdiction.
(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply
to any minor who at the time of an offense was at least 15 years of age and who is charged with first
degree murder, aggravated criminal sexual assault, aggravated battery with a firearm committed in
a school, on the real property comprising a school, within 1,000 feet of the real property comprising
a school, at a school related activity, or on, boarding, or departing from any conveyance owned,
contracted by a school or school district to transport students to or from school or a school
related activity regardless of the time of day or time of year that the offense was committed, armed
robery when the armed robbery was committed with a firearm, or aggravated vehicular hijacking
when the hijacking was committed with a firearm.

These charges and all other charges arising out of the same incident shall be prosecuted under
the criminal laws of this State.

For purposes of this paragraph (a) of subsection (1):
"School" means a public or private elementary or secondary school, community college,
college, or university.

"School related activity" means any sporting, social, academic or other activity for which
students' attendance or participation is sponsored, organized, or funded in whole or in part by a
school or school district.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an
offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any
lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's
Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor
defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter
proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more
charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified
in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of
this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions
prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by
paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of
the minor under the criminal laws of the State; however, unless the State requests a hearing for the
purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must
proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a
written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable
notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the
State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter
V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) (a) The definition of a delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with an offense under Section 401 of the Illinois Controlled Substances Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (2) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (2) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (2), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (2), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under
Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(3) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(4) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 13 years of age and who is charged with first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping. However, this subsection (4) does not include a minor charged with first degree murder based exclusively upon the accountability provisions of the Criminal Code of 1961.

(b) (i) If before trial or plea an information or indictment is filed that does not charge first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes first degree

New matter indicated by italics - deletions by strikeout.
murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, and additional charges that are not specified in paragraph (a) of this subsection, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If the minor was not yet 15 years of age at the time of the offense, and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the minor and the security of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be
sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), (2), or (3) or Section 5-805, or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(Source: P.A. 90-590, eff. 1-1-99; 91-15, eff. 1-1-00; 91-673, eff. 12-22-99; revised 1-7-00.)

(705 ILCS 405/5-160)
Sec. 5-160. Liability for injury, loss, or tortious acts. Neither the State or any unit of local government, probation department, or public or community service program or site, nor any official, volunteer, or employee of the State or a unit of local government, probation department, public or community service program or site acting in the course of his or her official duties shall be liable for any injury or loss a person might receive while performing public or community service as ordered either (1) by the court or (2) by any duly authorized station adjustment or probation adjustment, teen court, community mediation, or other administrative diversion program authorized by this Act for a violation of a penal statute of this State or a local government ordinance (whether penal, civil, or quasi-criminal) or for a traffic offense, nor shall they be liable for any tortious acts of any person performing public or community service, except for willful, wanton misconduct or gross negligence on the part of the governmental unit, probation department, or public or community service program or site or on the part of the official, volunteer, or employee.

(Source: P.A. 91-915, eff. 1-1-01; revised 9-5-00.)

(705 ILCS 405/5-170)
Sec. 5-170. 5-160. Representation by counsel. In a proceeding under this Article, a minor who was under 13 years of age at the time of the commission of an act that if committed by an adult would be a violation of Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 must be represented by counsel during the entire custodial interrogation of the minor.

(Source: P.A. 91-915, eff. 1-1-01; revised 9-5-00.)

(705 ILCS 405/5-615)
Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in
open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) pay costs;
(h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(i) permit the probation officer to visit him or her at his or her home or elsewhere;
(j) reside with his or her parents or in a foster home;
(k) attend school;
(l) attend a non-residential program for youth;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of this Section;
(p) comply with curfew requirements as designated by the court;
(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;
(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced,
enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; revised 10-7-99.)

Section 88. The Criminal Code of 1961 is amended by changing Sections 9-3, 11-15, 11-18, 11-20.1, 12-3.2, 12-4, 12-9, 12-14.1, 16-1, 17-2, 21-1.5, 26-1, 33C-5, and 33E-2 and the heading to Article 20.5 and by changing and renumbering multiple versions of Section 17-23 as follows:

(720 ILCS 5/9-3) (from Ch. 38, par. 9-3)
Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.
(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide.
(b) In cases involving reckless homicide, being under the influence of alcohol or any other
drug or drugs at the time of the alleged violation shall be presumed to be evidence of a reckless act unless disproved by evidence to the contrary.

(c) For the purposes of this Section, a person shall be considered to be under the influence of alcohol or other drugs while:

1. The alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2 of the Illinois Vehicle Code;
2. Under the influence of alcohol to a degree that renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft;
3. Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft; or
4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft.

(d) Sentence.
1. Involuntary manslaughter is a Class 3 felony.
2. Reckless homicide is a Class 3 felony.

(e) Except as otherwise provided in subsection (e-5), in cases involving reckless homicide in which the defendant was determined to have been under the influence of alcohol or any other drug or drugs as an element of the offense, or in cases in which the defendant is proven beyond a reasonable doubt to have been under the influence of alcohol or any other drug or drugs, the penalty shall be a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-5) In cases involving reckless homicide in which the defendant was determined to have been under the influence of alcohol or any other drug or drugs as an element of the offense, or in cases in which the defendant is proven beyond a reasonable doubt to have been under the influence of alcohol or any other drug or drugs, if the defendant kills 2 or more individuals as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98; 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00; revised 10-8-99.)

Sec. 11-15. Soliciting for a prostitute.

(a) Any person who performs any of the following acts commits soliciting for a prostitute:
1. Solicits another for the purpose of prostitution; or
2. Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
3. Directs another to a place knowing such direction is for the purpose of prostitution.

(b) Sentence. Soliciting for a prostitute is a Class A misdemeanor. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4 felony. When a person has one or more prior convictions, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(b-5) (e) A person who violates this Section within 1,000 feet of real property comprising a school commits a Class 4 felony.

(c) A peace officer who arrests a person for a violation of this Section may impound any vehicle used by the person in the commission of the offense. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of a fee of $200. The fee shall be distributed to the unit of government whose peace officers made the arrest for a violation of
this Section. This $200 fee includes the costs incurred by the unit of government to tow the vehicle to the impound. Upon the presentation of a signed court order by the defendant whose vehicle was impounded showing that the defendant has been acquitted of the offense of soliciting for a prostitute or that the charges have been dismissed against the defendant for that offense, the municipality shall refund the $200 fee to the defendant.

(Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; revised 10-20-99.)

(720 ILCS 5/11-18) (from Ch. 38, par. 11-18)
Sec. 11-18. Patronizing a prostitute.
(a) Any person who performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:
   (1) Engages in an act of sexual penetration as defined in Section 12-12 of this Code with a prostitute; or
   (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in Section 12-12 of this Code.
(b) Sentence.
Patronizing a prostitute is a Class A misdemeanor. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14, 11-15, 11-17, 11-18.1 and 11-19 of this Code, is guilty of a Class 4 felony. When a person has one or more prior convictions, the information or indictment charging that person shall state such prior convictions so as to give notice of the State's intention to treat the charge as a felony. The fact of such conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.
(c) A person who violates this Section within 1,000 feet of real property comprising a school commits a Class 4 felony.

(Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; revised 10-20-99.)

(720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
Sec. 11-20.1. Child pornography.
(a) A person commits the offense of child pornography who:
   (1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he knows or reasonably should know to be under the age of 18 or any institutionalized severely or profoundly mentally retarded person where such child or institutionalized severely or profoundly mentally retarded person is:
      (i) actually or by simulation engaged in any act of sexual intercourse with any person or animal; or
      (ii) actually or by simulation engaged in any act of sexual contact involving the sex organs of the child or institutionalized severely or profoundly mentally retarded person and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or institutionalized severely or profoundly mentally retarded person and the sex organs of another person or animal; or
      (iii) actually or by simulation engaged in any act of masturbation; or
      (iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or
      (v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or
      (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or
      (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or
   (2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or institutionalized severely or profoundly mentally retarded person whom the person knows
(i) through (vii) of paragraph (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or an institutionalized severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he knows or reasonably should know to be under the age of 18 or an institutionalized severely or profoundly mentally retarded person to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or institutionalized severely or profoundly mentally retarded person is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or an institutionalized severely or profoundly mentally retarded person and who knowingly permits, induces, promotes, or arranges for such child or institutionalized severely or profoundly mentally retarded person to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or institutionalized severely or profoundly mentally retarded person whom the person knows or reasonably should know to be under the age of 18 or to be an institutionalized severely or profoundly mentally retarded person, engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(7) solicits, uses, persuades, induces, entices, or coerces a person to provide a child under the age of 18 or an institutionalized severely or profoundly mentally retarded person to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or an institutionalized severely or profoundly mentally retarded person will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection.

(b) (1) It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not an institutionalized severely or profoundly mentally retarded person but only where, prior to the act or acts giving rise to a prosecution under this Section, he took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not an institutionalized severely or profoundly mentally retarded person and his reliance upon the information so obtained was clearly reasonable.

(2) (Blank).

(3) The charge of child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers.

(4) Possession by the defendant of more than one of the same film, videotape or visual reproduction or depiction by computer in which child pornography is depicted shall raise a rebuttable presumption that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child pornography is depicted.
pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(c) Violation of paragraph (1), (4), (5), or (7) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $2,000 and a maximum fine of $100,000. Violation of paragraph (3) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1500 and a maximum fine of $100,000. Violation of paragraph (2) of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000. Violation of paragraph (6) of subsection (a) is a Class 3 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or an institutionalized severely or profoundly mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) or paragraph 1 of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer;

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show;

(3) "Reproduce" means to make a duplication or copy;

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 16D-2 of this Code.

(7) "Child" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under the age of 18, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18.


(iii) On September 22, 1998, the Third District Appellate Court in People v. Dainty, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, People v. Dainty was still subject to appeal.

(iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, People v. Dainty was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(Source: P.A. 90-68, eff. 7-8-97; 90-678, eff. 7-31-98; 90-786, eff. 1-1-99; 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-30-99.)

(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

Sec. 12-3.2. Domestic Battery.

(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal

New matter indicated by italics - deletions by strikeout.
Procedure of 1963, as amended.

(b) Sentence. Domestic battery is a Class A Misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30). Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for aggravated battery (Section 12-4), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second conviction of violating this Section within 5 years of a previous conviction for violating this Section, the offender shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) For any conviction for domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery of the victim, the defendant is liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections.

(Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99; 91-262, eff. 1-1-00; revised 10-7-99.)

(Text of Section after amendment by P.A. 91-928)

Sec. 12-3.2. Domestic Battery.

(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended.

(b) Sentence. Domestic battery is a Class A Misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30). Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for aggravated battery (Section 12-4), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second conviction of violating this Section within 5 years of a previous conviction for violating this Section, the offender shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member, as defined in Section 112A-3 of the Code of Criminal Procedure of 1963, shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 16 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within the household of the defendant or victim. For purposes of this Section, "in the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting one of the offenses listed in this subsection.

(Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99; 91-262, eff. 1-1-00; 91-928, eff. 6-1-01.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.
(b) In committing a battery, a person commits aggravated battery if he or she:
   (1) Uses a deadly weapon other than by the discharge of a firearm;
   (2) Is hooded, robed or masked, in such manner as to conceal his identity;
   (3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
   (4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;
   (5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;
   (6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;
   (7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;
   (8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;
   (9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;
   (10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;
   (11) Knows the individual harmed is pregnant;
   (12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;
   (13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;
   (14) Knows the individual harmed to be a person who is physically handicapped; or
   (15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section

New matter indicated by italics - deletions by strikeout.
16A-2.4 of this Code.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-5) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gun sight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution who causes or attempts to cause a correctional employee of the penal institution to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony.

(720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

Sec. 12-9. Threatening public officials.

(a) A person commits the offense of threatening a public official when:

(1) that person knowingly and willfully delivers or conveys, directly or indirectly, to a public official by any means a communication:

(i) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(ii) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty, because of hostility of the person making the threat toward the status or position of the public official, or because of any other factor related to the official's public existence.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office.; "Public official" includes a duly appointed assistant State's Attorney.;

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(720 ILCS 5/12-14.1)

Sec. 12-14.1. Predatory criminal sexual assault of a child.

(a) The accused commits predatory criminal sexual assault of a child if:

(1) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.1) the accused was 17 years of age or over and, while armed with a firearm, commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.2) the accused was 17 years of age or over and commits an act of sexual penetration
with a victim who was under 13 years of age when the act was committed and, during the commission of the offense, the accused personally discharged a firearm; or
(2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great bodily harm to the victim that:
   (A) resulted in permanent disability; or
   (B) was life threatening; or
(3) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) Sentence.
(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony. A person convicted of a violation of subsection (a)(1.1) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(1.2) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(2) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment.
(1.1) A person convicted of a violation of subsection (a)(3) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years.
(1.2) A person convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment.
(2) A person who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 90-396, eff. 1-1-98; 90-735, eff. 8-11-98; 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; revised 10-13-99.)
(720 ILCS 5/16-1) (from Ch. 38, par. 16-1)
Sec. 16-1. Theft.
(a) A person commits theft when he knowingly:
   (1) Obtains or exerts unauthorized control over property of the owner; or
   (2) Obtains by deception control over property of the owner; or
   (3) Obtains by threat control over property of the owner; or
   (4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen; or
   (5) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen, and
      (A) Intends to deprive the owner permanently of the use or benefit of the property; or
      (B) Knowingly uses, conceals or abandons the property in such manner as to deprive
the owner permanently of such use or benefit; or

(C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) Sentence.

(1) Theft of property not from the person and not exceeding $300 in value is a Class A misdemeanor.

(1.1) Theft of property, other than a firearm, not from the person and not exceeding $300 in value is a Class 4 felony if the theft was committed in a school or place of worship.

(2) A person who has been convicted of theft of property not from the person and not exceeding $300 in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicle, or a violation of Section 8 of the Illinois Credit Card and Debit Card Act is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) (Blank).

(4) Theft of property from the person not exceeding $300 in value, or theft of property exceeding $300 and not exceeding $10,000 in value, is a Class 3 felony.

(4.1) Theft of property from the person not exceeding $300 in value, or theft of property exceeding $300 and not exceeding $10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship.

(5) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5.1) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 1 felony if the theft was committed in a school or place of worship.

(6) Theft of property exceeding $100,000 in value is a Class 1 felony.

(6.1) Theft of property exceeding $100,000 in value is a Class X felony if the theft was committed in a school or place of worship.

(7) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender obtained money or property valued at $5,000 or more from a victim 60 years of age or older is a Class 2 felony.

(c) When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99; 91-544, eff. 1-1-00; revised 10-7-99.)

Sec. 17-2. False personation; use of title; solicitation; certain entities.

(a) A person commits a false personation when he or she falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when any person exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act.

(a-5) A person commits a false personation when he or she falsely represents himself or herself to be a veteran in seeking employment or public office. In this subsection, "veteran" means a person who has served in the Armed Services or Reserved Forces of the United States.

(b) No person shall use the words "Chicago Police," "Chicago Police Department," "Chicago Patrolman," "Chicago Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the Chicago Police Board.
(b-5) No person shall use the words "Cook County Sheriff's Police" or "Cook County Sheriff" or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the office of the Cook County Sheriff's Merit Board. The references to names and titles in this Section may not be construed as authorizing use of the names and titles of other organizations or public safety personnel organizations otherwise prohibited by this Section or the Solicitation for Charity Act.

(c) (Blank).

(c-1) No person may claim or represent that he or she is acting on behalf of any police department, chief of a police department, fire department, chief of a fire department, sheriff's department, or sheriff when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements unless the chief of the police department, fire department, and the corporate or municipal authority thereof, or the sheriff has first entered into a written agreement with the person or with an organization with which the person is affiliated and the agreement permits the activity.

(c-2) No person may solicit financial contributions, or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of any nongovernmental organization by any name which includes "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "State police", or any other word or words which would reasonably be understood to imply that the organization is composed of law enforcement personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty police officers, retired police officers, or injured police officers and before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-3) No person may solicit financial contributions, or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of any other nongovernmental organization by any name which includes the term "fireman", "firefighter", "paramedic", or any other word or words which would reasonably be understood to imply that the organization is composed of fire fighters or paramedic personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "firefighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel, and before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-4) No person may solicit financial contributions, or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of any other nongovernmental organization by any name which includes the term "fireman", "firefighter", "paramedic", or any other word or words which would reasonably be understood to imply that the organization is composed of fire fighters or paramedic personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "firefighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel, and before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-5) No person may solicit financial contributions, or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of any department or departments of fire fighters unless that person is actually representing or acting on behalf of the department or departments and has entered into a written contract with the department chief and corporate or municipal authority thereof which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(d) Sentence. False personation, unapproved use of a name or title, or solicitation in violation of any provision of this Section is a violation of the Solicitation for Charity Act.
of subsection (a), (b), or (b-5) and (b-1) of this Section is a Class C misdemeanor. False personation in violation of subsection (a-5) is a Class A misdemeanor. Engaging in any activity in violation of subsection (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class 4 felony. (Source: P.A. 91-301, eff. 7-29-99; 91-302, eff. 7-29-99; revised 10-15-99.)

(720 ILCS 5/17-23)
(a) A person who, with intent to defraud a merchant, possesses, uses, transfers, makes, sells, reproduces, tenders, or delivers a false, counterfeit, altered, or simulated Universal Price Code Label is guilty of a Class 4 felony.
(b) A person who possesses more than one false, counterfeit, altered, or simulated Universal Price Code Label or who possesses a device the purpose of which is to manufacture false, counterfeit, altered, or simulated Universal Price Code Labels is guilty of a Class 3 felony.
(c) (Blank).
(d) Definitions. In this Section:
"Universal Price Code Label" means a unique symbol that consists of a machine readable code and human readable numbers.
"Merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code.
"Intent to defraud" has the meaning ascribed to it in paragraph (iii) of subsection (A) of Section 17-1 of this Code. (Source: P.A. 91-136, eff. 1-1-00; revised 11-8-99.)

(720 ILCS 5/17-24)
Sec. 17-24. 17-23. Fraudulent schemes and artifices.
(a) Fraud by wire, radio, or television.
(1) A person commits wire fraud when he or she:
   (A) devises or intends to devise a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; and
   (B) (i) transmits or causes to be transmitted from within this State; or
       (ii) transmits or causes to be transmitted so that it is received by a person within this State; or
       (iii) transmits or causes to be transmitted so that it is reasonably foreseeable that it will be accessed by a person within this State:
       any writings, signals, pictures, sounds, or electronic or electric impulses by means of wire, radio, or television communications for the purpose of executing the scheme or artifice.
(2) A scheme or artifice to defraud using electronic transmissions is deemed to occur in the county from which a transmission is sent, if the transmission is sent from within this State, the county in which a person within this State receives the transmission, and the county in which a person who is within this State is located when the person accesses a transmission.
(3) Wire fraud is a Class 3 felony.
(b) Mail fraud.
(1) A person commits mail fraud when he or she:
   (A) devises or intends to devise any scheme or artifice to defraud or to obtain money or property by means of false or fraudulent pretenses, representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit obligation, security, or other article, or anything represented to be or intimidated or held out to be such counterfeit or spurious article; and
   (B) for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter within this State, any matter or thing whatever to be delivered by the Postal Service, or deposits or causes to be deposited in this State by mail or by private or commercial carrier according to the direction on the matter or thing, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing.
(2) A scheme or artifice to defraud using a government or private carrier is deemed to occur in the county in which mail or other matter is deposited with the Postal Service or a private commercial carrier for delivery, if deposited with the Postal Service or a private or
commercial carrier within this State and the county in which a person within this State receives the mail or other matter from the Postal Service or a private or commercial carrier.

(3) Mail fraud is a Class 3 felony.

(c) Financial institution fraud.

(1) A person is guilty of financial institution fraud who knowingly executes or attempts to execute a scheme or artifice:

(i) to defraud a financial institution; or

(ii) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(2) Financial institution fraud is a Class 3 felony.

(d) The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the scheme or artifice is committed.

(e) In this Section:

(1) "Scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right to honest services.

(2) "Financial institution" has the meaning ascribed to it in paragraph (i) of subsection (A) of Section 17-1 of this Code.

(Source: P.A. 91-228, eff. 1-1-00; revised 11-8-99.)

(720 ILCS 5/Art. 20.5 heading)

ARTICLE 20.5. CAUSING A CATASTROPHE; DEADLY SUBSTANCES

Sec. 21-1.5. Anhydrous ammonia equipment, containers, and facilities.

(a) It is unlawful for any person to tamper with anhydrous ammonia equipment, containers, or storage facilities.

(b) Tampering with anhydrous ammonia equipment, containers, or storage facilities occurs when any person who is not authorized by the owner of the anhydrous ammonia, anhydrous ammonia equipment, storage containers, or storage facilities transfers or attempts to transfer anhydrous ammonia to another container, causes damage to the anhydrous ammonia equipment, storage container, or storage facility, or vents anhydrous ammonia into the environment.

(b-5) It is unlawful for any person to transport anhydrous ammonia in a portable container if the container is not a package authorized for anhydrous ammonia transportation as defined in rules adopted under the Illinois Hazardous Materials Transportation Act. For purposes of this subsection (b-5), an authorized package includes a package previously authorized under the Illinois Hazardous Materials Transportation Act.

(b-10) For purposes of this Section:

"Anhydrous ammonia" means the compound defined in paragraph (d) of Section 3 of the Illinois Fertilizer Act of 1961.

"Anhydrous ammonia equipment", "anhydrous ammonia storage containers", and "anhydrous ammonia storage facilities" are defined in rules adopted under the Illinois Fertilizer Act of 1961.

(c) Sentence. A violation of subsection (a) or (b) of this Section is a Class A misdemeanor.

A violation of subsection (b-5) of this Section is a Class 4 felony.

(Source: P.A. 91-402, eff. 1-1-00; 91-889, eff. 1-1-01; revised 9-22-00.)

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

Sec. 26-1. Elements of the Offense.

(a) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such
transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or

(5) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(6) While acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or

(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act; or

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(10) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(11) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(12) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(b) Sentence. (f) A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(7), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than $3,000 and no more than $10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed $3,000. A second or subsequent violation of subsection (a)(7), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00; 91-121, eff. 7-15-99; revised 10-7-99.)

(720 ILCS 5/33C-5) (from Ch. 38, par. 33C-5)

Sec. 33C-5. Definitions. As used in this Article, "minority owned business", "female owned business", "State agency" and "certification" shall have the meanings ascribed to them in Section 2
of the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act, approved September 6, 1984, as amended.
(Source: P.A. 84-192; revised 8-23-99.)
(720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)
Sec. 33E-2. Definitions. In this Act:
(a) "Public contract" means any contract for goods, services or construction let to any person with or without bid by any unit of State or local government.
(b) "Unit of State or local government" means the State, any unit of state government or agency thereof, any county or municipal government or committee or agency thereof, or any other entity which is funded by or expends tax dollars or the proceeds of publicly guaranteed bonds.
(c) "Change order" means a change in a contract term other than as specifically provided for in the contract which necessitates any increase or decrease in the cost of the contract or the time to completion.
(d) "Person" means any individual, firm, partnership, corporation, joint venture or other entity, but does not include a unit of State or local government.
(e) "Person employed by any unit of State or local government" means any employee of a unit of State or local government and any person defined in subsection (d) who is authorized by such unit of State or local government to act on its behalf in relation to any public contract.
(f) "Sheltered market" has the meaning ascribed to it in Section 8b of the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act, as now or hereafter amended.
(g) "Kickback" means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract in connection with a subcontract relating to a prime contract.
(h) "Prime contractor" means any person who has entered into a public contract.
(i) "Prime contractor employee" means any officer, partner, employee, or agent of a prime contractor.
(i-5) "Stringing" means knowingly structuring a contract or job order to avoid the contract or job order being subject to competitive bidding requirements.
(j) "Subcontract" means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining goods or services of any kind under a prime contract.
(k) "Subcontractor" (1) means any person, other than the prime contractor, who offers to furnish or furnishes any goods or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract; and (2) includes any person who offers to furnish or furnishes goods or services to the prime contractor or a higher tier subcontractor.
(l) "Subcontractor employee" means any officer, partner, employee, or agent of a subcontractor.
(Source: P.A. 90-800, eff. 1-1-99; revised 8-23-99.)
Section 89. The Illinois Controlled Substances Act is amended by changing Sections 401 and 407 as follows:
(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)
Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to: (i) manufacture or deliver, or possess with intent to manufacture or deliver, a controlled or counterfeit substance or controlled substance analog or (ii) possess any methamphetamine manufacturing chemical listed in paragraph (z-1) of Section 102 with the intent to manufacture methamphetamine or the salt of an optical isomer of methamphetamine or an analog thereof. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines,

New matter indicated by italics - deletions by strikeout.
morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

1. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;

2. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

3. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing morphine, or an analog thereof;

4. 200 grams or more of any substance containing peyote, or an analog thereof;
5. 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
6. 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

6.5 (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof.

6.6 (A) not less than 6 years and not more than 30 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 30 grams or more but less than 150 grams of any substance containing methamphetamine, or salt of any optical isomer of methamphetamine, or an analog thereof;
   (B) not less than 6 years and not more than 40 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102
with intent to manufacture 150 grams or more but less than 500 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(Ç) not less than 6 years and not more than 50 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 500 grams or more but less than 1200 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(Đ) not less than 6 years and not more than 60 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 1200 grams or more of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;

(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lyseric acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lyseric acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lyseric acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lyseric acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lyseric acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lyseric acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lyseric acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lyseric acid diethylamide (LSD), or an analog thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (6.6), or (7) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(c) Any person who violates this Section with regard to the following amounts of controlled

New matter indicated by italics - deletions by strikeout.
or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 10 or more grams but less than 15 grams of any substance containing heroin, or an analog thereof;
(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;
(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;
(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;
(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
(6.5) 5 grams or more but less than 15 grams of any substance containing methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof;
(7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;
(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;
(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;
(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;
(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 15 grams or more but less than 30 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 1 felony. The fine for violation of this subsection (c-5) shall not be more than $250,000.

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing amphetamine or methamphetamine or any salt or optical isomer of amphetamine or methamphetamine, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture less than 15 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d-5) shall not be more than $200,000.

(e) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation...
of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.
(Source: P.A. 90-382, eff. 8-15-97; 90-593, eff. 6-19-98; 90-674, eff. 1-1-99; 91-336, eff. 1-1-00; 91-357, eff. 7-29-99; 91-403, eff. 1-1-00; revised 8-30-99.)

(720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

Sec. 407. (a) (1) Any person 18 years of age or over who violates any subsection of Section 401 or subsection (b) of Section 404 by delivering a controlled, counterfeit or look-alike substance to a person under 18 years of age may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and Subsection (b) of Section 404.

(2) Except as provided in paragraph (3) of this subsection, any person who violates:
(A) subsection (c) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 1 felony, the fine for which shall not exceed $250,000;
(B) subsection (d) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 2 felony, the fine for which shall not exceed $200,000;
(C) subsection (e) of Section 401 or subsection (b) of Section 404 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $150,000;
(D) subsection (f) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $125,000;
(E) subsection (g) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $100,000;
(F) subsection (h) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed $75,000;

(3) Any person who violates paragraph (2) of this subsection (a) by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of a truck stop or a safety rest area, following a prior conviction or convictions of paragraph (2) of this subsection (a) may be sentenced to a term of imprisonment up to 2 times the maximum term and fined an amount up to 2 times the amount otherwise authorized by Section 401.

(4) For the purposes of this subsection (a):
(A) "Safety rest area" means a roadside facility removed from the roadway with parking and facilities designed for motorists’ rest, comfort, and information needs; and
(B) "Truck stop" means any facility (and its parking areas) used to provide fuel or service, or both, to any commercial motor vehicle as defined in Section 18b-101 of the Illinois Vehicle Code.

(b) Any person who violates:
(1) subsection (c) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or
managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class X felony, the fine for which shall not exceed $500,000;

(2) subsection (d) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 1 felony, the fine for which shall not exceed $250,000;

(3) subsection (e) of Section 401 or Subsection (b) of Section 404 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for
which shall not exceed $200,000;

(4) subsection (f) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $150,000;

(5) subsection (g) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $125,000;

(6) subsection (h) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing
space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed $100,000.

(c) Regarding penalties prescribed in subsection (b) for violations committed in a school or on or within 1,000 feet of school property, the time of day, time of year and whether classes were currently in session at the time of the offense is irrelevant.

(Source: P.A. 89-451, eff. 1-1-97; 90-164, eff. 1-1-98; 91-353, eff. 1-1-00; 91-673, eff. 12-22-99; revised 1-12-00.)

Section 90. The Code of Criminal Procedure of 1963 is amended by changing Sections 110-7 and 114-1 as follows:


(a) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $25. The clerk of the court shall provide a space on each form for a person other than the accused who has provided the money for the posting of bail to so indicate and a space signed by an accused who has executed the bail bond indicating whether a person other than the accused has provided the money for the posting of bail. The form shall also include a written notice to such person who has provided the defendant with the money for the posting of bail indicating that the bail may be used to pay costs, attorney's fees, fines, or other purposes authorized by the court and if the defendant fails to comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The written notice must be: (1) distinguishable from the surrounding text; (2) in bold type or underscored; and (3) in a type size at least 2 points larger than the surrounding type. When a person for whom bail has been set is charged with an offense under the "Illinois Controlled Substances Act" which is a Class X felony, the court may require the defendant to deposit a sum equal to 100% of the bail. Where any person is charged with a forcible felony while free on bail and is the subject of proceedings under Section 109-3 of this Code the judge conducting the preliminary examination may also conduct a hearing upon the application of the State pursuant to the provisions of Section 110-6 of this Code to increase or revoke the bail for that person's prior alleged offense.

(b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

(c) Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue the original bail in that court subject to the provisions of Section 110-6 of this Code.

(d) After conviction the court may order that the original bail stand as bail pending appeal or deny, increase or reduce bail subject to the provisions of Section 110-6.2.

(e) After the entry of an order by the trial court allowing or denying bail pending appeal either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order increasing or decreasing the amount of bail or allowing or denying bail pending appeal subject to the provisions of Section 110-6.2.

(f) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less than $5. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. The court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited.

New matter indicated by italics - deletions by strikeout.
At the request of the defendant the court may order such 90% of defendant's bail deposit, or whatever amount is repayable to defendant from such deposit, to be paid to defendant's attorney of record.

(g) If the accused does not comply with the conditions of the bail bond the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture or within such period satisfy the court that appearance and surrender by the accused is impossible and without his fault the court shall enter judgment for the State if the charge for which the bond was given was a felony or misdemeanor, or if the charge was quasi-criminal or traffic, judgment for the political subdivision of the State which prosecuted the case, against the accused for the amount of the bail and costs of the court proceedings; however, in counties with a population of less than 3,000,000, instead of the court entering a judgment for the full amount of the bond the court may, in its discretion, enter judgment for the cash deposit on the bond, less costs, retain the deposit for further disposition or, if a cash bond was posted for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due. The deposit made in accordance with paragraph (a) shall be applied to the payment of costs. If judgment is entered and any amount of such deposit remains after the payment of costs it shall be applied to payment of the judgment and transferred to the treasury of the municipal corporation wherein the bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or to the treasury of the county wherein the bond was taken if the offense was a violation of any penal statute of this State. The balance of the judgment may be enforced and collected in the same manner as a judgment entered in a civil action.

(h) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit had been made in accordance with paragraph (a) the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of the judgment.

(Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00; revised 10-7-99.)

(725 ILCS 5/114-1) (from Ch. 38, par. 114-1)
Sec. 114-1. Motion to dismiss charge.
(a) Upon the written motion of the defendant made prior to trial before or after a plea has been entered the court may dismiss the indictment, information or complaint upon any of the following grounds:

(1) The defendant has not been placed on trial in compliance with Section 103-5 of this Code;
(2) The prosecution of the offense is barred by Sections 3-3 through 3-8 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore and hereafter amended;
(3) The defendant has received immunity from prosecution for the offense charged;
(4) The indictment was returned by a Grand Jury which was improperly selected and which results in substantial injustice to the defendant;
(5) The indictment was returned by a Grand Jury which was improperly selected and which results in substantial injustice to the defendant;
(6) The court in which the charge has been filed does not have jurisdiction;
(7) The county is an improper place of trial;
(8) The charge does not state an offense;
(9) The indictment is based solely upon the testimony of an incompetent witness;
(10) The defendant is misnamed in the charge and the misnomer results in substantial injustice to the defendant.
(11) The requirements of Section 109-3.1 have not been complied with.

(b) The court shall require any motion to dismiss to be filed within a reasonable time after the defendant has been arraigned. Any motion not filed within such time or an extension thereof shall not be considered by the court and the grounds therefor, except as to subsections (a)(6) and (a)(8) of this Section, are waived.

(c) If the motion presents only an issue of law the court shall determine it without the necessity of further pleadings. If the motion alleges facts not of record in the case the State shall file
an answer admitting or denying each of the factual allegations of the motion.

(d) When an issue of fact is presented by a motion to dismiss and the answer of the State the court shall conduct a hearing and determine the issues.

(d-5) When a defendant seeks dismissal of the charge upon the ground set forth in subsection (a)(7) of this Section, the defendant shall make a prima facie showing that the county is an improper place of trial. Upon such showing, the State shall have the burden of proving, by a preponderance of the evidence, that the county is the proper place of trial.

(e) Dismissal of the charge upon the grounds set forth in subsections (a)(4) through (a)(11) of this Section shall not prevent the return of a new indictment or the filing of a new charge, and upon such dismissal the court may order that the defendant be held in custody or, if the defendant had been previously released on bail, that the bail be continued for a specified time pending the return of a new indictment or the filing of a new charge.

(f) If the court determines that the motion to dismiss based upon the grounds set forth in subsections (a)(6) and (a)(7) is well founded it may, instead of dismissal, order the cause transferred to a court of competent jurisdiction or to a proper place of trial.

(Effect: P.A. 89-288, eff. 8-11-95; revised 2-23-00.)

Section 90.5. The Sexually Violent Persons Commitment Act is amended by changing Section 15 as follows:

(725 ILCS 207/15)

Sec. 15. Sexually violent person petition; contents; filing.

(a) A petition alleging that a person is a sexually violent person may be filed by:

(1) The Attorney General, at the request of the agency with jurisdiction over the person, as defined in subsection (a) of Section 10 of this Act, or on his or her own motion. If the Attorney General, after consulting with and advising the State's Attorney of the county referenced in paragraph (a)(2) of this Section, decides to file a petition under this Section, he or she shall file the petition before the date of the release or discharge of the person or within 30 days of placement onto parole or mandatory supervised release for an offense enumerated in paragraph (e) of Section 5 of this Act.

(2) If the Attorney General does not file a petition under this Section, the State's Attorney of the county in which the person was convicted of a sexually violent offense, adjudicated delinquent for a sexually violent offense or found not guilty of or not responsible for a sexually violent offense by reason of insanity, mental disease, or mental defect may file a petition.

(3) The Attorney General and the State's Attorney referenced in paragraph (a)(2) of this Section jointly.

(b) A petition filed under this Section shall allege that all of the following apply to the person alleged to be a sexually violent person:

(1) The person satisfies any of the following criteria:
   (A) The person has been convicted of a sexually violent offense;
   (B) The person has been found delinquent for a sexually violent offense; or
   (C) The person has been found not guilty of a sexually violent offense by reason of insanity, mental disease, or mental defect.

(2) (Blank;)

(3) (Blank;)

(4) The person has a mental disorder.

(5) The person is dangerous to others because the person's mental disorder creates a substantial probability that he or she will engage in acts of sexual violence.

(b-5) The petition must be filed:

(1) No more than 90 days before discharge or entry into mandatory supervised release from a Department of Corrections correctional facility for a sentence that was imposed upon a conviction for a sexually violent offense, or for a sentence that is being served concurrently or consecutively with a sexually violent offense, and no more than 30 days after the person's entry into parole or mandatory supervised release; or

(2) No more than 90 days before discharge or release:
   (A) from a Department of Corrections juvenile correctional facility if the person was
New matter indicated by italics - deletions by strikeout.
felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State database, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:


(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 committed on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961.

(g-5) The Department of State Police is not required to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, that the Department is prepared to receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.
(i) A person required to provide a blood specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $500. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

1. The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.
2. All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.
3. Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:
   A. Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).
   B. Costs incurred in maintaining genetic marker groupings as required by subsection (e).
   C. Costs incurred in the purchase and maintenance of equipment for use in performing analyses.
   D. Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.
   E. Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 90-124, eff. 1-1-98; 90-130, eff. 1-1-98; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-528, eff. 1-1-00; revised 6-13-00.)

Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 in which the person received any injury to their person or damage to their real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of Article V of the Criminal Code of 1961.
(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after granting the credit, the court shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, losses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts are paid by co-defendants.

d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years, not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of
the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(g) The court shall, after determining that the defendant has the ability to pay, require the defendant to pay for the victim's counseling services if:

(1) the defendant was convicted of an offense under Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or was charged with such an offense and the charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section, and

(2) the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. The order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time the order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.

(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.

(m) A restitution order under this Section is a judgment lien in favor of the victim that:

(1) Attaches to the property of the person subject to the order;

(2) May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;

(3) May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) Expires in the same manner as a judgment lien created in a civil proceeding.

When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

New matter indicated by italics - deletions by strikeout.
(n) An order of restitution under this Section does not bar a civil action for:

1. Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of restitution ordered by the court; and
2. Other damages suffered by the victim.

The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.

The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section.

(Source: P.A. 90-465, eff. 1-1-98; 91-153, eff. 1-1-00; 91-262, eff. 1-1-00; 91-420, eff. 1-1-00; revised 9-30-99.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)
Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

1. for first degree murder,
   (a) a term shall be not less than 20 years and not more than 60 years, or
   (b) if the court finds that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or
   (c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,
      (i) has previously been convicted of first degree murder under any state or federal law, or
      (ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or
      (iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman, or
      (iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or
      (v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

New matter indicated by italics - deletions by strikeout.
(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or
(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;
(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;
(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.
(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;
(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;
(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;
(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;
(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;
(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;
(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;
(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.
(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence
is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

1. for first degree murder or a Class X felony, 3 years;
2. for a Class 1 felony or a Class 2 felony, 2 years;
3. for a Class 3 felony or a Class 4 felony, 1 year;
4. if the victim is under 18 years of age, for a second or subsequent offense of criminal sexual assault or aggravated criminal sexual assault, 5 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;
5. if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced. The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 90-396, eff. 1-1-98; 90-651, eff. 1-1-99; 91-279, eff. 1-1-00; 91-404, eff. 1-1-00; revised 10-14-99.)
(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4) Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.
(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the
Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall not impose consecutive sentences for offenses which were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, unless:

(i) one of the offenses for which defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or
(ii) the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or
(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) The court shall not impose a consecutive sentence except as provided for in subsection (a) unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that such a term is required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record; except that no such finding or opinion is required when multiple sentences of imprisonment are imposed on a defendant for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, and one of the offenses for which the defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or when the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or where the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, in which event the Court shall enter sentences to run consecutively.

(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.
(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 90-128, eff. 7-22-97; 91-144, eff. 1-1-00; 91-404, eff. 1-1-00; revised 9-29-99.)

Section 92. The Sex Offender Registration Act is amended by changing Sections 6 and 10 as follows:

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, must report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of that registration and every year thereafter. If any person required to register under this Article changes his or her residence address or place of employment, he or she shall, in writing, within 10 days inform the law enforcement agency with whom he or she last registered of his or her new address or new place of employment and register with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of receipt, notify the Department of State Police and the law enforcement agency having jurisdiction of the new place of residence or new place of employment.

If any person required to register under this Article establishes a residence or employment outside of the State of Illinois, within 10 days after establishing that residence or employment, he or she shall, in writing, inform the law enforcement agency with which he or she last registered of his or her out-of-state residence or employment. The law enforcement agency with which such person last registered shall, within 3 days notice of an address or employment change, notify the Department
of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency in the form and manner prescribed by the Department of State Police.
(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99; 91-394, eff. 1-1-00; revised 9-27-99.)

Sec. 10. Penalty. Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure is guilty of a Class 4 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender or sexual predator who violates any provision of this Article may be tried in any Illinois county where the sex offender can be located.
(Source: P.A. 90-125, eff. 1-1-98; 90-193, eff. 7-24-97; 90-655, eff. 7-30-98; 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; revised 9-27-99.)

Section 93. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 120 as follows:

Sec. 120. Community notification of sex offenders.
(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) (Blank);
(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and
(3) Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and
(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and
(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender required to register under Section 3 of the Sex Offender Registration Act:

New matter indicated by italics - deletions by strikeout.
(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.
(4) The offender's photograph or other such information that will help identify the sex offender.
(5) Offender employment information, to protect public safety.
(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.
(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.
(e) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, provide the information specified in subsection (b), with respect to a juvenile sex offender, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.
(Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224, eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; revised 9-1-99.)
Section 94. The Code of Civil Procedure is amended by changing Sections 7-103.48 and 7-103.68 and changing and resectioning Section 7-103 as follows:

(735 ILCS 5/7-103) (from Ch. 110, par. 7-103)
Sec. 7-103. "Quick-take".
(a) This Section applies only to proceedings under this Article that are authorized in the
Sections following this Section and preceding Section 7-104. 48

_______ THAT PART OF THE NORTHWEST QUARTER OF SECTION 3 TOWNSHIP 40
NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

_______ BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY
RIGHT-OF-WAY LINE OF THE NORTHWEST TOLL ROAD AND THE SOUTHERLY
RIGHT-OF-WAY LINE OF MAPLE AVENUE EXTENDED WESTERLY; THENCE
EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF MAPLE AVENUE
(RECORDED AS BOCK AVENUE) TO THE EASTERLY RIGHT-OF-WAY LINE OF
GAGE STREET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY
LINE OF GAGE STREET TO THE SOUTHERLY LINE OF LOT 2 IN RIVER ROSE
SUBDIVISION UNIT 2 PER DOCUMENT NUMBER 19594706; THENCE EASTERLY
ALONG THE SOUTHERLY LINE OF SAID LOT 2 IN RIVER ROSE SUBDIVISION
UNIT NUMBER 2 AND SAID SOUTHERLY LINE EXTENDED EASTERLY TO THE
EASTERLY RIGHT-OF-WAY LINE OF GLEN LAKE DRIVE (AS DEDICATED IN

New matter indicated by italics - deletions by strikeout.
RIVER ROSE SUBDIVISION PER DOCUMENT NUMBER 19352146 AND DEDICATED AS WILLOW CREEK DRIVE; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 1 IN SAID RIVER ROSE SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 IN SAID RIVER ROSE SUBDIVISION, 86.0 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, 120.0 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1 AND THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER ROSE STREET (AS DEDICATED IN RIVER ROSE SUBDIVISION PER DOCUMENT NUMBER 19352146), 34.3 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RIVER ROSE STREET AND THE EASTERLY LINE OF SAID WILLOW CREEK DRIVE. ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1, THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WILLOW CREEK DRIVE TO THE MOST SOUTHWESTERLY CORNER OF LOT 27 IN SAID RIVER ROSE SUBDIVISION; THENCE SOUTHWESTERLY TO THE INTERSECTION OF THE NORTHEASTERLY CORNER OF LOT 1 IN HIGGINS ROAD RANCHETTES SUBDIVISION PER DOCUMENT NUMBER 1382089; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1, 97.24 FEET TO A POINT; SAID POINT BEING 66.00 FEET SOUTH OF THE NORTHEASTERLY CORNER OF SAID LOT 1; THENCE WESTERLY, ALONG A LINE WHICH IS 66.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOTS 2, 3, 4, 5, 6, 7, 8 IN SAID HIGGINS ROAD RANCHETTES SUBDIVISION AND THEN WESTERLY THEREOF (SAID PARALLEL LINE ALSO BEING THE SOUTH LINE OF AN UNRECORDED STREET KNOWN AS GLENLAKE STREET), TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID NORTHWEST TOLL ROAD, THENCE NORTHWesterLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST TOLL ROAD TO THE POINT OF BEGINNING.

AND ALSO, THAT PART OF THE NORTHEAST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:


New matter indicated by italics - deletions by strikeout.
LINE OF THE NORTHEAST QUARTER OF SECTION 9, TO THE NORTH LINE OF
OWNER'S DIVISION OF PARTS OF LOTS 4 AND 5 OF HENRY HACHMEISTER'S
DIVISION, IN THE NORTHWEST QUARTER OF SECTION 10, AFORESAID;
ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1949 AS DOCUMENT
14539019; THENCE EAST ALONG THE NORTH LINE OF SAID OWNER'S DIVISION
TO THE WEST LINE OF LOT 3 IN SAID OWNER'S DIVISION; THENCE SOUTH
ALONG THE WEST LINE OF LOT 3 TO THE SOUTHWEST CORNER THEREOF;
THENCE EAST ALONG THE SOUTH LINE OF LOT 3 TO THE NORTHWEST
CORNER OF LOT 4 IN SAID OWNER'S SUBDIVISION; THENCE SOUTH ALONG
THE WEST LINE OF LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE
EAST ALONG THE SOUTH LINE OF LOT 4, AND SAID SOUTH LINE EXTENDED
EASTERLY, TO THE EASTERNLY RIGHT-OF-WAY LINE OF RIVER ROAD; THENCE
SOUTHEASTERLY ALONG THE EASTERNLY RIGHT-OF-WAY LINE OF SAID RIVER
ROAD TO A POINT BEING 198.00 FEET NORTH OF AND PARALLEL TO THE
SOUTH LINE OF LOT 5 EXTENDED EASTERLY, IN HENRY HACHMEISTER'S
DIVISION PER DOCUMENT NUMBER 4183101; THENCE WESTERLY, ALONG A
LINE WHICH IS 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF
SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION, TO THE NORTHWEST
CORNER OF LOT 6 IN B.L. CARLSEN'S INDUSTRIAL SUBDIVISION PER
DOCUMENT NUMBER 1925132; THENCE NORTHERLY TO A POINT BEING THE
NORTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT
T1862127, SAID POINT BEING 293.73 FEET NORTH OF AND PARALLEL TO THE
SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION; THENCE
WESTERLY ALONG A LINE, 293.73 FEET NORTH OF AND PARALLEL TO THE
SOUTH LINE OF SAID LOT 5, 91.50 FEET TO THE NORTHWEST CORNER OF SAID
PARCEL PER DOCUMENT T1862127; THENCE SOUTHERLY, ALONG A LINE BEING
THE EAST LINE OF THE WEST 200.00 FEET OF SAID LOT 5, 71.88 FEET TO THE
SOUTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT
T2257298; THENCE WESTERLY ALONG THE SOUTH LINE AND THE SOUTH
LINE EXTENDED WESTERLY OF SAID PARCEL, 233 FEET TO THE POINT OF
INTERSECTION WITH THE WEST LINE OF MICHIGAN AVENUE RIGHT-OF-WAY;
THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF MICHIGAN
AVENUE TO THE NORTH EAST CORNER OF LOT 1, BLOCK 12 IN J. TAYLOR'S
ADD. TO FAIRVIEW HEIGHTS PER DOCUMENT NUMBER 1876526, SAID POINT
ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 60TH STREET; THENCE
WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 60TH STREET TO A
POINT OF INTERSECTION WITH THE EASTERNLY RIGHT-OF-WAY LINE OF THE
AFORESAID MINNEAPOLIS, ST. PAUL AND ST. STE. MARIE RAILROAD
RIGHT-OF-WAY; THENCE NORTHEASTERLY ALONG SAID EASTERNLY
RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; :70;

(71) For a period of 3 years after December 1, 1998, by the Village of Franklin Park, for
the redevelopment of blighted areas, for the acquisition of property within the area legally
described as:

BEGGING AT THE NORTHEAST CORNER OF SAID TRACT NO. 2 (SAID
CORNER BEING 50.0 FEET WEST OF THE CENTERLINE OF MANNHEIM ROAD);
THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT NO. 2, A DISTANCE OF
305.46 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID TRACT
NO. 2, A DISTANCE OF 175.0 FEET; THENCE SOUTH, PARALLEL WITH THE EAST
LINE OF SAID TRACT NO. 2, A DISTANCE OF 164.46 FEET TO THE SOUTHERLY
LINE OF SAID TRACT NO. 2 (SAID LINE BEING 50.0 FEET NORTHERLY OF THE
CENTERLINE OF GRAND AVENUE); THENCE WESTERLY ALONG SAID LINE,
672.75 FEET; THENCE NORTH ALONG A LINE THAT IS 227.30 FEET EAST OF (AS
MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF MIKE
LATORIA SR. INDUSTRIAL SUBDIVISION, 429.87 FEET TO THE NORTH LINE OF
SAID TRACT NO. 2; THENCE EAST ALONG SAID NORTH LINE, 845.71 FEET TO

New matter indicated by italics - deletions by strikeout.
THE POINT OF BEGINNING, IN OWNER'S DIVISION OF THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 16, 1929 AS DOCUMENT 10456788 AND FILED IN THE REGISTRAR'S OFFICE ON AUGUST 23, 1929 AS DOCUMENT LR474993, IN COOK COUNTY, ILLINOIS;

(72) For a period of 3 years after December 1, 1998, by the Village of Franklin Park, for the redevelopment of blighted areas, for the acquisition of the property legally described as:

Lots 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the Salerno-Kaufman Subdivision of part of Tract No. 1 in Owner's Division of part of the East 1/2, Northeast 1/4, Section 29, Township 40, Range 12, East of the Third Principal Meridian, in Cook County, Illinois; and

That part of the South 117.64 feet of tract number 1 lying East of a line 235 feet West of and parallel with West line of Mannheim Road in Owner's Division of part of the East half of the Northeast quarter of Section 29, Township 40 North, Range 12, East of the Third Principal Meridian, according to the Plat thereof recorded August 16, 1929 as Document number 10456788, in Cook County, Illinois;

(73) for a period of 2 years following the effective date of this amendatory Act of the 91st General Assembly, by the City of Taylorville for the acquisition of land used for the construction of the second silt dam on Lake Taylorville; the project area is limited to the townships of Greenwood, Johnson, and Locust in southern Christian County;

(74) for a period of 6 months following the effective date of this amendatory Act of the 91st General Assembly, by the City of Effingham for the acquisition of all the right of way needed for the subject project starting at Wernsing Avenue and running northerly to Fayette Avenue, including the right of way for a structure over the CSX railroad and U. S. Route 40;

(75) for a period of one year following the effective date of this amendatory Act of the 91st General Assembly, by the City of Effingham for the acquisition of property for the construction of South Raney Street Project Phase II, including a grade separation over Conrail and U. S. Route 40 in the City of Effingham, from the intersection of South Raney Street and West Wernsing Avenue northerly to the intersection of South Raney Street and West Fayette Avenue;

(76) for a period of 2 years following the effective date of this amendatory Act of the 91st General Assembly, by the Village of Lincolnshire, for the purpose of redevelopment within the downtown area, for the acquisition of property within that area legally described as follows:


New matter indicated by italics - deletions by strikeout.
CEMETERY TO THE SOUTHWEST CORNER THEREOF, SAID SOUTHWEST CORNER IS 296.61 FEET SOUTH OF THE SOUTH LINE OF CEMETERY ROAD AS OCCUPIED; THENCE EAST ALONG THE SOUTH LINE OF VERNON CEMETERY TO THE SOUTHEAST CORNER THEREOF, SAID SOUTHEAST CORNER ALSO BEING A POINT ON THE WEST LINE OF PROPERTY DESCRIBED BY DOCUMENT NUMBER 2012084; THENCE SOUTH ALONG THE WEST LINE TO A POINT IN THE WEST LINE (EXTENDED) OF INDIAN CREEK SUBDIVISION (RECORDED AS DOCUMENT NUMBER 2084U19); THENCE SOUTH ALONG THE WEST LINE AND AN EXTENSION THEREOF OF INDIAN CREEK CONDOMINIUM SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 130.47 FEET TO THE MOST SOUTHERLY CORNER IN THE AFOREMENTIONED SUBDIVISION SAID POINT BEING IN THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22; THENCE NORTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 209.56 FEET, SAID LINE BEING ALSO THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22; TO THE SOUTHEAST CORNER OF INDIAN CREEK CONDOMINIUM SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION AND AN EXTENSION THEREOF TO THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG THE NORTH LINE OF HALF DAY ROAD TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15 AFORESAID; THENCE SOUTHERLY ALONG AN EASTERLY LINE OF THE HAMILTON PARTNERS PROPERTY DESCRIBED AS FOLLOWS, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22 (THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR THIS LEGAL DESCRIPTION); THENCE SOUTH 13 DEGREES 57 MINUTES 09 SECONDS WEST, 519.43 FEET TO A POINT DESCRIBED AS BEARING NORTH 51 DEGREES 41 MINUTES 30 SECONDS WEST, 159.61 FEET FROM A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 AFORESAID, 603.05 FEET, AS MEASURED ALONG SAID EAST LINE, SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 05 DEGREES 08 MINUTES 04 SECONDS EAST, 232.01 FEET TO THE MOST NORTHERLY NORTHEAST CORNER OF MARIOTT DRIVE, ACCORDING TO THE PLAT OF DEDICATION RECORDED AS DOCUMENT NUMBER 1978811; THENCE SOUTH 42 DEGREES 08 MINUTES 46 SECONDS WEST (RECORD SOUTH 42 DEGREES 09 MINUTES 23 SECONDS WEST) ALONG THE NORTHWESTERLY LINE OF SAID MARIOTT DRIVE, 40.70 FEET (RECORD 40.73 FEET) TO AN ANGLE POINT IN THE NORTH LINE OF SAID MARIOTT DRIVE; THENCE SOUTH PERPENDICULAR TO AFOREMENTIONED MARIOTT DRIVE TO A POINT ON THE SOUTH LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF MARIOTT DRIVE TO A POINT PERPENDICULAR TO A POINT IN THE NORTH LINE OF MARIOTT DRIVE THAT IS ON A LINE, THE EXTENSION OF WHICH IS THE EASTERLY LINE OF LOTS 1 AND 2 IN INDIAN CREEK RESUBDIVISION; THENCE NORTH PERPENDICULAR TO MARIOTT DRIVE TO A FOREMENTIONED POINT ON THE NORTH LINE; THENCE NORTHWESTERLY ON THE EAST LINE & EXTENSION THEREOF TO AFOREMENTIONED LOTS 1 & 2 TO THE NORTHEAST CORNER OF LOT 2; THENCE WEST ALONG THE NORTH LINE OF LOT 2 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHWESTERLY PERPENDICULAR TO ILLINOIS ROUTE 21 (MILWAUKEE AVENUE DEDICATED BY DOCUMENT NUMBER 2129168) TO THE WEST LINE THEREOF; THENCE NORTH ALONG THE WEST LINE OF AFOREMENTIONED ILLINOIS ROUTE 21 TO THE NORTHEAST CORNER OF LOT 1 IN MCDONALD’S – KING’S SUBDIVISION;

New matter indicated by italics - deletions by strikeout.
THENCE WEST ALONG THE NORTH LINE OF THE LAST MENTIONED LOT 1, 218.50 FEET TO A JOG IN THE NORTH LINE THEREOF; THENCE NORTHERLY ALONG A WESTERLY LINE OF SAID LOT 1, 20.22 FEET TO A JOG IN THE NORTH LINE; THENCE WEST ALONG THE NORTH LINE OF LOT 1 AFORESAID 150.42 FEET TO THE NORTHWEST CORNER OF THEREOF; THENCE SOUTH 205.94 FEET ALONG THE WEST LINE OF AFOREMENTIONED LOT 1 TO A JOG IN THE WEST LINE THEREOF; THENCE EAST ALONG A SOUTH LINE OF LOT 1 TO A JOG IN THE WEST LINE THEREOF 3.45 FEET; THENCE SOUTH 91.22 FEET ALONG THE WEST LINE LOT 1 TO THE SOUTHWEST CORNER LOT 1 AFOREMENTIONED; THENCE SOUTHERLY RADIAL TO RELOCATED ILLINOIS STATE ROUTE 22 TO THE SOUTH LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22 TO A POINT PERPENDICULAR TO A POINT AT THE SOUTHWEST CORNER OF THE OLD HALF DAY SCHOOL PARCEL; THENCE NORTHWESTERLY 51.41 FEET ALONG A WEST LINE OF AFORESAID SCHOOL PARCEL TO A CORNER THEREOF; THENCE NORTHEASTERLY 169.30 FEET ALONG A NORTHERLY LINE OF AFORESAID SCHOOL PARCEL TO A CORNER THEREOF; THENCE NORTHWESTERLY 242.80 FEET ALONG A WEST LINE TO THE CENTER LINE OF HALF DAY ROAD; THENCE NORTHWESTERLY NORMAL TO THE AFORESAID ROAD TO THE NORTHERLY RIGHT OF WAY LINE THEREOF; THENCE EAST ALONG THE NORTH LINE OF HALF DAY ROAD TO A POINT SAID POINT IS A BEND IN THE WEST LINE OF PROPERTY DESCRIBED BY DOCUMENT NUMBER 2609552; THENCE NORTHWESTERLY 7.82 CHAINS ALONG THE WEST LINE AFOREMENTIONED TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY 2.39 CHAINS TO THE NORTHEAST CORNER OF THE SAID PROPERTY, THENCE SOUTHEASTERLY ALONG THE EASTERN LINE OF AFORESAID PROPERTY TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 2297085; THENCE EAST 2.27 CHAINS ALONG THE NORTH LINE OF AFOREMENTIONED PROPERTY TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF THE AFOREMENTIONED PROPERTY TO THE PLACE OF BEGINNING, (EXCEPT THEREFROM THE TRACT OF LAND AS DESCRIBED BY DOCUMENT NUMBER 1141157 AND MILWAUKEE AVE. ADJACENT THERETO) ALL IN LAKE COUNTY, ILLINOIS;

(77) for a period of 18 months after the effective date of this amendatory Act of 1999, by the City of Marion for the acquisition of property and temporary construction easements bounded by the following lines for improvement of the Pentecost Road project: A variable width strip of land lying parallel with and contiguous to the existing east and west Right-of-Way lines of Pentecost Road in the following quarter-quarter section:

the NW1/4 NW1/4, Section 16; NE1/4 NE1/4, Section 17; NW1/4 SW1/4, Section 16; SW1/4 SW1/4, Section 16; NE1/4 SE1/4, Section 17; and the SE1/4 SE1/4, Section 17, all located in Township 9 South, Range 2 East of the Third Principal Meridian; Williamson County, Illinois;

(78) for a period of 6 months following the effective date of this amendatory Act of the 91st General Assembly, by the city of Geneva, for the Prairie and Wetland Restoration Project, for the acquisition of property described as follows:

PARCEL ONE: THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS;

PARCEL TWO: THE SOUTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS.

NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID STRIP OF LAND BEING THAT CERTAIN STRIP OF LAND AS CONVEYED BY CHARLES W. PEMBLETON AND WIFE TO THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY (NOW THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY) BY WARRANTY DEED DATED JUNE 29, 1903 AND RECORDED AS DOCUMENT 64790 IN BOOK 430 ON PAGE 337 IN THE OFFICE OF THE REGISTRAR OF DEEDS FOR KANE COUNTY, ILLINOIS) IN THE TOWNSHIP OF BLACKBERRY, KANE COUNTY, ILLINOIS;

(79) for a period of 2 years after the effective date of this amendatory Act of the 91st General Assembly, by the City of Arcola for the purpose of acquiring property in connection with a project to widen Illinois Route 133 east of Interstate 57;

(80) for a period of 24 months after the effective date of this amendatory Act of the 91st General Assembly, by the County of Lake, for the acquisition of necessary right-of-way to complete the improvement of the intersection of County Highway 47 (9th Street) and County Highway 27 (Lewis Avenue);

(81) for a period of 24 months after the effective date of this amendatory Act of the 91st General Assembly, by the County of Lake, for the acquisition of necessary right-of-way to complete the improvement of the various intersections and roadways involved in the project to improve County Highway 70 (Hawley Street), County Highway 26 (Gilmer Road), and County Highway 62 (Fremont Center Road) at and near Illinois Route 176;

(82) for a period of 30 months after the effective date of this amendatory Act of the 91st General Assembly, by the County of Winnebago to allow for the acquisition of right-of-way for the construction of the Harrison Avenue Extension project from Montague Road to West State Street lying within Section 20, the east 1/2 of Section 29, and the northeast 1/4 of Section 32, Township 44W, Range 1 East of the 3rd Principal Meridian, in Winnebago County;

(83) for a period of 2 years after the effective date of this amendatory Act of the 91st General Assembly, by the Village of Schiller Park, for the acquisition of the following described property for purposes of redevelopment of blighted areas:

The following parcel of property lying within the East Half of the Southeast Quarter of Section 17, Township 40 North, Range 12 East of the Third Principal Meridian and the Northeast Half of the Southwest Quarter of Section 16, Township 40 North, Range 12 East of the Third Principal Meridian all in Cook County, Illinois: Commencing at the intersection of the center line of Irving Park Road with the west line of Mannheim Road; thence, southeasterly along the westerly line of Mannheim Road to its intersection with the south line of Belle Plaine Avenue, as extended from the east; thence, easterly along the south line of Belle Plaine Avenue to its intersection with the west line; as extended from the north, of Lot 7 in the Subdivision of the West Half of the Southwest Quarter of Section 16, Township 40 North, Range 12 East of the Third Principal Meridian except that part lying Northerly of Irving Park Road), recorded April 14, 1921 as document no. 7112572; thence, northerly along the west line, as extended from the north, of Lot 7 of the aforesaid Subdivision to its intersection with the north line of Belle Plaine Avenue; thence, northeasterly along the northwesterly line of the property acquired by The Illinois State Toll Highway Authority to its intersection with the east line of Lot 7 of the aforesaid Subdivision; thence, northerly along the east line of Lot 7 of the aforesaid Subdivision to its intersection with the south line of Lot 2 in the aforesaid Subdivision; thence, westerly along the south line of Lot 2 of the aforesaid Subdivision to its intersection with the west line of Lot 2 of the aforesaid Subdivision; thence, northerly along the west line of Lot 2 of the aforesaid Subdivision and the extension of the west line of Lot 2 to its intersection with the center line of Irving Park Road; thence, westerly along the center line of Irving Park Road to the point of beginning;

Notwithstanding the property description contained in this paragraph (83), the Village of Schiller Park may not acquire, under the authority of this paragraph (83), any property that is owned by any other unit of local government;

(84) for a period of 2 years after the effective date of this amendatory Act of the 91st General Assembly, by the City of Springfield, for the acquisition of (i) the property located
in the City of Springfield and bounded on the north by Mason Street, on the west by Fifth Street, on the south by Jefferson Street, and on the east by Sixth Street and (ii) the property located in the City of Springfield and bounded on the north by Madison Street, on the west by Sixth Street, on the south by Washington Street, and on the east by Seventh Street, for the Abraham Lincoln Presidential Library:

(85) for a period of 24 months after the effective date of this amendatory Act of the 91st General Assembly, by McLean County, for the acquisition of property necessary for the purpose of construction with respect to the Towanda-Barnes Road from Route 150 to Ft. Jesse Road:

(86) for a period of 12 months after the effective date of this amendatory Act of the 91st General Assembly, by Pike County, for the acquisition of property necessary for the purpose of construction with respect to F.A.S. 1591, commonly known as Martinsburg Road, from one mile north of Martinsburg to 0.25 mile north of Martinsburg;

(87) for a period of 12 months after the effective date of this amendatory Act of the 91st General Assembly, by the Fox Metro Water Reclamation District, for the acquisition of the following described property for the purpose of extending the collector system and construction of facilities for treatment of effluent:

THAT PART OF LOTS 2 AND 3 OF LARSON'S SUBDIVISION DESCRIBED AS
FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3 BEING
ON THE CENTER LINE OF STATE ROUTE NO. 31; THENCE SOUTH 7 DEGREES 01
MINUTES WEST ALONG SAID CENTER LINE 46.58 FEET FOR THE POINT OF
BEGINNING; THENCE NORTH 7 DEGREES 01 MINUTES EAST ALONG SAID
CENTER LINE 91.58 FEET; THENCE SOUTH 88 DEGREES 31 MINUTES EAST
PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO THE
EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19 DEGREES 40 MINUTES
WEST ALONG THE EASTERLY LINES OF LOTS 2 AND 3 106.9 FEET; THENCE
SOUTH 9 DEGREES 39 MINUTES EAST 40 MINUTES EAST ALONG THE EASTERLY LINE OF SAID LOT 3, 70.83 FEET TO A LINE DRAWN SOUTH 82 DEGREES 36 MINUTES EAST,
PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 3, FROM THE PLACE OF
BEGINNING, THENCE NORTH 82 DEGREES 36 MINUTES WEST ALONG SAID
PARALLEL LINE 775.16 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP
OF OSWEGO, KENDALL COUNTY, ILLINOIS:

ALSO:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH,
RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS
FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST
FRAC TIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID;
THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET;
THENCE SOUTH 82 DEGREES 36 MINUTES EAS T 5298.7 FEET TO THE WESTERLY
BANK OF FOX RIVER; THENCE NORTH 18 DEGREES 40 MINUTES WEST ALONG
SAID WESTERLY BANK 192.5 FEET FOR THE POINT OF BEGINNING; THENCE
NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID WESTERLY BANK 44.35
FEET; THENCE NORTH 37 DEGREES 16 MINUTES WEST ALONG SAID WESTERLY
BANK 227.8 FEET; THENCE NORTH 82 DEGREES 36 MINUTES EAST 867.3 FEET
TO THE CENTER LINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG
SAID CENTER LINE 200 FEET TO A LINE DRAWN NORT H 82 DEGREES 36
MINUTES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82 DEGREES
36 MINUTES EAST 1014.21 FEET TO THE PLACE OF BEGINNING, IN THE
TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS:

ALSO:

PARCEL ONE:
LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL
COUNTY, ILLINOIS:

PARCEL TWO:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH,
RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION
5 WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE
NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID CENTER LINE 745.75 FEET;
THENCE SOUTH 82 DEGREES 30 MINUTES EAST 100 FEET TO THE POINT OF
BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST
DESCRIBED COURSE 110 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST
TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG
SAID CENTER THREAD TO A LINE DRAWN SOUTH 82 DEGREES 30 MINUTES
EAST FOR THE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 30
MINUTES WEST TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF OSWEGO;
KENDALL COUNTY, ILLINOIS;

ALSO:

THAT PART OF THE SOUTH 1/2 OF THE WEST PART OF SECTION 5,
TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN
WHICH LIES EAST OF THE CENTER LINE OF STATE ROUTE NO. 31 AND SOUTH
OF A LINE EXTENDING SOUTH 82 DEGREES 30 MINUTES EAST FROM A POINT
IN THE SAID CENTER LINE OF SAID HIGHWAY THAT IS NORTH 6 DEGREES 44
MINUTES EAST 745.75 FEET FROM THE SOUTH LINE OF SAID SECTION TO THE
CENTER THREAD OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE
SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST CORNER 67 FEET
WIDE AND 325 FEET LONG MEASURED ALONG THE EASTERLY LINE OF SAID
HIGHWAY, USED FOR CEMETERY PURPOSES, AND ALSO EXCEPT THAT PART
LYING SOUTH OF THE NORTH LINE OF PREMISES CONVEYED TO THE
COMMONWEALTH EDISON COMPANY BY WARRANTY DEED RECORDED
OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO EXCEPT THAT PART
DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE
SOUTH LINE OF SAID SECTION 5 WITH THE CENTER LINE OF ILLINOIS STATE
ROUTE NO. 31; THENCE NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID
CENTER LINE 745.75 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST 100
FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT
ANGLES WITH THE LAST DESCRIBED COURSE 110 FEET; THENCE SOUTH 82
DEGREES 30 MINUTES EAST TO THE CENTER THREAD OF THE FOX RIVER;
THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN
SOUTH 82 DEGREES 30 MINUTES EAST FROM THE POINT OF BEGINNING;
THENCE NORTH 82 DEGREES 30 MINUTES WEST TO THE POINT OF
BEGINNING), IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS;

(88) for a period of 12 months after the effective date of this amendatory Act of the 91st
General Assembly, by St. Clair County, for the acquisition of property necessary for the
purpose of the following county road improvements in the City of O'Fallon and the Village
of Shiloh: Section 95-00301-02-PV, Hartman Lane to Shiloh-O'Fallon Road, 2.45 miles of
cement pavement, 24 feet wide, 10-foot shoulders, a 95-foot single-span bridge, earthwork,
and traffic signals;

(89) for a period of 12 months after the effective date of this amendatory Act of the 91st
General Assembly, by St. Clair County, for the acquisition of property necessary for the
purpose of the following county road improvements in the City of Fairview Heights: Section
97-00301-04-PV, Metro Link Station to Illinois Route 159, 2.04 miles of cement pavement, 24 feet wide,
10-foot shoulders, earthwork, and traffic signals;

(90) for a period of 12 months after the effective date of this amendatory Act of the 91st
General Assembly, by St. Clair County, for the acquisition of property necessary for the
purpose of the following county road improvements in the City of O'Fallon: Section
97-003080-05-PV, Jennifer Court to Station 122+50, 1.52 miles of cement pavement, 24 to
40 feet wide, 10-foot shoulders, earthwork, storm sewers, curbs, and gutters;

(91) for a period of 12 months after the effective date of this amendatory Act of the 91st
General Assembly, by Madison County, for the acquisition of property necessary for the
purpose of approximately 2.4 miles of roadwork commencing at the intersection of Illinois Route 143 northerly over, adjacent to, and near the location of County Highway 19 (locally known as Birch Drive) to the intersection of Buchts Road, traversing through land sections 19, 20, 29, 30, and 31 of Ft. Russell Township, the work to consist of excavation, fill placement, concrete structures, and an aggregate and bituminous base with bituminous binder and surfacing;

(92) for a period of 2 years after the effective date of this amendatory Act of the 91st General Assembly, by Lake County, for the acquisition of property necessary for the purpose of improving County Highway 70 (Hawley Street) from Chevy Chase Road to County Highway 26 (Gilmor Road);

(93) for a period of 12 months after the effective date of this amendatory Act of the 91st General Assembly, by Kendall County, for the acquisition of the following described property for the purpose of road construction or improvements, including construction of a bridge and related improvements:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 52.33 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 111.00 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 14 SECONDS WEST, 69.62 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 14 SECONDS WEST, 46.47 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS WEST, 20.00 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 595.48 FEET ALONG SAID CENTER LINE AND SAID CENTER LINE EXTENDED NORTHERLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE EASTERLY, 222.77 FEET ALONG A 3,881.53 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 81 DEGREES 25 MINUTES 34 SECONDS WEST, 194.69 FEET TO THE POINT OF BEGINNING.

AND:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 12.95 FEET TO THE SOUTH BANK OF THE FOX RIVER; THENCE NORTH 84 DEGREES 02 MINUTES 18 SECONDS EAST, 192.09 FEET ALONG SAID SOUTH BANK; THENCE SOUTH 23 DEGREES 08 MINUTES 48 SECONDS EAST, 4.22 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTHWESTERLY, 194.71 FEET ALONG A 3,956.53 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 81 DEGREES 25 MINUTES 34 SECONDS WEST, 194.69 FEET TO THE POINT OF BEGINNING.
RIGHT WHOSE CHORD BEARS NORTH 81 DEGREES 28 MINUTES 59 SECONDS EAST, 222.74 FEET; THENCE SOUTH 20 DEGREES 42 MINUTES 16 SECONDS EAST, 119.40 FEET; THENCE SOUTHERLY, 227.80 FEET ALONG A 717.37 FEET RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 11 DEGREES 13 MINUTES 29 SECONDS EAST, 236.71 FEET; THENCE SOUTH 55 DEGREES 31 MINUTES 50 SECONDS EAST, 63.07 FEET; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 86.50 FEET; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 20.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 350.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 836.88 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

AND:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG SAID CENTER LINE TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 201.56 FEET; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS WEST, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 64 DEGREES 54 MINUTES 06 SECONDS WEST, 331.43 FEET; THENCE SOUTH 1 DEGREES 55 MINUTES 17 SECONDS WEST, 201.56 FEET; THENCE SOUTHERLY 289.43 FEET ALONG A 673.94 FEET RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 11 DEGREES 35 MINUTES 17 SECONDS WEST, 287.21 FEET; THENCE SOUTH 0 DEGREES 42 MINUTES 55 SECONDS WEST, 153.43 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 05 SECONDS WEST, 85.98 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 459.31 FEET ALONG SAID CENTER LINE, THENCE NORTH 21 DEGREES 25 MINUTES 47 SECONDS EAST, 322.86 FEET; THENCE NORTHERLY, 266.09 FEET ALONG A 693.94 FEET RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 12 DEGREES 54 MINUTES 22 SECONDS EAST, 264.46 FEET; THENCE NORTH 1 DEGREES 55 MINUTES 17 SECONDS EAST, 64.92 FEET; THENCE NORTH 53 DEGREES 01 MINUTES 20 SECONDS WEST, 30.54 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 132.59 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 73.38 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING;

FOR A PERIOD OF 2 YEARS AFTER THE EFFECTIVE DATE OF THIS AMENDATORY ACT OF THE 91ST GENERAL ASSEMBLY, BY DUPAGE PUBLIC SAFETY COMMUNICATIONS (DU-COMM), A UNIT OF INTERGOVERNMENTAL COOPERATION, FOR THE ACQUISITION OF PROPERTY INCLUDING LAND, BUILDINGS, TOWERS, FIXTURES, AND OTHER IMPROVEMENTS LOCATED AT CLOVERDALE, ILLINOIS AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE SOUTH EAST QUARTER (SE 1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP FORTY (40) NORTH, RANGE TEN (10) EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH EAST QUARTER (SE 1/4) OF SAID

New matter indicated by italics - deletions by strikeout.
Section Twenty-one (21), measure North, along the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21) 1287.35 feet, then East at right angles to the said West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), 292.57 feet to the point of beginning;

Thence East along the last described course 208.71 feet, thence South at right angles to the last described course 208.71 feet, thence West at right angles to the last described course 208.71 feet, thence North in a direct line 208.71 feet to the point of beginning;

Also

A right of way and easement thirty-three (33) feet in width for the construction, maintenance, and use of (a) a roadway suitable for vehicular traffic, and (b) such aerial or underground electric power and communication lines as said Company may from time to time desire, consisting of poles, wires, cables, conduits, guys, anchors, and other fixtures and appurtenances, the center line of which right of way and easement is described as follows:

Commencing at a point on the West line of the tract or parcel of land above described, distant Southerly 16.5 feet from the Northwest corner of said tract or parcel, thence Westerly at right angles to the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), 293 feet more or less to the public road situated on the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), Township and Range aforesaid;

(95) for a period of 3 years after the effective date of this amendatory Act of the 91st General Assembly (in the case of the permanent easements described in items (A) and (C)), by the City of Crest Hill, for acquisition of the following easements:

(A) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois;

(B) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (A). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois;

(C) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the West 120 feet of the South half of the Southeast Quarter of Section 30, in township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter, thence North along a line 250 feet East of and parallel with the West line of said Southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence
South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois:

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northwesterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter, thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company, thence South 49 degrees 15 minutes 53 seconds East along said Northwesterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois:

(D) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (C). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the West 150 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northwesterly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of

New matter indicated by italics - deletions by strikeout.
Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northwesterly right-of-way line of the Elgin, Joliet and Eastern Railroad Company with the South line of said Southeast Quarter; thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.00 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northwesterly right-of-way line of said railroad company; thence South 49 degrees 15 minutes 53 seconds East along said Northwesterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois;

(96) for a period of 4 years after the effective date of this amendatory Act of the 91st General Assembly, by the Village of Palatine, for the acquisition of the following described property for the purpose of revitalizing the downtown business area:

- Lots 1 through 3 in Block D of the Subdivision of the North 24.60 acres in the NE 1/4 of the NE 1/4 of Section 22, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;
- Property bounded by Bothwell Street, Railroad right-of-way, Plum Grove Road and Chicago Avenue in the Village of Palatine;
- Lots 1 through 8 in Block K, of the Town of Palatine, a subdivision of the West 16 2/3 acres of the South 31 acres of the West 1/2 of the Southwest 1/4 of Section 14 and the Northwest 24 1/2 acres of the South 31 acres of the West 1/2 of the Southeast 1/4 of Section 15, Township 42, Range 10, East of the Third Principal Meridian, Ante-Fire, Re-recorded April 10, 1877 as Document 129579, in Cook County, Illinois;
- Property bounded by Wilson Street, Plum Grove Road, Slade Street, Railroad right-of-way and Bothwell Street in the Village of Palatine;
- Lots 1 through 8 in Block 8 of the Subdivision of part of the East 1/2 of the SE 1/4 Section, Ante-Fire, Re-recorded on April 10, 1877 as Document Number 129579;
- Lots 20 and 21 and the West 71.25 feet of Lot 24 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919;
- Lots 1 through 3 of Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;
- Property bounded by Colfax Street, Smith Street and Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;
- Property bounded by Wood Street, Brockway Street and Railroad right-of-way in the Village of Palatine;
- Lots 45 through 50 and 58 through 64 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919; and Property bounded by Railroad right-of-way, Brockway Street and Slade Street in the Village of Palatine;

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either be vested with the fee simple title (or such lesser estate, interest or easement, as may be required) to the real property, or specified portion thereof, which is the subject of the proceeding, and be authorized to take possession of and use such property; or only be authorized to take possession of and to use such property, if such possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation; however, no land or interests therein now or hereafter owned, leased, controlled or operated and used by, or necessary for the actual operation
of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated hereunder by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority or the Board of Trustees of the University of Illinois without first securing the approval of such Commission.

Except as hereinafter stated, the motion for taking shall state: (1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired therein; (2) the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking such property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act, or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act) to be taken is owned, leased, controlled or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of such proposed taking has been secured from such Commission, and attaching to such motion a certified copy of the order of such Commission granting such approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of such schedule or plan shall be attached to the motion.

(735 ILCS 5/7-103.48)
Sec. 7-103.48. Quick-take; MetroLink Light Rail System. Quick-take proceedings under Section 7-103 may be used for a period of 48 months after January 16, 1997, by the Bi-State Development Agency of the Missouri-Illinois Metropolitan District for the acquisition of rights of way and related property necessary for the construction and operation of the MetroLink Light Rail System, beginning in East St. Louis, Illinois, and terminating at Mid America Airport, St. Clair County, Illinois.

(735 ILCS 5/7-103.68)
Sec. 7-103.68. Quick-take; Village of Rosemont. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after July 30, 1998, by the Village of Rosemont for redevelopment purposes, including infrastructure improvements, construction of streets, stormwater facilities, and drainage areas, and flood plain improvements, for the acquisition of property described as follows:

That part of the Northwest Quarter and that part of the Southwest Quarter of Section 3, Township 40 North, Range 12, East of the Third Principal Meridian, and being more particularly described as follows:

Beginning at the point of intersection of the west right-of-way line of River Road (as shown on the plat of subdivision for Gerhart Huehl Estates Division per document number 4572711) and the southerly line of Lot 7 in said Gerhart Huehl Estates Division; thence north 14 degrees 38 minutes 19 seconds west, along the aforesaid west right-of-way of River Road, to the point of intersection with a line drawn 490.0 feet south of and parallel to the north line of Lot 3 in the said Gerhart Huehl Estates Division; thence north 89 degrees 07 minutes 41 seconds west, along the aforesaid parallel line 554.77 feet to the point, said point being 540.00 feet east of the easterly right-of-way line of Schafer Court (Schafer Court being an unrecorded roadway); thence, north 0 degrees 00 minutes 00 seconds east, 284.12 feet to the point of intersection with south line of the aforesaid Lot 3 (said south line also being the north line of Lot 6 in Gerhart Huehl Estates Division); thence north 89 degrees 04 minutes 34 seconds east, along the said south line of Lot 3, 478.29 feet to the point of intersection with the northerly right-of-way line of Higgins Road as dedicated per document number 11056708; thence, north 66 degrees 43 minutes 09

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seconds west along said northerly right-of-way line of Higgins Road to the easterly right-of-way of the Northwest Toll Road; thence southerly along said easterly right-of-way of Maple Avenue extended westerly; thence easterly along said southerly right-of-way line of Maple Avenue (recorded as Bock Avenue) to the easterly right-of-way line of Gage Street; thence northerly along said easterly right-of-way line of Gage Street to the southerly line of Lot 2 in River Rose Subdivision Unit 2 per document number 19594706; thence easterly along the southerly line of said Lot 2 in River Rose Subdivision Unit Number 2 and said southerly line extended easterly to the easterly right-of-way line of Glen Lake Drive (as dedicated in River Rose Subdivision per Document Number 19352146 and dedicated as Willow Creek Drive); thence southerwesterly along said easterly right-of-way line to the northwest corner of Lot 1 in said River Rose Subdivision; thence south 59 degrees 08 minutes 47 seconds east, along the northerly lines of Lots 1 through 13 (both inclusive) in the said River Rose subdivision, 757.48 feet to the most northeasterly corner of said Lot 13; thence south 11 degrees 05 minutes 25 seconds west, along the easterly line of said lot 13 in said River Rose Subdivision, 14.08 feet to the northerly line of Glen J. Nixon's subdivision as per document 19753046; thence easterly along said northerly line, 237.43 feet to the westerly right-of-way of said Des Plaines River Road; thence southerly along said westerly right-of-way of Des Plaines River Road to the southerly line of the Northerly 90 feet of Lot 2 in said Glen J. Nixon's subdivision; thence westerly along said southerly line to the westerly line of said Glen J. Nixon's subdivision; thence southerly along the said westerly line of Glen J. Nixon's subdivision to the southerly right-of-way of an unrecorded roadway; thence south 70 degrees 43 minutes 16 seconds west, along the southerly line of the unrecorded roadway, 108.23 feet; thence continuing along the southerly right-of-way of the unrecorded roadway, 95.34 feet along an arc of a circle whose radius is 110.00 feet and being convex to the south; thence north 56 degrees 32 minutes 25 seconds west, continuing along the southerly right-of-way of the said unrecorded roadway, 216.00 feet to the southwest corner of said Glen Lake Drive as dedicated in the aforesaid River Rose subdivision; thence north 59 degrees 10 minutes 12 seconds west, along the southerly right-of-way of said Glen Lake Drive, 327.48 feet, to the point of intersection with east line of Lot 8 in Block 1 in Higgins Road Ranchettes Subdivision per Document Number 13820089; thence northerly along the east line of said Lot 8, 97.24 feet to a point; said point being 66.00 feet south of the northeast corner of said Lot 8; thence north 89 degrees 36 minutes 54 seconds west, along a line which is 66.00 feet south of and parallel to the north line of Lots 3, 4, 5, 6, 7, and 8 in said Higgins Road Ranchettes Subdivision (said parallel line also being the south line of an unrecorded street known as Glenlake Street), 621.61 feet to the point of intersection with the northeasterly right-of-way line of Toll Road; the next four courses being along the said northeasterly right-of-way line of the Toll Road; thence south 21 degrees 28 minutes 12 seconds east, 219.81 feet; thence south 34 degrees 29 minutes 34 seconds east, 261.77 feet; thence south 52 degrees 02 minutes 04 seconds east, 114.21 feet; thence south 52 degrees 07 minutes 21 seconds east to the westerly line (extended northerly) of Lots 83 through 87 inclusive in Frederick H. Bartlett's River View Estates recorded as Document Number 853426 in Cook County; thence southerly along said westerly line to the southerly right-of-way line of Thorndale Avenue; thence easterly along said southerly right-of-way line of Thorndale Avenue 14.65 feet; thence southerly along a line parallel with the said westerly line of Lots 83 through 87 inclusive and 14.38 feet easterly, 139.45 feet; thence southerwesterly along a line which ends in the southerly line of said Lot 84 extended westerly, 85.35 feet westerly from the southwest corner of said Lot 84; thence easterly along said southerly line to the westerly right-of-way of Des Plaines River Road; thence northerly along said westerly right-of-way line to the said northerly line of the Toll Road; thence south 52 degrees 07 minutes 21 seconds east, along said right-of-way to the centerline of said Des Plaines River Road; thence south 11 degrees 05 minutes 48 seconds west, along said centerline, 1.47 feet; thence south 55 degrees 56 minutes 09 seconds east, continuing along the said northeasterly right-of-way line of the Toll Road (said line also being the south line of Lot 1 in Rosemont Industrial Center per
Document Number 20066369), 411.98 feet; thence south 61 degrees 51 minutes 06 seconds east, continuing along the said northeasterly right-of-way line of the Toll Road (said line also being along the south line of Lots 1, 2, and 5 in said Rosemont Industrial Center), 599.13 feet to the southeast corner of said Lot 5; thence north 12 degrees 45 minutes 47 seconds east, along the east lines of Lots 3 and 5 in said Rosemont Industrial Center, 424.40 feet; thence north 33 degrees 51 minutes 39 seconds east, along the east lines of Lots 3 and 4 in the said Rosemont Industrial Center, 241.42 feet to the northeast corner of said Lot 4; thence north 33 degrees 51 minutes 40 seconds east, 189.38 feet to the center of said Section 3; thence north 2 degrees 42 minutes 55 seconds east, along the east line of the northwest quarter of said Section 3, 375.90 feet to the point of intersection with the south line of Higgins Road, as widened per Document Number 11045055; the next three courses being along the said south right-of-way line of Higgins Road; thence north 64 degrees 30 minutes 51 seconds west, 53.65 feet; thence northwesterly, 436.47 feet along an arc of a circle whose radius is 1,482.69 feet and being convex to the southwest; thence north 47 degrees 57 minutes 51 seconds west, 73.57 feet; thence northeasterly, along an arc of a circle whose radius is 5,679.65 feet and being convex to the northeast, to a point of intersection of said southerly right-of-way of Higgins Road and the southeasterly line of the land conveyed to James H. Lomax by Document Number 1444990; thence northeasterly along said southeasterly line extended, 197 feet to the center line of the Des Plaines River; thence north 49 degrees 11 minutes 20 seconds west 325.90 feet; thence continuing in the said center line of the Des Plaines River, north 27 degrees 56 minutes 17 seconds west 370.53 feet; thence north 12 degrees 10 minutes 40 seconds east, 16.0 feet; thence southwesterly along said southeasterly line of Lot 7 extended in Gerhart Huehl Estates Division, to said place of beginning;

Plus,

That part of the West half of the Northwest quarter of Section 3, Township 40 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Beginning at the intersection of the South line of Devon Avenue with the East line of Shafer Court being a point 281.01 feet East of the West line of the aforementioned West half of the Northwest quarter of Section 33; thence Southerly along the East line of said Shafer Court, 193.91 feet to the South line of Lot 3 in Gerhart Huehl Estate Division according to the plat thereof recorded June 3, 1910, as Document 4572711, being a point 241.74 feet East of the aforementioned West half of the Northwest quarter of Section 33; thence East along the South line of said Lot 3, a distance of 508.5 feet to a point 487.69 feet West of the centerline of River Road; thence continuing easterly along the last described line as extended to the west line of River Road; thence northerly along the west line of River Road to the South line of Devon Avenue; thence westerly along the south line of Devon Avenue to the point of beginning;

Plus,

That part of the Southwest quarter of Section 3, Township 40 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Beginning at the Southeast corner of Rosemont Industrial Center, being a subdivision recorded February 17, 1967 as Document 20066369; thence Northwesterly along the South line of Rosemont Industrial Center aforesaid, and said South line extended to the Westerly line of River Road to the South; thence Southwesterly along said Westerly line, to the North line of Interstate 290; thence Easterly along said North line, to the West line of property owned by the Forest Preserve; thence along and then Northerly along the irregular West line of property owned by the Forest Preserve and extended across the Interstate 290 right-of-way, to the point of beginning;

Plus,

The Northerly 90 feet of Lot 2 in Glen J. Nixon's Subdivision of part of Lot 15 in Assessor's Division of part of Section 3, Township 40 North, Range 12, East of the Third Principal Meridian, according to the plat thereof recorded March 1, 1966 as Document 19753046, in Cook County, Illinois, (except therefrom that part used for River Road), all in

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Cook County.

PLUS,

THAT PART OF THE NORTHWEST QUARTER OF SECTION 3 TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NORTHWEST TOLL ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MAPLE AVENUE EXTENDED WESTERLY; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF MAPLE AVENUE (RECORDED AS BOCK AVENUE) TO THE EASTERLY RIGHT-OF-WAY LINE OF GAGE STREET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF GAGE STREET TO THE SOUTHERLY LINE OF LOT 2 IN RIVER ROSE SUBDIVISION UNIT 2 PER DOCUMENT NUMBER 19594706; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 IN RIVER ROSE SUBDIVISION UNIT NUMBER 2 AND SAID SOUTHERLY LINE EXTENDED EASTERLY TO THE EASTERLY RIGHT-OF-WAY LINE OF GLEN LAKE DRIVE (AS DEDICATED IN RIVER ROSE SUBDIVISION PER DOCUMENT NUMBER 19352146 AND DEDICATED AS WILLOW CREEK DRIVE); THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 1 IN SAID RIVER ROSE SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 IN SAID RIVER ROSE SUBDIVISION, 86.0 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, 120.0 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1 AND THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER ROSE STREET (AS DEDICATED IN RIVER ROSE SUBDIVISION PER DOCUMENT NUMBER 19352146), 34.3 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RIVER ROSE STREET AND THE EASTERLY LINE OF SAID WILLOW CREEK DRIVE, ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WILLOW CREEK DRIVE TO THE MOST SOUTHWESTERLY CORNER OF LOT 27 IN SAID RIVER ROSE SUBDIVISION; THENCE SOUTHWESTERLY TO THE INTERSECTION OF THE NORTHWESTERLY CORNER OF LOT "B" IN SAID RIVER ROSE SUBDIVISION WITH THE EAST LOT LINE OF LOT 8 IN BLOCK 1 IN HIGGINS ROAD RANCHETTES SUBDIVISION PER DOCUMENT NUMBER 13820089; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 8, 97.24 FEET TO A POINT; SAID POINT BEING 66.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 8; THENCE WESTERLY, ALONG A LINE WHICH IS 66.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOTS 3, 4, 5, 6, 7, AND 8 IN SAID HIGGINS ROAD RANCHETTES SUBDIVISION AND THEN WESTERLY THEREOF (SAID PARALLEL LINE ALSO BEING THE SOUTH LINE OF AN UNRECORDED STREET KNOWN AS GLENLAKE STREET), TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID NORTHWEST TOLL ROAD; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST TOLL ROAD TO THE POINT OF BEGINNING;

AREA 1:

That part of the South West Quarter of Section 33, Township 41 North, Range 12 East of the third Principal Meridian, lying North of a line 575 feet north (measured at 90 degrees) of the South line of said South West Quarter, lying West of a line 451.45 feet East (measured at 90 degrees) of the West line of said South West Quarter and South of the center line of Higgins Road (except parts taken or used for highway purposes, including the land taken by condemnation in Case No. 65 L 8179 Circuit Court of Cook County, Illinois, described as follows: That part of the South West Quarter of Section 33, Township 41 North, Range 12 East of the Third Principal Meridian, bounded and described as follows: Beginning at a point of intersection of the center line of Higgins Road, as now located and established with the West line of the South West Quarter of said Section 33; thence South along said West line
of the South West Quarter of said Section, a distance of 560.2 feet to a point in the North line of the South 575.0 feet of said South West Quarter of said Section 33; thence East along said North line of the South 575.0 feet of the South West Quarter of said Section 33, a distance of 45.0 feet to a point; thence Northeasterly in a straight line a distance of 179.27 feet to a point, distance 50.0 feet East, measured at right angles from the West line of the South West Quarter of said Section 33; thence Northeasterly in a straight line a distance of 187.38 feet to a point, distant 62.0 feet East, measured at right angles from said West line of the South West Quarter of said Section 33; thence North parallel with the said West line of the South West Quarter of said Section 33 a distance of 44.74 feet to a point of curvature; thence Northeasterly along a curved line, concave to the Southeast, having a radius of 50.0 feet and a central angle of 107 degrees 28 minutes, a distance of 93.73 feet to a point of tangency, distant 50.0 feet Southwest measured at right angles from the center line of Higgins Road; thence Southeasterly parallel with the center line of Higgins Road, a distance of 345.09 feet to a point on a line distant, 16.0 feet west of the east line of the west 467.34 feet of the South West Quarter of said Section 33; thence North in a straight line a distance of 58.71 feet to a point on said center line of Higgins Road; thence Northwesterly along said center line of Higgins Road a distance of 478.23 feet to the place of beginning) in Cook County, Illinois.

AREA 2:
That part of the South West 1/4 of Section 33, Township 41 North, Range 12, East of the Third Principal Meridian, lying West of the West Right of Way Line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad (formerly the Chicago and Wisconsin Railroad) and South of the center line of Higgins Road (except therefrom the South 200 feet of the West 467.84 feet of said South West 1/4 and also excepting therefrom that part of said South West 1/4 lying North of the North line of the South 575 feet of said South West 1/4 and West of a line 16 feet West of and parallel with the West line of the Tract of land described in a Deed dated May 22, 1929, and recorded July 9, 1929, as Document Number 10422646 (the Tract described in said Deed being the East 10 acres of that part of the South West 1/4 of Section 33, Township 41 North, Range 12, East of the Third Principal Meridian, lying South of the Center line of Higgins Road and West of the West line extended North to the center of said Higgins Road of the East 20.62 chains of the North West 1/4 of Section 4, Township 40 North, Range 12, East of the Third Principal Meridian (excepting therefrom the right of way of the Minneapolis, St. Paul and Sault Ste. Marie Railroad, formerly the Chicago and Wisconsin Railroad) and also excepting the South 50 feet of the said South West 1/4 lying East of the West 467.84 feet thereof) and also excepting that portion of the land condemned for the widening of Higgins Road and Mannheim Road in Case Number 65 L7109, in Cook County, Illinois.

AREA 3:
The North 150 feet of the South 200 feet of that part of the South West 1/4 of Section 33, Township 41 North, Range 12 East of the Third Principal Meridian (except the East 10 acres conveyed by George Deamantopulas and others, to Krowka by Document 10422646) lying South of the Center of Higgins Road (so called) and West of the West line extended North to center of Higgins Road of East 20.62 chains in the North West 1/4 of Section 4, Township 40 North, Range 12 East of the Third Principal Meridian (except the Right of Way of Chicago and Wisconsin Railroad) in Cook County, Illinois.

AREA 4:
That part of the Southwest quarter of Section 33, Township 41 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:
Beginning at the intersection of the South line of the Southwest quarter of Section 33 aforesaid with the West line, extended South, of Lot 7 in Frederick H. Bartlett's Higgins Road Farms, being a subdivision recorded December 8, 1938 as Document 12246559; thence North along the aforementioned West line of Lot 7, to the center line of Higgins Road; thence Westerly along the center line of Higgins Road, to the Westerly right-of-way line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad; thence Southerly along said Westerly right-of-way line, to the South line of the Southwest quarter of Section 33 aforesaid; thence East along said South line to the point of beginning.

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Area 5
The North 195.00 feet of the west 365.67 feet of the West 1/2 of the Northeast 1/4 of Section 4, Township 40 North, Range 12 East of the Third Principal Meridian.

And also
The north 50.00 feet of the East 1/2 of the Northwest 1/4 of said Section 4 (except that part lying westerly of the easterly right-of-way line of the Wisconsin Central Railroad, formerly known as the Minneapolis, St. Paul and Sault Ste. Marie Railroad), the east 40.00 feet of the north 195.00 feet except the north 50.00 feet thereof of said East 1/2, and all that part of said East 1/2 described as follows: Beginning at the northwest corner of Origer and Davis' Addition to Rosemont, being a subdivision of part of said 1/4 Section according to the plat thereof recorded May 27, 1963 as Document Number 18807143, in Cook County, Illinois; thence westerly along the northerly line of said Subdivision extended westerly to said easterly Railroad right-of-way line; thence northwesterly along said right-of-way line to the southerly line of north 50.00 feet of said 1/4 Section; thence easterly along said southerly line to the easterly right-of-way line of Kirschoff Avenue; thence southerly along said right-of-way line to its intersection with the southerly line of Schullo's Resubdivision extended easterly, said Resubdivision being a Resubdivision of part of said 1/4 section according to the plat thereof recorded June 17, 1960 as Document Number 17885160 in Cook County, Illinois; thence westerly along said southerly line extended and said southerly line to the southwest corner of said Resubdivision; thence northwesterly along the westerly line of said Resubdivision to the northwest corner thereof; thence westerly along the northerly line of said Resubdivision extended westerly to a line parallel with and 40.00 feet easterly of the easterly right-of-way line of said Railroad; thence northwesterly along said parallel line to said point of beginning.

And also
That part of the Southwest 1/4 of Section 33, Township 41 North, Range 12 East of the Third Principal Meridian lying southerly of the centerline of Higgins Road and easterly of a north line parallel to the south line of said 1/4 Section, beginning 565.84 feet west of the northeast corner of the Northwest 1/4 of Section 4, Township 40 North, Range 12 East of the Third Principal Meridian all in Cook County, Illinois.

That part of the Southwest quarter of Section 3, the Southeast quarter of Section 4, the Northeast quarter of Section 9, and the Northwest quarter of Section 10, Township 40 North, Range 12 East of the Third Principal Meridian, in the Village of Rosemont, Cook County, Illinois, described as follows:
Beginning in the West half of the Northeast quarter of Section 9 aforesaid, at the intersection of the South line of 61st Street with the Easterly right of way line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad right-of-way; thence East along the South line of 61st Street and its Easterly extension, to the East line of Pearl Street; thence North along the East line of Pearl Street to the South line of 62nd Street; thence East along the South line of 62nd Street to the Westerly right-of-way line of the Illinois State Toll Road; thence Southerly along the Westerly right-of-way line of the Toll Road to a point on a Westerly extension of the South line of Allen Avenue; thence East along said Westerly extension, and along the South line of Allen Avenue to the West line of Otto Avenue; thence South along the West line of Otto Avenue to a point on a Westerly extension of the North line of the South 30 feet of Lot 12 in First Addition to B.L. Carlsen's Industrial Subdivision, being a Resubdivision in the Northeast quarter of Section 9 aforesaid, according to the plat thereof recorded March 5, 1962 as Document 18416079; thence East along said Westerly extension, and along the aforementioned North line of the South 30 feet of Lot 12, to the East line of Lot 12; thence North along the East line of Lot 12, being also the East line of the Northeast quarter of Section 9, to the North line of Owner's Division of parts of Lots 4 and 5 of Henry Hachmeister's Division, in the Northwest quarter of Section 10, aforesaid, according to the plat thereof recorded April 25, 1949 as Document 14539019; thence East along the North line of said Owner's Division to the West line of Lot 3 in said Owner's Division; thence South along the West line of Lot 3 to the Southwest corner thereof; thence East along the South line of Lot 3 to the Northwest corner of Lot 4 in said Owner's Division;
thence South along the West line of Lot 4 to the Southwest corner thereof; thence East along the South line of Lot 4, and said South line extended Easterly, to the Easterly right of way line of River Road; thence Northerly along the Easterly line of River Road to the South line of Crossroads Industrial Park, being a Subdivision in the Northwest quarter of Section 10 aforesaid, according to the plat thereof recorded August 8, 1957 as Document 16980725; thence East along the South line of said Crossroads Industrial Park to the Southeast corner thereof; thence Northeasterly along the Easterly line of said Crossroads Industrial Park, and said Easterly line extended, to the North line of Bryn Mawr Avenue, in the Southwest quarter of Section 3 aforesaid; thence Northerly along the Westerly line of the Forest Preserve District of Cook County, to the Southerly right-of-way line of the Kennedy Expressway, thence west along and following the southerly right-of-way line of the Kennedy Expressway to the Easterly right-of-way line of the Minneapolis, St. Paul, and Sault Ste. Marie Railroad right-of-way; thence Southeasterly along said Easterly right-of-way line to the point of beginning.

AND ALSO, THAT PART OF THE NORTHEAST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 9 AFORESAID, AT THE INTERSECTION OF THE SOUTH LINE OF 61ST STREET WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE MINNEAPOLIS, ST. PAUL AND ST. STE. MARIE RAILROAD RIGHT-OF-WAY; THENCE EAST ALONG THE SOUTH LINE OF 61ST STREET AND ITS EASTERLY EXTENSION, TO THE EAST LINE OF PEARL STREET; THENCE NORTH ALONG THE EAST LINE OF PEARL STREET TO THE SOUTH LINE OF 62ND STREET; THENCE EAST ALONG THE SOUTH LINE OF 62ND STREET TO THE WES TERYL RIGHT-OF-WAY LINE OF THE ILLINOIS STATE TOLL ROAD; THENCE SO Utherly, ALONG THE WES TERYL RIGHT-OF-WAY LINE OF THE TOLL ROAD TO A POINT ON A WES TERYL EXTENSION OF THE SOUTH LINE OF ALLEN AVENUE; THENCE EAST ALONG SAID WES TERYL EXTENSION, AND ALONG THE SOUTH LINE OF ALLEN AVENUE TO THE WEST LINE OF OTTO AVENUE; THENCE SOUTH ALONG THE WEST LINE OF OTTO AVENUE TO A POINT ON A WES TERYL EXTENSION OF THE NORTH LINE OF THE SOUTH 30 FEET OF LOT 12 IN FIRST ADDITION TO B.L. CARLSEN'S INDUSTRIAL SUBDIVISION, BEING A RESUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 9 AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1962 AS DOCUMENT 18416079; THENCE EAST ALONG SAID WES TERYL EXTENSION, AND ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTH 30 FEET OF LOT 12, TO THE EAST LINE OF LOT 12; THENCE NORTH ALONG THE EAST LINE OF LOT 12, BEING ALSO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 9, TO THE NORTH LINE OF OWNER'S DIVISION OF PARTS OF LOTS 4 AND 5 OF HENRY HACHMEISTER'S DIVISION, IN THE NORTHWEST QUARTER OF SECTION 10, AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1949 AS DOCUMENT 14539019; THENCE EAST ALONG THE NORTH LINE OF SAID OWNER'S DIVISION TO THE WEST LINE OF LOT 3 IN SAID OWNER'S DIVISION; THENCE SOUTH ALONG THE WEST LINE OF LOT 3 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF LOT 3 TO THE NORTHWEST CORNER OF LOT 4 IN SAID OWNER'S SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF LOT 4 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF LOT 4, AND SAID SOUTH LINE EXTENDED EASTERLY, TO THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD; THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID RIVER ROAD TO A POINT BEING 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF LOT 5 EXTENDED EASTERLY, IN HENRY HACHMEISTER'S DIVISION PER DOCUMENT NUMBER 4183101; THENCE WESTERLY, ALONG A LINE WHICH IS 198.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5 IN HENRY
HACHMEISTER'S DIVISION, TO THE NORTHWEST CORNER OF LOT 6 IN B.L. CARLSEN'S INDUSTRIAL SUBDIVISION PER DOCUMENT NUMBER 1925132; THENCE NORTHERLY TO A POINT BEING THE NORTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT T1862127, SAID POINT BEING 293.73 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5 IN HENRY HACHMEISTER'S DIVISION; THENCE WESTERLY ALONG A LINE, 293.73 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 5, 91.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL PER DOCUMENT T1862127; THENCE SOUTHERLY ALONG A LINE BEING THE EAST LINE OF THE WEST 200.00 FEET OF SAID LOT 5, 71.88 FEET TO THE SOUTHEAST CORNER OF A PARCEL BEING DESCRIBED PER DOCUMENT T2257298; THENCE WESTERLY ALONG THE SOUTH LINE AND THE SOUTH LINE EXTENDED WESTERLY OF SAID PARCEL, 233 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF MICHIGAN AVENUE RIGHT-OF-WAY; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF MICHIGAN AVENUE TO THE NORTHWEST CORNER OF LOT 1, BLOCK 12 IN J. TAYLOR'S ADD. TO FAIRVIEW HEIGHTS PER DOCUMENT NUMBER 1876526, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 60TH STREET; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 60TH STREET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID MINNEAPOLIS, ST. PAUL AND ST. STE. MARIE RAILROAD RIGHT-OF-WAY; THENCE NORTH-WESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

(Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99; revised 8-17-99.)

(735 ILCS 5/7-103.71 new)
Sec. 7-103.71. Quick-take; Village of Franklin Park. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after December 1, 1998, by the Village of Franklin Park, for the redevelopment of blighted areas, for the acquisition of property within the area legally described as:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT NO. 2 (SAID CORNER BEING 50.0 FEET WEST OF THE CENTERLINE OF MANNHEIM ROAD); THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT NO. 2, A DISTANCE OF 305.46 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID TRACT NO. 2, A DISTANCE OF 175.0 FEET; THENCE SOUTH, PARALLEL WITH THE EAST LINE OF SAID TRACT NO. 2, A DISTANCE OF 164.46 FEET TO THE SOUTHERLY LINE OF SAID TRACT NO. 2 (SAID LINE BEING 50.0 FEET NORTHERLY OF THE CENTERLINE OF GRAND AVENUE); THENCE WESTERLY ALONG SAID LINE, 672.75 FEET; THENCE NORTH ALONG A LINE THAT IS 227.30 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF MIKE LATORIA SR. INDUSTRIAL SUBDIVISION, 429.87 FEET TO THE NORTH LINE OF SAID TRACT NO. 2; THENCE EAST ALONG SAID NORTH LINE, 845.71 FEET TO THE POINT OF BEGINNING, IN OWNER'S DIVISION OF THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 16, 1929 AS DOCUMENT 10456788 AND FILED IN THE REGISTRAR'S OFFICE ON AUGUST 23, 1929 AS DOCUMENT LR474993, IN COOK COUNTY, ILLINOIS.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

(735 ILCS 5/7-103.72 new)
Sec. 7-103.72. Quick-take; Village of Franklin Park. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after December 1, 1998, by the Village of Franklin Park, for the redevelopment of blighted areas, for the acquisition of the property legally described as:

Lots 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the Salerno-Kaufman Subdivision of part of Tract No. 1 in Owner's Division of part of the East 1/2, Northeast 1/4, Section 29, Township 40, Range 12, East of the Third Principal Meridian, in Cook County, Illinois; and That part of the South 117.64 feet of tract number 1 lying East of a line 235 feet West of and parallel with West line of Mannheim Road in Owner's Division of part of the East half

New matter indicated by italics - deletions by strikeout.
of the Northeast quarter of Section 29, Township 40 North, Range 12, East of the Third Principal Meridian, according to the Plat thereof recorded August 16, 1929 as Document number 10456788, in Cook County, Illinois.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.73. Quick-take; City of Taylorville. Quick-take proceedings under Section 7-103 may be used for a period of 2 years following July 30, 1999, by the City of Taylorville for the acquisition of land used for the construction of the second silt dam on Lake Taylorville; the project area is limited to the townships of Greenwood, Johnson, and Locust in southern Christian County.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.74. Quick-take; City of Effingham. Quick-take proceedings under Section 7-103 may be used for a period of 6 months following July 30, 1999 by the City of Effingham for the acquisition of all the right of way needed for the subject project starting at Wernsing Avenue and running northerly to Fayette Avenue, including the right of way for a structure over the CSX rail line and U.S. Route 40.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.75. Quick-take; City of Effingham. Quick-take proceedings under Section 7-103 may be used for a period of one year following July 30, 1999 by the City of Effingham for the acquisition of property for the construction of South Raney Street Project Phase II, including a grade separation over Conrail and U.S. Route 40 in the City of Effingham, from the intersection of South Raney Street and West Wernsing Avenue northerly to the intersection of South Raney Street and West Fayette Avenue.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.76. Quick-take; Village of Lincolnshire. Quick-take proceedings under Section 7-103 may be used for a period of 2 years following July 30, 1999, by the Village of Lincolnshire, for the purpose of redevelopment within the downtown area, for the acquisition of property within that area legally described as follows:

DOCUMENT NUMBER 2012084; THENCE SOUTH ALONG AFORESAID WEST LINE TO THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG LAST SAID NORTH LINE TO A POINT IN THE WEST LINE (EXTENDED) OF INDIAN CREEK SUBDIVISION (RECORDED AS DOCUMENT NUMBER 2084U19); THENCE SOUTH ALONG THE WEST LINE AND AN EXTENSION THEREOF OF INDIAN CREEK CONDOMINIUM SUBDIVISION TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 130.47 FEET TO THE MOST SOUTHERLY CORNER IN THE AFORESAID SUBDIVISION SAID POINT BEING IN THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22; THENCE NORTHEASTERLY ALONG A SOUTH LINE OF INDIAN CREEK CONDOMINIUM SUBDIVISION 209.56 FEET, SAID LINE BEING ALSO THE NORTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22, TO THE SOUTHEAST CORNER OF INDIAN CREEK CONDOMINIUM SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF INDIAN CREEK SUBDIVISION AND AN EXTENSION THEREOF TO THE NORTH LINE OF HALF DAY ROAD; THENCE EAST ALONG THE NORTH LINE OF HALF DAY ROAD TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15 TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15 AFORESAID; THENCE SOUTHERLY ALONG AN EASTERLY LINE OF THE HAMILTON PARTNERS PROPERTY DESCRIBED AS FOLLOWS, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22 (THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR THIS LEGAL DESCRIPTION); THENCE SOUTH 13 DEGREES 57 MINUTES 09 SECONDS WEST, 519.43 FEET TO A POINT DESCRIBED AS BEARING NORTH 51 DEGREES 41 MINUTES 30 SECONDS WEST, 159.61 FEET FROM A POINT OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22 AFORESAID, 603.05 FEET, AS MEASURED ALONG SAID EAST LINE, SOUTH OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 05 DEGREES 08 MINUTES 04 SECONDS EAST, 232.01 FEET TO THE MOST NORTHERLY NORTHEAST CORNER OF MARIOTT DRIVE, ACCORDING TO THE PLAT OF DEDICATION RECORDED AS DOCUMENT NUMBER 1978811; THENCE SOUTH 42 DEGREES 09 MINUTES 23 SECONDS WEST (RECORD SOUTH 42 DEGREES 08 MINUTES 46 SECONDS WEST) ALONG THE NORTHWESTERLY LINE OF SAID MARIOTT DRIVE, 40.70 FEET (RECORD 40.73 FEET) TO AN ANGLE POINT IN THE NORTH LINE OF SAID MARIOTT DRIVE; THENCE SOUTH PERPENDICULAR TO AFOREMENTIONED MARIOTT DRIVE TO A POINT ON THE SOUTH LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF MARIOTT DRIVE TO A POINT PERPENDICULAR TO A POINT IN THE NORTH LINE OF MARIOTT DRIVE THAT IS ON A LINE, THE EXTENSION OF WHICH IS THE EASTERLY LINE OF LOTS 1 AND 2 IN INDIAN CREEK RESUBDIVISION; THENCE NORTH PERPENDICULAR TO MARIOTT DRIVE TO THE AFOREMENTIONED POINT ON THE NORTH LINE; THENCE NORTHWESTERLY ON THE EASTERLY LINE & EXTENSION THEREOF OF AFOREMENTIONED LOTS 1 AND 2 TO THE NORTHEAST CORNER OF LOT 2; THENCE WEST ALONG THE NORTH LINE OF LOT 2 TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHWESTERLY PERPENDICULAR TO ILLINOIS ROUTE 21 (MILWAUKEE AVENUE DEDICATED BY DOCUMENT NUMBER 2129168) TO THE WEST LINE THEREOF; THENCE NORTH ALONG THE WEST LINE OF AFOREMENTIONED ILLINOIS ROUTE 21 TO THE NORTHEAST CORNER OF LOT 1 IN MCDONALD'S - KING'S SUBDIVISION; THENCE WEST ALONG THE NORTH LINE OF THE LAST MENTIONED LOT 1, 218.50 FEET TO A JOG IN THE NORTH LINE THEREOF; THENCE NORTHERLY ALONG A WESTERLY LINE OF SAID LOT 1, 20.22 FEET TO A JOG IN THE NORTH LINE; THENCE WEST ALONG THE NORTH LINE OF LOT 1 AFORESAID 150.42 FEET TO THE NORTHWEST CORNER OF THEREOF; THENCE SOUTH 205.94 FEET ALONG THE WEST LINE OF AFOREMENTIONED LOT 1 TO A JOG IN THE WEST LINE THEREOF; THENCE EAST ALONG A SOUTH LINE OF LOT 1 TO A JOG IN THE WEST LINE THEREOF 3.45 FEET;
THENCE SOUTH 91.22 FEET ALONG THE WEST LINE LOT 1 TO THE SOUTHWEST CORNER LOT 1 AFOREMENTIONED; THENCE SOUTHERLY RADIAL TO RELOCATED ILLINOIS STATE ROUTE 22 TO THE SOUTH LINE THEREOF; THENCE WEST ALONG THE SOUTH LINE OF RELOCATED ILLINOIS STATE ROUTE 22 TO A POINT PERPENDICULAR TO A POINT AT THE SOUTHWEST CORNER OF THE OLD HALF DAY SCHOOL PARCEL; THENCE NORTHWESTERLY 51.41 FEET ALONG A WEST LINE OF AFORESAID SCHOOL PARCEL TO A CORNER THEREOF; THENCE NORTHEASTERLY 169.30 FEET ALONG A NORTHERLY LINE OF AFORESAID SCHOOL PARCEL TO A CORNER THEREOF; THENCE NORTHWESTERLY 242.80 FEET ALONG A WEST LINE TO THE CENTER LINE OF HALF DAY ROAD; THENCE NORTHWESTERLY NORMAL TO THE AFORESAID ROAD TO THE NORTHERLY RIGHT OF WAY LINE THEREOF; THENCE EAST ALONG THE NORTH LINE OF HALF DAY ROAD TO A POINT SAID POINT IS A BEND IN THE WEST LINE OF PROPERTY DESCRIBED BY DOCUMENT NUMBER 2600952; THENCE NORTHWESTERLY 7.82 CHAINS ALONG THE WEST LINE AFOREMENTIONED TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY 2.39 CHAINS TO THE NORTHEAST CORNER OF THE SAID PROPERTY; THENCE SOUTHEASTERLY ALONG THE EASTERY LINE OF AFORESAID PROPERTY TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 2297085; THENCE EAST 2.27 CHAINS ALONG THE NORTH LINE OF AFOREMENTIONED PROPERTY TO THE NORTH EAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF THE AFOREMENTIONED PROPERTY TO THE PLACE OF BEGINNING, (EXCEPT THEREFROM THE TRACT OF LAND AS DESCRIBED BY DOCUMENT NUMBER 1141157 AND MILWAUKEE AVE. ADJACENT THERETO) ALL IN LAKE COUNTY, ILLINOIS.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.77. Quick-take; City of Marion. Quick-take proceedings under Section 7-103 may be used for a period of 18 months after July 30, 1999, by the City of Marion for the acquisition of property and temporary construction easements bounded by the following lines for improvement of the Pentecost Road project:

A variable width strip of land lying parallel with and contiguous to the existing east and west Right-of-Way lines of Pentecost Road in the following quarter-quarter section:
the NW1/4 NW1/4, Section 16; NE1/4 NE1/4, Section 17; NW1/4 SW1/4, Section 16; SW1/4 SW1/4, Section 16; NE1/4 SE1/4, Section 17; and the SE1/4 SE1/4, Section 17, all located in Township 9 South, Range 2 East of the Third Principal Meridian; Williamson County, Illinois.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.78. Quick-take; City of Geneva. Quick-take proceedings under Section 7-103 may be used for a period of 6 months following July 30, 1999, by the City of Geneva, for the Prairie and Wetland Restoration Project, for the acquisition of property described as follows:

PARCEL ONE: THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS.

PARCEL TWO: THE SOUTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS.


New matter indicated by italics - deletions by strikeout.
Sec. 7-103.79. Quick-take; City of Arcola. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after July 30, 1999, by the City of Arcola for the purpose of acquiring property in connection with a project to widen Illinois Route 133 east of Interstate 57.

Sec. 7-103.80. Quick-take; County of Lake. Quick-take proceedings under Section 7-103 may be used for a period of 24 months after July 30, 1999, by the County of Lake, for the acquisition of necessary right-of-way to complete the improvement of the intersection of County Highway 47 (9th Street) and County Highway 27 (Lewin Avenue).

Sec. 7-103.81. Quick-take; County of Lake. Quick-take proceedings under Section 7-103 may be used for a period of 24 months after July 30, 1999, by the County of Lake, for the acquisition of necessary right-of-way to complete the improvement of the various intersections and roadways involved in the project to improve County Highway 70 (Hawley Street), County Highway 26 (Gilmer Road), and County Highway 62 (Fremont Center Road) at and near Illinois Route 176.

Sec. 7-103.82. Quick-take; County of Winnebago. Quick-take proceedings under Section 7-103 may be used for a period of 30 months after July 30, 1999, by the County of Winnebago to allow for the acquisition of right-of-way for the construction of the Harrison Avenue Extension project from Montague Road to West State Street lying within Section 20, the east 1/2 of Section 29, and the northeast 1/4 of Section 32, Township 44W, Range 1 East of the 3rd Principal Meridian, in Winnebago County.

Sec. 7-103.83. Quick-take; Village of Schiller Park. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after July 30, 1999, by the Village of Schiller Park, for the acquisition of the following described property for purposes of redevelopment of blighted areas:

- Commencing at the intersection of the center line of Irving Park Road with the west line of Mannheim Road; thence, southwesterly along the westerly line of Mannheim Road to its intersection with the south line of Belle Plaine Avenue, as extended from the east; thence, easterly along the south line of Belle Plaine Avenue to its intersection with the west line, as extended from the North, of Lot 7 in the Subdivision of the West Half of the Southwest Quarter of Section 16, Township 40 North, Range 12 East of the Third Principal Meridian; thence, northerly along the east line, as extended from the north, of Lot 7 of the aforecited Subdivision to its intersection with the south line of Belle Plaine Avenue; thence, northeasterly along the northeasterly line of the property acquired by The Illinois State Toll Highway Authority to its intersection with the east line of Lot 7 of the aforecited Subdivision; thence, westerly along the center line of Irving Park Road to the point of beginning.

Notwithstanding the property description contained in this Section, the Village of Schiller

New matter indicated by italics - deletions by strikeout.
Sec. 7-103.84. Quick-take; City of Springfield. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after July 30, 1999, by the City of Springfield, for the acquisition of (i) the property located in the City of Springfield and bounded on the north by Mason Street, on the west by Fifth Street, on the south by Jefferson Street, and on the east by Sixth Street and (ii) the property located in the City of Springfield and bounded on the north by Madison Street, on the west by Sixth Street, on the south by Washington Street, and on the east by Seventh Street, for the Abraham Lincoln Presidential Library.

Sec. 7-103.85. Quick-take; McLean County. Quick-take proceedings under Section 7-103 may be used for a period of 24 months after July 30, 1999, by McLean County, for the acquisition of property necessary for the purpose of construction with respect to the Towanda-Barnes Road from Route 150 to Ft. Jesse Road.

Sec. 7-103.86. Quick-take; Pike County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by Pike County, for the acquisition of property necessary for the purpose of construction with respect to F.A.S. 1591, commonly known as Martinsburg Road, from one mile north of Martinsburg to 0.25 mile north of Martinsburg.

Sec. 7-103.87. Quick-take; Fox Metro Water Reclamation District. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by the Fox Metro Water Reclamation District, for the acquisition of the following described property for the purpose of extending the collector system and construction of facilities for treatment of effluent:

THAT PART OF LOTS 2 AND 3 OF LARSON’S SUBDIVISION DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3 BEING ON THE CENTER LINE OF STATE ROUTE NO. 31; THENCE SOUTH 7 DEGREES 01 MINUTES WEST ALONG SAID CENTER LINE 46.58 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 7 DEGREES 01 MINUTES EAST ALONG SAID CENTER LINE 91.58 FEET; THENCE SOUTH 88 DEGREES 31 MINUTES EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19 DEGREES 40 MINUTES WEST ALONG THE EASTERN LINES OF LOTS 2 AND 3 106.9 FEET; THENCE SOUTH 9 DEGREES 39 MINUTES EAST ALONG THE EASTERN LINE OF SAID LOT 3, 70.83 FEET TO A LINE DRAWN SOUTH 82 DEGREES 36 MINUTES EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 3, FROM THE PLACE OF BEGINNING; THENCE NORTH 82 DEGREES 36 MINUTES WEST ALONG SAID PARALLEL LINE 775.16 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

ALSO:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82 DEGREES 36 MINUTES EAST 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER; THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID WESTERLY BANK 192.5 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 18 DEGREES 46 MINUTES WEST ALONG SAID WESTERLY BANK 44.35 FEET; THENCE NORTH 37 DEGREES 16 MINUTES WEST ALONG SAID WESTERLY BANK 227.8 FEET; THENCE NORTH 82 DEGREES 36 MINUTES WEST 867.3 FEET TO THE CENTER LINE OF THE

New matter indicated by italics - deletions by strikeout.
ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTER LINE 200 FEET TO A LINE DRAWN NORTH 82 DEGREES 36 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82 DEGREES 36 MINUTES EAST 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

ALSO:

PARCEL ONE:
LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE NORTH 6 DEGREES 44 MINUTES EAST ALONG SAID CENTER LINE 745.75 FEET; THENCE SOUTH 82 DEGREES 30 MINUTES EAST 100 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 83 DEGREES 30 MINUTES EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82 DEGREES 30 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE NORTH 82 DEGREES 30 MINUTES WEST TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

ALSO:


(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.88. Quick-take; St. Clair County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by St. Clair County, for the acquisition of property necessary for the purpose of the following county road improvements in the City of O'Fallon and the Village of Shiloh: Section 95-00301-02-PV, Hartman Lane to Shiloh-O'Fallon Road, 2.45 miles of concrete pavement, 24 feet wide, 10-foot shoulders, a 95-foot single-span bridge, earthwork, and traffic signals.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)
Sec. 7-103.89. Quick-take; St. Clair County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by St. Clair County, for the acquisition of property necessary for the purpose of the following county road improvements in the City of Fairview Heights: Section 97-00301-04-PV, Metro-Link Station to Illinois Route 159, 2.04 miles of concrete pavement, 24 feet wide, 10-foot shoulders, earthwork, and traffic signals.
(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.90. Quick-take; St. Clair County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by St. Clair County, for the acquisition of property necessary for the purpose of the following county road improvements in the City of O'Fallon: Section 97-03080-05-PV, Jennifer Court to Station 122+50, 1.52 miles of concrete pavement, 24 to 40 feet wide, 10-foot shoulders, earthwork, storm sewers, curbs, and gutters.
(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.91. Quick-take; Madison County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by Madison County, for the acquisition of property necessary for the purpose of approximately 2.4 miles of roadwork commencing at the intersection of Illinois Route 143 northerly over, adjacent to, and near the location of County Highway 19 (locally known as Birch Drive) to the intersection of Buchts Road, traversing through land sections 19, 20, 29, 30, and 31 of Ft. Russell Township, the work to consist of excavation, fill placement, concrete structures, and an aggregate and bituminous base with bituminous binder and surfacing.
(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.92. Quick-take; Lake County. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after July 30, 1999, by Lake County, for the acquisition of property necessary for the purpose of improving County Highway 70 (Hawley Street) from Chevy Chase Road to County Highway 26 (Gilmer Road).
(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

Sec. 7-103.93. Quick-take; Kendall County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after July 30, 1999, by Kendall County, for the acquisition of the following described property for the purpose of road construction or improvements, including construction of a bridge and related improvements:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN’S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 1,084.14 FEET ALONG THE CENTER LINE OF MINKLER ROAD AND THE NORTHERLY EXTENSION THEREOF TO THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 12.95 FEET TO THE SOUTH BANK OF THE FOX RIVER; THENCE NORTH 84 DEGREES 02 MINUTES 18 SECONDS EAST, 192.09 FEET ALONG SAID SOUTH BANK; THENCE SOUTH 23 DEGREES 08 MINUTES 48 SECONDS EAST, 4.22 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE SOUTHWESTERLY, 194.71 FEET ALONG A 3,956.53 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 81 DEGREES 25 MINUTES 34 SECONDS WEST, 194.69 FEET TO THE POINT OF BEGINNING.

AND:

New matter indicated by italics - deletions by strikeout.
THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 53 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53 MINUTES 06 SECONDS WEST, 52.33 FEET ALONG THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 130.87 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 18 DEGREES 09 MINUTES 27 SECONDS WEST, 111.00 FEET; THENCE NORTH 74 DEGREES 41 MINUTES 24 SECONDS EAST, 40.24 FEET; THENCE NORTH 3 DEGREES 05 MINUTES 16 SECONDS WEST, 239.00 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 13 SECONDS WEST, 69.62 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 14 SECONDS WEST, 46.47 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS WEST, 20.00 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 53 MINUTES 06 SECONDS WEST, 595.48 FEET ALONG SAID CENTER LINE AND SAID CENTER LINE EXTENDED NORtherLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE EASTERLY, 222.77 FEET ALONG A 3,881.53 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 81 DEGREES 28 MINUTES 59 SECONDS EAST, 222.74 FEET; THENCE SOUTH 20 DEGREES 43 MINUTES 16 SECONDS EAST, 119.40 FEET; THENCE SOUTHERLY, 237.80 FEET ALONG A 717.37 FEET RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 11 DEGREES 13 MINUTES 29 SECONDS EAST, 236.71 FEET; THENCE SOUTH 1 DEGREES 43 MINUTES 42 SECONDS EAST, 471.58 FEET; THENCE SOUTH 55 DEGREES 31 MINUTES 50 SECONDS EAST, 63.07 FEET; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 86.50 FEET; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 20.00 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 72 DEGREES 05 MINUTES 06 SECONDS EAST, 350.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 17 DEGREES 58 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 836.88 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

AND:

THAT PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF CHRISTIE C. HERREN'S 2ND SUBDIVISION; THENCE ON AN ASSUMED BEARING NORTH 89 DEGREES 32 MINUTES 05 SECONDS EAST, 33.00 FEET ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4 TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 53 SECONDS WEST, 1,585.91 FEET ALONG THE CENTER LINE OF MINKLER ROAD TO THE CENTER LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 01 MINUTES 36 SECONDS EAST, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTH 64 DEGREES 54 MINUTES 06 SECONDS WEST, 201.56 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 331.43 FEET; THENCE SOUTH 1 DEGREES 55 MINUTES 17 SECONDS WEST, 144.09 FEET; THENCE SOUTHERLY 327.44 FEET ALONG AN 853.94 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 12 DEGREES 54 MINUTES 22 SECONDS WEST, 325.44 FEET; THENCE SOUTH 23 DEGREES 53 MINUTES 28 SECONDS WEST, 211.52 FEET; THENCE SOUTHERLY 289.43 FEET ALONG A 673.94 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 11 DEGREES 35 MINUTES 17 SECONDS WEST, 287.21 FEET; THENCE SOUTH 0 DEGREES 42 MINUTES 55 SECONDS EAST, 135.43 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 05 SECONDS WEST, 85.98 FEET TO
THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 459.31 FEET ALONG SAID CENTER LINE; THENCE NORTH 21 DEGREES 25 MINUTES 47 SECONDS EAST, 232.86 FEET; THENCE NORTHERLY 266.09 FEET ALONG A 693.94 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 12 DEGREES 54 MINUTES 22 SECONDS EAST, 264.46 FEET; THENCE NORTH 1 DEGREES 55 MINUTES 17 SECONDS EAST, 64.92 FEET; THENCE NORTH 53 DEGREES 01 MINUTES 20 SECONDS WEST, 30.54 FEET; THENCE SOUTH 72 DEGREES 01 MINUTES 36 SECONDS WEST, 132.59 FEET TO THE CENTER LINE OF MINKLER ROAD; THENCE NORTH 0 DEGREES 27 MINUTES 55 SECONDS WEST, 73.38 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

(735 ILCS 5/7-103.94 new)

Sec. 7-103.94. Quick-take; DU-COMM at Cloverdale, Illinois. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after July 30, 1999, by DuPage Public Safety Communications (DU-COMM), a unit of intergovernmental cooperation, for the acquisition of property including land, buildings, towers, fixtures, and other improvements located at Cloverdale, Illinois and described as follows:

A tract or parcel of land situated in the Southeast Quarter (SE 1/4) of Section Twenty-one (21), Township Forty (40) North, Range Ten (10) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), measure North, along the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21) 1287.35 feet, then East at right angles to the said West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), 292.57 feet to the point of beginning;

Thence East along the last described course 208.71 feet, thence South at right angles to the last described course 208.71 feet, thence West at right angles to the last described course 208.71 feet, thence North in a direct line 208.71 feet to the point of beginning; also

A right of way and easement thirty-three (33) feet in width for the construction, maintenance, and use of (a) a roadway suitable for vehicular traffic, and (b) such aerial or underground electric power and communication lines as said Company may from time to time desire, consisting of poles, wires, cables, conduits, guys, anchors, and other fixtures and appurtenances, the center line of which right of way and easement is described as follows:

Commencing at a point on the West line of the tract or parcel of land above described, distant Southerly 16.5 feet from the Northwest corner of said tract or parcel, thence Westerly at right angles to the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), 293 feet more or less to the public road situated on the West line of the Southeast Quarter (SE 1/4) of said Section Twenty-one (21), Township and Range aforesaid.

(735 ILCS 5/7-103.95 new)

Sec. 7-103.95. Quick-take; City of Crest Hill. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after July 30, 1999, (in the case of the permanent easements described in items (A) and (C)), by the City of Crest Hill, for acquisition of the following easements:

(A) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois.

(B) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (A). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

New matter indicated by italics - deletions by strikeout.
The East 100 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois.

(C) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the West 120 feet of the South half of the Southeast Quarter of Section 30, in township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said Southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter; as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter, thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northeasterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois.

(D) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (C). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the West 150 feet of the South half of the Southeast Quarter of Section 30, in Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

New matter indicated by italics - deletions by strikeout.
Exception 1: That part of said South half lying Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter; thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois.

(Source: P.A. 91-367, eff. 7-30-99; revised 8-16-99.)

(735 ILCS 5/7-103.96 new)

Sec. 7-103.96. Quick-take; Village of Palatine. Quick-take proceedings under Section 7-103 may be used for a period of 4 years after July 30, 1999, by the Village of Palatine, for the acquisition of the following described property for the purpose of revitalizing the downtown business area:

Lots 1 through 3 in Block D of the Subdivision of the North 24.60 acres in the NE 1/4 of the NE 1/4 of Section 22, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Bothwell Street, Railroad right-of-way, Plum Grove Road and Chicago Avenue in the Village of Palatine;

Lots 1 through 8 in Block K, of the Town of Palatine, a subdivision of the West 16 2/3 acres of the South 31 acres of the West 1/2 of the Southwest 1/4 of Section 14 and the Southeast 24.12 acres of the South 31 acres of the East 1/2 of the Southeast 1/4 of Section 15, Township 42 North, Range 10, East of the Third Principal Meridian, Ante-Fire, Re-recorded April 10, 1877 as Document 129579, in Cook County, Illinois;

Property bounded by Wilson Street, Plum Grove Road, Slade Street, Railroad right-of-way and Bothwell Street in the Village of Palatine;

New matter indicated by italics - deletions by strikeout.
Lots 1 through 8 in Block 8 of the Subdivision of part of the East 1/2 of the SE 1/4 Section, Ante-Fire, Re-recorded on April 10, 1877 as Document Number 129579;
Lots 20 and 21 and the West 71.25 feet of Lot 24 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919;
Lots 1 through 3 of Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;
Property bounded by Colfax Street, Smith Street and Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;
Lots 45 through 50 and 58 through 64 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919; and Property bounded by Wood Street, Brockway Street and Railroad right-of-way in the Village of Palatine.

Section 96. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505, 505.2, 505.3, 705, 709, and 713 as follows:

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Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>25%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;
(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or
(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

1. the non-custodial parent and the person, persons, or business entity maintain records together.
2. the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.
3. the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue interest at the rate of 9% per annum.

c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law.
against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff. 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

(750 ILCS 5/505.2) (from Ch. 40, par. 505.2)
Sec. 505.2. Health insurance.
(a) Definitions. As used in this Section:
(1) "Obligee" means the individual to whom the duty of support is owed or the individual's legal representative.
(2) "Obligor" means the individual who owes a duty of support pursuant to an order for support.
(3) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.
(b) Order.
(1) Whenever the court establishes, modifies or enforces an order for child support or
for child support and maintenance the court shall include in the order a provision for the health care coverage of the child which shall, upon request of the obligee or Public Office, require that any child covered by the order be named as a beneficiary of any health insurance plan that is available to the obligor through an employer or labor union or trade union. If the court finds that such a plan is not available to the obligor, or that the plan is not accessible to the obligee, the court may, upon request of the obligee or Public Office, order the obligor to name the child covered by the order as a beneficiary of any health insurance plan that is available to the obligor on a group basis, or as a beneficiary of an independent health insurance plan to be obtained by the obligor, after considering the following factors:

(A) the medical needs of the child;
(B) the availability of a plan to meet those needs; and
(C) the cost of such a plan to the obligor.

(2) If the employer or labor union or trade union offers more than one plan, the order shall require the obligor to name the child as a beneficiary of the plan in which the obligor is enrolled.

(3) Nothing in this Section shall be construed to limit the authority of the court to establish or modify a support order to provide for payment of expenses, including deductibles, copayments and any other health expenses, which are in addition to expenses covered by an insurance plan of which a child is ordered to be named a beneficiary pursuant to this Section.

(c) Implementation and enforcement.

(1) When the court order requires that a minor child be named as a beneficiary of a health insurance plan, other than a health insurance plan available through an employer or labor union or trade union, the obligor shall provide written proof to the obligee or Public Office that the required insurance has been obtained, or that application for insurability has been made, within 30 days of receiving notice of the court order. Unless the obligor was present in court when the order was issued, notice of the order shall be given pursuant to Illinois Supreme Court Rules. If an obligor fails to provide the required proof, he may be held in contempt of court.

(2) When the court requires that a minor child be named as a beneficiary of a health insurance plan available through an employer or labor union or trade union, the court's order shall be implemented in accordance with the Income Withholding for Support Act Section 706.1, as now or hereafter amended.

(d) Failure to maintain insurance. The dollar amount of the premiums for court-ordered health insurance, or that portion of the premiums for which the obligor is responsible in the case of insurance provided under a group health insurance plan through an employer or labor union or trade union where the employer or labor union or trade union pays a portion of the premiums, shall be considered an additional child support obligation owed by the obligor. Whenever the obligor fails to provide or maintain health insurance pursuant to an order for support, the obligor shall be liable to the obligee for the dollar amount of the premiums which were not paid, and shall also be liable for all medical expenses incurred by the minor child which would have been paid or reimbursed by the health insurance which the obligor was ordered to provide or maintain. In addition, the obligee may petition the court to modify the order based solely on the obligor's failure to pay the premiums for court-ordered health insurance.

(e) Authorization for payment. The signature of the obligee is a valid authorization to the insurer to process a claim for payment under the insurance plan to the provider of the health care services or to the obligee.

(f) Disclosure of information. The obligor's employer or labor union or trade union shall disclose to the obligee or Public Office, upon request, information concerning any dependent coverage plans which would be made available to a new employee or labor union member or trade union member. The employer or labor union or trade union shall disclose such information whether or not a court order for medical support has been entered.

(g) Employer obligations. If a parent is required by an order for support to provide coverage for a child's health care expenses and if that coverage is available to the parent through an employer who does business in this State, the employer must do all of the following upon receipt of a copy of
the order of support or order for withholding:

(1) The employer shall, upon the parent's request, permit the parent to include in that coverage a child who is otherwise eligible for that coverage, without regard to any enrollment season restrictions that might otherwise be applicable as to the time period within which the child may be added to that coverage.

(2) If the parent has health care coverage through the employer but fails to apply for coverage of the child, the employer shall include the child in the parent's coverage upon application by the child's other parent or the Illinois Department of Public Aid.

(3) The employer may not eliminate any child from the parent's health care coverage unless the employee is no longer employed by the employer and no longer covered under the employer's group health plan or unless the employer is provided with satisfactory written evidence of either of the following:

(A) The order for support is no longer in effect.
(B) The child is or will be included in a comparable health care plan obtained by the parent under such order that is currently in effect or will take effect no later than the date the prior coverage is terminated.

The employer may eliminate a child from a parent's health care plan obtained by the parent under such order if the employer has eliminated dependent health care coverage for all of its employees.

(Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

(750 ILCS 5/505.3)
Sec. 505.3. Information to State Case Registry.
(a) When an order for support is entered or modified under this Act, the clerk of the circuit court shall, within 5 business days, provide to the State Case Registry established under Section 10-27 of the Illinois Public Aid Code the court docket number and county in which the order is entered or modified and the following information, which the parties shall disclose to the court:

(1) The names of the custodial and non-custodial parents and of the child or children covered by the order.
(2) The dates of birth of the custodial and non-custodial parents and of the child or children covered by the order.
(3) The social security numbers of the custodial and non-custodial parents and of the child or children covered by the order.
(4) The residential and mailing addresses for the custodial and non-custodial parents.
(5) The telephone numbers for the custodial and non-custodial parents.
(6) The driver's license numbers for the custodial and non-custodial parents.
(7) The name, address, and telephone number of each parent's employer or employers.
(b) When a child support order is entered or modified for a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall provide the State Case Registry with the following information:

(1) The information specified in subsection (a) of this Section.
(2) The amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order.
(3) Any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk.
(4) The distribution of the amounts received by the clerk.
(c) A party shall report to the clerk of the circuit court changes in information required to be disclosed under this Section within 5 business days of the change.
(d) To the extent that updated information is in the clerk's possession, the clerk shall provide updates of the information specified in subsection (b) of this Section within 5 business days after the Illinois Department of Public Aid's request for that updated information.

(Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

(750 ILCS 5/705) (from Ch. 40, par. 705)
Sec. 705. Support payments; receiving and disbursing agents.

New matter indicated by italics - deletions by strikeout.
(1) The provisions of this Section shall apply, except as provided in Sections 709 through 712.

(2) In a dissolution of marriage action filed in a county of less than 3 million population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made to the clerk of the court.

(3) In a dissolution of marriage action filed in any county of 3 million or more population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid. After the effective date of this Act, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Illinois Department of Public Aid.

(4) In a dissolution of marriage action or supplementary proceedings involving maintenance or child support payments, or both, to persons who are recipients of aid under the Illinois Public Aid Code, the court shall direct that such payments be made to (a) the Illinois Department of Public Aid if the persons are recipients under Articles III, IV, or V of the Code, or (b) the local governmental unit responsible for their support if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Public Aid or the local governmental unit, as the case may be, to direct that payments be made directly to the former spouse, the children, or both, or to some person or agency in their behalf, upon removal of the former spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(5) All clerks of the court and the Court Service Division of a County Department of Public Aid and, after the effective date of this Act, all clerks of the court and the Illinois Department of Public Aid, receiving child support payments under subsections (2) and (3) of this Section shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment. They shall establish and maintain current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to the clerk of the court to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local
governmental unit shall be deposited in that unit's General Assistance Fund. Any order of court directing payment of child support to a clerk of court or the Court Service Division of a County Department of Public Aid, which order has been entered on or after August 14, 1961, and prior to the effective date of this Act, may be amended by the court in line with this Act; and orders involving payments of maintenance or child support to recipients of public aid may in like manner be amended to conform to this Act.

(6) No filing fee or costs will be required in any action brought at the request of the Illinois Department of Public Aid in any proceeding under this Act. However, any such fees or costs may be assessed by the court against the respondent in the court's order of support or any modification thereof in a proceeding under this Act.

(7) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

In any action filed in a county with a population of 1,000,000 or less, the court shall assess against the respondent in any order of maintenance or child support any sum up to $36 annually authorized by ordinance of the county board to be collected by the clerk of the court as costs for administering the collection and disbursement of maintenance and child support payments. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support.

(8) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; revised 8-31-99.)

(750 ILCS 5/709) (from Ch. 40, par. 709)
Sec. 709. Mandatory child support payments to clerk.

(a) As of January 1, 1982, child support orders entered in any county covered by this subsection shall be made pursuant to the provisions of Sections 709 through 712 of this Act. For purposes of these Sections, the term "child support payment" or "payment" shall include any payment ordered to be made solely for the purpose of the support of a child or children or any payment ordered for general support which includes any amount for support of any child or children.

The provisions of Sections 709 through 712 shall be applicable to any county with a population of 2 million or more and to any other county which notifies the Supreme Court of its desire to be included within the coverage of these Sections and is certified pursuant to Supreme Court Rules.

The effective date of inclusion, however, shall be subject to approval of the application for reimbursement of the costs of the support program by the Department of Public Aid as provided in Section 712.

(b) In any proceeding for a dissolution of marriage, legal separation, or declaration of invalidity of marriage, or in any supplementary proceedings in which a judgment or modification thereof for the payment of child support is entered on or after January 1, 1982, in any county covered by Sections 709 through 712, and the person entitled to payment is receiving a grant of financial aid under Article IV of the Illinois Public Aid Code or has applied and qualified for support services under Section 10-1 of that Code, the court shall direct: (1) that such payments be made to the clerk of the court and (2) that the parties affected shall each thereafter notify the clerk of any change of address or change in other conditions that may affect the administration of the order, including the fact that a party who was previously not on public aid has become a recipient of public aid, within 10 days of such change. All notices sent to the obligor's last known address on file with the clerk
shall be deemed sufficient to proceed with enforcement pursuant to the provisions of Sections 709 through 712.

In all other cases, the court may direct that payments be made to the clerk of the court.

(c) Except as provided in subsection (d) of this Section, the clerk shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment.

(d) The court shall determine, prior to the entry of the support order, if the party who is to receive the support is presently receiving public aid or has a current application for public aid pending and shall enter the finding on the record.

If the person entitled to payment is a recipient of aid under the Illinois Public Aid Code, the clerk, upon being informed of this fact by finding of the court, by notification by the party entitled to payment, by the Illinois Department of Public Aid or by the local governmental unit, shall make all payments to: (1) the Illinois Department of Public Aid if the person is a recipient under Article III, IV, or V of the Code or (2) the local governmental unit responsible for his or her support if the person is a recipient under Article VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. Upon termination of public aid payments to such a recipient or termination of services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid or the appropriate local governmental unit shall notify the clerk in writing or by electronic transmission that all subsequent payments are to be sent directly to the person entitled thereto.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(e) Any order or judgment may be amended by the court, upon its own motion or upon the motion of either party, to conform with the provisions of Sections 709 through 712, either as to the requirement of making payments to the clerk or, where payments are already being made to the clerk, as to the statutory fees provided for under Section 711.

(f) The clerk may invest in any interest bearing account or in any securities, monies collected for the benefit of a payee, where such payee cannot be found; however, the investment may be only for the period until the clerk is able to locate and present the payee with such monies. The clerk may invest in any interest bearing account, or in any securities, monies collected for the benefit of any other payee; however, this does not alter the clerk's obligation to make payments to the payee in a timely manner. Any interest or capital gains accrued shall be for the benefit of the county and shall be paid into the special fund established in subsection (b) of Section 711.

(g) The clerk shall establish and maintain a payment record of all monies received and disbursed and such record shall constitute prima facie evidence of such payment and non-payment, as the case may be.

(h) For those cases in which child support is payable to the clerk of the circuit court for
transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(i) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; revised 9-28-99.)

750 ILCS 5/713 (from Ch. 40, par. 713)

Sec. 713. Attachment of the Body. As used in this Section, "obligor" has the same meaning ascribed to such term in the Income Withholding for Support Act.

(a) In any proceeding to enforce an order for support, where the obligor has failed to appear in court pursuant to order of court and after due notice thereof, the court may enter an order for the attachment of the body of the obligor. Notices under this Section shall be served upon the obligor by any means authorized under subsection (a-5) of Section 505. The attachment order shall fix an amount of escrow which is equal to a minimum of 20% of the total child support arrearage alleged by the obligee in sworn testimony to be due and owing. The attachment order shall direct the Sheriff of any county in Illinois to take the obligor into custody and shall set the number of days following release from custody for a hearing to be held at which the obligor must appear, if he is released under subsection (b) (c) of this Section.

(b) If the obligor is taken into custody, the Sheriff shall take the obligor before the court which entered the attachment order. However, the Sheriff may release the person after he or she has deposited the amount of escrow ordered by the court pursuant to local procedures for the posting of bond. The Sheriff shall advise the obligor of the hearing date at which the obligor is required to appear.

(c) Any escrow deposited pursuant to this Section shall be transmitted to the Clerk of the Circuit Court for the county in which the order for attachment of the body of the obligor was entered. Any Clerk who receives money deposited into escrow pursuant to this Section shall notify the obligee, public office or legal counsel whose name appears on the attachment order of the court date at which the obligor is required to appear and the amount deposited into escrow. The Clerk shall disburse such money to the obligee only under an order from the court that entered the attachment order pursuant to this Section.

(d) Whenever an obligor is taken before the court by the Sheriff, or appears in court after the court has ordered the attachment of his body, the court shall:

(1) hold a hearing on the complaint or petition that gave rise to the attachment order. For purposes of determining arrearages that are due and owing by the obligor, the court shall accept the previous sworn testimony of the obligee as true and the appearance of the obligee shall not be required. The court shall require sworn testimony of the obligor as to his or her Social Security number, income, employment, bank accounts, property and any other assets. If there is a dispute as to the total amount of arrearages, the court shall proceed as in any other case as to the undisputed amounts; and

(2) order the Clerk of the Circuit Court to disburse to the obligee or public office money held in escrow pursuant to this Section if the court finds that the amount of arrearages exceeds the amount of the escrow. Amounts received by the obligee or public office shall be deducted from the amount of the arrearages.

(e) If the obligor fails to appear in court after being notified of the court date by the Sheriff upon release from custody, the court shall order any monies deposited into escrow to be immediately released to the obligee or public office and shall proceed under subsection (a) of this Section by entering another order for the attachment of the body of the obligor.
(f) This Section shall apply to any order for support issued under the "Illinois Marriage and Dissolution of Marriage Act", approved September 22, 1977, as amended; the "Illinois Parentage Act of 1984", effective July 1, 1985, as amended; the "Revised Uniform Reciprocal Enforcement of Support Act", approved August 28, 1969, as amended; "The Illinois Public Aid Code", approved April 11, 1967, as amended; the Non-Support Punishment Act; and the "Non-support of Spouse and Children Act", approved June 8, 1953, as amended.

(g) Any escrow established pursuant to this Section for the purpose of providing support shall not be subject to fees collected by the Clerk of the Circuit Court for any other escrow.

(750 ILCS 16/23 new)
Sec. 23. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue interest at the rate of 9% per annum.

(750 ILCS 16/60)
Sec. 60. Unemployed persons owing duty of support.
(a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training, or work programs and where the duty of support is owed to a child receiving support services under Article X of the Illinois Public Aid Code the court may order the unemployed person to report to the Illinois Department of Public Aid for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Public Aid:
(1) that the person pay the past-due support in accordance with a plan approved by the court; or
(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(750 ILCS 25/6) (from Ch. 40, par. 2706)
Sec. 6. Authority of hearing officers.
(a) With the exception of judicial functions exclusively retained by the court in Section 8 of this Act and in accordance with Supreme Court rules promulgated pursuant to this Act, Administrative Hearing Officers shall be authorized to:
(1) Accept voluntary agreements reached by the parties setting the amount of child support to be paid and medical support liability and recommend the entry of orders incorporating such agreements.
(2) Accept voluntary acknowledgments of parentage and recommend entry of an order establishing parentage based on such acknowledgement. Prior to accepting such acknowledgment, the Administrative Hearing Officer shall advise the putative father of his rights and obligations in accordance with Supreme Court rules promulgated pursuant to this Act.
(3) Manage all stages of discovery, including setting deadlines by which discovery must be completed; and directing the parties to submit to appropriate tests pursuant to Section 11

(4) Cause notices to be issued requiring the Obligor to appear either before the Administrative Hearing Officer or in court.

(5) Administer the oath or affirmation and take testimony under oath or affirmation.

(6) Analyze the evidence and prepare written recommendations based on such evidence, including but not limited to: (i) proposed findings as to the amount of the Obligor's income; (ii) proposed findings as to the amount and nature of appropriate deductions from the Obligor's income to determine the Obligor's net income; (iii) proposed findings as to the existence of relevant factors as set forth in subsection (a)(2) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, which justify setting child support payment levels above or below the guidelines; (iv) recommended orders for temporary child support; (v) recommended orders setting the amount of current child support to be paid; (vi) proposed findings as to the existence and amount of any arrearages; (vii) recommended orders reducing any arrearages to judgement and for the payment of amounts towards such arrearages; (viii) proposed findings as to whether there has been a substantial change of circumstances since the entry of the last child support order, or other circumstances justifying a modification of the child support order; and (ix) proposed findings as to whether the Obligor is employed.

(7) With respect to any unemployed Obligor who is not making child support payments or is otherwise unable to provide support, recommend that the Obligor be ordered to seek employment and report periodically of his or her efforts in accordance with such order. Additionally, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and, where the duty of support is owed to a child receiving support services under Article X of the Illinois Public Aid Code, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Illinois Department of Public Aid for participation in the job search, training or work programs established under Section 9-6 of the Public Aid Code

(8) Recommend the registration of any foreign support judgments or orders as the judgments or orders of Illinois.

(b) In any case in which the Obligee is not participating in the IV-D program or has not applied to participate in the IV-D program, the Administrative Hearing Officer shall:

(1) inform the Obligee of the existence of the IV-D program and provide applications on request; and

(2) inform the Obligee and the Obligor of the option of requesting payment to be made through the Clerk of the Circuit Court.

If a request for payment through the Clerk is made, the Administrative Hearing Officer shall note this fact in the recommendations to the court.

(c) The Administrative Hearing Officer may make recommendations in addition to the proposed findings of fact and recommended order to which the parties have agreed.

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(A) The surrogate mother certifies that she is not the biological mother of the child, and that she is carrying the child of the biological father (sperm donor) and of the biological mother (egg donor).

(B) The husband, if any, of the surrogate mother certifies that he is not the biological father of the child and that the child is that of the biological father (sperm donor) and of the biological mother (egg donor).

(C) The biological mother certifies that she donated the egg from which the child being carried by the surrogate mother was conceived.

(D) The biological father certifies that he donated the sperm from which the child being carried by the surrogate mother was conceived.

(E) A physician licensed to practice medicine in all its branches in the State of Illinois certifies that the child being carried by the surrogate mother is the biological child of the biological mother (egg donor) and biological father (sperm donor), and that neither the surrogate mother nor the surrogate mother's husband, if any, is a biological parent of the child being carried by the surrogate mother.

(F) All certifications shall be in writing and witnessed by 2 competent adults who are not the surrogate mother, surrogate mother's husband, if any, biological mother, or biological father. Certifications shall be on forms prescribed by the Illinois Department of Public Health, shall be executed prior to the birth of the child, and shall be placed in the medical records of the surrogate mother prior to the birth of the child. Copies of all certifications shall be delivered to the Illinois Department of Public Health prior to the birth of the child.

(2) Unless otherwise determined by order of the Circuit Court, the child shall be presumed to be the child of the surrogate mother and of the surrogate mother's husband, if any, if all requirements of subdivision (a)(1) are not met prior to the birth of the child. This presumption may be rebutted by clear and convincing evidence. The circuit court may order the surrogate mother, surrogate mother's husband, biological mother, biological father, and child to submit to such medical examinations and testing as the court deems appropriate.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 90-18, eff. 7-1-97; 91-308, eff. 7-29-99; 91-613, eff. 10-1-99; revised 9-28-99.)

(750 ILCS 45/15) (from Ch. 40, par. 2515)

Sec. 15. Enforcement of Judgment or Order.

(a) If existence of the parent and child relationship is declared, or paternity or duty of support
has been established under this Act or under prior law or under the law of any other jurisdiction, the judgment rendered thereunder may be enforced in the same or other proceedings by any party or any person or agency that has furnished or may furnish financial assistance or services to the child. The Income Withholding for Support Act and Sections 14 and 16 of this Act shall also be applicable with respect to entry, modification and enforcement of any support judgment entered under provisions of the "Paternity Act", approved July 5, 1957, as amended, repealed July 1, 1985.

(b) Failure to comply with any order of the court shall be punishable as contempt as in other cases of failure to comply under the "Illinois Marriage and Dissolution of Marriage Act", as now or hereafter amended. In addition to other penalties provided by law, the court may, after finding the party guilty of contempt, order that the party be:

(1) Placed on probation with such conditions of probation as the court deems advisable;

(2) Sentenced to periodic imprisonment for a period not to exceed 6 months. However, the court may permit the party to be released for periods of time during the day or night to work or conduct business or other self-employed occupation. The court may further order any part of the earnings of a party during a sentence of periodic imprisonment to be paid to the Clerk of the Circuit Court or to the person or parent having custody of the minor child for the support of said child until further order of the court.

(2.5) The court may also pierce the ownership veil of a person, persons, or business entity to discover assets of a non-custodial parent held in the name of that person, those persons, or that business entity if there is a unity of interest and ownership sufficient to render no financial separation between the non-custodial parent and that person, those persons, or the business entity. The following circumstances are sufficient for a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(A) the non-custodial parent and the person, persons, or business entity maintain records together.

(B) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(C) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this subdivision (2.5) shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

(3) The court may also order that in cases where the party is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the party's Illinois driving privileges be suspended until the court determines that the party is in compliance with the judgement or duty of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the party's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment of Spouse and Children Act may be prosecuted under that Act Section, and a person convicted under that Act Section may be sentenced in accordance with that Act Section. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 subsection (b) of that Act Section or participate in a work alternative program under Section 50 subsection (c) of that Act Section. A person may not be required to participate in a work alternative

New matter indicated by italics - deletions by strikeout.
program under Section 50 subsection (c) of that Act Section if the person is currently participating in a work program pursuant to Section 15.1 of this Act.

(c) In any post-judgment proceeding to enforce or modify the judgment the parties shall continue to be designated as in the original proceeding.

(750 ILCS 45/21) (from Ch. 40, par. 2521)

Sec. 21. Support payments; receiving and disbursing agents.

(1) In an action filed in a county of less than 3 million population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made to the clerk of the court unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court the judgment or order of support shall set forth the facts of the exceptional circumstances.

(2) In an action filed in a county of 3 million or more population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid, or to the clerk of the court or to the Illinois Department of Public Aid, unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court, the Court Service Division of the County Department of Public Aid, or the Illinois Department of Public Aid, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(3) Where the action or supplementary proceeding is in behalf of a mother for pregnancy and delivery expenses or for child support, or both, and the mother, child, or both, are recipients of aid under the Illinois Public Aid Code, the court shall order that the payments be made directly to (a) the Illinois Department of Public Aid if the mother or child, or both, are recipients under Articles IV or V of the Code, or (b) the local governmental unit responsible for the support of the mother or child, or both, if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The Illinois Department of Public Aid or the local governmental unit, as the case may be, may direct that payments be made directly to the mother of the child, or to some other person or agency in the child's behalf, upon the removal of the mother and child from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(4) All clerks of the court and the Court Service Division of a County Department of Public Aid and the Illinois Department of Public Aid, receiving child support payments under paragraphs (1) or (2) shall disburse the same to the person or persons entitled thereto under the terms of the order. They shall establish and maintain clear and current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Upon notification in writing or by electronic transmission from the Illinois Department of Public Aid to the clerk of the court that a person who is receiving support payments under this Section is receiving services under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, any support payments subsequently received by the clerk of the court shall
be transmitted in accordance with the instructions of the Illinois Department of Public Aid until the Department gives notice to cease the transmittal. After providing the notification authorized under this paragraph, the Illinois Department of Public Aid shall be entitled as a party to notice of any further proceedings in the case. The clerk of the court shall file a copy of the Illinois Department of Public Aid's notification in the court file. The failure of the clerk to file a copy of the notification in the court file shall not, however, affect the Illinois Department of Public Aid's right to receive notice of further proceedings.

Payments under this Section to the Illinois Department of Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursement from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(5) The moneys received by persons or agencies designated by the court shall be disbursed by them in accordance with the order. However, the court, on petition of the state's attorney, may enter new orders designating the clerk of the court or the Illinois Department of Public Aid, as the person or agency authorized to receive and disburse child support payments and, in the case of recipients of public aid, the court, on petition of the Attorney General or State's Attorney, shall direct subsequent payments to be paid to the Illinois Department of Public Aid or to the appropriate local governmental unit, as provided in paragraph (3). Payments of child support by principals or sureties on bonds, or proceeds of any sale for the enforcement of a judgment shall be made to the clerk of the court, the Illinois Department of Public Aid or the appropriate local governmental unit, as the respective provisions of this Section require.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Illinois Department of Public Aid by order of court or upon notification by the Illinois Department of Public Aid, the clerk shall transmit all such payments, within 4 working days of receipt, to ensure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(7) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 21.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99; 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; revised 9-1-99.)

Section 99. The Adoption Act is amended by changing Sections 1 and 18.1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:
A. "Child" means a person under legal age subject to adoption under this Act.
B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.
C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.
D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following:
(a) Abandonment of the child.
(a-1) Abandonment of a newborn infant in a hospital.
(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that
the parent intended to relinquish his or her parental rights.
(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the
child's welfare.
(c) Desertion of the child for more than 3 months next preceding the commencement of
the Adoption proceeding.
(d) Substantial neglect of the child if continuous or repeated.
(d-1) Substantial neglect, if continuous or repeated, of any child residing in the
household which resulted in the death of that child.
(e) Extreme or repeated cruelty to the child.
(f) Two or more findings of physical abuse to any children under Section 4-8 of the
Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of
which was determined by the juvenile court hearing the matter to be supported by clear and
convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity
resulting from the death of any child by physical child abuse; or a finding of physical child
abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or
Section 2-21 of the Juvenile Court Act of 1987.
(g) Failure to protect the child from conditions within his environment injurious to the
child's welfare.
(h) Other neglect of, or misconduct toward the child; provided that in making a finding
of unfitness the court hearing the adoption proceeding shall not be bound by any previous
finding, order or judgment affecting or determining the rights of the parents toward the child
sought to be adopted in any other proceeding except such proceedings terminating parental
rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act
of 1987.
(i) Depravity. Conviction of any one of the following crimes shall create a presumption
that a parent is depraved which can be overcome only by clear and convincing evidence: (1)
first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the
Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a)
of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first
degree murder or second degree murder of any child in violation of the Criminal Code of
1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of
any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any
child, solicitation to commit murder of any child for hire, or solicitation to commit second
degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated
There is a rebuttable presumption that a parent is depraved if the parent has been
criminally convicted of at least 3 felonies under the laws of this State or any other state, or
under federal law, or the criminal laws of any United States territory; and at least one of
these convictions took place within 5 years of the filing of the petition or motion seeking
termination of parental rights.
There is a rebuttable presumption that a parent is depraved if that parent has been
criminally convicted of either first or second degree murder of any person as defined in the
Criminal Code of 1961 within 10 years of the filing date of the petition or motion to
terminate parental rights.
(j) Open and notorious adultery or fornication.
(j-1) (Blank).
(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a
physician, for at least one year immediately prior to the commencement of the unfitness
proceeding.
There is a rebuttable presumption that a parent is unfit under this subsection with respect
to any child to which that parent gives birth where there is a confirmed test result that at birth
the child's blood, urine, or meconium contained any amount of a controlled substance as
defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination...
provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

New matter indicated by italics - deletions by strikeout.
(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;
(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;
(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;
(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10; or
(d) an adult who meets the conditions set forth in Section 3 of this Act.
A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.
G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.
H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.
I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.
J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.
K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.
L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.
M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.
N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.
O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.
P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:
(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;
(d) commits or allows to be committed an act or acts of torture upon the child; or
(e) inflicts excessive corporal punishment.
Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.
A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(750 ILCS 50/18.1) (from Ch. 40, par. 1522.1)
Sec. 18.1. Disclosure of identifying information.
(a) The Department of Public Health shall establish and maintain a Registry for the purpose of providing identifying information to mutually consenting adult adopted or surrendered persons, birth parents, adoptive parents, legal guardians and birth siblings. Identifying information for the purpose of this Act shall mean any one or more of the following:
   (1) The name and last known address of the consenting person or persons.
   (2) A copy of the Illinois Adoption Registry Application of the consenting person or persons.
   (3) A copy of the original certificate of live birth of the adopted person.
Written authorization from all parties identified must be received prior to disclosure of any identifying information.
(b) At any time after a child is surrendered for adoption, or at any time during the adoption proceedings or at any time thereafter, either birth parent or both of them may file with the Registry a Birth Parent Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.
   (b-5) A birth sibling 21 years of age or over who was not surrendered for adoption and who has submitted proof of death for a deceased birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death may file a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.
(c) Any adopted person over the age of 21, or any surrendered person over the age of 21, or any adoptive parent or legal guardian of an adopted or surrendered person under the age of 21 may file with the Registry a Registration Identification Form and an Information Exchange Authorization or a Denial of Information Exchange.
(d) The Department of Public Health shall supply to the adopted or surrendered person or his or her adoptive parents or legal guardians the identifying information only if both the adopted or surrendered person or his or her adoptive parents or legal guardians and the birth parents have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting adopted or surrendered person or the child of the consenting adoptive parents or legal guardians is the child of the consenting birth parents.

The Department of Public Health shall supply to adopted or surrendered persons who are birth siblings identifying information only if both siblings have filed with the Registry an Information Exchange Authorization and the information at the Registry indicates that the consenting siblings
have one or both birth parents in common. Identifying information shall be supplied to consenting birth siblings who were adopted or surrendered if any such sibling is 21 years of age or over. Identifying information shall be supplied to consenting birth siblings who were not adopted or surrendered if any such sibling is 21 years of age or over and has proof of death of the common birth parent and such birth parent did not file a Denial of Information Exchange with the Registry prior to his or her death.

(e) A birth parent, birth sibling, adopted or surrendered person or their adoptive parents or legal guardians may notify the Registry of his or her desire not to have his or her identity revealed or may revoke any previously filed Information Exchange Authorization by completing and filing with the Registry a Registry Identification Form along with a Denial of Information Exchange. The Illinois Adoption Registry Application does not need to be completed in order to file a Denial of Information Exchange. Any adopted or surrendered person or his or her adoptive parents or legal guardians, birth sibling or birth parent may revoke a Denial of Information Exchange by filing an Information Exchange Authorization. The Department of Public Health shall act in accordance with the most recently filed Authorization.

(f) Identifying information ascertained from the Registry shall be confidential and may be disclosed only (1) upon a Court Order, which order shall name the person or persons entitled to the information, or (2) to the adopted or surrendered person, adoptive parents or legal guardians, birth sibling, or birth parent if both the adopted or surrendered person or his or her adoptive parents or legal guardians, and his or her birth sibling, or birth parent, both, birthdays, have filed with the Registry an Information Exchange Authorization, or (3) as authorized under subsection (h) of Section 18.3 of this Act. A copy of the certificate of live birth shall only be released to an adopted person who was born in Illinois and who is the subject of an Information Exchange Authorization filed by one of his or her birth parents or non-surrendered birth siblings. Any person who willfully provides unauthorized disclosure of any information filed with the Registry or who knowingly or intentionally files false information with the Registry shall be guilty of a Class A misdemeanor and shall be liable for damages.

(g) If information is disclosed pursuant to this Act, the Department shall redact it to remove any identifying information about any party who has not consented to the disclosure of such identifying information.  

(Source: P.A. 91-417, eff. 1-1-00; revised 2-23-00.)

Section 99.2. The Organ Donation Request Act is amended by changing Section 2 as follows:

(755 ILCS 60/2) (from Ch. 110 1/2, par. 752)
Sec. 2. Notification; consent; definitions.

(a) When, based upon generally accepted medical standards, an inpatient in a general acute care hospital with more than 100 beds is a suitable candidate for organ or tissue donation and such patient has not made an anatomical gift of all or any part of his or her body pursuant to Section 5 of the Uniform Anatomical Gift Act, the hospital administrator, or his or her designated representative, shall, if the candidate is suitable for the donation of organs at the time of or after notification of death, notify the hospital's federally designated organ procurement agency. The organ procurement agency shall request a consent for organ donation according to the priority and conditions established in subsection (b). In the case of a candidate suitable for donation of tissue only, the hospital administrator or his or her designated representative or tissue bank shall, at the time of or shortly after notification of death, request a consent for tissue donation according to the priority need conditions established in subsection (b). Alternative procedures for requesting consent may be implemented by mutual agreement between a hospital and a federally designated organ procurement agency or tissue bank.

(b) In making a request for organ or tissue donation, the hospital administrator or his or her designated representative or the hospital's federally designated organ procurement agency or tissue bank shall request any of the following persons, in the order of priority stated in items (1) through (7) below, when persons in prior classes are not available and in the absence of (i) actual notice of contrary intentions by the decedent, (ii) actual notice of opposition by any member within the same priority class, and (iii) reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, to consent to the gift of all or any part of the decedent's body for any purpose specified in Section 4 of the Uniform Anatomical Gift Act:
(1) the decedent's agent under the Powers of Attorney for Health Care Law;
(2) the decedent's surrogate decision maker under the Health Care Surrogate Act;
(3) the decedent's spouse;
(4) the decedent's adult sons or daughters;
(5) either of the decedent's parents;
(6) any of the decedent's adult brothers or sisters;
(7) the guardian of the decedent at the time of his or her death.

(c) If (1) the hospital administrator, or his or her designated representative, the organ procurement agency, or the tissue bank has actual notice of opposition to the gift by the decedent or any person in the highest priority class in which an available person can be found, or (2) there is reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, or (3) the Director of Public Health has adopted a rule signifying his determination that the need for organs and tissues for donation has been adequately met, then such gift of all or any part of the decedent's body shall not be requested. If a donation is requested, consent or refusal may only be obtained from the person or persons in the highest priority class available. If the hospital administrator, or his or her designated representative, the designated organ procurement agency, or the tissue bank is unable to obtain consent from any of the persons named in items (1) through (7) of subsection (b) of this Section, the decedent's body shall not be used for an anatomical gift unless a valid anatomical gift document was executed under the Uniform Anatomical Gift Act or the Corneal Transplant Act.

(d) For the purposes of this Act, a person will not be considered "available" for the giving of consent or refusal if:

(1) the existence of the person is unknown to the hospital administrator or designee, organ procurement agency, or tissue bank and is not readily ascertainable through the examination of the decedent's hospital records and the questioning of any persons who are available for giving consent;
(2) the administrator or designee, organ procurement agency, or tissue bank has unsuccessfully attempted to contact the person by telephone or in any other reasonable manner;
(3) the person is unable or unwilling to respond in a manner which indicates the person's refusal or consent.

(e) For the purposes of this Act, "federally designated organ procurement agency" means the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located; except that in the case of a hospital located in a county adjacent to Wisconsin which currently contracts with an organ procurement agency located in Wisconsin that is not the organ procurement agency designated by the U.S. Secretary of Health and Human Services for the service area in which the hospital is located, if the hospital applies for a waiver pursuant to 42 USC 1320b-8(a), it may designate an organ procurement agency located in Wisconsin to be thereafter deemed its federally designated organ procurement agency for the purposes of this Act.

(f) For the purposes of this Act, "tissue bank" means any facility or program operating in Illinois that is certified by the American Association of Tissue Banks or the Eye Bank Association of America and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank.

For the purposes of this Act, "tissue" does not include organs.

(g) Nothing in Public Act 89-393 alters any agreements or affiliations between tissue banks and hospitals.

(Source: P.A. 89-393, eff. 8-20-95; revised 2-23-00.)

Section 99.4. The Agricultural Foreign Investment Disclosure Act is amended by changing Section 3 as follows:

(765 ILCS 50/3) (from Ch. 5, par. 603)

Sec. 3. Foreign persons.

(a) Any foreign person who acquires or transfers any interest, other than a leasehold interest of 10 years or less or a security interest, in agricultural land in this State shall submit a report to the Director of Agriculture not later than 90 days after the date of such acquisition or transfer. Such
New matter indicated by italics - deletions by strikeout.

report shall be submitted in such form and in accordance with such procedures as the Director may require and shall contain:

(1) the legal name and the address of such foreign person;
(2) in any case in which such foreign person is an individual, the citizenship of such foreign person;
(3) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;
(4) the type of interest in the agricultural land of this State which such foreign person acquired or transferred;
(5) the legal description and acreage of such agricultural land;
(6) the purchase price paid for, or any other consideration given for, such interest; the date the interest in the agricultural land was acquired; the amount of the purchase price or the value of the consideration for the agricultural land yet to be paid; the current estimated value of the agricultural land that is being reported;
(7) in any case in which such foreign person transfers such interest, the legal name and the address of the person to whom such interest is transferred and:
   (A) in any case in which such transferee is an individual, the citizenship of such transferee; and
   (B) in any case in which such transferee is not an individual or a government, the nature of the legal entity holding the interest, the country in which such transferee is created or organized, and the principal place of business of such transferee;
(8) the agricultural purposes for which such foreign person intends, on the date on which such report is submitted to the Director, to use such agricultural land; and
(9) such other information as the Director may require by regulation.

(b) Any foreign person who holds any interest, other than a leasehold interest of 10 years or less or a security interest, in agricultural land of this State on the day before the effective date of this amendatory Act of 1985 shall submit a report to the Director not later than 180 days after such effective date. Such report shall be submitted in such form and in accordance with such procedures as the Director may require and shall contain:

(1) the legal name and the address of such foreign person;
(2) in any case in which such foreign person is an individual, the citizenship of such foreign person;
(3) in any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;
(4) the type of interest in agricultural land of this State which is held by such foreign person;
(5) the legal description and acreage of such agricultural land;
(6) the purchase price paid for, or any other consideration given for, such interest; the date the interest in the agricultural land was acquired; the amount of the purchase price or the value of the consideration for the agricultural land yet to be paid; the current estimated value of the agricultural land that is being reported;
(7) the agricultural purposes for which such foreign person:
   (A) is using such agricultural land on the date on which such report is submitted to the Director; and
   (B) intends, as of such date, to use such agricultural land; and
(8) such other information as the Director may require by regulation.

(c) Any person who holds or acquires (on or after the effective date of this amendatory Act of 1985) any interest, other than a leasehold interest of 10 years or less or a security interest, in agricultural land at a time when such person is not a foreign person and who subsequently becomes a foreign person shall submit a report to the Director not later than 90 days after the date on which such person becomes a foreign person. Such report shall be submitted in such form and in accordance with such procedures as the Director may require and shall contain the information required by subsection (b) of this Section. This subsection shall not apply with respect to any person who is
required to submit a report with respect to such land under subsection (b) of this Section.

(d) Any foreign person who holds or acquires (on or after the effective date of this amendatory Act of 1985) any interest, other than a leasehold interest of 10 years or less or a security interest, in land at a time when such land is not agricultural land and such land subsequently becomes agricultural land shall submit a report to the Director not later than 90 days after the date on which such land becomes agricultural land. Such report shall be submitted in such form and in accordance with such procedures as the Director may require and shall contain the information required by subsection (b) of this Section. This subsection shall not apply with respect to any person who is required to submit a report with respect to such land under subsection (b) of this Section.

(e) With respect to any foreign person, other than an individual or a government, who is required by subsection (a), (b), (c), or (d) of this Section to submit a report, the Director may, in addition, require such foreign person to submit to the Director a report containing:

(A) the legal name and the address of each person who holds any interest in such foreign person;

(B) in any case in which the holder of such interest is an individual, the citizenship of such holder; and

(C) in any case in which the holder of such interest is not an individual or a government, the nature of the legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(f) With respect to any person, other than an individual or a government, whose legal name is contained in any report submitted under subsection (e) of this Section, the Director may require such person to submit a report containing:

(A) the legal name and the address of any person who holds any interest in the person submitting the report under this subsection;

(B) in any case in which the holder of such interest is an individual, the citizenship of such holder; and

(C) in any case in which the holder of such interest is not an individual or a government, the nature of the legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(765 ILCS 1025/2) (from Ch. 141, par. 102)
Sec. 2. Property held by financial organizations; presumption of abandonment. The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within 5 years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid toward the purchase of withdrawable shares or other interest in a financial organization, or any deposit made, and any interest or dividends thereon, excluding any charges that may be lawfully withheld, unless the owner has within 5 years:

(1) Increased or decreased the amount of the funds, or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks or on written instruments on which a banking or financial organization or business association is directly liable including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders and traveler’s checks, that with the exception

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of travelers checks has been outstanding for more than 5 years from the date it was payable, or from the
date of its issuance if payable on demand, or, in the case of travelers checks, that has been
outstanding for more than 15 years from the date of its issuance, excluding any charges that may be
lawfully withheld relating to money orders issued by currency exchanges, unless the owner has
within 5 years or within 15 years in the case of travelers checks corresponded in writing with the
banking or financial organization or business association concerning it, or otherwise indicated an
interest as evidenced by a memorandum on file with the banking or financial organization or business
association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit
box or any other safekeeping repository or agency or collateral deposit box on which the lease or
rental period has expired due to nonpayment of rental charges or other reason, or any surplus
amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for
more than 5 years from the date on which the lease or rental period expired, subject to lien of the
holder for reimbursement of costs incurred in the opening of a safe deposit box as determined by the
holder's regular schedule of charges.

(c) Notwithstanding any other provision of this Section, no deposit except passbook,
checking, NOW accounts, super NOW accounts, money market accounts, or such similar accounts
as established by Rule of the State Treasurer, held by a banking or financial organization shall be
presumed abandoned if with respect to such a deposit which specifies a definite maturity date, such
organization was authorized in writing to extend or rollover the account for an additional like period
and such organization does so extend. Such deposits are not presumed abandoned less than 5 years
from that final maturity date. Property of any kind held in an individual retirement account (IRA) is
not presumed abandoned earlier than 5 years after the owner attains the age at which distributions
from the account become mandatory under law.

(f) Notwithstanding any other provision of this Section, money of a minor deposited pursuant
to Section 24-21 of the Probate Act of 1975 shall not be presumed abandoned earlier than 5 years
after the minor attains legal age. Such money shall be deposited in an account which shall indicate
the birth date of the minor.

(Source: P.A. 90-167, eff. 7-23-97; 90-796, eff. 12-15-98; 91-16, eff. 7-1-99; 91-316, eff. 7-29-99;
revised 10-15-99.)

Section 101. The Business Corporation Act of 1983 is amended by changing Sections 13.45
and 14.05 as follows:

(805 ILCS 5/13.45) (from Ch. 32, par. 13.45)
Sec. 13.45. Withdrawal of foreign corporation. A foreign corporation authorized to transact
business in this State may withdraw from this State upon procuring from the Secretary of State a
certificate of withdrawal. In order to procure a such certificate of withdrawal, the such foreign
corporation shall either:

(a) execute and file in duplicate, in accordance with Section 1.10 of this Act, an
application for withdrawal and a final report, which shall set forth:

(1) that no proportion of its issued shares is, on the date of such application,
represented by business transacted or property located in this State;,

(2) that it surrenders its authority to transact business in this State;,

(3) that it revokes the authority of its registered agent in this State to accept service
of process and consents that service of process in any suit, action, or proceeding based
upon any cause of action arising in this State during the time the corporation was
licensed to transact business in this State may thereafter be made on the such corporation
by service thereof on the Secretary of State;,

(4) a post-office address to which may be mailed a copy of any process against the
corporation that may be served on the Secretary of State;,

(5) the name of the corporation and the state or country under the laws of which it
is organized;,

(6) a statement of the aggregate number of issued shares of the corporation itemized
by classes, and series, if any, within a class, as of the date of the such final report;,

(7) a statement of the amount of paid-in capital of the corporation as of the date of
the such final report; and:

New matter indicated by italics - deletions by strikeout.
(8) such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine and assess any unpaid fees or franchise taxes payable by the such foreign corporation as prescribed in this Act prescribed; or
(b) if it has been dissolved, file a copy of the articles of dissolution duly authenticated by the proper officer of the state or country under the laws of which the such corporation was organized.
(c) The application for withdrawal and the final report shall be made on forms prescribed and furnished by the Secretary of State.
(d) When the corporation has complied with the provisions of subdivision subsection (a) or (b) of this Section, the Secretary of State shall issue a certificate of withdrawal. If the provisions of subdivision subsection (b) of this Section have been followed, the Secretary of State shall file the copy of the articles of dissolution in his or her office with one copy of the certificate of withdrawal affixed thereto and shall; mail the original certificate to the corporation or its representative.

Upon the issuance of a such certificate of withdrawal, the authority of the corporation to transact business in this State shall cease.

(Source: P.A. 91-464, eff. 1-1-00; revised 3-21-00.)

(805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

Sec. 14.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under any general law or special act of this State authorizing the corporation to issue shares, other than homestead associations, building and loan associations, banks and insurance companies (which includes a syndicate or limited syndicate regulated under Article V 1/2 of the Illinois Insurance Code or member of a group of underwriters regulated under Article V of that Code), and each foreign corporation (except members of a group of underwriters regulated under Article V of the Illinois Insurance Code) authorized to transact business in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation.
(b) The address, including street and number, or rural route number, of its registered office in this State, and the name of its registered agent at that address.
(c) The address, including street and number, or rural route number, of its principal office.
(d) The names and respective residential addresses, including street and number, or rural route number, of its directors and officers.
(e) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class.
(f) A statement of the aggregate number of issued shares, itemized by classes, and series, if any, within a class.
(g) A statement, expressed in dollars, of the amount of paid-in capital of the corporation as defined in this Act.
(h) Either a statement that (1) all the property of the corporation is located in this State and all of its business is transacted at or from places of business in this State, or the corporation elects to pay the annual franchise tax on the basis of its entire paid-in capital, or (2) a statement, expressed in dollars, of the value of all the property owned by the corporation, wherever located, and the value of the property located within this State, and a statement, expressed in dollars, of the gross amount of business transacted by the corporation and the gross amount thereof transacted by the corporation at or from places of business in this State as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the anniversary month or in the case of a corporation which has established an extended filing month, as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the extended filing month; however, in the case of a domestic corporation that has not completed its first fiscal year, the statement with respect to property owned shall be as of the last day of the third month preceding the anniversary month and the statement with respect to business transacted shall be furnished for the period between the date of incorporation and the last day of the third month preceding the anniversary month. In the case of a foreign corporation that has not been authorized to transact business in this State for a period of 12 months and has not commenced transacting

New matter indicated by italics - deletions by strikeout.
business prior to obtaining a certificate of authority, the statement with respect to property
owned shall be as of the last day of the third month preceding the anniversary month and the
statement with respect to business transacted shall be furnished for the period between the
date of its authorization to transact business in this State and the last day of the third month
preceding the anniversary month. If the data referenced in item (2) of this subsection is not
completed, the franchise tax provided for in this Act shall be computed on the basis of the
entire paid-in capital.

(i) A statement, including the basis therefor, of status as a "minority owned business" or
as a "female owned business" as those terms are defined in the Minorities, Females, and Persons with Disabilities Act.

(j) Additional information as may be necessary or appropriate in order to enable the
Secretary of State to administer this Act and to verify the proper amount of fees and
franchise taxes payable by the corporation.

The annual report shall be made on forms prescribed and furnished by the Secretary of State,
and the information therein required by paragraphs (a) through (d), both inclusive, of this Section,
shall be given as of the date of the execution of the annual report and the information therein required
by paragraphs (e), (f) and (g) of this Section shall be given as of the last day of the third month
preceding the anniversary month, except that the information required by paragraphs (e), (f) and (g)
shall, in the case of a corporation which has established an extended filing month, be given in its final
transition annual report and each subsequent annual report as of the close of its fiscal year
immediately preceding its extended filing month. It shall be executed by the corporation by its
president, a vice-president, secretary, assistant secretary, treasurer or other officer duly authorized
by the board of directors of the corporation to execute those reports, and verified by him or her; or,
if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the
corporation and verified by the receiver or trustee.

(Source: P.A. 91-593, eff. 8-14-99; revised 8-23-99.)

Section 101. The Uniform Commercial Code is amended by changing Section 9-315.02
as follows:

315.02. Disposal of collateral by debtor to persons other than those previously
disclosed to secured party - penalties for violation - defense.

(1) Where, pursuant to Section 9-205.1, a secured party has required that before the debtor
sells or otherwise disposes of collateral in the debtor's possession he disclose to the secured party the
persons to whom he desires to sell or otherwise dispose of such collateral, it is unlawful for the debtor
to sell or otherwise dispose of the collateral to a person other than a person so disclosed to the
secured party.

(2) An individual convicted of a violation of this Section shall be guilty of a Class A
misdemeanor.

(3) A corporation convicted of a violation of this Section shall be guilty of a business offense
and shall be fined not less than $2,000 nor more than $10,000.

(4) In the event the debtor under the terms of a security agreement is a corporation or a
partnership, any officer, director, manager, or managerial agent of the debtor who violates this
Section or causes the debtor to violate this Section shall be guilty of a Class A misdemeanor.

(5) It is an affirmative defense to a prosecution for the violation of this Section that the debtor
has paid to the secured party the proceeds from the sale or other disposition of the collateral within
10 days after such sale or disposition.

(Source: P.A. 91-893, eff. 7-1-01; revised 9-22-00.)

Section 102. The Illinois Business Brokers Act of 1995 is amended by changing Section
10-115 as follows:


(a) Any business broker shall have a lien upon the tangible assets of a business located in this
State that is the subject of a business broker's written contract in the amount due to the broker under
the written contract.
(b) The lien shall be available to the business broker named in the instrument signed by the owner of an interest in the assets. The lien arising under this Act shall be in addition to any other rights that a business broker may have.

(c) A lien under this Act does not attach unless and until:

1. the business broker is otherwise entitled to a fee or commission under a written contract signed by the seller or its duly authorized agent; and

2. before the actual conveyance or transfer of the business assets or property with respect to which the business broker is claiming a lien, the business broker files a notice of lien (i) as to real property, with the recorder of the county in which the real property is located or (ii) as to tangible personal property, in the Office of the Secretary of State.

(d) When payment to a business broker is due in installments, a portion of which is due only after the conveyance or transfer of the tangible assets, any claim for lien for those payments due after the transfer or conveyance may be filed at any time subsequent to the transfer or conveyance of the tangible assets and prior to the date on which the payment is due but shall only be effective as a lien against the tangible assets to the extent moneys are still owed to the transferor by the transferee. In all other respects, the lien shall attach as described in this subsection.

(e) If a business broker has a written agreement with a prospective purchaser, then the lien shall attach upon the prospective purchaser purchasing or otherwise accepting a conveyance or transfer of the real property or tangible personal property of the business and the filing of a notice of lien (i) in the recorder's office of the county in which the real property is located, as to real property, and (ii) in the Office of the Secretary of State, as to tangible personal property, by the business broker within 90 days after the transfer to the purchaser. The lien shall attach to the interest purchased by the purchaser as of the date of the filing of the notice of lien and does not relate back to the date of the written contract.

(f) The business broker shall, within 10 days after filing its notice of lien, mail a copy of the notice of lien to the owner of the property by depositing it in the United States mail, registered or certified mail, with return receipt requested, or personally serve a copy of the notice on the owner of record or his agent. Mailing of the copy of the notice of claim for lien is effective if mailed to the seller at the address of the business that is the subject of the notice of lien or to another address that the seller or purchaser has provided in writing to the business broker. The broker's lien shall be unenforceable if mailing of the copy of the notice of lien does not occur at the time and in the manner required by this Act.

(g) A business broker may bring suit to enforce a lien in the circuit court (i) in the county where the real property is located, as to real property, or (ii) as to tangible personal property, either in the county where the personal property is located or where the principal office of the owner of the personal property, or the owner's residence, is located, by filing a complaint and sworn affidavit that the lien has been filed.

(h) The person claiming a lien shall, within 2 years after filing the lien, commence proceedings by filing a complaint. Failure to commence proceedings within 2 years after filing the lien shall extinguish the lien. No subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings under this Act.

(i) A complaint under this Section shall have attached to it a copy of the written contract on which the lien is founded and shall contain a description of the services performed, the amount due and unpaid, a description of the tangible assets of the business that are subject to the lien, and other facts necessary for a full understanding of the rights of the parties. The plaintiff shall make all interested parties, of whose interest the plaintiff is notified or has actual or constructive knowledge, defendants to the action and shall issue summons and provide service as in other civil actions. When any defendant resides or has gone out of the State, or on inquiry cannot be found, or is concealed within this State so that process cannot be served on that defendant, the plaintiff shall cause a notice to be given to that defendant, or cause a copy of the complaint to be served upon that defendant, in the manner and upon the same conditions as in other civil actions. Failure of the plaintiff to provide proper summons or notice shall be grounds for judgment against the plaintiff with prejudice. Every lien claimed under this Act shall be foreclosed as provided in the Illinois Mortgage Foreclosure Law, if the lien is on real property, or as provided in the Uniform Commercial Code, if the lien is on personal property.
(j) The lien notice shall state the name and address of the claimant, the name of the purchaser or seller whose property or assets are subject to the lien, a description of the real or personal property that is subject to the lien, the amount for which the lien is claimed, and the registration number of the business broker. The notice of lien shall recite that the information contained in the notice is true and accurate to the knowledge of the signer. The notice of lien shall be signed by the business broker or by a person authorized to sign on behalf of the business broker and shall be verified.

(k) Whenever a claim for lien has been filed with the Office of the Secretary of State or the county recorder's office and a condition occurs that would preclude the business broker from receiving compensation under the terms of the business broker's written agreement, the business broker shall provide to the purchaser of the business, if the lien is filed against the purchaser's assets of the business that are subject to this Act, or the seller of the business, if the lien is filed against the seller's assets of the business that are subject to this Act, within 10 days following demand by that party, a written release or satisfaction of the lien.

(l) Upon written demand of the owner, lienee, or other authorized agent, served on the person claiming the lien requiring suit to be commenced to enforce the lien or answer to be filed in a pending suit, a suit shall be commenced or answer filed within 30 days thereafter, or the lien shall be extinguished. Service may be by registered or certified mail, return receipt requested, or by personal service.

(m) If a claim for lien has been filed with the Office of the Secretary of State or the county recorder's office and is paid, the business broker shall acknowledge satisfaction or release of the lien, in writing, within 5 days after payment.

(n) The cost of proceedings brought under this Act, including reasonable attorneys' fees, costs, and prejudgment interest due to the prevailing party, shall be borne by the nonprevailing party or parties. When more than one party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court among those responsible parties.

(o) Prior recorded liens and mortgages shall have priority over a broker's lien. A prior recorded lien shall include, without limitation, (i) a mechanic's lien claim, (ii) prior recorded liens securing revolving credit or future advances under construction loans as described in Section 15-1302 of the Code of Civil Procedure, and (iii) prior recorded liens perfected under the Uniform Commercial Code.

(p) No lien under this Section 10-115 shall attach to any real property asset of a business unless and until a notice of lien is filed with the recorder of the county in which the real property asset is located. A lien recorded under this subsection (p) shall otherwise be subject to the same notice, enforcement, and limitations as any other lien under this Section. A copy of the notice of lien recorded under this subsection (p) shall be filed with the Secretary of State.

(Source: P.A. 90-70, eff. 7-8-97; 91-194, eff. 7-20-99; 91-534, eff. 1-1-00; revised 10-13-99.)

Section 103. The Illinois Pre-Need Cemetery Sales Act is amended by changing Section 4 as follows:

(815 ILCS 390/4) (from Ch. 21, par. 204)
Sec. 4. Definitions. As used in this Act, the following terms shall have the meaning specified:

(A) "Pre-need sales contract" or "pre-need sales" means any agreement or contract or series or combination of agreements or contracts which have for a purpose the sale of cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment spaces where the terms of such sale require payment or payments to be made at a currently determinable time and where the merchandise, services or completed spaces are to be provided more than 120 days following the initial payment on the account.

(B) "Delivery" occurs when:

(1) physical possession of the merchandise is transferred or the easement for burial rights in a completed space is executed, delivered and transferred to the buyer; or

(2) title to the merchandise has been transferred to the buyer and the merchandise has been paid for and is in the possession of the seller who has placed it, until needed, at the site of its ultimate use; or

(3) the merchandise has been permanently identified with the name of the buyer or the beneficiary and delivered to a licensed and bonded warehouse and both title to the
merchandise and a warehouse receipt have been delivered to the purchaser or beneficiary; except that in the case of outer burial containers, the use of a licensed and bonded warehouse as set forth in this paragraph shall not constitute delivery for purposes of this Act. Nothing herein shall prevent a seller from perfecting a security interest in accordance with the Uniform Commercial Code on any merchandise covered under this Act.

(H) All warehouse facilities to which sellers deliver merchandise pursuant to this Act shall:

(i) be either located in the State of Illinois or qualify as a foreign warehouse facility as defined herein;
(ii) submit to the Comptroller not less than annually, by March 1 of each year, a report of all cemetery merchandise stored by each licensee under this Act which is in storage on the date of the report;
(iii) permit the Comptroller or his designee at any time to examine stored merchandise and to examine any documents pertaining thereto;
(iv) submit evidence satisfactory to the Comptroller that all merchandise stored by said warehouse for licensees under this Act is insured for casualty or other loss normally assumed by a bailee for hire;
(v) demonstrate to the Comptroller that the warehouse has procured and is maintaining a performance bond in the form, content and amount sufficient to unconditionally guarantee to the purchaser or beneficiary the prompt shipment of the cemetery merchandise.

(C) "Cemetery merchandise" means items of personal property normally sold by a cemetery authority not covered under the Illinois Funeral or Burial Funds Act, including but not limited to:

   (1) memorials,
   (2) markers,
   (3) monuments,
   (4) foundations, and
   (5) outer burial containers.

(D) "Undeveloped interment, entombment or inurnment spaces" or "undeveloped spaces" means any space to be used for the reception of human remains that is not completely and totally constructed at the time of initial payment therefor in a:

   (1) lawn crypt,
   (2) mausoleum,
   (3) garden crypt,
   (4) columbarium, or
   (5) cemetery section.

(E) "Cemetery services" means those services customarily performed by cemetery or crematory personnel in connection with the interment, entombment, inurnment or cremation of a dead human body.

(F) "Cemetery section" means a grouping of spaces intended to be developed simultaneously for the purpose of interring human remains.

(G) "Columbarium" means an arrangement of niches that may be an entire building, a complete room, a series of special indoor alcoves, a bank along a corridor or part of an outdoor garden setting that is constructed of permanent material such as bronze, marble, brick, stone or concrete for the inurnment of human remains.

(H) "Lawn crypt" means a permanent underground crypt usually constructed of reinforced concrete or similar material installed in multiple units for the interment of human remains.

(I) "Mausoleum" or "garden crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing human remains.

(J) "Memorials, markers and monuments" means the object usually comprised of a permanent material such as granite or bronze used to identify and memorialize the deceased.

(K) "Foundations" means those items used to affix or support a memorial or monument to the ground in connection with the installation of a memorial, marker or monument.

(L) "Person" means an individual, corporation, partnership, joint venture, business trust,
voluntary organization or any other form of entity.

(M) "Seller" means any person selling or offering for sale cemetery merchandise, cemetery services or undeveloped spaces on a pre-need basis.

(N) "Religious cemetery" means a cemetery owned, operated, controlled or managed by any recognized church, religious society, association or denomination or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church, religious society, association or denomination.

(O) "Municipal cemetery" means a cemetery owned, operated, controlled or managed by any city, village, incorporated town, township, county or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate or manage a cemetery.

(O-1) "Outer burial container" means a container made of concrete, steel, wood, fiberglass, or similar material, used solely at the interment site, and designed and used exclusively to surround or enclose a separate casket and to support the earth above such casket, commonly known as a burial vault, grave box, or grave liner, but not including a lawn crypt.

(P) "Sales price" means the gross amount paid by a purchaser on a pre-need sales contract for cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment spaces, excluding sales taxes, credit life insurance premiums, finance charges and Cemetery Care Act contributions.

(Q) "Foreign warehouse facility" means a warehouse facility now or hereafter located in any state or territory of the United States, including the District of Columbia, other than the State of Illinois.

A foreign warehouse facility shall be deemed to have appointed the Comptroller to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of this Act, and the acceptance of the delivery of stored merchandise under this Act shall be signifiesment of its agreement that any such process against it which is so served, shall be of the same legal force and validity as though served upon it personally.

Service of such process shall be made by delivering to and leaving with the Comptroller, or any agent having charge of the Comptroller's Department of Cemetery and Burial Trusts, a copy of such process and such service shall be sufficient service upon such foreign warehouse facility if notice of such service and a copy of the process are, within 10 days thereafter, sent by registered mail by the plaintiff to the foreign warehouse facility at its principal office and the plaintiff's affidavit of compliance herewith is appended to the summons. The Comptroller shall keep a record of all process served upon him under this Section and shall record therein the time of such service.

(Source: P.A. 91-7, eff. 1-1-2000; 91-357, eff. 7-29-99; revised 8-30-99.)

Section 104. The Travel Promotion Consumer Protection Act is amended by changing Section 7 as follows:

(815 ILCS 420/7) (from Ch. 121 1/2, par. 1857)

Sec. 7. Violation of any of the provisions of this Act is an unlawful practice pursuant to Section 2Z 20 of the "Consumer Fraud and Deceptive Business Practices Act", approved July 24, 1961, as now or hereafter amended. All remedies, penalties and authority granted to the Attorney General by that Act shall be available to the Attorney General for the enforcement of this Act. In any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount at which actual damages are assessed.

(Source: P.A. 85-995; revised 3-27-00.)

Section 105. The Uniform Deceptive Trade Practices Act is amended by changing Section 2 as follows:

(815 ILCS 510/2) (from Ch. 121 1/2, par. 312)

Sec. 2. Deceptive trade practices.

(a) A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, the person:

(1) passes off goods or services as those of another;

(2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with or certification by another;

New matter indicated by italics - deletions by strikeout.
(4) uses deceptive representations or designations of geographic origin in connection with goods or services;
(5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have;
(6) represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;
(7) represents that goods or services are of a particular standard, quality, or grade or that goods are a particular style or model, if they are of another;
(8) disparages the goods, services, or business of another by false or misleading representation of fact;
(9) advertises goods or services with intent not to sell them as advertised;
(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
(11) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
(12) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

(b) In order to prevail in an action under this Act, a plaintiff need not prove competition between the parties or actual confusion or misunderstanding.

(c) This Section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this State.

(90x489)Source: P.A. 79-1365; revised 2-9-00

Section 106. The Prevailing Wage Act is amended by changing Section 2 as follows:

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:
"Public works" means all fixed works constructed for public use by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Development Finance Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act.

"Construction" means all work on public works involving laborers, workers or mechanics.
"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, authorized by law to construct public works or to enter into any contract for the construction of public works, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

New matter indicated by italics - deletions by strikeout.
The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 91-105, eff. 1-1-00; revised 10-7-99.)

(Text of Section after amendment by P.A. 91-935)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed for public use by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Development Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act.

"Construction" means all work on public works involving laborers, workers or mechanics.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, authorized by law to construct public works or to enter into any contract for the construction of public works, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the State whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01.)

Section 996. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 997. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.

Section 999. Effective date. This Act takes effect upon becoming law.

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5 ILCS 80/4.10 from Ch. 127, par. 1904.10
5 ILCS 80/4.20

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35 ILCS 105/3-55 from Ch. 120, par. 439.3-55
35 ILCS 105/9 from Ch. 120, par. 439.9
35 ILCS 110/3-5 from Ch. 120, par. 439.33-5
35 ILCS 110/3-45 from Ch. 120, par. 439.33-45
35 ILCS 115/3-5 from Ch. 120, par. 439.103-5
35 ILCS 120/2-5 from Ch. 120, par. 441-5
35 ILCS 120/3 from Ch. 120, par. 442
35 ILCS 145/6 from Ch. 120, par. 481b.36
35 ILCS 200/Art. 10, Div. 11 heading
35 ILCS 200/10-235
35 ILCS 200/10-240
35 ILCS 200/10-260
35 ILCS 200/Art. 10, Div. 12 heading
35 ILCS 200/10-300
35 ILCS 200/15-35
35 ILCS 200/15-105

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35 ILCS 200/27-10 from Ch. 120, par. 417.2
35 ILCS 505/1.2 from Ch. 120, par. 417.14
35 ILCS 505/8 from Ch. 120, par. 424
35 ILCS 635/22 from Ch. 120, par. 1-109.1
40 ILCS 5/1-109.1 from Ch. 108 1/2, par. 7-109.3
40 ILCS 5/1-109.3 from Ch. 108 1/2, par. 15-136
40 ILCS 5/1-1536 from Ch. 108 1/2, par. 15-139
40 ILCS 5/1-1539 from Ch. 108 1/2, par. 15-154
40 ILCS 5/1-1638 from Ch. 108 1/2, par. 16-138
50 ILCS 20/18 from Ch. 85, par. 1048
50 ILCS 205/3b from Ch. 85, par. 6009
50 ILCS 750/15.6 from Ch. 111 2/3, par. 704.09
55 ILCS 5/3-5018 from Ch. 34, par. 3-5018
60 ILCS 1/105-35 from Ch. 122, par. 14-8.05
65 ILCS 5/1-31-1 from Ch. 24, par. 11-31-1
65 ILCS 5/1-74.4-4 from Ch. 24, par. 11-74.4-4
65 ILCS 5/1-74.4-8 from Ch. 24, par. 11-74.4-8
70 ILCS 905/24 from Ch. 111 1/2, par. 20.4
70 ILCS 2605/8c from Ch. 42, par. 327c
70 ILCS 3205/9 from Ch. 85, par. 6009
105 ILCS 5/2-3.126 from Ch. 122, par. 712.8
105 ILCS 5/2-3.128 from Ch. 122, par. 14-8.05
105 ILCS 5/2-3.129 from Ch. 122, par. 21-2
105 ILCS 5/2-3.130 from Ch. 122, par. 21-2
105 ILCS 5/10-20.31 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.32 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.33 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.34 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.35 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.36 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.37 from Ch. 122, par. 34-8.3
105 ILCS 5/10-20.38 from Ch. 122, par. 34-8.3
105 ILCS 670/15-15 from Ch. 122, par. 34-8.3
105 ILCS 670/15-25 from Ch. 122, par. 34-8.3
105 ILCS 675/20-15 from Ch. 122, par. 34-8.3
110 ILCS 12/15 from Ch. 144, par. 41
110 ILCS 310/1 from Ch. 144, par. 41
110 ILCS 520/2 from Ch. 144, par. 652
110 ILCS 520/5 from Ch. 144, par. 655
110 ILCS 660/5-15 from Ch. 144, par. 655
110 ILCS 660/5-25 from Ch. 144, par. 655
110 ILCS 665/10-15 from Ch. 144, par. 655
110 ILCS 665/10-25 from Ch. 144, par. 655
110 ILCS 670/15-15 from Ch. 144, par. 655
110 ILCS 670/15-25 from Ch. 144, par. 655
110 ILCS 675/20-15 from Ch. 144, par. 655
110 ILCS 675/20-25 from Ch. 144, par. 655
110 ILCS 680/25-15 from Ch. 144, par. 655

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720 ILCS 5/12-3.2 from Ch. 38, par. 12-3.2
720 ILCS 5/12-4 from Ch. 38, par. 12-4
720 ILCS 5/12-9 from Ch. 38, par. 12-9
720 ILCS 5/12-14.1
720 ILCS 5/16-1 from Ch. 38, par. 16-1
720 ILCS 5/17-2 from Ch. 38, par. 17-2
720 ILCS 5/17-23
720 ILCS 5/17-24
720 ILCS 5/Art. 20.5 heading
720 ILCS 5/21-1.5
720 ILCS 5/26-1 from Ch. 38, par. 26-1
720 ILCS 5/33C-5 from Ch. 38, par. 33C-5
720 ILCS 5/33E-2 from Ch. 38, par. 33E-2
720 ILCS 570/401 from Ch. 56 1/2, par. 1401
720 ILCS 570/407 from Ch. 56 1/2, par. 1407
725 ILCS 5/110-7 from Ch. 38, par. 110-7
725 ILCS 5/114-1 from Ch. 38, par. 114-1
725 ILCS 207/15
730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3
730 ILCS 5/5-5-6 from Ch. 38, par. 1005-5-6
730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1
730 ILCS 5/5-8-4 from Ch. 38, par. 1005-8-4
730 ILCS 150/6 from Ch. 38, par. 226
730 ILCS 150/10 from Ch. 38, par. 230
730 ILCS 152/120
735 ILCS 5/7-103 from Ch. 110, par. 7-103
735 ILCS 5/7-103.48
735 ILCS 5/7-103.68
735 ILCS 5/7-103.71 new
735 ILCS 5/7-103.72 new
735 ILCS 5/7-103.73 new
735 ILCS 5/7-103.74 new
735 ILCS 5/7-103.75 new
735 ILCS 5/7-103.76 new
735 ILCS 5/7-103.77 new
735 ILCS 5/7-103.78 new
735 ILCS 5/7-103.79 new
735 ILCS 5/7-103.80 new
735 ILCS 5/7-103.81 new
735 ILCS 5/7-103.82 new
735 ILCS 5/7-103.83 new
735 ILCS 5/7-103.84 new
735 ILCS 5/7-103.85 new
735 ILCS 5/7-103.86 new
735 ILCS 5/7-103.87 new
735 ILCS 5/7-103.88 new
735 ILCS 5/7-103.89 new
735 ILCS 5/7-103.90 new
735 ILCS 5/7-103.91 new
735 ILCS 5/7-103.92 new
735 ILCS 5/7-103.93 new
735 ILCS 5/7-103.94 new
735 ILCS 5/7-103.95 new
735 ILCS 5/7-103.96 new
750 ILCS 5/505 from Ch. 40, par. 505

New matter indicated by italics - deletions by strikeout.
AN ACT concerning associate judges.

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

Section 5. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 but not more than 177,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit
with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(Source: P.A. 86-786; 86-1478; 87-145; 87-435; 87-1073; 87-1230; 87-1261.)

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

PUBLIC ACT 92-0018
(House Bill No. 1551)

AN ACT concerning public health and safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Swimming Pool and Bathing Beach Act is amended by changing Sections 1, 2, 3, 3.01, 4, 5, 6, 7, 8, 9, 10, 12, 13, 21, 21.1, 23, and 27 and by adding Sections 3.10, 3.11, and 3.12 as follows:

(210 ILCS 125/1) (from Ch. 111 1/2, par. 1201)
Sec. 1. Short title. This Act shall be known and may be cited as the Swimming Facility Pool and Bathing Beach Act.
(Source: P.A. 78-1149.)

(210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)
Sec. 2. Legislative purpose. It is found that there exists, and may in the future exist, within the State of Illinois public swimming pools, spas, water slides, and public bathing beaches, and other aquatic features which are substandard in one or more important features of safety, cleanliness or sanitation. Such conditions adversely affect the public health, safety and general welfare of persons.
Therefore, the purpose of this Act is to protect, promote and preserve the public health, safety and general welfare by providing for the establishment and enforcement of minimum standards for safety, cleanliness and general sanitation for all swimming pools, spas, water slides, and public bathing beaches, and other aquatic features now in existence or hereafter constructed, or developed, or altered and to provide for inspection and licensing of all such facilities.
(Source: P.A. 78-1149.)

(210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)
Sec. 3. Definitions. As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.12 have the meanings ascribed to them in those Sections.
(Source: P.A. 78-1149.)

(210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)
Sec. 3.01. Swimming pool. "Swimming Pool" means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, wading, floating, or diving, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having 5 or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, recreational areas, motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests.
(Source: P.A. 86-595.)

(210 ILCS 125/3.10 new)
Sec. 3.10. Spa. "Spa" means a basin of water designed for recreational or therapeutic use that is not drained, cleaned, or refilled for each user. It may include hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or some combination thereof. It includes "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot spas", and "hot tubs". It does not include these facilities at individual residences intended for use by the occupant and his or her guests.
(210 ILCS 125/3.11 new)

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Sec. 3.11. Water slide. "Water slide" means a ride with a flow of water and having a flume exceeding 30 feet in length.
(210 ILCS 125/3.12 new)

Sec. 3.12. Swimming facility. "Swimming Facility" means a swimming pool, spa, public bathing beach, water slide, lazy river, or other similar aquatic feature.
(210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

Sec. 4. License to operate. After May January 1, 2002 1974, it shall be unlawful for any person to open, establish, maintain or operate a swimming pool, water slide, or bathing beach within this State without first obtaining a license therefor from the Department. After May 1, 2003, it shall be unlawful for any person to open, establish, maintain, or operate a spa within this State without first obtaining a license from the Department. Licenses for bathing beaches and outdoor swimming facilities pools shall expire May 1, next following the swimming season for which the license was issued and licenses for indoor pools shall expire on December 1, next following the date of issue, except that an original license for a swimming facility an indoor pool issued after February September 1 and before May December 1 shall expire on May December 1 of the following year. Licenses for indoor pools that expire December 1, 2001 shall be renewed for a $75 fee for a license that will expire on May 1, 2003. Applications for original licenses shall be made on forms furnished by the Department. Each application to the Department shall be signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application and, except in the case of an application by an organization incorporated under the General Not for Profit Corporation Act, as amended, by the payment of a license application fee of $50. License fees are not refundable. Each application shall contain: the name and address of the applicant, or names and addresses of the partners if the applicant is a partnership, or the name and addresses of the officers if the applicant is a corporation or the names and addresses of all persons having an interest therein if the applicant is a group of individuals, association, or trust; and the location of the swimming facility pool or beach. A license shall be valid only in the possession of the person to whom it is issued and shall not be the subject of sale, assignment, or other transfer, voluntary, or involuntary, nor shall the license be valid for any premises other than those for which originally issued. Upon receipt of an application for an original license the Department shall inspect such swimming facility pool or beach to insure compliance with this Act.
(Source: P.A. 86-595.)

(210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

Sec. 5. Permit for construction or major alteration. No swimming facility pool or public bathing beach shall be constructed, developed, or installed, or altered in a major manner until plans, specifications, and other information relative to such swimming facility pool or beach area and appurtenant facilities as may be requested by the Department are submitted to and reviewed by the Department and found to comply with minimum sanitary and safety requirements and design criteria, and until a permit for the construction or development is issued by the Department. Construction permits for spas are not required until January 1, 2003. Permits are valid for a period of one year from date of issue. They may be reissued upon application to the Department and payment of the permit fee as provided in this Act.

The fee to be paid by an applicant, other than an organization incorporated under the General Not for Profit Corporation Act, as now or hereafter amended, for a permit for construction, development, major alteration, or installation of each swimming facility is $50, which shall accompany such application; except that permit fees for swimming pools having 50,000 gallons or less is $25.
(Source: P.A. 78-1149.)

(210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

Sec. 6. License renewal. Applications for renewal of the license shall be made in writing by the holder of the license, on forms furnished by the Department and, except in the case of an application by an organization incorporated under the General Not for Profit Corporation Act, as now or hereafter amended, shall be accompanied by a license application fee of $50, which shall not be refundable, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. In addition to any other fees required under this Act, a late fee of $20 shall be charged when any renewal application is received by the Department after the license

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has expired; however, educational institutions and units of State or local government shall not be required to pay late fees. If, after inspection, the Department is satisfied that the swimming facility pool or beach is in substantial compliance with the provisions of this Act and the rules and regulations issued thereunder, the Department shall issue the renewal license.

(Source: P.A. 85-1261.)

(210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)
Sec. 7. Conditional license. If the Department finds that the facilities of any swimming facility pool or bathing beach for which a license is sought are not in compliance with the provisions of this Act and the rules and regulations of the Department relating thereto, but may operate without undue prejudice to the public, the Department may issue a conditional or temporary license setting forth the conditions on which the license is issued, the manner in which the swimming facility pool or beach fails to comply with the Act and such rules and regulations, and shall set forth the time, not to exceed 3 years, within which the applicant must make any changes or corrections necessary to fully comply with this Act and the rules and regulations of the Department relating thereto. No more than 3 such consecutive annual conditional or temporary licenses may be issued.

(Source: P.A. 78-1149.)

(210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)
Sec. 8. Payment of fees; display of licenses. All fees generated under the authority of this Act shall be deposited into the Facility Licensing Fund and, subject to appropriation, shall be used by the Department in the administration of this Act. All fees shall be submitted in the form of a check or money order. All licenses and permits provided for in this Act shall be displayed in a conspicuous place for public view, within or on such premises. In case of revocation or suspension, the owner or operator or both shall cause the license to be removed and to post the notice of revocation or suspension issued by the Department.

(Source: P.A. 78-1149.)

(210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)
Sec. 9. Inspections. Subject to constitutional limitations, the Department, by its representatives, after proper identification, is authorized and shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Act and regulations issued hereunder. Written notice of all violations shall be given to the owners, operators and licensees of swimming facilities pools and bathing beaches.

(Source: P.A. 78-1149.)

(210 ILCS 125/10) (from Ch. 111 1/2, par. 1210)
Sec. 10. Access to premises. It shall be the duty of the owners, operators and licensees of swimming facilities pools and bathing beaches to give the Department and its authorized agents free access to such premises at all reasonable times for the purpose of inspection.

(Source: P.A. 78-1149.)

(210 ILCS 125/12) (from Ch. 111 1/2, par. 1212)
Sec. 12. Water samples. Licensees shall cause to be submitted water samples and such operational and analytical data and records as may be required by the Department to determine the sanitary and safety conditions of the swimming facility pool or bathing beach.

(Source: P.A. 78-1149.)

(210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)
Sec. 13. Rules. The Department shall promulgate, publish, adopt and amend such rules and regulations as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public using such pools and beaches, spas, and other appurtenances, and may, when necessary, utilize the services of any other state agencies to assist in carrying out the purposes of this Act. These regulations shall include but are not limited to design criteria for swimming facility pool and beach areas and bather preparation facilities, standards relating to sanitation, cleanliness, plumbing, water supply, sewage and solid waste disposal, design and construction of all equipment, buildings, rodent and insect control, communicable disease control, safety and sanitation of appurtenant swimming pool and beach facilities. The regulations must include provisions for the prevention of bather entrapment or entanglement at new and existing swimming facilities. The Department may adopt less stringent requirements for spas existing prior to January 1, 2003 than

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for new spas, provided minimum safety features, including provisions to protect against bather entrapment, are provided. Bather preparation facilities consisting of dressing room space, toilets and showers shall be available for use of patrons of swimming facilities pools and beaches, except as provided by Department regulations.
(Source: P.A. 86-595.)

(210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)
Sec. 21. Closure of facility. Whenever the Department finds any of the conditions hereinafter set forth it shall, by written notice, immediately order the owner, operator or licensee to close the swimming facility pool or beach and to prohibit any person from using such facilities:

(1) If conditions at a swimming facility pool or bathing beach and appurtenances, including bathhouse facilities, upon inspection and investigation by a representative of the Department, create an immediate danger to health or safety, including conditions that could lead to bather entrapment or entanglement; or

(2) When the Department, upon review of results of bacteriological analyses of water samples collected from a swimming facility pool or bathing beach, finds that such water does not conform to the bacteriological standards promulgated by the Department for proper swimming water quality; or

(3) When an environmental survey of an area shows evidence of sewage or other pollutational or toxic materials being discharged to waters tributary to a beach creating an immediate danger to health or safety; or

(4) When the Department finds by observation or test for water clarity of the swimming facility pool or beach water a higher turbidity level than permitted in the standards for physical quality as promulgated by the Department; or

(5) When in such cases as it is required, the presence of a satisfactory disinfectant residual, prescribed by rule as promulgated by the Department, is absent.

The notice shall state the reasons prompting the closing of the facilities and a copy of the notice must be posted conspicuously at the pool or beach by the owner, operator or licensee.

The State's Attorney and Sheriff of the county in which the swimming facility pool or bathing beach is located shall enforce the closing order after receiving notice thereof.

Any owner, operator or licensee affected by such an order is entitled, upon written request to the Department, to a hearing as provided in this Act.

When such conditions are abated or when the results of analyses of water samples collected from the swimming facility pool or beach, in the opinion of the Department, comply with the Department's bacteriological standards for acceptable water quality, or when the turbidity decreases to the permissible limit, or when the disinfectant residual reaches a satisfactory level as prescribed by rule, the Department may authorize reopening the pool or beach. When sources of sewage, pollution, or toxic materials discovered as a result of an environmental survey are eliminated, the Department may authorize reopening of such beach.
(Source: P.A. 78-1149.)

(210 ILCS 125/21.1) (from Ch. 111 1/2, par. 1221.1)
Sec. 21.1. Use of life jackets. No person shall prohibit the use of a life jacket in a swimming facility pool by an individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of such life jacket.
(Source: P.A. 84-964.)

(210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)
Sec. 23. Applicability of Act. Nothing in this Act shall be construed to exclude the State of Illinois and Departments and educational institutions thereof and units of local government except that the provisions in this Act for fees for licenses and permits, and the provisions for fine and imprisonment shall not apply to the State of Illinois, to Departments and educational institutions thereof, or units of local government. This Act shall not apply to beaches operated by units of local government located on Lake Michigan.
(Source: P.A. 78-1149.)

(210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)
Sec. 27. Adoption of ordinances. Any unit of government having a full-time municipal, district, county or multiple-county health department and which employs full-time a physician

New matter indicated by italics - deletions by strikeout.
licensed in Illinois to practice medicine in all its branches and a professional engineer, registered in Illinois, with a minimum of 2 years' experience in environmental health, may administer and enforce this Act by adopting an ordinance electing to administer and enforce this Act and adopting by reference the rules and regulations promulgated and amended from time to time by the Department under authority of this Act.

A unit of local government that so qualified and elects to administer and enforce this Act shall furnish the Department a copy of its ordinance and the names and qualifications of the employees required by this Act. The unit of local government ordinance shall then prevail in lieu of the state licensure fee and inspection program with the exception of Section 5 of this Act which provides for permits for construction, development and installation, which provisions shall continue to be administered by the Department. Units of local government shall require such State permits as provided in Section 5 prior to issuing licenses for swimming facilities constructed, developed, or installed, or altered in a major manner after the effective date of this Act.

Not less than once each year the Department shall evaluate each unit of local government's licensing and inspection program to determine whether such program is being operated and enforced in accordance with this Act and the rules and regulations promulgated thereunder. If the Department finds, after investigation, that such program is not being enforced within the provisions of this Act and the rules and regulations promulgated thereunder, the Director shall give written notice of such findings to the unit of government. If the Department finds, not less than 30 days of such given notice, that the program is not being conducted and enforced within the provisions of this Act and the rules and regulations promulgated thereunder, the Director shall give written notice to the unit of government that its authority to administer this Act is revoked. Any unit of government whose authority to administer this Act is revoked may request an administrative hearing as provided in this Act. If the unit of government fails to request a hearing or if, after such hearing, the Director confirms the revocation, all swimming facilities then operating under such unit of government shall be immediately subject to the State licensure fee and inspection program, until such time as the unit of government is again authorized by the Department to administer and enforce this Act.

(Source: P.A. 86-595.)

(210 ILCS 125/28 rep.)

Section 10. The Swimming Pool and Bathing Beach Act is amended by repealing Section 28.

Section 95. The Illinois Migrant Labor Camp Law is amended by changing Section 18 as follows:

(210 ILCS 110/18)
Sec. 18. The Department shall deposit all fees and fines collected under this Act into the Facility Licensing Fund. Moneys in the Fund, subject to appropriation, shall be used for the enforcement of this Act.

(Source: P.A. 88-535.)

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

PUBLIC ACT 92-0019
(House Bill No. 1623)

AN ACT in relation to the Attorney General.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Attorney General Act is amended by changing Section 4e as follows:
(15 ILCS 205/4e)
Sec. 4e. Recovery of lands; payment of legal fees. The Attorney General may authorize, from funds appropriated available for that purpose, the payment or reimbursement of reasonable and appropriate legal fees incurred by any person, unit of local government, or school district in defending any litigation, action, or proceeding brought to recover lands within the State from such

New matter indicated by italics - deletions by strikeout.
person, unit of local government, or school district, if (i) the litigation, action, or proceeding is based upon an allegation that the title or a beneficial interest in the title is derived from an invalid federal land patent, (ii) the person, unit of local government, or school district does not have legal representation available with regard to the litigation, action, or proceeding through a title insurer, (iii) the Attorney General determines that the authorization is in the public interest and that the legal representation can be conducted efficiently and reasonably to avoid unnecessary duplication of effort and costs, and (iv) the Attorney General finds that a loss of State sovereignty or jurisdiction over those lands or liability for rents or damages may result if the land patent is held to be invalid. The hourly rate for legal fees paid or reimbursed under this Section shall not exceed the maximum hourly rate customarily paid to Special Assistant Attorneys General. The total amount of legal fees paid or reimbursed under this Section shall not exceed $100,000 in fiscal year 2001 and $100,000 in fiscal year 2002. The payments or reimbursements may be made from moneys appropriated to the Attorney General for fiscal year 2001 for contractual services, notwithstanding any other law to the contrary. The Attorney General must, no later than April 15, 2001 and March 15, 2002, submit to the General Assembly a detailed, written report indicating which fees the Attorney General has or intends to pay or reimburse and the basis for making the payment or reimbursement. This Section is repealed on July 1, 2002.

(Source: P.A. 91-940, eff. 2-1-01.)

Section 99. Effective date. This Act takes effect on June 30, 2001.

PUBLIC ACT 92-0020
(House Bill No. 2376)

AN ACT in relation to banking.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Banking Act is amended by changing Section 48 as follows:

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

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

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

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

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

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

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

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

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

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

(a-1) If in the opinion of the Commissioner an emergency exists or appears likely, the
Commissioner may assign an examiner or examiners to monitor the affairs of a State bank

New matter indicated by italics - deletions by strikeout.
with whatever frequency he deems appropriate, including but not limited to a daily basis. The reasonable and necessary expenses of the Commissioner during the period of the monitoring shall be borne by the subject bank. The Commissioner shall furnish the State bank a statement of time and expenses if requested to do so within 30 days of the conclusion of the monitoring period.

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

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

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

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

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. All earnings received from investments of funds in the Bank and Trust Company Fund shall be deposited in the Bank and Trust Company Fund and may be used for the same purposes as fees deposited in that Fund. The amount from time to time deposited into the Bank and Trust Company Fund shall be used to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

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

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

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

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

(6) The Commissioner shall have the power:

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

(b) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(c) To appoint hearing officers to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act.

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

(e) To conduct hearings.

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

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

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

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

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

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

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

(12) (Blank).

(Source: P.A. 90-14, eff. 7-1-97; 90-301, eff. 8-1-97; 90-665, eff. 7-30-98; 91-16, eff. 7-1-99.)

Section 99. Effective date. This Act takes effect July 1, 2001.

AN ACT concerning criminal justice information.

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

Section 5. The Illinois Criminal Justice Information Act is amended by changing Section 4 as follows:

(20 ILCS 3930/4) (from Ch. 38, par. 210-4)

Sec. 4. Illinois Criminal Justice Information Authority; creation, membership, and meetings. There is created an Illinois Criminal Justice Information Authority consisting of 20-45 members. The membership of the Authority shall consist of the Illinois Attorney General, or his or her designee, the Director of the Illinois Department of Corrections, the Director of the Illinois Department of State Police, the Sheriff of Cook County, the State's Attorney of Cook County, the clerk of the circuit court

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of Cook County, the Superintendent of the Chicago Police Department, the Director of the Office of the State's Attorneys Appellate Prosecutor, the Executive Director of the Illinois Law Enforcement Training Standards Board, the State Appellate Defender, and the following additional members, each of whom shall be appointed by the Governor: a circuit court clerk, a sheriff, and a State's Attorney of a county other than Cook, a chief of police, and 5 members of the general public.

The Governor from time to time shall designate a Chairman of the Authority from the membership. All members of the Authority appointed by the Governor shall serve at the pleasure of the Governor for a term not to exceed 4 years. The initial appointed members of the Authority shall serve from January, 1983 until the third Monday in January, 1987 or until their successors are appointed.

The Authority shall meet at least quarterly, and all meetings of the Authority shall be called by the Chairman.

(Source: P.A. 91-483, eff. 1-1-00; 91-798, eff. 7-9-00.)

Section 99. Effective date. This Act takes effect on July 1, 2001.


Effective July 1, 2001.

PUBLIC ACT 92-0022

(AN ACT relating to telecommunications.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly: Section 5. The Attorney General Act is amended by changing Section 6.5 as follows:

Sec. 6.5. Consumer Utilities Unit.

(a) The General Assembly finds that the health, welfare, and prosperity of all Illinois citizens, and the public's interest in adequate, safe, reliable, cost-effective electric and telecommunications services, requires effective public representation by the Attorney General to protect the rights and interests of the public in the provision of all elements of electric and telecommunications service both during and after the transition to a competitive market, and that to ensure that the benefits of competition in the provision of both electric and telecommunications services to all consumers are attained, there shall be created within the Office of the Attorney General a Consumer Utilities Unit.

Sect. 6.5. Consumer Utilities Unit.

(b) As used in this Section: "Electric services" means services sold by an electric service provider. "Electric service provider" shall mean anyone who sells, contracts to sell, or markets electric power, generation, distribution, transmission, or services (including metering and billing) in connection therewith. Electric service providers shall include any electric utility and any alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act.

(b-5) As used in this Section: "Telecommunications services" means services sold by a telecommunications carrier, as provided for in Section 13-203 of the Public Utilities Act. "Telecommunications carrier" means anyone who sells, contracts to sell, or markets telecommunications services, whether noncompetitive or competitive, including access services, interconnection services, or any services in connection therewith. Telecommunications carriers include any carrier as defined in Section 13-202 of the Public Utilities Act.

(c) There is created within the Office of the Attorney General a Consumer Utilities Unit, consisting of Assistant Attorneys General appointed by the Attorney General, who, together with such other staff as is deemed necessary by the Attorney General, shall have the power and duty on behalf of the people of the State to intervene in, initiate, enforce, and defend all legal proceedings on matters relating to the provision, marketing, and sale of electric and telecommunications service whenever the Attorney General determines that such action is necessary to promote or protect the rights and interest of all Illinois citizens, classes of customers, and users of electric and telecommunications services.

(d) In addition to the investigative and enforcement powers available to the Attorney General, including without limitation those under the Consumer Fraud and Deceptive Business Practices Act and the Illinois Antitrust Act, the Attorney General shall be a party as a matter of right.
to all proceedings, investigations, and related matters involving the provision of electric services and to those proceedings, investigations, and related matters involving the provision of telecommunications services before the Illinois Commerce Commission and shall, upon request, have access to and the use of all files, records, data, and documents in the possession or control of the Commission, which material the Attorney General's office shall maintain as confidential, to be used for law enforcement purposes only, which material may be shared with other law enforcement officials. Nothing in this Section is intended to take away or limit any of the powers the Attorney General has pursuant to common law or other statutory law.

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

Section 10. The State Finance Act is amended by adding Sections 5.545 and 5.546 as follows:

(30 ILCS 105/5.545 new)
Sec. 5.545. The Digital Divide Elimination Fund.

(30 ILCS 105/5.546 new)
Sec. 5.546. The Digital Divide Elimination Infrastructure Fund.

Section 15. The Eliminate the Digital Divide Law is amended by changing Section 5-30 and adding Section 5-20 as follows:

(30 ILCS 780/5-20 new)
Sec. 5-20. Digital Divide Elimination Fund. The Digital Divide Elimination Fund is created as a special fund in the State treasury. All moneys in the Fund shall be used, subject to appropriation by the General Assembly, by the Department for grants made under Section 5-30 of this Act.

(30 ILCS 780/5-30)
Sec. 5-30. Community Technology Center Grant Program.
(a) Subject to appropriation, the Department shall administer the Community Technology Center Grant Program under which the Department shall make grants in accordance with this Article for planning, establishment, administration, and expansion of Community Technology Centers and for assisting public hospitals, libraries, and park districts in eliminating the digital divide. The purposes of the grants shall include, but not be limited to, volunteer recruitment and management, training and instruction, infrastructure, and related goods and services for Community Technology Centers and public hospitals, libraries, and park districts. The total amount of grants under this Section in fiscal year 2001 shall not exceed $2,000,000, except that this limit on grants shall not apply to grants funded by appropriations from the Digital Divide Elimination Fund. No Community Technology Center may receive a grant of more than $50,000 under this Section in a particular fiscal year.

(b) Public hospitals, libraries, park districts, and State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit or for-profit agencies and organizations are eligible to receive grants under this Program, provided that a local educational agency or public or private educational agency or organization must, in order to be eligible to receive grants under this Program, provide computer access and educational services using information technology to the public at one or more of its educational buildings or facilities at least 12 hours each week. A group of eligible entities is also eligible to receive a grant if the group follows the procedures for group applications in 34 CFR 75.127-129 of the Education Department General Administrative Regulations.

To be eligible to apply for a grant, a Community Technology Center, public hospital, library, or park district must serve a community in which not less than 40% of the students are eligible for a free or reduced price lunch under the national school lunch program or in which not less than 30% of the students are eligible for a free lunch under the national school lunch program; however, if funding is insufficient to approve all grant applications for a particular fiscal year, the Department may impose a higher minimum percentage threshold for that fiscal year. Determinations of communities and determinations of the percentage of students in a community who are eligible for a free or reduced price lunch under the national school lunch program shall be in accordance with rules adopted by the Department.

Any entities that have received a Community Technology Center grant under the federal Community Technology Centers Program are also eligible to apply for grants under this Program.

The Department shall provide assistance to Community Technology Centers in making those

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determinations for purposes of applying for grants.

(c) Grant applications shall be submitted to the Department not later than March 15 for the
next fiscal year.

(d) The Department shall adopt rules setting forth the required form and contents of grant
applications.

(e) There is created the Digital Divide Elimination Advisory Committee. The advisory
committee shall consist of 5 members appointed one each by the Governor, the President of the
Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader. The
members of the advisory committee shall receive no compensation for their services as members of
the advisory committee but may be reimbursed for their actual expenses incurred in serving on the
advisory committee. The Digital Divide Elimination Advisory Committee shall advise the Department
in establishing criteria and priorities for identifying recipients of grants under this Act. The advisory
committee shall obtain advice from the technology industry regarding current technological
standards. The advisory committee shall seek any available federal funding.

(Source: P.A. 91-704, eff. 7-1-00.)

Section 20. The Public Utilities Act is amended by changing Sections 1-102, 2-101, 2-202,
13-903, and 13-1200 as follows:

(220 ILCS 5/1-102) (from Ch. 111 2/3, par. 1-102)

Sec. 1-102. Findings and Intent. The General Assembly finds that the health, welfare and
prosperity of all Illinois citizens require the provision of adequate, efficient, reliable, environmentally
safe and least-cost public utility services at prices which accurately reflect the long-term cost of such
services and which are equitable to all citizens. It is therefore declared to be the policy of the State
that public utilities shall continue to be regulated effectively and comprehensively. It is further
declared that the goals and objectives of such regulation shall be to ensure

(a) Efficiency: the provision of reliable energy services at the least possible cost to the
citizens of the State; in such manner that:

(i) physical, human and financial resources are allocated efficiently;

(ii) all supply and demand options are considered and evaluated using comparable
terms and methods in order to determine how utilities shall meet their customers' demands for public utility services at the least cost;

(iii) utilities are allowed a sufficient return on investment so as to enable them to
attract capital in financial markets at competitive rates;

(iv) tariff rates for the sale of various public utility services are authorized such that
they accurately reflect the cost of delivering those services and allow utilities to recover
the total costs prudently and reasonably incurred;

(v) variation in costs by customer class and time of use is taken into consideration
in authorizing rates for each class.

(b) Environmental Quality: the protection of the environment from the adverse external
costs of public utility services so that

(i) environmental costs of proposed actions having a significant impact on the
environment and the environmental impact of the alternatives are identified, documented
and considered in the regulatory process;

(ii) the prudently and reasonably incurred costs of environmental controls are
recovered.

(c) Reliability: the ability of utilities to provide consumers with public utility services
under varying demand conditions in such manner that suppliers of public utility services are
able to provide service at varying levels of economic reliability giving appropriate
consideration to the costs likely to be incurred as a result of service interruptions, and to the
costs of increasing or maintaining current levels of reliability consistent with commitments
to consumers.

(d) Equity: the fair treatment of consumers and investors in order that

(i) the public health, safety and welfare shall be protected;

New matter indicated by italics - deletions by strikeout.
(ii) the application of rates is based on public understandability and acceptance of the reasonableness of the rate structure and level;
(iii) the cost of supplying public utility services is allocated to those who cause the costs to be incurred;
(iv) if factors other than cost of service are considered in regulatory decisions, the rationale for these actions is set forth;
(v) regulation allows for orderly transition periods to accommodate changes in public utility service markets;
(vi) regulation does not result in undue or sustained adverse impact on utility earnings;
(vii) the impacts of regulatory actions on all sectors of the State are carefully weighed;
(viii) the rates for utility services are affordable and therefore preserve the availability of such services to all citizens.

It is further declared to be the policy of the State that this Act shall not apply in relation to motor carriers and rail carriers as defined in the Illinois Commercial Transportation Law, or to the Commission in the regulation of such carriers.

Nothing in this Act shall be construed to limit, restrict, or mitigate in any way the power and authority of the State's Attorneys or the Attorney General under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 89-42, eff. 1-1-96.)

(220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

Sec. 2-101. Commerce Commission created. There is created an Illinois Commerce Commission consisting of 5 members not more than 3 of whom shall be members of the same political party at the time of appointment. The Governor shall appoint the members of such Commission by and with the advice and consent of the Senate. In case of a vacancy in such office during the recess of the Senate the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the Senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. Each member of the Commission shall hold office for a term of 5 years from the third Monday in January of the year in which his predecessor's term expires.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Commission is terminated on the effective date of this amendatory Act of 1995, but the incumbent members shall continue to exercise all of the powers and be subject to all of the duties of members of the Commission until their respective successors are appointed and qualified. Of the members initially appointed under the provisions of this amendatory Act of 1995, one member shall be appointed for a term of office which shall expire on the third Monday of January, 1997; 2 members shall be appointed for terms of office which shall expire on the third Monday of January, 1998; one member shall be appointed for a term of office which shall expire on the third Monday of January, 1999; and one member shall be appointed for a term of office which shall expire on the third Monday of January, 2000. Each respective successor shall be appointed for a term of 5 years from the third Monday of January of the year in which his predecessor's term expires in accordance with the provisions of the first paragraph of this Section.

Each member shall serve until his successor is appointed and qualified, except that if the Senate refuses to consent to the appointment of any member, such office shall be deemed vacant, and within 2 weeks of the date the Senate refuses to consent to the reappointment of any member, such member shall vacate such office. The Governor shall from time to time designate the member of the Commission who shall be its chairman. Consistent with the provisions of this Act, the Chairman shall be the chief executive officer of the Commission for the purpose of ensuring that the Commission's policies are properly executed.

If there is no vacancy on the Commission, 4 members of the Commission shall constitute a quorum to transact business; otherwise, a majority of the Commission shall constitute a quorum to transact business, and but no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the Commission, and every finding, order, or decision approved by a
majority of the members of the Commission shall be deemed to be the finding, order, or decision of the Commission.
(Source: P.A. 89-429, eff. 12-15-95.)

Sec. 2-202. Policy; Public Utility Fund; tax.
(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this Act in the interests of the People of the State of Illinois and the public utilities as well, the public utilities subject to regulation under this Act and which enjoy the privilege of operating as public utilities in this State, shall bear the expense of administering this Act by means of a tax on such privilege measured by the annual gross revenue of such public utilities in the manner provided in this Section. For purposes of this Section, "expense of administering this Act" includes any costs incident to studies, whether made by the Commission or under contract entered into by the Commission, concerning environmental pollution problems caused or contributed to by public utilities and the means for eliminating or abating those problems. Such proceeds shall be deposited in the Public Utility Fund in the State treasury.

(b) All of the ordinary and contingent expenses of the Commission incident to the administration of this Act shall be paid out of the Public Utility Fund except the compensation of the members of the Commission which shall be paid from the General Revenue Fund. Notwithstanding other provisions of this Act to the contrary, the ordinary and contingent expenses of the Commission incident to the administration of the Illinois Commercial Transportation Law may be paid from appropriations from the Public Utility Fund through the end of fiscal year 1986.

(c) A tax is imposed upon each public utility subject to the provisions of this Act equal to .08% of its gross revenue for each calendar year commencing with the calendar year beginning January 1, 1982, except that the Commission may, by rule, establish a different rate no greater than 0.1%. For purposes of this Section, "gross revenue" shall not include revenue from the production, transmission, distribution, sale, delivery, or furnishing of electricity. "Gross revenue" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(d) Annual gross revenue returns shall be filed in accordance with paragraph (1) or (2) of this subsection (d).

(1) Except as provided in paragraph (2) of this subsection (d), on or before January 10 of each year each public utility subject to the provisions of this Act shall file with the Commission an estimated annual gross revenue return containing an estimate of the amount of its gross revenue for the calendar year commencing January 1 of said year and a statement of the amount of tax due for said calendar year on the basis of that estimate. Public utilities may also file revised returns containing updated estimates and updated amounts of tax due during the calendar year. These revised returns, if filed, shall form the basis for quarterly payments due during the remainder of the calendar year. In addition, on or before March 31 of each year, each public utility shall file an amended return showing the actual amount of gross revenues shown by the company's books and records as of December 31 of the previous year. Forms and instructions for such estimated, revised, and amended returns shall be devised and supplied by the Commission.

(2) Beginning with returns due after January 1, 2002, the requirements of paragraph (1) of this subsection (d) shall not apply to any public utility in any calendar year for which the total tax the public utility owes under this Section is less than $10,000 $1,000. For such public utilities with respect to such years, the public utility shall file with the Commission, on or before March 31 of the following year, an annual gross revenue return for the year and a statement of the amount of tax due for that year on the basis of such a return. Forms and instructions for such returns and corrected returns shall be devised and supplied by the Commission.

(e) All returns submitted to the Commission by a public utility as provided in this subsection (e) or subsection (d) of this Section shall contain or be verified by a written declaration by an appropriate officer of the public utility that the return is made under the penalties of perjury. The Commission may audit each such return submitted and may, under the provisions of Section 5-101 of this Act, take such measures as are necessary to ascertain the correctness of the returns submitted.

New matter indicated by italics - deletions by strikeout.
The Commission has the power to direct the filing of a corrected return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return. A taxpayer's signing a fraudulent return under this Section is perjury, as defined in Section 32-2 of the Criminal Code of 1961.

(f) (1) For all public utilities subject to paragraph (1) of subsection (d), at least one quarter of the annual amount of tax due under subsection (c) shall be paid to the Commission on or before the tenth day of January, April, July, and October of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of an amended or corrected return under subsection (d) or subsection (e) of this Section, the amount of any deficiency shall be paid by the public utility together with the amended or corrected return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess or be refunded to the public utility in accordance with the provisions of subsection (k) of this Section. However, if such deficiency or excess is less than $1, then the public utility need not pay the deficiency and may not claim a credit.

(2) Any public utility subject to paragraph (2) of subsection (d) shall pay the amount of tax due under subsection (c) on or before March 31 next following the end of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of a corrected return under subsection (e), the amount of any deficiency shall be paid by the public utility at the time the corrected return is filed. Any excess tax payment by the public utility shall be returned to it after the filing of a claim for credit, in the form of a credit memorandum in the amount of the excess. However, if such deficiency or excess is less than $1, the public utility need not pay the deficiency and may not claim a credit.

(g) Each installment or required payment of the tax imposed by subsection (c) becomes delinquent at midnight of the date that it is due. Failure to make a payment as required by this Section shall result in the imposition of a late payment penalty, an underestimation penalty, or both, as provided by this subsection. The late payment penalty shall be the greater of:

(1) $25 for each month or portion of a month that the installment or required payment is unpaid or

(2) an amount equal to the difference between what should have been paid on the due date, based upon the most recently filed estimated, annual, or amended return, and what was actually paid, times 1%, for each month or portion of a month that the installment or required payment goes unpaid. This penalty may be assessed as soon as the installment or required payment becomes delinquent.

The underestimation penalty shall apply to those public utilities subject to paragraph (1) of subsection (d) and shall be calculated after the filing of the amended return. It shall be imposed if the amount actually paid on any of the dates specified in subsection (f) is not equal to at least one-fourth of the amount actually due for the year, and shall equal the greater of:

(1) $25 for each month or portion of a month that the amount due is unpaid or

(2) an amount equal to the difference between what should have been paid, based on the amended return, and what was actually paid as of the date specified in subsection (f), times a percentage equal to 1/12 of the sum of 10% and the percentage most recently established by the Commission for interest to be paid on customer deposits under 83 Ill. Adm. Code 280.70(e)(1), for each month or portion of a month that the amount due goes unpaid, except that no underestimation penalty shall be assessed if the amount actually paid on or before each of the dates specified in subsection (f) was based on an estimate of gross revenues at least equal to the actual gross revenues for the previous year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The executive director or his designee may excuse the payment of an assessed penalty or a portion of an assessed penalty if he determines that enforced collection of the penalty as assessed would be unjust.

(h) All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Public Utility Fund in the State treasury.

New matter indicated by italics - deletions by strikeout.
(i) During the month of October of each odd-numbered year the Commission shall:

(1) determine the amount of all moneys deposited in the Public Utility Fund during the preceding fiscal biennium plus the balance, if any, in that fund at the beginning of that biennium;

(2) determine the sum total of the following items: (A) all moneys expended or obligated against appropriations made from the Public Utility Fund during the preceding fiscal biennium, plus (B) the sum of the credit memoranda then outstanding against the Public Utility Fund, if any; and

(3) determine the amount, if any, by which the sum determined as provided in item (1) exceeds the amount determined as provided in item (2).

If the amount determined as provided in item (3) of this subsection exceeds $5,000,000 $2,500,000, the Commission shall then compute the proportionate amount, if any, which (x) the tax paid hereunder by each utility during the preceding biennium, and (y) the amount paid into the Public Utility Fund during the preceding biennium by the Department of Revenue pursuant to Sections 2-9 and 2-11 of the Electricity Excise Tax Law, bears to the difference between the amount determined as provided in item (3) of this subsection and $5,000,000 $2,500,000. The Commission shall cause the proportionate amount determined with respect to payments made under the Electricity Excise Tax Law to be transferred into the General Revenue Fund in the State Treasury, and notify each public utility that it may file during the 3 month period after the date of notification a claim for credit for the proportionate amount determined with respect to payments made hereunder by the public utility.

If the proportionate amount is less than $10, no notification will be sent by the Commission, and no right to a claim exists as to that amount. Upon the filing of a claim for credit within the period provided, the Commission shall issue a credit memorandum in such amount to such public utility. Any claim for credit filed after the period provided for in this Section is void.

(j) Credit memoranda issued pursuant to subsection (f) and credit memoranda issued after notification and filing pursuant to subsection (i) may be applied for the 2 year period from the date of issuance, against the payment of any amount due during that period under the tax imposed by subsection (e), or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other public utility subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(k) The chairman or executive director may make refund of fees, taxes or other charges whenever he shall determine that the person or public utility will not be liable for payment of such fees, taxes or charges during the next 24 months and he determines that the issuance of a credit memorandum would be unjust.

(Source: P.A. 90-561, eff. 8-1-98; 90-562, 12-16-97; 90-655, eff. 7-30-98.)

(220 ILCS 5/8-101) (from Ch. 111 2/3, par. 8-101)

Sec. 8-101. Duties of public utilities; nondiscrimination. A Every public utility shall furnish, provide, and maintain such service instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and public and as shall be in all respects adequate, efficient, just, and reasonable.

All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

A Every public utility shall, upon reasonable notice, furnish to all persons who may apply therefor and be reasonably entitled thereto, suitable facilities and service, without discrimination and without delay.

Nothing in this Section shall be construed to prevent a public utility from accepting payment electronically or by the use of a customer-preferred financially accredited credit or debit methodology.

(Source: P.A. 84-617.)

(220 ILCS 5/9-230) (from Ch. 111 2/3, par. 9-230)

Sec. 9-230. Rate of return; financial involvement with nonutility or unregulated companies. In determining a reasonable rate of return upon investment for any public utility in any proceeding to establish rates or charges, the Commission shall not include any (i) incremental risk, (ii) or increased cost of capital, or (iii) after May 31, 2003, revenue or expense attributed to telephone directory operations, which is the direct or indirect result of the public utility's affiliation with
unregulated or nonutility companies.
(Source: P.A. 84-617.)

(220 ILCS 5/10-101.1 new)

Sec. 10-101.1. Mediation; arbitration; case management.

(a) It is the intent of the General Assembly that proceedings before the Commission shall be concluded as expeditiously as is possible consistent with the right of the parties to the due process of law and protection of the public interest. It is further the intent of the General Assembly to permit and encourage voluntary mediation and voluntary binding arbitration of disputes arising under this Act.

(b) Nothing in this Act shall prevent parties to contested cases brought before the Commission from resolving those cases, or other disputes arising under this Act, in part or in their entirety, by agreement of all parties, by compromise and settlement, or by voluntary mediation; provided, however, that nothing in this Section shall limit the Commission's authority to conduct such investigations and enter such orders as it shall deem necessary to enforce the provisions of this Act or otherwise protect the public interest. Evidence of conduct or statements made by a party in furtherance of voluntary mediation or in compromise negotiations is not admissible as evidence should the matter subsequently be heard by the Commission; provided, however that evidence otherwise discoverable is not excluded or deemed inadmissible merely because it is presented in the course of voluntary mediation or compromise negotiations. No civil penalty shall be imposed upon parties that reach an agreement pursuant to the mediation procedures in this Section.

(c) The Commission shall prescribe by rule such procedures and facilities as are necessary to permit parties to resolve disputes through voluntary mediation prior to the filing of, or at any point during, the pendency of a contested matter. Parties to disputes arising under this Act are encouraged to submit disputes to the Commission for voluntary mediation, which shall not be binding upon the parties. Submission of a dispute to voluntary mediation shall not compromise the right of any party to bring action under this Act.

(d) In any contested case before the Commission, at the Commission's or hearing examiner's direction or on motion of any party, a case management conference may be held at such time in the proceeding prior to evidentiary hearing as the hearing examiner deems proper. Prior to the conference, when directed to do so, all parties shall file a case management memorandum that addresses items (1) through (9) as directed by the hearing examiner. At the conference, the following shall be considered:

1. the identification and simplification of the issues; provided, however, that the identification of issues by a party shall not foreclose that party from raising such other meritorious issues as that party might subsequently identify;
2. amendments to the pleadings;
3. the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
4. limitations on discovery including:
   A. the area of expertise and the number of witnesses who will likely be called; provided, however, that the identification of witnesses by a party shall not foreclose that party from producing such other witnesses as that party might subsequently identify; and
   B. schedules for responses to and completion of discovery; provided, however, that such responses shall under no circumstances be provided later than 28 days after such discovery or requests are served, unless the hearing examiner shall order or the parties agree to some other time period for response;
5. the possibility of settlement and scheduling of a settlement conference;
6. the advisability of alternative dispute resolution including, but not limited to, mediation or arbitration;
7. the date on which the matter should be ready for evidentiary hearing and the likely duration of the hearing;
8. the advisability of holding subsequent case management conferences; and
9. any other matters that may aid in the disposition of the action.

(e) The Commission is hereby authorized, if requested by all parties to any complaint brought under this Act, to arbitrate the complaint and to enter a binding arbitration award disposing
of the complaint. The Commission shall prescribe by rule procedures for arbitration.

(220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

(Sec. 13-101. Application of Act to telecommunications rates and services. Except to the extent modified or supplemented by the specific provisions of this Article, the Sections of this Act pertaining to public utilities, public utility rates and services, and the regulation thereof, are fully and equally applicable to noncompetitive telecommunications rates and services, and the regulation thereof, except where the context clearly renders such provisions inapplicable. Except to the extent modified or supplemented by the specific provisions of this Article, Articles I through V, Sections 8-301, 8-505, 9-221, 9-222, 9-222.1, 9-222.2, 9-250, and 9-252.1, and Articles X and XI of this Act are fully and equally applicable to competitive telecommunications rates and services, and the regulation thereof; in addition, as to competitive telecommunications rates and services, and the regulation thereof, all rules and regulations made by a telecommunications carrier affecting or pertaining to its charges or service to the public shall be just and reasonable, provided that nothing in this Section shall be construed to prevent a telecommunications carrier from accepting payment electronically or by the use of a customer-preferred financially accredited credit or debit methodology. As of the effective date of this amendatory Act of the 92nd General Assembly, Sections 4-202, 4-203, and 5-202 of this Act shall cease to apply to telecommunications rates and services.

(Source: P.A. 90-38, eff. 6-27-97.)

(220 ILCS 5/13-202.5 new)

Sec. 13-202.5. Incumbent local exchange carrier. "Incumbent local exchange carrier" means, with respect to an area, the telecommunications carrier that provided noncompetitive local exchange telecommunications service in that area on February 8, 1996, and on that date was deemed a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b), and includes its successors, assigns, and affiliates.

(220 ILCS 5/13-216 new)

Sec. 13-216. Network element. "Network element" means a facility or equipment used in the provision of a telecommunications service. The term also includes features, functions, and capabilities that are provided by means of the facility or equipment, including, but not limited to, subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

(220 ILCS 5/13-217 new)

Sec. 13-217. End user. "End user" means any person, corporation, partnership, firm, municipality, cooperative, organization, governmental agency, building owner, or other entity provided with a telecommunications service for its own consumption and not for resale.

(220 ILCS 5/13-218 new)

Sec. 13-218. Business end user. "Business end user" means (1) an end user engaged primarily or substantially in a paid commercial, professional, or institutional activity; (2) an end user provided telecommunications service in a commercial, professional, or institutional location, or other location serving primarily or substantially as a site of an activity for pay; (3) an end user whose telecommunications service is listed as the principal or only number for a business in any yellow pages directory; (4) an end user whose telecommunications service is used to conduct promotions, solicitations, or market research for which compensation or reimbursement is paid or provided; provided, however, that the use of telecommunications service, without compensation or reimbursement, for a charitable or civic purpose shall not constitute business use of a telecommunications service.

(220 ILCS 5/13-219 new)

Sec. 13-219. Residential end user. "Residential end user" means an end user other than a business end user.

(220 ILCS 5/13-220 new)

Sec. 13-220. Retail telecommunications service. "Retail telecommunications service" means a telecommunications service sold to an end user. "Retail telecommunications service" does not include a telecommunications service provided by a telecommunications carrier to a telecommunications carrier, including to itself, as a component of, or for the provision of, telecommunications service. A business retail telecommunications service is a retail
telecommunications service provided to a business end user. A residential retail telecommunications service is a retail telecommunications service provided to a residential end user.

(220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

(Sec. 13-301.1. Universal Telephone Service Assistance Program.

(a) The Commission shall by rule or regulation establish a Universal Telephone Service Assistance Program for low income residential customers. The program shall provide for a reduction of access line charges, a reduction of connection charges, or any other alternative to increase accessibility to telephone service that the Commission deems advisable subject to the availability of funds for the program as provided in subsection (d) (b). The Commission shall establish eligibility requirements for benefits under the program.

(b) The Commission shall adopt rules providing for enhanced enrollment for eligible consumers to receive lifeline service. Enhanced enrollment may include, but is not limited to, joint marketing, joint application, or joint processing with the Low-Income Home Energy Assistance Program, the Medicaid Program, and the Food Stamp Program. The Department of Human Services, the Department of Public Aid, and the Department of Commerce and Community Affairs, upon request of the Commission, shall assist in the adoption and implementation of those rules. The Commission and the Department of Human Services, the Department of Public Aid, and the Department of Commerce and Community Affairs may enter into memoranda of understanding establishing the respective duties of the Commission and the Departments in relation to enhanced enrollment.

(c) In this Section, "lifeline service" means a retail local service offering described by 47 C.F.R. Section 54.401(a), as amended.

(d) (b) The Commission shall require by rule or regulation that each telecommunications carrier providing local exchange telecommunications services notify its customers that if the customer wishes to participate in the funding of the Universal Telephone Service Assistance Program he may do so by electing to contribute, on a monthly basis, a fixed amount that will be included in the customer's monthly bill. The customer may cease contributing at any time upon providing notice to the telecommunications carrier providing local exchange telecommunications services. The notice shall state that any contribution made will not reduce the customer's bill for telecommunications services. Failure to remit the amount of increased payment will reduce the contribution accordingly. The Commission shall specify the monthly fixed amount or amounts that customers wishing to contribute to the funding of the Universal Telephone Service Assistance Program may choose from in making their contributions. Every telecommunications carrier providing local exchange telecommunications services shall remit the amounts contributed in accordance with the terms of the Universal Telephone Service Assistance Program.

(Source: P.A. 87-750; 90-372, eff. 7-1-98.)

(220 ILCS 5/13-301.2 new)

Sec. 13-301.2. Program to Foster Elimination of the Digital Divide. The Commission shall require by rule that each telecommunications carrier providing local exchange telecommunications services notify its customers that if the customer wishes to participate in the funding of the Program to Foster Elimination of the Digital Divide he or she may do so by electing to contribute, on a monthly basis, a fixed amount that will be included in the customer's monthly bill. The customer may cease contributing at any time upon providing notice to the telecommunications carrier providing local exchange telecommunications services. The notice shall state that any contribution made will not reduce the customer's bill for telecommunications services. Failure to remit the amount of increased payment will reduce the contribution accordingly. The Commission shall specify the monthly fixed amount or amounts that customers wishing to contribute to the funding of the Program to Foster Elimination of the Digital Divide may choose from in making their contributions. Every telecommunications carrier providing local exchange telecommunications services shall remit the amounts contributed in accordance with the terms of the Program to Foster Elimination of the Digital Divide.

(220 ILCS 5/13-301.3 new)

Sec. 13-301.3. Digital Divide Elimination Infrastructure Program.

(a) The Digital Divide Elimination Infrastructure Fund is created as a special fund in the State treasury. All moneys in the Fund shall be used, subject to appropriation, by the Commission
to fund the construction of facilities specified in Commission rules adopted under this Section. The Commission may accept private and public funds, including federal funds, for deposit into the Fund. Earnings attributable to moneys in the Fund shall be deposited into the Fund.

(b) The Commission shall adopt rules under which it will make grants out of funds appropriated from the Digital Divide Elimination Infrastructure Fund to eligible entities as specified in the rules for the construction of high-speed data transmission facilities in areas of the State for which the incumbent local exchange carrier having the duty to serve such area, and the obligation to provide advanced services to such area pursuant to Section 13-517 of this Act, has sought and obtained an exemption from such obligation based upon a Commission finding that provision of such advanced services to customers in such area is either unduly economically burdensome or will impose a significant adverse economic impact on users of telecommunications services generally.

(c) The rules of the Commission shall provide for the competitive selection of recipients of grant funds available from the Digital Divide Elimination Infrastructure Fund pursuant to the Illinois Procurement Code. Grants shall be awarded to bidders chosen on the basis of the criteria established in such rules.

(d) All entities awarded grant moneys under this Section shall maintain all records required by Commission rule for the period of time specified in the rules. Such records shall be subject to audit by the Commission, by any auditor appointed by the State, or by any State officer authorized to conduct audits.

(220 ILCS 5/13-303 new)
Sec. 13-303. Action to enforce law or orders. Whenever the Commission is of the opinion that a telecommunications carrier is failing or omitting, or is about to fail or omit, to do anything required of it by law or by an order, decision, rule, regulation, direction, or requirement of the Commission or is doing or permitting anything to be done, or is about to do anything or is about to permit anything to be done, contrary to or in violation of law or an order, decision, rule, regulation, direction, or requirement of the Commission, the Commission shall file an action or proceeding in the circuit court in and for the county in which the case or some part thereof arose or in which the telecommunications carrier complained of has its principal place of business, in the name of the People of the State of Illinois for the purpose of having the violation or threatened violation stopped and prevented either by mandamus or injunction. The Commission may express its opinion in a resolution based upon whatever factual information has come to its attention and may issue the resolution ex parte and without holding any administrative hearing before bringing suit. Except in cases involving an imminent threat to the public health and safety, no such resolution shall be adopted until 48 hours after the telecommunications carrier has been given notice of (i) the substance of the alleged violation, including citation to the law, order, decision, rule, regulation, or direction of the Commission alleged to have been violated and (ii) the time and the date of the meeting at which such resolution will first be before the Commission for consideration.

The Commission shall file the action or proceeding by complaint in the circuit court alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall be the duty of the court to specify a time, not exceeding 20 days after the service of the copy of the complaint, within which the telecommunications carrier complained of must answer the complaint, and in the meantime the telecommunications carrier may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case. The telecommunications carrier and persons that the court may deem necessary or proper may be joined as parties. The final judgment in any action or proceeding shall either dismiss the action or proceeding or grant relief by mandamus or injunction as prayed for in the complaint, or in such modified or other form as will afford appropriate relief in the court’s judgment.

(220 ILCS 5/13-303.5 new)
Sec. 13-303.5. Injunctive relief. If, after a hearing, the Commission determines that a telecommunications carrier has violated this Act or a Commission order or rule, any telecommunications carrier adversely affected by the violation may seek injunctive relief in circuit court.

(220 ILCS 5/13-304 new)
Sec. 13-304. Action to recover civil penalties.

New matter indicated by italics - deletions by strikeout.
(a) The Commission shall assess and collect all civil penalties established under this Act against telecommunications carriers, corporations other than telecommunications carriers, and persons acting as telecommunications carriers. Except for the penalties provided under Section 2-202, civil penalties may be assessed only after notice and opportunity to be heard. Any such civil penalty may be compromised by the Commission. In determining the amount of the civil penalty to be assessed, or the amount of the civil penalty to be compromised, the Commission is authorized to consider any matters of record in aggravation or mitigation of the penalty, including but not limited to the following:

1. the duration and gravity of the violation of the Act, the rules, or the order of the Commission;
2. the presence or absence of due diligence on the part of the violator in attempting either to comply with requirements of the Act, the rules, or the order of the Commission, or to secure lawful relief from those requirements;
3. any economic benefits accrued by the violator because of the delay in compliance with requirements of the Act, the rules, or the order of the Commission; and
4. the amount of monetary penalty that will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with the Act, the rules, or the order of the Commission by the violator and other persons similarly subject to the Act.

(b) If timely judicial review of a Commission order that imposes a civil penalty is taken by a telecommunications carrier, a corporation other than a telecommunications carrier, or a person acting as a telecommunications carrier on whom or on which the civil penalty has been imposed, the reviewing court shall enter a judgment on all amounts upon affirmance of the Commission order. If timely judicial review is not taken and the civil penalty remains unpaid for 60 days after service of the order, the Commission in its discretion may either begin revocation proceedings or bring suit to recover the penalties. Unless stayed by a reviewing court, interest shall accrue from the 60th day after the date of service of the Commission order to the date full payment is received by the Commission.

(c) Actions to recover delinquent civil penalties under this Section shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county in which the cause, or some part thereof, arose, or in which the entity complained of resides. The action shall be commenced and prosecuted to final judgement by the Commission. In any such action, all interest incurred up to the time of final court judgment may be recovered in that action. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

(d) Civil penalties related to the late filing of reports, taxes, or other filings shall be paid into the State treasury to the credit of the Public Utility Fund. Except as otherwise provided in this Act, all other fines and civil penalties shall be paid into the State treasury to the credit of the General Revenue Fund.

(220 ILCS 5/13-305 new)
Sec. 13-305. Amount of civil penalty. A telecommunications carrier, any corporation other than a telecommunications carrier, or any person acting as a telecommunications carrier that violates or fails to comply with any provisions of this Act or that fails to obey, observe, or comply with any order, decision, rule, regulation, direction, or requirement, or any part or provision thereof, of the Commission, made or issued under authority of this Act, in a case in which a civil penalty is not otherwise provided for in this Act, but excepting Section 5-202 of the Act, shall be subject to penalties under this Section imposed for the same conduct only to the extent that such penalties exceed those imposed by the final Commission order.

A telecommunications carrier subject to administrative penalties resulting from a final Commission order approving an intercorporate transaction entered pursuant to Section 7-204 of this Act shall be subject to penalties under this Section imposed for the same conduct only to the extent that such penalties exceed those imposed by the final Commission order.

Every violation of the provisions of this Act or of any order, decision, rule, regulation,
direction, or requirement of the Commission, or any part or provision thereof, by any corporation or person, is a separate and distinct offense. Penalties under this Section shall attach and begin to accrue from the day after written notice is delivered to such party or parties that they are in violation or have failed to comply with this Act or an order, decision, rule, regulation, direction, or requirement of the Commission, or part or provision thereof. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any officer, agent, or employee of any telecommunications carrier or of any person acting within the scope of his or her duties or employment shall in every case be deemed to be the act, omission, or failure of such telecommunications carrier or person.

If the party who has violated or failed to comply with this Act or an order, decision, rule, regulation, direction, or requirement of the Commission, or any part or provision thereof, fails to seek timely review pursuant to Sections 10-113 and 10-201 of this Act, the party shall, upon expiration of the statutory time limit, be subject to the civil penalty provision of this Section.

Twenty percent of all moneys collected under this Section shall be deposited into the Digital Divide Elimination Fund and 20% of all moneys collected under this Section shall be deposited into the Digital Divide Elimination Infrastructure Fund.

(220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-407. Commission study and report. The Commission shall monitor and analyze patterns of entry and exit, and changes in patterns of applications for entry and exit, for each relevant market for telecommunications services, including emerging high speed telecommunications markets, and shall include its findings together with appropriate recommendations for legislative action in its annual report to the General Assembly.

The Commission shall also monitor and analyze the status of deployment of services to consumers, and any resulting "digital divisions" between consumers, including any changes or trends therein. The Commission shall include its findings together with appropriate recommendations for legislative action in its annual report to the General Assembly. In preparing this analysis the Commission shall evaluate information provided by telecommunications carriers that pertains to the state of competition in telecommunications markets including, but not limited to:

(1) the number and type of firms providing telecommunications services, including broadband telecommunications services, within the State;

(2) the telecommunications services offered by these firms to both retail and wholesale customers;

(3) the extent to which customers and other providers are purchasing the firms' telecommunications services;

(4) the technologies or methods by which these firms provide these services, including descriptions of technologies in place and under development, and the degree to which firms rely on other wholesale providers to provide service to their own customers; and

(5) the tariffed retail and wholesale prices for services provided by these firms.

The Commission shall at a minimum assess the variability in this information according to geography, examining variability by exchange, wirecenter, or zip code, and by customer class, examining, at a minimum, the variability between residential and small, medium, and large business customers. The Commission shall provide an analysis of market trends by collecting this information from firms providing telecommunications services within the State. The Commission shall also collect all information, in a format determined by the Commission, that the Commission deems necessary to assist in monitoring and analyzing the telecommunications markets and the status of competition and deployment of telecommunications services to consumers in the State.

(Source: P.A. 84-1063.)

(220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-501. Tariff; filing.

(a) No telecommunications carrier shall offer or provide telecommunications service unless and until a tariff is filed with the Commission which describes the nature of the service, applicable rates and other charges, terms and conditions of service, and the exchange, exchanges or other

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geographical area or areas in which the service shall be offered or provided. The Commission may
prescribe the form of such tariff and any additional data or information which shall be included therein.

(b) After a hearing, the Commission has the discretion to impose an interim or permanent
tariff on a telecommunications carrier as part of the order in the case. When a tariff is imposed as
part of the order in a case, the tariff shall remain in full force and effect until a compliance tariff, or
superseding tariff, is filed by the telecommunications carrier and, after notice to the parties in the
case and after a compliance hearing is held, is found by the Commission to be in compliance with
the Commission's order.
(Source: P.A. 84-1063.)
(220 ILCS 5/13-502) (from Ch. 111 2/3, par. 13-502)
Sec. 13-502. Classification of services.
(a) All telecommunications services offered or provided under tariff by telecommunications
carriers shall be classified as either competitive or noncompetitive. A telecommunications carrier may
offer or provide either competitive or noncompetitive telecommunications services, or both, subject
to proper certification and other applicable provisions of this Article. Any tariff filed with the
Commission as required by Section 13-501 shall indicate whether the service to be offered or
provided is competitive or noncompetitive.

(b) A service shall be classified as competitive only if, and only to the extent that, for some
identifiable class or group of customers in an exchange, group of exchanges, or some other clearly
defined geographical area, such service, or its functional equivalent, or a substitute service, is
reasonably available from more than one provider, whether or not any such provider is a
telecommunications carrier subject to regulation under this Act. All telecommunications services not
properly classified as competitive shall be classified as noncompetitive. The Commission shall have
the power to investigate the propriety of any classification of a telecommunications service on its
own motion and shall investigate upon complaint. In any hearing or investigation, the burden of proof
as to the proper classification of any service shall rest upon the telecommunications carrier providing
the service. After notice and hearing, the Commission shall order the proper classification of any
service in whole or in part. The Commission shall make its determination and issue its final order no
later than 180 days from the date such hearing or investigation is initiated. If the Commission enters
into a hearing upon complaint and if the Commission fails to issue an order within that period, the
complaint shall be deemed granted unless the Commission, the complainant, and the
telecommunications carrier providing the service agree to extend the time period.

(c) In determining whether a service should be reclassified as competitive, the Commission
shall, at a minimum, consider the following factors:
(1) the number, size, and geographic distribution of other providers of the service;
(2) the availability of functionally equivalent services in the relevant geographic area
and the ability of telecommunications carriers or other persons to make the same,
equivalent, or substitutable service readily available in the relevant market at comparable
rates, terms, and conditions;
(3) the existence of economic, technological, or any other barriers to entry into, or exit
from, the relevant market;
(4) the extent to which other telecommunications companies must rely upon the service
of another telecommunications carrier to provide telecommunications service; and
(5) any other factors that may affect competition and the public interest that the
Commission deems appropriate.

(d) No tariff classifying a new telecommunications service as competitive or reclassifying
a previously noncompetitive telecommunications service as competitive, which is filed by a
telecommunications carrier which also offers or provides noncompetitive telecommunications
service, shall be effective unless and until such telecommunications carrier offering or providing, or
seeking to offer or provide, such proposed competitive service prepares and files a study of the
long-run service incremental cost underlying such service and demonstrates that the tariffed rates and
charges for the service and any relevant group of services that includes the proposed competitive
service and for which resources are used in common solely by that group of services are not less than

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the long-run service incremental cost of providing the service and each relevant group of services. Such study shall be given proprietary treatment by the Commission at the request of such carrier if any other provider of the competitive service, its functional equivalent, or a substitute service in the geographical area described by the proposed tariff has not filed, or has not been required to file, such a study.

(e) In the event any telecommunications service has been classified and filed as competitive by the telecommunications carrier, and has been offered or provided on such basis, and the Commission subsequently determines after investigation that such classification improperly included services which were in fact noncompetitive, the Commission shall have the power to determine and order refunds to customers for any overcharges which may have resulted from the improper classification, or to order such other remedies provided to it under this Act, or to seek an appropriate remedy or relief in a court of competent jurisdiction.

(f) If no hearing or investigation regarding the propriety of a competitive classification of a telecommunications service is initiated within 180 days after a telecommunications carrier files a tariff listing such telecommunications service as competitive, no refunds to customers for any overcharges which may result from an improper classification shall be ordered for the period from the time the telecommunications carrier filed such tariff listing the service as competitive up to the time an investigation of the service classification is initiated by the Commission's own motion or the filing of a complaint. Where a hearing or an investigation regarding the propriety of a telecommunications service classification as competitive is initiated after 180 days from the filing of the tariff, the period subject to refund for improper classification shall begin on the date such investigation or hearing is initiated by the filing of a Commission motion or a complaint.

(Source: P.A. 90-185, eff. 7-23-97.)

(220 ILCS 5/13-502.5 new)
Sec. 13-502.5. Services alleged to be improperly classified.

(a) Any action or proceeding pending before the Commission upon the effective date of this amendatory Act of the 92nd General Assembly in which it is alleged that a telecommunications carrier has improperly classified services as competitive, other than a case pertaining to Section 13-506.1, shall be abated and shall not be maintained or continued.

(b) All retail telecommunications services provided to business end users by any telecommunications carrier subject, as of May 1, 2001, to alternative regulation under an alternative regulation plan pursuant to Section 13-506.1 of this Act shall be classified as competitive as of the effective date of this amendatory Act of the 92nd General Assembly without further Commission review. Rates for retail telecommunications services provided to business end users with 4 or fewer access lines shall not exceed the rates the carrier charged for those services on May 1, 2001. This restriction upon the rates for telecommunications services provided to business end users shall remain in force and effect through July 1, 2005; provided, however, that nothing in this Section shall be construed to prohibit reduction of those rates. Rates for retail telecommunications services provided to business end users with 5 or more access lines shall not be subject to the restrictions set forth in this subsection.

(c) All retail vertical services, as defined herein, that are provided by a telecommunications carrier subject, as of May 1, 2001, to alternative regulation under an alternative regulation plan pursuant to Section 13-506.1 of this Act shall be classified as competitive as of June 1, 2003 without further Commission review. Retail vertical services shall include, for purposes of this Section, services available on a subscriber's telephone line that the subscriber pays for on a periodic or per use basis, but shall not include caller identification and call waiting.

(d) Any action or proceeding before the Commission upon the effective date of this amendatory Act of the 92nd General Assembly, in which it is alleged that a telecommunications carrier has improperly classified services as competitive, other than a case pertaining to Section 13-506.1, shall be abated and the services the classification of which is at issue shall be deemed either competitive or noncompetitive as set forth in this Section. Any telecommunications carrier subject to an action or proceeding in which it is alleged that the telecommunications carrier has improperly classified services as competitive shall be deemed liable to refund, and shall refund, the sum of $90,000,000 to that class or those classes of its customers that were alleged to have paid rates in excess of noncompetitive rates as the result of the alleged improper classification. The

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telecommunications carrier shall make the refund no later than 120 days after the effective date of this amendatory Act of the 92nd General Assembly.

(e) Any telecommunications carrier subject to an action or proceeding in which it is alleged that the telecommunications carrier has improperly classified services as competitive shall also pay the sum of $15,000,000 to the Digital Divide Elimination Fund established pursuant to Section 5-20 of the Eliminate the Digital Divide Law, and shall further pay the sum of $5,000,000 to the Digital Divide Elimination Infrastructure Fund established pursuant to Section 13-301.3 of this Act. The telecommunications carrier shall make each of these payments in 3 installments of $5,000,000, payable on July 1 of 2002, 2003, and 2004. The telecommunications carrier shall have no further accounting for these payments, which shall be used for the purposes established in the Eliminate the Digital Divide Law.

(f) All other services shall be classified pursuant to Section 13-502 of this Act.

Sec. 13-509. Agreements for provisions of competitive telecommunications services differing from tariffs. A telecommunications carrier may negotiate with customers or prospective customers to provide competitive telecommunications service, and in so doing, may offer or agree to provide such service on such terms and for such rates or charges as are reasonable, without regard to any tariffs it may have filed with the Commission with respect to such services. Within 30 business days after executing any such agreement, the telecommunications carrier shall file any contract or memorandum of understanding for the provision of telecommunications service, which shall include the rates or other charges, practices, rules or regulations applicable to the agreed provision of such service. Any cost support required to be filed with the agreement by some other Section of this Act shall be filed within 30 business calendar days after executing any such agreement. Where the agreement contains the same rates, charges, practices, rules or regulations found in a single contract or memorandum already filed by the telecommunications carrier with the Commission, instead of filing the contract or memorandum, the telecommunications carrier may elect to file a letter identifying the new agreement and specifically referencing the contract or memorandum already on file with the Commission which contains the same provisions. A single letter may be used to file more than one new agreement. Upon filing its contract or memorandum, or letter, the telecommunications carrier shall thereafter provide service according to the terms thereof, unless the Commission finds, after notice and hearing, that the continued provision of service pursuant to such contract or memorandum would substantially and adversely affect the financial integrity of the telecommunications carrier or would violate any other provision of this Act. Any contract or memorandum entered into and filed pursuant to the provisions of this Section may, in the Commission's discretion, be accorded proprietary treatment.

Sec. 13-514. Prohibited Actions of Telecommunications Carriers. A telecommunications carrier shall not knowingly impede the development of competition in any telecommunications service market. The following prohibited actions are considered per se impediments to the development of competition; however, the Commission is not limited in any manner to these enumerated impediments and may consider other actions which impede competition to be prohibited:

1. unreasonably refusing or delaying interconnections or collocation or providing inferior connections to another telecommunications carrier;
2. unreasonably impairing the speed, quality, or efficiency of services used by another telecommunications carrier;
3. unreasonably denying a request of another provider for information regarding the technical design and features, geographic coverage, information necessary for the design of equipment, and traffic capabilities of the local exchange network except for proprietary information unless such information is subject to a proprietary agreement or protective order;
4. unreasonably delaying access in connecting another telecommunications carrier to the local exchange network whose product or service requires novel or specialized access requirements;
5. unreasonably refusing or delaying access by any person to another telecommunications carrier shall make the refund no later than 120 days after the effective date of this amendatory Act of the 92nd General Assembly.

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carrier;

(6) unreasonably acting or failing to act in a manner that has a substantial adverse effect on the ability of another telecommunications carrier to provide service to its customers;

(7) unreasonably failing to offer services to customers in a local exchange, where a telecommunications carrier is certificated to provide service and has entered into an interconnection agreement for the provision of local exchange telecommunications services, with the intent to delay or impede the ability of the incumbent local exchange telecommunications carrier to provide inter-LATA telecommunications services; and

(8) violating the terms of or unreasonably delaying implementation of an interconnection agreement entered into pursuant to Section 252 of the federal Telecommunications Act of 1996 in a manner that unreasonably delays, increases the cost, or impedes the availability of telecommunications services to consumers;

(9) unreasonably refusing or delaying access to or provision of operation support systems to another telecommunications carrier or providing inferior operation support systems to another telecommunications carrier;

(10) unreasonably failing to offer network elements that the Commission or the Federal Communications Commission has determined must be offered on an unbundled basis to another telecommunications carrier in a manner consistent with the Commission's or Federal Communications Commission's orders or rules requiring such offerings;

(11) violating the obligations of Section 13-801; and

(12) violating an order of the Commission regarding matters between telecommunications carriers.

(Source: P.A. 90-185, eff. 7-23-97.)

(220 ILCS 5/13-515)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-515. Enforcement.

(a) The following expedited procedures shall be used to enforce the provisions of Section 13-514 of this Act except as provided in subsection (b). However, the Commission, the complainant, and the respondent may mutually agree to adjust the procedures established in this Section. If the Commission determines, pursuant to subsection (b), that the procedural provisions of this Section do not apply, the complaint shall continue pursuant to the general complaint provisions of Article X.

(b) (Blank). The provisions of this Section shall not apply to an allegation of a violation of item (8) of Section 13-514 by a Bell operating company, as defined in Section 3 of the federal Telecommunications Act of 1996, unless and until such company or its affiliate is authorized to provide inter-LATA services under Section 271(d) of the federal Telecommunications Act of 1996; provided, however, that a complaint setting forth a separate independent basis for a violation of Section 13-514 may proceed under this Section notwithstanding that the alleged acts or omissions may also constitute a violation of item (8) of Section 13-514.

(c) No complaint may be filed under this Section until the complainant has first notified the respondent of the alleged violation and offered the respondent 48 hours to correct the situation. Provision of notice and the opportunity to correct the situation creates a rebuttable presumption of knowledge under Section 13-514. After the filing of a complaint under this Section, the parties may agree to follow the mediation process under Section 10-101.1 of this Act. The time periods specified in subdivision (d)(7) of this Section shall be tolled during the time spent in mediation under Section 10-101.1.

(d) A telecommunications carrier may file a complaint with the Commission alleging a violation of Section 13-514 in accordance with this subsection:

(1) The complaint shall be filed with the Chief Clerk of the Commission and shall be served in hand upon the respondent, the executive director, and the general counsel of the Commission at the time of the filing.

(2) A complaint filed under this subsection shall include a statement that the requirements of subsection (c) have been fulfilled and that the respondent did not correct the situation as requested.

(3) Reasonable discovery specific to the issue of the complaint may commence upon filing of the complaint. Requests for discovery must be served in hand and responses to
discovery must be provided in hand to the requester within 14 days after a request for discovery is made.

(4) An answer and any other responsive pleading to the complaint shall be filed with the Commission and served in hand at the same time upon the complainant, the executive director, and the general counsel of the Commission within 7 days after the date on which the complaint is filed.

(5) If the answer or responsive pleading raises the issue that the complaint violates subsection (i) of this Section, the complainant may file a reply to such allegation within 3 days after actual service of such answer or responsive pleading. Within 4 days after the time for filing a reply has expired, the hearing officer or arbitrator shall either issue a written decision dismissing the complaint as frivolous in violation of subsection (i) of this Section including the reasons for such disposition or shall issue an order directing that the complaint shall proceed.

(6) A pre-hearing conference shall be held within 14 days after the date on which the complaint is filed.

(7) The hearing shall commence within 30 days of the date on which the complaint is filed. The hearing may be conducted by a hearing examiner or by an arbitrator. Parties and the Commission staff shall be entitled to present evidence and legal argument in oral or written form as deemed appropriate by the hearing examiner or arbitrator. The hearing examiner or arbitrator shall issue a written decision within 60 days after the date on which the complaint is filed. The decision shall include reasons for the disposition of the complaint and, if a violation of Section 13-514 is found, directions and a deadline for correction of the violation.

(8) Any party may file a petition requesting the Commission to review the decision of the hearing examiner or arbitrator within 5 days of such decision. Any party may file a response to a petition for review within 3 business days after actual service of the petition. After the time for filing of the petition for review, but no later than 15 days after the decision of the hearing examiner or arbitrator, the Commission shall decide to adopt the decision of the hearing examiner or arbitrator or shall issue its own final order.

(e) If the alleged violation has a substantial adverse effect on the ability of the complainant to provide service to customers, the complainant may include in its complaint a request for an order for emergency relief. The Commission, acting through its designated hearing examiner or arbitrator, shall act upon such a request within 2 business days of the filing of the complaint. An order for emergency relief may be granted, without an evidentiary hearing, upon a verified factual showing that the party seeking relief will likely succeed on the merits, that the party will suffer irreparable harm in its ability to serve customers if emergency relief is not granted, and that the order is in the public interest. An order for emergency relief shall include a finding that the requirements of this subsection have been fulfilled and shall specify the directives that must be fulfilled by the respondent and deadlines for meeting those directives. The decision of the hearing examiner or arbitrator to grant or deny emergency relief shall be considered an order of the Commission unless the Commission enters its own order within 2 calendar days of the decision of the hearing examiner or arbitrator. The order for emergency relief may require the responding party to act or refrain from acting so as to protect the provision of competitive service offerings to customers. Any action required by an emergency relief order must be technically feasible and economically reasonable and the respondent must be given a reasonable period of time to comply with the order.

(f) The Commission is authorized to obtain outside resources including, but not limited to, arbitrators and consultants for the purposes of the hearings authorized by this Section. Any arbitrator or consultant obtained by the Commission shall be approved by both parties to the hearing. The cost of such outside resources including, but not limited to, arbitrators and consultants shall be borne by the parties. The Commission shall review the bill for reasonableness and assess the parties for reasonable costs dividing the costs according to the resolution of the complaint brought under this Section. Such costs shall be paid by the parties directly to the arbitrators, consultants, and other providers of outside resources within 60 days after receiving notice of the assessments from the Commission. Interest at the statutory rate shall accrue after expiration of the 60-day period. The Commission, arbitrators, consultants, or other providers of outside resources may apply to a court...
of competent jurisdiction for an order requiring payment.

(g) The Commission shall assess the parties under this subsection for all of the Commission's costs of investigation and conduct of the proceedings brought under this Section including, but not limited to, the prorated salaries of staff, attorneys, hearing examiners, and support personnel and including any travel and per diem, directly attributable to the complaint brought pursuant to this Section, but excluding those costs provided for in subsection (f), dividing the costs according to the resolution of the complaint brought under this Section. All assessments made under this subsection shall be paid into the Public Utility Fund within 60 days after receiving notice of the assessments from the Commission. Interest at the statutory rate shall accrue after the expiration of the 60 day period. The Commission is authorized to apply to a court of competent jurisdiction for an order requiring payment.

(h) If the Commission determines that there is an imminent threat to competition or to the public interest, the Commission may, notwithstanding any other provision of this Act, seek temporary, preliminary, or permanent injunctive relief from a court of competent jurisdiction either prior to or after the hearing.

(i) A party shall not bring or defend a proceeding brought under this Section or assert or controvert an issue in a proceeding brought under this Section, unless there is a non-frivolous basis for doing so. By presenting a pleading, written motion, or other paper in complaint or defense of the actions or inaction of a party under this Section, a party is certifying to the Commission that to the best of that party's knowledge, information, and belief, formed after a reasonable inquiry of the subject matter of the complaint or defense, that the complaint or defense is well grounded in law and fact, and under the circumstances:

(1) it is not being presented to harass the other party, cause unnecessary delay in the provision of competitive telecommunications services to consumers, or create needless increases in the cost of litigation; and

(2) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after reasonable opportunity for further investigation or discovery as defined herein.

(j) If, after notice and a reasonable opportunity to respond, the Commission determines that subsection (i) has been violated, the Commission shall impose appropriate sanctions upon the party or parties that have violated subsection (i) or are responsible for the violation. The sanctions shall be not more than $30,000 or 0.00825% of the telecommunications carrier's gross intrastate annual telecommunications revenue, whichever is greater, per violation unless the telecommunications carrier has fewer than 35,000 subscriber access lines, in which case the civil penalty may not exceed $2,000 per violation. The second and any subsequent violation of Section 13-514 need not be of the same nature or provision of the Section for a penalty.
to be imposed of a final order or emergency relief order issued pursuant to Section 13-515 of this Act. Matters resolved through voluntary mediation pursuant to Section 10-101.1 shall not be considered as a violation of Section 13-514 in computing eligibility for imposition of a penalty under this subdivision (a)(2). Each day of a continuing offense shall be treated as a separate violation for purposes of levying any penalty under this Section. The period for which the penalty fine shall be levied shall commence on the day the telecommunications carrier first violated Section 13-514 or on the day of the notice provided to the telecommunications carrier pursuant to subsection (c) of Section 13-515, whichever is later. Commission order requires compliance with the order and shall continue until the telecommunications carrier party is in compliance with the Commission order. In assessing a penalty under this subdivision (a)(2), the Commission may consider mitigating factors, including those specified in items (1) through (4) of subsection (a) of Section 13-304.

(3) The Commission shall award damages, attorney's fees, and costs to any telecommunications carrier that was subjected to a violation of Section 13-514.

(b) The Commission may waive penalties imposed under subdivision subsection (a)(2) if it makes a written finding as to its reasons for waiving the penalty fine. Reasons for waiving a penalty fine shall include, but not be limited to, technological infeasibility and acts of God.

(c) The Commission shall establish by rule procedures for the imposition of remedies penalties under subsection (a) that, at a minimum, provide for notice, hearing and a written order relating to the imposition of remedies penalties.

(d) Unless enforcement of an order entered by the Commission under Section 13-515 otherwise directs or is stayed by the Commission or by an appellate court reviewing the Commission's order, at any time after 30 days from the entry of the order, either the Commission, or the telecommunications carrier found by the Commission to have been subjected to a violation of Section 13-514, or both, is authorized to petition a court of competent jurisdiction for an order at law or in equity requiring enforcement of the Commission order. The court shall determine (1) whether the Commission entered the order identified in the petition and (2) whether the violating telecommunications carrier has complied with the Commission's order. A certified copy of a Commission order shall be prima facie evidence that the Commission entered the order so certified. Pending the court's resolution of the petition, the court may award temporary or preliminary injunctive relief, or such other equitable relief as may be necessary, to effectively implement and enforce the Commission's order in a timely manner.

If after a hearing the court finds that the Commission entered the order identified in the petition and that the violating telecommunications carrier has not complied with the Commission's order, the court shall enter judgment requiring the violating telecommunications carrier to comply with the Commission's order and order such relief at law or in equity as the court deems necessary to effectively implement and enforce the Commission's order in a timely manner. The court shall also award to the petitioner, or petitioners, attorney's fees and costs, which shall be taxed and collected as part of the costs of the case.

If the court finds that the violating telecommunications carrier has failed to comply with the timely payment of damages, attorney's fees, or costs ordered by the Commission, the court shall order the violating telecommunications carrier to pay to the telecommunications carrier or carriers awarded the damages, fees, or costs by the Commission additional damages for the sake of example and by way of punishment for the failure to timely comply with the order of the Commission, unless the court finds a reasonable basis for the violating telecommunications carrier's failure to make timely payment according to the Commission's order, in which instance the court shall establish a new date for payment to be made. The Commission is authorized to apply to a court of competent jurisdiction for an order requiring payment of penalties imposed under subsection (a).

(e) Payment of damages, attorney's fees, and costs penalties imposed under subsection (a) shall be made within 30 days after issuance of the Commission order imposing the penalties, damages, attorney's fees, or costs, unless otherwise directed by the Commission or a reviewing court under an appeal taken pursuant to Article X. Payment of penalties imposed under subsection (a) shall be made to the Common School Fund within 30 days of issuance of the Commission order imposing the penalties.

(Source: P.A. 90-185, eff. 7-23-97.)

New matter indicated by italics - deletions by strikeout.
Sec. 13-517. Provision of advanced telecommunications services.

(a) Every Incumbent Local Exchange Carrier (telecommunications carrier that offers or provides a noncompetitive telecommunications service) shall offer or provide advanced telecommunications services to not less than 80% of its customers by January 1, 2005.

(b) The Commission is authorized to grant a full or partial waiver of the requirements of this Section upon verified petition of any Incumbent Local Exchange Carrier ("ILEC") which demonstrates that full compliance with the requirements of this Section would be unduly economically burdensome or technically infeasible or otherwise impractical in exchanges with low population density. Notice of any such petition must be given to all potentially affected customers. If no potentially affected customer requests the opportunity for a hearing on the waiver petition, the Commission may, in its discretion, allow the waiver request to take affect without hearing. The Commission shall grant such petition to the extent that, and for such duration as, the Commission determines that such waiver:

(1) is necessary:
   (A) to avoid a significant adverse economic impact on users of telecommunications services generally;
   (B) to avoid imposing a requirement that is unduly economically burdensome;
   (C) to avoid imposing a requirement that is technically infeasible; or
   (D) to avoid imposing a requirement that is otherwise impractical to implement in exchanges with low population density; and

(2) is consistent with the public interest, convenience, and necessity. The Commission shall act upon any petition filed under this subsection within 180 days after receiving such petition. The Commission may by rule establish standards for granting any waiver of the requirements of this Section. The Commission may, upon complaint or on its own motion, hold a hearing to reconsider its grant of a waiver in whole or in part. In the event that the Commission, following hearing, determines that the affected ILEC no longer meets the requirements of item (2) of this subsection, the Commission shall by order rescind such waiver, in whole or in part. In the event and to the degree the Commission rescinds such waiver, the Commission shall establish an implementation schedule for compliance with the requirements of this Section.

(c) As used in this Section, "advanced telecommunications services" means services capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps) to the network demarcation point at the subscriber's premises.

Sec. 13-518. Optional service packages.

(a) It is the intent of this Section to provide unlimited local service packages at prices that will result in savings for the average consumer. Each telecommunications carrier that provides competitive and noncompetitive services, and that is subject to an alternative regulation plan pursuant to Section 13-506.1 of this Article, shall provide, in addition to such other services as it offers, the following optional packages of services for a fixed monthly rate, which, along with the terms and conditions thereof, the Commission shall review, pursuant to Article IX of this Act, to determine whether such rates, terms, and conditions are fair, just, and reasonable.

(1) A budget package, which shall consist of residential access service and unlimited local calls.

(2) A flat rate package, which shall consist of residential access service, unlimited local calls, and the customer's choice of 2 vertical services as defined in this Section.

(3) An enhanced flat rate package, which shall consist of residential access service for 2 lines, unlimited local calls, the customer's choice of 2 vertical services as defined in this Section, and unlimited local toll service.

(b) Nothing in this Section or this Act shall be construed to prohibit any telecommunications carrier subject to this Section from charging customers who elect to take one of the groups of services offered pursuant to this Section, any applicable surcharges, fees, and taxes.

(c) The term "vertical services", when used in this Section, includes, but is not necessarily limited to, call waiting, call forwarding, 3-way calling, caller ID, call tracing, automatic callback,
(d) The service packages described in this Section shall be defined as noncompetitive services.

Sec. 13-712. Basic local exchange service quality; customer credits.

(a) It is the intent of the General Assembly that every telecommunications carrier meet minimum service quality standards in providing basic local exchange service on a non-discriminatory basis to all classes of customers.

(220 ILCS 5/13-712 new)

Sec. 13-712. Basic local exchange service quality; customer credits.

(a) It is the intent of the General Assembly that every telecommunications carrier meet minimum service quality standards in providing basic local exchange service on a non-discriminatory basis to all classes of customers.

(b) Definitions:

(1) "Alternative telephone service" means, except where technically impracticable, a wireless telephone capable of making local calls, and may also include, but is not limited to, call forwarding, voice mail, or paging services.

(2) "Basic local exchange service" means residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of this Act, excluding:

(A) services that employ advanced telecommunications capability as defined in Section 706(c)(1) of the federal Telecommunications Act of 1996;

(B) vertical services;

(C) company official lines; and

(D) records work only.

(3) "Link Up" refers to the Link Up Assistance program defined and established at 47 C.F.R. Section 54.411 et seq. as amended.

(4) The Commission shall promulgate service quality rules for basic local exchange service, which may include fines, penalties, customer credits, and other enforcement mechanisms. In developing such service quality rules, the Commission shall consider, at a minimum, the carrier's gross annual intrastate revenue; the frequency, duration, and recurrence of the violation; and the relative harm caused to the affected customer or other users of the network. In imposing fines, the Commission shall take into account compensation or credits paid by the telecommunications carrier to its customers pursuant to this Section in compensation for the violation found pursuant to this Section. These rules shall become effective within one year after the effective date of this amendatory Act of the 92nd General Assembly.

(d) The rules shall, at a minimum, require each telecommunications carrier to do all of the following:

1. Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service and to inform the customer of its duty to install service within this timeframe. If installation of service is requested on or by a date more than 5 business days in the future, the telecommunications carrier shall install service by the date requested. A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines by the carrier whose network or network elements are being utilized is complete. This subdivision (d)(1) does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.

(2) Restore basic local exchange service for a customer within 24 hours of receiving notice that a customer is out of service. This provision applies to service disruptions that occur when a customer switches existing basic local exchange service from one carrier to another.

(3) Keep all repair and installation appointments for basic local exchange service, when a customer premises visit requires a customer to be present.

(4) Inform a customer when a repair or installation appointment requires the customer to be present.

(e) The rules shall include provisions for customers to be credited by the telecommunications carrier for violations of basic local exchange service quality standards as described in subsection (d). The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation. The performance levels
established in subsection (c) are solely for the purposes of consumer credits and shall not be used as performance levels for the purposes of assessing penalties under Section 13-305. At a minimum, the rules shall include the following:

(1) If a carrier fails to repair an out-of-service condition for basic local exchange service within 24 hours, the carrier shall provide a credit to the customer. If the service disruption is for 48 hours or less, the credit must be equal to a pro-rata portion of the monthly recurring charges for all local services disrupted. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all local services disrupted. For each day or portion thereof that the service disruption continues beyond the initial 120-hour period, the carrier shall also provide either alternative telephone service or an additional credit of $20 per day, at the customers' option.

(2) If a carrier fails to install basic local exchange service as required under subdivision (d)(1), the carrier shall waive 50% of any installation charges, or in the absence of an installation charge or where installation is pursuant to the Link Up program, the carrier shall provide a credit of $25. If a carrier fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall waive 100% of the installation charge, or in the absence of an installation charge or where installation is provided pursuant to the Link Up program, the carrier shall provide a credit of $50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall also provide either alternative telephone service or an additional credit of $20 per day, at the customer's option until service is installed.

(3) If a carrier fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present, the carrier shall credit the customer $50 per missed appointment. A credit required by this subsection does not apply when the carrier provides the customer with 24-hour notice of its inability to keep the appointment.

(4) If the violation of a basic local exchange service quality standard is caused by a carrier other than the carrier providing retail service to the customer, the carrier providing retail service to the customer shall credit the customer as provided in this Section. The carrier causing the violation shall reimburse the carrier providing retail service the amount credited the customer. When applicable, an interconnection agreement shall govern compensation between the carrier causing the violation, in whole or in part, and the retail carrier providing the credit to the customer.

(5) When alternative telephone service is appropriate, the customer may select one of the alternative telephone services offered by the carrier. The alternative telephone service shall be provided at no cost to the customer for the provision of local service.

(6) Credits required by this subsection do not apply if the violation of a service quality standard:

(i) occurs as a result of a negligent or willful act on the part of the customer;
(ii) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;
(iii) occurs as a result of, or is extended by, an emergency situation as defined in Commission rules;
(iv) is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
(v) occurs as a result of a customer request to change the scheduled appointment,
provided that the violation is not further extended by the carrier;

(vi) occurs as a result of a carrier's right to refuse service to a customer as provided in Commission rules; or

(vii) occurs as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to a carrier's obligation for reasonable facilities planning.

(7) The provisions of this subsection are cumulative and shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers.

(f) The rules shall require each telecommunications carrier to provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a public report that includes performance data for basic local exchange service quality of service. The performance data shall be disaggregated for each geographic area and each customer class of the State for which the telecommunications carrier internally monitored performance data as of a date 120 days preceding the effective date of this amendatory Act of the 92nd General Assembly. The report shall include, at a minimum, performance data on basic local exchange service installations, lines out of service for more than 24 hours, carrier response to customer calls, trouble reports, and missed repair and installation commitments.

(g) The Commission shall establish and implement carrier to carrier wholesale service quality rules and establish remedies to ensure enforcement of the rules.

(220 ILCS 5/13-713 new)

Sec. 13-713. Consumer complaint resolution process.

(a) It is the intent of the General Assembly that consumer complaints against telecommunications carriers shall be concluded as expeditiously as possible consistent with the rights of the parties thereto to the due process of law and protection of the public interest.

(b) The Commission shall promulgate rules that permit parties to resolve disputes through mediation. A consumer may request mediation upon completion of the Commission's informal complaint process and prior to the initiation of a formal complaint as described in Commission rules.

(c) A residential consumer or business consumer with fewer than 20 lines shall have the right to request mediation for resolution of a dispute with a telecommunications carrier. The carrier shall be required to participate in mediation at the consumer's request.

(d) The Commission may retain the services of an independent neutral mediator or trained Commission staff to facilitate resolution of the consumer dispute. The mediation process must be completed no later than 45 days after the consumer requests mediation.

(e) If the parties reach agreement, the agreement shall be reduced to writing at the conclusion of the mediation. The writing shall contain mutual conditions, payment arrangements, or other terms that resolve the dispute in its entirety. If the parties are unable to reach agreement after 45 days, whichever occurs first, the consumer may file a formal complaint with the Commission as described in Commission rules.

(f) If either the consumer or the carrier fails to abide by the terms of the settlement agreement, either party may exercise any rights it may have as specified in the terms of the agreement or as provided in Commission rules.

(g) All notes, writings and settlement discussions related to the mediation shall be exempt from discovery and shall be inadmissible in any agency or court proceeding.

(220 ILCS 5/13-801) (from Ch. 111 2/3, par. 13-801)

Sec. 13-801. Incumbent local exchange carrier obligations.

(a) This Section provides additional State requirements contemplated by, but not inconsistent with, Section 261(c) of the federal Telecommunications Act of 1996, and not preempted by orders of the Federal Communications Commission. A telecommunications carrier not subject to regulation under an alternative regulation plan pursuant to Section 13-506.1 of this Act shall not be subject to the provisions of this Section, to the extent that this Section imposes requirements or obligations upon the telecommunications carrier that exceed or are more stringent than those obligations imposed
An incumbent local exchange carrier shall provide a requesting telecommunications carrier with interconnection, collocation, network elements, and access to operations support systems on just, reasonable, and nondiscriminatory rates, terms, and conditions to enable the provision of any and all existing and new telecommunications services within the LATA, including, but not limited to, local exchange and exchange access. The Commission shall require the incumbent local exchange carrier to provide interconnection, collocation, and network elements in any manner technically feasible to the fullest extent possible to implement the maximum development of competitive telecommunications services offerings. As used in this Section, to the extent that interconnection, collocation, or network elements have been deployed for or by the incumbent local exchange carrier or one of its wireline local exchange affiliates in any jurisdiction, it shall be presumed that such is technically feasible in Illinois.

(b) Interconnection.

(1) An incumbent local exchange carrier shall provide for the facilities and equipment of any requesting telecommunications carrier's interconnection with the incumbent local exchange carrier's network on just, reasonable, and nondiscriminatory rates, terms, and conditions:

(A) for the transmission and routing of local exchange, and exchange access telecommunications services;

(B) at any technically feasible point within the incumbent local exchange carrier's network; however, the incumbent local exchange carrier may not require the requesting carrier to interconnect at more than one technically feasible point within a LATA; and

(C) that is at least equal in quality and functionality to that provided by the incumbent local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the incumbent local exchange carrier provides interconnection.

(2) An incumbent local exchange carrier shall make available to any requesting telecommunications carrier, to the extent technically feasible, those services, facilities, or interconnection agreements or arrangements that the incumbent local exchange carrier or any of its incumbent local exchange subsidiaries or affiliates offers in another state under the terms and conditions, but not the stated rates, negotiated pursuant to Section 252 of the federal Telecommunications Act of 1996. Rates shall be established in accordance with the requirements of subsection (g) of this Section. An incumbent local exchange carrier shall also make available to any requesting telecommunications carrier, to the extent technically feasible, and subject to the unbundling provisions of Section 251(d)(2) of the federal Telecommunications Act of 1996, those unbundled network element or interconnection agreements or arrangements that a local exchange carrier affiliate of the incumbent local exchange carrier obtains in another state from the incumbent local exchange carrier in that state, under the terms and conditions, but not the stated rates, obtained through negotiation, or through an arbitration initiated by the affiliate, pursuant to Section 252 of the federal Telecommunications Act of 1996. Rates shall be established in accordance with the requirements of subsection (g) of this Section.

(c) Collocation. An incumbent local exchange carrier shall provide for physical or virtual collocation of any type of equipment for interconnection or access to network elements at the premises of the incumbent local exchange carrier on just, reasonable, and nondiscriminatory rates, terms, and conditions. The equipment shall include, but is not limited to, optical transmission equipment, multiplexers, remote switching modules, and cross-connects between the facilities or equipment of other collocated carriers. The equipment shall also include microwave transmission facilities on the exterior and interior of the incumbent local exchange carrier's premises used for interconnection to, or for access to network elements of, the incumbent local exchange carrier or a collocated carrier, unless the incumbent local exchange carrier demonstrates to the Commission that it is not practical due to technical reasons or space limitations. An incumbent local exchange carrier shall allow, and provide for, the most reasonably direct and efficient cross-connects, that are consistent with safety and network reliability standards, between the facilities of collocated carriers. An incumbent local exchange carrier shall also allow, and provide for, cross connects between a

New matter indicated by italics - deletions by strikeout.
noncollocated telecommunications carrier's network elements platform, or a noncollocated telecommunications carrier's transport facilities, and the facilities of any collocated carrier, consistent with safety and network reliability standards.

(d) Network elements. The incumbent local exchange carrier shall provide to any requesting telecommunications carrier, for the provision of an existing or a new telecommunications service, nondiscriminatory access to network elements on any unbundled or bundled basis, as requested, at any technically feasible point on just, reasonable, and nondiscriminatory rates, terms, and conditions.

(1) An incumbent local exchange carrier shall provide unbundled network elements in a manner that allows requesting telecommunications carriers to combine those network elements to provide a telecommunications service.

(2) An incumbent local exchange carrier shall not separate network elements that are currently combined, except at the explicit direction of the requesting carrier.

(3) Upon request, an incumbent local exchange carrier shall combine any sequence of unbundled network elements that it ordinarily combines for itself, including but not limited to, unbundled network elements identified in The Draft of the Proposed Ameritech Illinois 271 Amendment (I2A) found in Schedule SJA-4 attached to Exhibit 3.1 filed by Illinois Bell Telephone Company on or about March 28, 2001 with the Illinois Commerce Commission under Illinois Commerce Commission Docket Number 00-0700. The Commission shall determine those network elements the incumbent local exchange carrier ordinarily combines for itself if there is a dispute between the incumbent local exchange carrier and the requesting telecommunications carrier under this subdivision of this Section of this Act.

The incumbent local exchange carrier shall be entitled to recover from the requesting telecommunications carrier any just and reasonable special construction costs incurred in combining such unbundled network elements (i) if such costs are not already included in the established price of providing the network elements, (ii) if the incumbent local exchange carrier charges such costs to its retail telecommunications end users, and (iii) if fully disclosed in advance to the requesting telecommunications carrier. The Commission shall determine whether the incumbent local exchange carrier is entitled to any special construction costs if there is a dispute between the incumbent local exchange carrier and the requesting telecommunications carrier under this subdivision of this Section of this Act.

(4) A telecommunications carrier may use a network elements platform consisting solely of combined network elements of the incumbent local exchange carrier to provide end to end telecommunications service for the provision of existing and new local exchange, interexchange that includes local, local toll, and intraLATA toll, and exchange access telecommunications services within the LATA to its end users or payphone service providers without the requesting telecommunications carrier's provision or use of any other facilities or functionalities.

(5) The Commission shall establish maximum time periods for the incumbent local exchange carrier's provision of network elements. The maximum time period shall be no longer than the time period for the incumbent local exchange carrier's provision of comparable retail telecommunications services utilizing those network elements. The Commission may establish a maximum time period for a particular network element that is shorter than for a comparable retail telecommunications service offered by the incumbent local exchange carrier if a requesting telecommunications carrier establishes that it shall perform other functions or activities after receipt of the particular network element to provide telecommunications services to end users. The burden of proof for establishing a maximum time period for a particular network element that is shorter than for a comparable retail telecommunications service offered by the incumbent local exchange carrier shall be on the requesting telecommunications carrier. Notwithstanding any other provision of this Article, unless and until the Commission establishes by rule or order a different specific maximum time interval, the maximum time intervals shall not exceed 5 business days for the provision of unbundled loops, both digital and analog, 10 business days for the conditioning of unbundled loops or for existing combinations of network elements for an end user that has existing local exchange telecommunications service, and one business day for the provision of the high frequency portion of the loop (line-sharing) for at least 95% of the requests of
each requesting telecommunications carrier for each month.

In measuring the incumbent local exchange carrier's actual performance, the Commission shall ensure that occurrences beyond the control of the incumbent local exchange carrier that adversely affect the incumbent local exchange carrier's performance are excluded when determining actual performance levels. Such occurrences shall be determined by the Commission, but at a minimum must include work stoppage or other labor actions and acts of war. Exclusions shall also be made for performance that is governed by agreements approved by the Commission and containing timeframes for the same or similar measures or for when a requesting telecommunications carrier requests a longer time interval.

(6) When a telecommunications carrier requests a network elements platform referred to in subdivision (d)(4) of this Section, without the need for field work outside of the central office, for an end user that has existing local exchange telecommunications service provided by an incumbent local exchange carrier, or by another telecommunications carrier through the incumbent local exchange carrier's network elements platform, unless otherwise agreed by the telecommunications carriers, the incumbent local exchange carrier shall provide the requesting telecommunications carrier with the requested network elements platform within 3 business days for at least 95% of the requests for each requesting telecommunications carrier for each month. A requesting telecommunications carrier may order the network elements platform as is for an end user that has such existing local exchange service without changing any of the features previously selected by the end user. The incumbent local exchange carrier shall provide the requested network elements platform without any disruption to the end user's services.

Absent a contrary agreement between the telecommunications carriers entered into after the effective date of this amendatory Act of the 92nd General Assembly, as of 12:01 a.m. on the third business day after placing the order for a network elements platform, the requesting telecommunications carrier shall be the presubscribed primary local exchange carrier for that end user line and shall be entitled to receive, or to direct the disposition of, all revenues for all services utilizing the network elements in the platform, unless it is established that the end user of the existing local exchange service did not authorize the requesting telecommunications carrier to make the request.

(e) Operations support systems. The Commission shall establish minimum standards with just, reasonable, and nondiscriminatory rates, terms, and conditions for the preordering, ordering, provisioning, maintenance and repair, and billing functions of the incumbent local exchange carrier's operations support systems provided to other telecommunications carriers.

(f) Resale. An incumbent local exchange carrier shall offer all retail telecommunications services, that the incumbent local exchange carrier provides at retail to subscribers who are not telecommunications carriers, within the LATA, together with each applicable optional feature or functionality, subject to resale at wholesale rates without imposing any unreasonable or discriminatory conditions or limitations. Wholesale rates shall be based on the retail rates charged to end users for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs avoided by the local exchange carrier. The Commission may determine under Article IX of this Act that certain noncompetitive services, together with each applicable optional feature or functionality, that are offered to residence customers under different rates, charges, terms, or conditions than to other customers should not be subject to resale under the rates, charges, terms, or conditions available only to residence customers.

(g) Cost based rates. Interconnection, collocation, network elements, and operations support systems shall be provided by the incumbent local exchange carrier to requesting telecommunications carriers at cost based rates. The immediate implementation and provisioning of interconnection, collocation, network elements, and operations support systems shall not be delayed due to any lack of determination by the Commission as to the cost based rates. When cost based rates have not been established, within 30 days after the filing of a petition for the setting of interim rates, or after the Commission's own motion, the Commission shall provide for interim rates that shall remain in full force and effect until the cost based rate determination is made, or the interim rate is modified, by the Commission.

(h) Rural exemption. This Section does not apply to certain rural telephone companies as
(i) Schedule of rates. A telecommunications carrier may request the incumbent local exchange carrier to provide a schedule of rates listing each of the rate elements of the incumbent local exchange carrier that pertains to a proposed order identified by the requesting telecommunications carrier for any of the matters covered in this Section. The incumbent local exchange carrier shall deliver the requested schedule of rates to the requesting telecommunications carrier within 2 business days for 95% of the requests for each requesting carrier.

(j) Special access circuits. Other than as provided in subdivision (d)(4) of this Section for the network elements platform described in that subdivision, nothing in this amendatory Act of the 92nd General Assembly is intended to require or prohibit the substitution of switched or special access services by or with a combination of network elements nor address the Illinois Commerce Commission's jurisdiction or authority in this area.

(k) The Commission shall determine any matters in dispute between the incumbent local exchange carrier and the requesting carrier pursuant to Section 13-515 of this Act. The Commission shall prepare and issue an annual report on the status of the telecommunications industry and Illinois regulation thereof on January 31 of each year beginning in 1986. Such report shall include:

- A review of regulatory decisions and actions from the preceding year and a description of pending cases involving significant telecommunications carriers or issues;
- A description of the telecommunications industry and changes or trends therein, including the number, type and size of firms offering telecommunications services, whether or not such firms are subject to State regulation, telecommunications technologies in place and under development, variations in the geographic availability of services and in prices for services, and penetration levels of subscriber access to local exchange service in each exchange and trends related thereto;
- The status of compliance by carriers and the Commission with the requirements of this Article;
- The effects, and likely effects of Illinois regulatory policies and practices, including those described in this Article, on telecommunications carriers, services and customers;
- Any recommendations for legislative change which are adopted by the Commission and which the Commission believes are in the interest of Illinois telecommunications customers; and
- Any other information or analysis which the Commission is required to provide by this Article or deems necessary to provide.

The Commission's report shall be filed with the Joint Committee on Legislative Support Services, the Governor, and the Public Counsel and shall be publicly available. The Joint Committee on Legislative Support Services shall conduct public hearings on the report and any recommendations therein.

(2) Definitions; scope.

1. "Submitting carrier" means any telecommunications carrier that requests on behalf of a subscriber that the subscriber's telecommunications carrier be changed and seeks to provide retail services to the end user subscriber.

2. "Executing carrier" means any telecommunications carrier that effects a request that a subscriber's telecommunications carrier be changed.

3. "Authorized carrier" means any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service with the subscriber's authorization verified in accordance with the procedures specified in this Section.

4. "Unauthorized carrier" means any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service but fails to obtain the subscriber's authorization verified in
accordance with the procedures specified in this Section.

(5) "Unauthorized change" means a change in a subscriber's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures specified in this Section.

(6) "Subscriber" means:

(A) the party identified in the account records of a common carrier as responsible for payment of the telephone bill;

(B) any adult person authorized by such party to change telecommunications services or to charge services to the account; or

(C) any person contractually or otherwise lawfully authorized to represent such party.

This Section does not apply to retail business subscribers served by more than 20 lines.

(b) Authorization from the subscriber. "Authorization" means an express, affirmative act by a subscriber agreeing to the change in the subscriber's telecommunications carrier to another carrier. A subscriber's telecommunications service shall be provided by the telecommunications carrier selected by the subscriber.

(c) Authorization and verification of orders for telecommunications service.

(1) No telecommunications carrier shall submit or execute a change on behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in this subsection.

(2) No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining:

(A) authorization from the subscriber; and

(B) verification of that authorization in accordance with the procedures prescribed in this Section.

The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of 2 years after obtaining such verification.

(3) An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures described in this Section shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

(4) Commercial mobile radio services (CMRS) providers shall be excluded from the verification requirements of this Section as long as they are not required to provide equal access to common carriers for the provision of telephone toll services, in accordance with 47 U.S.C. 332(c)(8).

(5) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll), that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in this Section.

(6) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has been confirmed in accordance with one of the following procedures:

(A) The telecommunications carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (d).

(B) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number or numbers on which the preferred carrier is to be changed and must confirm the information in subsections (b) and (c) of this Section. Telecommunications carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the toll-free telephone numbers must connect a subscriber to a voice response unit, or similar
mechanism, that records the required information regarding the preferred carrier change, including automatically recording the originating automatic number identification.

(C) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in paragraphs (7) through (10) of this subsection, the subscriber’s oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data. The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier’s marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier’s marketing agent; and must operate in a location physically separate from the carrier or the carrier’s marketing agent.

(7) Methods of third party verification. Automated third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of paragraphs (8) through (10) of this subsection are satisfied.

(8) Carrier initiation of third party verification. A carrier or a carrier’s sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.

(9) Requirements for content and format of third party verification. All third party verification methods shall elicit, at a minimum, the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call wants to make the carrier change; the names of the carriers affected by the change; the telephone numbers to be switched; and the types of service involved. Third party verifiers may not market the carrier’s services by providing additional information, including information regarding preferred carrier freeze procedures.

(10) Other requirements for third party verification. All third party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with the procedures set forth in paragraph (2)(B) of this subsection, submitting carriers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of 2 years after obtaining such verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call.

(11) Telecommunications carriers must provide subscribers the option of using one of the authorization and verification procedures specified in paragraph (6) of this subsection in addition to an electronically signed authorization and verification procedure under paragraph (6)(A) of this subsection.

d) Letter of agency form and content.

(1) A telecommunications carrier may use a written or electronically signed letter of agency to obtain authorization or verification, or both, of a subscriber’s request to change his or her preferred carrier selection. A letter of agency that does not conform with this Section is invalid for purposes of this Section.

(2) The letter of agency shall be a separate document (or an easily separable document) or located on a separate screen or webpage containing only the authorizing language described in paragraph (5) of this subsection having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line or lines requesting the preferred carrier change.

(3) The letter of agency shall not be combined on the same document, screen, or webpage with inducements of any kind.

(4) Notwithstanding paragraphs (2) and (3) of this subsection, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in paragraph (5) of this subsection and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier.
change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(5) At a minimum, the letter of agency must be printed with a type of sufficient size and readability to be clearly legible and must contain clear and unambiguous language that confirms:

(A) The subscriber’s billing name and address and each telephone number to be covered by the preferred carrier change order;

(B) The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;

(C) That the subscriber designates (insert the name of the submitting carrier) to act as the subscriber’s agent for the preferred carrier change;

(D) That the subscriber understands that only one telecommunications carrier may be designated as the subscriber’s interstate or interLATA preferred interexchange carrier for any one telephone number. To the extent that a jurisdiction allows the selection of additional preferred carriers (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, or international interexchange) the letter of agency must contain separate statements regarding those choices, although a separate letter of agency for each choice is not necessary; and

(E) That the subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber’s preferred carrier.

(6) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.

(7) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber’s current telecommunications carrier.

(8) If any portion of a letter of agency is translated into another language then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the letter of agency.

(9) Letters of agency submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.

(10) A telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than 60 days after obtaining a written or electronically signed letter of agency.

(11) If a telecommunications carrier uses a letter of agency, the carrier shall send a letter to the subscriber using first class mail, postage prepaid, no later than 10 days after the telecommunications carrier submitting the change in the subscriber’s telecommunications carrier is on notice that the change has occurred. The letter must inform the subscriber of the details of the telecommunications carrier change and provide the subscriber with a toll free number to call should the subscriber wish to cancel the change.

(e) A switch in a subscriber’s selection of a provider of telecommunications service that complies with the rules promulgated by the Federal Communications Commission and any amendments thereto shall be deemed to be in compliance with the provisions of this Section.

(f) The Commission shall promulgate any rules necessary to administer this Section. The rules promulgated under this Section shall comport with the rules, if any, promulgated by the Attorney General pursuant to the Consumer Fraud and Deceptive Business Practices Act and with any rules promulgated by the Federal Communications Commission.

(g) Complaints may be filed with the Commission under this Section by a subscriber whose telecommunications service has been provided by an unauthorized telecommunications carrier as a result of an unreasonable delay, by a subscriber whose telecommunications carrier has been changed to another telecommunications carrier in a manner not in compliance with this Section, by a subscriber’s authorized telecommunications carrier that has been removed as a subscriber’s telecommunications carrier in a manner not in compliance with this Section, by a subscriber’s authorized submitting carrier whose change order was delayed unreasonably, or by the Commission on its own motion. Upon filing of the complaint, the parties may mutually agree to submit the
complaint to the Commission's established mediation process. Remedies in the mediation process may include, but shall not be limited to, the remedies set forth in this subsection. In its discretion, the Commission may deny the availability of the mediation process and submit the complaint to hearings. If the complaint is not submitted to mediation or if no agreement is reached during the mediation process, hearings shall be held on the complaint. If, after notice and hearing, the Commission finds that a telecommunications carrier has violated this Section or a rule promulgated under this Section, the Commission may in its discretion do any one or more of the following:

1. Require the violating telecommunications carrier to refund to the subscriber all fees and charges collected from the subscriber for services up to the time the subscriber receives written notice of the fact that the violating carrier is providing telecommunications service to the subscriber, including notice on the subscriber's bill. For unreasonable delays wherein telecommunications service is provided by an unauthorized carrier, the Commission may require the violating carrier to refund to the subscriber all fees and charges collected from the subscriber during the unreasonable delay. The Commission may order the remedial action outlined in this subsection only to the extent that the same remedial action is allowed pursuant to rules or regulations promulgated by the Federal Communications Commission.

2. Require the violating telecommunications carrier to refund to the subscriber charges collected in excess of those that would have been charged by the subscriber's authorized telecommunications carrier.

3. Require the violating telecommunications carrier to pay the subscriber's authorized telecommunications carrier the amount the authorized telecommunications carrier would have collected for the telecommunications service. The Commission is authorized to reduce this payment by any amount already paid by the violating telecommunications carrier to the subscriber's authorized telecommunications carrier for those telecommunications services.

4. Require the violating telecommunications carrier to pay a fine of up to $1,000 into the Public Utility Fund for each repeated and intentional violation of this Section.

5. Issue a cease and desist order.

6. For a pattern of violation of this Section or for intentionally violating a cease and desist order, revoke the violating telecommunications carrier's certificate of service authority.

Rules for verification of a subscriber's change in telecommunications carrier or addition to a subscriber's service:

(a) As used in this Section, "subscriber" means a telecommunications carrier's retail business customer served by not more than 20 lines or a retail residential customer, and "telecommunications carrier" has the meaning given in Section 13-202 of the Public Utilities Act, except that "telecommunications carrier" does not include a provider of commercial mobile radio services (as defined by 47 U.S.C. 332(d)(4)).

(b) A subscriber's presubscription of a primary exchange or interexchange telecommunications carrier may not be switched to another telecommunications carrier without the subscriber's authorization.

(c) A telecommunications carrier shall not effectuate a change to a subscriber's telecommunications services by providing an additional telecommunications service that results in an additional monthly charge to the subscriber (herein referred to as an "additional telecommunications service") without following the subscriber notification procedures set forth in this Section. An "additional telecommunications service" does not include making available any additional telecommunications services on a subscriber's line when the subscriber activates and pays for the services on a per use basis.

(d) It is the responsibility of the company or carrier requesting a change in a subscriber's telecommunications carrier to obtain the subscriber's authorization for the change whenever the company or carrier acts as a subscriber's agent with respect to the change.

(e) A company or telecommunications carrier submitting a change in a subscriber's primary exchange or interexchange telecommunications carrier as described in subsection (d) shall be solely responsible for providing written notice of the change to the subscriber in accordance with this Section, or for obtaining verification of the subscriber's assent to the change in accordance with this Section. In addition, a telecommunications carrier that provides any additional telecommunications
service to a subscriber shall be solely responsible for providing written notice of the additional telecommunications service to the subscriber in accordance with this Section, or for obtaining verification of the subscriber's assent to the additional telecommunications service in accordance with this Section:

(1) If the company or telecommunications carrier elects to provide written notice in accordance with this Section, the notice shall be provided as follows:

(A) A letter to the subscriber must be mailed using first class mail, postage prepaid, no later than 10 days after the telecommunications carrier submitting the change in the subscriber's primary exchange or interexchange telecommunications carrier is on notice that the change has occurred or no later than 10 days after initiation of an additional telecommunications service has occurred.

(B) The letter must be a separate document sent for the sole purpose of describing the changes or additions authorized by the subscriber.

(C) The letter must be printed with 10 point or larger type and contain clear and plain language that confirms the details of a change in the presubscribed telecommunications carrier or of the addition of the telecommunications service and provides the subscriber with a toll free number to call should the subscriber wish to cancel the change or make additional changes.

(2) If the company or telecommunications carrier elects to obtain verification in accordance with this Section, verification shall be obtained as follows:

(A) Verification shall be obtained by an independent third-party that:

(i) operates from a facility physically separate from that of the telecommunications carrier or company seeking the change or addition of service;

(ii) is not directly or indirectly managed, controlled, directed, or owned wholly or in part by the telecommunications carrier or company seeking the change or addition of telecommunications services;

(iii) does not derive commissions or compensation based upon the number of sales, changes, or additions confirmed; and

(iv) shall retain records of the confirmation of sales or changes for 24 months.

(B) The third-party verification agent shall state to the subscriber, and shall obtain the subscriber's acknowledgement to, the following disclosures:

(i) the consumer's name, address, and the telephone numbers of all telephone lines that will be changed or to which additional telecommunications services will be added;

(ii) the names of the telecommunications carrier or company that is replacing the previous presubscribed telecommunications carrier or adding a telecommunications service to the subscriber's account and, where applicable, the name of the carriers being replaced;

(iii) in cases where verification is sought for the subscriber's presubscribed telecommunications carrier, that for each line the subscriber can designate only one presubscribed telecommunications carrier to handle each of the subscriber's local, long distance, or local toll service depending upon which presubscribed telecommunications service or services are being verified; and

(iv) the fact that a fee may be imposed on the subscriber for the change of primary exchange or interexchange telecommunications carriers or that a monthly recurring fee may be charged for the additional service, if that is the case.

(C) The third-party verification agent shall obtain verification no later than 3 days after the carrier submitting a change in the subscriber's primary exchange or interexchange telecommunications carrier is on notice that the change has occurred or no later than 3 days after initiation of an additional telecommunications service has occurred.

(D) The telecommunications company or carrier seeking to implement the change in service or additional service may connect the subscriber to the verification agent, provided that all of the requirements for verification by a third party as set forth in this...
Section are otherwise complied with fully:

(3) The verification or notice requirements described in this subsection shall apply to all changes to a subscriber’s presubscription of a primary exchange or interexchange telecommunications carrier, whether the change was initiated through an inbound call initiated by the customer or outbound telemarketing. Where a subscriber’s telecommunications services are changed by the provision of an additional telecommunications service, the verification or notice requirements described in this subsection shall apply if the change was initiated through inbound telemarketing. Where a subscriber’s telecommunications services are changed by the provision of an additional telecommunications service and the change was initiated through inbound telemarketing, the telecommunications carrier shall comply with all rules or regulations promulgated by the Federal Communications Commission;

(4) Verifications conducted or obtained in a manner not in compliance with this Section or notice given in a manner not in compliance with this Section shall be void and without effect;

(f) The Commission shall promulgate any rules necessary to ensure that the primary exchange or interexchange telecommunications carrier of a subscriber is not changed to another telecommunications carrier or that an additional telecommunications service is not added without the subscriber’s authorization. The rules promulgated under this Section shall comport with the rules, if any, promulgated by the Attorney General pursuant to the Consumer Fraud and Deceptive Business Practices Act and with any rules promulgated by the Federal Communications Commission;

(g) Complaints may be filed with the Commission under this Section by a subscriber whose primary exchange or interexchange carrier has been changed to another telecommunications carrier without authorization or who has been provided an additional telecommunications service not ordered by the subscriber, by a telecommunications carrier that has been removed as a subscriber’s primary exchange or interexchange telecommunications carrier without authorization, or by the Commission on its own motion. Upon filing of the complaint, the parties may mutually agree to submit the complaint to the Commission’s established mediation process. Remedies in the mediation process may include, but shall not be limited to, the remedies set forth in paragraphs (1) through (5) of this subsection. In its discretion, the Commission may deny the availability of the mediation process and submit the complaint to hearings. If the complaint is not submitted to mediation or if no agreement is reached during the mediation process, hearings shall be held on the complaint pursuant to Article 10 of this Act. If after notice and hearing, the Commission finds that a telecommunications carrier has violated this Section or a rule promulgated under this Section, the Commission may in its discretion order any one or more of the following:

(1) In case of an unauthorized change in a subscriber’s primary exchange or interexchange telecommunications carrier, require the violating telecommunications carrier to refund to the subscriber all fees and charges collected from the subscriber for services up to the time the subscriber receives written notice of the fact that the violating carrier is providing telecommunications service to the subscriber. For a carrier that elects to provide written notice of a change in a subscriber’s primary exchange or interexchange carrier, notice consistent with paragraph (1) of subsection (e) shall be deemed to be receipt of notice by the subscriber for purposes of this paragraph. For a carrier that elects to obtain verification of a change in a subscriber’s primary exchange or interexchange carrier consistent with paragraph (2) of subsection (e) of this Section, either the first correspondence from the carrier that notifies the customer of the change or the subscriber’s first bill for services, whichever is mailed first, shall be deemed to be receipt of notice by the subscriber for purposes of this paragraph. The Commission may order the remedial action outlined in this subsection only to the extent that the same remedial action is allowed pursuant to rules or regulations promulgated by the Federal Communications Commission;

(2) In case of an unauthorized change in the primary exchange or interexchange telecommunications carrier, require the violating telecommunications carrier to refund to the subscriber charges collected in excess of those that would have been charged by the subscriber’s chosen telecommunications carrier.

(3) In case of an unauthorized change in the primary exchange or interexchange telecommunications carrier, require the violating telecommunications carrier to refund to the subscriber charges collected in excess of those that would have been charged by the subscriber’s chosen telecommunications carrier.
telecommunications carrier, require the violating telecommunications carrier to pay to the subscriber's chosen telecommunications carrier the amount the chosen telecommunications carrier would have collected for the telecommunications service. The Commission is authorized to reduce this payment by any amount already paid by the violating telecommunications carrier to the subscriber's chosen telecommunications carrier for those telecommunications services.

(4) Require the violating telecommunications carrier to pay a fine of up to $1,000 into the Public Utility Fund for each repeated and intentional violation of this Section.

(5) In the case of an unauthorized additional telecommunications service, require the violating carrier to refund or cancel all charges for telecommunications services or products provided without a subscriber's authorization.

(6) Issue a cease and desist order.

(7) For a pattern of violation of this Section or for intentionally violating a cease and desist order, revoke the violating telecommunications carrier's certificate of service authority.

(Source: P.A. 89-497, eff. 6-27-96; 90-610, eff. 7-1-98.)

Sec. 13-903. Authorization, verification or notification, and dispute resolution for covered product and service charges on the telephone bill.

(a) Definitions. As used in this Section:

(1) "Subscriber" means a telecommunications carrier's retail business customer served by not more than 20 lines or a retail residential customer.

(2) "Telecommunications carrier" has the meaning given in Section 13-202 of the Public Utilities Act and includes agents and employees of a telecommunications carrier, except that "telecommunications carrier" does not include a provider of commercial mobile radio services (as defined by 47 U.S.C. 332(d)(1)).

(b) Applicability of Section. This Section does not apply to:

(1) changes in a subscriber's local exchange telecommunications service or interexchange telecommunications service;

(2) message telecommunications charges that are initiated by dialing 1+, 0+, 0-, 1010XXX, or collect calls and charges for video services if the service provider has the necessary call detail record to establish the billing for the call or service; and

(3) telecommunications services available on a subscriber's line when the subscriber activates and pays for the services on a per use basis.

(c) Requirements for billing authorized charges. A telecommunications carrier shall meet all of the following requirements before submitting charges for any product or service to be billed on any subscriber's telephone bill:

(1) Inform the subscriber. The telecommunications carrier offering the product or service must thoroughly inform the subscriber of the product or service being offered, including all associated charges, and explicitly inform the subscriber that the associated charges for the product or service will appear on the subscriber's telephone bill.

(2) Obtain subscriber authorization. The subscriber must have clearly and explicitly consented to obtaining the product or service offered and to having the associated charges appear on the subscriber's telephone bill. The consent must be verified by the service provider in accordance with subsection (d) of this Section. A record of the consent must be maintained by the telecommunications carrier offering the product or service for at least 24 months immediately after the consent and verification were obtained.

(d) Verification or notification. Except in subscriber-initiated transactions with a certificated telecommunications carrier for which the telecommunications carrier has the appropriate documentation, the telecommunications carrier, after obtaining the subscriber's authorization in the required manner, shall either verify the authorization or notify the subscriber as follows:

(1) Independent third-party verification:

(A) Verification shall be obtained by an independent third party that:

(i) operates from a facility physically separate from that of the telecommunications carrier;

(ii) is not directly or indirectly managed, controlled, directed, or owned

New matter indicated by italics - deletions by strikeout.
wholly or in part by the telecommunications carrier or the carrier's marketing agent;

(iii) does not derive commissions or compensation based upon the number of sales confirmed.

(B) The third-party verification agent shall state, and shall obtain the subscriber's acknowledgment of, the following disclosures:

(i) the subscriber's name, address, and the telephone numbers of all telephone lines that will be charged for the product or service of the telecommunications carrier;

(ii) that the person speaking to the third party verification agent is in fact the subscriber;

(iii) that the subscriber wishes to purchase the product or service of the telecommunications carrier and is agreeing to do so;

(iv) that the subscriber understands that the charges for the product or service of the telecommunications carrier will appear on the subscriber's telephone bill; and

(v) the name and customer service telephone number of the telecommunications carrier.

(C) The telecommunications carrier shall retain, electronically or otherwise, proof of the verification of sales for a minimum of 24 months.

(2) Notification. Written notification shall be provided as follows:

(A) the telecommunications carrier shall mail a letter to the subscriber using first class mail, postage prepaid, no later than 10 days after initiation of the product or service;

(B) the letter shall be a separate document sent for the sole purpose of describing the product or service of the telecommunications carrier;

(C) the letter shall be printed with 10-point or larger type and clearly and conspicuously disclose the material terms and conditions of the offer of the telecommunications carrier, as described in paragraph (1) of subsection (c);

(D) the letter shall contain a toll-free telephone number the subscriber can call to cancel the product or service;

(E) the telecommunications carrier shall retain, electronically or otherwise, proof of written notification for a minimum of 24 months; and

(F) written notification can be provided via electronic mail if consumers are given the disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.

(e) Unauthorized charges.

(1) Responsibilities of the billing telecommunications carrier for unauthorized charges. If a subscriber's telephone bill is charged for any product or service without proper subscriber authorization and verification or notification of authorization in compliance with this Section, the telecommunications carrier that billed the subscriber, on its knowledge or notification of any unauthorized charge, shall promptly, but not later than 45 days after the date of the knowledge or notification of an unauthorized charge:

(A) notify the product or service provider to immediately cease charging the subscriber for the unauthorized product or service;

(B) remove the unauthorized charge from the subscriber's bill; and

(C) refund or credit to the subscriber all money that the subscriber has paid for any unauthorized charge.

(f) The Commission shall promulgate any rules necessary to ensure that subscribers are not billed on the telephone bill for products or services in a manner not in compliance with this Section. The rules promulgated under this Section shall comport with the rules, if any, promulgated by the Attorney General pursuant to the Consumer Fraud and Deceptive Business Practices Act and with any rules promulgated by the Federal Communications Commission or Federal Trade Commission.

(g) Complaints may be filed with the Commission under this Section by a subscriber who has been billed on the telephone bill for products or services not in compliance with this Section or by
the Commission on its own motion. Upon filing of the complaint, the parties may mutually agree to submit the complaint to the Commission's established mediation process. Remedies in the mediation process may include, but shall not be limited to, the remedies set forth in paragraphs (1) through (4) of this subsection. In its discretion, the Commission may deny the availability of the mediation process and submit the complaint to hearings. If the complaint is not submitted to mediation or if no agreement is reached during the mediation process, hearings shall be held on the complaint pursuant to Article 10 of this Act. If after notice and hearing, the Commission finds that a telecommunications carrier has violated this Section or a rule promulgated under this Section, the Commission may in its discretion order any one or more of the following:

(1) Require the violating telecommunications carrier to pay a fine of up to $1,000 into the Public Utility Fund for each repeated and intentional violation of this Section.
(2) Require the violating carrier to refund or cancel all charges for products or services not billed in compliance with this Section.
(3) Issue a cease and desist order.
(4) For a pattern of violation of this Section or for intentionally violating a cease and desist order, revoke the violating telecommunications carrier's certificate of service authority.

(220 ILCS 5/13-1200 new)
Sec. 13-1200. Repealer. This Article is repealed July 1, 2005.
(220 ILCS 5/13-803 rep.)

Section 25. The Public Utilities Act is amended by repealing Section 13-803.
Section 30. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2DD as follows:

(815 ILCS 505/2DD)
Sec. 2DD. Telecommunication service provider selection. A telecommunication carrier shall not submit or execute a change in a subscriber's selection of a provider of local exchange telecommunications service or interexchange telecommunications service or offer or provide a product or service to be billed on the telephone bill as provided in Sections 13-902 and 13-903 except in accordance with (i) the verification procedures adopted by the Federal Communications Commission under the Communications Act of 1996, including subpart K of 47 CFR 64, as those procedures are from time to time amended, and (ii) Sections 13-902 and 13-903 of the Public Utilities Act and any rules adopted by the Illinois Commerce Commission under the authority of that Section as those rules are from time to time amended. A telecommunications carrier that violates this Section commits an unlawful practice within the meaning of this Act.

(Source: P.A. 89-497, eff. 6-27-96; 90-610, eff. 7-1-98.)


AN ACT regarding schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:

(105 ILCS 110/3) (from Ch. 122, par. 863)
Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health, human growth and development, the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage, prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission and spread of AIDS, public and
environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug use, and abuse including the medical and legal ramifications of alcohol, drug, and tobacco use, abuse during pregnancy, sexual abstinence until marriage, tobacco, nutrition, and dental health. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), early prevention and detection of cancer, heart disease, diabetes, stroke, and the prevention of child abuse, neglect, and suicide. The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including without limitation the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. No pupil shall be required to take or participate in any class or course on AIDS or family life instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in the course or program shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 90-566, eff. 1-2-98.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.
1. Definitions.
For purposes of this Section:
"Administrative permit amendment" means a permit revision subject to subsection 13 of this Section.
"Affected source for acid deposition" means a source that includes one or more affected units under Title IV of the Clean Air Act.
"Affected States" for purposes of formal distribution of a draft CAAPP permit to other States for comments prior to issuance, means all States:
(1) Whose air quality may be affected by the source covered by the draft permit and that are contiguous to Illinois; or
(2) That are within 50 miles of the source.
"Affected unit for acid deposition" shall have the meaning given to the term "affected unit" in the regulations promulgated under Title IV of the Clean Air Act.
"Applicable Clean Air Act requirement" means all of the following as they apply to emissions units in a source (including regulations that have been promulgated or approved by USEPA pursuant to the Clean Air Act which directly impose requirements upon a source and other such federal requirements which have been adopted by the Board. These may include requirements and regulations which have future effective compliance dates. Requirements and regulations will be exempt if USEPA determines that such requirements need not be contained in a Title V permit):
(1) Any standard or other requirement provided for in the applicable state implementation plan approved or promulgated by USEPA under Title I of the Clean Air Act that implement the relevant requirements of the Clean Air Act, including any revisions to the state Implementation Plan promulgated in 40 CFR Part 52, Subparts A and O and other subparts applicable to Illinois. For purposes of this subsection (1) of this definition, "any standard or other requirement" shall mean only such standards or requirements directly enforceable against an individual source under the Clean Air Act.
(2)(i) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.
(ii) Any term or condition as required pursuant to Section 39.5 of any federally enforceable State operating permit issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.
(3) Any standard or other requirement under Section 111 of the Clean Air Act, including Section 111(d).
(4) Any standard or other requirement under Section 112 of the Clean Air Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Clean Air Act.
(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated thereunder.
(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.
(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Clean Air Act.
(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Clean Air Act.
(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Clean Air Act.
(10) Any standard or other requirement of the program to control air pollution from Outer Continental Shelf sources, under Section 328 of the Clean Air Act.
(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless USEPA has determined that such requirements need not be contained in a Title V permit.
(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources.
permitted pursuant to Section 504(e) of the Clean Air Act.

"Applicable requirement" means all applicable Clean Air Act requirements and any other standard, limitation, or other requirement contained in this Act or regulations promulgated under this Act as applicable to sources of air contaminants (including requirements that have future effective compliance dates).

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP application" means an application for a CAAPP permit.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Clean Air Act" means the Clean Air Act, as now and hereafter amended, 42 U.S.C. 7401, et seq.

"Designated representative" shall have the meaning given to it in Section 402(26) of the Clean Air Act and the regulations promulgated thereunder which states that the term 'designated representative' shall mean a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in all matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.

"Draft CAAPP permit" means the version of a CAAPP permit for which public notice and an opportunity for public comment and hearing is offered by the Agency.

"Effective date of the CAAPP" means the date that USEPA approves Illinois' CAAPP.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

"Federally enforceable" means enforceable by USEPA.

"Final permit action" means the Agency's granting with conditions, refusal to grant, renewal of, or revision of a CAAPP permit, the Agency's determination of incompleteness of a submitted CAAPP application, or the Agency's failure to act on an application for a permit, permit renewal, or permit revision within the time specified in paragraph 5(j), subsection 13, or subsection 14 of this Section.

"General permit" means a permit issued to cover numerous similar sources in accordance with subsection 11 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph 2(c) of this Section.

"Maximum achievable control technology" or "MACT" means the maximum degree of reductions in emissions deemed achievable under Section 112 of the Clean Air Act.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Permit modification" means a revision to a CAAPP permit that cannot be accomplished under the provisions for administrative permit amendments under subsection 13 of this Section.

"Permit revision" means a permit modification or administrative permit amendment.

"Phase II" means the period of the national acid rain program, established under Title IV of the Clean Air Act, beginning January 1, 2000, and continuing thereafter.

"Phase II acid rain permit" means the portion of a CAAPP permit issued, renewed, modified, or revised by the Agency during Phase II for an affected source for acid deposition.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Preconstruction Permit" or "Construction Permit" means a permit which is to be obtained...
prior to commencing or beginning actual construction or modification of a source or emissions unit.

"Proposed CAAPP permit" means the version of a CAAPP permit that the Agency proposes to issue and forwards to USEPA for review in compliance with applicable requirements of the Act and regulations promulgated thereunder.

"Regulated air pollutant" means the following:

(1) Nitrogen oxides (NOx) or any volatile organic compound.
(2) Any pollutant for which a national ambient air quality standard has been promulgated.
(3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
(4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
(5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
  (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
  (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.
(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively, or in the case of a partnership in which all of the partners are corporations, a duly authorized representative of the partnership if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.
(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA).
(4) For affected sources for acid deposition:
  (i) The designated representative shall be the "responsible official" in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned.
  (ii) The designated representative may also be the "responsible official" for any other purposes with respect to air pollution control.

"Section 502(b)(10) changes" means changes that contravene express permit terms. "Section 502(b)(10) changes" do not include changes that would violate applicable requirements or contravene federally enforceable permit terms or conditions that are monitoring (including test methods),
recordkeeping, reporting, or compliance certification requirements.

"Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term does not include incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act. The term also does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard waste and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the USEPA by rule.

"Source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources are located on contiguous or adjacent properties, and/or are under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

"Support facility" means any stationary source (or group of stationary sources) that conveys, stores, or otherwise assists to a significant extent in the production of a principal product at another stationary source (or group of stationary sources). A support facility shall be considered to be part of the same source as the stationary source (or group of stationary sources) that it supports regardless of the 2-digit Standard Industrial Classification code for the support facility.

"USEPA" means the Administrator of the United States Environmental Protection Agency (USEPA) or a person designated by the Administrator.

1.1. Exclusion From the CAAPP.

a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, within a State operating permit issued pursuant to Section 39(a) of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph 3(c) of this Section.

b. An owner or operator of a source seeking exclusion from the CAAPP pursuant to paragraph (a) of this subsection must submit a permit application consistent with the existing State permit program which specifically requests such exclusion through the imposition of such federally enforceable conditions.

c. Upon such request, if the Agency determines that the owner or operator of a source has met the requirements for exclusion pursuant to paragraph (a) of this subsection and other applicable requirements for permit issuance under Section 39(a) of this Act, the Agency shall issue a State operating permit for such source under Section 39(a) of this Act, as amended,
and regulations promulgated thereunder with federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section.

d. The Agency shall provide an owner or operator of a source which may be excluded from the CAAPP pursuant to this subsection with reasonable notice that the owner or operator may seek such exclusion.

e. The Agency shall provide such sources with the necessary permit application forms.

2. Applicability.

a. Sources subject to this Section shall include:
   i. Any major source as defined in paragraph (c) of this subsection.
   ii. Any source subject to a standard or other requirements promulgated under Section 111 (New Source Performance Standards) or Section 112 (Hazardous Air Pollutants) of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Clean Air Act.
   iii. Any affected source for acid deposition, as defined in subsection 1 of this Section.
   iv. Any other source subject to this Section under the Clean Air Act or regulations promulgated thereunder, or applicable Board regulations.

b. Sources exempted from this Section shall include:
   i. All sources listed in paragraph (a) of this subsection which are not major sources, affected sources for acid deposition or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Clean Air Act, until the source is required to obtain a CAAPP permit pursuant to the Clean Air Act or regulations promulgated thereunder.
   ii. Nonmajor sources subject to a standard or other requirements subsequently promulgated by USEPA under Section 111 or 112 of the Clean Air Act which are determined by USEPA to be exempt at the time a new standard is promulgated.
   iii. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters (40 CFR Part 60).
   iv. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145 (40 CFR Part 61).
   v. Any other source categories exempted by USEPA regulations pursuant to Section 502(a) of the Clean Air Act.

c. For purposes of this Section the term "major source" means any source that is:
   i. A major source under Section 112 of the Clean Air Act, which is defined as:
      A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such stations are major sources.
      B. For radionuclides, "major source" shall have the meaning specified by the USEPA by rule.
   ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). For purposes of this subsection, "fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent,
or other functionally-equivalent opening. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Clean Air Act, unless the source belongs to one of the following categories of stationary source:

A. Coal cleaning plants (with thermal dryers).
B. Kraft pulp mills.
C. Portland cement plants.
D. Primary zinc smelters.
E. Iron and steel mills.
F. Primary aluminum ore reduction plants.
G. Primary copper smelters.
H. Municipal incinerators capable of charging more than 250 tons of refuse per day.
I. Hydrofluoric, sulfuric, or nitric acid plants.
J. Petroleum refineries.
K. Lime plants.
L. Phosphate rock processing plants.
M. Coke oven batteries.
N. Sulfur recovery plants.
O. Carbon black plants (furnace process).
P. Primary lead smelters.
Q. Fuel conversion plants.
R. Sintering plants.
S. Secondary metal production plants.
T. Chemical process plants.
U. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.
V. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
W. Taconite ore processing plants.
X. Glass fiber processing plants.
Y. Charcoal production plants.
Z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
AA. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.
BB. Any other stationary source category designated by USEPA by rule.

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; except that the references in this clause to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which USEPA has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements otherwise applicable to such source under Section 182(f) of the Clean Air Act do not apply. Such sources shall remain subject to the major source criteria of paragraph 2(c)(ii) of this subsection.
B. For ozone transport regions established pursuant to Section 184 of the Clean Air Act, sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOCs).
C. For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon

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monoxide levels as determined under rules issued by USEPA, sources with the potential to emit 50 tons or more per year of carbon monoxide.

D. For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 tons or more per year of PM-10.

3. Agency Authority To Issue CAAPP Permits and Federally Enforceable State Operating Permits.

   a. The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.

   b. The Agency shall issue CAAPP permits for fixed terms of 5 years, except CAAPP permits issued for solid waste incineration units combusting municipal waste which shall be issued for fixed terms of 12 years and except CAAPP permits for affected sources for acid deposition which shall be issued for initial terms to expire on December 31, 1999, and for fixed terms of 5 years thereafter.

   c. The Agency shall have the authority to issue a State operating permit for a source under Section 39(a) of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph 5(u) of this Section. The public notice requirements of this Section applicable to CAAPP permits shall also apply to the initial issuance of permits under this paragraph.

   d. For purposes of this Act, a permit issued by USEPA under Section 505 of the Clean Air Act, as now and hereafter amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39.5 of this Act.

4. Transition.

   a. An owner or operator of a CAAPP source shall not be required to renew an existing State operating permit for any emission unit at such CAAPP source once a CAAPP application timely submitted prior to expiration of the State operating permit has been deemed complete. For purposes other than permit renewal, the obligation upon the owner or operator of a CAAPP source to obtain a State operating permit is not removed upon submittal of the complete CAAPP permit application. An owner or operator of a CAAPP source seeking to make a modification to a source prior to the issuance of its CAAPP permit shall be required to obtain a construction and/or operating permit as required for such modification in accordance with the State permit program under Section 39(a) of this Act, as amended, and regulations promulgated thereunder. The application for such construction and/or operating permit shall be considered an amendment to the CAAPP application submitted for such source.

   b. An owner or operator of a CAAPP source shall continue to operate in accordance with the terms and conditions of its applicable State operating permit notwithstanding the expiration of the State operating permit until the source's CAAPP permit has been issued.

   c. An owner or operator of a CAAPP source shall submit its initial CAAPP application to the Agency no later than 12 months after the effective date of the CAAPP. The Agency may request submittal of initial CAAPP applications during this 12 month period according to a schedule set forth within Agency procedures, however, in no event shall the Agency require such submittal earlier than 3 months after such effective date of the CAAPP. An owner or operator may voluntarily submit its initial CAAPP application prior to the date required within this paragraph or applicable procedures, if any, subsequent to the date the Agency submits the CAAPP to USEPA for approval.

   d. The Agency shall act on initial CAAPP applications in accordance with subsection 5(j) of this Section.

   e. For purposes of this Section, the term "initial CAAPP application" shall mean the first CAAPP application submitted for a source existing as of the effective date of the CAAPP.

   f. The Agency shall provide owners or operators of CAAPP sources with at least three months advance notice of the date on which their applications are required to be submitted.
In determining which sources shall be subject to early submittal, the Agency shall include among its considerations the complexity of the permit application, and the burden that such early submittal will have on the source.

g. The CAAPP permit shall upon becoming effective supersede the State operating permit.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

5. Applications and Completeness.
a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations.

b. An owner or operator of a CAAPP source shall submit a single complete CAAPP application covering all emission units at that source.

c. To be deemed complete, a CAAPP application must provide all information, as requested in Agency application forms, sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, this Act and regulations thereunder. Such Agency application forms shall be finalized and made available prior to the date on which any CAAPP application is required.

d. An owner or operator of a CAAPP source shall submit, as part of its complete CAAPP application, a compliance plan, including a schedule of compliance, describing how each emission unit will comply with all applicable requirements. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

e. Each submitted CAAPP application shall be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations.

f. The Agency shall provide notice to a CAAPP applicant as to whether a submitted CAAPP application is complete. Unless the Agency notifies the applicant of incompleteness, within 60 days of receipt of the CAAPP application, the application shall be deemed complete. The Agency may request additional information as needed to make the completeness determination. The Agency may to the extent practicable provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness.

g. If after the determination of completeness the Agency finds that additional information is necessary to evaluate or take final action on the CAAPP application, the Agency may request in writing such information from the source with a reasonable deadline for response.

h. If the owner or operator of a CAAPP source submits a timely and complete CAAPP application, the source's failure to have a CAAPP permit shall not be a violation of this Section until the Agency takes final action on the submitted CAAPP application, provided, however, where the applicant fails to submit the requested information under paragraph 5(g) within the time frame specified by the Agency, this protection shall cease to apply.

i. Any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit.

j. The Agency shall issue or deny the CAAPP permit within 18 months after the date of receipt of the complete CAAPP application, with the following exceptions: (i) permits for affected sources for acid deposition shall be issued or denied within 6 months after receipt of a complete application in accordance with subsection 17 of this Section; (ii) the Agency shall act on initial CAAPP applications within 24 months after the date of receipt of the complete CAAPP application; (iii) the Agency shall act on complete applications containing

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early reduction demonstrations under Section 112(i)(5) of the Clean Air Act within 9 months of receipt of the complete CAAPP application.

Where the Agency does not take final action on the permit within the required time period, the permit shall not be deemed issued; rather, the failure to act shall be treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of this Act.

k. The submittal of a complete CAAPP application shall not affect the requirement that any source have a preconstruction permit under Title I of the Clean Air Act.

l. Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited under this Act.

m. Permits being renewed shall be subject to the same procedural requirements, including those for public participation and federal review and objection, that apply to original permit issuance.

n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

o. The terms and conditions of a CAAPP permit shall remain in effect until the issuance of a CAAPP renewal permit provided a timely and complete CAAPP application has been submitted.

p. The owner or operator of a CAAPP source seeking a permit shield pursuant to paragraph 7(j) of this Section shall request such permit shield in the CAAPP application regarding that source.

q. The Agency shall make available to the public all documents submitted by the applicant to the Agency, including each CAAPP application, compliance plan (including the schedule of compliance), and emissions or compliance monitoring report, with the exception of information entitled to confidential treatment pursuant to Section 7 of this Act.

r. The Agency shall use the standardized forms required under Title IV of the Clean Air Act and regulations promulgated thereunder for affected sources for acid deposition.

s. An owner or operator of a CAAPP source may include within its CAAPP application a request for permission to operate during a startup, malfunction, or breakdown consistent with applicable Board regulations.

t. An owner or operator of a CAAPP source, in order to utilize the operational flexibility provided under paragraph 7(l) of this Section, must request such use and provide the necessary information within its CAAPP application.

u. An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph 3(c) of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due. Prior to such date, but in no case later than 9 months after the effective date of the CAAPP, such owner or operator may request the imposition of federally enforceable conditions pursuant to paragraph 1.1(b) of this Section.

v. CAAPP applications shall contain accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.

w. An owner or operator of a CAAPP source shall submit within its CAAPP application emissions information regarding all regulated air pollutants emitted at that source consistent with applicable Agency procedures. Emissions information regarding insignificant activities or emission levels, as determined by the Agency pursuant to Board regulations, may be submitted as a list within the CAAPP application. The Agency shall propose regulations to the Board defining insignificant activities or emission levels, consistent with federal regulations, if any, no later than 18 months after the effective date of this amendatory Act of 1992, consistent with Section 112(n)(1) of the Clean Air Act. The Board shall adopt final regulations defining insignificant activities or emission levels no later than 9 months after the date of the Agency's proposal.

x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application containing accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.
application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or subsection 3(c) of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

y. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph 7(m) of this Section.

b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

c. No owner or operator of a CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless the CAAPP permit granted to the source provides for such operation consistent with this Act and applicable Board regulations.

7. Permit Content.

a. All CAAPP permits shall contain emission limitations and standards and other enforceable terms and conditions, including but not limited to operational requirements, and schedules for achieving compliance at the earliest reasonable date, which are or will be required to accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.

b. The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs d, e, and f of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping, and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP permit. The Board shall have authority to promulgate additional regulations where necessary to accomplish the purposes of the Clean Air Act, this Act, and regulations promulgated thereunder.

c. The Agency shall assure, within such conditions, the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emission limitations, standards, and other requirements contained in the permit.

d. To meet the requirements of this subsection with respect to monitoring, the permit shall:

i. Incorporate and identify all applicable emissions monitoring and analysis procedures or test methods required under the Clean Air Act, regulations promulgated thereunder, this Act, and applicable Board regulations, including any procedures and methods promulgated by USEPA pursuant to Section 504(b) or Section 114 (a)(3) of the Clean Air Act.

ii. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring sufficient to yield reliable
data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to paragraph (f) of this subsection. The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph.

   iii. As necessary, specify requirements concerning the use, maintenance, and when appropriate, installation of monitoring equipment or methods.

e. To meet the requirements of this subsection with respect to record keeping, the permit shall incorporate and identify all applicable recordkeeping requirements and require, where applicable, the following:
   i. Records of required monitoring information that include the following:
      A. The date, place and time of sampling or measurements.
      B. The date(s) analyses were performed.
      C. The company or entity that performed the analyses.
      D. The analytical techniques or methods used.
      E. The results of such analyses.
      F. The operating conditions as existing at the time of sampling or measurement.
   ii. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

f. To meet the requirements of this subsection with respect to reporting, the permit shall incorporate and identify all applicable reporting requirements and require the following:
   i. Submittal of reports of any required monitoring every 6 months. More frequent submittals may be requested by the Agency if such submittals are necessary to assure compliance with this Act or regulations promulgated by the Board thereunder. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with subsection 5 of this Section.
   ii. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

g. Each CAAPP permit issued under subsection 10 of this Section shall include a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with subsection 17 of this Section and applicable regulations, if any.

h. All CAAPP permits shall state that, where another applicable requirement of the Clean Air Act is more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act, both provisions shall be incorporated into the permit and shall be State and federally enforceable.

i. Each CAAPP permit issued under subsection 10 of this Section shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

j. The following shall apply with respect to owners or operators requesting a permit shield:
   i. The Agency shall include in a CAAPP permit, when requested by an applicant pursuant to paragraph 5(p) of this Section, a provision stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements which are applicable as of the date of release of the proposed permit, provided that:
      A. The applicable requirement is specifically identified within the permit; or
      B. The Agency in acting on the CAAPP application or revision determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes that determination or a concise summary thereof.
ii. The permit shall identify the requirements for which the source is shielded. The shield shall not extend to applicable requirements which are promulgated after the date of release of the proposed permit unless the permit has been modified to reflect such new requirements.

iii. A CAAPP permit which does not expressly indicate the existence of a permit shield shall not provide such a shield.

iv. Nothing in this paragraph or in a CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the Clean Air Act, including USEPA's authority under that section.

B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

k. Each CAAPP permit shall include an emergency provision providing an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under a CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred and the permittee can identify the cause(s) of the emergency.

ii. The permitted facility was at the time being properly operated.

iii. The permittee submitted notice of the emergency to the Agency within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in the permit.

For purposes of this subsection, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a permittee of any reporting obligations under existing federal or state laws or regulations.

l. The Agency shall include in each permit issued under subsection 10 of this Section:

i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application. The permit terms and conditions for each such operating scenario shall meet all applicable requirements and the requirements of this Section.

A. Under this subparagraph, the source must record in a log at the permitted facility a record of the scenario under which it is operating contemporaneously with making a change from one operating scenario to another.

B. The permit shield described in paragraph 7(j) of this Section shall extend to all terms and conditions under each such operating scenario.

ii. Where requested by an applicant, all terms and conditions allowing for trading of emissions increases and decreases between different emission units at the CAAPP source, to the extent that the applicable requirements provide for trading of such emissions increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
A. Shall include all terms required under this subsection to determine compliance;
   B. Must meet all applicable requirements;
   C. Shall extend the permit shield described in paragraph 7(j) of this Section to all terms and conditions that allow such increases and decreases in emissions.

m. The Agency shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in the permit that are not specifically required under the Clean Air Act or federal regulations promulgated thereunder. Terms or conditions so designated shall be subject to all applicable state requirements, except the requirements of subsection 7 (other than this paragraph, paragraph q of subsection 7, subsections 8 through 11, and subsections 13 through 16 of this Section. The Agency shall, however, include such terms and conditions in the CAAPP permit issued to the source.

n. Each CAAPP permit issued under subsection 10 of this Section shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

o. Each CAAPP permit issued under subsection 10 of this Section shall include provisions stating the following:
   i. Duty to comply. The permittee must comply with all terms and conditions of the CAAPP permit. Any permit noncompliance constitutes a violation of the Clean Air Act and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
   ii. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
   iii. Permit actions. The permit may be modified, revoked, reopened, and reissued, or terminated for cause in accordance with the applicable subsections of Section 39.5 of this Act. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
   iv. Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.
   v. Duty to provide information. The permittee shall furnish to the Agency within a reasonable time specified by the Agency any information that the Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Agency copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to USEPA along with a claim of confidentiality.
   vi. Duty to pay fees. The permittee must pay fees to the Agency consistent with the fee schedule approved pursuant to subsection 18 of this Section, and submit any information relevant thereto.
   vii. Emissions trading. No permit revision shall be required for increases in emissions allowed under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are authorized by the applicable requirement.

p. Each CAAPP permit issued under subsection 10 of this Section shall contain the following elements with respect to compliance:
   i. Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a CAAPP permit shall contain a certification by a responsible official that meets the requirements of subsection 5 of this Section and applicable regulations.
   ii. Inspection and entry requirements that necessitate that, upon presentation of
credentials and other documents as may be required by law and in accordance with constitutional limitations, the permittee shall allow the Agency, or an authorized representative to perform the following:

A. Enter upon the permittee's premises where a CAAPP source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

D. Sample or monitor any substances or parameters at any location:
   1. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with the CAAPP permit or applicable requirements; or
   2. As otherwise authorized by this Act.

iii. A schedule of compliance consistent with subsection 5 of this Section and applicable regulations.

iv. Progress reports consistent with an applicable schedule of compliance pursuant to paragraph 5(d) of this Section and applicable regulations to be submitted semiannually, or more frequently if the Agency determines that such more frequent submittals are necessary for compliance with the Act or regulations promulgated by the Board thereunder. Such progress reports shall contain the following:

A. Required dates for achieving the activities, milestones, or compliance required by the schedule of compliance and dates when such activities, milestones or compliance were achieved.

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

v. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

A. The frequency (annually or more frequently as specified in any applicable requirement or by the Agency pursuant to written procedures) of submissions of compliance certifications.

B. A means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C. A requirement that the compliance certification include the following:
   1. The identification of each term or condition contained in the permit that is the basis of the certification.
   2. The compliance status.
   3. Whether compliance was continuous or intermittent.
   4. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with subsection 7 of Section 39.5 of the Act.

D. A requirement that all compliance certifications be submitted to USEPA as well as to the Agency.

E. Additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act.

F. Other provisions as the Agency may require.

q. If the owner or operator of CAAPP source can demonstrate in its CAAPP application, including an application for a significant modification, that an alternative emission limit would be equivalent to that contained in the applicable Board regulations, the Agency shall include the alternative emission limit in the CAAPP permit, which shall supersede the emission limit set forth in the applicable Board regulations, and shall include conditions that insure that the resulting emission limit is quantifiable, accountable, enforceable, and based

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8. Public Notice; Affected State Review.
   a. The Agency shall provide notice to the public, including an opportunity for public comment and a hearing, on each draft CAAPP permit for issuance, renewal or significant modification, subject to Sections 7(a) and 7.1 of this Act.
   b. The Agency shall prepare a draft CAAPP permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions. The Agency shall provide this statement to any person who requests it.
   c. The Agency shall give notice of each draft CAAPP permit to the applicant and to any affected State on or before the time that the Agency has provided notice to the public, except as otherwise provided in this Act.
   d. The Agency, as part of its submittal of a proposed permit to USEPA (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection 14 of this Section), shall notify USEPA and any affected State in writing of any refusal of the Agency to accept all of the recommendations for the proposed permit that an affected State submitted during the public or affected State review period. The notice shall include the Agency's reasons for not accepting the recommendations. The Agency is not required to accept recommendations that are not based on applicable requirements or the requirements of this Section.
   e. The Agency shall make available to the public any CAAPP permit application, compliance plan (including the schedule of compliance), CAAPP permit, and emissions or compliance monitoring report. If an owner or operator of a CAAPP source is required to submit information entitled to protection from disclosure under Section 7(a) or Section 7.1 of this Act, the owner or operator shall submit such information separately. The requirements of Section 7(a) or Section 7.1 of this Act shall apply to such information, which shall not be included in a CAAPP permit unless required by law. The contents of a CAAPP permit shall not be entitled to protection under Section 7(a) or Section 7.1 of this Act.
   f. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.
9. USEPA Notice and Objection.
   a. The Agency shall provide to USEPA for its review a copy of each CAAPP application (including any application for permit modification), statement of basis as provided in paragraph 8(b) of this Section, proposed CAAPP permit, CAAPP permit, and, if the Agency does not incorporate any affected State's recommendations on a proposed CAAPP permit, a written statement of this decision and its reasons for not accepting the recommendations, except as otherwise provided in this Act or by agreement with USEPA. To the extent practicable, the preceding information shall be provided in computer readable format compatible with USEPA's national database management system.
   b. The Agency shall not issue the proposed CAAPP permit if USEPA objects in writing within 45 days of receipt of the proposed CAAPP permit and all necessary supporting information.
   c. If USEPA objects in writing to the issuance of the proposed CAAPP permit within the 45-day period, the Agency shall respond in writing and may revise and resubmit the proposed CAAPP permit in response to the stated objection, to the extent supported by the record, within 90 days after the date of the objection. Prior to submitting a revised permit to USEPA, the Agency shall provide the applicant and any person who participated in the public comment process, pursuant to subsection 8 of this Section, with a 10-day period to comment on any revision which the Agency is proposing to make to the permit in response to USEPA's objection in accordance with Agency procedures.
   d. Any USEPA objection under this subsection, according to the Clean Air Act, will include a statement of reasons for the objection and a description of the terms and conditions that must be in the permit, in order to adequately respond to the objections. Grounds for a USEPA objection include the failure of the Agency to: (1) submit the items and notices

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required under this subsection; (2) submit any other information necessary to adequately review the proposed CAAPP permit; or (3) process the permit under subsection 8 of this Section except for minor permit modifications.

e. If USEPA does not object in writing to issuance of a permit under this subsection, any person may petition USEPA within 60 days after expiration of the 45-day review period to make such objection.

f. If the permit has not yet been issued and USEPA objects to the permit as a result of a petition, the Agency shall not issue the permit until USEPA’s objection has been resolved. The Agency shall provide a 10-day comment period in accordance with paragraph c of this subsection. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

g. If the Agency has issued a permit after expiration of the 45-day review period and prior to receipt of a USEPA objection under this subsection in response to a petition submitted pursuant to paragraph e of this subsection, the Agency may, upon receipt of an objection from USEPA, revise and resubmit the permit to USEPA pursuant to this subsection after providing a 10-day comment period in accordance with paragraph c of this subsection. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.


a. The Agency shall issue a CAAPP permit, permit modification, or permit renewal if all of the following conditions are met:

i. The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with subsections 5 and 14 of this Section, as applicable, and applicable regulations.

ii. The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with subsection 5 of this Section and applicable regulations.

iii. The applicant has timely paid the fees required pursuant to subsection 18 of this Section and applicable regulations.

iv. The Agency has received a complete CAAPP application and, if necessary, has requested and received additional information from the applicant consistent with subsection 5 of this Section and applicable regulations.

v. The Agency has complied with all applicable provisions regarding public notice and affected State review consistent with subsection 8 of this Section and applicable regulations.

vi. The Agency has provided a copy of each CAAPP application, or summary thereof, pursuant to agreement with USEPA and proposed CAAPP permit required under subsection 9 of this Section to USEPA, and USEPA has not objected to the issuance of the permit in accordance with the Clean Air Act and 40 CFR Part 70.

b. The Agency shall have the authority to deny a CAAPP permit, permit modification, or permit renewal if the applicant has not complied with the requirements of paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA objects to its issuance.

c. i. Prior to denial of a CAAPP permit, permit modification, or permit renewal under this Section, the Agency shall notify the applicant of the possible denial and the reasons for the denial.

ii. Within such notice, the Agency shall specify an appropriate date by which the applicant shall adequately respond to the Agency's notice. Such date shall not exceed 15 days from the date the notification is received by the applicant. The Agency may grant a reasonable extension for good cause shown.

iii. Failure by the applicant to adequately respond by the date specified in the
notification or by any granted extension date shall be grounds for denial of the permit.

For purposes of obtaining judicial review under Sections 40.2 and 41 of this Act, the Agency shall provide to USEPA and each applicant, and, upon request, to affected States, any person who participated in the public comment process, and any other person who could obtain judicial review under Sections 40.2 and 41 of this Act, a copy of each CAAPP permit or notification of denial pertaining to that party.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

11. General Permits.

a. The Agency may issue a general permit covering numerous similar sources, except for affected sources for acid deposition unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.

b. The Agency shall identify, in any general permit, criteria by which sources may qualify for the general permit.

c. CAAPP sources that would qualify for a general permit must apply for coverage under the terms of the general permit or must apply for a CAAPP permit consistent with subsection 5 of this Section and applicable regulations.

d. The Agency shall comply with the public comment and hearing provisions of this Section as well as the USEPA and affected State review procedures prior to issuance of a general permit.

e. When granting a subsequent request by a qualifying CAAPP source for coverage under the terms of a general permit, the Agency shall not be required to repeat the public notice and comment procedures. The granting of such request shall not be considered a final permit action for purposes of judicial review.

f. The Agency may not issue a general permit to cover any discrete emission unit at a CAAPP source if another CAAPP permit covers emission units at the source.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

12. Operational Flexibility.

a. An owner or operator of a CAAPP source may make changes at the CAAPP source without requiring a prior permit revision, consistent with subparagraphs (a) (i) through (a) (iii) of this subsection, so long as the changes are not modifications under any provision of Title I of the Clean Air Act and they do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), provided that the owner or operator of the CAAPP source provides USEPA and the Agency with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless otherwise provided by the Agency in applicable regulations regarding emergencies. The owner or operator of a CAAPP source and the Agency shall each attach such notice to their copy of the relevant permit.

i. An owner or operator of a CAAPP source may make Section 502 (b) (10) changes without a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

A. For each such change, the written notification required above shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph.

ii. An owner or operator of a CAAPP source may trade increases and decreases in emissions in the CAAPP source, where the applicable implementation plan provides for such emission trades without requiring a permit revision. This provision is available in
those cases where the permit does not already provide for such emissions trading.

A. Under this subparagraph (a)(ii), the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed changes will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and provide for the emissions trade.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph (a)(ii). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

iii. If requested within a CAAPP application, the Agency shall issue a CAAPP permit which contains terms and conditions, including all terms required under subsection 7 of this Section to determine compliance, allowing for the trading of emissions increases and decreases at the CAAPP source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The owner or operator of a CAAPP source shall include in its CAAPP application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The permit shall also require compliance with all applicable requirements.

A. Under this subparagraph (a)(iii), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

B. The permit shield described in paragraph 7(j) of this Section shall extend to terms and conditions that allow such increases and decreases in emissions.

b. An owner or operator of a CAAPP source may make changes that are not addressed or prohibited by the permit, other than those which are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provisions of Title I of the Clean Air Act, without a permit revision, in accordance with the following requirements:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

(ii) Sources must provide contemporaneous written notice to the Agency and USEPA of each such change, except for changes that qualify as insignificant under provisions adopted by the Agency or the Board. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

(iii) The change shall not qualify for the shield described in paragraph 7(j) of this Section; and

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable Clean Air Act requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

c. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

13. Administrative Permit Amendments.

a. The Agency shall take final action on a request for an administrative permit amendment within 60 days of receipt of the request. Neither notice nor an opportunity for public and affected State comment shall be required for the Agency to incorporate such revisions, provided it designates the permit revisions as having been made pursuant to this
subsection.

b. The Agency shall submit a copy of the revised permit to USEPA.

c. For purposes of this Section the term "administrative permit amendment" shall be defined as: a permit revision that can accomplish one or more of the changes described below:

i. Corrects typographical errors;

ii. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

iii. Requires more frequent monitoring or reporting by the permittee;

iv. Allows for a change in ownership or operational control of a source where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

v. Incorporates into the CAAPP permit the requirements from preconstruction review permits authorized under a USEPA-approved program, provided the program meets procedural and compliance requirements substantially equivalent to those contained in this Section;

vi. (Blank) Incorporates into the CAAPP permit revised limitations or other requirements resulting from the application of an approved economic incentives rule, a marketable permits rule or generic emissions trading rule, where these rules have been approved by USEPA and require changes thereunder to meet procedural requirements substantially equivalent to those specified in this Section; or

vii. Any other type of change which USEPA has determined as part of the approved CAAPP permit program to be similar to those included in this subsection.

d. The Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in paragraph 7(j) of this Section for administrative permit amendments made pursuant to subparagraph (c)(v) of this subsection which meet the relevant requirements for significant permit modifications.

e. Permit revisions and modifications, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the Clean Air Act or regulations promulgated thereunder), for purposes of the acid rain portion of the permit shall be governed by the regulations promulgated under Title IV of the Clean Air Act. Owners or operators of affected sources for acid deposition shall have the flexibility to amend their compliance plans as provided in the regulations promulgated under Title IV of the Clean Air Act.

f. The CAAPP source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

14. Permit Modifications.

a. Minor permit modification procedures.

i. The Agency shall review a permit modification using the "minor permit" modification procedures only for those permit modifications that:

A. Do not violate any applicable requirement;

B. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

C. Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;

D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

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1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act; and
2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act;
E. Are not modifications under any provision of Title I of the Clean Air Act; and
F. Are not required to be processed as a significant modification.

ii. Notwithstanding subparagraphs (a)(i) and (b)(ii) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by USEPA.

iii. An applicant requesting the use of minor permit modification procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:
A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
B. The source's suggested draft permit;
C. Certification by a responsible official, consistent with paragraph 5(e) of this Section and applicable regulations, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
D. Completed forms for the Agency to use to notify USEPA and affected States as required under subsections 8 and 9 of this Section.

iv. Within 5 working days of receipt of a complete permit modification application, the Agency shall notify USEPA and affected States of the requested permit modification in accordance with subsections 8 and 9 of this Section. The Agency promptly shall send any notice required under paragraph 8(d) of this Section to USEPA.

v. The Agency may not issue a final permit modification until after the 45-day review period for USEPA or until USEPA has notified the Agency that USEPA will not object to the issuance of the permit modification, whichever comes first, although the Agency can approve the permit modification prior to that time. Within 90 days of the Agency's receipt of an application under the minor permit modification procedures or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later, the Agency shall:
A. Issue the permit modification as proposed;
B. Deny the permit modification application;
C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
D. Revise the draft permit modification and transmit to USEPA the new proposed permit modification as required by subsection 9 of this Section.

vi. Any CAAPP source may make the change proposed in its minor permit modification application immediately after it files such application. After the CAAPP source makes the change allowed by the preceding sentence, and until the Agency takes any of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(C) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. If the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions which it seeks to modify may be enforced against it.

vii. The permit shield under subparagraph 7(j) of this Section may not extend to
viii. If a construction permit is required, pursuant to Section 39(a) of this Act and regulations thereunder, for a change for which the minor permit modification procedures are applicable, the source may request that the processing of the construction permit application be consolidated with the processing of the application for the minor permit modification. In such cases, the provisions of this Section, including those within subsections 5, 8, and 9, shall apply and the Agency shall act on such applications pursuant to subparagraph 14(a)(v). The source may make the proposed change immediately after filing its application for the minor permit modification. Nothing in this subparagraph shall otherwise affect the requirements and procedures applicable to construction permits.

b. Group Processing of Minor Permit Modifications.
   i. Where requested by an applicant within its application, the Agency shall process groups of a source's applications for certain modifications eligible for minor permit modification processing in accordance with the provisions of this paragraph (b).
   ii. Permit modifications may be processed in accordance with the procedures for group processing, for those modifications:
      A. Which meet the criteria for minor permit modification procedures under subparagraph 14(a)(i) of this Section; and
      B. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which change is requested, 20 percent of the applicable definition of major source set forth in subsection 2 of this Section, or 5 tons per year, whichever is least.
   iii. An applicant requesting the use of group processing procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:
      A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
      B. The source's suggested draft permit.
      C. Certification by a responsible official consistent with paragraph 5(e) of this Section, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
      D. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (b)(ii)(B) of this subsection.
      E. Certification, consistent with paragraph 5(e), that the source has notified USEPA of the proposed modification. Such notification need only contain a brief description of the requested modification.
      F. Completed forms for the Agency to use to notify USEPA and affected states as required under subsections 8 and 9 of this Section.
   iv. On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set forth within subparagraph (b)(ii)(B) of this subsection, whichever is earlier, the Agency shall promptly notify USEPA and affected States of the requested permit modifications in accordance with subsections 8 and 9 of this Section. The Agency shall send any notice required under paragraph 8(d) of this Section to USEPA.
   v. The provisions of subparagraph (a)(v) of this subsection shall apply to modifications eligible for group processing, except that the Agency shall take one of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(D) of this subsection within 180 days of receipt of the application or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later.
   vi. The provisions of subparagraph (a)(vi) of this subsection shall apply to modifications for group processing.
   vii. The provisions of paragraph 7(j) of this Section shall not apply to modifications...
eligible for group processing.

c. Significant Permit Modifications.
   i. Significant modification procedures shall be used for applications requesting
      significant permit modifications and for those applications that do not qualify as either
      minor permit modifications or as administrative permit amendments.
   ii. Every significant change in existing monitoring permit terms or conditions and
      every relaxation of reporting or recordkeeping requirements shall be considered
      significant. A modification shall also be considered significant if in the judgment of the
      Agency action on an application for modification would require decisions to be made
      on technically complex issues. Nothing herein shall be construed to preclude the
      permittee from making changes consistent with this Section that would render existing
      permit compliance terms and conditions irrelevant.
   iii. Significant permit modifications must meet all the requirements of this Section,
      including those for applications (including completeness review), public participation,
      review by affected States, and review by USEPA applicable to initial permit issuance
      and permit renewal. The Agency shall take final action on significant permit
      modifications within 9 months after receipt of a complete application.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the
   Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this
   subsection.

15. Reopenings for Cause by the Agency.

   a. Each issued CAAPP permit shall include provisions specifying the conditions under
      which the permit will be reopened prior to the expiration of the permit. Such revisions shall
      be made as expeditiously as practicable. A CAAPP permit shall be reopened and revised
      under any of the following circumstances, in accordance with procedures adopted by the
      Agency:
      i. Additional requirements under the Clean Air Act become applicable to a major
         CAAPP source for which 3 or more years remain on the original term of the permit.
         Such a reopening shall be completed not later than 18 months after the promulgation of
         the applicable requirement. No such revision is required if the effective date of the
         requirement is later than the date on which the permit is due to expire.
      ii. Additional requirements (including excess emissions requirements) become
         applicable to an affected source for acid deposition under the acid rain program. Excess
         emissions offset plans shall be deemed to be incorporated into the permit upon approval
         by USEPA.
      iii. The Agency or USEPA determines that the permit contains a material mistake
         or that inaccurate statements were made in establishing the emissions standards,
         limitations, or other terms or conditions of the permit.
      iv. The Agency or USEPA determines that the permit must be revised or revoked
         to assure compliance with the applicable requirements.

   b. In the event that the Agency determines that there are grounds for revoking a CAAPP
      permit, for cause, consistent with paragraph a of this subsection, it shall file a petition before
      the Board setting forth the basis for such revocation. In any such proceeding, the Agency
      shall have the burden of establishing that the permit should be revoked under the standards
      set forth in this Act and the Clean Air Act. Any such proceeding shall be conducted pursuant
      to the Board's procedures for adjudicatory hearings and the Board shall render its decision
      within 120 days of the filing of the petition. The Agency shall take final action to revoke and
      reissue a CAAPP permit consistent with the Board's order.

   c. Proceedings regarding a reopened CAAPP permit shall follow the same procedures
      as apply to initial permit issuance and shall affect only those parts of the permit for which
      cause to reopen exists.

   d. Reopenings under paragraph (a) of this subsection shall not be initiated before a notice
      of such intent is provided to the CAAPP source by the Agency at least 30 days in advance
      of the date that the permit is to be reopened, except that the Agency may provide a shorter
      time period in the case of an emergency.

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e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

16. Reopenings for Cause by USEPA.

a. When USEPA finds that cause exists to terminate, modify, or revoke and reissue a CAAPP permit pursuant to subsection 15 of this Section, and thereafter notifies the Agency and the permittee of such finding in writing, the Agency shall forward to USEPA and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate, in accordance with paragraph b of this subsection. The Agency's proposed determination shall be in accordance with the record, the Clean Air Act, regulations promulgated thereunder, this Act and regulations promulgated thereunder. Such proposed determination shall not affect the permit or constitute a final permit action for purposes of this Act or the Administrative Review Law. The Agency shall forward to USEPA such proposed determination within 90 days after receipt of the notification from USEPA. If additional time is necessary to submit the proposed determination, the Agency shall request a 90-day extension from USEPA and shall submit the proposed determination within 180 days of receipt of notification from USEPA.

b. i. Prior to the Agency's submittal to USEPA of a proposed determination to terminate or revoke and reissue the permit, the Agency shall file a petition before the Board setting forth USEPA's objection, the permit record, the Agency's proposed determination, and the justification for its proposed determination. The Board shall conduct a hearing pursuant to the rules prescribed by Section 32 of this Act, and the burden of proof shall be on the Agency.

ii. After due consideration of the written and oral statements, the testimony and arguments that shall be submitted at hearing, the Board shall issue and enter an interim order for the proposed determination, which shall set forth all changes, if any, required in the Agency's proposed determination. The interim order shall comply with the requirements for final orders as set forth in Section 33 of this Act. Issuance of an interim order by the Board under this paragraph, however, shall not affect the permit status and does not constitute a final action for purposes of this Act or the Administrative Review Law.

iii. The Board shall cause a copy of its interim order to be served upon all parties to the proceeding as well as upon USEPA. The Agency shall submit the proposed determination to USEPA in accordance with the Board's Interim Order within 180 days after receipt of the notification from USEPA.

c. USEPA shall review the proposed determination to terminate, modify, or revoke and reissue the permit within 90 days of receipt.

i. When USEPA reviews the proposed determination to terminate or revoke and reissue and does not object, the Board shall, within 7 days of receipt of USEPA's final approval, enter the interim order as a final order. The final order may be appealed as provided by Title XI of this Act. The Agency shall take final action in accordance with the Board's final order.

ii. When USEPA reviews such proposed determination to terminate or revoke and reissue and objects, the Agency shall submit USEPA's objection and the Agency's comments and recommendation on the objection to the Board and permittee. The Board shall review its interim order in response to USEPA's objection and the Agency's comments and recommendation and issue a final order in accordance with Sections 32 and 33 of this Act. The Agency shall, within 90 days after receipt of such objection, respond to USEPA's objection in accordance with the Board's final order.

iii. When USEPA reviews such proposed determination to modify and objects, the Agency shall, within 90 days after receipt of the objection, resolve the objection and modify the permit in accordance with USEPA's objection, based upon the record, the Clean Air Act, regulations promulgated thereunder, this Act, and regulations promulgated thereunder.

d. If the Agency fails to submit the proposed determination pursuant to paragraph a of
this subsection or fails to resolve any USEPA objection pursuant to paragraph c of this subsection, USEPA will terminate, modify, or revoke and reissue the permit.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

17. Title IV; Acid Rain Provisions.

a. The Agency shall act on initial CAAPP applications for affected sources for acid deposition in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue initial CAAPP permits to the affected sources for acid deposition which shall become effective no earlier than January 1, 1995, and which shall terminate on December 31, 1999, in accordance with this Section. Subsequent CAAPP permits issued to affected sources for acid deposition shall be issued for a fixed term of 5 years. Title IV of the Clean Air Act and regulations promulgated thereunder, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are applicable to and enforceable under this Act.

b. A designated representative of an affected source for acid deposition shall submit a timely and complete Phase II acid rain permit application and compliance plan to the Agency, not later than January 1, 1996, that meets the requirements of Titles IV and V of the Clean Air Act and regulations. The Agency shall act on the Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue the Phase II acid rain permit to an affected source for acid deposition no later than December 31, 1997, which shall become effective on January 1, 2000, in accordance with this Section, except as modified by Title IV and regulations promulgated thereunder; provided that the designated representative of the source submitted a timely and complete Phase II permit application and compliance plan to the Agency that meets the requirements of Title IV and V of the Clean Air Act and regulations.

c. Each Phase II acid rain permit issued in accordance with this subsection shall have a fixed term of 5 years. Except as provided in paragraph b above, the Agency shall issue or deny a Phase II acid rain permit within 18 months of receiving a complete Phase II permit application and compliance plan.

d. A designated representative of a new unit, as defined in Section 402 of the Clean Air Act, shall submit a timely and complete Phase II acid rain permit application and compliance plan that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall act on the new unit's Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and its regulations, except as modified by Title IV of the Clean Air Act and its regulations. The Agency shall reopen the new unit's CAAPP permit for cause to incorporate the approved Phase II acid rain permit in accordance with this Section. The Phase II acid rain permit for the new unit shall become effective no later than the date required under Title IV of the Clean Air Act and its regulations.

e. A designated representative of an affected source for acid deposition shall submit a timely and complete Title IV NOx permit application to the Agency, not later than January 1, 1998, that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall reopen the Phase II acid rain permit for cause and incorporate the approved NOx provisions into the Phase II acid rain permit not later than January 1, 1999, in accordance with this Section, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. Such reopening shall not affect the term of the Phase II acid rain permit.

f. The designated representative of the affected source for acid deposition shall renew the initial CAAPP permit and Phase II acid rain permit in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder.
g. In the case of an affected source for acid deposition for which a complete Phase II acid rain permit application and compliance plan are timely received under this subsection, the complete permit application and compliance plan, including amendments thereto, shall be binding on the owner, operator and designated representative, all affected units for acid deposition at the affected source, and any other unit, as defined in Section 402 of the Clean Air Act, governed by the Phase II acid rain permit application and shall be enforceable as an acid rain permit for purposes of Titles IV and V of the Clean Air Act, from the date of submission of the acid rain permit application until a Phase II acid rain permit is issued or denied by the Agency.

h. The Agency shall not include or implement any measure which would interfere with or modify the requirements of Title IV of the Clean Air Act or regulations promulgated thereunder.

i. Nothing in this Section shall be construed as affecting allowances or USEPA's decision regarding an excess emissions offset plan, as set forth in Title IV of the Clean Air Act or regulations promulgated thereunder.

i. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

ii. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

iii. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.

j. To the extent that the federal regulations promulgated under Title IV, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are inconsistent with the federal regulations promulgated under Title V, the federal regulations promulgated under Title IV shall take precedence.

k. The USEPA may intervene as a matter of right in any permit appeal involving a Phase II acid rain permit provision or denial of a Phase II acid rain permit.

l. It is unlawful for any owner or operator to violate any terms or conditions of a Phase II acid rain permit issued under this subsection, to operate any affected source for acid deposition except in compliance with a Phase II acid rain permit issued by the Agency under this subsection, or to violate any other applicable requirements.

m. The designated representative of an affected source for acid deposition shall submit to the Agency the data and information submitted quarterly to USEPA, pursuant to 40 CFR 75.64, concurrently with the submission to USEPA. The submission shall be in the same electronic format as specified by USEPA.

n. The Agency shall act on any petition for exemption of a new unit or retired unit, as those terms are defined in Section 402 of the Clean Air Act, from the requirements of the acid rain program in accordance with Title IV of the Clean Air Act and its regulations.

o. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.


a. For each 12 month period after the date on which the USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, a source subject to this Section or excluded under subsection 1.1 or paragraph 3(c) of this Section, shall pay a fee as provided in this part (a) of this subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph 3(c) of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6.

i. The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants shall be $1,000 per year.

ii. The fee for a source allowed to emit 100 tons or more per year of any...
combination of regulated air pollutants, except for those regulated air pollutants excluded in paragraph 18(f) of this subsection, shall be as follows:

A. The Agency shall assess an annual fee of $13.50 per ton for the allowable emissions of all regulated air pollutants at that source during the term of the permit. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act including such activities as may be carried out by other State or local agencies pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided however, that no source shall be required to pay an annual fee in excess of $100,000. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee for the term of the permit. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the construction permit requirements of the existing State permit program, under Section 39(a) of this Act and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

B. Except for the first year of the CAAPP, the applicant or permittee may pay the fee annually or semiannually for those fees greater than $5,000. However, any applicant paying a fee equal to or greater than $100,000 shall pay the full amount on July 1, for the subsequent fiscal year, or pay 50% of the fee on July 1 and the remaining 50% by the next January 1. The Agency may change any annual billing date upon reasonable notice, but shall prorate the new bill so that the permittee or applicant does not pay more than its required fees for the fee period for which payment is made.

b. (Blank). For fiscal year 1999 and each fiscal year thereafter, to the extent that permit fees collected and deposited in the CAA Permit Fund during that fiscal year exceed 115% of the actual expenditures (excluding permit fee reimbursements) from the CAA Permit Fund for that fiscal year (including lapse period spending), the excess shall be reimbursed to the permittees in proportion to their original fee payments. Such reimbursements shall be made during the next fiscal year and may be made in the form of a credit against that fiscal year's permit fee.

c. There shall be created a CAA Fee Panel of 5 persons. The Panel shall:

i. If it deems necessary on an annual basis, render advisory opinions to the Agency and the General Assembly regarding the appropriate level of Title V Clean Air Act fees for the next fiscal year. Such advisory opinions shall be based on a study of the operations of the Agency and any other entity requesting appropriations from the CAA Permit Fund. This study shall recommend changes in the fee structure, if warranted. The study will be based on the ability of the Agency or other entity to effectively utilize the funds generated as well as the entity's conformance with the objectives and measurable benchmarks identified by the Agency as justification for the prior year's fee. Such advisory opinions shall be submitted to the appropriation committees no later than April 15th of each year.

ii. Not be compensated for their services, but shall receive reimbursement for their expenses.

iii. Be appointed as follows: 4 members by the Director of the Agency from a list of no more than 8 persons, submitted by representatives of associations who represent
facilities subject to the provisions of this subsection and the Director of the Agency or designee.

d. There is hereby created in the State Treasury a special fund to be known as the "CAA Permit Fund". All Funds collected by the Agency pursuant to this subsection shall be deposited into the Fund. The General Assembly shall appropriate monies from this Fund to the Agency and to the Board to carry out their obligations under this Section. The General Assembly may also authorize monies to be granted by the Agency from this Fund to other State and local agencies which perform duties related to the CAAPP. Interest generated on the monies deposited in this Fund shall be returned to the Fund. The General Assembly may appropriate up to the sum of $25,000 to the Agency from the CAA Permit Fund for use by the Panel in carrying out its responsibilities under this subsection.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

f. For purposes of this subsection, the term "regulated air pollutant" shall have the meaning given to it under subsection 1 of this Section but shall exclude the following:

i. carbon monoxide;

ii. any Class I or II substance which is a regulated air pollutant solely because it is listed pursuant to Section 602 of the Clean Air Act; and

iii. any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Clean Air Act based on the emissions allowed in the permit effective in that calendar year, at the time the applicable bill is generated; and

iv. during the years 1995 through 1999 inclusive, any emissions from affected sources for acid deposition under Section 408(c)(4) of the Clean Air Act.


a. In the event that the USEPA fails to promulgate in a timely manner a standard pursuant to Section 112(d) of the Clean Air Act, the Agency shall have the authority to issue permits, pursuant to Section 112(j) of the Clean Air Act and regulations promulgated thereunder, which contain emission limitations which are equivalent to the emission limitations that would apply to a source if an emission standard had been promulgated in a timely manner by USEPA pursuant to Section 112(d). Provided, however, that the owner or operator of a source shall have the opportunity to submit to the Agency a proposed emission limitation which it determines to be equivalent to the emission limitations that would apply to such source if an emission standard had been promulgated in a timely manner by USEPA. If the Agency refuses to include the emission limitation proposed by the owner or operator in a CAAPP permit, the owner or operator may petition the Board to establish whether the emission limitation proposal submitted by the owner or operator provides for emission limitations which are equivalent to the emission limitations that would apply to the source if the emission standard had been promulgated by USEPA in a timely manner. The Board shall determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for the level of control required under Section 112 of the Clean Air Act, or shall otherwise establish an appropriate emission limitation, pursuant to Section 112 of the Clean Air Act.

b. Any Board proceeding brought under paragraph (a) or (e) of this subsection shall be conducted according to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. Any such decision shall be subject to review pursuant to Section 41 of this Act. Where USEPA promulgates an applicable emission standard prior to the issuance of the CAAPP permit, the Agency shall include in the permit the promulgated standard, provided that the source shall have the compliance period provided under Section 112(i) of the Clean Air Act. Where USEPA promulgates an applicable standard subsequent to the issuance of the CAAPP permit, the Agency shall revise such permit upon the next renewal to reflect the promulgated standard, providing a reasonable time for the applicable source to comply with the standard, but no longer than 8 years after the date on which the source is first required to comply with the

New matter indicated by italics - deletions by strikeout.
emissions limitation established under this subsection.

c. The Agency shall have the authority to implement and enforce complete or partial emission standards promulgated by USEPA pursuant to Section 112(d), and standards promulgated by USEPA pursuant to Sections 112(f), 112(h), 112(m), and 112(n), and may accept delegation of authority from USEPA to implement and enforce Section 112(l) and requirements for the prevention and detection of accidental releases pursuant to Section 112(r) of the Clean Air Act.

d. The Agency shall have the authority to issue permits pursuant to Section 112(i)(5) of the Clean Air Act.

e. The Agency has the authority to implement Section 112(g) of the Clean Air Act consistent with the Clean Air Act and federal regulations promulgated thereunder. If the Agency refuses to include the emission limitations proposed in an application submitted by an owner or operator for a case-by-case maximum achievable control technology (MACT) determination, the owner or operator may petition the Board to determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for a level of control required by Section 112 of the Clean Air Act, or to otherwise establish an appropriate emission limitation under Section 112 of the Clean Air Act.


a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the "Small Business Act";
3. is not a major source as that term is defined in subsection 2 of this Section;
4. does not emit 50 tons or more per year of any regulated air pollutant; and
5. emits less than 75 tons per year of all regulated pollutants.

b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the Program.

c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.

d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.

e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.

f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.

g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance Program within this State.

h. The selection of Panel members shall be by the following method:

1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;
2. The Director of the Agency shall select one member to represent the Agency; and
3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority and minority
leadership in both Houses of the Legislature shall appoint one member of the panel.
i. Panel members should serve without compensation but will receive full reimbursement
for expenses including travel and per diem as authorized within this State.
j. The Panel shall select its own Chair by a majority vote. The Chair may meet and
consult with the Ombudsman and the head of the Small Business Assistance Program in
planning the activities for the Panel.
21. Temporary Sources.
a. The Agency may issue a single permit authorizing emissions from similar operations
by the same source owner or operator at multiple temporary locations, except for sources
which are affected sources for acid deposition under Title IV of the Clean Air Act.
b. The applicant must demonstrate that the operation is temporary and will involve at
least one change of location during the term of the permit.
c. Any such permit shall meet all applicable requirements of this Section and applicable
regulations, and include conditions assuring compliance with all applicable requirements at
all authorized locations and requirements that the owner or operator notify the Agency at
least 10 days in advance of each change in location.
22. Solid Waste Incineration Units.
a. A CAAPP permit for a solid waste incineration unit combusting municipal waste
subject to standards promulgated under Section 129(e) of the Clean Air Act shall be issued
for a period of 12 years and shall be reviewed every 5 years, unless the Agency requires
more frequent review through Agency procedures.
b. During the review in paragraph (a) of this subsection, the Agency shall fully review
the previously submitted CAAPP permit application and corresponding reports subsequently
submitted to determine whether the source is in compliance with all applicable requirements.
c. If the Agency determines that the source is not in compliance with all applicable
requirements it shall revise the CAAPP permit as appropriate.
d. The Agency shall have the authority to adopt procedural rules, in accordance with the
Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this
subsection.
(Source: P.A. 89-79, eff. 6-30-95; 90-14, eff. 7-1-97; 90-367, eff. 8-10-97; 90-773, eff. 8-14-98.)
(415 ILCS 5/54.12) (from Ch. 111 1/2, par. 1054.12)
Sec. 54.12. "Tire storage site" means a site where used tires are stored or processed, other
than (1) the site at which the tires were separated from the vehicle wheel rim, (2) the site where the
used tires were accepted in trade as part of a sale of new tires, or (3) a site at which both new and
used tires are sold at retail in the regular course of business, and at which not more than 250 used
tires are kept at any time or (4) a facility at which tires are sold at retail provided that the facility
maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those
tires are stored inside a building or so that they are prevented from accumulating water.
(Source: P.A. 89-200, eff. 1-1-96.)
(415 ILCS 5/54.13) (from Ch. 111 1/2, par. 1054.13)
Sec. 54.13. "Used tire" means a worn, damaged, or defective tire that which
is not mounted on a vehicle wheel rim.
(Source: P.A. 86-452.)
(415 ILCS 5/55.3) (from Ch. 111 1/2, par. 1055.3)
Sec. 55.3. (a) Upon finding that an accumulation of used or waste tires creates an immediate
danger to health, the Agency may take action pursuant to Section 34 of this Act.
(b) Upon making a finding that an accumulation of used or waste tires creates a hazard
posing a threat to public health or the environment, the Agency may undertake preventive or
corrective action in accordance with this subsection. Such preventive or corrective action may consist
of any or all of the following:
(1) Treating and handling used or waste tires and other infested materials within the area
for control of mosquitoes and other disease vectors.
(2) Relocation of ignition sources and any used or waste tires within the area for control
and prevention of tire fires.
(3) Removal of used and waste tire accumulations from the area.

New matter indicated by italics - deletions by strikeout.
(4) Removal of soil and water contamination related to tire accumulations.
(5) Installation of devices to monitor and control groundwater and surface water contamination related to tire accumulations.
(6) Such other actions as may be authorized by Board regulations.

(c) The Agency may, subject to the availability of appropriated funds, undertake a consensual removal action for the removal of up to 1,000 used or waste tires at no cost to the owner according to the following requirements:

(1) Actions under this subsection shall be taken pursuant to a written agreement between the Agency and the owner of the tire accumulation.
(2) The written agreement shall at a minimum specify:
   (i) that the owner relinquishes any claim of an ownership interest in any tires that are removed, or in any proceeds from their sale;
   (ii) that tires will no longer be allowed to be accumulated at the site;
   (iii) that the owner will hold harmless the Agency or any employee or contractor utilized by the Agency to effect the removal, for any damage to property incurred during the course of action under this subsection, except for gross negligence or intentional misconduct; and
   (iv) any conditions upon or assistance required from the owner to assure that the tires are so located or arranged as to facilitate their removal.
(3) The Agency may by rule establish conditions and priorities for removal of used and waste tires under this subsection.
(4) The Agency shall prescribe the form of written agreements under this subsection.

(d) The Agency shall have authority to provide notice to the owner or operator, or both, of a site where used or waste tires are located and to the owner or operator, or both, of the accumulation of tires at the site, whenever the Agency finds that the used or waste tires pose a threat to public health or the environment, or that there is no proceeding in accordance with a tire removal agreement approved under Section 55.4.

The notice provided by the Agency shall include the identified preventive or corrective action, and shall provide an opportunity for the owner or operator, or both, to perform such action.

For sites with more than 250,000 passenger tire equivalents, following the notice provided for by this subsection (d), the Agency may enter into a written reimbursement agreement with the owner or operator of the site. The agreement shall provide a schedule for the owner or operator to reimburse the Agency for costs incurred for preventive or corrective action, which shall not exceed 5 years in length. An owner or operator making payments under a written reimbursement agreement pursuant to this subsection (d) shall not be liable for punitive damages under subsection (f) of this Section.

(e) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of taking whatever preventive or corrective action is necessary and appropriate in accordance with the provisions of this Section, including but not limited to removal, processing or treatment of used or waste tires, whenever the Agency finds that used or waste tires pose a threat to public health or the environment.

(f) In undertaking preventive, corrective or consensual removal action under this Section the Agency may consider use of the following: rubber reuse alternatives, shredding or other conversion through use of mobile or fixed facilities, energy recovery through burning or incineration, and landfill disposal. To the extent practicable, the Agency shall consult with the Department of Commerce and Community Affairs regarding the availability of alternatives to landfilling used and waste tires, and shall make every reasonable effort to coordinate tire cleanup projects with applicable programs that relate to such alternative practices.

(g) Except as otherwise provided in this Section, the owner or operator of any site or accumulation of used or waste tires at which the Agency has undertaken corrective or preventive action under this Section shall be liable for all costs thereof incurred by the State of Illinois, including reasonable costs of collection. Any monies received by the Agency hereunder shall be deposited into the Used Tire Management Fund. The Agency may in its discretion store, dispose of or convey the tires that are removed from an area at which it has undertaken a corrective, preventive or consensual removal action, and may sell or store such tires and other items, including but not limited to rims,
are removed from the area. The net proceeds of any sale shall be credited against the liability incurred by the owner or operator for the costs of any preventive or corrective action.

(h) Any person liable to the Agency for costs incurred under subsection (g) of this Section may be liable to the State of Illinois for punitive damages in an amount at least equal to, and not more than 2 times, the costs incurred by the State if such person failed without sufficient cause to take preventive or corrective action pursuant to notice issued under subsection (d) of this Section.

(i) There shall be no liability under subsection (g) of this Section for a person otherwise liable who can establish by a preponderance of the evidence that the hazard created by the tires was caused solely by:

1. an act of God;
2. an act of war; or
3. an act or omission of a third party other than an employee or agent, and other than a person whose act or omission occurs in connection with a contractual relationship with the person otherwise liable.

For the purposes of this subsection, "contractual relationship" includes, but is not limited to, land contracts, deeds and other instruments transferring title or possession, unless the real property upon which the accumulation is located was acquired by the defendant after the disposal or placement of used or waste tires on, in or at the property and one or more of the following circumstances is also established by a preponderance of the evidence:

A. at the time the defendant acquired the property, the defendant did not know and had no reason to know that any used or waste tires had been disposed of or placed on, in or at the property, and the defendant undertook, at the time of acquisition, all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability;

B. the defendant is a government entity which acquired the property by escheat or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; or

C. the defendant acquired the property by inheritance or bequest.

(j) Nothing in this Section shall affect or modify the obligations or liability of any person under any other provision of this Act, federal law, or State law, including the common law, for injuries, damages or losses resulting from the circumstances leading to Agency action under this Section.

(k) The costs and damages provided for in this Section may be imposed by the Board in an action brought before the Board in accordance with Title VIII of this Act, except that subsection (c) of Section 33 of this Act shall not apply to any such action.

(l) The Agency shall, when feasible, consult with the Department of Public Health prior to taking any action to remove or treat an infested tire accumulation for control of mosquitoes or other disease vectors. The Agency may by contract or agreement secure the services of the Department of Public Health, any local public health department, or any other qualified person in treating any such infestation as part of an emergency or preventive action.

(m) Neither the State, the Agency, the Board, the Director, nor any State employee shall be liable for any damage or injury arising out of or resulting from any action taken under this Section.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0025
(House Bill No. 3566)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 2-3.51 as follows:
(105 ILCS 5/2-3.51) (from Ch. 122, par. 2-3.51)

New matter indicated by italics - deletions by strikeout.
Sec. 2-3.51. Reading Improvement Block Grant Program. To improve the reading and study skills of children from kindergarten through sixth grade in school districts. The State Board of Education is authorized to administer a Reading Improvement Block Grant Program. As used in this Section:

"School district" includes shall include those schools designated as "laboratory schools".

"Scientifically based reading research" means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties. The term includes research that employs systematic, empirical methods that draw on observation or experiment, involves rigorous data analysis that is adequate to test the stated hypotheses and to justify the general conclusions drawn, relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations, and has been accepted by peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective and scientific review.

(a) Funds for the Reading Improvement Block Grant Program shall be distributed to school districts on the following basis: 70% of monies shall be awarded on the prior year's best 3 months average daily attendance and 30% shall be distributed on the number of economically disadvantaged (E.C.I.A. Chapter I) pupils in the district, provided that the State Board may distribute an amount not to exceed 2% of the monies appropriated for the Reading Improvement Block Grant Program for the purpose of providing teacher training and re-training in the teaching of reading. Program funds shall be distributed to school districts in 2 semi-annual installments, one payment on or before October 30, and one payment prior to April 30, of each year. The State Board shall promulgate rules and regulations necessary for the implementation of this program. Programs provided with grant funds shall not replace quality classroom reading instruction, but shall instead supplement such instruction.

(a-5) Reading Improvement Block Grant Program funds shall be used by school districts in the following manner:

(1) to hire reading specialists, reading teachers, and reading aides in order to provide early reading intervention in kindergarten through grade 2 and programs of continued reading support for students in grades 3 through 6 to reduce class size in grades kindergarten through 3 for the purpose of providing more intensified reading instruction;

(2) in kindergarten through grade 2, to establish short-term tutorial early reading intervention programs for children who are at risk of failing to learn to read; these programs shall (i) focus on scientifically based research and best practices with proven long-term results, (ii) identify students in need of help no later than the middle of first grade, (iii) provide ongoing training for teachers in the program, (iv) focus on strengthening a student's phonemic awareness, phonics, fluency, and comprehension skills, (v) provide a means to document and evaluate student growth, and (vi) provide properly trained staff to extend the time devoted in kindergarten through third grade to intensified reading instruction, including phonics instruction, either by lengthening the school day or lengthening the school year;

(3) to create transitional grades for students needing intensified reading instruction either between the first and second grades or between the second and third grades in accordance with the authority granted school districts in Section 10-21.2 of this Code;

(4) to continue direct reading instruction for grades 3 through 6;

(5) in grades 3 through 6, to establish programs of support for students who demonstrate a need for continued assistance in learning to read and in maintaining reading achievement; these programs shall (i) focus on scientifically based research and best practices with proven long-term results, (ii) provide ongoing training for teachers and other staff members in the program, (iii) focus instruction on strengthening a student's phonics, fluency, and comprehension skills in grades 3 through 6, (iv) provide a means to evaluate and document student growth, and (v) provide properly trained staff to establish reading academies in schools that focus on the mechanics of reading, the application of reading skills, and the reading of rich literature and that reflect a commitment of time and resources to these functions;

(6) in grades K through 6, to provide classroom reading materials for students; each
district may allocate up to 25% of the funds for this purpose to conduct intense vocabulary, spelling, and related writing enrichment programs that promote better understanding of language and words; and

(6) (7) to provide a long-term professional development program for classroom teachers, administrators, and other appropriate staff: the program shall (i) focus on scientifically based research and best practices with proven long-term results, (ii) provide a means to evaluate student progress in reading as a result of the training, (iii) and be provided by approved staff development providers. to increase the availability of reading specialists and teacher aides for reading; and

(8) to train and retrain teachers of kindergarten through third grade to be proficient in the teaching of reading, including phonic instruction;

(a-10) Reading Improvement Block Grant Program funds shall be made available to each eligible school district submitting an approved application developed by the State Board beginning with the 1998-99 school year. Applications shall include a proposed assessment method or methods for measuring the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading student reading skills. Such methods may include the reading portion of the Illinois Standards Achievement Testing Goals and Assessment Program. At the end of each school year the district shall report performance of progress assessment results to the State Board. Districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established.

(a-15) The State Superintendent of Education, in cooperation with the school districts participating in the program, shall annually report to the leadership of the General Assembly on the results of the Reading Improvement Block Grant Program and the progress being made on improving the reading skills of students in kindergarten through the sixth grade.

(b) (Blank).
(c) (Blank).
(d) Grants under the Reading Improvement Program shall be awarded provided there is an appropriation for the program, and funding levels for each district shall be prorated according to the amount of the appropriation.
(e) (Blank).
(f) (Blank).

(Source: P.A. 90-548, eff. 1-1-98; 90-640, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

AN ACT concerning carnival and amusement rides.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2, 2-10, and 2-12 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)
Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:
1. "Director" means the Director of Labor or his designee.
2. "Department" means Department of Labor.
3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.

New matter indicated by italics - deletions by strikeout.
4. "Amusement ride" means:
   (a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;
   (b) any ski lift, rope tow, or other device used to transport snow skiers;
   (c) (blank); any water slide, or water amusement device in a water amusement area, not regulated by the Department of Public Health pursuant to the Youth Camp Act, the Campground Licensing and Recreational Area Act, or the Swimming Pool and Bathing Beach Act;
   (d) any dry slide over 20 feet in height, alpine slide, or toboggan slide;
   (e) any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides; or
   (f) any bungee cord or similar elastic device.

5. "Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.

6. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.

7. "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions.

(Source: P.A. 88-219.)
(430 ILCS 85/2-10) (from Ch. 111 1/2, par. 4060)

Sec. 2-10. No amusement ride or amusement attraction shall be operated at a carnival or fair in this State without a permit having been issued by the Director to an operator of such equipment. On or before the first of May of each year, any person required to obtain a permit by this Act shall apply to the Director for a permit on a form furnished by the Director which form shall contain such information as the Director may require. The Director may waive the requirement that an application for a permit must be filed on or before May 1 of each year if the applicant gives satisfactory proof to the Director that he could not reasonably comply with the date requirement and if the applicant immediately applies for a permit after the need for a permit is first determined. For the purpose of determining if an amusement ride or amusement attraction is in safe operating condition and will provide protection to the public using such amusement ride or amusement attraction, each amusement ride or amusement attraction shall be inspected by the Director before it is initially placed in operation in this State, and shall thereafter be inspected at least once each year.

If, after inspection, an amusement ride or amusement attraction is found to comply with the rules adopted under this Act, the Director shall issue a permit for the operation of the amusement ride or amusement attraction. The permit shall be issued conditioned upon the payment of the permit fee and any applicable inspection fee at the time the application for permit to operate is filed with the Department within 7 days following the inspection and may be suspended as provided in the Department's rules.

If, after inspection, additions or alterations are contemplated which change a structure, mechanism, classification or capacity, the operator shall notify the Director of his intentions in writing and provide any plans or diagrams requested by the Director.

(Source: P.A. 85-325.)
(430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

Sec. 2-12. Order for cessation of operation of amusement ride or attraction.
(a) The Director or an inspector hired by the Department of Labor may order, in writing, a temporary and immediate cessation of operation of any amusement ride or amusement attraction if it:
   (1) has been determined after inspection to be hazardous or unsafe;
   (2) is in operation before the Director has issued a permit to operate such equipment;

New matter indicated by italics - deletions by strikeout.
or
(3) the owner or operator is not in compliance with the insurance requirements contained in Section 2-14 of this Act.

(b) Operation of the amusement ride or amusement attraction shall not resume until:
(1) the unsafe or hazardous condition is corrected to the satisfaction of the Director or such inspector;
(2) the Director has issued a permit to operate such equipment; or
(3) the owner or operator is in compliance with the insurance requirements contained in Section 2-14 of this Act, respectively.

(Source: P.A. 83-1240.)

Section 99. This Act takes effect upon becoming law, except that the changes to Section 2-10 of the Carnival and Amusement Rides Safety Act take effect on January 1, 2002, and the changes to Section 2-2 of the Carnival and Amusement Rides Safety Act take effect on July 1, 2001.

PUBLIC ACT 92-0027
(Senate Bill No. 0109)

AN ACT relating to education.

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

Section 5. The School Code is amended by changing Section 27-21 as follows:

Sec. 27-21. History of United States. History of the United States shall be taught in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds. The teaching of history shall have as one of its objectives the imparting to pupils of a comprehensive idea of our democratic form of government and the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof, with particular stress upon the basic principles and ideals of our representative form of government. The teaching of history shall include a study of the role and contributions of African Americans and other ethnic groups including but not restricted to Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, Czechoslovakian, French, Scots, Hispanics, etc., in the history of this country and this State. The teaching of history also shall include a study of the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. No pupils shall be graduated from the eighth grade of any public school unless he has received such instruction in the history of the United States and gives evidence of having a comprehensive knowledge thereof.

(Source: P.A. 84-126.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0028
(Senate Bill No. 0284)

AN ACT relating to schools.

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

Section 5. The School Code is amended by changing Section 18-8.05 as follows:

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

New matter indicated by italics - deletions by strikeout.
(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational
Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,425 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the
Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year, except that any days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to
its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law. This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation.

New matter indicated by italics - deletions by strikeout.
of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, and if the Available Local Resources of that school district as calculated pursuant to subsection (D) using the Base Tax Year are less than the product of 1.75 times the Foundation Level for the Budget Year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the last calculated Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in
calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by this amendatory Act of the 92nd General Assembly shall apply to supplemental general State aid grants paid in fiscal year 1999 and in each fiscal year thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by this amendatory Act of the 92nd General Assembly is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(2) Supplemental general State aid pursuant to this subsection shall be provided as follows:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.
(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted
plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil
enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate State aid figures as described in paragraph (1), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of
schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level

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shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(Sources: P.A. 90-548, eff. 7-1-98; incorporates 90-566; 90-653, eff. 7-29-98; 90-654, eff. 7-29-98; 90-655, eff. 7-30-98; 90-802, eff. 12-15-98; 90-815, eff. 2-11-99; 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-27-99.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0029
(Senate Bill No. 0377)

AN ACT with respect to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 18-8.05 as follows:
(105 ILCS 5/18-8.05)
Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.
(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A

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"recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

1 The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

2 For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

3 For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,425 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

1 For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

2 The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.
(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that
began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year, except that any days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend
2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

New matter indicated by italics - deletions by strikeout.
"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).
"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.
"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.
"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.
"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).
"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.
"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, and if the Available Local Resources of that school district as calculated pursuant to subsection (D) using the Base Tax Year are less than the product of 1.75 times the Foundation Level for the Budget Year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the last calculated Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of...
general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H).

(2) Supplemental general State aid pursuant to this subsection shall be provided as follows:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and...
other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and

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supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made between or among the annexing or resulting districts, or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes...
of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their

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number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(Source: P.A. 90-548, eff. 7-1-98; incorporates 90-566; 90-653, eff. 7-29-98; 90-654, eff. 7-29-98; 90-655, eff. 7-30-98; 90-802, eff. 12-15-98; 90-815, eff. 2-11-99; 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-27-99.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0030
(Senate Bill No. 0539)

AN ACT regarding taxes.

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

Section 5. The Motor Fuel Tax Law is amended by changing Sections 2b, 4e, 5a, 6a, 8, 13, 13a.6, and 15 and by adding Sections 1.27, 1.28, and 1.29 as follows:

(35 ILCS 505/1.27 new)

Sec. 1.27. "Power take-off equipment" means any accessory that is mounted onto or designed as an integral part of a transmission of a motor vehicle that is registered for highway purposes whereby the accessory allows power to be transferred outside the transmission to a shaft or driveline

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and the power is used for a purpose other than propelling the motor vehicle.

(35 ILCS 505/1.28 new)
Sec. 1.28. "Semitrailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(35 ILCS 505/1.29 new)
Sec. 1.29. "Research and development" means basic and applied research in the engineering, designing, development, or testing of prototypes or new products. "Research and development" does not include manufacturing quality control, any product testing by consumers, market research, sales promotion, sales service, or other non-technological activities or technical services.

(35 ILCS 505/2b) (from Ch. 120, par. 418b)
Sec. 2b. In addition to the tax collection and reporting responsibilities imposed elsewhere in this Act, a person who is required to pay the tax imposed by Section 2a of this Act shall pay the tax to the Department by return showing all fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month including losses of fuel as the result of evaporation or shrinkage due to temperature variations, and such other reasonable information as the Department may require. Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% one percent of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of fuel for each category of fuel that is required to be reported on a return as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of fuel for each category of fuel that is required to be reported on a return as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

The return shall be prescribed by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may, in its discretion, combine the returns filed under this Section, Section 5, and Section 5a of this Act. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. If the return is filed timely, the seller shall take a discount of 2% which is allowed to reimburse the seller for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. The 2% discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with this Section.

(Source: P.A. 91-173, eff. 1-1-00.)

(35 ILCS 505/4e)
Sec. 4e. A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all shipping papers, bills of lading, and invoices accompanying any sale of dyed diesel fuel.

(Source: P.A. 91-173, eff. 1-1-00.)

(35 ILCS 505/5) (from Ch. 120, par. 421)
Sec. 5. Except as hereinafter provided, a person holding a valid unrevoked license to act as a distributor of motor fuel shall, between the 1st and 20th days of each calendar month, make return to the Department, showing an itemized statement of the number of invoiced gallons of motor fuel of the types specified in this Section which were purchased, acquired or received during the preceding calendar month; the amount of such motor fuel produced, refined, compounded,
manufactured, blended, sold, distributed, and used by the licensed distributor during the preceding calendar month; the amount of such motor fuel lost or destroyed during the preceding calendar month; and the amount of such motor fuel on hand at the close of business for such month; and such other reasonable information as the Department may require. If a distributor's only activities with respect to motor fuel are either: (1) production of alcohol in quantities of less than 10,000 proof gallons per year or (2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced, he shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Distributors whose total production of alcohol (whether blended or not) exceeds 10,000 proof gallons per year, based on production during the preceding (calendar) year or as reasonably projected by the Department if one calendar year's record of production cannot be established, shall file returns between the 1st and 20th days of each calendar month as hereinabove provided.

The types of motor fuel referred to in the preceding paragraph are: (A) All products commonly or commercially known or sold as gasoline (including casing-head and absorption or natural gasoline), gasohol, motor benzol or motor benzene regardless of their classification or uses; and (B) all combustible gases which exist in a gaseous state at 60 degrees Fahrenheit and at 14.7 pounds per square inch absolute including, but not limited to, liquefied petroleum gases used for highway purposes; and (C) special fuel. Only those quantities of combustible gases (example (B) above) which are used or sold by the distributor to be used to propel motor vehicles on the public highways, or which are delivered into the bulk storage facilities of a bulk user, or which are delivered into a storage tank that is located at a facility that has withdrawal facilities which are readily accessible to and are capable of dispensing combustible gases into the fuel supply tanks of motor vehicles, shall be subject to return. For the purposes of this Act, liquefied petroleum gases shall mean and include any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane) and Butylene (including isomers).

In case of a sale of special fuel to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, the distributor shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

In case of a sale of special fuel to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, the distributor shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

In case of a tax-free sale, as provided in Section 6, of motor fuel which the distributor is required by this Section to include in his return to the Department, the distributor in his return shall show: (1) If the sale is made to another licensed distributor the amount sold and the name, address and license number of the purchasing distributor; (2) if the sale is made to a person where delivery is made outside of this State the name and address of such purchaser and the point of delivery together with the date and amount delivered; (3) if the sale is made to the Federal Government or its instrumentalities the amount sold; (4) if the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State the name and address of such purchaser, and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (5) if the sale is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the name and address of such purchaser and the amount sold as evidenced by official forms of exemption certificates properly executed and furnished by the purchaser; (6) if the product sold is special fuel and if the sale is made to a licensed supplier under conditions which qualify the sale for tax exemption under Section 6 of this Act, the amount sold and the name, address and license number of the purchaser; and (7) if a sale of special fuel is made to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sales and obtaining such supporting documentation as may be required by the Department.
All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

A person whose license to act as a distributor of motor fuel has been revoked shall make a return to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such distributor; the return shall in all other respects be subject to the same provisions and conditions as returns by distributors licensed under the provisions of this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, received, sold, used, lost or destroyed is incorrect, or that an amount of motor fuel of the types required by the second paragraph of this Section to be reported to the Department has not been correctly reported the Department shall fix an amount for such receipt, sales, use, loss or destruction according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All returns shall be made on forms prepared and furnished by the Department, and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. All licensed distributors shall report all losses of motor fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

(Source: P.A. 91-173, eff. 1-1-00.)

Sec. 5a. A person holding a valid unrevoked license to act as a supplier of special fuel shall, between the 1st and 20th days of each calendar month, make return to the Department showing an itemized statement of the number of invoiced gallons of special fuel acquired, received, purchased, sold, or used during the preceding calendar month; the amount of special fuel sold, distributed, and used by the licensed supplier during the preceding calendar month; the amount of special fuel lost or destroyed during the preceding calendar month; and the amount of special fuel on hand at the close of business for the preceding calendar month; and such other reasonable information as the Department may require.

A person whose license to act as a supplier of special fuel has been revoked shall make a return to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such supplier. The return shall in all
other respects be subject to the same provisions and conditions as returns by suppliers licensed under this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, sold, used, or lost is incorrect, or that an amount of special fuel of the type required by the 1st paragraph of this Section to be reported to the Department by suppliers has not been correctly reported as a purchase, receipt, sale, use, or loss the Department shall fix an amount for such purchase, receipt, sale, use, or loss according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All licensed suppliers shall report all losses of special fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of special fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month.

Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

In case of a sale of special fuel to someone other than a licensed distributor or licensed supplier for a use other than in motor vehicles, the supplier shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All returns shall be made on forms prepared and furnished by the Department and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer.

In case of a tax-free sale, as provided in Section 6a, of special fuel which the supplier is required by this Section to include in his return to the Department, the supplier in his return shall show: (1) If the sale of special fuel is made to the Federal Government or its instrumentalities; (2) if the sale of special fuel is made to a municipal corporation owning and operating a local transportation system for public service in this State, the name and address of such purchaser and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (3) if the sale of special fuel is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the

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name and address of such purchaser and the amount sold, as evidenced by official forms of
exemption certificates properly executed and furnished by such purchaser; (4) if the product sold is
special fuel and if the sale is made to a licensed supplier or to a licensed distributor under conditions
which qualify the sale for tax exemption under Section 6a of this Act, the amount sold and the name,
address and license number of such purchaser; (5) if a sale of special fuel is made to a person where
delivery is made outside of this State, the name and address of such purchaser and the point of
delivery together with the date and amount of invoiced gallons delivered; and (6) if a sale of special
fuel is made to someone other than a licensed distributor or a licensed supplier, for a use other than
in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering that sale
and obtaining such supporting documentation as may be required by the Department.

All special fuel sold or used for non-highway purposes must have a dye added in accordance
with Section 4d of this Law.
(Source: P.A. 91-173, eff. 1-1-00.)

(35 ILCS 505/6a) (from Ch. 120, par. 422a)

Sec. 6a. Collection of tax; suppliers. A supplier, other than a licensed distributor, who sells
or distributes any special fuel, which he is required by Section 5a to report to the Department when
filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution,
the amount of tax imposed under this Act on all such special fuel sold and distributed, and at the time
of making a return, the supplier shall pay to the Department the amount so collected less a discount
of 2% which is allowed to reimburse the supplier for the expenses incurred in keeping records,
preparing and filing returns, collecting and remitting the tax and supplying data to the Department
on request, and shall also pay to the Department an amount equal to the amount that would be
collectible as a tax in the event of a sale thereof on all such special fuel used by said supplier during
the period covered by the return. However, no payment shall be made based upon dyed diesel fuel
used by said supplier for non-highway purposes. The 2% discount shall only be applicable to the
amount of tax payment which accompanies a return which is filed timely in accordance with Section
5(a) of this Act. In each subsequent sale of special fuel on which the amount of tax imposed under
this Act has been collected as provided in this Section, the amount so collected shall be added to the
selling price, so that the amount of tax is paid ultimately by the user of the special fuel. However, no
collection or payment shall be made in the case of the sale or use of any special fuel to the extent to
which such sale or use of motor fuel may not, under the Constitution and statutes of the United
States, be made the subject of taxation by this State.

A person whose license to act as supplier of special fuel has been revoked shall, at the time
of making a return, also pay to the Department an amount equal to the amount that would be
collectible as a tax in the event of a sale thereof on all special fuel, which he is required by the 1st
paragraph of Section 5a to report to the Department in making a return.

A supplier may make tax-free sales of special fuel, with respect to which he is otherwise
required to collect the tax, when the motor fuel is delivered from a dispensing facility that has
withdrawal facilities capable of dispensing special fuel into the fuel supply tanks of motor vehicles
only as specified in the following items 1, 2, and 3. A supplier may make tax-free sales of special
fuel, with respect to which he is otherwise required to collect the tax, when the special fuel is
delivered from other facilities only as specified in the following items 1 through 7.

1. When the sale is made to the federal government or its instrumentalities.
2. When the sale is made to a municipal corporation owning and operating a local
transportation system for public service in this State when an official certificate of exemption
is obtained in lieu of the tax.
3. When the sale is made to a privately owned public utility owning and operating 2 axle
vehicles designed and used for transporting more than 7 passengers, which vehicles are used
as common carriers in general transportation of passengers, are not devoted to any
specialized purpose and are operated entirely within the territorial limits of a single
municipality or of any group of contiguous municipalities, or in a close radius thereof, and
the operations of which are subject to the regulations of the Illinois Commerce Commission,
when an official certificate of exemption is obtained in lieu of the tax.
4. When a sale of special fuel is made to a person holding a valid unrevoked license as
a supplier or a distributor by making a specific notation thereof on invoice or sales slip

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covering each such sale.

5. When a sale of special fuel is made to someone other than a licensed distributor or licensed supplier, or to a person for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sale and obtaining such supporting documentation as may be required by the Department. The supplier shall obtain and keep the supporting documentation in such form as the Department may require by rule.

6. (Blank).

7. When a sale of special fuel is made to a person where delivery is made outside of this State. All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department.

(Source: P.A. 91-173, eff. 1-1-00.)

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) $2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; beginning with fiscal year 1997 and ending in fiscal year 2000, $1,500,000, beginning with fiscal year 2001 and ending in fiscal year 2003, $2,250,000, and $750,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year
The project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

1. the costs of the Department of Revenue in administering this Act;
2. the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;
3. refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;
4. from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, and for the period July 1, 2000 through June 30, 2006, one-twelfth of $30,000,000 each month, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;
5. amounts ordered paid by the Court of Claims; and
6. payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

1. Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:
   (A) 37% into the State Construction Account Fund, and
   (B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;  
2. Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:
   (A) 49.10% to the municipalities of the State,
   (B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,
   (C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,
   (D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

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As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as
possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98; 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99; 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; revised 6-28-00.)

Sec. 13. Refund of tax paid. Any person other than a distributor or supplier, who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under Section 2 of this Act) for any purpose other than operating a motor vehicle upon the public highways or waters, shall be reimbursed and repaid the amount so paid.

Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid under Section 2 of this Act on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state.

Claims for such reimbursement must be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim must state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary, and the time when, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. No claim based upon idle time shall be allowed.

Claims for full reimbursement for taxes paid on or before December 31, 1999 must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of this Section is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

Claims for full reimbursement for taxes paid on or after January 1, 2000 must be filed not later than 2 years after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department has approved any such claim, it shall pay to the claimant (or to the claimant's legal representative, as such if the claimant has died or become a person under legal disability) the reimbursement provided in this Section, out of any moneys appropriated to it for that purpose.

Any distributor or supplier who has paid the tax imposed by Section 2 of this Act upon motor fuel lost or used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and the time when the loss or nontaxable use occurred, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a refund or credit memorandum as requested by the taxpayer, to the distributor or supplier who made the payment for which the refund or credit is being given or, if the distributor or supplier has died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the distributor or supplier who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in

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the manner specified in the Uniform Penalty and Interest Act.

In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

In any case in which there has been an erroneous refund of tax payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

If no tax is due and no proceeding is pending to determine whether such distributor or supplier is indebted to the Department for tax, the credit memorandum so issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed distributor or supplier who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the distributor's or supplier's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings pursuant to the order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum issued under this Act, such person may, at his election (instead of assigning the credit memorandum to a licensed distributor or licensed supplier under this Act), surrender such unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

For claims based upon taxes paid on or before December 31, 2000, a no claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the following paragraph or (ii) for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

For claims based upon taxes paid on or after January 1, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the preceding paragraph or (ii) for claims for the following:

1. Undyed diesel fuel used (i) in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or by-product, other than fuel or motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use or (ii) for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

2. Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29, of machinery or equipment intended for manufacture.

3. Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.

4. Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited
to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

(5) Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.

(6) Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of this Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.

(7) Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of this Law.

Any person who has paid the tax imposed by Section 2 of this Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for non-highway purposes.

The Department shall promulgate regulations establishing specific limits on the amount of undyed diesel fuel that may be claimed for refund.

For purposes of claims for refund, "loss" means the reduction of motor fuel resulting from fire, theft, spillage, spoilage, leakage, or any other provable cause, but does not include a reduction resulting from evaporation or shrinkage due to temperature variations.

(Source: P.A. 90-491, eff. 1-1-98; 91-173, eff. 1-1-00.)

Sec. 13a.6. In addition to any other penalties imposed by this Act:

(a) If a commercial motor vehicle is found operating in Illinois (i) without displaying decals required by Section 13a.4 of this Act, or in lieu thereof only for the period specified on the temporary permit, a valid 30-day International Fuel Tax Agreement temporary permit, (ii) without carrying a motor fuel use tax license as required by Section 13a.4 of this Act, (iii) without carrying a single trip permit, when applicable, as provided in Section 13a.5 of this Act, or (iv) with a revoked motor fuel use tax license, the operator is guilty of a petty offense and must pay a minimum of $75. For each subsequent occurrence, the operator must pay a minimum of $150.

When a commercial motor vehicle is found operating in Illinois with a revoked motor fuel use tax license, the vehicle shall be placed out of service and not allowed to operate in Illinois until the motor fuel use tax license is reinstated.

(b) If a commercial motor vehicle is found to be operating in Illinois without a valid motor fuel use tax license and without properly displaying decals required by Section 13a.4 or without a valid single trip permit when required by Section 13a.5 of this Act or a valid 30-day International Fuel Tax Agreement temporary permit, the person required to obtain a license or permit under Section 13a.4 or 13a.5 of this Law must pay a minimum of $1,000 as a penalty. For each subsequent occurrence, the person must pay a minimum of $2,000 as a penalty.

All penalties received under this Section shall be deposited into the Tax Compliance and Administration Fund.

Improper use of the motor fuel use tax license, single trip permit, or decals provided for in this Section may be cause for revocation of the license.

For purposes of this Section, "motor fuel use tax license" means (i) a motor fuel use tax license issued by the Department or by any member jurisdiction under the International Fuel Tax Agreement, or (ii) a valid 30-day International Fuel Tax Agreement temporary permit.

(Source: P.A. 91-173, eff. 1-1-00.)

Sec. 15. 1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act, or who knowingly fails or refuses to make payment to the Department as provided either in Section
2b, Section 6, Section 6a, or Section 7 of this Act, shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 of this Act or in the International Fuel Tax Agreement referenced in Section 14a, or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act, or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act or who having transported reportable motor fuel within Section 7b of this Act fails to make the return required by that Section, is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5, or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use is guilty of a Class 4 felony.
guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e shall pay the following penalty:

- First occurrence..................................... $500
- Second and each occurrence thereafter........ $1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f shall pay the following penalty:

- First occurrence..................................... $500
- Second and each occurrence thereafter........ $1,000

15. If a licensed motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle, the operator shall pay the following penalty:

- First occurrence..................................... $2,500
- Second and each occurrence thereafter........ $5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use shall pay the following penalty:

- First occurrence..................................... $5,000
- Second and each occurrence thereafter........ $10,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law.

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

(Source: P.A. 91-173, eff. 1-1-00.)

Section 10. The Environmental Impact Fee Law is amended by changing Section 315 as follows:

(415 ILCS 125/315)
Sec. 315. Fee on receivers of fuel for sale or use; collection and reporting. A person that is required to pay the fee imposed by this Law shall pay the fee to the Department by return showing all fuel purchased, acquired, or received and sold, distributed or used during the preceding calendar month, including losses of fuel as the result of evaporation or shrinkage due to temperature variations, and such other reasonable information as the Department may require. Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of this amount shall be subject to the fee imposed by Section 310 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each January. On and after July 1, 2001, for each 6-month period July through December, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the...
total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the fee imposed by Section 310 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

The return shall be prescribed by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may, in its discretion, combine the return filed under this Law with the return filed under Section 2b of the Motor Fuel Tax Law. If the return is timely filed, the receiver may take a discount of 2% to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the fee, and supplying data to the Department on request. However, the 2% discount applies only to the amount of the fee payment that accompanies a return that is timely filed in accordance with this Section.

(Source: P.A. 91-173, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect July 1, 2001.

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35 ILCS 505/1.27 new
35 ILCS 505/1.28 new
35 ILCS 505/1.29 new
35 ILCS 505/2b from Ch. 120, par. 418b
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35 ILCS 505/5 from Ch. 120, par. 421
35 ILCS 505/5a from Ch. 120, par. 421a
35 ILCS 505/6a from Ch. 120, par. 422a
35 ILCS 505/8 from Ch. 120, par. 424
35 ILCS 505/13 from Ch. 120, par. 429
35 ILCS 505/13a.6 from Ch. 120, par. 429a6
35 ILCS 505/15 from Ch. 120, par. 431

Effective July 1, 2001.

PUBLIC ACT 92-0031
(Senate Bill No. 0608)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:
(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)
Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provides for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. Rate increases shall be provided annually thereafter on July 1 in 1984 and on each subsequent July 1 in the following years, except that no rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2001, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age

New matter indicated by italics - deletions by strikeout.
22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000 updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 90-9, eff. 7-1-97; 90-588, eff. 7-1-98; 91-24, eff. 7-1-99; 91-712, eff. 7-1-00.)

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

AN ACT concerning matters relating to the Secretary of State.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 6z-34 as follows:
(30 ILCS 105/6z-34)
Sec. 6z-34. Secretary of State Special Services Fund. There is created in the State Treasury a special fund to be known as the Secretary of State Special Services Fund. Moneys deposited into the Fund may, subject to appropriation, be used by the Secretary of State for any or all of the following purposes:
(1) For general automation efforts within operations of the Office of Secretary of State.
(2) For technology applications in any form that will enhance the operational capabilities of the Office of Secretary of State.
(3) To provide funds for any type of library grants authorized and administered by the Secretary of State as State Librarian.
These funds are in addition to any other funds otherwise authorized to the Office of Secretary of State for like or similar purposes.
On August 15, 1997, all fiscal year 1997 receipts that exceed the amount of $15,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund; and on August 15, 1998 and each year thereafter through 2000, all receipts from the fiscal year ending on the previous June 30th that exceed the amount of $17,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund; and on August 15, 2001 and each year thereafter, all receipts from the fiscal year ending on the previous June 30th that exceed the amount of $19,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund.
(Source: P.A. 89-503, eff. 7-1-96; 89-697, eff. 1-6-97.)
Section 10. The Illinois Vehicle Code is amended by adding Section 1-159.2 and changing Section 2-123 as follows:
(625 ILCS 5/1-159.2 new)
Sec. 1-159.2. Personally identifying information. Information that identifies an individual, including his or her photograph, social security number, driver identification number, name, address (but not the 5 digit zip code), telephone number, and medical or disability information, but "personally identifying information" does not include information on vehicular accidents, driving violations, and driver's status.
(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)
Sec. 2-123. Sale and Distribution of Information.
(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, public libraries and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.
(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 in advance and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be...
limited to entities purchasing a minimum number of records as required by administrative rule. The
information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part
thereof. The information sold pursuant to this subsection shall not contain personally identifying
information unless the information is to be used for one of the purposes identified in subsection (f-5)
of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a
written agreement with the Secretary of State that includes disclosure of the commercial use of the
information to be purchased.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and
publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be
arranged serially according to the registration numbers assigned to registered vehicles and shall
contain in addition the names and addresses of registered owners and a brief description of each
vehicle including the serial or other identifying number thereof. Such compilation may be in such
form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such
registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and
towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by
the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined
by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank). The Secretary of State shall upon written request and the payment of the fee of
$500 furnish the current available list of such motor vehicle registrations to any person so long as the
supply of available registration lists shall last.

(e-1) (Blank). Commercial purchasers of driver and vehicle record databases shall enter into
a written agreement with the Secretary of State that includes disclosure of the commercial use of the
intended purchase. Affected drivers, vehicle owners, or registrants may request that their personally
identifiable information not be used for commercial solicitation purposes.

(f) The Secretary of State shall make a title or registration search of the records of his office
and a written report on the same for any person, upon written application of such person,
accompanied by a fee of $5 for each registration or title search. The written application shall set forth
the intended use of the requested information. No fee shall be charged for a title or registration
search, or for the certification thereof requested by a government agency. The report of the title or
registration search shall not contain personally identifying information unless the request for a
search was made for one of the purposes identified in subsection (f-5) of this Section.

The Secretary of State shall certify a title or registration record upon written request. The fee
for certification shall be $5 in addition to the fee required for a title or registration search.
Certification shall be made under the signature of the Secretary of State and shall be authenticated
by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase
of his title or registration information as the Secretary deems appropriate.

The vehicle owner or registrant residence address and other personally identifiable
information on the record shall not be disclosed. This nondisclosure shall not apply to requests made
by law enforcement officials, government agencies, financial institutions, attorneys, insurers,
employers, automobile associated businesses, other business entities for purposes consistent with the
Illinois Vehicle Code, the vehicle owner or registrant, or other entities as the Secretary may exempt
by rule and regulation. This information may be withheld from the entities listed above, except law
enforcement and government agencies upon presentation of a valid court order of protection for the
duration of the order.

No information shall be released to the requestor until expiration of a 10 day period. This 10
day period shall not apply to requests for information made by law enforcement officials, government
agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses,
persons licensed as a private detective or firms licensed as a private detective agency under the
Private Detective, Private Alarm, and Private Security Act of 1983, who are employed by or are
acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys,
insurers, employers, automobile associated businesses, and other business entities for purposes
consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the
Secretary may exempt by rule and regulation.

New matter indicated by italics - deletions by strikeout.
Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm, and Private Security Act of 1983.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:
   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a
driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

The affected driver residence address and other personally identifiable information on the record shall not be disclosed. This nondisclosure shall not apply to requests made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver, or other entities as the Secretary may exempt by rule and regulation. This information may be withheld from the entities listed above, except law enforcement and government agencies, upon presentation of a valid court order of protection for the duration of the order.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, and Private Security Act of 1983, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm, and Private Security Act of 1983.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other lawful purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement
agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act, provided, the redisclosure shall not be authorized by the Secretary prior to September 30, 1992.

(i) (Blank). The Secretary of State is empowered to promulgate rules and regulations to effectuate this Section.

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund.

(l) (Blank). The Secretary of State shall report his recommendations to the General Assembly by January 1, 1993, regarding the sale and dissemination of the information maintained by the Secretary, including the sale of lists of driver and vehicle records:

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (j-5) of this Section.

(m) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original
disclosure of the information was permitted.

(n) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 90-144, eff. 7-23-97; 90-330, eff. 8-8-97; 90-400, eff. 8-15-97; 90-655, eff. 7-30-98; 91-37, eff. 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0033
(Senate Bill No. 0725)

AN ACT concerning business organizations.

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


(805 ILCS 5/1.10) (from Ch. 32, par. 1.10)
Sec. 1.10. Forms, execution, acknowledgment and filing.
(a) All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the office of the Secretary of State shall be furnished by the Secretary of State on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

(b) Whenever any provision of this Act specifically requires any document to be executed by the corporation in accordance with this Section, unless otherwise specifically stated in this Act and subject to any additional provisions of this Act, such document shall be executed, in ink, as follows:

(1) The articles of incorporation, and any other document to be filed before the election of the initial board of directors if the initial directors were not named in the articles of incorporation, shall be signed by the incorporator or incorporators.

(2) All other documents shall be signed:

(i) By the president, a vice-president, the secretary, an assistant secretary, the treasurer, or other officer duly authorized by the board of directors of the corporation to execute the document; or
(ii) By the president or a vice-president and verified by him or her, and attested by the secretary or an assistant secretary (or by such officers as may be duly authorized to exercise the duties, respectively, ordinarily exercised by the president or vice-president and by the secretary or assistant secretary of a corporation); or

(iii) If it shall appear from the document that there are no such officers, then by a majority of the directors or by such directors as may be designated by the board; or

(iv) By the holders of outstanding shares; or

(v) If the corporate assets are in the possession of a receiver, trustee or other court appointee officer, then by the fiduciary or the majority of them if there are more than one.

(c) The name of a person signing the document and the capacity in which he or she signs shall be stated beneath or opposite his or her signature.

(d) Whenever any provision of this Act requires any document to be verified, such requirement is satisfied by either:

(1) The formal acknowledgment by the person or one of the persons signing the instrument that it is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgment shall be made before a person who is

New matter indicated by italics - deletions by strikeout.
authorized by the law of the place of execution to take acknowledgments of deeds and who, if he or she has a seal of office, shall affix it to the instrument.

(2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgment of the signatory, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.

(e) Whenever any provision of this Act requires any document to be filed with the Secretary of State or in accordance with this Section, such requirement means that:

(1) The original signed document, and if in duplicate or triplicate as provided by this Act, one or two true copies, which may be signed, carbon or photocopy photo copies, shall be delivered to the office of the Secretary of State.

(2) All fees, taxes and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State.

(3) If the Secretary of State finds that the document conforms to law, he or she shall, when all fees, taxes and charges have been paid as in this Act prescribed:

(i) Endorse on the original and on the each true copy, if any, the word "filed" and the month, day and year thereof;

(ii) File the original in his or her office;

(iii) (Blank) Where so provided by this Act, issue a certificate or certificates, as the case may be, to which he or she shall affix the true copy or true copies; or

(iv) If the filing is in duplicate, he or she shall return one true copy, with a certificate, if any, affixed thereto, to the corporation or its representative who shall file such document for record in the office of the recorder of the county in which the registered office of the corporation is situated in this State within 15 days after the mailing thereof by the Secretary of State, unless such document cannot with reasonable diligence be filed within such time, in which case it shall be filed as soon thereafter as may be reasonably possible.

(v) If the filing is in triplicate, he or she shall return one true copy, with a certificate, if any, affixed thereto, to the corporation or its representative and file the second true copy in the office of the recorder of the county in which the registered office of the corporation is situated in this State, to be recorded by such recorder:

(f) If another Section of this Act specifically prescribes a manner of filing or executing a specified document which differs from the corresponding provisions of this Section, then the provisions of such other Section shall govern.

(Source: P.A. 84-924.)

(805 ILCS 5/1.80) (from Ch. 32, par. 1.80)
Sec. 1.80. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section shall have the meanings set forth herein.

(a) "Corporation" or "domestic corporation" means a corporation subject to the provisions of this Act, except a foreign corporation.

(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this State, but shall not include a banking corporation organized under the laws of another state or of the United States, a foreign banking corporation organized under the laws of a country other than the United States and holding a certificate of authority from the Commissioner of Banks and Real Estate issued pursuant to the Foreign Banking Office Act, or a banking corporation holding a license from the Commissioner of Banks and Real Estate issued pursuant to the Foreign Bank Representative Office Act.

(c) "Articles of incorporation" means the original articles of incorporation, including the articles of incorporation of a new corporation set forth in the articles of consolidation, and all amendments thereto, whether evidenced by articles of amendment, articles of merger, articles of exchange, statement of correction affecting articles, resolution establishing series of shares or a statement of cancellation under Section 9.05. Restated articles of incorporation shall supersede the original articles of incorporation and all amendments thereto prior to the effective date of filing the articles of amendment incorporating the restated articles of incorporation.

(d) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

New matter indicated by italics - deletions by strikeout.
(e) "Incorporator" means one of the signers of the original articles of incorporation.

(f) "Shares" means the units into which the proprietary interests in a corporation are divided.

(g) "Shareholder" means one who is a holder of record of shares in a corporation.

(h) "Certificate" representing shares means a written instrument executed by the proper corporate officers, as required by Section 6.35 of this Act, evidencing the fact that the person therein named is the holder of record of the share or shares therein described. If the corporation is authorized to issue uncertificated shares in accordance with Section 6.35 of this Act, any reference in this Act to shares represented by a certificate shall also refer to uncertificated shares and any reference to a certificate representing shares shall also refer to the written notice in lieu of a certificate provided for in Section 6.35.

(i) "Authorized shares" means the aggregate number of shares of all classes which the corporation is authorized to issue.

(j) "Paid-in capital" means the sum of the cash and other consideration received, less expenses, including commissions, paid or incurred by the corporation, in connection with the issuance of shares, plus any cash and other consideration contributed to the corporation by or on behalf of its shareholders, plus amounts added or transferred to paid-in capital by action of the board of directors or shareholders pursuant to a share dividend, share split, or otherwise, minus reductions as provided elsewhere in this Act. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is or may be organized, paid-in capital of a foreign corporation shall be determined on the same basis and in the same manner as paid-in capital of a domestic corporation, for the purpose of computing license fees, franchise taxes and other charges imposed by this Act.

(k) "Net assets", for the purpose of determining the right of a corporation to purchase its own shares and of determining the right of a corporation to declare and pay dividends and make other distributions to shareholders is equal to the difference between the assets of the corporation and the liabilities of the corporation.

(l) "Registered office" means that office maintained by the corporation in this State, the address of which is on file in the office of the Secretary of State, at which any process, notice or demand required or permitted by law may be served upon the registered agent of the corporation.

(m) "Insolvent" means that a corporation is unable to pay its debts as they become due in the usual course of its business.

(n) "Anniversary" means that day each year exactly one or more years after:

1. the date on the certificate of filing the articles of incorporation prescribed by issued under Section 2.10 of this Act, in the case of a domestic corporation;
2. the date on the certificate of filing the application for authority prescribed by issued under Section 13.15 of this Act, in the case of a foreign corporation; or
3. the date on the certificate of filing the articles of consolidation prescribed by issued under Section 11.25 of this Act in the case of a consolidation, unless the plan of consolidation provides for a delayed effective date, pursuant to Section 11.40.

(o) "Anniversary month" means the month in which the anniversary of the corporation occurs.

(p) "Extended filing month" means the month (if any) which shall have been established in lieu of the corporation's anniversary month in accordance with Section 14.01.

(q) "Taxable year" means that 12 month period commencing with the first day of the anniversary month of a corporation through the last day of the month immediately preceding the next occurrence of the anniversary month of the corporation, except that in the case of a corporation that has established an extended filing month "taxable year" means that 12 month period commencing with the first day of the extended filing month through the last day of the month immediately preceding the next occurrence of the extended filing month.

(r) "Fiscal year" means the 12 month period with respect to which a corporation ordinarily files its federal income tax return.

(s) "Close corporation" means a corporation organized under or electing to be subject to Article 2A of this Act, the articles of incorporation of which contain the provisions required by Section 2.10, and either the corporation's articles of incorporation or an agreement entered into by all of its shareholders provide that all of the issued shares of each class shall be subject to one or more of the restrictions on transfer set forth in Section 6.55 of this Act.
"Common shares" means shares which have no preference over any other shares with respect to distribution of assets on liquidation or with respect to payment of dividends.

"Delivered", for the purpose of determining if any notice required by this Act is effective, means:

(1) transferred or presented to someone in person; or
(2) deposited in the United States Mail addressed to the person at his, her or its address as it appears on the records of the corporation, with sufficient first-class postage prepaid thereon.

"Property" means gross assets including, without limitation, all real, personal, tangible, and intangible property.

"Taxable period" means that 12-month period commencing with the first day of the second month preceding the corporation's anniversary month in the preceding year and prior to the first day of the second month immediately preceding its anniversary month in the current year, except that, in the case of a corporation that has established an extended filing month, "taxable period" means that 12-month period ending with the last day of its fiscal year immediately preceding the extended filing month. In the case of a newly formed domestic corporation or a newly registered foreign corporation that had not commenced transacting business in this State prior to obtaining a certificate of authority, "taxable period" means that period commencing with the filing of the articles of incorporation or, in the case of a foreign corporation, of filing of the application for a certificate of authority, and prior to the first day of the second month immediately preceding its anniversary month in the next succeeding year.

"Treasury shares" mean (1) shares of a corporation that have been issued, have been subsequently acquired by and belong to the corporation, and have not been cancelled or restored to the status of authorized but unissued shares and (2) shares (i) declared and paid as a share dividend on the shares referred to in clause (1) or this clause (2), or (ii) issued in a share split of the shares referred to in clause (1) or this clause (2). Treasury shares shall be deemed to be "issued" shares but not "outstanding" shares. Treasury shares may not be voted, directly or indirectly, at any meeting or otherwise. Shares converted into or exchanged for other shares of the corporation shall not be deemed to be treasury shares.

(Source: P.A. 89-508, eff. 7-3-96; 90-301, eff. 8-1-97; 90-421, eff. 1-1-98; 90-655, eff. 7-30-98.)

Sec. 2.10. Articles of Incorporation. The articles of incorporation shall be executed and filed in duplicate in accordance with Section 1.10 of this Act.

(a) The articles of incorporation must set forth:

(1) a corporate name for the corporation that satisfies the requirements of this Act;
(2) the purpose or purposes for which the corporation is organized, which may be stated to be, or to include, the transaction of any or all lawful businesses for which corporations may be incorporated under this Act;
(3) the address of the corporation's initial registered office and the name of its initial registered agent at that office;
(4) the name and address of each incorporator;
(5) the number of shares of each class the corporation is authorized to issue;
(6) the number and class of shares which the corporation proposes to issue without further report to the Secretary of State, and the consideration to be received, less expenses, including commissions, paid or incurred in connection with the issuance of shares, by the corporation therefor. If shares of more than one class are to be issued, the consideration for shares of each class shall be separately stated;
(7) if the shares are divided into classes, the designation of each class and a statement of the designations, preferences, qualifications, limitations, restrictions, and special or relative rights with respect to the shares of each class; and
(8) if the corporation may issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences of the different series, if the same are fixed in the articles of incorporation, or a statement of the authority vested in the board of directors to establish series and determine the variations in the relative rights and preferences of the different series.
(b) The articles of incorporation may set forth:

(1) the names and business residential addresses of the individuals who are to serve as the initial directors;

(2) provisions not inconsistent with law with respect to:
   (i) managing the business and regulating the affairs of the corporation;
   (ii) defining, limiting, and regulating the rights, powers and duties of the corporation, its officers, directors and shareholders;
   (iii) authorizing and limiting the preemptive right of a shareholder to acquire shares, whether then or thereafter authorized;
   (iv) an estimate, expressed in dollars, of the value of all the property to be owned by the corporation for the following year, wherever located, and an estimate of the value of the property to be located within this State during such year, and an estimate, expressed in dollars, of the gross amount of business which will be transacted by it during such year and an estimate of the gross amount thereof which will be transacted by it at or from places of business in this State during such year; or
   (v) superseding any provision of this Act that requires for approval of corporate action a two-thirds vote of the shareholders by specifying any smaller or larger vote requirement not less than a majority of the outstanding shares entitled to vote on the matter and not less than a majority of the outstanding shares of each class of shares entitled to vote as a class on the matter.

(3) a provision eliminating or limiting the personal liability of a director to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, provided that the provision does not eliminate or limit the liability of a director (i) for any breach of the director's duty of loyalty to the corporation or its shareholders, (ii) for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law, (iii) under Section 8.65 of this Act, or (iv) for any transaction from which the director derived an improper personal benefit. No such provision shall eliminate or limit the liability of a director for any act or omission occurring before the date when the provision becomes effective.

(4) any provision that under this Act is required or permitted to be set forth in the articles of incorporation or by-laws.

(c) The articles of incorporation need not set forth any of the corporate powers enumerated in this Act.

(d) The duration of a corporation is perpetual unless otherwise specified in the articles of incorporation.

(e) If the data to which reference is made in subparagraph (iv) of paragraph (2) of subsection (b) of this Section is not included in the articles of incorporation, the franchise tax provided for in this Act shall be computed on the basis of the entire paid-in capital as set forth pursuant to paragraph (6) of subsection (a) of this Section, until such time as the data to which reference is made in subparagraph (iv) of paragraph (2) of subsection (b) is provided in accordance with either Section 14.05 or Section 14.25 of this Act.

When the provisions of this Section have been complied with, the Secretary of State shall file the articles of incorporation and issue a certificate of incorporation.

(Source: P.A. 88-43; 88-151; 88-670, eff. 12-2-94.)

(805 ILCS 5/2.15) (from Ch. 32, par. 2.15)

Sec. 2.15. Effect of issuance of certificate of incorporation. Upon the filing of the articles of incorporation by the Secretary of State, the corporate existence shall begin, and such filing certificate of incorporation shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act.

(Source: P.A. 83-1025.)

(805 ILCS 5/2.20) (from Ch. 32, par. 2.20)

Sec. 2.20. Organization of Corporation. (a) If there are no preincorporation subscribers and if initial directors are not named in the articles of incorporation, a meeting of the incorporators shall be held at the call of a majority of the incorporators for the purpose of naming the initial directors.

New matter indicated by italics - deletions by strikeout.
(b) If there are preincorporation subscribers and if initial directors are not named in the articles of incorporation, the first meeting of shareholders shall be held after the filing issuance of the articles certificate of incorporation at the call of a majority of the incorporators for the purpose of:
1) electing initial directors;
2) adopting by-laws if the articles of incorporation so require or the shareholders so determine;
3) such other matters as shall be stated in the notice of the meeting.
4) In lieu of a meeting, shareholder action may be taken by consent in writing pursuant to Section 7.10 of this Act.
(c) The first meeting of the initial directors shall be held at the call of the majority of them for the purpose of:
1) adopting by-laws if the shareholders have not adopted them;
2) electing officers; and
3) transacting such other business as may come before the meeting.
(d) At least three days written notice of an organizational meeting shall be given unless the persons entitled to such notice waive the same in writing, either before or after such meeting. An organizational meeting may be held either within or without this State.
(Source: P.A. 83-1025.)
(805 ILCS 5/4.05) (from Ch. 32, par. 4.05)
Sec. 4.05. Corporate name of domestic or foreign corporation.
(a) The corporate name of a domestic corporation or of a foreign corporation organized, existing or subject to the provisions of this Act:
1) Shall contain, separate and apart from any other word or abbreviation in such name, the word "corporation", "company", "incorporated", or "limited", or an abbreviation of one of such words, and if the name of a foreign corporation does not contain, separate and apart from any other word or abbreviation, one of such words or abbreviations, the corporation shall add at the end of its name, as a separate word or abbreviation, one of such words or an abbreviation of one of such words.
2) Shall not contain any word or phrase which indicates or implies that the corporation (i) is authorized or empowered to conduct the business of insurance, assurance, indemnity, or the acceptance of savings deposits; (ii) is authorized or empowered to conduct the business of banking unless otherwise permitted by the Commissioner of Banks and Real Estate pursuant to Section 46 of the Illinois Banking Act; or (iii) is authorized or empowered to be in the business of a corporate fiduciary unless otherwise permitted by the Commissioner of Banks and Real Estate under Section 1-9 of the Corporate Fiduciary Act. The word "trust", "trustee", or "fiduciary" may be used by a corporation only if it has first complied with Section 1-9 of the Corporate Fiduciary Act. The word "bank", "banker" or "banking" may only be used by a corporation if it has first complied with Section 46 of the Illinois Banking Act.
3) Shall be distinguishable upon the records in the office of the Secretary of State from the corporate name or assumed corporate name of any domestic corporation or limited liability company organized under the Limited Liability Company Act, whether profit or not for profit, existing under any Act of this State or of the name or assumed name of any foreign corporation or foreign limited liability company registered under the Limited Liability Company Act, whether profit or not for profit, authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner provided in this Act or Section 1-15 of the Limited Liability Company Act, except that, subject to the discretion of the Secretary of State, a foreign corporation that has a name prohibited by this paragraph may be issued a certificate of authority to transact business in this State, if the foreign corporation:
   (i) Elects to adopt an assumed corporate name or names in accordance with Section 4.15 of this Act; and
   (ii) Agrees in its application for a certificate of authority to transact business in this State only under such assumed corporate name or names.
4) Shall contain the word "trust", if it be a domestic corporation organized for the
purpose of accepting and executing trusts, shall contain the word "pawners", if it be a
domestic corporation organized as a pawners' society, and shall contain the word
"cooperative", if it be a domestic corporation organized as a cooperative association for
pecuniary profit.

(5) Shall not contain a word or phrase, or an abbreviation or derivation thereof, the use
of which is prohibited or restricted by any other statute of this State unless such restriction
has been complied with.

(6) Shall consist of letters of the English alphabet, Arabic or Roman numerals, or
symbols capable of being readily reproduced by the office of the Secretary of State.

(7) Shall be the name under which the corporation shall transact business in this State
unless the corporation shall also elect to adopt an assumed corporate name or names as
provided in this Act; provided, however, that the corporation may use any divisional
designation or trade name without complying with the requirements of this Act, provided the
corporation also clearly discloses its corporate name.

(8) (Blank).

(b) The Secretary of State shall determine whether a name is "distinguishable" from another
name for purposes of this Act. Without excluding other names which may not constitute
distinguishable names in this State, a name is not considered distinguishable, for purposes of this Act, solely because it contains one or more of the following:

(1) the word "corporation", "company", "incorporated", or "limited", "limited liability"
or an abbreviation of one of such words;

(2) articles, conjunctions, contractions, abbreviations, different tenses or number of the
same word;

(c) Nothing in this Section or Sections 4.15 or 4.20 shall:

(1) Require any domestic corporation existing or any foreign corporation having a
certificate of authority on the effective date of this Act, to modify or otherwise change its
corporate name or assumed corporate name, if any.

(2) Abrogate or limit the common law or statutory law of unfair competition or unfair
trade practices, nor derogate from the common law or principles of equity or the statutes of
this State or of the United States with respect to the right to acquire and protect copyrights,
trade names, trade marks, service names, service marks, or any other right to the exclusive
use of names or symbols.

(Source: P.A. 89-508, eff. 7-3-96; 90-575, eff. 3-20-98.)

Sec. 5.05. Registered office and registered agent. Each domestic corporation and each foreign
corporation having a certificate of authority to transact business in this State shall have and
continuously maintain in this State:

(a) A registered office which may be, but need not be, the same as its place of business in
this State.

(b) A registered agent, which agent may be either an individual, resident in this State, whose
business office is identical with such registered office, or a domestic corporation or a foreign
corporation authorized to transact business in this State that is authorized by its articles of
incorporation to act as such agent, having a business office identical with such registered office.

(c) The address, including street and number, or rural route number, of the initial registered
office, and the name of the initial registered agent of each corporation organized under this Act shall
be stated in its articles of incorporation; and of each foreign corporation shall be stated in its
application for a certificate of authority to transact business in this State.

(d) In the event of dissolution of a corporation, either voluntary, administrative, or judicial,
the registered agent and the registered office of the corporation on record with the Secretary of State
on the date of the issuance of the certificate or judgment of dissolution shall be an agent of the
corporation upon whom claims can be served or service of process can be had during the five year
post-dissolution period provided in Section 12.80 of this Act, unless such agent resigns or the
corporation properly reports a change of registered office or registered agent.

(e) In the event of revocation of the certificate of authority of a foreign corporation to
transact business in this State, the registered agent and the registered office of the corporation on
New matter indicated by italics - deletions by strikeout.

Sec. 5.10. Change of registered office or registered agent.
(a) A domestic corporation or a foreign corporation may from time to time change the address of its registered office. A domestic corporation or a foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent.

(b) A domestic corporation or a foreign corporation may change the address of its registered office or change its registered agent, or both, by so indicating in the statement of change on the annual report of that corporation filed pursuant to Section 14.10 of this Act or by executing and filing, in duplicate, in accordance with Section 1.10 of this Act a statement setting forth:

(1) The name of the corporation.

(2) The address, including street and number, or rural route number, of its then registered office.

(3) If the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by the board of directors.

(c) A legible copy of the statement of change as on the annual report returned by the Secretary of State shall be filed for record within the time prescribed by this Act in the office of the Recorder of the county in which the registered office of the corporation in this State was situated before the filing of that statement in the Office of the Secretary of State.

(d) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the recorder of the county to which such registered office is changed:

(1) In the case of a domestic corporation:

   (i) A copy of its articles of incorporation certified by the Secretary of State.

   (ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.

(2) In the case of a foreign corporation:

   (i) A copy of its application for certificate of authority to transact business in this State, with a copy of its application therefor affixed thereto, certified by the Secretary of State.

   (ii) A copy of all amendments to such certificate of authority, if any, likewise certified by the Secretary of State.

   (iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.

(e) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.

(805 ILCS 5/5.20) (from Ch. 32, par. 5.20)
Sec. 5.20. Change of Address of Registered Agent. (a) A registered agent may change the address of the registered office of the domestic corporation or of the foreign corporation, for which he or she or it is registered agent, to another address in this State, by so indicating in the statement of change on the annual report of that corporation filed pursuant to Section 14.10 of this Act or by filing, in duplicate, in accordance with Section 1.10 of this Act a statement setting forth:

(1) The name of the corporation.

New matter indicated by italics - deletions by strikeout.
(2) The address, including street and number, or rural route number, of its then registered office.
(3) The address, including street and number, or rural route number, to which the registered office is to be changed.
(4) The name of its registered agent.
(5) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
Such statement shall be executed by the registered agent.
(b) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the recorder of the county to which such registered office is changed:
(1) In the case of a domestic corporation:
   (i) A copy of its articles of incorporation certified by the Secretary of State.
   (ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.
(2) In the case of a foreign corporation:
   (i) A copy of its application for certificate of authority to transact business in this State with a copy of its application therefor affixed thereto, certified by the Secretary of State.
   (ii) A copy of all amendments to such certificate of authority, if any, likewise certified by the Secretary of State.
   (iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.
(c) The change of address of the registered office shall become effective upon the filing of such statement by the Secretary of State.

(805 ILCS 5/5.25) (from Ch. 32, par. 5.25)
Sec. 5.25. Service of process on domestic or foreign corporation. (a) Any process, notice, or demand required or permitted by law to be served upon a domestic corporation or a foreign corporation having a certificate of authority to transact business in this State may be served either upon the registered agent appointed by the corporation or upon the Secretary of State as provided in this Section.
(b) The Secretary of State shall be irrevocably appointed as an agent of a domestic corporation or of a foreign corporation having a certificate of authority upon whom any process, notice or demand may be served:
   (1) Whenever the corporation shall fail to appoint or maintain a registered agent in this State, or
   (2) Whenever the corporation's registered agent cannot with reasonable diligence be found at the registered office in this State, or
   (3) When a domestic corporation has been dissolved, the conditions of paragraph (1) or paragraph (2) exist, and a civil action, suit or proceeding is instituted against or affecting the corporation within the five years after the issuance of a certificate of dissolution or the filing of a judgment of dissolution, or
   (4) When a domestic corporation has been dissolved, the conditions of paragraph (1) or paragraph (2) exist, and a criminal proceeding has been instituted against or affecting the corporation, or
   (5) When the certificate of authority of a foreign corporation to transact business in this State has been revoked.
(c) Service under subsection (b) shall be made by:
   (1) Service on the Secretary of State, or on any clerk having charge of the corporation division department of his or her office, of a copy of the process, notice or demand, together with any papers required by law to be delivered in connection with service, and a fee as prescribed by subsection (b) of Section 15.15 of this Act;
   (2) Transmittal by the person instituting the action, suit or proceeding of notice of the service on the Secretary of State and a copy of the process, notice or demand and accompanying papers to the corporation being served, by registered or certified mail:
(i) At the last registered office of the corporation as shown by the records on file in the office of the Secretary of State; and
(ii) At such address the use of which the person instituting the action, suit or proceeding knows or, on the basis of reasonable inquiry, has reason to believe, is most likely to result in actual notice; and
(3) Appendage, by the person instituting the action, suit or proceeding, of an affidavit of compliance with this Section, in substantially such form as the Secretary of State may by rule or regulation prescribe, to the process, notice or demand.
(d) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.
(e) The Secretary of State shall keep a record of all processes, notices, and demands served upon him or her under this Section, and shall record therein the time of such service and his or her action with reference thereto, but shall not be required to retain such information for a period longer than five years from his or her receipt of the service.
(Source: P.A. 85-1344.)

(805 ILCS 5/5.30) (from Ch. 32, par. 5.30)
Sec. 5.30. Service of process on foreign corporation not authorized to transact business in Illinois. If any foreign corporation transacts business in this State without having obtained a certificate of authority to transact business, it shall be deemed that such corporation has designated and appointed the Secretary of State as an agent for process upon whom any notice, process or demand may be served. Service on the Secretary of State shall be made in the manner set forth in subsection (c) of Section 5.25 of this Act.
(Source: P.A. 84-924.)

(805 ILCS 5/8.75) (from Ch. 32, par. 8.75)
Sec. 8.75. Indemnification of officers, directors, employees and agents; insurance.
(a) A corporation may indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director, officer, employee or agent of the corporation, or who is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation or, with respect to any criminal action or proceeding, that the person had reasonable cause to believe that his or her conduct was unlawful.
(b) A corporation may indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that such person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the corporation, provided that no indemnification shall be made with respect to any claim, issue, or matter as to which such person has been adjudged to have been liable to the corporation, unless, and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such
expenses as the court shall deem proper.

(c) To the extent that a present or former director, officer or employee of a corporation has been successful, on the merits or otherwise, in the defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith, if the person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the corporation.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case, upon a determination that indemnification of the present or former director, officer, employee or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made with respect to a person who is a director or officer at the time of the determination: (1) by the majority vote of the directors who are not parties to such action, suit or proceeding, even though less than a quorum, (2) by a committee of the directors designated by a majority vote of the directors, even though less than a quorum, (3) if there are no such directors, or if the directors so direct, or (2) if such a quorum is not obtainable, or, even if obtainable, if a quorum of disinterested directors so directs; by independent legal counsel in a written opinion, or (4) by the shareholders.

(e) Expenses (including attorney's fees) incurred by an officer or director in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the officer, employee or agent to repay such amount if it shall ultimately be determined that such person is not entitled to be indemnified by the corporation as authorized in this Section. Such expenses (including attorney's fees) incurred by former directors and officers or other employees and agents may be so paid on such terms and conditions, if any, as the corporation deems appropriate.

(f) The indemnification and advancement of expenses provided by or granted under the other subsections of this Section shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any by-law, agreement, vote of shareholders or disinterested directors, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office.

(g) A corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or who is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against such person and incurred by such person in any such capacity or arising out of his or her status as such, whether or not the corporation would have the power to indemnify such person against such liability under the provisions of this Section.

(h) If a corporation indemnifies or advances expenses to a director or officer under subsection (b) of this Section, the corporation shall report the indemnification or advance in writing to the shareholders with or before the notice of the next shareholders meeting.

(i) For purposes of this Section, references to "the corporation" shall include, in addition to the surviving corporation, any merging corporation (including any corporation having merged with a merging corporation) absorbed in a merger which, if its separate existence had continued, would have had the power and authority to indemnify its directors, officers, and employees or agents, so that any person who was a director, officer, employee or agent of such merging corporation, or was serving at the request of such merging corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall stand in the same position under the provisions of this Section with respect to the surviving corporation as such person would have with respect to such merging corporation if its separate existence had continued.

(j) For purposes of this Section, references to "other enterprises" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the corporation" shall include any service as a director, officer, employee or agent of the corporation which imposes duties
on, or involves services by such director, officer, employee, or agent with respect to an employee
benefit plan, its participants, or beneficiaries. A person who acted in good faith and in a manner he
or she reasonably believed to be in the best interests of the participants and beneficiaries of an
employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interest
of the corporation" as referred to in this Section.

(k) The indemnification and advancement of expenses provided by or granted under this
Section shall, unless otherwise provided when authorized or ratified, continue as to a person who has
cess to be a director, officer, employee, or agent and shall inure to the benefit of the heirs,
executors, and administrators of that person.

(l) The changes to this Section made by this amendatory Act of the 92nd General Assembly
apply only to actions commenced on or after the effective date of this amendatory Act of the 92nd
General Assembly.

(Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/9.20)
Sec. 9.20. Reduction of paid-in capital.
(a) A corporation may reduce its paid-in capital:

(1) by resolution of its board of directors by charging against its paid-in capital (i) the
paid-in capital represented by shares acquired and cancelled by the corporation as permitted
by law, to the extent of the cost from the paid-in capital of the reacquired and cancelled
shares or a lesser amount as may be elected by the corporation, (ii) dividends paid on
preferred shares, or (iii) distributions as liquidating dividends; or

(2) pursuant to an approved reorganization in bankruptcy that specifically directs the
reduction to be effected.

(b) Notwithstanding anything to the contrary contained in this Act, at no time shall the
paid-in capital be reduced to an amount less than the aggregate par value of all issued shares having
a par value.

(c) Until the report under Section 14.30 has been filed in the Office of the Secretary of State
showing a reduction in paid-in capital, the basis of the annual franchise tax payable by the
corporation shall not be reduced; provided, however, that in no event shall the annual franchise tax
for any taxable year be reduced if the report is not filed prior to the first day of the anniversary month
or, in the case of a corporation that has established an extended filing month, the extended filing
month of the corporation of that taxable year and before payment of its annual franchise tax.

(d) A corporation that reduced its paid-in capital after December 31, 1986 by one or more
of the methods described in subsection (a) may report the reduction pursuant to Section 14.30,
subject to the restrictions of subsections (b) and (c) of this Section. A reduction in paid-in capital
reported pursuant to this subsection shall have no effect for any purpose under this Act with respect
to a taxable year ending before the report is filed.

(e) Nothing in this Section shall be construed to forbid any reduction in paid-in capital to be
effected under Section 9.05 of this Act.

(f) In the case of a vertical merger, the paid-in capital of a subsidiary may be eliminated if
either (1) it was created, totally funded, or wholly owned by the parent or (2) the amount of the
parent's investment in the subsidiary was equal to or exceeded the subsidiary's paid-in capital.
(Source: P.A. 90-421, eff. 1-1-98.)

(805 ILCS 5/10.30) (from Ch. 32, par. 10.30)
Sec. 10.30. Articles of amendment. (a) Except as provided in Section 10.40, the articles of
amendment shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and
shall set forth:

(1) The name of the corporation.
(2) The text of each amendment adopted.
(3) If the amendment was adopted by the incorporators, a statement that the amendment was
adopted by a majority of the incorporators, that no shares have been issued and that the directors were
neither named in the articles of incorporation nor elected at the time the amendment was adopted.
(4) If the amendment was adopted by the directors without shareholder action, a statement
that the amendment was adopted by a majority of the directors and that shareholder action was not
required.

New matter indicated by italics - deletions by strikeout.
(5) Where the amendment was approved by the shareholders:
   (i) a statement that the amendment was adopted at a meeting of shareholders by the
       affirmative vote of the holders of outstanding shares having not less than the minimum number of
       votes necessary to adopt such amendment, as provided by the articles of incorporation; or
   (ii) a statement that the amendment was adopted by written consent signed by the holders
       of outstanding shares having not less than the minimum number of votes necessary to adopt such
       amendment, as provided by the articles of incorporation, and in accordance with Section 7.10 of this
       Act.

(6) If the amendment provides for an exchange, reclassification, or cancellation of issued
   shares, or a reduction of the number of authorized shares of any class below the number of issued
   shares of that class, then a statement of the manner in which such amendment shall be effected.

(7) If the amendment effects a change in the amount of paid-in capital, then a statement of
   the manner in which the same is effected and a statement, expressed in dollars, of the amount of
   paid-in capital as changed by such amendment.

(8) If the amendment restates the articles of incorporation, the amendment shall so state and
   shall set forth:
     (i) the text of the articles as restated;
     (ii) the date of incorporation, the name under which the corporation was incorporated,
         subsequent names, if any, that the corporation adopted pursuant to amendment of its articles of
         incorporation, and the effective date of any such amendments;
     (iii) the address of the registered office and the name of the registered agent on the date of
         filing the restated articles; and
     (iv) the number of shares of each class issued on the date of filing the restated articles and
         the amount of paid-in capital as of such date.

       The articles as restated must include all the information required by subsection (a) of Section
       2.10, except that the articles need not set forth the information required by paragraphs 3, 4 or 6
       thereof. If any provision of the articles of incorporation is amended in connection with the
       restatement, the articles of amendment shall clearly identify such amendment.

(9) If, pursuant to Section 10.35, the amendment is to become effective subsequent to the
   date on which the certificate of amendment is issued, the date on which the amendment is to become
   effective.

(b) When the provisions of this Section have been complied with, the Secretary of State shall
file the articles of amendment issue a certificate of amendment.

(Source: P.A. 84-924.)

(805 ILCS 5/10.35) (from Ch. 32, par. 10.35)
Sec. 10.35. Effect of certificate of amendment.
(a) The amendment shall become effective and the articles of incorporation shall be deemed
   to be amended accordingly, as of the later of:
     (1) the filing of the articles issuance of the certificate of amendment by the Secretary of
         State; or
     (2) the time established under the articles of amendment, not to exceed 30 days after the
         filing of the articles issuance of the certificate of amendment by the Secretary of State.
(b) If the amendment is made in accordance with the provisions of Section 10.40, upon the
filing of the articles issuance of the certificate of amendment by the Secretary of State, the
amendment shall become effective and the articles of incorporation shall be deemed to be amended
accordingly, without any action thereon by the directors or shareholders of the corporation and with
the same effect as if the amendments had been adopted by unanimous action of the directors and
shareholders of the corporation.
(c) If the amendment restates the articles of incorporation, such restated articles of incorporation shall, upon such amendment becoming effective, supersede and stand in lieu of the corporation's preexisting articles of incorporation.

(d) If the amendment revives the articles of incorporation and extends the period of corporate duration, upon the filing of the articles of amendment by the Secretary of State, the amendment shall become effective and the corporate existence shall be deemed to have continued without interruption from the date of expiration of the original period of duration, and the corporation shall stand revived with such powers, duties and obligations as if its period of duration had not expired; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such expiration, shall stand ratified and confirmed.

(e) Each amendment which affects the number of issued shares or the amount of paid-in capital shall be deemed to be a report under the provisions of this Act.

(f) No amendment of the articles of incorporation of a corporation shall affect any existing cause of action in favor of or against such corporation, or any pending suit in which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall be abated for that reason.

(Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/11.25) (from Ch. 32, par. 11.25)
Sec. 11.25. Articles of merger, consolidation or exchange. (a) Upon such approval, articles of merger, consolidation or exchange shall be executed by each corporation and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

1. The plan of merger, consolidation or exchange.
2. As to each corporation:
   (i) a statement that the plan was adopted at a meeting of shareholders by the affirmative vote of the holders of outstanding shares having not less than the minimum number of votes necessary to adopt such plan, as provided by the articles of incorporation of the respective corporations; or
   (ii) a statement that the plan was adopted by a consent in writing signed by the holders of outstanding shares having not less than the minimum number of votes necessary to adopt such plan, as provided by the articles of incorporation of the respective corporations, and in accordance with Section 7.10 of this Act.

(b) When the provisions of this Section have been complied with, the Secretary of State shall file the articles of merger, consolidation, or share exchange.

(Source: P.A. 83-1025.)

(805 ILCS 5/11.30) (from Ch. 32, par. 11.30)
Sec. 11.30. Merger of subsidiary corporation.
(a) Any corporation, in this Section referred to as the "parent corporation", owning at least 90% of the outstanding shares of each class of shares of any other corporation or corporations, in this Section referred to as the "subsidiary corporation", may merge the subsidiary corporation or corporations into itself or into one of the subsidiary corporations, if each merging subsidiary corporation is solvent, without approval by a vote of the shareholders of the parent corporation or the shareholders of any of the merging subsidiary corporations, upon completion of the requirements of this Section.

(b) The board of directors of the parent corporation shall, by resolution, approve a plan of merger setting forth:

1. The name of each merging subsidiary corporation and the name of the parent corporation; and
2. The manner and basis of converting the shares of each merging subsidiary corporation not owned by the parent corporation into shares, obligations or other securities of the surviving corporation or of the parent corporation or into cash or other property or into any combination of the foregoing.

(c) A copy of such plan of merger shall be mailed to each shareholder, other than the parent corporation, of a merging subsidiary corporation who was a shareholder of record on the date of the adoption of the plan of merger, together with a notice informing such shareholders of their right to

New matter indicated by italics - deletions by strikeout.
dissent and enclosing a copy of Section 11.70 or otherwise providing adequate notice of the procedure to dissent.

(d) After 30 days following the mailing of a copy of the plan of merger and notice to the shareholders of each merging subsidiary corporation, or upon the written consent to the merger or written waiver of the 30 day period by the holders of all the outstanding shares of all shares of all such subsidiary corporations, the articles of merger shall be executed by the parent corporation and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

(1) The plan of merger.
(2) The number of outstanding shares of each class of each merging subsidiary corporation and the number of such shares of each class owned immediately prior to the adoption of the plan of merger by the parent corporation.
(3) The date of mailing a copy of the plan of merger and notice of right to dissent to the shareholders of each merging subsidiary corporation.

(c) When the provisions of this Section have been complied with, the Secretary of State shall issue a certificate of merger.

(f) Subject to Section 11.35 and provided that all the conditions hereinabove set forth have been met, any domestic corporation may be merged into or may merge into itself any foreign corporation in the foregoing manner.

(805 ILCS 5/11.39)
Sec. 11.39. Merger of domestic corporation and limited liability company.
(a) Any one or more domestic corporations may merge with or into one or more limited liability companies of this State, any other state or states of the United States, or the District of Columbia, if the laws of the other state or states or the District of Columbia permit the merger. The domestic corporation or corporations and the limited liability company or companies may merge with or into a corporation, which may be any one of these corporations, or they may merge with or into a limited liability company, which may be any one of these limited liability companies, which shall be a domestic corporation or limited liability company of this State, any other state of the United States, or the District of Columbia, which permits the merger pursuant to a plan of merger complying with and approved in accordance with this Section.

(b) The plan of merger must set forth the following:

(1) The names of the domestic corporation or corporations and limited liability company or companies proposing to merge and the name of the domestic corporation or limited liability company into which they propose to merge, which is designated as the surviving entity.
(2) The terms and conditions of the proposed merger and the mode of carrying the same into effect.
(3) The manner and basis of converting the shares of each domestic corporation and the interests of each limited liability company into shares, interests, obligations, other securities of the surviving entity or into cash or other property or any combination of the foregoing.
(4) In the case of a merger in which a domestic corporation is the surviving entity, a statement of any changes in the articles of incorporation of the surviving corporation to be effected by the merger.
(5) Any other provisions with respect to the proposed merger that are deemed necessary or desirable, including provisions, if any, under which the proposed merger may be abandoned prior to the filing of the articles of merger by the Secretary of State of this State.

(c) The plan required by subsection (b) of this Section shall be adopted and approved by the constituent corporation or corporations in the same manner as is provided in Sections 11.05, 11.15, and 11.20 of this Act and, in the case of a limited liability company, in accordance with the terms of its operating agreement, if any, and in accordance with the laws under which it was formed.

(d) Upon this approval, articles of merger shall be executed by each constituent corporation and limited liability company and filed with the Secretary of State as provided in Section 11.25 of this Act and shall be recorded with respect to each constituent corporation as provided in Section 11.45 of this Act. The merger shall become effective for all purposes of the laws of this State when and as provided in Section 11.40 of this Act with respect to the merger of corporations of this State.

New matter indicated by italics - deletions by strikeout.
(e) If the surviving entity is to be governed by the laws of the District of Columbia or any state other than this State, it shall file with the Secretary of State of this State an agreement that it may be served with process in this State in any proceeding for enforcement of any obligation of any constituent corporation or limited liability company of this State, as well as for enforcement of any obligation of the surviving corporation or limited liability company arising from the merger, including any suit or other proceeding to enforce the shareholders right to dissent as provided in Section 11.70 of this Act, and shall irrevocably appoint the Secretary of State of this State as its agent to accept service of process in any such suit or other proceedings.

(f) Section 11.50 of this Act shall, insofar as it is applicable, apply to mergers between domestic corporations and limited liability companies.

(g) In any merger under this Section, the surviving entity shall not engage in any business or exercise any power that a domestic corporation or domestic limited liability company may not otherwise engage in or exercise in this State. Furthermore, the surviving entity shall be governed by the ownership and control restrictions in Illinois law applicable to that type of entity.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 5/11.40) (from Ch. 32, par. 11.40)
Sec. 11.40. Effective date of merger, consolidation or exchange. The merger, consolidation or exchange shall become effective upon filing of the articles the issuance of the certificate of merger, consolidation or exchange by the Secretary of State or on a later specified date, not more than 30 days subsequent to the filing of the articles of merger, consolidation or exchange. The certificate by the Secretary of State, as may be provided for in the plan.

(Source: P.A. 88-151.)

(805 ILCS 5/11.45) (from Ch. 32, par. 11.45)
Sec. 11.45. Recording of certificate and articles of merger, consolidation or exchange. A copy of the articles of merger, consolidation or exchange as filed by the Secretary of State shall be returned to the surviving or new or acquiring corporation, as the case may be, or to its representative, and such certificate and articles, or a copy thereof certified by the Secretary of State, shall be filed for record within the time prescribed by Section 1.10 of this Act in the office of the Recorder of each county in which the registered office of each merging or consolidating or acquiring corporation may be situated, and in the case of a consolidation, in the office of the Recorder of the county in which the registered office of the new corporation shall be situated and, in the case of a share exchange, in the office of the Recorder of the county in which the registered office of the corporation whose shares were acquired shall be situated.

(Source: P.A. 83-1362.)

(805 ILCS 5/12.20) (from Ch. 32, par. 12.20)
Sec. 12.20. Articles of dissolution.
(a) When a voluntary dissolution has been authorized as provided by this Act, articles of dissolution shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

1. The name of the corporation.
2. The date dissolution was authorized.
3. A post-office address to which may be mailed a copy of any process against the corporation that may be served on the Secretary of State.
4. A statement of the aggregate number of issued shares of the corporation itemized by classes and series, if any, within a class, as of the date of execution.
5. A statement of the amount of paid-in capital of the corporation as of the date of execution.
6. Such additional information as may be necessary or appropriate in order to determine any unpaid fees or franchise taxes payable by such corporation as in this Act prescribed.
7. Where dissolution is authorized pursuant to Section 12.05, a statement that a majority of incorporators or majority of directors, as the case may be, have consented to the dissolution and that all provisions of Section 12.05 have been complied with.

New matter indicated by italics - deletions by strikeout.
(8) Where dissolution is authorized pursuant to Section 12.10, a statement that the holders of all the outstanding shares entitled to vote on dissolution have consented thereto.

(9) Where dissolution is authorized pursuant to Section 12.15, a statement that a resolution proposing dissolution has been adopted at a meeting of shareholders by the affirmative vote of the holders of outstanding shares having not less than the minimum number of votes necessary to adopt such resolution as provided by the articles of incorporation.

(b) When the provisions of this Section have been complied with, the Secretary of State shall file the articles issue a certificate of dissolution.

(c) The dissolution is effective on the date of the filing of the articles issuance of the certificate thereof by the Secretary of State.

(Source: P.A. 86-985.)

(805 ILCS 5/12.25) (from Ch. 32, par. 12.25)

Sec. 12.25. Revocation of Dissolution. (a) A corporation may revoke its dissolution within 60 days of the effective date of dissolution if the corporation has not begun to distribute its assets or has not commenced a proceeding for court-supervision of its winding up under Section 12.50.

(b) The corporation's board of directors, or its incorporators if shares have not been issued and the initial directors have not been designated, may revoke the dissolution without shareholder action.

(c) Within 60 days after the dissolution has been revoked by the corporation, articles of revocation of dissolution shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

(1) The name of the corporation.
(2) The effective date of the dissolution that was revoked.
(3) A statement that the corporation has not begun to distribute its assets nor has it commenced a proceeding for court-supervision of its winding up.
(4) The date the revocation of dissolution was authorized.
(5) A statement that the corporation's board of directors (or incorporators) revoked the dissolution.

(d) When the provisions of this Section have been complied with, the Secretary of State shall file the articles issue a certificate of revocation of dissolution. Failure to file the revocation of dissolution as required in subsection (c) hereof shall not be grounds for the Secretary of State to reject the filing, but the corporation filing beyond the time period shall pay a penalty as prescribed by this Act.

(e) The revocation of dissolution is effective on the date of filing the issuance of the certificate thereof by the Secretary of State and shall relate back and take effect as of the date of issuance of the certificate of dissolution and the corporation may resume carrying on business as if dissolution had never occurred.

(Source: P.A. 84-1412.)

(805 ILCS 5/12.35) (from Ch. 32, par. 12.35)

Sec. 12.35. Grounds for administrative dissolution. The Secretary of State may dissolve any corporation administratively if:

(a) It has failed to file its annual report or final transition annual report and pay its franchise tax as required by this Act before the first day of the anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of the corporation of the year in which such annual report becomes due and such franchise tax becomes payable;

(b) it has failed to file in the office of the Secretary of State any report after the expiration of the period prescribed in this Act for filing such report; or

(c) it has failed to pay any fees, franchise taxes, or charges prescribed by this Act;

(d) it has misrepresented any material matter in any application, report, affidavit, or other document filed by the corporation pursuant to this Act; or

(e) it has failed to appoint and maintain a registered agent in this State.

(Source: P.A. 86-985.)

(805 ILCS 5/12.45) (from Ch. 32, par. 12.45)
Sec. 12.45. Reinstatement following administrative dissolution. (a) A domestic corporation administratively dissolved under Section 12.40 may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of dissolution upon:

1. The filing of an application for reinstatement.
2. The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due.
3. The payment to the Secretary of State by the corporation of all fees, franchise taxes, and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

1. The name of the corporation at the time of the issuance of the certificate of dissolution.
2. If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed, provided however, and any change of name is properly effected pursuant to Section 10.05 and Section 10.30 of this Act.
3. The date of the issuance of the certificate of dissolution.
4. The address, including street and number, or rural route number of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change from either the registered office or the registered agent at the time of dissolution is properly reported pursuant to Section 5.10 of this Act.

(c) When a dissolved corporation has complied with the provisions of this Section the Secretary of State shall file the application for issue a certificate of reinstatement.

(d) Upon the filing of the application for issue of the certificate of reinstatement, the corporate existence shall be deemed to have continued without interruption from the date of the issuance of the certificate of dissolution, and the corporation shall stand revived with such powers, duties and obligations as if it had not been dissolved; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such dissolution, shall stand ratified and confirmed.

(Source: P.A. 86-381.)

(805 ILCS 5/12.80) (from Ch. 32, par. 12.80)

Sec. 12.80. Survival of remedy after dissolution. The dissolution of a corporation either (1) by filing articles of dissolution in accordance with Section 12.20 of this Act, (2) by the issuance of a certificate of dissolution in accordance with Section 12.40 of this Act by the Secretary of State, (3) or (2) by a judgment of dissolution by a circuit court of this State, or (4) (3) by expiration of its period of duration, shall not take away nor impair any civil remedy available to or against such corporation, its directors, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within five years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name.

(Source: P.A. 85-1344.)

(805 ILCS 5/13.05) (from Ch. 32, par. 13.05)

Sec. 13.05. Admission of foreign corporation. Except as provided in Article V of the Illinois Insurance Code, a foreign corporation organized for profit, before it transacts business in this State, shall procure a certificate of authority so to do from the Secretary of State. A foreign corporation organized for profit, upon complying with the provisions of this Act, may secure from the Secretary of State the a certificate of authority to transact business in this State, but no foreign corporation shall be entitled to procure a certificate of authority under this Act to act as trustee, executor, administrator, administrator to collect, or guardian, or in any other like fiduciary capacity in this State or to transact in this State the business of banking, insurance, suretyship, or a business of the character of a building and loan corporation. A foreign professional service corporation may secure a certificate of authority to transact business in this State from the Secretary of State upon complying with this Act and demonstrating compliance with the Act regulating the professional service to be rendered by the professional service corporation. However, no foreign professional service corporation shall be granted a certificate of authority unless it complies with the requirements of the Professional Service Corporation Act concerning ownership and control by specified licensed professionals. These

New matter indicated by italics - deletions by strikeout.
professionals must be licensed in the state of domicile or this State. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state under which such corporation is organized governing its organization and internal affairs differ from the laws of this State, and nothing in this Act contained shall be construed to authorize this State to regulate the organization or the internal affairs of such corporation.  
(Source: P.A. 90-424, eff. 1-1-98; 91-593, eff. 8-14-99.)

(805 ILCS 5/13.10) (from Ch. 32, par. 13.10)

Sec. 13.10. Powers of foreign corporation. No foreign corporation shall transact in this State any business which a corporation organized under the laws of this State is not permitted to transact. A foreign corporation which shall have received a certificate of authority to transact business under this Act shall, until a certificate of revocation has been issued or an application for withdrawal shall have been filed as provided in this Act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is granted; and, except as in Section 13.05 otherwise provided with respect to the organization and internal affairs of a foreign corporation and except as elsewhere in this Act otherwise provided, shall be subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed upon a domestic corporation of like character.  
(Source: P.A. 83-1025.)

(805 ILCS 5/13.15) (from Ch. 32, par. 13.15)

Sec. 13.15. Application for certificate of authority. (a) A foreign corporation, in order to procure a certificate of authority to transact business in this State, shall execute and file in duplicate an application therefor, in accordance with Section 1.10 of this Act, and shall also file a copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country wherein it is incorporated. Such application shall set forth: 

(1) The name of the corporation, with any additions thereto required in order to comply with Section 4.05 of this Act together with the state or country under the laws of which it is organized. 

(2) The date of its incorporation and the period of its duration. 

(3) The address, including street and number, or rural route number, of its principal office. 

(4) The address, including street and number, if any, of its proposed registered office in this State, and the name of its proposed registered agent in this State at such address. 

(5) (Blank.) The names of the states and countries, if any, in which it is admitted or qualified to transact business. 

(6) The purpose or purposes for which it was organized which it proposes to pursue in the transaction of business in this State. 

(7) The names and respective residential addresses, including street and number, or rural route number, of its directors and officers. 

(8) A statement of the aggregate number of shares which it has authority to issue, itemized by classes, and series, if any, within a class. 

(9) A statement of the aggregate number of its issued shares itemized by classes, and series, if any, within a class. 

(10) A statement of the amount of paid-in capital of the corporation, as defined in this Act. 

(11) An estimate, expressed in dollars, of the value of all the property to be owned by it for the following year, wherever located, and an estimate of the value of the property to be located within this State during such year, and an estimate, expressed in dollars, of the gross amount of business which will be transacted by it during such year and an estimate of the gross amount thereof which will be transacted by it at or from places of business in this State during such year. 

(12) In the case of telegraph, telephone, cable, railroad, or pipe line corporations, the total length of such telephone, telegraph, cable, railroad, or pipe line and the length of the line located in this State, and the total value of such line and the value of such line in this State. 

(13) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine whether such corporation is entitled to be granted a certificate of authority to transact business in this State and to determine and assess the franchise taxes, fees, and charges payable as in this Act prescribed. 

(b) Such application shall be made on forms prescribed and furnished by the Secretary of State.

New matter indicated by italics - deletions by strikeout.
(c) When the provisions of this Section have been complied with, the Secretary of State shall file the application for issue a certificate of authority.
(Source: P.A. 85-1269.)
(805 ILCS 5/13.20) (from Ch. 32, par. 13.20)
Sec. 13.20. Effect of certificate of authority. Upon the filing of the application for issuance of a certificate of authority by the Secretary of State, the corporation shall have the right to transact business in this State for those purposes set forth in its application, subject, however, to the right of this State to revoke such right to transact business in this State as provided in this Act.
(Source: P.A. 83-1025.)
(805 ILCS 5/13.25) (from Ch. 32, par. 13.25)
Sec. 13.25. Change of name by foreign corporation. Whenever a foreign corporation which is admitted to transact business in this State shall change its name to one under which a certificate of authority to transact business in this State would not be granted to it on application therefor, the authority of such corporation to transact business in this State shall be suspended and it shall not thereafter transact any business in this State until it has changed its name to a name which is available to it under the laws of this State or until it has adopted an assumed corporate name in accordance with Section 4.15 of this Act.
(Source: P.A. 83-1025.)
(805 ILCS 5/13.30) (from Ch. 32, par. 13.30)
Sec. 13.30. Amendment to articles of incorporation of foreign corporation. Each foreign corporation authorized to transact business in this State, whenever its articles of incorporation are amended, shall forthwith file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper officer of the State or country under the laws of which such corporation is organized; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in this State, nor authorize such corporation to transact business in this State under any other name than the name set forth in its application for certificate of authority, nor extend the duration of its corporate existence.
(Source: P.A. 83-1025.)
(805 ILCS 5/13.35) (from Ch. 32, par. 13.35)
Sec. 13.35. Merger of foreign corporation authorized to transact business in this state. Whenever a foreign corporation authorized to transact business in this State shall be a party to a statutory merger permitted by the laws of the state or country under which it is organized, and such corporation shall be the surviving corporation, it shall forthwith file with the Secretary of State a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or an amended certificate of authority to transact business in this State unless the name of such corporation or the duration of its corporate existence be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to transact in this State.
(Source: P.A. 83-1025.)
(805 ILCS 5/13.40) (from Ch. 32, par. 13.40)
Sec. 13.40. Amended certificate of authority. A foreign corporation authorized to transact business in this State shall secure an amended certificate of authority to do so in the event it changes its corporate name, changes the duration of its corporate existence, or desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Secretary of State.
The application shall set forth:
(1) The name of the corporation, with any additions required in order to comply with Section 4.05 of this Act, together with the state or country under the laws of which it is organized.
(2) The change to be effected.
(Source: P.A. 88-151.)
(805 ILCS 5/13.45) (from Ch. 32, par. 13.45)
Sec. 13.45. Withdrawal of foreign corporation. A foreign corporation authorized to transact business in this State may withdraw from this State upon filing with procuring from the Secretary of

New matter indicated by italics - deletions by strikeout.
State an application for a certificate of withdrawal. In order to procure such certificate of withdrawal, the such foreign corporation shall either:

(a) execute and file in duplicate, in accordance with Section 1.10 of this Act, an application for withdrawal and a final report, which shall set forth:

(1) that no proportion of its issued shares is, on the date of the such application, represented by business transacted or property located in this State;

(2) that it surrenders its authority to transact business in this State;

(3) that it revokes the authority of its registered agent in this State to accept service of process and consents that service of process in any suit, action, or proceeding based upon any cause of action arising in this State during the time the corporation was licensed to transact business in this State may thereafter be made on the such corporation by service thereof on the Secretary of State;

(4) a post-office address to which may be mailed a copy of any process against the corporation that may be served on the Secretary of State;

(5) the name of the corporation and the state or country under the laws of which it is organized;

(6) a statement of the aggregate number of issued shares of the corporation itemized by classes, and series, if any, within a class, as of the date of the such final report;

(7) a statement of the amount of paid-in capital of the corporation as of the date of the such final report; and:

(8) such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine and assess any unpaid fees or franchise taxes payable by the such foreign corporation as prescribed in this Act, or

(b) if it has been dissolved, file a copy of the articles of dissolution duly authenticated by the proper officer of the state or country under the laws of which the such corporation was organized.

d) The application for withdrawal and the final report shall be made on forms prescribed and furnished by the Secretary of State.

(d) When the corporation has complied with subsection (a) or (b) of this Section, the Secretary of State shall file the application for issue a certificate of withdrawal and mail a copy of the application to the corporation or its representative. If the provisions of subsection (b) of this Section have been followed, the Secretary of State shall file the copy of the articles of dissolution in his or her office with one copy of the certificate of withdrawal affixed thereto, mail the original certificate to the corporation or its representative.

Upon the filing of the application for issuance of such certificate of withdrawal or copy of the articles of dissolution, the authority of the corporation to transact business in this State shall cease.

(Source: P.A. 91-464, eff. 1-1-00; revised 3-21-00.)

(805 ILCS 5/13.50) (from Ch. 32, par. 13.50)

Sec. 13.50. Grounds for revocation of certificate of authority. The certificate of authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State:

(a) Upon the failure of an officer or director to whom interrogatories have been propounded by the Secretary of State as provided in this Act, to answer the same fully and to file such answer in the office of the Secretary of State.

(b) If the answer to such interrogatories discloses, or if the fact is otherwise ascertained, that the proportion of the sum of the paid-in capital of such corporation represented in this State is greater than the amount on which such corporation has theretofore paid fees and franchise taxes, and the deficiency therein is not paid.

(c) If the corporation for a period of one year has transacted no business and has had no tangible property in this State as revealed by its annual reports.

(d) Upon the failure of the corporation to keep on file in the office of the Secretary of State duly authenticated copies of each amendment to its articles of incorporation.

(e) Upon the failure of the corporation to appoint and maintain a registered agent in this State.

(f) Upon the failure of the corporation to file for record in the office of the recorder of the
county in which its registered office is situated, its certificate of authority or any amended certificate of authority to transact business in this State, or any appointment of registered agent.

(g) Upon the failure of the corporation to file any report after the period prescribed by this Act for the filing of such report.

(h) Upon the failure of the corporation to pay any fees, franchise taxes, or charges prescribed by this Act.

(i) For misrepresentation of any material matter in any application, report, affidavit, or other document filed by such corporation pursuant to this Act.

(j) Upon the failure of the corporation to renew its assumed name or to apply to change its assumed name pursuant to the provisions of this Act, when the corporation can only transact business within this State under its assumed name in accordance with the provisions of Section 4.05 of this Act.

(k) When under the provisions of the "Consumer Fraud and Deceptive Business Practices Act" a court has found that the corporation substantially and willfully violated such Act.

(Source: P.A. 83-1362.)

(805 ILCS 5/13.55) (from Ch. 32, par. 13.55)

Sec. 13.55. Procedure for revocation of certificate of authority. (a) After the Secretary of State determines that one or more grounds exist under Section 13.50 for the revocation of a certificate of authority of a foreign corporation, he or she shall send by regular mail to each delinquent corporation a Notice of Delinquency to its registered office, or, if the corporation has failed to maintain a registered office, then to the president or other principal officer at the last known office of said officer.

(b) If the corporation does not correct the default within 90 days following such notice, the Secretary of State shall thereupon revoke the certificate of authority of the corporation by issuing a certificate of revocation that recites the grounds for revocation and its effective date. The Secretary of State shall file the original of the certificate in his or her office, mail one copy to the corporation at its registered office and file one copy for record in the office of the recorder of the county in which the registered office of the corporation in this State is situated, to be recorded by such recorder. The recorder shall submit for payment to the Secretary of State, on a quarterly basis, the amount of filing fees incurred.

(c) Upon the issuance of the certificate of revocation, the authority of the corporation to transact business in this State shall cease and such revoked corporation shall not thereafter carry on any business in this State.

(Source: P.A. 85-1269.)

(805 ILCS 5/13.60) (from Ch. 32, par. 13.60)

Sec. 13.60. Reinstatement following revocation. (a) A foreign corporation revoked under Section 13.55 may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of revocation upon:

(1) The filing of an application for reinstatement.

(2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due.

(3) The payment to the Secretary of State by the corporation of all fees, franchise taxes, and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of revocation.

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed; provided, however, that any change of name is properly effected pursuant to Section 13.30 and Section 13.40 of this Act.

(3) The date of the issuance of the certificate of revocation.

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation; provided, however, that any change from either the registered office or the registered agent at the time of revocation is properly reported pursuant to
Section 5.10 of this act.

(c) When a revoked corporation has complied with the provisions of this Section, the Secretary of State shall file the application for issue a certificate of reinstatement.

(d) Upon the filing of the application for issuance of the certificate of reinstatement, the authority of the corporation to transact business in this State shall be deemed to have continued without interruption from the date of the issuance of the certificate of revocation, and the corporation shall stand revived as if its certificate of authority had not been revoked; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such revocation, shall stand ratified and confirmed.

(Source: P.A. 85-1269.)

(805 ILCS 5/13.70) (from Ch. 32, par. 13.70)

Sec. 13.70. Transacting business without certificate of authority.

(a) No foreign corporation transacting business in this State without a certificate of authority to do so is permitted to maintain a civil action in any court of this State, until the corporation obtains that a certificate of authority. Nor shall a civil action be maintained in any court of this State by any successor or assignee of the corporation on any right, claim or demand arising out of the transaction of business by the corporation in this State, until a certificate of authority to transact business in this State is obtained by the corporation or by a corporation that has acquired all or substantially all of its assets.

(b) The failure of a foreign corporation to obtain a certificate of authority to transact business in this State does not impair the validity of any contract or act of the corporation, and does not prevent the corporation from defending any action in any court of this State.

(c) A foreign corporation that transacts business in this State without a certificate of authority is liable to this State, for the years or parts thereof during which it transacted business in this State without a certificate of authority, in an amount equal to all fees, franchise taxes, penalties and other charges that would have been imposed by this Act upon the corporation had it duly applied for and received a certificate of authority to transact business in this State as required by this Act, but failed to pay the franchise taxes that would have been computed thereon, and thereafter filed all reports required by this Act; and, if a corporation fails to file an application for obtain a certificate of authority within 60 days after it commences business in this State, in addition thereto it is liable for a penalty of either 10% of the filing fee, license fee and franchise taxes or $200 plus $5.00 for each month or fraction thereof in which it has continued to transact business in this State without a certificate of authority therefor, whichever penalty is greater. The Attorney General shall bring proceedings to recover all amounts due this State under this Section.

(Source: P.A. 87-516.)

(805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

Sec. 14.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under any general law or special act of this State authorizing the corporation to issue shares, other than homestead associations, building and loan associations, banks and insurance companies (which includes a syndicate or limited syndicate regulated under Article V 1/2 of the Illinois Insurance Code or member of a group of underwriters regulated under Article V of that Code), and each foreign corporation (except members of a group of underwriters regulated under Article V of the Illinois Insurance Code) authorized to transact business in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation.

(b) The address, including street and number, or rural route number, of its registered office in this State, and the name of its registered agent at that address and a statement of change of its registered office or registered agent, or both, if any.

(c) The address, including street and number, or rural route number, of its principal office.

(d) The names and respective business residential addresses, including street and number, or rural route number, of its directors and officers.

(e) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class.

(f) A statement of the aggregate number of issued shares, itemized by classes, and series,
(g) A statement, expressed in dollars, of the amount of paid-in capital of the corporation as defined in this Act.

(h) Either a statement that (1) all the property of the corporation is located in this State and all of its business is transacted at or from places of business in this State, or the corporation elects to pay the annual franchise tax on the basis of its entire paid-in capital, or (2) a statement, expressed in dollars, of the value of all the property owned by the corporation, wherever located, and the value of the property located within this State, and a statement, expressed in dollars, of the gross amount of business transacted by the corporation and the gross amount thereof transacted by the corporation at or from places of business in this State as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the anniversary month or in the case of a corporation which has established an extended filing month, as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the extended filing month; however, in the case of a domestic corporation that has not completed its first fiscal year, the statement with respect to property owned shall be as of the last day of the third month preceding the anniversary month and the statement with respect to business transacted shall be furnished for the period between the date of incorporation and the last day of the third month preceding the anniversary month. In the case of a foreign corporation that has not been authorized to transact business in this State for a period of 12 months and has not commenced transacting business prior to obtaining a certificate of authority, the statement with respect to property owned shall be as of the last day of the third month preceding the anniversary month and the statement with respect to business transacted shall be furnished for the period between the date of its authorization to transact business in this State and the last day of the third month preceding the anniversary month. If the data referenced in item (2) of this subsection is not completed, the franchise tax provided for in this Act shall be computed on the basis of the entire paid-in capital.

(i) A statement, including the basis therefor, of status as a "minority owned business" or as a "female owned business" as those terms are defined in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(j) Additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees and franchise taxes payable by the corporation.

The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by paragraphs (a) through (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report and the information therein required by paragraphs (e), (f) and (g) of this Section shall be given as of the last day of the third month preceding the anniversary month, except that the information required by paragraphs (e), (f) and (g) shall, in the case of a corporation which has established an extended filing month, be given in its final transition annual report and each subsequent annual report as of the close of its fiscal year immediately preceding its extended filing month. It shall be executed by the corporation by its president, a vice-president, secretary, assistant secretary, treasurer or other officer duly authorized by the board of directors of the corporation to execute those reports, and verified by him or her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by the receiver or trustee.

(Source: P.A. 91-593, eff. 8-14-99; revised 8-23-99.)

(805 ILCS 5/14.35) (from Ch. 32, par. 14.35)
Sec. 14.35. Report following merger or consolidation.

(a) Whenever a domestic corporation or a foreign corporation authorized to transact business in this State is the surviving corporation in a statutory merger or whenever a domestic corporation is the new corporation in a consolidation, it shall, within 60 days after the effective date of the event, if the effective date occurs after both December 31, 1990 and the last day of the third month immediately preceding its anniversary month in 1991, execute and file in accordance with Section 1.10 of this Act, a report setting forth:

(1) The name of the corporation and the state or country under the laws of which it is
organized.

(2) A description of the merger or consolidation.

(3) A statement itemized by classes and series, if any, within a class of the aggregate number of issued shares of the corporation as last reported to the Secretary of State in any document required to be filed by this Act, other than an annual report, interim annual report, or final transition annual report.

(4) A statement itemized by classes and series, if any, within a class of the aggregate number of issued shares of the corporation after giving effect to the change.

(5) A statement, expressed in dollars, of the amount of paid-in capital of the corporation as last reported to the Secretary of State in any document required to be filed by this Act, other than an annual report, interim annual report, or final transition annual report.

(6) A statement, expressed in dollars, of the amount of paid-in capital of the corporation after giving effect to the merger or consolidation, which amount, except as provided in subsection (f) of Section 9.20 of this Act, must be at least equal to the sum of the paid-in capital amounts of the merged or consolidated corporations before the event.

(7) Additional information concerning each of the constituent corporations that was a party to a merger or consolidation as may be necessary or appropriate to verify the proper amount of fees and franchise taxes payable by the corporation.

(b) The report shall be made on forms prescribed and furnished by the Secretary of State.

(Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

Sec. 15.10. Fees for filing documents and issuing certificates. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation and issuing a certificate of incorporation, $75.

(b) Filing articles of amendment and issuing a certificate of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(c) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, $100, but if the merger or consolidation involves more than 2 corporations, $50 for each additional corporation.

(d) Filing articles of share exchange and issuing a certificate of exchange, $100.

(e) Filing articles of dissolution, $5.

(f) Filing application to reserve a corporate name, $25.

(g) Filing a notice of transfer of a reserved corporate name, $25.

(h) Filing statement of change of address of registered office or change of registered agent, or both, if other than on an annual report, $5.

(i) Filing statement of the establishment of a series of shares, $25.

(j) Filing an application of a foreign corporation for certificate of authority to transact business in this State and issuing a certificate of authority, $75.

(k) Filing an application of a foreign corporation for amended certificate of authority to transact business in this State and issuing an amended certificate of authority, $25.

(l) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(m) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, $100, but if the merger involves more than 2 corporations, $50 for each additional corporation.

(n) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation and issuing a certificate of withdrawal, $25.

(o) Filing an annual report, interim annual report, or final transition annual report of a domestic or foreign corporation, $25.

(p) Filing an application for reinstatement of a domestic or a foreign corporation and issuing a certificate of reinstatement, $100.

(q) Filing an application for use of an assumed corporate name, $150, $20 plus $2.50 for each year month or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30
for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed corporate name; and a renewal fee for each assumed corporate name, $150.

   (r) To change an assumed corporate name for the period remaining until the renewal date of the original assumed name, $25.
   (s) Filing an application for cancellation of an assumed corporate name, $5.
   (t) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.
   (u) Filing an application for cancellation of a registered name of a foreign corporation, $25.
   (v) Filing a statement of correction, $25.
   (w) Filing a petition for refund or adjustment, $5.
   (x) Filing a statement of election of an extended filing month, $25.
   (y) Filing any other statement or report, $5.

   (Source: P.A. 88-691, eff. 1-24-95; 89-503, eff. 1-1-97.)

Sec. 15.50. License fees payable by foreign corporations. For the privilege of exercising its authority to transact business in this State as set out in its application therefor or any amendment thereto, the Secretary of State shall charge and collect from each foreign corporation the following license fees, computed on the basis and at the rates prescribed in this Act:

   (a) An initial license fee at the time of filing its application for a certificate of authority to transact business in this State whenever the application indicates the corporation commenced transacting business in this State prior to January 1, 1991.
   (b) Except as otherwise provided in paragraph (e) of this Section, an additional license fee at the time of filing (1) a report of the issuance of additional shares, or (2) a report of an increase in paid-in capital without the issuance of shares, or (3) a report of cumulative changes in paid-in capital or of an exchange or reclassification of shares, whenever the report discloses an increase in the amount represented in this State of its paid-in capital over the greatest amount thereof theretofore reported in any document required by this Act to be filed in the office of the Secretary of State.
   (c) Except as otherwise provided in paragraph (e) of this Section, whenever the corporation shall be a party to a statutory merger and shall be the surviving corporation, an additional license fee at the time of filing its report of paid-in capital following the merger, if the report discloses that the amount represented in this State of its paid-in capital immediately after the merger is greater than the aggregate of the amounts represented in this State of the paid-in capital of all of the merged corporations.
   (d) Except as otherwise provided in paragraph (e) of this Section, an additional license fee payable with the annual franchise tax each year in which the corporation is required by this Act to file an annual report whenever the report discloses an increase in the amount represented in this State of its paid-in capital over the amount previously determined to be represented in this State in accordance with the provisions of this Act.
   (e) The additional license fee referred to in paragraphs (b), (c) and (d) of this Section shall not be payable with respect to issuances of shares or increases in paid-in capital that occur subsequent to both December 31, 1990 and the last day of the third month immediately preceding the anniversary month of a foreign corporation in 1991 or to an increase in the amount represented in this State of its paid-in capital over the amount previously determined to be represented in this State in accordance with the provisions of this Act.

   (Source: P.A. 86-985; 86-1217; 87-516.)

Sec. 15.55. Basis of computation of license fee payable by foreign corporations.

   (a) The basis for the initial license fee payable by a foreign corporation shall be the amount represented in this State, determined in accordance with the provisions of this Section, of its paid-in capital whenever the application for  a certificate of authority indicates the corporation commenced transacting business in this State prior to January 1, 1991.
   (b) The basis for an additional license fee payable by a foreign corporation, except in the case of a statutory merger, shall be the increased amount represented in this State, determined in accordance with the provisions of this Section, of its paid-in capital as disclosed by the annual report,
by any report of issuance of additional shares, or of an increase in paid-in capital without the issuance of shares, or of an exchange or reclassification of shares, or of cumulative changes in paid-in capital, but the basis shall not include any increases in its paid-in capital represented in this State that occur after both December 31, 1990 and the last day of the third month immediately preceding its anniversary month in 1991.

(c) Whenever a foreign corporation shall be a party to a statutory merger that becomes effective either prior to January 1, 1991 or on or prior to the last day of the third month immediately preceding the surviving corporation's anniversary month in 1991 and shall be the surviving corporation, the basis for an additional license fee shall be the increased amount represented in this State, determined in accordance with the provisions of this Section, of the paid-in capital of the surviving corporation immediately after the merger over the aggregate of the amounts represented in this State of the paid-in capital of the merged corporations.

(d) For the purpose of determining the amount represented in this State of the paid-in capital of a foreign corporation that shall be a party to a statutory merger that becomes effective either prior to January 1, 1991 or on or prior to the last day of the third month immediately preceding the surviving corporation's anniversary month in 1991, the amount represented in this State shall be that proportion of its paid-in capital that the sum of (1) the value of its property located in this State and (2) the gross amount of business transacted by it at or from places of business in this State bears to the sum of (1) the value of all of its property, wherever located, and (2) the gross amount of its business, wherever transacted.

(e) The proportion represented in this State of the paid-in capital of a foreign corporation shall be determined from information contained in the latest annual report of the corporation on file on the date the particular increase in paid-in capital is shown to have been made, or, if no annual report was on file on the date of the increase, from information contained in the application of the corporation for a certificate of authority to transact business in this State, or, in case of a merger that becomes effective either prior to January 1, 1991 or on or prior to the last day of the third month immediately preceding the surviving corporation's anniversary month in 1991, from information contained in the report of the surviving corporation of the amount of its paid-in capital following the merger.

(f) No basis under this Section may consist of any redeemable preference shares sold to the United States Secretary of Transportation under Sections 505 and 506 of Public Law 94-210.

(Source: P.A. 86-985; 86-1217.)

(805 ILCS 5/15.65) (from Ch. 32, par. 15.65)

Sec. 15.65. Franchise taxes payable by foreign corporations. For the privilege of exercising its authority to transact such business in this State as set out in its application therefor or any amendment therefor, each foreign corporation shall pay to the Secretary of State the following franchise taxes, computed on the basis, at the rates and for the periods prescribed in this Act:

(a) An initial franchise tax at the time of filing its application for a certificate of authority to transact business in this State.

(b) An additional franchise tax at the time of filing (1) a report of the issuance of additional shares, or (2) a report of an increase in paid-in capital without the issuance of shares, or (3) a report of cumulative changes in paid-in capital or a report of an exchange or reclassification of shares, whenever any such report discloses an increase in its paid-in capital over the amount thereof last reported in any document, other than an annual report, interim annual report or final transition annual report, required by this Act to be filed in the office of the Secretary of State.

(c) Whenever the corporation shall be a party to a statutory merger and shall be the surviving corporation, an additional franchise tax at the time of filing its report of paid-in capital or of cumulative changes in paid-in capital following the merger, if such report discloses that the amount represented in this State of its paid-in capital immediately after the merger is greater than the aggregate of the amounts represented in this State of the paid-in capital of such of the merged corporations as were authorized to transact business in this State at the time of the merger, as last reported by them in any documents, other than annual reports, required by this Act to be filed in the office of the Secretary of State; and in addition, the surviving corporation shall be liable for a further additional franchise tax on the paid-in capital of each of the merged corporations as last reported by them in any document, other than an annual report, required by this Act to be filed with the Secretary
of State, from their taxable year end to the next succeeding anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of the surviving corporation; however if the taxable year ends within the 2 month period immediately preceding the anniversary month or the extended filing month of the surviving corporation, the tax will be computed to the anniversary or, extended filing month of the surviving corporation in the next succeeding calendar year.

(d) An annual franchise tax payable each year with any annual report which the corporation is required by this Act to file.

(Source: P.A. 86-985.)

(805 ILCS 5/15.70) (from Ch. 32, par. 15.70)

Sec. 15.70. Basis for computation of franchise taxes payable by foreign corporations.

(a) The basis for the initial franchise tax payable by a foreign corporation shall be the amount represented in this State, determined in accordance with the provisions of this Section, of its paid-in capital as disclosed by its application for a certificate of authority to transact business in this State.

(b) The basis for an additional franchise tax payable by a corporation, except in the case of a statutory merger, shall be the increased amount represented in this State, determined in accordance with the provisions of this Section, of its paid-in capital as disclosed by any report of issuance of additional shares, or of an increase in paid-in capital without the issuance of shares, or of an exchange or reclassification of shares, or of cumulative changes in paid-in capital.

(c) Whenever a foreign corporation shall be a party to a statutory merger and shall be the surviving corporation, the basis for an additional franchise tax shall be the increased amount represented in this State, determined in accordance with the provisions of this Section, of the paid-in capital of the surviving corporation immediately after the merger over the aggregate of the amounts represented in this State of the paid-in capital of the merged corporations; provided, however, the basis for a further additional franchise tax payable by the surviving corporation shall be determined in accordance with the provisions of this Section, on the paid-in capital of each of the merged corporations from its taxable year end to the next succeeding anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the surviving corporation; however if the taxable year ends within the 2 month period immediately preceding the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the surviving corporation, the tax shall be computed to the anniversary or, extended filing month of the surviving corporation in the next succeeding calendar year.

(d) The basis for the annual franchise tax payable by a foreign corporation shall be the amount represented in this State, determined in accordance with the provisions of this Section, of its paid-in capital on the last day of the third month preceding the anniversary month or, in the case of a corporation that has established an extended filing month, on the last day of the corporation's fiscal year preceding the extended filing month.

(e) The amount represented in this State of the paid-in capital of a foreign corporation shall be that proportion of its paid-in capital that the sum of (1) the value of its property located in this State and (2) the gross amount of business transacted by it at or from places of business in this State bears to the sum of (1) the value of all of its property, wherever located, and (2) the gross amount of its business, wherever transacted, except as follows:

(1) If the corporation elects in its annual report in any year to pay its franchise tax upon its entire paid-in capital, all franchise taxes accruing against the corporation for that taxable year shall be computed accordingly until the corporation elects otherwise in an annual report for a subsequent year.

(2) If the corporation fails to file its annual report in any year within the time prescribed by this Act, the proportion of its paid-in capital represented in this State shall be deemed to be its entire paid-in capital, unless its annual report is thereafter filed and its franchise taxes are thereafter adjusted by the Secretary of State in accordance with the provisions of this Act, in which case the proportion shall likewise be adjusted to the same proportion that would have prevailed if the corporation had filed its annual report within the time prescribed by this Act.

(3) In the case of a statutory merger that becomes effective either prior to January 1,
1991 or on or prior to the last day of the third month preceding the corporation's anniversary month in 1991, the amount of the paid-in capital represented in this State of the surviving corporation immediately after the merger, until the filing of the next annual report of such corporation, shall be deemed to be that proportion of the paid-in capital of the surviving corporation that the aggregate amounts represented in this State of the sum of the paid-in capital of the merged corporations, separately determined, bore to the total of the sum of the paid-in capital of all of the merged corporations immediately prior to the merger.

(f) For increases in paid-in capital that occur either prior to January 1, 1991 or on or prior to the last day of the third month preceding the corporation's anniversary month in 1991, the proportion represented in this State of the paid-in capital of a foreign corporation shall be determined from information contained in the latest annual report of the corporation on file on the date the particular increase in paid-in capital is shown to have been made, or, if no annual report was on file on the date of the increase, from information contained in its application for a certificate of authority to transact business in this State, or, in case of a merger that becomes effective either prior to January 1, 1991 or on or prior to the last day of the third month preceding the surviving corporation's anniversary month in 1991, from information contained in the report of the surviving corporation of the amount of its paid-in capital following the merger. For changes in paid-in capital that occur after both December 31, 1990 and the last day of such third month, the proportion represented in this State of the paid-in capital of a corporation shall be determined from information contained in the latest annual report of the corporation for the taxable period in which the particular increase in paid-in capital is shown to have been made or, if no annual report was on file on the date of the increase, from information contained in its application for certificate of authority to transact business in Illinois.

(g) No basis under this Section may consist of any redeemable preference shares sold to the United States Secretary of Transportation under Sections 505 and 506 of Public Law 94-210.

(Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/15.75) (from Ch. 32, par. 15.75)
Sec. 15.75. Rate of franchise taxes payable by foreign corporations.

(a) The annual franchise tax payable by each foreign corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof for the period commencing on the first day of July 1983 to the first day of the anniversary month in 1984, but in no event shall the amount of the annual franchise tax be less than $2.083333 per month based on a minimum of $25 per annum or more than $83,333.333333 per month, thereafter, the annual franchise tax payable by each foreign corporation shall be computed at the rate of 1/10 of 1% for the 12-months' period commencing on the first day of the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the corporation, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum.

(b) The annual franchise tax payable by each foreign corporation at the time of filing a statement of election and interim annual report shall be computed at the rate of 1/10 of 1% for the 12 month period commencing on the first day of the anniversary month of the corporation next following the filing, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum.

(c) The annual franchise tax payable at the time of filing the final transition annual report shall be an amount equal to (i) 1/12 of 1/10 of 1% per month of the proportion of paid-in capital represented in this State as shown in the final transition annual report multiplied by (ii) the number of months commencing with the anniversary month next following the filing of the statement of election until, but excluding, the second extended filing month, less the annual franchise tax theretofore paid at the time of filing the statement of election, but in no event shall the amount of the annual franchise tax be less than $2.083333 per month based on a minimum of $25 per annum or more than $83,333.333333 per month.

(d) The initial franchise tax payable after January 1, 1983, but prior to January 1, 1991, by each foreign corporation shall be computed at the rate of 1/10 of 1% for the 12 months' period commencing on the first day of the anniversary month in which the application for certificate of authority is filed by issued to the corporation under Section 13.15 of this Act, but in no event shall the franchise tax be less than $25 nor more than $1,000,000 per annum. Except in the case of a

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foreign corporation that has begun transacting business in Illinois prior to January 1, 1991, the initial franchise tax payable on or after January 1, 1991, by each foreign corporation, shall be computed at the rate of 15/100 of 1% for the 12 month period commencing on the first day of the anniversary month in which the application for certificate of authority is filed by the corporation under Section 13.15 of this Act, but in no event shall the franchise tax be less than $25 nor more than $1,000,000 per annum plus 1/20 of 1% of the basis therefor.

(e) Whenever the application for the certificate of authority indicates that the corporation commenced transacting business:

(1) prior to January 1, 1991, the initial franchise tax shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month; or

(2) after December 31, 1990, the initial franchise tax shall be computed at the rate of 1/12 of 15/100 of 1% for each calendar month.

(f) Each additional franchise tax payable by each foreign corporation for the period beginning January 1, 1983 through December 31, 1983 shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof between the date of each respective increase in its paid-in capital and its anniversary month in 1984; thereafter until the last day of the month that is both after December 31, 1990 and the third month immediately preceding the anniversary month in 1991, each additional franchise tax payable by each foreign corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month, or fraction thereof, between the date of each respective increase in its paid-in capital and its next anniversary month; however, if the increase occurs within the 2 month period immediately preceding the anniversary month, the tax shall be computed to the anniversary month of the next succeeding calendar year. Commencing with increases in paid-in capital that occur subsequent to both December 31, 1990 and the last day of the third month immediately preceding the anniversary month in 1991, the additional franchise tax payable by a foreign corporation shall be computed at the rate of 15/100 of 1%.

(Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

Sec. 15.95. Department of Business Services Special Operations Fund. Division of Corporations Special Operations Fund.

(a) A special fund in the State treasury known as the Division of Corporations Special Operations Fund is renamed the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $400,000 and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or taxes collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing or fact made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing or fact made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:

- Restatement of articles, $100;
- Merger, consolidation or exchange, $100;
- Articles of incorporation, $50;
- Articles of amendment, $50;
- Revocation of dissolution, $50;
- Reinstatement, $50;

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Application for Certificate of authority, $50;
Cumulative report of changes in issued shares or paid-in capital, $50;
Report following merger or consolidation, $50;
Certificate of good standing or fact, $10;
All other filings, copies of documents, annual reports for the 3 preceding years, and copies of documents of dissolved or revoked corporations having a file number over 5199, $25.

(f) Expedited services shall not be available for a statement of correction, a petition for refund or adjustment, or a request involving more than 3 year's annual reports or involving dissolved corporations with a file number below 5200.

(Source: P.A. 91-463, eff. 1-1-00.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 101.10, 101.75, 101.80, 102.10, 102.15, 102.20, 102.35, 103.05, 104.05, 105.05, 105.10, 105.20, 105.25, 105.30, 108.75, 110.30, 110.35, 111.25, 111.40, 111.45, 112.20, 112.25, 112.35, 112.45, 112.80, 113.05, 113.10, 113.15, 113.20, 113.25, 113.30, 113.35, 113.40, 113.45, 113.50, 113.55, 113.60, 113.65, 113.70, 114.05, 115.05, 115.10, and 115.20 as follows:

(805 ILCS 105/101.10) (from Ch. 32, par. 101.10)

Sec. 101.10. Forms, execution, acknowledgment and filing. (a) All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the office of the Secretary of State shall be furnished by the Secretary of State on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

(b) Whenever any provision of this Act specifically requires any document to be executed by the corporation in accordance with this Section, unless otherwise specifically stated in this Act and subject to any additional provisions of this Act, such document shall be executed, in ink, as follows:

(1) The articles of incorporation shall be signed by the incorporator or incorporators.
(2) All other documents shall be signed:
   (i) By the president, a vice-president, the secretary, an assistant secretary, the treasurer, or other officer duly authorized by the board of directors of the corporation to execute the document; or
   (ii) If it shall appear from the document that there are no such officers, then by a majority of the directors or by such directors as may be designated by the board; or
   (iii) If it shall appear from the document that there are no such officers or directors, then by the members, or such of them as may be designated by the members at a lawful meeting; or
   (iv) If the corporate assets are in the possession of a receiver, trustee or other court-appointed officer, then by the fiduciary or the majority of them if there are more than one.
(c) The name of a person signing the document and the capacity in which he or she signs shall be stated beneath or opposite his or her signature.
(d) Whenever any provision of this Act requires any document to be verified, such requirement is satisfied by either:
   (1) The formal acknowledgment by the person or one of the persons signing the instrument that it is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Such acknowledgment shall be made before a person who is authorized by the law of the place of execution to take acknowledgments of deeds and who, if he or she has a seal of office, shall affix it to the instrument; or
   (2) The signature, without more, of the person or persons signing the instrument, in which case such signature or signatures shall constitute the affirmation or acknowledgment of the signatory, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true.
(c) Whenever any provision of this Act requires any document to be filed with the Secretary of State or in accordance with this Section, such requirement means that:
   (1) The original signed document, and if in duplicate as provided by this Act, one true copy,
which may be signed, or carbon or photocopy shall be delivered to the office of the Secretary of State.

(2) All fees and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State.

(3) If the Secretary of State finds that the document conforms to law, he or she shall, when all fees and charges have been paid as in this Act prescribed:

(i) Endorse on the original and on the true copy, if any, the word "filed" and the month, day and year thereof;

(ii) File the original in his or her office;

(iii) Where so provided by this Act, issue a certificate or certificates, as the case may be, to which he or she shall affix the true copy; and

(iv) If the filing is in duplicate, he or she shall return the copy, with a certificate, if any, affixed thereto, to the corporation or its representative who shall file it for record in the office of the Recorder of the county in which the registered office of the corporation is situated in this State within 15 days after the mailing thereof by the Secretary of State, unless such document cannot with reasonable diligence be filed within such time, in which case it shall be filed as soon thereafter as may be reasonably possible. Upon filing any document in the office of the Recorder, as provided in this subparagraph, the corporation or its representative shall pay to the office of the Recorder the appropriate filing or recording fee imposed by law.

(f) If another Section of this Act specifically prescribes a manner of filing or executing a specified document which differs from the corresponding provisions of this Section, then the provisions of such other Section shall govern.

(Source: P.A. 84-1423.)

(805 ILCS 105/101.75) (from Ch. 32, par. 101.75)
Sec. 101.75. Election to Accept Act.

(a) Any not-for-profit corporation without shares or capital stock heretofore organized under any General Law or created by Special Act of the Legislature of this State, or any corporation having shares or capital stock organized under any General Law or created by Special Act of the Legislature of this State prior to the adoption of the Constitution of 1870, for a purpose or purposes for which a corporation may be organized under this Act, or any corporation formed for religious purposes under An Act Concerning Corporations, effective July 1, 1872, as amended, may elect to accept this Act in the following manner:

(1) Unless the articles of incorporation or the equivalent or the bylaws provide otherwise, where there are members or shareholders entitled to vote, the board of directors shall adopt a resolution recommending that the corporation accept this Act and directing that the question of such acceptance be submitted to a vote at a meeting of the members or shareholders entitled to vote, which may be either an annual or a special meeting. The members or shareholders entitled to vote may elect that such corporation accept this Act by the affirmative vote of at least two-thirds of the votes present and voted either in person or by proxy.

(2) Unless the articles of incorporation or the equivalent or the bylaws provide otherwise, where there are no members or shareholders having voting rights, election to accept this Act may be made at a meeting of the board of directors pursuant to a majority vote of the directors present and voting at a meeting at which a quorum is present.

(b) Upon complying with Subsection (a), the corporation shall execute and file in duplicate a statement, in accordance with Section 101.10 of this Act, and shall also file a copy of its articles of incorporation, if any, and all amendments thereto. Such statement shall set forth:

1. A corporate name for the corporation that satisfies the requirements of this Act;
2. The specific purpose or purposes for which the corporation is organized, from among the purposes authorized in Section 103.05 of this Act;
3. The address of the corporation's registered office and the name of its registered agent at that office;
4. The names and respective residential addresses of its officers and directors;
5. A statement that the attached copy, if any, of the articles of incorporation of the corporation is true and correct;
6. A statement by the corporation that it has elected to accept this Act and that all reports

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have been filed and all fees, taxes and penalties due to the State of Illinois, accruing under any Act to which the corporation has theretofore been subject, have been paid;

(7) Where there are members or shareholders having voting rights, a statement setting forth the date of the meeting of the members or shareholders at which the election to accept this Act was made; that a quorum was present at such meeting, and that such acceptance was authorized either by the affirmative vote of at least two-thirds of the votes present and voted either in person or by proxy, or in compliance with any different provision of the articles of incorporation or their equivalent or of the bylaws.

(8) Where there are no members or shareholders having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the election to accept this Act was made, that a quorum was present at such meeting, and that such acceptance was authorized by majority vote of the directors present and voting at such meeting;

(9) A statement that, in addition, the corporation followed the requirements of its articles of incorporation and bylaws so far as applicable in effecting such acceptance;

(10) Where the corporation has issued shares of stock, a statement of such fact, including the number of shares theretofore authorized, the number issued and outstanding; and a statement that all issued and outstanding shares of stock have been delivered to the corporation to be canceled upon the acceptance of this Act by the corporation becoming effective and that from and after the effective date of said acceptance, the authority to issue shares shall be thereby terminated.

(c) When the provisions of Subsection (b) have been complied with, the Secretary of State shall issue a certificate of acceptance.

(d) Upon the issuance of a certificate of acceptance, the election of the corporation to accept this Act shall become effective, and such corporation shall have the same powers and privileges, and be subject to the same duties, restrictions, penalties and liabilities as though such corporation had been originally organized hereunder, and shall also be subject to any duty or obligation expressly imposed upon such corporation by its special charter; provided, however,

(1) That no amendment to the articles of incorporation adopted after such election to accept this Act shall release or terminate any duty or obligation expressly imposed upon any such corporation under and by virtue of such special charter, or enlarge any right, power, or privilege granted any such corporation under a special charter except to the extent that such right, power or privilege might have been included in the articles of incorporation of a corporation organized under this Act; and

(2) That in the case of any corporation with issued shares of stock, the holders of such issued shares who surrender them to the corporation to be canceled upon the acceptance of this Act by the corporation becoming effective, shall have such rights as the election to accept this Act provides.

(Source: P.A. 84-1423.)

(805 ILCS 105/101.80) (from Ch. 32, par. 101.80)

Sec. 101.80. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section shall have the meanings set forth herein.

(a) "Anniversary" means that day each year exactly one or more years after:

(1) The date on the certificate of filing the articles of incorporation prescribed by issued under Section 102.10 of this Act, in the case of a domestic corporation;

(2) The date on the certificate of filing the application for authority prescribed by issued under Section 113.15 of this Act in the case of a foreign corporation;

(3) The date on the certificate of filing the statement of acceptance prescribed by issued under Section 101.75 of this Act, in the case of a corporation electing to accept this Act; or

(4) The date on the certificate of filing the articles of consolidation prescribed by issued under Section 111.25 of this Act in the case of a consolidation.

(b) "Anniversary month" means the month in which the anniversary of the corporation occurs.

(c) "Articles of incorporation" means the original articles of incorporation including the articles of incorporation of a new corporation set forth in the articles of consolidation or set forth in a statement of election to accept this Act, and all amendments thereto, whether evidenced by articles of amendment, articles of merger or statement of correction affecting articles. Restated articles of

New matter indicated by italics - deletions by strikeout.
incorporation shall supersede the original articles of incorporation and all amendments thereto prior to the effective date of filing the articles of amendment incorporating the restated articles of incorporation. In the case of a corporation created by a Special Act of the Legislature, "Articles of incorporation" means the special charter and any amendments thereto made by Special Act of the Legislature or pursuant to general laws.

(d) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(e) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(f) "Corporation" or "domestic corporation" means a domestic not-for-profit corporation subject to the provisions of this Act, except a foreign corporation.

(g) "Delivered," for the purpose of determining if any notice required by this Act is effective, means:

1. Transferred or presented to someone in person;
2. Deposited in the United States mail addressed to the person at his, her or its address as it appears on the records of the corporation, with sufficient first-class postage prepaid thereon; or
3. Posted at such place and in such manner or otherwise transmitted to the person's premises as may be authorized and set forth in the articles of incorporation or the bylaws.

(h) "Foreign corporation" means a not-for-profit corporation as defined and organized under the laws other than the laws of this State, for a purpose or purposes for which a corporation may be organized under this Act.

(i) "Incorporator" means one of the signers of the original articles of incorporation.

(j) "Insolvent" means that a corporation is unable to pay its debts as they become due in the usual course of the conduct of its affairs.

(k) "Member" means a person or any organization, whether not for profit or otherwise, having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws.

(l) "Net assets," for the purpose of determining the authority of a corporation to make distributions, is equal to the difference between the assets of the corporation and the liabilities of the corporation.

(m) "Not-for-profit corporation" means a corporation subject to this Act and organized solely for one or more of the purposes authorized by Section 103.05 of this Act.

(n) "Registered office" means that office maintained by the corporation in this State, the address of which is on file in the office of the Secretary of State, at which any process, notice or demand required or permitted by law may be served upon the registered agent of the corporation.

(o) "Special charter" means the charter granted to a corporation created by special act of the Legislature whether or not the term "charter" or "special charter" is used in such special act.

(Source: P.A. 84-1423.)

Sec. 102.10. Articles of Incorporation. The articles of incorporation shall be executed and filed in duplicate in accordance with Section 101.10 of this Act.

(a) The articles of incorporation must set forth:
1. A corporate name for the corporation that satisfies the requirements of this Act;
2. The specific purpose or purposes for which the corporation is organized, from among the purposes authorized in Section 103.05 of this Act;
3. The address of the corporation's initial registered office and the name of its initial registered agent at that office;
4. The name and address of each incorporator;
5. The number of directors constituting the first board of directors and the names and the residential addresses of each such director;
6. With respect to any organization a purpose of which is to function as a club, as defined in Section 1-3.24 of "The Liquor Control Act of 1934", as now or hereafter amended, a statement that it will comply with the State and local laws and ordinances relating to alcoholic liquors;
7. Whether the corporation is a condominium association as established under the Condominium Property Act, a cooperative housing corporation defined in Section 216 of the Internal

New matter indicated by italics - deletions by strikeout.
Revenue Code of 1954 or a homeowner association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure.

(b) The articles of incorporation may set forth:

(1) Provisions not inconsistent with law with respect to:

(i) Managing and regulating the affairs of the corporation, including any provision for distribution of assets on final dissolution;

(ii) Providing that the corporation shall have no members, or shall have one or more classes of members;

(iii) Limiting, enlarging or denying the right of the members of any class or classes of members, to vote;

(iv) Defining, limiting, and regulating the rights, powers and duties of the corporation, its officers, directors and members;

(v) Superseding any provision of this Act that requires for approval of corporation action a two-thirds vote of members or class of members entitled to vote by specifying any smaller or larger vote requirement not less than a majority of the votes which members entitled to vote on a matter shall vote, either in person or by proxy, at a meeting at which there is a quorum.

(2) Any provision that under this Act is required or permitted to be set forth in the articles of incorporation or bylaws.

(c) The articles of incorporation need not set forth any of the corporate powers enumerated in this Act.

(d) The duration of a corporation is perpetual unless otherwise specified in the articles of incorporation.

(e) When the provisions of this Section have been complied with, the Secretary of State shall file the articles issue a certificate of incorporation.

(805 ILCS 105/102.15) (from Ch. 32, par. 102.15)

Sec. 102.15. Effect of issuance of certificate of incorporation. Upon the filing of articles issuance of the certificate of incorporation by the Secretary of State, the corporate existence shall begin, and such filing certificate of incorporation shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act.

(805 ILCS 105/102.20) (from Ch. 32, par. 102.20)

Sec. 102.20. Organization of Corporation.

(a) After filing the issuance of the articles certificate of incorporation, the first meeting of the board of directors shall be held at the call of a majority of the incorporators or of the directors for the purpose of:

(1) Adopting bylaws;

(2) Electing officers; and

(3) Such other purposes as may come before the meeting.

In lieu of a meeting, director action may be taken by consent in writing, pursuant to Section 108.45 of this Act.

(b) If the corporation has members, a first meeting of the members may be held at the call of an officer or of a majority of the directors, for such purposes as shall be stated in the notice of the meeting.

If the corporation has members entitled to vote, then in lieu of a meeting, member action may be taken by consent in writing, pursuant to Section 107.10 of this Act.

(c) At least three days' written notice of an organizational meeting shall be given unless the persons entitled to such notice waive the same in writing, either before or after such meeting. An organizational meeting may be held either within or without this State.

(805 ILCS 105/102.35) (from Ch. 32, par. 102.35)

Sec. 102.35. Incorporation of an association or society.

(a) When an unincorporated association or society, organized for any of the purposes for which a corporation could be formed under this Act, authorizes the incorporation of the association
or society by the same procedure and affirmative vote of its voting members or delegates as its constitution, bylaws, or other fundamental agreement requires for an amendment to its fundamental agreement or, if no such vote is specified, by a majority vote of the voting members present at a duly convened meeting the purpose of which is stated in the notice of the meeting, then following the filing of articles of incorporation under Section 102.10 setting forth those facts and that the required vote has been obtained and upon the filing of the articles of incorporation, the association or society shall become a corporation and the members of the association or society shall become members of the corporation in accordance with provisions in the articles to that effect.

(b) Upon incorporation, all the rights, privileges, immunities, powers, franchise, authority, and property of the unincorporated association or society shall pass to and vest in the corporation, and all obligations of the unincorporated association or society shall become obligations of the corporation.

(Source: P.A. 87-854.)

(805 ILCS 105/103.05) (from Ch. 32, par. 103.05)

Sec. 103.05. Purposes and authority of corporations; particular purposes; exemptions.

(a) Not-for-profit corporations may be organized under this Act for any one or more of the following or similar purposes:

1. Charitable.
2. Benevolent.
3. Eleemosynary.
4. Educational.
5. Civic.
6. Patriotic.
7. Political.
10. Literary.
11. Athletic.
13. Research.
15. Horticultural.
16. Soil improvement.
17. Crop improvement.
18. Livestock or poultry improvement.
19. Professional, commercial, industrial, or trade association.
20. Promoting the development, establishment, or expansion of industries.
21. Electrification on a cooperative basis.
22. Telephone service on a mutual or cooperative basis.
23. Ownership and operation of water supply facilities for drinking and general domestic use on a mutual or cooperative basis.
24. Ownership or administration of residential property on a cooperative basis.
25. Administration and operation of property owned on a condominium basis or by a homeowner association.
26. Administration and operation of an organization on a cooperative basis producing or furnishing goods, services, or facilities primarily for the benefit of its members who are consumers of those goods, services, or facilities.
27. Operation of a community mental health board or center organized pursuant to the Community Mental Health Act for the purpose of providing direct patient services.
28. Provision of debt management services as authorized by the Debt Management Service Act.
29. Promotion, operation, and administration of a ridesharing arrangement as defined in Section 1-176.1 of the Illinois Vehicle Code.
30. The administration and operation of an organization for the purpose of assisting low-income consumers in the acquisition of utility and telephone services.
(31) Any purpose permitted to be exempt from taxation under Sections 501(c) or 501(d) of the United States Internal Revenue Code, as now in or hereafter amended.

(32) Any purpose that would qualify for tax-deductible gifts under the Section 170(c) of the United States Internal Revenue Code, as now or hereafter amended. Any such purpose is deemed to be charitable under subsection (a)(1) of this Section.

(b) A corporation may be organized hereunder to serve in an area that adjoins or borders (except for any intervening natural watercourse) an area located in an adjoining state intended to be similarly served, and the corporation may join any corporation created by the adjoining state having an identical purpose and organized as a not-for-profit corporation. Whenever any corporation organized under this Act so joins with a foreign corporation having an identical purpose, the corporation shall be permitted to do business in Illinois as one corporation; provided (1) that the name, bylaw provisions, officers, and directors of each corporation are identical, (2) that the foreign corporation complies with the provisions of this Act relating to the admission of foreign corporation, and (3) that the Illinois corporation files a statement with the Secretary of State indicating that it has joined with a foreign corporation setting forth the name thereof and the state of its incorporation.

(Source: P.A. 90-545, eff. 1-1-98.)

(805 ILCS 105/104.05) (from Ch. 32, par. 104.05)
Sec. 104.05. Corporate name of domestic or foreign corporation.

(a) The corporate name of a domestic corporation or of a foreign corporation organized, existing or subject to the provisions of this Act:

(1) May contain, separate and apart from any other word or abbreviation in such name, the word "corporation," "company," "incorporated," or "limited," or an abbreviation of one of such words;

(2) Must end with the letters "NFP" if the corporate name contains any word or phrase which indicates or implies that the corporation is organized for any purpose other than a purpose for which corporations may be organized under this Act or a purpose other than a purpose set forth in the corporation's articles of incorporation;

(3) Shall be distinguishable upon the records in the office of the Secretary of State from the corporate name or assumed corporate name of any domestic corporation or limited liability company organized under the Limited Liability Company Act, whether for profit or not for profit, existing under any Act of this State or the name or assumed name of any foreign corporation or foreign limited liability company registered under the Limited Liability Company Act, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner provided in this Act or Section 1-15 of the Limited Liability Company Act, except that, subject to the discretion of the Secretary of State, a foreign corporation that has a name prohibited by this paragraph may be issued a certificate of authority to conduct its affairs in this State, if the foreign corporation:

(i) Elects to adopt an assumed corporation name or names in accordance with Section 104.15 of this Act; and

(ii) Agrees in its application for a certificate of authority to conduct affairs in this State only under such assumed corporate name or names;

(4) Shall not contain a word or phrase, or an abbreviation or derivation thereof, the use of which is prohibited or restricted by any other statute of this State unless such restriction has been complied with;

(5) Shall consist of letters of the English alphabet, Arabic or Roman numerals, or symbols capable of being readily reproduced by the office of the Secretary of State;

(6) Shall not contain the words "regular democrat," "regular democratic," "regular republican," "democrat," "democratic," or "republican," nor the name of any other established political party, unless consent to usage of such words or name is given to the corporation by the State central committee of such established political party; notwithstanding any other provisions of this Act, any corporation, whose name at the time

New matter indicated by italics - deletions by strikeout.
this amendatory Act takes effect contains any of the words listed in this paragraph shall
certify to the Secretary of State no later than January 1, 1989, that consent has been given
by the State central committee; consent given to a corporation by the State central committee
to use the above listed words may be revoked upon notification to the corporation and the
Secretary of State; and

(7) Shall be the name under which the corporation shall conduct affairs in this State
unless the corporation shall also elect to adopt an assumed corporate name or names as
provided in this Act; provided, however, that the corporation may use any divisional
designation or trade name without complying with the requirements of this Act, provided the
corporation also clearly discloses its corporate name.

(b) The Secretary of State shall determine whether a name is "distinguishable" from another
name for purposes of this Act. Without excluding other names which may not constitute
distinguishable names in this State, a name is not considered distinguishable, for purposes of this Act,
solely because it contains one or more of the following:

(1) The word "corporation," "company," "incorporated," or "limited" or an abbreviation
of one of such words;
(2) Articles, conjunctions, contractions, abbreviations, different tenses or number of the
same word.

(c) Nothing in this Section or Sections 104.15 or 104.20 of this Act shall:

(1) Require any domestic corporation existing or any foreign corporation having a
certificate of authority on the effective date of this Act, to modify or otherwise change its
corporate name or assumed corporate name, if any; or
(2) Abrogate or limit the common law or statutory law of unfair competition or unfair
trade practices, nor derogate from the common law or principles of equity or the statutes of
this State or of the United States with respect to the right to acquire and protect copyrights,
trade names, trade marks, service names, service marks, or any other right to the exclusive
use of name or symbols.

(Source: P.A. 85-1396.)

Sec. 105.05. Registered office and registered agent.

(a) Each domestic corporation and each foreign corporation having a certificate of authority
to conduct affairs in this State shall have and continuously maintain in this State:

(1) A registered office which may be, but need not be, the same as its place of business
in this State.
(2) A registered agent, which agent may be either an individual, resident in this State,
whose business office is identical with such registered office, or a domestic corporation for
profit or a foreign corporation for profit authorized to conduct affairs in this State that is
authorized by its articles of incorporation to act as such agent, having a business office
identical with such registered office.

(b) The address, including street and number, if any, of the initial registered office, and the
name of the initial registered agent of each corporation organized under this Act shall be stated in its
articles of incorporation; and of each foreign corporation shall be stated in its application for a
certificate of authority to conduct affairs in this State.

(c) In the event of dissolution of a corporation, either voluntary, administrative, or judicial,
the registered agent and the registered office of the corporation on record with the Secretary of State
on the date of the issuance of the certificate or judgment of dissolution shall be an agent of the
corporation upon whom claims can be served or service of process can be had during the two year
post-dissolution period provided in Section 112.80 of this Act, unless such agent resigns or the
corporation properly reports a change of registered office or registered agent.

(d) In the event of revocation of a certificate of authority of a foreign corporation, the
registered agent and the registered office of the corporation on record with the Secretary of State
on the date of the issuance of the certificate of revocation shall be an agent of the corporation upon
whom claims can be served or service of process can be had, unless such agent resigns.

(Source: P.A. 84-1423.)

(805 ILCS 105/105.10) (from Ch. 32, par. 105.10)
Sec. 105.10. Change of registered office or registered agent.

(a) A domestic corporation or a foreign corporation may from time to time change the address of its registered office. A domestic corporation or a foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent.

(b) A domestic corporation or a foreign corporation may change the address of its registered office or change its registered agent, or both, by so indicating on the statement of change on the annual report of that corporation filed pursuant to Section 114.10 of this Act or by executing and filing in duplicate, in accordance with Section 101.10 of this Act, a statement setting forth:

1. the name of the corporation;
2. the address, including street and number, or rural route number, of its then registered office;
3. if the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed;
4. the name of its then registered agent;
5. if its registered agent be changed, the name of its successor registered agent;
6. that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical;
7. that such change was authorized by resolution duly adopted by the board of directors.

(c) A legible copy of the statement of change as on the annual report returned by the Secretary of State shall be filed for record within the time prescribed by this Act in the office of the Recorder of the county in which the registered office of the corporation in this State was situated before the filing of the statement in the Office of the Secretary of State.

(d) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the Recorder of the county to which such registered office is changed:

1. In the case of a domestic corporation:
   (i) A copy of its articles of incorporation certified by the Secretary of State.
   (ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.
2. In the case of a foreign corporation:
   (i) A copy of its application for certificate of authority to transact business in this State, with a copy of its application therefor affixed thereto, certified by the Secretary of State.
   (ii) A copy of all amendments to such certificate of authority, if any, likewise certified by the Secretary of State.
   (iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.

(e) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.

(Source: P.A. 91-357, eff. 7-29-99.)

Sec. 105.20. Change of Address of Registered Agent.

(a) A registered agent may change the address of the registered office of the domestic corporation or of the foreign corporation, for which he or she or it is registered agent, to another address in this State, by so indicating in the statement of change on the annual report of the corporation filed under Section 114.10 of this Act or by filing, in duplicate, in accordance with Section 101.10 of this Act a statement setting forth:

1. the name of the corporation;
2. the address, including street and number, or rural route number, of its then registered office;
3. the address, including street and number, or rural route number, to which the registered office is to be changed;
4. the name of its registered agent;

New matter indicated by italics - deletions by strikeout.
(5) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
(b) Such statement shall be executed by the registered agent.
(c) The change of address of the registered office shall become effective upon the filing of such statement by the Secretary of State.
(Source: P.A. 85-1269.)
(805 ILCS 105/105.25) (from Ch. 32, par. 105.25)
Sec. 105.25. Service of process on domestic or foreign corporation.
(a) Any process, notice, or demand required or permitted by law to be served upon a domestic corporation or a foreign corporation having a certificate of authority to conduct affairs in this State may be served either upon the registered agent appointed by the corporation or upon the Secretary of State as provided in this Section.
(b) The Secretary of State shall be irrevocably appointed as an agent of a domestic corporation or of a foreign corporation having a certificate of authority upon whom any process, notice or demand may be served:
(1) Whenever the corporation shall fail to appoint or maintain a registered agent in this State; or
(2) Whenever the corporation's registered agent cannot with reasonable diligence be found at the registered office in this State; or
(3) When a domestic corporation has been dissolved, the conditions of paragraph (1) or paragraph (2) exist, and an action, suit or proceeding is instituted against or affecting the corporation within the two years after the issuance of a certificate of dissolution or the filing of a judgment of dissolution; or
(4) When the certificate of authority of a foreign corporation has been revoked.
(c) Service under subsection (b) shall be made by:
(1) Service on the Secretary of State, or on any clerk having charge of the corporation department at his or her office, of a copy of the process, notice or demand, together with any papers required by law to be delivered in connection with service, and a fee as prescribed by subsection (b) of Section 115.15 of this Act;
(2) Transmittal by the person instituting the action, suit or proceeding of notice of the service on the Secretary of State and a copy of the process, notice or demand and accompanying papers to the corporation being served, by registered or certified mail:
   (i) At the last registered office of the corporation as shown by the records on file in the office of the Secretary of State; or
   (ii) At such address the use of which the person instituting the action, suit or proceeding knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice; and
(3) Appendage by the person instituting the action, suit or proceeding of an affidavit of compliance with this Section in substantially such form as the Secretary of State may by rule or regulation prescribe, to the process, notice or demand.
(d) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.
(e) The Secretary of State shall keep a record of all processes, notices, and demands served upon him or her under this Section, and shall record therein the time of such service and his or her action with reference thereto but shall not be required to retain such information for a period longer than five years from his or her receipt of the service.
(Source: P.A. 84-1423.)
(805 ILCS 105/105.30) (from Ch. 32, par. 105.30)
Sec. 105.30. Service of process on foreign corporation not authorized to conduct affairs in Illinois. If any foreign corporation conducts affairs in this State without having obtained a certificate of authority to conduct affairs, it shall be deemed that such corporation has designated and appointed the Secretary of State as an agent for process upon whom any notice, process or demand may be served. Service on the Secretary of State shall be made in the manner set forth in subsection (c) of Section 105.25 of this Act.

New matter indicated by italics - deletions by strikeout.
Sec. 108.75. Indemnification of officers, directors, employees and agents; insurance.

(a) A corporation may indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director, officer, employee or agent of the corporation, or who is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection with such action, suit or proceeding, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation or, with respect to any criminal action or proceeding, that the person had reasonable cause to believe that his or her conduct was unlawful.

(b) A corporation may indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that such person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the corporation, provided that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the corporation, unless, and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

(c) To the extent that a present or former director, officer or employee or agent of a corporation has been successful, on the merits or otherwise, in the defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith, if that person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the corporation.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case, upon a determination that indemnification of the present or former director, officer, employee or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made with respect to a person who is a director or officer at the time of the determination: (1) by the majority vote of the directors who are (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, even though less than a quorum, (2) by a committee of the directors designated by a majority vote of the directors, even through less than a quorum, (3) if there are no such directors, or if the directors so direct, or (2) if such a quorum is not obtainable, or even if obtainable, if a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (4) by the members entitled to vote, if any.

(e) Expenses (including attorney's fees) incurred by an officer or director in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding, as authorized by the board of directors in the specific case, upon receipt of an undertaking by or on behalf of the director or officer, employee or agent to
repay such amount, unless it shall ultimately be determined that such person he or she is entitled to be indemnified by the corporation as authorized in this Section. Such expenses (including attorney's fees) incurred by former directors and officers or other employees and agents may be so paid on such terms and conditions, if any, as the corporation deems appropriate.

(f) The indemnification provided by the Section shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any bylaw, agreement, vote of members or disinterested directors, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent, and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or who is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against such person and incurred by such person in any such capacity, or arising out of his or her status as such, whether or not the corporation would have the power to indemnify such person against such liability under the provisions of this Section.

(h) In the case of a corporation with members entitled to vote, if a corporation indemnifies or advances expenses under subsection (b) of this Section to a director or; officer, employee or agent, the corporation shall report the indemnification or advance in writing to the members entitled to vote with or before the notice of the next meeting of the members entitled to vote.

(i) For purposes of this Section, references to "the corporation" shall include, in addition to the surviving corporation, any merging corporation (including any corporation having merged with a merging corporation) absorbed in a merger which, if its separate existence had continued, would have had the power and authority to indemnify its directors, officers, employees or agents, so that any person who was a director, officer, employee or agent of such merging corporation, or was serving at the request of such merging corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall stand in the same position under the provisions of this Section with respect to the surviving corporation as such person would have with respect to such merging corporation if its separate existence had continued.

(j) For purposes of this Section, references to "other enterprises" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the corporation" shall include any service as a director, officer, employee or agent of the corporation which imposes duties on, or involves services by such director, officer, employee, or agent with respect to an employee benefit plan, its participants, or beneficiaries. A person who acted in good faith and in a manner he or she reasonably believed to be in the best interests of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this Section.

(k) The changes to this Section made by this amendatory Act of the 92nd General Assembly apply only to actions commenced on or after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 84-1423.)

(805 ILCS 105/110.30) (from Ch. 32, par. 110.30)

Sec. 110.30. Articles of amendment.

(a) Except as provided in Section 110.40 of this Act, the articles of amendment shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:

(1) The name of the corporation;
(2) The text of each amendment adopted;
(3) If the amendment was adopted pursuant to Section 110.15 of this Act:
   (i) A statement that the amendment received the affirmative vote of a majority of the directors in office, at a meeting of the board of directors, and the date of the meeting; or
   (ii) A statement that the amendment was adopted by written consent, signed by all the directors in office, in compliance with Section 108.45 of this Act;

New matter indicated by italics - deletions by strikeout.
(4) If the amendment was adopted pursuant to Section 110.20 of this Act:
   (i) A statement that the amendment was adopted at a meeting of members entitled to vote by the affirmative vote of the members having not less than the minimum number of votes necessary to adopt such amendment, as provided by this Act, the articles of incorporation or the bylaws, and the date of the meeting; or
   (ii) A statement that the amendment was adopted by written consent signed by members entitled to vote having not less than the minimum number of votes necessary to adopt such amendment, as provided by this Act, the articles of incorporation, or the bylaws, in compliance with Section 107.10 of this Act.
(5) If the amendment restates the articles of incorporation, the amendment shall so state and shall set forth:
   (i) The text of the articles as restated;
   (ii) The date of incorporation, the name under which the corporation was incorporated, subsequent names, if any, that the corporation adopted pursuant to amendment of its articles of incorporation, and the effective date of any such amendments;
   (iii) The address of the registered office and the name of the registered agent on the date of filing the restated articles.

The articles as restated must include all the information required by subsection (a) of Section 102.10 of this Act, except that the articles need not set forth the information required by paragraphs 3, 4 or 5 thereof. If any provision of the articles of incorporation is amended in connection with the restatement, the articles of amendment shall clearly identify such amendment.
(6) If, pursuant to Section 110.35 of this Act, the amendment is to become effective subsequent to the date on which the articles certificate of amendment are filed is issued, the date on which the amendment is to become effective.
(7) If the amendment revives the articles of incorporation and extends the period of corporate duration, the amendment shall so state and shall set forth:
   (i) The date the period of duration expired under the articles of incorporation;
   (ii) A statement that the period of duration will be perpetual, or, if a limited duration is to be provided, the date to which the period of duration is to be extended; and
   (iii) A statement that the corporation has been in continuous operation since before the date of expiration of its original period of duration.

(b) When the provisions of this Section have been complied with, the Secretary of State shall file the articles issue a certificate of amendment.

(Source: P.A. 84-1423.)
(805 ILCS 105/110.35) (from Ch. 32, par. 110.35)
Sec. 110.35. Effect of certificate of amendment.
(a) The amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, as of the later of:
   (1) The filing of the articles issuance of the certificate of amendment by the Secretary of State; or
   (2) The time established under the articles of amendment, not to exceed 30 days after the filing of the articles issuance of the certificate of amendment by the Secretary of State.

(b) If the amendment is made in accordance with the provisions of Section 110.40 of this Act, upon the filing of the articles issuance of the certificate of amendment by the Secretary of State, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or members of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and members of the corporation.
(c) If the amendment restates the articles of incorporation, such restated articles of incorporation shall, upon such amendment becoming effective, supersede and stand in lieu of the corporation's preexisting articles of incorporation.
(d) If the amendment revives the articles of incorporation and extends the period of corporate duration, upon the filing of the articles issuance of the certificate of amendment by the Secretary of
State, the amendment shall become effective and the corporate existence shall be deemed to have continued without interruption from the date of expiration of the original period of duration, and the corporation shall stand revived with such powers, duties and obligations as if its period of duration had not expired; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such expiration, shall stand ratified and confirmed.

(e) No amendment of the articles of incorporation of a corporation shall affect any existing cause of action in favor of or against such corporation, or any pending suit in which such corporation shall be a party, or the existing rights of persons other than members; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall be abated for that reason.

(805 ILCS 105/111.25) (from Ch. 32, par. 111.25)

Sec. 111.25. Articles of merger or consolidation.
(a) Articles of merger or consolidation shall be executed by each corporation and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:

(1) the name of each corporation;
(2) the plan of merger or consolidation;
(3) as to each corporation where the plan of merger or consolidation was adopted pursuant Section 111.15 of this Act:
   (i) a statement that the plan received the affirmative vote of a majority of the directors in office, at a meeting of the board of directors, and the date of the meeting; or
   (ii) a statement that the plan was adopted by written consent, signed by all the directors in office, in compliance with Section 108.45 of this Act; and

(b) When the provisions of this Section have been complied with, the Secretary of State shall issue a certificate of merger or consolidation.

(805 ILCS 105/111.40) (from Ch. 32, par. 111.40)

Sec. 111.40. Effective date of merger or consolidation. The merger or consolidation shall become effective upon the filing of the articles of merger or consolidation by the Secretary of State or on a later specified date, not more than 30 days subsequent to the filing of the articles of merger or consolidation by the Secretary of State, as may be provided for in the plan.

(805 ILCS 105/111.45) (from Ch. 32, par. 111.45)

Sec. 111.45. Recording of certificate and articles of merger or consolidation. The articles of merger or consolidation shall be filed by the Secretary of State or the certificate of consolidation, as the case may be, or to its representative, and such certificate and articles, or a copy thereof certified by the Secretary of State, shall be filed for record within the time prescribed by Section 101.10 of this Act in the office of the Recorder of the county in which the registered office of each merging or consolidating corporation may be situated, and in the case of a consolidation, in the office of the Recorder of the county in which the registered office of the new corporation shall be situated.

New matter indicated by italics - deletions by strikeout.
Sec. 112.20. Articles of dissolution.
   (a) When a voluntary dissolution has been authorized as provided by this Act, articles of
dissolution shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and
shall set forth:
   (1) The name of the corporation.
   (2) The date dissolution was authorized.
   (3) A post-office address to which may be mailed a copy of any process against the
corporation that may be served on the Secretary of State.
   (4) Where dissolution is authorized pursuant to Section 112.05 of this Act:
      (i) A statement that the dissolution received the affirmative vote of a majority of the
directors in office, at a meeting of the board of directors, and the date of the meeting; or
      (ii) A statement that the dissolution was adopted by written consent, signed by all
the directors in office, in compliance with Section 108.45 of this Act.
   (5) If the dissolution was adopted pursuant to Section 112.10 or 112.15 of this Act:
      (i) A statement that the dissolution was adopted at a meeting of members by the
affirmative vote of the members having not less than the minimum number of votes
necessary to adopt the dissolution, as provided by this Act, the articles of incorporation,
or the bylaws, and the date of the meeting; or
      (ii) A statement that the dissolution was adopted by written consent, signed by
members having not less than the minimum number of votes necessary to adopt the
dissolution, as provided by this Act, the articles of incorporation, or the bylaws, in
compliance with Section 107.10 of this Act.
   (b) When the provisions of this Section have been complied with, the Secretary of State shall
file the articles issue a certificate of dissolution.
   (c) The dissolution is effective on the date of the filing of the articles issuance of the
certificate thereof by the Secretary of State.
   (Source: P.A. 84-1423.)

Sec. 112.25. Revocation of Dissolution.
   (a) A corporation may revoke its dissolution within 60 days of its effective date if the
corporation has not begun to distribute its assets or has not commenced a proceeding for court
supervision of its winding up under Section 112.50 of this Act.
   (b) The corporation's board of directors may revoke the dissolution without action by
members entitled to vote on dissolution.
   (c) Within 60 days after the dissolution has been revoked by the corporation, articles of
revocation of dissolution shall be executed and filed in duplicate in accordance with Section 101.10
of this Act and shall set forth:
      (1) The name of the corporation;
      (2) The effective date of the dissolution that was revoked;
      (3) A statement that the corporation has not begun to distribute its assets nor has it
commenced a proceeding for court supervision of its winding up;
      (4) The date the revocation of dissolution was authorized;
      (5) A statement that the corporation's board of directors revoked the dissolution.
   (d) When the provisions of this Section have been complied with, the Secretary of State shall
file the articles issue a certificate of revocation of dissolution. Failure to file the revocation of
dissolution as required in subsection (c) hereof shall not be grounds for the Secretary of State to
reject the filing, but the corporation filing beyond the time period shall pay a penalty as prescribed
by this Act.
   (e) The revocation of dissolution is effective on the date of the filing of the articles issuance of the
certificate thereof by the Secretary of State and shall relate back and take effect as of the date of
issuance of the certificate of dissolution and the corporation may resume conducting affairs as if
dissolution had never occurred.
   (Source: P.A. 85-1269.)
Sec. 112.35. Grounds for administrative dissolution. The Secretary of State may dissolve any corporation administratively if:
(a) It has failed to file its annual report as required by this Act before the first day of the anniversary month of the corporation of the year in which such annual report becomes due;
(b) It has failed to file in the office of the Secretary of State any report after the expiration of the period prescribed in this Act for filing such report;
(c) It has failed to pay any fees or charges prescribed by this Act;
(d) It has failed to appoint and maintain a registered agent in this State; or
(e) It has misrepresented any material matter in any application, report, affidavit, or other document filed by the corporation pursuant to this Act; or
(f) The Secretary of State receives notification from a local liquor commissioner, pursuant to Section 4-4(3) of "The Liquor Control Act of 1934," as now or hereafter amended, that an organization incorporated under this Act and functioning as a club has violated that Act by selling or offering for sale at retail alcoholic liquors without a retailer's license.

Sec. 112.45. Reinstatement following administrative dissolution.
(a) A domestic corporation administratively dissolved under Section 112.40 of this Act may be reinstated by the Secretary of State within five years following the date of issuance of the certificate of dissolution upon:
(1) The filing of an application for reinstatement;
(2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due;
(3) The payment to the Secretary of State by the corporation of all fees and penalties then due and theretofore becoming due.
(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:
(1) The name of the corporation at the time of the issuance of the certificate of dissolution;
(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed; provided, however, that any change of name is properly effected pursuant to Section 110.05 and Section 110.30 of this Act;
(3) The date of the issuance of the certificate of dissolution;
(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change from either the registered office or the registered agent at the time of dissolution is properly reported pursuant to Section 105.10 of this Act.
(c) When a dissolved corporation has complied with the provisions of this Section, the Secretary of State shall file the application for issue a certificate of reinstatement.
(d) Upon the filing of the application for issuance of the certificate of reinstatement, the corporate existence shall be deemed to have continued without interruption from the date of the issuance of the certificate of dissolution, and the corporation shall stand revived with such powers, duties and obligations as if it had not been dissolved; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such dissolution, shall stand ratified and confirmed.

Sec. 112.80. Survival of remedy after dissolution. The dissolution of a corporation either (1) by filing articles of dissolution in accordance with Section 112.20 of this Act, (2) by the issuance of a certificate of dissolution in accordance with Section 112.40 of this Act by the Secretary of State, (3) by a judgment of dissolution by a Circuit Court of this State, or (4) by expiration of its period of duration, shall not take away nor impair any remedy available to or against such

New matter indicated by italics - deletions by strikeout.
corporation, its directors, members or persons receiving distributions, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name.  
(Source: P.A. 84-1423.)

Sec. 113.05. Admission of foreign corporation. A foreign corporation organized not for profit, before it conducts any affairs in this State, shall procure a certificate of authority so to do from the Secretary of State. A foreign corporation organized not for profit, upon complying with the provisions of this Act, may secure from the Secretary of State the a certificate of authority to conduct affairs in this State. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state under which such corporation is organized governing its organization and internal affairs differ from the laws of this State, and nothing in this Act contained shall be construed to authorize this State to regulate the organization or the internal affairs of such corporation.  
(Source: P.A. 84-1423.)

Sec. 113.10. Powers of foreign corporation. No foreign corporation shall conduct in this State any affairs which a corporation organized under the laws of this State is not permitted to conduct. A foreign corporation which shall have received a certificate of authority to conduct affairs under this Act shall, until a certificate of revocation has been issued or an application for withdrawal shall have been filed as provided in this Act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is granted; and, except as in Section 113.05 of this Act otherwise provided with respect to the organization and internal affairs of a foreign corporation and except as elsewhere in this Act otherwise provided, shall be subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed upon a domestic corporation of like character.  
(Source: P.A. 84-1423.)

Sec. 113.15. Application for certificate of authority.  
(a) A foreign corporation, in order to procure a certificate of authority to conduct affairs in this State, shall execute and file in duplicate an application therefor, in accordance with Section 101.10 of this Act, and shall also file a copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country wherein it is incorporated. Such application shall set forth:  
(1) The name of the corporation, with any additions thereto required in order to comply with Section 104.05 of this Act together with the State or country under the laws of which it is organized;  
(2) The date of its incorporation and the period of its duration;  
(3) The address, including street and number, if any, of its principal office;  
(4) The address, including street and number, or rural route number, of its proposed registered office in this State, and the name of its proposed registered agent in this State at such address;  
(5) (Blank); The names of the states and countries, if any, in which it is admitted or qualified to conduct affairs;  
(6) The purpose or purposes for which it was organized which it proposes to pursue in the conduct of affairs in this State;  
(7) The names and respective residential addresses, including street and number, or rural route number, of its directors and officers;  
(8) With respect to any foreign corporation a purpose of which is to function as a club, as defined in Section 1-3.24 of "The Liquor Control Act of 1934," as now or hereafter amended, a statement that it will comply with the State and local laws and ordinances relating to alcoholic liquors; and  
(9) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine whether such corporation is entitled to be granted a
(b) Such application shall be made on forms prescribed and furnished by the Secretary of State.

c) When the provisions of this Section have been complied with, the Secretary of State shall file the application for issue a certificate of authority.

(Source: P.A. 85-1269.)

(805 ILCS 105/113.20) (from Ch. 32, par. 113.20)

Sec. 113.20. Effect of certificate of authority. Upon the filing of the application for issuance of a certificate of authority by the Secretary of State, the corporation shall have the right to conduct affairs in this State for those purposes set forth in its application, subject, however, to the right of this State to revoke such right to conduct affairs in this State as provided in this Act.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.25) (from Ch. 32, par. 113.25)

Sec. 113.25. Change of name by foreign corporation. Whenever a foreign corporation which is admitted to conduct affairs in this State shall change its name to one under which a certificate of authority to conduct affairs in this State would not be granted to it on application therefor, the authority of such corporation to conduct affairs in this State shall be suspended and it shall not thereafter conduct any affairs in this State until it has changed its name to a name which is available to it under the laws of this State or until it has adopted an assumed corporate name in accordance with Section 104.15 of this Act.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.30) (from Ch. 32, par. 113.30)

Sec. 113.30. Amendment to articles of incorporation of foreign corporation. Each foreign corporation authorized to conduct affairs in this State, whenever its articles of incorporation are amended, shall forthwith file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper officer of the State or country under the laws of which such corporation is organized; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in conducting affairs in this State, nor authorize such corporation to conduct affairs in this State under any other name than the name set forth in its application for certificate of authority, nor extend the duration of its corporate existence.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.35) (from Ch. 32, par. 113.35)

Sec. 113.35. Merger of foreign corporation authorized to conduct affairs in this state. Whenever a foreign corporation authorized to conduct affairs in this State shall be a party to a statutory merger permitted by the laws of the state or country under which it is organized, and such corporation shall be the surviving corporation, it shall forthwith file with the Secretary of State a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such corporate existence be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to pursue in this State.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.40) (from Ch. 32, par. 113.40)

Sec. 113.40. Amended certificate of authority. A foreign corporation authorized to conduct affairs in this State shall secure an amended certificate of authority to do so in the event it changes its corporate name, changes the duration of its corporate existence, or desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application to the Secretary of State.

The application shall set forth:

(1) The name of the corporation, with any additions required in order to comply with Section 104.05 of this Act, together with the state or country under the laws of which it is organized.

(2) The change to be effected.

(Source: P.A. 88-151.)

New matter indicated by italics - deletions by strikeout.
(805 ILCS 105/113.45) (from Ch. 32, par. 113.45)

Sec. 113.45. Withdrawal of foreign corporation. A foreign corporation authorized to conduct affairs in this State may withdraw from this State upon filing with procuring from the Secretary of State an application for a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall either:

(a) Execute and file in duplicate, in accordance with Section 101.10 of this Act, an application for withdrawal and a final report which shall set forth:
   (1) That it surrenders its authority to conduct affairs in this State;
   (2) That it revokes the authority of its registered agent in this State to accept service of process and consents that service of process in any suit, action, or proceeding based upon any cause of action arising in this State during the time the corporation was licensed to conduct affairs in this State may thereafter be made on such corporation by service thereof on the Secretary of State;
   (3) A post office address to which may be mailed a copy of any process against the corporation that may be served on the Secretary of State;
   (4) The name of the corporation and the state or country under the laws of which it is organized; and
   (5) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine and assess any unpaid fees payable by such foreign corporation as in this Act prescribed; or

(b) If it has been dissolved, file a copy of the articles of dissolution duly authenticated by the proper officer of the state or country under the laws of which such corporation was organized.

(c) The application for withdrawal and the final report shall be made on forms prescribed and furnished by the Secretary of State.

(d) When the corporation has complied with subsection (a) or (b) of this Section, the Secretary of State shall file the application for issue a certificate of withdrawal and mail a copy of the application to the corporation or its representative. If the provisions of subsection (b) of this Section have been followed, the Secretary of State shall file a copy of the articles of dissolution in his or her office with one copy of the certificate of withdrawal affixed thereto and mail the original to the corporation or its representative.

Upon the filing of the application for issuance of such certificate of withdrawal or copy of the articles of dissolution, the authority of the corporation to conduct affairs in this State shall cease.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.50) (from Ch. 32, par. 113.50)

Sec. 113.50. Grounds for revocation of certificate of authority.

(a) (1) The certificate of authority of a foreign corporation to conduct affairs in this State may be revoked by the Secretary of State:
   (1) (a) Upon the failure of an officer or director to whom interrogatories have been propounded by the Secretary of State, as provided in this Act, to answer the same fully and to file such answer in the office of the Secretary of State;
   (2) (b) If the certificate of authority of the corporation was procured through fraud practiced upon the State;
   (3) (c) If the corporation has continued to exceed or abuse the authority conferred upon it by this Act;
   (4) (d) Upon the failure of the corporation to keep on file in the office of the Secretary of State duly authenticated copies of each amendment to its articles or incorporation;
   (5) (e) Upon the failure of the corporation to appoint and maintain a registered agent in this State;
   (6) (f) Upon the failure of the corporation to file any report after the period prescribed by this Act for the filing of such report;
   (7) (g) Upon the failure of the corporation to pay any fees or charges prescribed by this Act;
   (8) (h) For misrepresentation of any material matter in any application, report, affidavit, or other document filed by such corporation pursuant to this Act;
   (9) (i) Upon the failure of the corporation to renew its assumed name or to apply to

New matter indicated by italics - deletions by strikeout.
change its assumed name pursuant to the provisions of this Act, when the corporation can
only conduct affairs within this State under its assumed name in accordance with the
provisions of Section 104.05 of this Act;

(10) (j) Upon notification from the local liquor commissioner, pursuant to Section 4-4(3)
of "The Liquor Control Act of 1934," as now or hereafter amended, that a foreign
corporation functioning as a club in this State has violated that Act by selling or offering for
sale at retail alcoholic liquors without a retailer's license; or

(11) (k) When, in an action by the Attorney General, under the provisions of the
"Consumer Fraud and Deceptive Business Practices Act", or "An Act to regulate solicitation
and collection of funds for charitable purposes, providing for violations thereof, and making
an appropriation therefor", approved July 26, 1963, as amended, or the "Charitable Trust
Act", a court has found that the corporation substantially and willfully violated any of such
Acts.

(b) The enumeration of grounds for revocation in paragraphs (1) (a) through (11) (k) of
subsection (a) shall not preclude any action by the Attorney General which is authorized by any
other statute of the State of Illinois or the common law.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.55) (from Ch. 32, par. 113.55)
Sec. 113.55. Procedure for revocation of certificate of authority.

(a) After the Secretary of State determines that one or more grounds exist under Section
113.50 of this Act for the revocation of a certificate of authority of a foreign corporation, he or she
shall send by regular mail to each delinquent corporation a Notice of Delinquency to its registered
office, or, if the corporation has failed to maintain a registered office, then to the president or other
principal officer at the last known office of said officer.

(b) If the corporation does not correct the default within 90 days following such notice, the
Secretary of State shall thereupon revoke the certificate of authority of the corporation by issuing a
certificate of revocation that recites the grounds for revocation and its effective date. The Secretary
of State shall file the original of the certificate in his or her office, mail one copy to the corporation
at its registered office and file one copy for record in the office of the Recorder of the county in
which the registered office of the corporation in this State is situated, to be recorded by such
Recorder. The Recorder shall submit for payment, on a quarterly basis, to the Secretary of State the
amount of filing fees incurred.

(c) Upon the issuance of the certificate of revocation, the authority of the corporation to
conduct affairs in this State shall cease and such revoked corporation shall not thereafter conduct any
affairs in this State.

(Source: P.A. 84-1423.)

(805 ILCS 105/113.60) (from Ch. 32, par. 113.60)
Sec. 113.60. Reinstatement following revocation.

(a) A foreign corporation revoked under Section 113.55 of this Act may be reinstated by the
Secretary of State within five years following the date of issuance of the certificate of revocation
upon:

(1) The filing of an application for reinstatement;

(2) The filing with the Secretary of State by the corporation of all reports then due and
therefore becoming due; and

(3) The payment to the Secretary of State by the corporation of all fees and penalties
then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance
with Section 101.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of
revocation;

(2) If such name is not available for use as determined by the Secretary of State at the
time of filing the application for reinstatement, the name of the corporation as changed, or
the assumed corporate name which the corporation elects to adopt for use in this State in
accordance with Section 104.05; provided, however, that any change of name is properly
effectuated pursuant to Sections 113.30 and Section 113.40 of this Act, and any adoption of

New matter indicated by italics - deletions by strikeout.
assumed corporate name is properly effected pursuant to Section 104.15 of this Act;
(3) The date of the issuance of the certificate of revocation; and
(4) The address, including street and number, or rural route number, of the registered
office of the corporation upon reinstatement thereof, and the name of its registered agent at
such address upon the reinstatement of the corporation; provided, however, that any change
from either the registered office or the registered agent at the time of revocation is properly
reported pursuant to Section 105.10 of this Act.
(c) When a revoked corporation has complied with the provisions of this Section, the
Secretary of State shall file the application for issue a certificate of reinstatement.
(d) Upon the filing of the application for issuance of the certificate of reinstatement, the
authority of the corporation to conduct affairs in this State shall be deemed to have continued without
interruption from the date of the issuance of the certificate of revocation, and the corporation shall
stand revived as if its certificate of authority had not been revoked; and all acts and proceedings of
its officers, directors and members, acting or purporting to act as such, which would have been legal
and valid but for such revocation, shall stand ratified and confirmed.
(Source: P.A. 85-1269.)
(805 ILCS 105/113.65) (from Ch. 32, par. 113.65)
Sec. 113.65. Application to corporations heretofore qualified to conduct affairs in this State.
Foreign corporations which have been duly authorized to conduct affairs in this State at the time this
Act takes effect, for a purpose or purposes for which a corporation might secure such authority under
this Act, shall, subject to the limitations set forth in their respective applications for certificates of
authority, be entitled to all the rights and privileges applicable to foreign corporations procuring
certificate of authority to conduct affairs in this State under this Act, and from the time this Act takes effect such
corporation shall be subject to all the limitations, restrictions, liabilities, and duties prescribed herein
for foreign corporations procuring under this Act authority to conduct affairs in this State.
(Source: P.A. 84-1423.)
(805 ILCS 105/113.70) (from Ch. 32, par. 113.70)
Sec. 113.70. Conducting affairs without certificate of authority. No foreign corporation
conducting affairs in this State without a certificate of authority to do so is permitted to maintain a
civil action in any court of this State, until such corporation obtains such a certificate of authority.
Nor shall a civil action be maintained in any court of this State by any successor or assignee of such
corporation on any right, claim or demand arising out of conducting affairs by such corporation in
this State, until a certificate of authority to conduct affairs in this State is obtained by such
corporation or by a corporation which has acquired all or substantially all of its assets. The failure
of a foreign corporation to obtain a certificate of authority to conduct affairs in this State does not
impair the validity of any contract or act of such corporation, and does not prevent such corporation
from defending any action in any court of this State.
(Source: P.A. 84-1423.)
(805 ILCS 105/114.05) (from Ch. 32, par. 114.05)
Sec. 114.05. Annual report of domestic or foreign corporation. Each domestic corporation
organized under this Act, and each foreign corporation authorized to conduct affairs in this State,
shall file, within the time prescribed by this Act, an annual report setting forth:
(a) The name of the corporation.
(b) The address, including street and number, or rural route number, of its registered office
in this State, and the name of its registered agent at such address and a statement of change of its
registered office or registered agent, or both, if any.
(c) The address, including street and number, if any, of its principal office.
(d) The names and respective business residential addresses, including street and number,
or rural route number, of its directors and officers.
(e) A brief statement of the character of the affairs which the corporation is actually
conducting from among the purposes authorized in Section 103.05 of this Act.
(f) Whether the corporation is a Condominium Association as established under the
Condominium Property Act, a Cooperative Housing Corporation defined in Section 216 of the
Internal Revenue Code of 1954 or a Homeowner Association which administers a common-interest
community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure.
New matter indicated by italics - deletions by strikeout.
(g) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the corporation.

Such annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by subsections (a) to (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report. It shall be executed by the corporation by any authorized officer and verified by him or her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(Source: P.A. 88-691, eff. 1-24-95.)

(805 ILCS 105/115.05) (from Ch. 32, par. 115.05)

Sec. 115.05. Fees and charges to be collected by Secretary of State. The Secretary of State shall charge and collect in accordance with the provisions of this Act:

(a) Fees for filing documents and issuing certificates.
(b) Miscellaneous charges.
(c) Fees for filing annual reports.

(Source: P.A. 84-1423.)

(805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

Sec. 115.10. Fees for filing documents and issuing certificates. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation and issuing a certificate of incorporation, $50.
(b) Filing articles of amendment and issuing a certificate of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.
(c) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, $25.
(d) Filing articles of dissolution, $5.
(e) Filing application to reserve a corporate name, $25.
(f) Filing a notice of transfer of a reserved corporate name, $25.
(g) Filing statement of change of address of registered office or change of registered agent, or both, if other than on an annual report, $5.
(h) Filing an application of a foreign corporation for certificate of authority to conduct affairs in this State and issuing a certificate of authority, $50.
(i) Filing an application of a foreign corporation for amended certificate of authority to conduct affairs in this State and issuing an amended certificate of authority, $25.
(j) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.
(k) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this State, $25.
(l) Filing an application for withdrawal and final report or a copy of articles of dissolution; of a foreign corporation and issuing a certificate of withdrawal, $5.
(m) Filing an annual report of a domestic or foreign corporation, $5.
(n) Filing an application for reinstatement of a domestic or a foreign corporation, and issuing a certificate of reinstatement, $25.
(o) Filing an application for use or change of an assumed corporate name, for each year month or part thereof ending in 0 or 5, $120; for each year or part thereof ending in 1 or 6, $90; for each year or part thereof ending in 2 or 7, $60; for each year or part thereof ending in 3 or 8, $30; for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed corporate name; and a renewal fee for each assumed corporate name, $150.
(p) Filing an application for change or cancellation of an assumed corporate name, $5.
(q) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.
(r) Filing an application for cancellation of a registered name of a foreign corporation, $5.
(s) Filing a statement of correction, $25.
(t) Filing an election to accept this Act, $25.
(u) Filing any other statement or report, $5.
(Source: P.A. 87-516; 88-691, eff. 1-24-95.)

Sec. 115.20. Expedited service fees.
(a) The Secretary of State may charge and collect a fee for expedited services as follows:
Certificates of good standing or fact, $10;
All filings, copies of documents, annual reports for up to 3 years, and copies of documents
of dissolved corporations having a file number over 5199, $25.
(b) Expedited services shall not be available for a statement of correction, a petition for
refund or adjustment, or any request for copies involving more than 3 years' annual reports or
involving dissolved corporations with a file number below 5200.
(c) All moneys collected under this Section shall be deposited into the Department of
Business Services Special Operations Fund. No other fees or taxes collected under this Act shall be
deposited into that Fund.
(d) As used in this Section, "expedited services" has the meaning ascribed thereto in Section
(Source: P.A. 91-463, eff. 1-1-00.)

Section 15. The Limited Liability Company Act is amended by changing Sections 1-10, 5-55,
15-5, 35-40, 35-50, 45-65, 50-10, and 50-50 as follows:

Sec. 1-10. Limited liability company name.
(a) The name of each limited liability company as set forth in its articles of organization:
(1) shall contain the terms "limited liability company", "L.L.C.", or "LLC";
(2) may not contain a word or phrase, or an abbreviation or derivation thereof, the use
of which is prohibited or restricted by any other statute of this State unless the restriction has
been complied with;
(3) shall consist of letters of the English alphabet, Arabic or Roman numerals, or
symbols capable of being readily reproduced by the Office of the Secretary of State;
(4) shall not contain any of the following terms: "Corporation," "Corp.," "Incorporated,
"Inc.," "Ltd.," "Co.," "Limited Partnership" or "L.P.";
(5) shall be the name under which the limited liability company transacts business in this
State unless the limited liability company also elects to adopt an assumed name or names as
provided in this Act; provided, however, that the limited liability company may use any
divisional designation or trade name without complying with the requirements of this Act,
provided the limited liability company also clearly discloses its name;
(6) shall not contain any word or phrase that indicates or implies that the limited liability
company is authorized or empowered to be in the business of a corporate fiduciary unless
otherwise permitted by the Commissioner of the Office of Banks and Real Estate under
Section 1-9 of the Corporate Fiduciary Act. The word "trust", "trustee", or "fiduciary" may
be used by a limited liability company only if it has first complied with Section 1-9 of the
Corporate Fiduciary Act; and
(7) shall contain the word "trust", if it is a limited liability company organized for the
purpose of accepting and executing trusts.
(b) Nothing in this Section or Section 1-20 shall abrogate or limit the common law or
statutory law of unfair competition or unfair trade practices, nor derogate from the common law or
principles of equity or the statutes of this State or of the United States of America with respect to the
right to acquire and protect copyrights, trade names, trademarks, service marks, service names, or any
other right to the exclusive use of names or symbols.
(c) The name shall not contain any word or phrase that indicates or implies that it is
organized for any purposes other than those permitted by this Act as limited by its articles of
organization.
(d) The name shall be distinguishable upon the records in the Office of the Secretary of State
from all of the following:
(1) Any limited liability company that has articles of organization filed with the

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Secretary of State under Section 5-5.
(2) Any foreign limited liability company admitted to transact business in this State.
(3) Any name for which an exclusive right has been reserved in the Office of the Secretary of State under Section 1-15.
(4) Any assumed name that is registered with the Secretary of State under Section 1-20.
(5) Any corporate name or assumed corporate name of a domestic or foreign corporation subject to the provisions of Section 4.05 of the Business Corporation Act of 1983 or Section 104.05 of the General Not For Profit Corporation Act of 1986.
(e) The provisions of subsection (d) of this Section shall not apply if the organizer files with the Secretary of State a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of that name in this State.
(f) The Secretary of State shall determine whether a name is "distinguishable" from another name for the purposes of this Act. Without excluding other names that may not constitute distinguishable names in this State, a name is not considered distinguishable, for purposes of this Act, solely because it contains one or more of the following:
(1) The word "limited", "liability" or "company" or an abbreviation of one of those words.
(2) Articles, conjunctions, contractions, abbreviations, or different tenses or number of the same word.

(Source: P.A. 90-424, eff. 1-1-98.)

Sec. 15-5. Operating agreement.
(a) Except as otherwise provided in subsection (b) of this Section, all members of a limited liability company may enter into an operating agreement to regulate the affairs of the company and the conduct of its business and to govern relations among the members, managers, and company. To the extent the operating agreement does not otherwise provide, this Act governs relations among the members, managers, and company. Except as provided in subsection (b) of this Section, an operating agreement may modify any provision or provisions of this Act governing relations among the members, managers, and company.
(b) The operating agreement may not:
(1) unreasonably restrict a right to information or access to records under Section 10-15;
(2) vary the right to expel a member in an event specified in subdivision (6) of Section 35-45;
(3) vary the requirement to wind up the limited liability company's business in a case specified in subdivisions (3) or (4) of Section 35-1;
(4) restrict rights of a person, other than a manager, member, and transferee of a
member's distributional interest, under this Act;

(5) restrict the power of a member to dissociate under Section 35-50, although an operating agreement may determine whether a dissociation is wrongful under Section 35-50, and it may eliminate or vary the obligation of the limited liability company to purchase the dissociated member's distributional interest under Section 35-60;

(6) eliminate or reduce a member's fiduciary duties, but may;

(A) identify specific types or categories of activities that do not violate these duties, if not manifestly unreasonable; and

(B) specify the number or percentage of members or disinterested managers that may authorize or ratify, after full disclosure of all materials facts, a specific act or transaction that otherwise would violate these duties; or

(7) eliminate or reduce the obligation of good faith and fair dealing under subsection (d) of Section 15-3, but the operating agreement may determine the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable.

(c) In a limited liability company with only one member, the operating agreement includes any of the following:

(1) Any writing, without regard to whether the writing otherwise constitutes an agreement, as to the company's affairs signed by the sole member.

(2) Any written agreement between the member and the company as to the company's affairs.

(3) Any agreement, which need not be in writing, between the member and the company as to a company's affairs, provided that the company is managed by a manager who is a person other than the member.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/35-40)
Sec. 35-40. Reinstatement following administrative dissolution.
(a) A limited liability company administratively dissolved under Section 35-25 may be reinstated by the Secretary of State within 5 years following the date of issuance of the notice of dissolution upon the occurrence of all of the following:

(1) The filing of an application for reinstatement.

(2) The filing with the Secretary of State by the limited liability company of all reports then due and theretofore becoming due.

(3) The payment to the Secretary of State by the limited liability company of all fees and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 of this Act and shall set forth all of the following:

(1) The name of the limited liability company at the time of the issuance of the notice of dissolution.

(2) If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change of name is properly effected under Section 1-10 and Section 1-15 of this Act.

(3) The date of issuance of the notice of dissolution.

(4) The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement thereof and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of dissolution is properly reported under Section 1-35 of this Act.

(c) When a dissolved limited liability company has complied with the provisions of the Section, the Secretary of State shall file the application for issue a certificate of reinstatement.

(d) Upon the filing of the application for issuance of the certificate of reinstatement, the limited liability company existence shall be deemed to have continued without interruption from the date of the issuance of the notice of dissolution, and the limited liability company shall stand revived with the powers, duties, and obligations as if it had not been dissolved; and all acts and proceedings

New matter indicated by italics - deletions by strikeout.
of its members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the dissolution, shall stand ratified and confirmed.
(Source: P.A. 87-1062.)

Sec. 35-50. Member's power to dissociate; wrongful dissociation.

(a) A member of a member-managed company has the power to dissociate from a limited liability company at any time, rightfully or wrongfully, by express will under subdivision (1) of Section 35-45. If an operating agreement does not specify in writing the time or the events upon the happening of which a member of a manager-managed company may dissociate, a member does not have the power, rightfully or wrongfully, to dissociate from the company before the dissolution and winding up of the company.

(b) The member's dissociation from a member-managed limited liability company is wrongful only if it is in breach of an express provision of the agreement.

(c) A member who wrongfully dissociates from a member-managed limited liability company is liable to the company and to the other members for damages caused by the dissociation. The liability is in addition to any other obligation of the member to the company or to the other members.

(d) If a member-managed limited liability company does not dissolve and wind up its business as a result of a member's wrongful dissociation under subsection (b) of this Section, damages sustained by the company for the wrongful dissociation must be offset against distributions otherwise due the member after the dissociation.

(e) Unless otherwise provided in writing in an agreement, a company whose original articles of organization were filed with the Secretary of State and effective on or before January 1, 2001, shall continue to be governed by this Section in effect immediately prior to January 1, 2001, and shall not be governed by this Section.
(Source: P.A. 90-424, eff. 1-1-98.)

Sec. 45-65. Reinstatement following revocation.

(a) A limited liability company whose admission has been revoked under Section 45-35 may be reinstated by the Secretary of State within 5 years following the date of issuance of the certificate of revocation upon the occurrence of all of the following:

(1) The filing of the application for reinstatement.

(2) The filing with the Secretary of State by the limited liability company of all reports then due and becoming due.

(3) The payment to the Secretary of State by the limited liability company of all fees and penalties then due and becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 and shall set forth all of the following:

(1) The name of the limited liability company at the time of the issuance of the notice of revocation.

(2) If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change is properly effected under Sections 1-10 and 45-25.

(3) The date of the issuance of the notice of revocation.

(4) The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of revocation is properly reported under Section 1-35.

(c) When a limited liability company whose admission has been revoked has complied with the provisions of this Section, the Secretary of State shall file the application for issue a certificate of reinstatement.

(d) Upon the filing of the application for issuance of the certificate of reinstatement: (i) the admission of the limited liability company to transact business in this State shall be deemed to have continued without interruption from the date of the issuance of the notice of revocation, (ii) the
limited liability company shall stand revived with the powers, duties, and obligations as if its admission had not been revoked, and (iii) all acts and proceedings of its members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the revocation, shall stand ratified and confirmed.
(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/50-10)
Sec. 50-10. Fees.
(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:
(1) Fees for filing documents.
(2) Miscellaneous charges.
(3) Fees for the sale of lists of filings, copies of any documents, and for the sale or release of any information.
(b) The Secretary of State shall charge and collect for all of the following:
(1) Filing articles of organization of limited liability companies (domestic), application for admission (foreign), and restated articles of organization (domestic), $400.
(2) Filing amendments:
   (A) For other than change of registered agent name or registered office, or both, $100.
   (B) For the purpose of changing the registered agent name or registered office, or both, $25.
(3) Filing articles of dissolution or application for withdrawal, $100.
(4) Filing an application to reserve a name, $300.
(5) Renewal fee for reserved name, $100.
(6) Filing a notice of a transfer of a reserved name, $100.
(7) Registration of a name, $300.
(8) Renewal of registration of a name, $100.
(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 plus $5 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed name; and a renewal for each assumed name, $300.
(10) Filing an application for change of an assumed name, $100.
(11) Filing an annual report of a limited liability company or foreign limited liability company, $200, if filed as required by this Act, plus a penalty if delinquent.
(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company and for issuing a certificate of reinstatement, $500.
(13) Filing Articles of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.
(14) Filing an Agreement of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.
(15) Filing any other document, $100.
(c) The Secretary of State shall charge and collect all of the following:
(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, $1 per page, but not less than $25, and $25 for the certificate and for affixing the seal thereto.
(2) For the transfer of information by computer process media to any purchaser, fees established by rule.
(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/50-50)
Sec. 50-50. Department of Business Services Special Operations Fund.
(a) A special fund in the State treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in
response to special requests made by the public for same-day or 24-hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, Social Security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $400,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or charges to be collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:
- Restated articles of organization, $100;
- Merger or conversion, $100;
- Articles of organization, $50;
- Articles of amendment, $50;
- Reinstatement, $50;
- Application for admission to transact business, $50;
- Certificate of good standing or abstract of computer record, $10;
- All other filings, copies of documents, annual reports, and copies of documents of dissolved or revoked limited liability companies, $25.

(Source: P.A. 91-463, eff. 1-1-00.)

Section 20. The Uniform Partnership Act is amended by changing Section 8.1 as follows:

(805 ILCS 205/8.1)
Sec. 8.1. Registered limited liability partnerships.
(a) To become and to continue as a registered limited liability partnership, a partnership shall file with the Secretary of State an application or a renewal application, as the case may be, stating the name of the partnership; the federal employer identification number of the partnership; the address of its principal office; the address of a registered office and the name and address of a registered agent for service of process in this State, which the partnership is required to maintain; the number of partners; a brief statement of the business in which the partnership engages, including the four-digit business code number required on the entity's U.S. Tax Return; and that the partnership thereby applies for status or renewal of its status, as the case may be, as a registered limited liability partnership; and if the partnership is organized as a registered limited liability partnership under the laws of another state or other foreign jurisdiction, a document or documents sufficient under those laws to constitute official certification of current status in good standing as a registered limited liability partnership under the laws of that state or jurisdiction.

(b) The application or renewal application shall be executed by a majority in interest of the partners or by one or more partners authorized to execute an application or renewal application.

(c) The application or renewal application for a registered limited liability partnership organized under the laws of this State shall be accompanied by a fee of $100 for each partner, but in no event shall the fee be less than $200 or exceed $5,000. The application for a registered limited liability partnership organized under the laws of another state or other foreign jurisdiction shall be $500. The renewal application for a registered limited liability partnership organized under the laws of another state or other foreign jurisdiction shall be $300. All such fees shall be deposited into the Division of Corporations Registered Limited Liability Partnership Fund.

(d) There is hereby created in the State treasury a special fund to be known as the Division of Corporations Registered Limited Liability Partnership Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Business Services Division of the Office of the Secretary of State to administer the responsibilities of the Secretary of State under this Act. The balance of the Fund at the end of any fiscal year shall not exceed $200,000, and any amount in excess thereof shall be transferred to the General Revenue Fund.

New matter indicated by italics - deletions by strikeout.
(e) The Secretary of State shall register as a registered limited liability partnership, and shall renew the registration of any registered limited liability partnership, any partnership that submits a completed application or renewal application with the required fee.

(f) Registration is effective at the time the registration application is filed with the Secretary of State or at any later time, not more than 60 days after the filing of the registration application, specified in the application, for one year after the date an application is filed, unless voluntarily withdrawn by filing with the Secretary of State a written withdrawal notice executed by a majority in interest of the partners or by one or more partners authorized to execute a withdrawal notice together with a filing fee of $100. Registration, whether pursuant to an original application or a renewal application, as a registered limited liability partnership is renewed if, during the 60 day period preceding the date the initial registration or renewed registration otherwise would have expired, the partnership files with the Secretary of State a renewal application. A renewed registration expires one year after the date an original registration would have expired if the last renewal of the registration had not occurred.

(g) The status of a partnership as a registered limited liability partnership shall not be affected by changes after the filing of an application or a renewal application in the information stated in the application or renewal application.

(h) The Secretary of State shall provide forms for registration application, renewal of registration, and voluntary withdrawal notice.

(Source: P.A. 88-573, eff. 8-11-94; 88-691, eff. 1-24-95.)

Section 25. The Revised Uniform Limited Partnership Act is amended by changing Sections 201, 210, 801, 1102, and 1111 as follows:

 Sec. 201. Certificate of Limited Partnership.  
(a) In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the office of the Secretary of State in Springfield or Chicago. Certificates may be filed in such additional offices as the Secretary of State may designate. The certificate shall set forth:

 1. the name of the limited partnership;
 2. the purposes for which the partnership is formed, which may be stated to be, or to include, the transaction of any or all lawful businesses for which limited partnerships may be formed under this Act;
 3. the address of the office at which the records required to be maintained by Section 104 are kept and the name of its registered agent and the address of its registered office required to be maintained by Section 103;
 4. the name and business address of each general partner;
 5. the aggregate amount of cash and a description and statement of the aggregate agreed value of the other property or services contributed by the partners and which the partners have agreed to contribute;
 6. if agreed upon, a brief statement of the partners' membership and distribution rights;
 7. the latest date, if any, upon which the limited partnership is to dissolve;
 8. any other matters the partners determine to include therein; and
 9. any other information the Secretary of State shall by rule deem necessary to administer this Act.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the Secretary of State or at any later time, not more than 60 days subsequent to the filing of the certificate of limited partnership, specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this Section.

(Source: P.A. 86-836.)

(805 ILCS 210/201)  
Sec. 210. Merger of limited partnership and limited liability company.  
(a) Under a plan of merger approved under subsection (c) of this Section, any one or more limited partnerships may merge into one of such limited partnerships or with or into one or more limited liability companies of this State, any other state or states of the United States, or the District
of Columbia, if the laws of the other state or states or the District of Columbia permit the merger. The limited partnership or partnerships and the limited liability company or companies, if any, may merge with or into a limited partnership, which may be any one of these limited partnerships, or they may merge with or into a limited liability company, which may be any one of these limited liability companies, which shall be a limited partnership or limited liability company of this State, any other state of the United States, or the District of Columbia, which permits the merger.

(b) A plan of merger must set forth all of the following:
(1) The name of each entity that is a party to the merger.
(2) The name of the surviving entity into which the other entity or entities will merge.
(3) The type of organization of the surviving entity.
(4) The terms and conditions of the merger.
(5) The manner and basis for converting the interests, obligations, or other securities of each party to the merger into interests, obligations, or securities of the surviving entity, or into money or other property in whole or in part.
(6) The street address of the surviving entity's principal place of business.
(c) The plan of merger required by subsection (b) of this Section must be approved by each party to the merger in accordance with all of the following:
(1) In the case of a domestic limited partnership, by all of the partners or by the number or percentage of the partners required to approve a merger in the partnership agreement.
(2) In the case of a limited liability company, in accordance with the terms of the limited liability company operating agreement, if any, and in accordance with the laws under which it was formed.
(d) After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan of merger.
(e) If a limited partnership or partnerships are merging under this Section, the limited partnership or partnerships and the limited liability company or companies that are parties to the merger must sign the articles of merger. The articles of merger shall be delivered to the Secretary of State of this State for filing. The articles must set forth all of the following:
(1) The name of each limited partnership and the name and jurisdiction of organization of each limited liability company, if any, that is a party to the merger.
(2) For each limited partnership that is to merge, the date its certificate of limited partnership was filed with the Secretary of State.
(3) That a plan of merger has been approved and signed by each limited partnership and each limited liability company, if any, that is a party to the merger.
(4) The name and address of the surviving limited partnership or surviving limited liability company.
(5) The effective date of the merger.
(6) If a limited partnership is the surviving entity, any changes in its certificate of limited partnership that are necessary by reason of the merger.
(7) If a party to the merger is a foreign limited liability company, the jurisdiction and date of the filing of its articles of organization and the date when its application for authority was filed with the Secretary of State of this State or, if an application has not been filed, a statement to that effect.
(8) If the surviving entity is not a domestic limited partnership or limited liability company organized under the laws of this State, an agreement that the surviving entity may be served with process in this State and is subject to liability in any action or proceeding for the enforcement of any liability or obligation of any limited partnership previously subject to suit in this State that is to merge, and for the enforcement, as provided in this Act, of the right of partners of any limited partnership to receive payment for their interest against the surviving entity.

(f) The merger is effective upon the filing of the articles of merger with the Secretary of State of this State, or on a later date as specified in the articles of merger not later than 30 days subsequent to the filing of the plan of merger under subsection (e) of this Section.
(g) Upon the merger becoming effective, articles of merger shall act as a certificate of cancellation for a domestic limited partnership which is not the surviving entity of the merger.
(h) Upon the merger becoming effective, articles of merger may operate as an amendment to the certificate of limited partnership of the limited partnership which is the surviving entity of the merger.

(i) When any merger becomes effective under this Section:
   (1) the separate existence of each limited partnership and each limited liability company, if any, that is a party to the merger, other than the surviving entity, terminates;
   (2) all property owned by each limited partnership and each limited liability company, if any, that is a party to the merger vests in the surviving entity;
   (3) all debts, liabilities, and other obligations of each limited partnership and each limited liability company, if any, that is a party to the merger become the obligations of the surviving entity;
   (4) an action or proceeding by or against a limited partnership or limited liability company, if any, that is a party to the merger may be continued as if the merger had not occurred or the surviving entity may be substituted as a party to the action or proceeding; and
   (5) except as prohibited by other law, all the rights, privileges, immunities, powers, and purposes of each limited partnership and each limited liability company, if any, that is a party to the merger vest in the surviving entity.

(j) The Secretary of State of this State is an agent for service of process in an action or proceeding against the surviving foreign entity to enforce an obligation of any party to a merger if the surviving foreign entity fails to appoint or maintain an agent designated for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the designated office. Service is effected under this subsection (j) at the earliest of:
   (1) the date the surviving entity receives the process, notice, or demand;
   (2) the date shown on the return receipt, if signed on behalf of the surviving entity; or
   (3) 5 days after its deposit in the mail, if mailed postpaid and correctly addressed.

(k) Service under subsection (j) of this Section shall be made by the person instituting the action by doing all of the following:
   (1) Serving on the Secretary of State of this State, or on any employee having responsibility for administering this Act in his or her office, a copy of the process, notice, or demand, together with any papers required by law to be delivered in connection with service and paying the fee prescribed by subsection (b) of Section 1102 of this Act.
   (2) Transmitting notice of the service on the Secretary of State of this State and a copy of the process, notice, or demand and accompanying papers to the surviving entity being served, by registered or certified mail at the address set forth in the articles of merger.
   (3) Attaching an affidavit of compliance with this Section, in substantially the form that the Secretary of State of this State may by rule prescribe, to the process, notice, or demand.

(l) Nothing contained in this Section shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a limited partnership in any other manner now or hereafter permitted by law.

(m) The Secretary of State of this State shall keep, for a period of 5 years from the date of service, a record of all processes, notices, and demands served upon him or her under this Section and shall record the time of the service and the person's action with reference to the service.

(n) Except as provided by agreement with a person to whom a general partner of a limited partnership is obligated, a merger of a limited partnership that has become effective shall not affect any obligation or liability existing at the time of the merger of a general partner of a limited partnership that is merging.

(o) If a limited partnership is a constituent party to a merger that has become effective, but the limited partnership is not the surviving entity of the merger, then a judgment creditor of a general partner of the limited partnership may not levy execution against the assets of the general partner to satisfy a judgment based on a claim against the surviving entity of the merger unless:
   (1) a judgment based on the same claim has been obtained against the surviving entity of the merger and a writ of execution on the judgment has been returned unsatisfied in whole or in part;
   (2) the surviving entity of the merger is a debtor in bankruptcy;

New matter indicated by italics - deletions by strikeout.
(3) the general partner has agreed that the creditor need not exhaust the assets of the limited partnership that was not the surviving entity of the merger;

(4) the general partner has agreed that the creditor need not exhaust the assets of the surviving entity of the merger;

(5) a court grants permission to the judgment creditor to levy execution against the assets of the general partner based on a finding that the assets of the surviving entity of the merger that are subject to execution are insufficient to satisfy the judgment, that exhaustion of the assets of the surviving entity of the merger is excessively burdensome, or that grant of permission is an appropriate exercise of the court's equitable powers; or

(6) liability is imposed on the general partner by law or contract independent of the existence of the surviving entity of the merger.

(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 210/801) (from Ch. 106 1/2, par. 158-1)

Sec. 801. Dissolution. A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

(a) at the time or upon the happening of events specified in the partnership agreement;

(b) written consent of all partners;

(c) an event of withdrawal of a general partner unless at the time there is at least one other general partner and the partnership agreement permits the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal, if, within 90 days after the withdrawal, all partners (or such lesser number of partners as is provided for in the written provisions of the partnership agreement) agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired; or

(d) entry of a decree of judicial dissolution under Section 802.

(Source: P.A. 86-836.)

(805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)

Sec. 1102. Fees. (a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated pursuant to its authority:

(1) fees for filing documents;

(2) miscellaneous charges;

(3) fees for the sale of lists of filings, copies of any documents, and for the sale or release of any information.

(b) The Secretary of State shall charge and collect for:

(1) filing certificates of limited partnership (domestic), certificates of admission (foreign), restated certificates of limited partnership (domestic), and restated certificates of admission (foreign), $75;

(2) filing certificates to be governed by this Act, $25;

(3) filing amendments and certificates of amendment, $25;

(4) filing certificates of cancellation, $25;

(5) filing an application for use or change of an assumed name pursuant to Section 108 of this Act, $150 plus $2.50 per year a month or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, between the date of filing such application and the date of the renewal of the assumed name; and a renewal fee for each assumed name, $150;

(6) filing a renewal report of a domestic or foreign limited partnership, $15 if filed as required by this Act, plus $100 penalty if delinquent;

(7) filing an application for reinstatement of a domestic or foreign limited partnership, and for issuing a certificate of reinstatement, $100;

(8) filing any other document, $5.

(c) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument or paper relating to a domestic limited partnership or foreign limited partnership, $.50 per page, but not less than $5, and

New matter indicated by italics - deletions by strikeout.
$5 for the certificate and for affixing the seal thereto; and
(2) for the transfer of information by computer process media to any purchaser, fees
established by rule.
(Source: P.A. 86-820.)
(805 ILCS 210/1111)
Sec. 1111. Department of Business Services Special Operations Fund.
(a) A special fund in the State Treasury is created and shall be known as the Department of
Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to
appropriation, be used by the Department of Business Services of the Office of the Secretary of State,
hereinafter "Department", to create and maintain the capability to perform expedited services in
response to special requests made by the public for same day or 24 hour service. Moneys deposited
into the Fund shall be used for, but not limited to, expenditures for personal services, retirement,
social security contractual services, equipment, electronic data processing, and telecommunications.
(b) The balance in the Fund at the end of any fiscal year shall not exceed $400,000 and any
amount in excess thereof shall be transferred to the General Revenue Fund.
(c) All fees payable to the Secretary of State under this Section shall be deposited into the
Fund. No other fees or charges taxes collected under this Act shall be deposited into the Fund.
(d) "Expedited services" means services rendered within the same day, or within 24 hours
from the time, the request therefor is submitted by the filer, law firm, service company, or messenger
physically in person, or at the Secretary of State's discretion, by electronic means, to the
Department's Springfield Office or Chicago Office and includes requests for certified copies,
photocopies, and certificates of existence or abstracts of computer record made to the Department's
Springfield Office in person or by telephone, or requests for certificates of existence or abstracts of
computer record made in person or by telephone to the Department's Chicago Office.
(e) Fees for expedited services shall be as follows:
Merger or conversion, $100;
Certificate of limited partnership, $50;
Certificate of amendment, $50;
Reinstate, $50;
Application for admission to transact business, $50;
Certificate of cancellation of admission, $50;
Certificate of existence or abstract of computer record, $10.
All other filings, copies of documents, biennial renewal reports, and copies of documents of
canceled limited partnerships, $25.
(Source: P.A. 91-463, eff. 1-1-00.)
Section 30. The Uniform Commercial Code is amended by changing Section 9-519 and by
adding Section 9-528 as follows:
(810 ILCS 5/9-519)
Sec. 9-519. Numbering, maintaining, and indexing records; communicating information
provided in records.
(a) Filing office duties. For each record filed in a filing office, the filing office shall:
(1) assign a unique number to the filed record;
(2) create a record, which may be electronic, microfilm, or otherwise, that bears the
number assigned to the filed record and the date and time of filing;
(3) maintain the filed record for public inspection; and
(4) index the filed record in accordance with subsections (c), (d), and (e).
(b) File number. A file number assigned after January 1, 2002, must include a digit that:
(1) is mathematically derived from or related to the other digits of the file number; and
(2) aids the filing office in determining whether a number communicated as the file
number includes a single-digit or transpositional error.
(c) Indexing: general. Except as otherwise provided in subsections (d) and (e), the filing
office shall:
(1) index an initial financing statement according to the name of the debtor and index
all filed records relating to the initial financing statement in a manner that associates with
one another an initial financing statement and all filed records relating to the initial financing statement; and

(2) index a record that provides a name of a debtor which was not previously provided in the financing statement to which the record relates also according to the name that was not previously provided.

(d) Indexing: real-property-related financing statement. If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, it must be filed for record and the filing office shall index it:

(1) under the names of the debtor and of each owner of record shown on the financing statement as if they were the mortgagors under a mortgage of the real property described; and

(2) to the extent that the law of this State provides for indexing of records of mortgages under the name of the mortgagee, under the name of the secured party as if the secured party were the mortgagee thereunder, or, if indexing is by description, as if the financing statement were a record of a mortgage of the real property described.

(e) Indexing: real-property-related assignment. If a financing statement is filed as a fixture filing or covers as-extracted collateral or timber to be cut, the filing office shall index an assignment filed under Section 9-514(a) or an amendment filed under Section 9-514(b):

(1) under the name of the assignor as grantor; and

(2) to the extent that the law of this State provides for indexing a record of the assignment of a mortgage under the name of the assignee.

(f) Retrieval and association capability. The filing office shall maintain a capability:

(1) to retrieve a record by the name of the debtor and by the file number assigned to the initial financing statement to which the record relates; and

(2) to associate and retrieve with one another an initial financing statement and each filed record relating to the initial financing statement.

(g) Removal of debtor's name. The filing office may not remove a debtor's name from the index until one year after the effectiveness of a financing statement naming the debtor lapses under Section 9-515 with respect to all secured parties of record.

(h) Timeliness of filing office performance. The filing office shall perform the acts required by subsections (a) through (e) at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the record in question.

(i) Inapplicability to real-property-related filing office. Subsections (b) and (h) do not apply to a filing office described in Section 9-501(a)(1).

(j) Unless a statute on disposition of public records provides otherwise, if the filing officer has an electronic, microfilm, or other image record to be maintained of the financing statement, continuation statement, statement of assignment, statement of release, termination statement, or any other related document, he or she may remove and destroy the original paper submission.

(Source: P.A. 91-893, eff. 7-1-01.)

(810 ILCS 5/9-528 new)

Sec. 9-528. Liability of filing officer. Neither the filing officer nor any of the filing officer's employees or agents shall be subject to personal liability by reason of any error or omission in the performance of any duty under this Article except in the case of willful and wanton conduct.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect on July 1, 2001.


Effective July 1, 2001.

PUBLIC ACT 92-0034
(Senate Bill No. 0834)
AN ACT concerning State funds.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 6t as follows:
(30 ILCS 105/6t) (from Ch. 127, par. 142t)
Sec. 6t. The Capital Development Board Contributory Trust Fund is created and there shall be paid into the Capital Development Board Contributory Trust Fund the monies contributed by and received from Public Community College Districts, Elementary, Secondary, and Unit School Districts, and Vocational Education Facilities, provided, however, no monies shall be required from a participating Public Community College District, Elementary, Secondary, or Unit School District, or Vocational Education Facility more than 30 days prior to anticipated need under the particular contract for the Public Community College District, Elementary, Secondary, or Unit School District, or Vocational Education Facility. No monies in any fund in the State Treasury, nor any funds under the control or beneficial control of any state agency, university, college, department, commission, board or any other unit of state government shall be deposited, paid into, or by any other means caused to be placed into the Capital Development Board Contributory Trust Fund, except for federal funds, bid bond forfeitures, and insurance proceeds as provided for below.

There shall be paid into the Capital Development Board Contributory Trust Fund all federal funds to be utilized for the construction of capital projects under the jurisdiction of the Capital Development Board, and all proceeds resulting from such federal funds. All such funds shall be remitted to the Capital Development Board within 10 working days of their receipt by the receiving authority.

There shall also be paid into this Fund all monies designated as gifts, donations or charitable contributions which may be contributed by an individual or entity, whether public or private, for a specific capital improvement project.

There shall also be paid into this Fund all proceeds from bid bond forfeitures in connection with any project formally bid and awarded by the Capital Development Board.

There shall also be paid into this Fund all builders risk insurance policy proceeds and all other funds recovered from contractors, sureties, architects, material suppliers or other persons contracting with the Capital Development Board for capital improvement projects which are received by way of reimbursement for losses resulting from destruction of or damage to capital improvement projects while under construction by the Capital Development Board or received by way of settlement agreement or court order.

The monies in the Capital Development Board Contributory Trust Fund shall be expended only for actual contracts let, and then only for the specific project for which funds were received in accordance with the judgment of the Capital Development Board, compatible with the duties and obligations of the Capital Development Board in furtherance of the specific capital improvement for which such funds were received. Contributions, insured-loss reimbursements or other funds received as damages through settlement or judgement for damage, destruction or loss of capital improvement projects shall be expended for the repair of such projects; or if the projects have been or are being repaired before receipt of the funds, the funds may be used to repair other such capital improvement projects. Any funds not expended for a specific project within 36 months after the date received shall be paid into the General Obligation Bond Retirement and Interest Fund.

Contributions or insured-loss reimbursements not expended in furtherance of the project for which they were received within 36 months of the date received, shall be returned to the contributing party. Proceeds from builders risk insurance shall be expended only for the amelioration of damage arising from the incident for which the proceeds were paid to the State or the Capital Development Contributory Trust Fund. Any residual amounts remaining after the completion of such repairs, renovation, reconstruction or other work necessary to restore the capital improvement project to acceptable condition shall be returned to the proper fund or entity financing or contributing towards the cost of the capital improvement project. Such returns shall be made in amounts proportionate to the contributions made in furtherance of the project.

Any monies received as a gift, donation or charitable contribution for a specific capital improvement which have not been expended in furtherance of that project shall be returned to the contributing party after completion of the project or if the legislature fails to authorize the capital improvement.

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The unused portion of any federal funds received for a capital improvement project which are not contributed, upon its completion, towards the cost of the project, shall be deposited in the Capital Development Bond Retirement and Interest Fund if moneys from the Capital Development Fund have been utilized for the project.

(Source: P.A. 86-192.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:
(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a
self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.
(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessee is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6

New matter indicated by italics - deletions by strikeout.
months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not
make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7).

Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.
(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction.
in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-75.

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or
overwintering plants shall be considered farm machinery and equipment under this item (7).
Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor
vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if
the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed
or purchased to be installed on farm machinery and equipment including, but not limited to, tractors,
harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not
limited to, soil testing sensors, computers, monitors, software, global positioning and mapping
systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related
equipment used primarily in the computer-assisted operation of production agriculture facilities,
equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of
animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This
item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the
carrier to be used for consumption, shipment, or storage in the conduct of its business as an air
common carrier, for a flight destined for or returning from a location or locations outside the United
States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the
purchase and consumption of food and beverages, to the extent that the proceeds of the service charge
are in fact turned over as tips or as a substitute for tips to the employees who participate directly in
preparing, serving, hosting or cleaning up the food or beverage function with respect to which the
service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of
rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and
drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual
replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and
equipment purchased for lease; but excluding motor vehicles required to be registered under the

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both
new and used, including that manufactured on special order, certified by the purchaser to be used
primarily for photoprocessing, and including photoprocessing machinery and equipment purchased
for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and
reclamation equipment, including replacement parts and equipment, and including equipment
purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle
Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold
(other than alcoholic beverages, soft drinks and food that has been prepared for immediate
consumption) and prescription and non-prescription medicines, drugs, medical appliances, and
insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when
purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid
Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of
the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse
Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes
of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and
equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases
the equipment, under a lease of one year or longer executed or in effect at the time of the purchase,
to a hospital that has been issued an active tax exemption identification number by the Department
under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or
longer executed or in effect at the time of the purchase, to a governmental body that has been issued

New matter indicated by italics - deletions by strikeout.
an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Sections 1g and 2-5 as follows:

Sec. 1g. Application for exemption identification number. On or before December 31, 1986, except as hereinafter provided, each entity otherwise eligible under exemption (11) of Section 2-5 of this Act and on and after the effective date of this amendatory Act of the 92nd General Assembly each entity otherwise eligible under exemption (9) of Section 2-5 of this Act shall make application to the Department for an exemption identification number. In the case of a corporation, society, association, foundation, or institution organized and operated exclusively for charitable purposes and
that has more than 50 subsidiary organizations in Illinois, the Department, in its sole discretion, may issue one exemption identification number to be used by the parent organization and each subsidiary organization.

Each exemption identification number or renewal number shall be valid for 5 years after the first day of the month following the month of issuance. Not less than 3 months before the expiration date, an application for renewal shall be filed.

Each application for an exemption identification number or a renewal number shall contain information and be accompanied by documentation as shall be requested by the Department.

(Source: P.A. 86-1475.)

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.
(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

New matter indicated by italics - deletions by strikeout.
(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of
drigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and
drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual
replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and
equipment purchased for lease; but excluding motor vehicles required to be registered under the

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both
new and used, including that manufactured on special order, certified by the purchaser to be used
primarily for photoprocessing, and including photoprocessing machinery and equipment purchased
for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and
reclamation equipment, including replacement parts and equipment, and including equipment
purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to
be used for consumption, shipment, or storage in the conduct of its business as an air common carrier,
for a flight destined for or returning from a location or locations outside the United States without
regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside
Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's
donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used
primarily in or for the transportation of property or the conveyance of persons for hire on rivers
bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel
while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is
delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if
a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois
Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor
vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having
the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will
not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of
the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse
Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes
of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and
equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases
the equipment, under a lease of one year or longer executed or in effect at the time of the purchase,
to a hospital that has been issued an active tax exemption identification number by the Department
under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or
longer executed or in effect at the time of the purchase, to a governmental body that has been issued
an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with
taxable years ending on or before December 31, 2004, personal property that is donated for disaster
relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a
manufacturer or retailer that is registered in this State to a corporation, society, association,
foundation, or institution that has been issued a sales tax exemption identification number by the
Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with
taxable years ending on or before December 31, 2004, personal property that is used in the
performance of infrastructure repairs in this State, including but not limited to municipal roads and
streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions,
water distribution and purification facilities, storm water drainage and retention facilities, and sewage
treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering
Illinois when such repairs are initiated on facilities located in the declared disaster area within 6
months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting
preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at
a hunting enclosure approved through rules adopted by the Department of Natural Resources. This
paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle
Code, that is donated to a corporation, limited liability company, society, association, foundation,
or institution that is determined by the Department to be organized and operated exclusively for
educational purposes. For purposes of this exemption, "a corporation, limited liability company,
society, association, foundation, or institution organized and operated exclusively for educational
purposes" means all tax-supported public schools, private schools that offer systematic instruction
in useful branches of learning by methods common to public schools and that compare favorably in
their scope and intensity with the course of study presented in tax-supported schools, and vocational
or technical schools or institutes organized and operated exclusively to provide a course of study of
not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a
manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through
fundraising events for the benefit of a public or private elementary or secondary school, a group of
those schools, or one or more school districts if the events are sponsored by an entity recognized by
the school district that consists primarily of volunteers and includes parents and teachers of the school
children. This paragraph does not apply to fundraising events (i) for the benefit of private home
instruction or (ii) for which the fundraising entity purchases the personal property sold at the events
from another individual or entity that sold the property for the purpose of resale by the fundraising
entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the
provisions of Section 2-70.

(35) Beginning January 1, 2000, new or used automatic vending machines that prepare
and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for
these machines. This paragraph is exempt from the provisions of Section 2-70.

(Source: P.A. 90-14, eff. 7-1-97; 90-519, eff. 6-1-98; 90-605, eff. 12-12-97; 90-701, eff. 6-30-98;
91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.
8-20-99; 91-644, eff. 8-20-99; revised 9-28-99.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Passed in the General Assembly May 9, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0036
(Senate Bill No. 0880)

AN ACT in relation to community water supplies.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Nuclear Safety Law of the Civil Administrative Code of
Illinois is amended by changing Section 40 as follows:
(20 ILCS 2005/2005-40) (was 20 ILCS 2005/71 in part)
(a) The Department shall exercise, administer, and enforce all rights, powers, and duties
vested in the Environmental Protection Agency by paragraphs a, b, c, d, e, f, g, h, i, j, k, l, m, n, o,
p, q, and r of Section 4 and by Sections 30 through 45 of the Environmental Protection Act, to the
extent that these powers relate to standards of the Pollution Control Board adopted under Section
2005-45. The transfer of rights, powers, and duties specified in this Section is limited to the programs
transferred by Public Act 81-1516 and this amendatory Act of 2001 and shall not be deemed
to abolish or diminish the exercise of those same rights, powers, and duties by the Environmental

New matter indicated by italics - deletions by strikeout.
Protection Agency with respect to programs retained by the Environmental Protection Agency.

(b) Notwithstanding provisions in Sections 4 and 17.7 of the Environmental Protection Act, the Environmental Protection Agency is not required to perform analytical services for community water supplies to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations.

(c)(1) Community water supply operators may request the Department of Nuclear Safety to perform analytical services to determine compliance with contaminant levels for radionuclides as specified in State or federal drinking water regulations. The Department of Nuclear Safety must adopt rules establishing reasonable fees reflecting the direct and indirect cost of testing community water supply samples. The rules may require a community water supply operator to commit to participation in the Department's testing program. Neither the Department nor the Environmental Protection Agency is required to perform analytical services to determine contaminant levels for radionuclides from any community water supply operator that does not participate in the Department's testing program.

(2) Community water supply operators that choose not to participate in the Department's testing program or do not pay the fees established by the Department shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations to determine radionuclide contaminant levels.

(d) Fees received by the Department under this Section must be deposited in the Radiation Protection Fund.

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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


PUBLIC ACT 92-0037
( Senate Bill No. 0884)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Medical Special Purposes Trust Fund.
Section 10. The Illinois Public Aid Code is amended by changing Sections 12-4.18 and 12-10.5 as follows:

(305 ILCS 5/12-4.18) (from Ch. 23, par. 12-4.18)
Sec. 12-4.18. Grants and gifts for public aid and related welfare purposes. Accept, hold and administer in behalf of the State any grant, gift or legacy of money, securities, or property to the Illinois Department or to the State of Illinois for public aid or any related welfare purpose. From appropriations from the Assistance to the Homeless Fund, a special fund in the State treasury, which is hereby created, provide grants to not-for-profit organizations for the purpose of providing assistance to homeless persons.

Grants, gifts, and legacies for employment and training programs for public assistance clients shall be deposited into the Employment and Training Fund.

Grants, gifts, donations, and legacies for functions connected with the administration of any medical program administered by the Illinois Department shall be deposited into the Medical Special Purposes Trust Fund created under Section 12-10.5.

(305 ILCS 5/12-4.19) (from Ch. 23, par. 12-4.19)
Sec. 12-4.19. Grants for Pilot Studies and Research.
Co-operate with the Federal Government, private foundations, persons, corporations or other entities making grants of funds or offering the services of technical assistants for pilot studies and other research programs relating to effective methods of rehabilitation or the adequacy of public aid and welfare programs, policies and procedures, and accept, hold and administer grants made in connection therewith. Grants for functions connected with the administration of any medical program administered by the Illinois Department shall be deposited into the Medical Special Purposes Trust Fund created under Section 12-10.5.
(Source: P.A. 77-2110.)
(305 ILCS 5/12-10.5 new)

Sec. 12-10.5. Medical Special Purposes Trust Fund.
(a) The Medical Special Purposes Trust Fund ("the Fund") is created. Any grant, gift, donation, or legacy of money or securities that the Department of Public Aid is authorized to receive under Section 12-4.18 or Section 12-4.19, and that is dedicated for functions connected with the administration of any medical program administered by the Department, shall be deposited into the Fund. All federal moneys received by the Department as reimbursement for disbursements authorized to be made from the Fund shall also be deposited into the Fund.
(b) No moneys received from a service provider or a governmental or private entity that is enrolled with the Department as a provider of medical services shall be deposited into the Fund.
(c) Disbursements may be made from the Fund for the purposes connected with the grants, gifts, donations, or legacies deposited into the Fund, including, but not limited to, medical quality assessment projects, eligibility population studies, medical information systems evaluations, and other administrative functions that assist the Department in fulfilling its health care mission under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

AN ACT concerning tourism.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-705, 605-707, and 605-710 as follows:
(20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)
Sec. 605-705. Grants to local tourism and convention bureaus.
(a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before the request for certification; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. bureaus eligible to receive funds are defined as those bureaus in legal existence as of January 1, 1985 that are either a unit of local
Each bureau receiving funds under this Act will be certified by the Department as the designated recipient to serve an area of the State. These funds may not be used in support of the Chicago World's Fair.

(b) To distribute grants to local tourism and convention bureaus from appropriations made from the Local Tourism Fund for that purpose. Of the amounts appropriated annually to the Department for expenditure under this Section, one-third of those monies shall be used for grants to convention and tourism bureaus in cities with a population greater than 500,000. The remaining two-thirds of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with a formula based upon the population served. The Department may reserve up to 10% of the total appropriated to conduct audits of grants, to provide incentive funds to those bureaus that will conduct promotional activities designed to further the Department's statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State's parks or historic sites.

(Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-4-99.)

(20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

Sec. 605-707. International Tourism Program.

(a) The Department of Commerce and Community Affairs must establish a program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department may work in cooperation with local convention and tourism bureaus in Illinois in the coordination of international tourism efforts at the State and local level. The Department may (i) work in cooperation with local convention and tourism bureaus for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, (iv) provide training, research, technical support, and grants to certified convention and tourism bureaus, and (v) provide staff, administration, and related support required to manage the programs under this Section, and (vi) provide grants for the development of or the enhancement of international tourism attractions.

(b) The Department shall make grants for expenses related to international tourism and pay for the staffing, administration, and related support from the International Tourism Fund, a special fund created in the State Treasury. Of the amounts deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for development of international tourism in areas outside of Chicago. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 55% shall be used for grants to convention and tourism bureaus in Chicago, and of that amount not less than 27.5% shall be used for grants to the City of Chicago's Office of Tourism, 27.5% shall be used for grants to other convention and tourism bureaus in Chicago other than the City of Chicago's Office of Tourism, and 45% shall be used for administrative expenses authorized under this Section and development of international tourism in areas outside of Chicago, of which not less than $1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program, and may also be used to provide grants under item (vi) of subsection (a) of this Section.

(c) A convention and tourism bureau is eligible to receive grant moneys under this Section if the bureau is certified to receive funds under Title 14 of the Illinois Administrative Code, Section 550.35. To be eligible for a grant, a convention and tourism bureau must provide matching funds equal to the grant amount. In certain circumstances as determined by the Director of Commerce and Community Affairs, however, the City of Chicago's Office of Tourism or any other and all convention and tourism bureaus must provide matching funds equal to no less than 50% of the grant amount to be eligible to receive the grant. One-half of this 50% may be provided through in-kind contributions. Grants received by the City of Chicago's Office of Tourism and by convention and tourism bureaus in Chicago may be expended for the general purposes of promoting conventions and tourism.
Sec. 605-710. Regional tourism development organizations. The Department may, subject to appropriation, provide grants or contractual funding from the Tourism Promotion Fund for the administrative costs of not-for-profit regional tourism development organizations that assist the Department in developing tourism throughout a multi-county geographical area designated by the Department. Regional tourism development organizations receiving funds under this Section may be required by the Department to submit to audits of contracts awarded by the Department to determine whether the regional tourism development organization has performed all contractual obligations under those contracts.

Every employee of a regional tourism development organization receiving funds under this Section shall disclose to the organization's governing board and to the Department any economic interest that employee may have in any entity with which the regional tourism development organization has contracted or to which the regional tourism development organization has granted funds.

Section 10. The Illinois Promotion Act is amended by changing Sections 1, 2, 3, 4, 4a, 5, 7, 8a, 9, 10, 11, 13, 13a, and 14 as follows:

(20 ILCS 665/1) (from Ch. 127, par. 200-21)
Sec. 1. Short title. This Act shall be known and cited as the Illinois Promotion Act.

(20 ILCS 665/2) (from Ch. 127, par. 200-22)
Sec. 2. Legislative findings; policy. The General Assembly hereby finds, determines and declares:

(a) That the health, safety, morals and general welfare of the people of the State are directly dependent upon the continual encouragement, development, growth and expansion of tourism within the State;

(b) That unemployment, the spread of indigency, and the heavy burden of public assistance and unemployment compensation can be alleviated by the promotion, attraction, stimulation, development and expansion of tourism in the State;

(c) That the policy of the State of Illinois, in the interest of promoting the health, safety, morals and welfare of all the people of the State, is to increase the economic impact of tourism job opportunities throughout the State through promotional activities and by making available grants and loans to be made to local promotion groups and others, as provided in Sections 5 and 8a of this Act, for promotional purposes of promoting, developing, and expanding tourism destinations, tourism attractions, and tourism events.

(20 ILCS 665/3) (from Ch. 127, par. 200-23)
Sec. 3. Definitions. The following words and terms, whenever used or referred to in this Act, shall have the following meanings, except where the context may otherwise require:

(a) "Department" means the Department of Commerce and Community Affairs of the State of Illinois.

(b) "Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois.

(c) "Promotional activities" means preparing, planning and conducting campaigns of information, advertising and publicity through such media as newspapers, radio, television, magazines, trade journals, moving and still photography, posters, outdoor signboards and personal contact within and without the State of Illinois; dissemination of information, advertising, publicity, photographs and other literature and material designed to carry out the purpose of this Act; and participation in and attendance at meetings and conventions concerned primarily with tourism, including travel to and from such meetings.

(d) "Municipality" means "municipality" as defined in Section 1-1-2 of the Illinois Municipal Code, as heretofore and hereafter amended.
(e) "Tourism" means travel 50 miles or more one-way or an overnight trip outside of a person's normal routine.
(Source: P.A. 81-1509.)
(20 ILCS 665/4) (from Ch. 127, par. 200-24)
Sec. 4. Powers. The Department shall have the following powers:
(a) To formulate a program for the promotion of tourism and the film industry in the State of Illinois, including, but not limited to, the promotion of our State Parks, fishing and hunting areas, historical shrines, vacation regions and areas of historic or scenic interest.
(b) To cooperate with civic groups and local, State and federal departments and agencies, and agencies and departments of other states in encouraging educational tourism and developing programs therefor.
(c) To publish tourist promotional material such as brochures and booklets.
(d) To promote tourism in Illinois through all media, including but not limited to, the Internet, television, by articles and advertisements in magazines, newspapers and travel publications and by establishing promotional exhibitions at fairs, travel shows, and similar exhibitions.
(e) To establish and maintain travel offices at major points of entry to the State.
(f) To recommend legislation relating to the encouragement of tourism in Illinois.
(g) To assist municipalities or local promotion groups in developing new tourist attractions including but not limited to feasibility studies and analyses, research and development, and management and marketing planning for such new tourist attractions.
(h) (Blank).
(i) To do such other acts as shall, in the judgment of the Department, be necessary and proper in fostering and promoting tourism in the State of Illinois:
(j) To implement a program of matching grants and loans to counties, municipalities, or local promotion groups and others, as provided in Sections 5 and 8a of this Act, loans to for-profit businesses for the development or improvement of tourism attractions and tourism events in Illinois under the terms and conditions provided in this Act.
(k) To expend funds from the International and Promotional Fund, subject to appropriation, on any activity authorized under this Act.
(l) To do any other acts that, in the judgment of the Department, are necessary and proper in fostering and promoting tourism in the State of Illinois.
(Source: P.A. 90-26, eff. 7-1-97; 91-357, eff. 7-29-99.)
(20 ILCS 665/4a) (from Ch. 127, par. 200-24a)
Sec. 4a. Funds.
(1) As soon as possible after the first day of each month, beginning July 1, 1978 and ending June 30, 1997, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury, to be known as the "Tourism Promotion Fund", an amount equal to 10% of the net revenue realized from "The Hotel Operators' Occupation Tax Act", as now or hereafter amended, plus an amount equal to 10% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act, as now or hereafter amended, during the preceding month. Net revenue realized for a month shall be the revenue collected by the State pursuant to that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.
All moneys deposited in the Tourism Promotion Fund pursuant to this subsection are allocated to the Department for utilization, as appropriated, in the performance of its powers under Section 4.
As soon as possible after the first day of each month, beginning July 1, 1997, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Tourism Promotion Fund an amount equal to 13% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 13% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.
(1.1) (Blank).

New matter indicated by italics - deletions by strikeout.
(2) As soon as possible after the first day of each month, beginning July 1, 1997, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Tourism Promotion Fund an amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

All monies deposited in the Tourism Promotion Fund under this subsection (2) shall be used solely as provided in this subsection to advertise and promote tourism throughout Illinois. Appropriations of monies deposited in the Tourism Promotion Fund pursuant to this subsection (2) shall be used solely for advertising to promote tourism, including but not limited to advertising production and direct advertisement costs, but shall not be used to employ any additional staff, finance any individual event, or lease, rent or purchase any physical facilities. The Department shall coordinate its advertising under this subsection (2) with other public and private entities in the State engaged in similar promotion activities. Print or electronic media production made pursuant to this subsection (2) for advertising promotion shall not contain or include the physical appearance of or reference to the name or position of any public officer. "Public officer" means a person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions.

(20 ILCS 665/5) (from Ch. 127, par. 200-25)
Sec. 5. Marketing and private sector programs.
(a) The Department is authorized to make grants, subject to appropriation, from funds transferred into the Tourism Promotion Fund under subsection (1) of Section 4a to counties, municipalities, not-for-profit organizations, and local promotion groups and to assist such counties, municipalities and local promotion groups in the promotion of tourism attractions and tourism events their promotional activities. The Department, after review of the application and if satisfied that the program and proposed expenditures of the applicant appear to be in accord with the purposes of this Act, must grant to the applicant an amount not to exceed 60% of the proposed expenditures.
(b) The Department may make grants, subject to appropriation, from funds transferred into the Tourism Promotion Fund under subsection (1) of Section 4a to counties, municipalities, not-for-profit organizations, local promotion groups, and for-profit businesses to assist in attracting and hosting tourism events matched with funds from sources in the private sector. The Department, after review of the application and if satisfied that the program and proposed expenditures of the applicant appear to be in accord with the purposes of this Act, must grant to the applicant an amount not to exceed 50% of the proposed expenditures.

Before any such grant may be made the county, municipality, not-for-profit organization, or local promotion group, or for-profit business, pursuant to an order, resolution, ordinance or other appropriate action of its governing body, must make application to the Department for such grant, setting forth the studies, surveys and investigations proposed to be made and other promotional activities proposed to be undertaken. The application shall further state, under oath or affirmation, with evidence thereof satisfactory to the Department, the amount of funds held by, committed to or subscribed to, and proposed to be expended by, the applicant for the purposes herein described and the amount of the grant for which application is made.

The Department shall make grants from funds transferred into the Tourism Promotion Fund under subsection (1) of Section 4a to match funds appropriated or otherwise allocated by counties, municipalities and local promotion groups subsequent to the effective date of this Act. The Department shall make grants from funds transferred into the Tourism Promotion Fund under subsection (1) of Section 4a only to match funds from sources in the private sector.

(20 ILCS 665/7) (from Ch. 127, par. 200-27)
Sec. 7. Notice of approval and grant. Upon approval of each application and the making of a grant by the Department in accordance therewith, the Department shall give notice to the applicant
of such approval and grant, and shall direct the applicant to proceed with its proposed tourism promotional program as described in its application and to use the funds allocated by the applicant for such purpose. Upon the furnishing of satisfactory evidence to the Department that the applicant has so proceeded, the grant allocated to such applicant shall be paid over on such basis to the applicant by the Department.

(Source: Laws 1967, p. 4097.)

(20 ILCS 665/8a) (from Ch. 127, par. 200-28a)
Sec. 8a. Tourism grants and loans; fund.
(1) The Department is authorized to make grants and loans, subject to appropriations by the General Assembly for this purpose from the Tourism Promotion Fund or the Tourism Attraction Development Matching Grant Fund, to counties, municipalities, local promotion groups, not-for-profit organizations, or for-profit businesses for the development or improvement of tourism attractions in Illinois. Individual These grants and loans shall not exceed $1,000,000 and shall not exceed 50% of the entire amount of the actual expenditures for the development or improvement of a tourist attraction. Agreements for loans made by the Department pursuant to this subsection may contain provisions regarding term, interest rate, security as may be required by the Department and any other provisions the Department may require to protect the State's interest.

(2) There is hereby created a special fund in the State Treasury to be known as the Tourism Attraction Development Matching Grant Fund. The deposit of monies into this fund shall be limited to the repayments of principal and interest from loans made pursuant to subsection (1).

(Source: P.A. 91-683, eff. 1-26-00.)

(20 ILCS 665/9) (from Ch. 127, par. 200-29)
Sec. 9. Administration; rules. The Department is directed to administer the provisions of this Act with such flexibility so as to bring about as effective and economical a tourism promotion program as possible. In order to effectuate and enforce the provisions of this Act, the Department is authorized to promulgate necessary rules and regulations and prescribe procedures in order to assure compliance by applicants in carrying out the purposes for which grants and loans may be made under this Act.

(Source: Laws 1967, p. 4097.)

(20 ILCS 665/10) (from Ch. 127, par. 200-30)
Sec. 10. Quarterly statement. The Department shall submit quarterly to the Governor and to the State Comptroller a statement on promotional activities undertaken under the terms of this Act.

(Source: P.A. 78-592.)

(20 ILCS 665/11) (from Ch. 127, par. 200-31)
Sec. 11. Promotional material. Any promotional material produced as the result of the financial participation of the State of Illinois under the terms of this Act shall so indicate thereon.

(Source: Laws 1963, p. 2209.)

(20 ILCS 665/13) (from Ch. 127, par. 200-33)
Sec. 13. Powers of municipalities and counties. For the purposes set out in this Act, the corporate authorities of each city, village or incorporated town and the county board of each county may (1) promote the advantages of the municipality or county, as the case may be, for tourism, industrial development and other activities and programs designed to stimulate employment, (2) appropriate funds for promotional activities and programs, (3) accept gifts and grants to be used for promotional purposes, and (4) join with other municipalities, counties, and local promotion groups in promotional activities and programs.

(Source: Laws 1963, p. 2209.)

(20 ILCS 665/13a) (from Ch. 127, par. 200-33a)
Sec. 13a. Affirmative action. The Department shall, within 90 days after the effective date of this amendatory Act of 1984, establish and maintain an affirmative action program designed to promote equal employment opportunity and eliminate the effects of past discrimination. Such program shall include a plan which shall specify goals and methods for increasing participation by women and minorities in employment by parties which receive funds pursuant to this Act. The Department shall submit a detailed plan with the General Assembly prior to March 1 of each year. Such program shall also establish procedures to ensure compliance with the plan established pursuant to this Section and with State and federal laws and regulations relating to the employment of women
and minorities.
(Source: P.A. 83-1129.)
(20 ILCS 665/14) (from Ch. 127, par. 200-34)
Sec. 14. Severability. If any section, subdivision, sentence or clause of this Act is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.
(Source: Laws 1963, p. 2209.)
(20 ILCS 665/6 rep.)
Section 15. The Illinois Promotion Act is amended by repealing Section 6.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0039
(House Bill No. 0205)

AN ACT in relation to nursing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 10-30 as follows:
(225 ILCS 65/10-30)
Sec. 10-30. Qualifications for licensure.
(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a Registered Nurse or Licensed Practical Nurse, whichever is applicable.
(b) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:
(1) submit a completed written application, on forms provided by the Department and fees as established by the Department;
(2) for registered nurse licensure, have completed an approved professional nursing education program of not less than 2 academic years and have graduated from the program; for licensed practical nurse licensure, have completed an approved practical nursing education program of not less than one academic year and have graduated from the program;
(3) have not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure;
(4) meet all other requirements as established by rule;
(5) pay, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.
If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may make a new application accompanied by the required fee and provide evidence of meeting the requirements in force at the time of the new application.
An applicant who has never been licensed previously in any jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass the examination within 3 years after filing the application must submit proof of successful completion of a Department-authorized nursing education program or recompletion of an approved registered nursing program or licensed practical nursing program, as appropriate, prior to re-application. An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

New matter indicated by italics - deletions by strikeout.
(c) An applicant for licensure who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States shall:

(1) submit a completed written application, on forms supplied by the Department, and fees as established by the Department;
(2) for registered nurse licensure, have completed an approved professional nursing education program of not less than 2 academic years and have graduated from the program;
for licensed practical nurse licensure, have completed an approved practical nursing education program of not less than one academic year and have graduated from the program;
(3) submit verification of licensure status directly from the United States jurisdiction of licensure;
(4) have passed the examination authorized by the Department;
(5) meet all other requirements as established by rule.

(d) All applicants for licensure pursuant to this Section who are graduates of nursing educational programs in a country other than the United States or its territories must submit to the Department certification of successful completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination. An applicant, who is unable to provide appropriate documentation to satisfy CGFNS of her or his educational qualifications for the CGFNS examination, shall be required to pass an examination to test competency in the English language which shall be prescribed by the Department, if the applicant is determined by the Board to be educationally prepared in nursing. The Board shall make appropriate inquiry into the reasons for any adverse determination by CGFNS before making its own decision.

An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall be exempt from the completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination if the applicant meets all of the following requirements:

(1) successful passage of the licensure examination authorized by the Department;
(2) holds an active, unencumbered license in another state; and
(3) has been actively practicing for a minimum of 2 years in another state.

(e) (Blank).

No applicant shall be issued a license as a registered nurse or practical nurse under this Section unless he or she has passed the examination authorized by the Department within 3 years of completion and graduation from an approved nursing education program, unless such applicant submits proof of successful completion of a Department-authorized remedial nursing education program or recompletion of an approved registered nursing program or licensed practical nursing program, as appropriate.

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

(1) a signed and completed application for licensure under subsection (a) of this Section as a registered nurse or a licensed practical nurse;
(2) proof of a current, active license in at least one other jurisdiction and proof that each current active license or temporary license held by the applicant is unencumbered;
(3) a signed and completed application for a temporary license; and
(4) the required permit fee.

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

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor directly related to the practice of the profession, within the last 5 years;
(2) within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or
(3) it intends to deny licensure by endorsement.
For purposes of this Section, an "unencumbered license" means a license against which no disciplinary action has been taken or is pending and for which all fees and charges are paid and current.

(h) The Department may revoke a temporary license issued pursuant to this Section if:
(1) it determines that the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
(2) it determines that within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or
(3) it determines that it intends to deny licensure by endorsement.
A temporary license or renewed temporary license shall expire (i) upon issuance of an Illinois license or (ii) upon notification that the Department intends to deny licensure by endorsement. A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first. No extensions shall be granted beyond the 6-month period unless approved by the Director. Notification by the Department under this Section shall be by certified or registered mail.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

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

PUBLIC ACT 92-0040
(House Bill No. 0452)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:
(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)
Sec. 5-4-3. Persons convicted of, or found delinquent for, qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.
(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:
(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or
(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

New matter indicated by italics - deletions by strikeout.
(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or
(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or
(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or
(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or
(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or
(2) Any former statute of this State which defined a felony sexual offense, or
(3) Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney
General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or:


(g-5) The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $500. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.
(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 90-124, eff. 1-1-98; 90-130, eff. 1-1-98; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-528, eff. 1-1-00; revised 6-13-00.)

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

PUBLIC ACT 92-0041
(House Bill No. 1048)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 3-14.25 and adding Section 34-18.22 as follows:

(105 ILCS 5/3-14.25) (from Ch. 122, par. 3-14.25)
Sec. 3-14.25. Unfilled teaching positions list. To maintain, and make available to the public during regular business hours, a list of unfilled teaching positions within the region. The most current version of the list must be posted on or linked to the regional office of education's Internet web site. If the regional office of education does not have an Internet web site, the regional superintendent of schools must make the list available to the State Board of Education and the State Board of Education must post the list on the State Board of Education's Internet web site. The State Board of Education's Internet web site must provide a link to each regional office of education's list.
(Source: P.A. 83-503.)

(105 ILCS 5/34-18.22 new)
Sec. 34-18.22. Unfilled teaching positions list. The school district must post a current list of all unfilled teaching positions in the district on its Internet web site. The State Board of Education's Internet web site must provide a link to this list.

Section 99. Effective date. This Act takes effect upon becoming law.
Effective July 1, 2001.

PUBLIC ACT 92-0042
(House Bill No. 1096)

AN ACT concerning alternative learning opportunities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 2-3.33a, 3-15.12, and 26-2 and by adding Article 13B as follows:

(105 ILCS 5/2-3.33a)
Sec. 2-3.33a. Audit adjustments prohibited; alternative education program. The State Board of Education shall not make audit adjustments to general State aid claims paid in fiscal years 1999, 2000, 2001, and 2002, and 2003 based upon the claimant's failure to provide a minimum of 5 clock hours of daily instruction to students in an alternative education program or based upon the claimant's provision of service to non-resident students in an alternative education program without charging tuition, provided that the non-resident students were enrolled in the alternative education program on or before April 1, 2000.
(Source: P.A. 91-844, eff. 6-22-00.)

New matter indicated by italics - deletions by strikeout.
Sec. 3-15.12. High school equivalency testing program. The regional superintendent of schools shall make available for qualified individuals residing within the region a High School Equivalency Testing Program. For that purpose the regional superintendent alone or with other regional superintendents may establish and supervise a testing center or centers to administer the secure forms of the high school level Test of General Educational Development to qualified persons. Such centers shall be under the supervision of the regional superintendent in whose region such centers are located, subject to the approval of the State Superintendent of Education.

An individual is eligible to apply to the regional superintendent of schools for the region in which he resides if he is: (a) a person who is 18 years of age or older, has maintained residence in the State of Illinois and is not a high school graduate, but whose high school class has graduated; (b) a member of the armed forces of the United States on active duty who is 17 years of age or older and who is stationed in Illinois or is a legal resident of Illinois; (c) a ward of the Department of Corrections who is 17 years of age or older or an inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who is 17 years of age or older; (d) a female who is 17 years of age or older who is unable to attend school because she is either pregnant or the mother of one or more children; (e) a male 17 years of age or older who is unable to attend school because he is a father of one or more children; (f) a person who is successfully completing an alternative education program under Section 2-3.81, or Article 13A, or Article 13B; (g) a person who is enrolled in a youth education program sponsored by the Illinois National Guard; or (h) a person who is 17 years of age or older who has been a dropout for a period of at least one year. For purposes of this Section, residence is that abode which the applicant considers his home. Applicants may provide as sufficient proof of such residence a picture identification card and two pieces of correctly addressed and postmarked mail. Such regional superintendent shall determine if the applicant meets statutory and regulatory state standards. If qualified the applicant shall at the time of such application pay a fee established by the State Board of Education, which fee shall be paid into a special fund under the control and supervision of the regional superintendent. Such moneys received by the regional superintendent shall be used, first, for the expenses incurred in administering and scoring the examination, and next for other educational programs that are developed and designed by the regional superintendent of schools to assist those who successfully complete the high school level test of General Education Development in furthering their academic development or their ability to secure and retain gainful employment, including programs for the competitive award based on test scores of college or adult education scholarship grants or similar educational incentives. Any excess moneys shall be paid into the institute fund.

Any applicant who has achieved the minimum passing standards as established by the State Board of Education shall be notified in writing by the regional superintendent and shall be issued a high school equivalency certificate on the forms provided by the State Superintendent of Education. The regional superintendent shall then certify to the Office of the State Superintendent of Education the score of the applicant and such other and additional information that may be required by the State Superintendent of Education. The moneys received therefrom shall be used in the same manner as provided for in this Section.

Any applicant who has attained the age of 18 years and maintained residence in the State of Illinois and is not a high school graduate but whose high school class has graduated or any ward of the Department of Corrections who has attained the age of 17 years, any inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who has attained the age of 17 years, or any member of the armed forces of the United States on active duty who has attained the age of 17 years and who is stationed in Illinois or is a legal resident of Illinois, or any female who has attained the age of 17 years and is either pregnant or the mother of one or more children, or any male who has attained the age of 17 years and is the father of one or more children, or any person who has successfully completed an alternative education program under Section 2-3.81, or Article 13A, or Article 13B and meets the requirements prescribed by the State Board of Education, is eligible to apply for a high school equivalency certificate upon showing evidence that he has completed, successfully, the high school level General Educational Development Tests, administered by the United States Armed Forces Institute, official GED Centers established in other states, or at Veterans' Administration Hospitals or the office of the State Superintendent of Education.
administered for the Illinois State Penitentiary System and the Department of Corrections. Such applicant shall apply to the regional superintendent of the region wherein he has maintained residence, and upon payment of a fee established by the State Board of Education the regional superintendent shall issue a high school equivalency certificate, and immediately thereafter certify to the State Superintendent of Education the score of the applicant and such other and additional information as may be required by the State Superintendent of Education.

Notwithstanding the provisions of this Section, any applicant who has been out of school for at least one year may request the regional superintendent of schools to administer the restricted GED test upon written request of: The director of a program who certifies to the Chief Examiner of an official GED center that the applicant has completed a program of instruction provided by such agencies as the Job Corps, the Postal Service Academy or apprenticeship training program; an employer or program director for purposes of entry into apprenticeship programs; another State Department of Education in order to meet regulations established by that Department of Education, a post high school educational institution for purposes of admission, the Department of Professional Regulation for licensing purposes, or the Armed Forces for induction purposes. The regional superintendent shall administer such test and the applicant shall be notified in writing that he is eligible to receive the Illinois High School Equivalency Certificate upon reaching age 18, provided he meets the standards established by the State Board of Education.

Any test administered under this Section to an applicant who does not speak and understand English may at the discretion of the administering agency be given and answered in any language in which the test is printed. The regional superintendent of schools may waive any fees required by this Section in case of hardship.

In counties of over 3,000,000 population a GED certificate issued on or after July 1, 1994 shall contain the signatures of the State Superintendent of Education, the superintendent, president or other chief executive officer of the institution where GED instruction occurred and any other signatures authorized by the State Superintendent of Education.

(Source: P.A. 89-273, eff. 1-1-96; 89-358, eff. 1-1-96; 89-626, eff. 8-9-96; 89-629, eff. 8-9-96; 90-643, eff. 7-24-98.)

(105 ILCS 5/Art. 13B heading new)
ARTICLE 13B. ALTERNATIVE LEARNING OPPORTUNITIES
(105 ILCS 5/13B-1 new)
Sec. 13B-1. Short title. This Article may be cited as the Alternative Learning Opportunities Law.
(105 ILCS 5/13B-5 new)
Sec. 13B-5. Legislative findings and declarations. The General Assembly finds and declares the following:

(1) It is the responsibility of each school district to provide educational support for every student to meet Illinois Learning Standards.

(2) School districts need flexibility and financial support to assist local schools in their efforts to provide students with educational and other services needed for students to successfully master the curriculum.

(3) Alternative education in this State has traditionally provided student-centered curriculum, social services, and other support needed to help students succeed.

(4) Standards-based reform requires a comprehensive approach to alternative education to ensure that every student has the opportunity to meet the State's rigorous learning standards.

(5) While school districts operating alternative learning opportunities programs must comply with all applicable State and federal laws and rules, these districts should do so in a manner consistent with the goals and policies stated in this Article.

(105 ILCS 5/13B-10 new)
Sec. 13B-10. Purpose. The purpose of this Article is to specify the requirements for the operation of alternative learning opportunities programs, which are intended to provide students at risk of academic failure with the education and support services needed to meet Illinois Learning Standards and to complete their education in an orderly, safe, and secure learning environment. Services provided under this Article should be provided in a manner that addresses individual
learning styles, career development, and social needs to enable students to successfully complete their education.

(105 ILCS 5/13B-15 new)
Sec. 13B-15. Definitions. In this Article, words and phrases have the meanings set forth in the following Sections preceding Section 13B-20 of this Code.

(105 ILCS 5/13B-15.5 new)
Sec. 13B-15.5. State Board. "State Board" means the State Board of Education.

(105 ILCS 5/13B-15.10 new)
Sec. 13B-15.10. Student at risk of academic failure. "Student at risk of academic failure" means a student at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for educational support or social services beyond that provided by the regular school program. Such students are eligible for services up to the age of 21.

(105 ILCS 5/13B-15.15 new)
Sec. 13B-15.15. Student Success Plan. "Student Success Plan" means a plan based on an assessment of a student's educational and social functioning and skills and that establishes goals and objectives for satisfactory performance in an alternative learning opportunities program. The Plan must (i) specify the curriculum and instructional methods to be used in improving the student's educational performance, (ii) outline the support services needed to remove barriers to learning, (iii) specify, when appropriate, the career development experiences the student will receive to enhance his or her career awareness, (iv) set objectives to ensure a successful transition back to the regular school program or to post-secondary educational options, and (v) outline the student's responsibilities under the Plan.

(105 ILCS 5/13B-15.20 new)
Sec. 13B-15.20. Support services. "Support services" include alcohol and drug rehabilitation; individual, group, and family counseling; mentoring; tutoring; school physicals; health and nutrition education; classroom aides; career counseling; child care; and any other social, health, or supplemental service approved as part of the Student Success Plan that is required by students for their academic success.

(105 ILCS 5/13B-20 new)
Sec. 13B-20. Alternative learning opportunities program. An alternative learning opportunities program shall provide a flexible standards-based learning environment, innovative and varied instructional strategies, a student-centered curriculum, social programs, and supplemental social, health, and support services to improve the educational achievement of students at risk of academic failure.

(105 ILCS 5/13B-20.5 new)
Sec. 13B-20.5. Eligible activities and services. Alternative learning opportunities programs may include without limitation evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, support services, parental involvement programs, and programs to develop, enhance, or extend the transition for students transferring back to the regular school program, an adult education program, or a post-secondary education program.

(105 ILCS 5/13B-20.10 new)
Sec. 13B-20.10. Who may establish and operate programs. School districts may establish alternative learning opportunities programs or may contract with regional offices of education, intermediate service centers, public community colleges, non-profit or for-profit education providers, youth service agencies, community-based organizations, or other appropriate entities to establish alternative learning opportunities programs within the public school system and provide a range of alternative learning opportunities for those students in the State who do not meet Illinois Learning Standards. Districts may individually operate alternative learning opportunities programs or may collaborate with 2 or more districts or one or more regional offices of education or both or with intermediate service centers to create and operate alternative learning opportunities programs.

(105 ILCS 5/13B-20.15 new)
Sec. 13B-20.15. Other eligible providers of alternative learning opportunities. School districts may contract with health, mental health, or human service organizations, workforce
development boards or agencies, juvenile court services, juvenile justice agencies, juvenile detention programs, programs operated by the Department of Corrections, or other appropriate agencies or organizations to serve students whose needs are not being met in the regular school program by providing alternative learning opportunities.

(105 ILCS 5/13B-20.20 new)
Sec. 13B-20.20. Enrollment in other programs. General Educational Development preparation programs are not eligible for funding under this Article. A student may enroll in a program approved under Section 18-8.05 of this Code, as appropriate, or attend both the alternative learning opportunities program and the regular school program to enhance student performance and facilitate on-time graduation.

(105 ILCS 5/13B-20.25 new)
Sec. 13B-20.25. Eligible students. Students in grades 4 through 12 who meet enrollment criteria established by the school district and who meet the definition of "student at risk of academic failure" are eligible to participate in an alternative learning opportunities program funded under this Article. All rights granted under this Article to a student's parent or guardian become exclusively those of the student upon the student's 18th birthday.

(105 ILCS 5/13B-20.30 new)
Sec. 13B-20.30. Location of program. A school district must consider offering an alternative learning opportunities program on-site in the regular school. An alternative learning opportunities program may be provided at facilities separate from the regular school or in classrooms elsewhere on school premises.

(105 ILCS 5/13B-20.35 new)
Sec. 13B-20.35. Transportation of students. School districts that are required to provide transportation pursuant to Section 29-3 of this Code shall provide transportation for students enrolled in alternative learning opportunities programs. Other school districts shall provide transportation to the same extent that they provide transportation to other students. A school district may collaborate with the regional superintendent of schools to establish a cooperative transportation agreement among school districts in the region to reduce the costs of transportation and to provide for greater accessibility for students attending alternative learning opportunities programs.

(105 ILCS 5/13B-25 new)
Sec. 13B-25. Eligibility for funding. The criteria set forth in the following Sections preceding Section 13B-30 of this Code shall determine the eligibility of an alternative learning opportunities program for funding.

(105 ILCS 5/13B-25.5 new)
Sec. 13B-25.5. General standards for eligibility for funding. To be eligible for funding, an alternative learning opportunities program must provide evidence of an administrative structure, program activities, program staff, a budget, and a specific curriculum that is consistent with Illinois Learning Standards but may be different from the regular school program in terms of location, length of school day, program sequence, pace, instructional activities, or any combination of these.

(105 ILCS 5/13B-25.10 new)
Sec. 13B-25.10. District policies, guidelines, and procedures; notification. Before receiving State funds for an alternative learning opportunities program, a school district must adopt policies and guidelines for the admission and transfer of students to the program and for transitioning students as appropriate back to the regular school program in a manner consistent with guidelines provided by the State Board. A school district must adopt policies and procedures for the establishment of a new alternative learning opportunities program or for securing State approval for an existing program. Any district that plans to establish an alternative learning opportunities program must notify the State Superintendent of Education before enrolling students in the program.

(105 ILCS 5/13B-25.15 new)
Sec. 13B-25.15. Planning process and district plan. To apply for funding to establish or maintain an alternative learning opportunities program, a school district must initiate a planning process to specify the type of program needed by the district. Before submission of the district plan, the school district or consortium may apply for a one-year planning grant. The planning process may involve key education and community stakeholders, such as teachers, administrators, parents, interested members of the community, and other agencies or organizations as appropriate.
Sec. 13B-25.20. Requirements for the district plan. The district plan must be consistent with
the school district's overall mission and goals and aligned with the local school improvement plans
of each participating school. The district plan must include all of the following:

(1) A description of the program, including the students at risk of academic failure to
be served, evidence of need, program goals, objectives, and measurable outcomes.
(2) A staffing plan, including the experiences, competency, and qualifications of certified
and non-certificated staff and emphasizing their individual and collective abilities to work
with students at risk of academic failure.
(3) A description and schedule of support services that will be available to students as
part of their instructional program, including procedures for accessing services required for
students on an as-needed basis.
(4) How the district will use grant funds to improve the educational achievement of
students at risk of academic failure.
(5) A detailed program budget that includes sources of funding to be used in conjunction
with alternative learning opportunities grant funds and a plan for allocating costs to those
funds.
(6) A plan that outlines how funding for alternative learning opportunities will be
coordinated with other State and federal funds to ensure the efficient and effective delivery
of the program.
(7) A description of other sources of revenue the district will allocate to the program.
(8) An estimate of the total cost per student for the program and an estimate of any gap
between existing revenue available for the program and the total cost of the program.
(9) A description of how parents and community members will be involved in the
program.
(10) Policies and procedures used by the district to grant credit for student work
satisfactorily completed in the program.
(11) How the district will assess students enrolled in the program, including how
statewide testing for students in alternative learning opportunities settings will be addressed.
(12) How students will be admitted to the program and how students will make an
effective transition back to the regular school program, as appropriate.
(13) All cooperative and intergovernmental agreements and subcontracts with eligible
entities.

Sec. 13B-25.25. Testing and assessment. A district plan for an alternative learning
opportunities program operated through a cooperative or intergovernmental agreement must provide
procedures for ensuring that students are included in the administration of statewide testing
programs. Students enrolled in an alternative learning opportunities program shall participate in
State assessments under Section 2-3.64 of this Code.

Sec. 13B-25.30. Annual update and submission of district plan. A district plan must be
updated annually and submitted to the State Board.

Sec. 13B-25.35. Regional plan. Based on district plans to provide alternative learning
opportunities, the regional office of education must submit an annual plan summarizing the number,
needs, and demographics of students at risk of academic failure expected to be served in its region.
This plan must be updated annually and submitted to the State Board.

Sec. 13B-30. Responsibilities of the State Board; rules. The State Board has the
responsibilities set forth in the following Sections preceding Section 13B-35 of this Code. The State
Board may adopt rules as necessary to implement this Article.

Sec. 13B-30.5. Program assistance, evaluation, and monitoring. Subject to the availability
of State funds, the State Board is authorized to assist school districts in developing and implementing
alternative learning opportunities programs to meet the educational needs of students at risk of

New matter indicated by italics - deletions by strikeout.
academic failure. The State Board shall develop research-based guidelines for alternative learning opportunities programs, provide technical assistance to ensure the establishment of quality programs aligned with Illinois Learning Standards, and contract for services to conduct an annual statewide evaluation. The State Board shall conduct compliance visits of and monitor programs, as appropriate. The State Board may conduct other program-related research and planning projects, as appropriate, to enhance student outcomes.

(105 ILCS 5/13B-30.10 new)
Sec. 13B-30.10. Compliance. The State Board is responsible for ensuring that all alternative learning opportunities programs are in compliance with all applicable federal and State laws, unless otherwise specified in this Article.

(105 ILCS 5/13B-30.15 new)
Sec. 13B-30.15. Statewide program evaluation of student outcomes. Alternative learning opportunities programs must be evaluated annually on a statewide basis. Indicators used to measure student outcomes for this evaluation may include program completion, elementary school graduation, high school graduation or passage of the General Educational Development test, attendance, the number of students involved in work-based learning activities, the number of students making an effective transition to the regular school program, further education or work, and improvement in the percentage of students enrolled in the sending school district or districts that meet State standards.

(105 ILCS 5/13B-30.20 new)
Sec. 13B-30.20. Suspension or revocation of program approval. The State Board may suspend or revoke approval of an alternative learning opportunities program under any one of the following conditions:

(1) A failure to meet educational outcomes as enumerated in Section 13B-30.15 of this Code and as specified in the alternative learning opportunities grant agreement for a period of 2 or more consecutive years.

(2) A failure to comply with all applicable laws as specified in this Code.

(3) A failure to comply with the terms and conditions of the alternative learning opportunities grant.

(4) A failure to maintain financial records according to generally accepted accounting procedures as specified by the State Board.

(105 ILCS 5/13B-30.25 new)
Sec. 13B-30.25. Corrective action plan. For school districts whose alternative learning opportunities programs are not making progress in specified program outcomes, the State Board may require a school district to submit a corrective action plan.

(105 ILCS 5/13B-30.30 new)
Sec. 13B-30.30. Technical assistance before suspension or revocation of funding. Funding of an alternative learning opportunities program may not be suspended or revoked unless the program has been provided with technical assistance and has had an opportunity to implement a corrective action plan.

(105 ILCS 5/13B-30.35 new)
Sec. 13B-30.35. Recovery of grant funds. The State may recover grant funds from school districts that consistently fail to improve student performance or have failed to implement corrective actions to improve their alternative learning opportunities programs.

(105 ILCS 5/13B-30.40 new)
Sec. 13B-30.40. Application for funding after suspension or revocation of program approval. Once approval to operate an alternative learning opportunities program is suspended or revoked, the school district or consortium must reapply for funding.

(105 ILCS 5/13B-30.45 new)
Sec. 13B-30.45. Administrative support. The State Board shall use 1.5% of the State appropriation for the purposes of this Article to conduct activities related to the provision of technical assistance, professional development, evaluations, and compliance monitoring.

(105 ILCS 5/13B-35 new)
Sec. 13B-35. Application to cooperative agreements. The provisions set forth in the following Sections preceding Section 13B-40 of this Code apply to cooperative agreements among alternative
Sec. 13B-35.5. Local governance; cooperative agreements. For an alternative learning opportunities program operated jointly or offered under contract, the local governance of the program shall be established by each local school board through a cooperative or intergovernmental agreement with other school districts. Cooperative agreements may be established among regional offices of education, public community colleges, community-based organizations, health and human service agencies, youth service agencies, juvenile court services, the Department of Corrections, and other non-profit or for-profit education or support service providers as appropriate. Nothing contained in this Section shall prevent a school district, regional office of education, or intermediate service center from forming a cooperative for the purpose of delivering an alternative learning opportunities program.

Sec. 13B-35.10. Committee of Cooperative Services. The State Superintendent of Education shall convene a State-level Committee of Cooperative Services. The Committee shall include representatives of the following agencies and organizations, selected by their respective heads: the Office of the Governor, the State Board of Education, the Illinois Association of Regional Superintendents of Schools, the Chicago Public Schools, the Intermediate Service Centers, the State Teacher Certification Board, the Illinois Community College Board, the Department of Human Services, the Department of Children and Family Services, the Illinois Principals Association, the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Juvenile Justice Commission, the Office of the Attorney General, the Illinois Association of School Administrators, the Administrative Office of the Illinois Courts, the Department of Corrections, special education advocacy organizations, and non-profit and community-based organizations, as well as parent representatives and child advocates designated by the State Superintendent of Education.

Sec. 13B-35.15. Role of Committee of Cooperative Services. The Committee of Cooperative Services shall advise the State Superintendent of Education on the statewide development, implementation, and coordination of alternative learning opportunities programs. The Committee shall make recommendations to the heads of the various State entities represented on the Committee to improve the educational outcomes of students at risk of academic failure through the coordinated provision of education, health, mental health, and human services.

Sec. 13B-35.20. Operation of Committee of Cooperative Services. The Committee of Cooperative Services shall establish its by-laws and procedures, subject to approval of the State Superintendent of Education.

Sec. 13B-40. Funding. The provisions set forth in the following Sections preceding Section 13B-45 of this Code apply to the funding of alternative learning opportunities programs under this Article.

Sec. 13B-40.5. Budget. The General Assembly shall appropriate new, additional funds to establish alternative learning opportunities programs throughout the State.

Sec. 13B-40.10. Availability of grants. Based on available funding, the State Board shall establish the maximum amount of funding available for planning grants. The remaining funding shall be distributed for supplemental and implementation grants based on available funds, according to the State's calculated share of costs in excess of the per capita cost per student.

Sec. 13B-40.15. Limitation to existing programs. In the first year of funding under this Article, supplemental and implementation grants shall be limited to existing educational programs that meet the guidelines set forth under this Article.

Sec. 13B-40.20. Planning grants. A planning grant shall be used to support the costs associated with developing a district plan for the establishment of a new alternative learning opportunities program providers.
opportunities program or to seek approval for an existing program. A planning grant is limited to one year.

(105 ILCS 5/13B-40.25 new)
Sec. 13B-40.25. Supplemental grants. A supplemental grant shall be used to significantly extend the services of an existing alternative learning opportunities program to additional students or to develop a new component to enhance an existing program. The State Board shall establish the maximum amount of funding available for supplemental grants.

(105 ILCS 5/13B-40.30 new)
Sec. 13B-40.30. Implementation grants. An implementation grant shall be used to support the excess cost of instruction and support services provided by an alternative learning opportunities program. Implementation grants shall be distributed based on available funding grouped according to the per capita costs by school district. The State Board shall establish the maximum amount of funding for implementation grants. In years subsequent to the first year of funding under this Article, implementation grants shall be continued based on completion of program plans, compliance with applicable State laws, and program performance as measured by the percentage of students achieving one or more specified positive outcomes and overall progress in increasing the percentage of students that meet State standards in each participating school district.

(105 ILCS 5/13B-40.35 new)
Sec. 13B-40.35. Supplanting prohibited. Alternative learning opportunities grants may not be used to supplant existing funds that the student would otherwise generate if in attendance in the regular school program.

(105 ILCS 5/13B-40.40 new)
Sec. 13B-40.40. Cooperative and intergovernmental agreements funding. Alternative learning opportunities programs operating under a cooperative or intergovernmental agreement shall receive the total of funding that each individual program would be entitled to receive separately.

(105 ILCS 5/13B-40.45 new)
Sec. 13B-40.45. Deobligated funds. Within any given grant year, deobligated funds shall be redistributed to existing alternative learning opportunities programs.

(105 ILCS 5/13B-40.50 new)
Sec. 13B-40.50. Supplemental funding. An alternative learning opportunities program may receive federal, State, and local grants, gifts, and foundation grants to support the program.

(105 ILCS 5/13B-45 new)
Sec. 13B-45. Days and hours of attendance. An alternative learning opportunities program shall provide students with at least the minimum number of days of pupil attendance required under Section 10-19 of this Code and the minimum number of daily hours of school work required under Section 18-8.05 of this Code, provided that the State Board may approve exceptions to these requirements if the program meets all of the following conditions:

1. The district plan submitted under Section 13B-25.15 of this Code establishes that a program providing the required minimum number of days of attendance or daily hours of school work would not serve the needs of the program's students.
2. Each day of attendance shall provide no fewer than 3 clock hours of school work, as defined under paragraph (1) of subsection (F) of Section 18-8.05 of this Code.
3. Each day of attendance that provides fewer than 5 clock hours of school work shall also provide supplementary services, including without limitation work-based learning, student assistance programs, counseling, case management, health and fitness programs, or life-skills or conflict resolution training, in order to provide a total daily program to the student of 5 clock hours. A program may claim general State aid for up to 2 hours of the time each day that a student is receiving supplementary services.
4. Each program shall provide no fewer than 174 days of actual pupil attendance during the school term; however, approved evening programs that meet the requirements of Section 13B-45 of this Code may offer less than 174 days of actual pupil attendance during the school term.

(105 ILCS 5/13B-50 new)
Sec. 13B-50. Eligibility to receive general State aid. In order to receive general State aid,
alternative learning opportunities programs must meet the requirements for claiming general State aid as specified in Section 18-8.05 of this Code, with the exception of the length of the instructional day, which may be less than 5 hours of school work if the program meets the criteria set forth under Sections 13B-50.5 and 13B-50.10 of this Code and if the program is approved by the State Board.

(105 ILCS 5/13B-50.5 new)

Sec. 13B-50.5. Conditions of funding. If an alternative learning opportunities program provides less than 5 clock hours of school work daily, the program must meet guidelines established by the State Board and must provide supplementary services, including without limitation work-based learning, student assistance programs, counseling, case management, health and fitness programs, life skills, conflict resolution, or service learning, that are equal to the required attendance.

(105 ILCS 5/13B-50.10 new)

Sec. 13B-50.10. Additional criteria for general State aid. In order to claim general State aid, an alternative learning opportunities program must meet the following criteria:

(1) Teacher professional development plans should include education in the instruction of at-risk students.

(2) Facilities must meet the health, life, and safety requirements in this Code.

(3) The program must comply with all other State and federal laws applicable to education providers.

(105 ILCS 5/13B-50.15 new)

Sec. 13B-50.15. Level of funding. Approved alternative learning opportunities programs are entitled to claim general State aid, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Approved programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support. A school district or consortium must ensure that an approved program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

(105 ILCS 5/13B-55 new)

Sec. 13B-55. Non-resident students. If one school district can more efficiently serve students from multiple school districts, an approved alternative learning opportunities program may admit non-resident students pursuant to the terms of an intergovernmental agreement negotiated among participating districts. The tuition charge must not be less than 100% nor greater than 110% of the per capita tuition rate for the resident district.

(105 ILCS 5/13B-60 new)

Sec. 13B-60. Enrollment in program. The provisions set forth in the following Sections preceding Section 13B-65 of this Code govern enrollment in an alternative learning opportunities program.

(105 ILCS 5/13B-60.5 new)

Sec. 13B-60.5. Request for enrollment. A school district that operates an alternative learning opportunities program shall ensure that parents and guardians are aware of the program and the services that the program offers. A student may be enrolled in the program only upon the request of the student or the student's parent or guardian and only after a conference under Section 13B-60.10 of this Code has been held.

(105 ILCS 5/13B-60.10 new)

Sec. 13B-60.10. Parent conference. Before being enrolled in an alternative learning opportunities program, the student and each of his or her parents or guardians shall receive written notice to attend a conference to determine if the student would benefit from attending an alternative learning opportunities program. The conference must provide all of the information necessary for the student and parent or guardian to make an informed decision regarding enrollment in an alternative learning opportunities program. The conference shall include a discussion of the extent to which the student, if enrolled in the program, may participate in school activities. No student shall be enrolled in an alternative learning opportunities program without the consent of the student's parent or guardian.

(105 ILCS 5/13B-60.15 new)

Sec. 13B-60.15. Review of student progress. A school district must regularly review the progress of students enrolled in an alternative learning opportunities program to ensure that students

New matter indicated by italics - deletions by strikeout.
may return to the regular school program as soon as appropriate. Upon request of the student's parent or guardian, the school district shall review the student's progress using procedures established by the district. A student shall remain in the program only with the consent of the student's parent or guardian and shall be promptly returned to the regular school program upon the request of the student's parent or guardian.

(105 ILCS 5/13B-60.20 new)

Sec. 13B-60.20. Enrollment of special education students. Any enrollment of a special education student in an alternative learning opportunities program must be done only if included in the student's individualized education plan. The student's individualized education plan must be implemented in the program by appropriately certified personnel.

(105 ILCS 5/13B-60.25 new)

Sec. 13B-60.25. Student Success Plan. A Student Success Plan must be developed for each student enrolled in an alternative learning opportunities program. The student and his or her parent or guardian must be afforded an opportunity to participate in the development of this Plan.

(105 ILCS 5/13B-65 new)

Sec. 13B-65. Teacher certification. Teachers with a valid and active elementary, secondary, or special PK-12 Illinois teaching certificate may teach in an alternative learning opportunities program.

(105 ILCS 5/13B-65.5 new)

Sec. 13B-65.5. Alternative learning credentials for teachers. Certificated teachers may receive an endorsement or approval in the area of alternative learning. The State Board shall establish teaching standards in alternative learning that lead to such an endorsement or approval.

(105 ILCS 5/13B-65.10 new)

Sec. 13B-65.10. Continuing professional development for teachers. Teachers may receive continuing education units or continuing professional development units, subject to the provisions of Section 13B-65.5 of this Code, for professional development related to alternative learning.

(105 ILCS 5/13B-70 new)

Sec. 13B-70. Truancy and attendance problems. If a student is a chronic or habitual truant as defined in Section 26-2a of this Code or if a child has been ordered to attend school, the school district may consider the student for placement in an alternative learning opportunities program specifically designed to prevent truancy, supplement instruction for students with attendance problems, intervene to decrease chronic truancy, and provide alternatives to high school completion. A program operating pursuant to the truants' alternative and optional education program may contract with a school district or consortium to provide these services.

(105 ILCS 5/13B-75 new)

Sec. 13B-75. Subcontracting. A school district, regional office of education, or public community college may contract with a non-profit or for-profit educational entity for the delivery of services under this Article. All educational entities providing instructional services for eligible students must be recognized by the State Board.

(105 ILCS 5/13B-80 new)

Sec. 13B-80. Student credit. A school district must grant academic credit to a student in an alternative learning opportunities program for work completed at an education provider that is accredited by a regional accrediting body or recognized by the State Board if the student's performance meets district standards.

(105 ILCS 5/13B-85 new)

Sec. 13B-85. Test of General Educational Development. A student 16 years of age or over who satisfactorily completes an alternative learning opportunities program in accordance with school district guidelines and the Student Success Plan may take the Test of General Educational Development.

(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

Sec. 26-2. Enrolled pupils below 7 or over 16. Any person having custody or control of a child who is below the age of 7 years or above the age of 16 years and who is enrolled in any of grades 1 through 12, in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term unless he is excused under paragraphs 2, 3, 4 or 5 of Section 26-1.

New matter indicated by italics - deletions by strikeout.
A school district shall deny reenrollment in its secondary schools to any child above the age of 16 years who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. *A district may, however, enroll the child in an alternative learning opportunities program established under Article 13B.* No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma. No child may be denied reenrollment in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(Source: P.A. 88-199; 88-555, eff. 7-27-94.)

Section 99. Effective date. This Act takes effect on January 1, 2002.

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105 ILCS 5/3-15.12 from Ch. 122, par. 3-15.12
105 ILCS 5/Art. 13B heading new
105 ILCS 5/13B-1 new
105 ILCS 5/13B-5 new
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105 ILCS 5/13B-30.45 new
105 ILCS 5/13B-35 new

New matter indicated by italics - deletions by strikeout.
Effective January 1, 2002.

PUBLIC ACT 92-0043
(House Bill No. 2436)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing Education Scholarship Law is amended by changing Sections 2, 3, 4, 5, 6, 7, and 9 as follows:
(110 ILCS 975/2) (from Ch. 144, par. 2752)
Sec. 2. Legislative finding and declaration of policy. The General Assembly finds and hereby declares that the provision of a higher education leading to an associate degree in nursing, an associate degree in applied sciences in nursing, a hospital-based diploma in hospital-based nursing, program diploma, completion of a practical nursing education program, and a baccalaureate degree in nursing, or a certificate in practical nursing for persons of this State who desire such an education
is important to the health, welfare and security of this State and Nation, and consequently is an important public purpose. Many qualified and potential nurses are deterred by financial considerations from pursuing their nursing education, with consequent irreparable loss to the State and Nation of talents vital to health, welfare and security. A system of scholarships, repayment of which may be excused if the individual is employed as a registered professional nurse or a licensed practical nurse after obtaining an associate degree in applied sciences in nursing, or hospital-based diploma in completing a practical nursing education program, hospital-based diploma, or a baccalaureate degree in nursing, or certificate in practical nursing, will enable such individuals to attend approved institutions of their choice in the State, public or private.

(Source: P.A. 89-237, eff. 8-4-95.)

(110 ILCS 975/3) (from Ch. 144, par. 2753)
Sec. 3. Definitions.
The following terms, whenever used or referred to, have the following meanings except where the context clearly indicates otherwise:

(1) "Board" means the Board of Higher Education created by the Board of Higher Education Act.

(2) "Department" means the Illinois Department of Public Health.

(3) "Approved institution" means a public community college, private junior college, hospital-based diploma in hospital-based nursing program, or public or private college or university located in this State that has National League for Nursing accreditation or approval by the Department of Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in hospital-based nursing program diploma, baccalaureate degree in nursing program, or certificate in practical nursing education program of not less than one academic year, or baccalaureate degree in nursing.

(4) "Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing.

(5) "Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status.

(6) "Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.

(7) "Associate degree in nursing program or hospital-based diploma in nursing hospital based program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing hospital based nursing program diploma.

(8) "Director" means the Director of the Illinois Department of Public Health.

(9) "Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution.

(10) "Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

(11) "Full-time student" means a student enrolled for at least 12 hours per term or as otherwise determined by the academic institution.

(12) "Law" means the Nursing Education Scholarship Law.

(13) "Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse in direct patient care for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program.

(14) "Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

(15) "Practical nursing program" means a program offered by an approved institution leading to a certificate in practical nursing.

(16) "Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Professional Regulation under the Nursing and
Advanced Practice Nursing Act.
(17) "Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.
(18) "School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.
(19) "Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".
(20) "Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Industrial Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.
(21) "Tuition" means the established charges of an institution of higher learning for instruction at that institution.
(Source: P.A. 86-1467; 87-577.)
(110 ILCS 975/4) (from Ch. 144, par. 2754)
Sec. 4. Functions of Department. The Department shall prepare and supervise the issuance of public information about the provisions of this Article; prescribe the form and regulate the submission of applications for scholarships; determine the eligibility of applicants; award the appropriate scholarships; prescribe the contracts or other acknowledgments of scholarship which an applicant is required to execute; and determine whether all or any part of a recipient's scholarship needs to be monetarily repaid, or has been excused from repayment, and the extent of any repayment or excused repayment. The Department may require a scholarship recipient to reimburse the State for expenses, including but not limited to attorney's fees, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the scholarship contract. In a breach of contract, the Department may utilize referral to the Department of Professional Regulation to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action concerning the recipient's credentials. The Department is authorized to make all necessary and proper rules, not inconsistent with this Article, for the efficient exercise of the foregoing functions.
(Source: P.A. 86-1467.)
(110 ILCS 975/5) (from Ch. 144, par. 2755)
Sec. 5. Nursing education full-time undergraduate scholarships. Beginning with the fall term of the 2002-2003 academic year, 500 scholarships shall be provided each year for qualified individuals who desire to enter an approved institution awarding an associate degree, nursing diploma, or baccalaureate degree in nursing or offering an approved practical nursing education program of not less than one academic year. Of the 500 scholarships provided each year, at least 50 shall go to persons entering an approved practical nursing education program of not less than one academic year. the Department, in accordance with rules and regulations promulgated by it for this program, shall provide scholarships to individuals selected funding and shall designate each year's new recipients from among those applicants who qualify for consideration by showing:
(1) that he or she has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States;
(2) that he or she is enrolled in or accepted proof of enrollment or acceptance for admission to an associate degree in a practical nursing program, hospital-based associate degree nursing, diploma in nursing program, or baccalaureate degree in nursing program, or practical nursing program at an approved institution; and
(3) that he or she agrees to meet the nursing employment obligation serve as a registered professional nurse or licensed practical nurse in Illinois in accordance with Section 6.
If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall give priority in awarding scholarships to students in the greatest financial need, as shown on a standardized financial needs assessment form used by an approved institution who will pursue their education on a full-time or closest to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and

New matter indicated by italics - deletions by strikeout.
are pursuing a higher degree. The Department shall consider factors such as the applicant's family income, the size of the applicant's family and the number of other children in the applicant's family attending college, and whether the applicant is the head of the household in determining the financial need of the individual.

Unless otherwise indicated, these scholarships shall be awarded to recipients at approved institutions for a period of up to 2 3 years if the recipient is enrolled in an associate degree in nursing program, up to 3 years if the recipient is enrolled in a hospital-based diploma in nursing program, up to 4 years if the recipient is enrolled in a baccalaureate degree in nursing program, and up to one year if the recipient is enrolled in a certificate in practical nursing program. At least 50% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing, 40% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a diploma in nursing, and 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. For residence credit at a community college, private junior college or hospital based nursing program, and up to 4 years if applicant is pursuing a baccalaureate degree in a public or private college or university, except that the length of scholarships for persons studying to be licensed practical nurses shall be established by the Department. At least 1/2 of the scholarships awarded shall be for recipients who shall attend State supported schools. The scholarship shall cover tuition, fees and a stipend of $2,500 per year for full-time students; except that the amount of scholarships for persons studying to be licensed practical nurses shall be established by the Department. For purposes of calculating scholarship awards for recipients attending private junior colleges or hospital based nursing programs, or private colleges or universities, tuition and fees for these students at private approved institutions shall be deemed to not exceed the Statewide average tuition and fees for students at public approved institutions for the academic year in which the scholarship is made:

(Source: P.A. 89-237, eff. 8-4-95.)

Sec. 6. Nursing requirements for scholarship recipients. Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing or hospital based program, in professional nursing, baccalaureate degree in nursing program, or certificate in practical nursing other program, or course of study any recipient person who accepted a scholarship under Section 5 shall begin meeting the required nursing employment obligation during the 7 year period immediately following his or her graduation, be employed in this State as a registered professional nurse or licensed practical nurse, as each term defined in the Nursing and Advanced Practice Nursing Act, for at least one year for each year of full-time scholarship support received. In order to defer his or her continuous employment obligation, a recipient must request the deferment in writing from the Department. A recipient shall notify program staff within 30 days if he or she spends up to 4 years in military service before or after graduation. A recipient shall notify program staff within 30 days if he or she is enrolled in an academic program leading to a graduate degree in nursing. If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated. The recipient must begin meeting the required nursing employment obligations no later than 6 months after the end of the deferrments. If the recipient spends up to 4 years in military service before or after he or she graduates, the period of military service shall be excluded from the computation of that 7 year period. A recipient who is enrolled in an academic program leading to a graduate degree in nursing shall have the period of graduate study excluded from the computation of that 7 year period.

Calendar years of required employment will be proportionally reduced for less than full academic year scholarship support, provided that employment must be at least 17.5 hours per week.

Any person who fails to fulfill the nursing employment obligation shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nursing employment obligation, together with interest at 7% per year on the unpaid balance. Payment must begin within 6 months following the date of the occurrence initiating the repayment. All repayments must be completed within 6 years from the date of the occurrence initiating the repayment. However, this obligation may be deferred and re-evaluated every 6 months to repay does not apply when the failure to fulfill the nursing employment obligation
requirement results from involuntarily leaving the profession due to a decrease in the number of
nurses employed in the State or when the failure to fulfill the nursing employment obligation results
from total and permanent disability. The repayment obligation shall be excused if the failure to fulfill
the nursing employment obligation results from the death or adjudication as incompetent of the
person holding the scholarship. No claim for repayment may be filed against the estate of such a
deceased or incompetent.

Each person applying for such a scholarship shall be provided with a copy of this Section at the
time of application he or she applies for the benefits of such scholarship.
(Source: P.A. 90-742, eff. 8-13-98.)

1355
PUBLIC ACT 92-0043
(110 ILCS 975/7) (from Ch. 144, par. 2757)
Sec. 7. Amount of scholarships. To determine a scholarship amount, the Department shall
consider tuition and fee charges at community colleges and universities statewide and projected
living expenses. Using information provided annually by the Illinois Student Assistance Commission,
75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the
uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to
determine the full-time scholarship amount for students pursuing an associate degree or diploma in
nursing at an Illinois community college. Scholarship amounts for students pursuing associate or
baccalaureate degrees in nursing at a college or university shall include 75% of the weighted tuition
and fees charged by public universities in Illinois plus the uniform living allowance reported in the
weighted MAP budget. Scholarship amounts for students in practical nursing programs shall include
75% of the average of tuition charges at all practical nursing programs plus the uniform living
allowance reported in the weighted MAP budget. A scholarship shall be for $2,500 per year for living
expenses for the full-time student and up to $2,000 per year for full-time tuition and fees, or a
maximum of $4,500 per year, less any other State or federal assistance received by applicant to assist
applicant's pursuit of an associate degree, or hospital based program diploma, or baccalaureate degree
in nursing. The amount of a scholarship for a person studying to be a licensed practical nurse;
however, shall be determined by the Department. The full-time student applicant may receive a
scholarship for 3 academic years if pursuing an associate degree or diploma, and for 4 academic years
if pursuing a baccalaureate in nursing degree. A scholarship may be made to a part time (but not less
than 1/3 time) student but it shall cover only tuition and fees and shall not exceed the aggregate of
$4,000 for the total time applicant may take to complete the associate degree, or hospital based
program in nursing, or baccalaureate nursing program. The Department may provide that
scholarships shall be on a quarterly or semi-annual basis and shall be contingent upon the student's
diligently pursuing nursing studies and being a student in good standing. Scholarship awards may be provided to part-time students; the amount shall be determined by applying the proportion represented by the part-time enrollment to full-time enrollment ratio to the
average per-term scholarship amount for a student in the same nursing degree category.
(Source: P.A. 86-1467; 87-577.)

(110 ILCS 975/9) (from Ch. 144, par. 2759)
Sec. 9. Student enrollment and obligations of institutions.
(a) An approved institution is free to accept a student in compliance with its own
admissions requirements, standards, and policies. The Department may disburse any scholarship for
tuition and fees to the approved institution direct for the payment of tuition and other necessary fees
or for credit against the student's obligation for such tuition and fees, and upon acceptance thereof
the approved institution shall be contractually obligated (1) to provide facilities and instruction to the
student on the same terms as to other students generally, and (2) to provide the notices and
information described in this Section.
(b) If, in the course of any academic period, any student enrolled in any approved institution
pursuant to a scholarship granted under this Article shall for any reason cease to be a student in good
standing, the institution shall promptly give written notice to the Department concerning such change
of status and the reason thereof.
(c) A student to whom a renewal scholarship has been awarded may either re-enroll in the
institution which he or she attended during the preceding year, or enroll in any other approved
institution; and in either event, the institution accepting the student for such enrollment or
re-enrollment shall notify the Department of such acceptance.

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0043

(110 ILCS 975/10 rep.)

Section 10. The Nursing Education Scholarship Law is amended by repealing Section 10.

Section 99. Effective date. This Act takes effect January 1, 2002.


Effective January 1, 2002.

PUBLIC ACT 92-0044
(Senate Bill No. 0163)

AN ACT concerning public aid.

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

Section 2. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Child Support Administrative Fund.

Section 5. The Illinois Public Aid Code is amended by changing Sections 10-26, 12-8.1, and 12-10.2 and adding Sections 10-26.2 and 12-10.2a as follows:

(305 ILCS 5/10-26)

Sec. 10-26. State Disbursement Unit.

(a) Effective October 1, 1999 the Illinois Department shall establish a State Disbursement Unit in accordance with the requirements of Title IV-D of the Social Security Act. The Illinois Department shall enter into an agreement with a State or local governmental unit or private entity to perform the functions of the State Disbursement Unit as set forth in this Section. The State Disbursement Unit shall collect and disburse support payments made under court and administrative support orders:

(1) being enforced in cases in which child and spouse support services are being provided under this Article X; and

(2) in all cases in which child and spouse support services are not being provided under this Article X and in which support payments are made under the provisions of the Income Withholding for Support Act.

(a-2) The contract entered into by the Illinois Department with a public or private entity or an individual for the operation of the State Disbursement Unit is subject to competitive bidding. In addition, the contract is subject to Section 10-26.2 of this Code. As used in this subsection (a-2), "contract" has the same meaning as in the Illinois Procurement Code.

(a-5) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(b) All payments received by the State Disbursement Unit:

(1) shall be deposited into an account obtained by the State or local governmental unit or private entity, as the case may be, and

(2) distributed and disbursed by the State Disbursement Unit, in accordance with the directions of the Illinois Department, pursuant to Title IV-D of the Social Security Act and rules promulgated by the Department.

(c) All support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit shall be paid into the Child Support Enforcement Trust Fund.

(d) If the agreement with the State or local governmental unit or private entity provided for in this Section is not in effect for any reason, the Department shall perform the functions of the State Disbursement Unit as set forth in this Section for a maximum of 12 months before July 1, 2001, and for a maximum of 24 months after June 30, 2001. If the Illinois Department is performing the functions of the State Disbursement Unit on July 1, 2001, then the Illinois Department shall make an award on or before December 31, 2002, to a State or local government unit or private entity to perform the functions of the State Disbursement Unit. Payments received by the Department in performance of the duties of the State Disbursement Unit shall be deposited into the State

New matter indicated by italics - deletions by strikeout.
Disbursement Unit Revolving Fund established under Section 12-8.1.

(e) By February 1, 2000, the Illinois Department shall conduct at least 4 regional training and educational seminars to educate the clerks of the circuit court on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the role of the clerks of the circuit court in the collection and distribution of child support payments.

(f) By March 1, 2000, the Illinois Department shall conduct at least 4 regional educational and training seminars to educate payors, as defined in the Income Withholding for Support Act, on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the distribution of income withholding payments pursuant to this Section and the Income Withholding for Support Act.

(Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00; 91-712, eff. 7-1-00.)

(305 ILCS 5/10-26.2 new)

Sec. 10-26.2. Contracts concerning the operation of the State Disbursement Unit.

(a) In this Section:

"Contract" has the same meaning as in the Illinois Procurement Code.

"SDU contractor" means any public or private entity or individual with whom the Illinois Department enters into a contract in connection with the operation of the State Disbursement Unit.

(b) The contract entered into by the Illinois Department with a public or private entity or an individual in connection with the operation of the State Disbursement Unit must contain, at a minimum, the provisions set forth in this Section.

(c) The contract must contain standards and procedures to ensure that the data relied on by the State Disbursement Unit in performing its functions is accurate so that the State Disbursement Unit will be able to effectively administer the collection and disbursement of support payments.

(d) The contract must contain provisions to ensure that all clerks of the circuit court have access to non-custodial parents' support payment information in the possession of the State Disbursement Unit.

(e) The contract must contain provisions to ensure that notices to employers in connection with the collection of support are clear and consistent and that the SDU contractor will promptly inform an employer about any problems and any necessary changes in connection with the collection of support.

(f) The contract must contain appropriate management controls to ensure that (i) all of the SDU contractor's actions in performing the functions of the State Disbursement Unit are reasonably planned, timely implemented, and adequately controlled and (ii) all reports that are necessary to provide the Illinois Department with the information necessary to effectively monitor the quality and accuracy of the SDU contractor's actions in performing the functions of the State Disbursement Unit are timely filed.

(g) The contract must contain provisions specifying standards with respect to the level of performance expected of the SDU contractor. The contract may include provisions for incentives and penalties in connection with the SDU contractor's performance.

(h) The contract must contain provisions projecting the number of active support collection and disbursement cases to be handled by the State Disbursement Unit and estimating the number of support disbursement transactions to be handled each year.

(i) The contract must contain provisions requiring compliance with all applicable federal requirements concerning disbursement of support. The contract must also contain provisions for the Illinois Department's regular, periodic review of reports on disbursement performance.

(j) The contract must contain provisions requiring the SDU contractor to submit to the Illinois Department, within 45 days after the end of each State fiscal year, a completed American Institute of Certified Public Accountants Statement on Auditing Standards Number 88 (SAS 88) or its successor for the purpose of enabling the Illinois Department to appropriately monitor the State Disbursement Unit's performance as a service organization and to enable the Auditor General, as the external auditor of the State Disbursement Unit, to ensure that appropriate controls are present.

(k) The contract must contain provisions requiring the Illinois Department and the SDU contractor to examine the causes of untimely disbursement of support payments and inappropriate cost recovery and to take prompt action to ensure the timely and accurate disbursement of support payments. The contract must also contain provisions for the final disposition of support payments.
that cannot be processed by the State Disbursement Unit within 2 business days.

(l) The contract must contain provisions to ensure that neither the Illinois Department nor the SDU contractor uses moneys collected and held in trust for the payment of support for any purpose other than that for which the moneys were collected.

(m) The contract must contain provisions requiring the Illinois Department to audit the disbursement of all emergency support payments and report to the General Assembly the results of the audit, including, without limitation, the number of emergency support payment checks issued by the State Disbursement Unit, the amount of repayments received from recipients of those checks, and amounts for which the Illinois Department did not seek repayment.

(305 ILCS 5/12-8.1)
Sec. 12-8.1. State Disbursement Unit Revolving Fund.
(a) There is created a revolving fund to be known as the State Disbursement Unit Revolving Fund, to be held by the Director of the Illinois Department, outside the State treasury as ex officio custodian, for the following purposes:

(1) the deposit of all support payments received by the Illinois Department's State Disbursement Unit; and

(2) the deposit of other funds including, but not limited to, transfers of funds from other accounts attributable to support payments received by the Illinois Department's State Disbursement Unit;

(3) the deposit of any interest accrued by the revolving fund, which interest shall be available for payment of (i) any amounts considered to be Title IV-D program income that must be paid to the U.S. Department of Health and Human Services and (ii) any balance remaining after payments made under item (i) of this subsection (3) to the General Revenue Fund; however, the disbursements under this subdivision (3) may not exceed the amount of the interest accrued by the revolving fund;

(4) the disbursement of such payments to obligees or to the assignees of the obligees in accordance with the provisions of Title IV-D of the Social Security Act and rules promulgated by the Department, provided that such disbursement is based upon a payment by a payor or obligor deposited into the revolving fund established by this Section; and-

(5) the disbursement of funds to payors or obligors to correct erroneous payments to the Illinois Department's State Disbursement Unit, in an amount not to exceed the erroneous payments.

(b) The provisions of this Section shall apply only if the Department performs the functions of the Illinois Department's State Disbursement Unit under paragraph (d) of Section 10-26.

(c) Moneys in the State Disbursement Unit Revolving Fund shall be expended upon the direction of the Director.

(Source: P.A. 91-712, eff. 7-1-00.)

(305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)
Sec. 12-10.2. The Child Support Enforcement Trust Fund.
(a) The Child Support Enforcement Trust Fund, to be held by the State Treasurer as ex-officio custodian outside the State Treasury, pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act, shall consist of:

(1) all support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit established under Section 10-26,

(2) all support payments received by the Illinois Department as a result of the Child Support Enforcement Program established by Title IV-D of the Social Security Act that are not required or directed to be paid to the State Disbursement Unit established under Section 10-26,

(3) all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund,

(4) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of such other states or their political subdivisions.
pursuant to the provisions of Title IV-D of the Social Security Act,

(5) incentive payments retained by the Illinois Department from the amounts which otherwise would be paid to the federal government to reimburse the federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,

(6) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act, and

(7) all amounts appropriated by the General Assembly for deposit into the Fund,

(8) any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

(b) Disbursements from this Fund shall be only for the following purposes:

(1) for the reimbursement of funds received by the Illinois Department through error or mistake,

(2) for payments to non-recipients, current recipients, and former recipients of financial aid of support payments received on their behalf under Article X of this Code that are not required to be disbursed by the State Disbursement Unit established under Section 10.26,

(3) for any other payments required by law to be paid by the Illinois Department to non-recipients, current recipients, and former recipients,

(4) for payment of any administrative expenses **incurred through fiscal year 2002, but not thereafter**, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred in performing the Title IV-D activities authorized by Article X of this Code,

(5) for the reimbursement of the Public Assistance Emergency Revolving Fund for expenditures made from that Fund for payments to former recipients of public aid for child support made to the Illinois Department when the former public aid recipient is legally entitled to all or part of the child support payments, pursuant to the provisions of Title IV-D of the Social Security Act,

(6) for the payment of incentive amounts owed to other states or political subdivisions of other states that enforce and collect an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act,

(7) for the payment of incentive amounts owed to political subdivisions of the State of Illinois that enforce and collect an assigned support obligation on behalf of the State pursuant to the provisions of Title IV-D of the Social Security Act, and

(8) for payments of any amounts which are reimbursable to the Federal government which are required to be paid by State warrant by either the State or Federal government. Disbursements from this Fund shall be by warrants drawn by the State Comptroller on receipt of vouchers duly executed and certified by the Illinois Department or any other State agency that receives an appropriation from the Fund.

(c) The Illinois Department’s child support administrative expenses, as defined in Section 12-10.2a, that are incurred after fiscal year 2002 shall be paid only as provided in that Section.

(305 ILCS 5/12-10.2a new)
Sec. 12-10.2a. Child Support Administrative Fund.
(a) Beginning July 1, 2002, the Child Support Administrative Fund is created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, only for the Department of Public Aid’s child support administrative expenses, as defined in this Section.

(b) As used in this Section, “child support administrative expenses” means administrative expenses, including payment to the Health Insurance Reserve Fund for group insurance costs at the
rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred by the Department of Public Aid, either directly or under its contracts with SDU contractors as defined in Section 10-26.2, in performing activities authorized by Article X of this Code. The term includes expenses incurred by the Department of Public Aid in administering the Child Support Enforcement Trust Fund and the State Disbursement Unit Revolving Fund.

(c) Child support administrative expenses incurred in fiscal year 2003 or thereafter shall be paid only from moneys appropriated to the Department from the Child Support Administrative Fund.

(d) Before April 1, 2003 and before April 1 of each year thereafter, the Department of Public Aid shall provide notification to the General Assembly of the amount of the Department's child support administrative expenses expected to be incurred during the fiscal year beginning on the next July 1, including the estimated amount required for the operation of the State Disbursement Unit, which shall be separately identified in the annual administrative appropriation.

(e) For the fiscal year beginning July 1, 2002 and for each fiscal year thereafter, the State Comptroller and the State Treasurer shall transfer from the Child Support Enforcement Trust Fund to the Child Support Administrative Fund amounts as determined by the Department necessary to enable the Department to meet its child support administrative expenses for the then-current fiscal year. For any fiscal year, the State Comptroller and the State Treasurer may not transfer more than the total amount appropriated to the Department from the Child Support Administrative Fund for the Department's child support administrative expenses for that fiscal year.

(f) By December 1, 2001, the Illinois Department shall provide a corrective action plan to the General Assembly regarding the establishment of accurate accounts in the Child Support Enforcement Trust Fund. The plan shall include those tasks that may be required to establish accurate accounts, the estimated time for completion of each of those tasks and the plan, and the estimated cost for completion of each of the tasks and the plan.

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective July 1, 2001.

PUBLIC ACT 92-0045
(Senate Bill No. 0406)

AN ACT in relation to higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning is amended by changing Sections 3, 4, 5, and 7 as follows:

Sec. 3. For the academic year beginning in 2002 September 1, 1977, institutional grants shall be made for that and for each succeeding academic year to each nonpublic institution of higher learning in an amount determined by allocating amounts for funding this Act among the eligible institutions in accordance with a formula or formulae based upon one or more of the following factors: on the number of undergraduate degrees granted to students who are residents of the State of Illinois enrolled as students at each such institution; the number of full-time equivalent undergraduate students who are residents of the State of Illinois enrolled as students at each such institution; and the number of, with double credit being given to the full-time equivalent of such students who are junior or senior students at such institutions. The number of full-time equivalent undergraduate students enrolled at eligible nonpublic institutions of higher learning shall be determined as of the first day of the fourth week of classes of the fall term. The Board of Higher Education shall establish formula allocations guidelines and adopt rules necessary for the administration of this Act.

Conditions of institutional eligibility for these grants shall include but need not be limited to the following:
(1) That the governing board of the institution possess its own sovereignty.
(2) That the governing board, or its delegated institutional officials, possess final authority

New matter indicated by italics - deletions by strikeout.
in all matters of local control, including educational policy, choice of personnel, determination of program, and financial management.

(3) That the institution possess and maintain an open policy with respect to race, creed and color as to admission of students, appointment of faculty and employment of staff.

(4) That the institution be able to show its current financial stability and reasonable prospects for its future stability.

(5) That the institution not be operated for profit.

(6) That the institution provide a full financial report including a certified audit, and participate in the unit cost study and other studies conducted annually by the Board of Higher Education.

(7) If required by rule of the Board, that the institution submit to an additional annual external audit of its enrollment records and nonsectarian use of funds.

(Source: P.A. 84-834.)

(110 ILCS 210/4) (from Ch. 144, par. 1334)

Sec. 4. For the academic year beginning in 2002 and each academic year thereafter, each eligible institution of higher learning shall prepare and certify to the Board in writing any information required by the Board to justify the grants of Higher Education, on the basis of enrollment at that institution on October 1 of that year, a list of the names, addresses and classification of each resident of Illinois enrolled as a full-time freshman or sophomore and of each resident of Illinois enrolled as a full-time junior or senior at that institution and a similar list of the names, addresses, and classifications of residents of Illinois enrolled as part-time freshmen and sophomores, and as part-time juniors and seniors at such institution, together with a certification of the number of credit hours for which such students are enrolled. This information certified list shall be signed and furnished to the Board by the chief administrative officer of the institution.

(Source: P.A. 80-289.)

(110 ILCS 210/5) (from Ch. 144, par. 1335)

Sec. 5. The Board shall prescribe and advise such institutions as to the form of certificate or certificates to be submitted under Section 4 of this Act, and promptly upon receipt of such certificates from the institutions shall certify to the State Comptroller the aggregate amount of the grant allocable to and to be paid to each such institution. The Board shall examine the certificates furnished by the institutions and may require such further data and information as the Board may request. Upon written notice by the Board to any institution, the Board may examine the institution's student enrollment records for the purpose of verification, amendment or correction of any such certificate.

(Source: P.A. 77-273.)

(110 ILCS 210/7) (from Ch. 144, par. 1337)

Sec. 7. The Board shall keep an accurate record of all its activities under this Act and by February 15, 1972 and each year thereafter, shall make a report to its members, to the Governor and to the General Assembly Auditor of Public Accounts, such report to be a part of its annual report in a form prescribed by its members, with the written approval of the Auditor of Public Accounts.

(Source: P.A. 77-273.)

Section 10. The Health Services Education Grants Act is amended by changing Section 4 as follows:

(110 ILCS 215/4) (from Ch. 111 1/2, par. 824)

Sec. 4. Grants may be made to medical, dental, pharmacy, optometry, and nursing schools, to physician assistant programs, to other health-related schools and programs, and to hospitals and clinical facilities used in health service training programs.

Qualification for grants shall be on the basis of either the number of Illinois resident enrollees or the number of degrees granted to students who are residents of this State, an increase in the number of Illinois resident enrollees, or both. The grant amount or proportion of increase required to qualify shall be determined by the Board of Higher Education for each class of institution. However, in no case shall an institution qualify for grants unless the increase in its number of Illinois resident enrollees is at least equal to the increase in total enrollment made possible through such grants.

At the discretion of the Board of Higher Education grants may be made for each class of

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institution in any or all of the following forms:

(1) Single nonrecurring grants for planning and capital expense based on the increase in the number of Illinois resident enrollees;

(2) Annual grants based on the increase in the number of degrees granted to (a) Illinois resident enrollees, or (b) Illinois resident enrollees from minority racial and ethnic groups, or both (a) and (b); and

(3) Annual stabilization grants based on the number of (a) Illinois residents already enrolled, or (b) Illinois residents already enrolled from minority racial and ethnic groups, or both (a) and (b).

In awarding grants to nursing schools and to hospital schools of nursing, the Board of Higher Education may also consider whether the nursing program is located in a certified nurse shortage area. For purposes of this Section "certified nurse shortage area" means an area certified by the Director of the Department of Public Health as a nurse shortage area based on the most reliable data available to the Director.

(Source: P.A. 86-1032; 87-1087.)

Section 15. The Illinois Consortium for Educational Opportunity Act is amended by changing Section 9 as follows:

(110 ILCS 930/9) (from Ch. 144, par. 2309)

Sec. 9. Terms of award. After a person has been accepted into the ICEOP, the individual shall be eligible for an annual award up to a $10,000 award annually which shall be renewable for up to an additional 3 years provided that he or she makes satisfactory progress toward completing his or her degree. The Consortium Board shall determine the award amount annually.

(Source: P.A. 84-785.)

Section 20. The Higher Education Student Assistance Act is amended by changing Sections 35, 113, and 145 as follows:

(110 ILCS 947/35)

Sec. 35. Monetary award program.

(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. Subject to a separate appropriation for such purposes, an applicant is eligible for a grant under this Section when the Commission finds that the applicant:

(1) is a resident of this State and a citizen or permanent resident of the United States; and

(2) in the absence of grant assistance, will be deterred by financial considerations from completing an educational program at the qualified institution of his or her choice.

(b) The Commission shall award renewals only upon the student's application and upon the Commission's finding that the applicant:

(1) has remained a student in good standing;

(2) remains a resident of this State; and

(3) is in a financial situation that continues to warrant assistance.

(c) All grants shall be applicable only to tuition and necessary fee costs for 2 semesters or 3 quarters in an academic year. Requests for summer term assistance will be made separately and shall be considered on an individual basis according to Commission policy. Each student who is awarded a grant under this Section and is enrolled in summer school classes shall be eligible for a summer school grant. The summer school grant amount shall not exceed the lesser of 50 percent of the maximum annual grant amount authorized by this Section or the actual cost of tuition and fees at the institution at which the student is enrolled at least part-time. For the regular academic year, the Commission shall determine the grant amount for each full-time and part-time student, which shall be the smallest of the following amounts:

(1) $4,968 $4,740 for 2 semesters or 3 quarters of full-time undergraduate enrollment or $2,484 $2,370 for 2 semesters or 3 quarters of part-time undergraduate enrollment, or such lesser amount as the Commission finds to be available; or

(2) the amount which equals the 2 semesters or 3 quarters tuition and other necessary fees required generally by the institution of all full-time undergraduate students, or in the case of part-time students an amount of tuition and fees for 2 semesters or 3 quarters which shall not exceed one-half the amount of tuition and necessary fees generally charged to full-time undergraduate students by the institution; or

(3) such amount as the Commission finds to be appropriate in view of the applicant's
financial resources.
"Tuition and other necessary fees" as used in this Section include the customary charge for
instruction and use of facilities in general, and the additional fixed fees charged for specified
purposes, which are required generally of nongrant recipients for each academic period for which the
grant applicant actually enrolls, but do not include fees payable only once or breakage fees and other
contingent deposits which are refundable in whole or in part. The Commission may prescribe, by rule
not inconsistent with this Section, detailed provisions concerning the computation of tuition and other
necessary fees.

(d) No applicant, including those presently receiving scholarship assistance under this Act,
is eligible for monetary award program consideration under this Act after receiving a baccalaureate
degree or the equivalent of 10 semesters or 15 quarters of award payments. The Commission shall
determine when award payments for part-time enrollment or interim or summer terms shall be
counted as a partial semester or quarter of payment.

(e) The Commission, in determining the number of grants to be offered, shall take into
consideration past experience with the rate of grant funds unclaimed by recipients. The Commission
shall notify applicants that grant assistance is contingent upon the availability of appropriated funds.

(f) The Commission may request appropriations for deposit into the Monetary Award
Program Reserve Fund. Monies deposited into the Monetary Award Program Reserve Fund may be
expended exclusively for one purpose: to make Monetary Award Program grants to eligible students.
Amounts on deposit in the Monetary Award Program Reserve Fund may not exceed 2% of the
current annual State appropriation for the Monetary Award Program.

The purpose of the Monetary Award Program Reserve Fund is to enable the Commission
each year to assure as many students as possible of their eligibility for a Monetary Award Program
grant and to do so before commencement of the academic year. Moneys deposited in this Reserve
Fund are intended to enhance the Commission's management of the Monetary Award Program,
minimizing the necessity, magnitude, and frequency of adjusting award amounts and ensuring that
the annual Monetary Award Program appropriation can be fully utilized.

(g) The Commission shall determine the eligibility of and make grants to applicants enrolled
at qualified for-profit institutions in accordance with the criteria set forth in this Section. The
eligibility of applicants enrolled at such for-profit institutions shall be limited as follows:

(1) Beginning with the academic year 1997, only to eligible first-time freshmen and
first-time transfer students who have attained an associate degree.

(2) Beginning with the academic year 1998, only to eligible freshmen students, transfer
students who have attained an associate degree, and students who receive a grant under
paragraph (1) for the academic year 1997 and whose grants are being renewed for the
academic year 1998.

(3) Beginning with the academic year 1999, to all eligible students.
(Source: P.A. 90-122, eff. 7-17-97; 90-647, eff. 7-24-98; 90-769, eff. 8-14-98; 91-249, eff. 7-22-99;
91-250, eff. 7-22-99; 91-357, eff. 7-29-99; 91-747, eff. 7-1-00.)

Sec. 113. Federal Student Loan Fund; Student Loan Operating Fund; Federal Reserve Recall
Fund. The Commission shall create the Federal Student Loan Fund, the Student Loan Operating
Fund, and the Federal Reserve Recall Fund. At the request of the Commission's Executive Director,
the Comptroller shall transfer funds, as necessary, from the Student Assistance Commission Student
Loan Fund into the Federal Student Loan Fund, the Student Loan Operating Fund, and the Federal
Reserve Recall Fund. On or before August 31, 2000, the Commission's Executive Director shall
request the Comptroller to transfer all funds from the Student Assistance Commission Student
Loan Fund into any of the following funds: the Federal Student Loan Fund, the Student Loan Operating
Fund, or the Federal Reserve Recall Fund. On September 1, 2000, the Student Assistance
Commission Student Loan Fund is abolished. Any future liabilities of this abolished fund shall be
assignable to the appropriate fund created as one of its successors. At the request of the Commission's
Executive Director, the Comptroller shall transfer funds from the Federal Student Loan Fund into
the Student Loan Operating Fund.
(Source: P.A. 91-670, eff. 12-22-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 145. Issuance of Bonds.

(a) The Commission has power, and is authorized from time to time, to issue bonds (1) to make or acquire eligible loans, (2) to refund the bonds of the Commission, or (3) for a combination of such purposes. The Commission shall not have outstanding at any one time bonds in an aggregate principal amount exceeding $3,500,000,000, excluding bonds issued to refund the bonds of the Commission.

The Commission is authorized to use the proceeds from the sale of bonds issued pursuant to this Act to fund the reserves created therefor, including a reserve for interest coming due on the bonds for one year following the issuance of the bonds, as provided in the resolution or resolutions authorizing the bonds and to pay the necessary expenses of issuing the bonds, including but not limited to, legal, printing, and consulting fees.

(b) The Commission has power, and is authorized from time to time, to issue refunding bonds (1) to refund unpaid matured bonds; (2) to refund unpaid matured coupons evidencing interest upon its unpaid matured bonds; and (3) to refund interest at the coupon rate upon its unpaid matured bonds that has accrued since the maturity of those bonds. The refunding bonds may be exchanged for the bonds to be refunded on a par for par basis of the bonds, interest coupons, and interest not represented by coupons, if any, or may be sold at not less than par or may be exchanged in part and sold in part; and the proceeds received at any such sale shall be used to pay the bonds, interest coupons, and interest not represented by coupons, if any. Bonds and interest coupons which have been received in exchange or paid shall be cancelled and the obligation for interest, not represented by coupons which have been discharged, shall be evidenced by a written acknowledgement of the exchange or payment thereof.

(c) The Commission has power, and is authorized from time to time, to also issue refunding bonds under this Section, to refund bonds at or prior to their maturity or which by their terms are subject to redemption before maturity, or both, in an amount necessary to refund (1) the principal amount of the bonds to be refunded, (2) the interest to accrue up to and including the maturity date or dates thereof, and (3) the applicable redemption premiums, if any. Those refunding bonds may be exchanged for not less than an equal principal amount of bonds to be refunded or may be sold and the proceeds received at the sale thereof (excepting the accrued interest received) used to complete such refunding, including the payment of the costs of issuance thereof.

(d) The bonds shall be authorized by resolution of the Commission and may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times not exceeding 40 years from the respective dates thereof, may mature in such amount or amounts, may bear interest at such rate or rates, may be in such form either coupon or registered as to principal only or as to both principal and interest, may carry such registration privileges (including the conversion of a fully registered bond to a coupon bond or bonds and the conversion of a coupon bond to a fully registered bond), may be executed in such manner, may be made payable in such medium of payment, at such place or places within or without the State, and may be subject to such terms of redemption prior to their expressed maturity, with or without premium, as the resolution or other resolutions may provide. Proceeds from the sale of the bonds may be invested as the resolution or resolutions and as the Commission from time to time may provide. All bonds issued under this Act shall be sold in the manner and at such price as the Commission may deem to be in the best interest of the public. The resolution may provide that the bonds be executed with one manual signature and that other signatures may be printed, lithographed or engraved thereon.

The Commission shall not be authorized to create and the bonds shall not in any event constitute State debt of the State of Illinois within the meaning of the Constitution or statutes of the State of Illinois, and the same shall be so stated upon the face of each bond. The source of payment for the bonds shall be stated on the face of each bond.

The issuance of bonds under this Act is in all respects for the benefit of the People of the State of Illinois, and in consideration thereof the bonds issued pursuant to this Act and the income therefrom shall be free from all taxation by the State or its political subdivisions, except for estate, transfer, and inheritance taxes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued under this Act shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income
tax return of a taxpayer, pursuant to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(Source: P.A. 89-460, eff. 5-24-96; 90-281, eff. 7-31-97.)

Section 99. Effective date. This Act takes effect upon becoming law, except that (i) in Section 20, the provisions changing Section 35 of the Higher Education Student Assistance Act take effect on July 1, 2001 and (ii) Sections 5, 10, and 15 take effect on July 1, 2002.

Effective June 29, 2001, July 1, 2001 and July 1, 2002.

PUBLIC ACT 92-0046
(Senate Bill No. 0751)

AN ACT concerning professional regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 as follows:
(225 ILCS 65/20-40)
Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:
(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.
(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.
(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.
(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.
(e) Disposition of Fees:
(i) (Blank).
(ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.
(iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.
(iv) For the fiscal year beginning July 1, 2001 and for each fiscal year thereafter, $750,000 either 10% of the moneys deposited in the Nursing Dedicated and Professional Fund each year, not including interest accumulated on such moneys, or any moneys deposited in the Fund in any year which are in excess of the amount appropriated in that year to meet ordinary and contingent expenses of the Board, whichever is less, shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.
(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).
(Source: P.A. 90-61, eff. 12-30-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98;
AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:
(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)
Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:
1. Recipients of basic maintenance grants under Articles III and IV.
2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:
   (a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:
      (i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002, and equal to or less than 100% in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or
      (ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002, and equal to or less than 100% in fiscal year 2003 and thereafter of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).
   (b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.
3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.
4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.
5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.
   (b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981,
applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;
(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;
(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and
(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;
(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;
(iii) no premium shall be charged for such coverage; and
(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not
be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII A shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; revised 6-26-00.)

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

Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0048
(Senate Bill No. 0866)

AN ACT concerning insurance coverage relating to mastectomies and mammograms.

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

Section 5. The Illinois Insurance Code is amended by changing Section 356g as follows:

Sec. 356g. Mammograms; mastectomies.

(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size
(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after July 1, 1981, unless that coverage is also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after July 1, 1981. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(Source: P.A. 90-7, eff. 6-10-97.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.1 as follows:

Sec. 4-6.1. Mammograms; mastectomies.

(a) Every contract or evidence of coverage issued by a Health Maintenance Organization for persons who are residents of this State shall contain coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.
(2) An annual mammogram for women 40 years of age or older.

These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast.

(b) No contract or evidence of coverage issued by a health maintenance organization that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after the effective date of this amendatory Act of the 92nd General Assembly unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after the effective date of this amendatory Act. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered

New matter indicated by italics - deletions by strikeout.
coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy, then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the enrollee upon enrollment and annually thereafter. A health maintenance organization may not deny to an enrollee eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. A health maintenance organization may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(Source: P.A. 90-7, eff. 6-10-97; 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0049
(Senate Bill No. 0914)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by adding Section 2-16.06 as follows:

(110 ILCS 805/2-16.06 new)
Sec. 2-16.06. ICCB Adult Education Fund. The ICCB Adult Education Fund is created as a special fund in the State treasury. All money in the ICCB Adult Education Fund may be used, subject to appropriation, by the State Board for operational expenses associated with the administration of adult education and literacy activities and for the payment of costs associated with education and educational-related services to local eligible providers for adult education and literacy as provided by the United States Department of Education.

Section 90. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)
Sec. 5.545. The ICCB Adult Education Fund.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 9, 2001.

PUBLIC ACT 92-0050
(House Bill No. 0254)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 6-140 as follows:

(40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)
Sec. 6-140. Death in the line of duty.
(a) The annuity for the widow of a fireman whose death results from the performance of an act or acts of duty shall be an amount equal to 50% of the current annual salary attached to the classified position to which the fireman was certified at the time of his death and 75% thereof after December 31, 1972, and it shall be payable to the widow until the fireman, had he lived, would have attained the age prescribed for compulsory retirement.

New matter indicated by italics - deletions by strikeout.
Thereafter the widow shall receive annuity of an amount equal to 40% of the current annual salary attached to the classified position to which the fireman was certified at the time of his death. The benefits provided in this Section shall be paid to all widows who qualified to receive said benefits before the effective date of this amendatory Act and to those widows who qualify after the effective date:

Unless the performance of an act or acts of duty results directly in the death of the fireman, or prevents him from subsequently resuming active service in the fire department, the annuity herein provided shall not be paid; nor shall such annuities be paid unless the widow was the wife of the fireman at the time of the act or acts of duty which resulted in his death.

(b) The changes made to this Section by this amendatory Act of the 92nd General Assembly apply without regard to whether the deceased fireman was in service on or after the effective date of this amendatory Act. In the case of a widow receiving an annuity under this Section that has been reduced to 40% of current salary because the fireman, had he lived, would have attained the age prescribed for compulsory retirement, the annuity shall be restored to the amount provided in subsection (a), with the increase beginning to accrue on the later of January 1, 2001 or the day the annuity first became payable.

(Source: P.A. 77-1580.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0051
(House Bill No. 0260)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Board of Higher Education Act is amended by adding Section 9.29 as follows:
Sec. 9.29. Tuition and fee waiver report. The Board of Higher Education shall annually compile information concerning tuition and fee waivers and tuition and fee waiver programs that has been provided by the Boards of Trustees of the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University and shall report its findings and recommendations concerning tuition and fee waivers and tuition and fee waiver programs to the General Assembly by filing copies of its report by December 31 of each year as provided in Section 3.1 of the General Assembly Organization Act.

Section 10. The University of Illinois Act is amended by adding Section 7h as follows:
Sec. 7h. Tuition and fee waiver report. The Board of Trustees shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.
(3) The program’s eligibility and selection criteria.
(4) The program’s cost.
(5) Any benefits resulting from the program.

Section 15. The Southern Illinois University Management Act is amended by adding Section 8h as follows:

New matter indicated by italics - deletions by strikeout.
(110 ILCS 520/8h new)
Sec. 8h. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.
(3) The program’s eligibility and selection criteria.
(4) The program’s cost.
(5) Any benefits resulting from the program.

Section 20. The Chicago State University Law is amended by adding Section 5-93 as follows:
(110 ILCS 660/5-93 new)
Sec. 5-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.
(3) The program’s eligibility and selection criteria.
(4) The program’s cost.
(5) Any benefits resulting from the program.

Section 25. The Eastern Illinois University Law is amended by adding Section 10-93 as follows:
(110 ILCS 665/10-93 new)
Sec. 10-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.
(3) The program’s eligibility and selection criteria.
(4) The program’s cost.
(5) Any benefits resulting from the program.

Section 30. The Governors State University Law is amended by adding Section 15-93 as follows:
(110 ILCS 670/15-93 new)
Sec. 15-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.
(3) The program’s eligibility and selection criteria.
(4) The program’s cost.
(5) Any benefits resulting from the program.

Section 35. The Illinois State University Law is amended by adding Section 20-93 as follows:
(110 ILCS 675/20-93 new)
Sec. 20-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:
(1) Justification of the need for the program.
(2) The program’s intended purposes and goals.

New matter indicated by italics - deletions by strikeout.
(3) The program's eligibility and selection criteria.
(4) The program's cost.
(5) Any benefits resulting from the program.

Section 40. The Northeastern Illinois University Law is amended by adding Section 25-93 as follows:

Sec. 25-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:

(1) Justification of the need for the program.
(2) The program's intended purposes and goals.
(3) The program's eligibility and selection criteria.
(4) The program's cost.
(5) Any benefits resulting from the program.

Section 45. The Northern Illinois University Law is amended by adding Section 30-93 as follows:

Sec. 30-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:

(1) Justification of the need for the program.
(2) The program's intended purposes and goals.
(3) The program's eligibility and selection criteria.
(4) The program's cost.
(5) Any benefits resulting from the program.

Section 50. The Western Illinois University Law is amended by adding Section 35-93 as follows:

Sec. 35-93. Tuition and fee waiver report. The Board shall report to the Board of Higher Education by September 15 of each year the tuition and fee waivers the University has granted in the previous fiscal year as well as the following information for each tuition and fee waiver program in which the University participates:

(1) Justification of the need for the program.
(2) The program's intended purposes and goals.
(3) The program's eligibility and selection criteria.
(4) The program's cost.
(5) Any benefits resulting from the program.

Section 99. Effective date. This Act takes effect January 1, 2002.

Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0052
(House Bill No. 0266)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 5-154, 5-154.1, 5-157, 5-167.1, and 5-212 as follows:

(40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)
Sec. 5-154. Duty disability benefit; child's disability benefit.
(a) An active policeman who becomes disabled on or after the effective date as the result of injury incurred on or after such date in the performance of an act of duty, has a right to receive duty

New matter indicated by italics - deletions by strikeout.
disability benefit during any period of such disability for which he does not have a right to receive salary, equal to 75% of his salary, as salary is defined in this Article, at the time the disability is allowed; or in the case of a policeman on duty disability who returns to active employment at any time for a period of at least 2 years and is again disabled from the same cause or causes, 75% of his salary, as salary is defined in this Article, at the time disability is allowed; provided, however, that:

(i) If the disability resulted from any physical defect or mental disorder or any disease which existed at the time the injury was sustained, or if the disability is less than 50% of total disability for any service of a remunerative character, the duty disability benefit shall be 50% of salary as defined in this Article.

(ii) However, Beginning January 1, 1996, no duty disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank held by the policeman at the time of removal from the police department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1995. Beginning on January 1, 2000, no duty disability benefit that has been payable under this Section for at least 7 years shall be less than 60% of the current salary attached from time to time to the rank held by the policeman at the time of removal from the police department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of the 92nd General Assembly.

(iii) If the Board finds that the disability of the policeman is of such a nature as to permanently render him totally disabled for any service of a remunerative character, the duty disability benefit shall be 75% of the current salary attached from time to time to the rank held by the policeman at the time of removal from the police department payroll. In the case of a policeman receiving a duty disability benefit under this Section on the effective date of this amendatory Act of the 92nd General Assembly, the increase in benefit provided by this amendatory Act, if any, shall begin to accrue as of the date that the Board makes the required finding of permanent total disability, regardless of whether removal from the payroll occurred before the effective date of this amendatory Act.

(b) The policeman shall also have a right to child's disability benefit of $100 per month for each unmarried child, the issue of the policeman, less than age 18, but the total amount of child's disability benefit shall not exceed 25% of his salary as defined in this Article. The increase in child's disability benefit provided by this amendatory Act of the 92nd General Assembly applies beginning January 1, 2000 to all such benefits payable on or after that date, regardless of whether the disabled policeman is in active service on or after the effective date of this amendatory Act.

(c) Duty disability benefit shall be payable until the policeman becomes age 63 or would have been retired by operation of law, whichever is later, and child's disability benefit shall be paid during any such period of disability until the child attains age 18. Thereafter the policeman shall receive the annuity provided in accordance with the other provisions of this Article.

(d) A policeman who suffers a heart attack during the performance and discharge of his or her duties as a policeman shall be considered injured in the performance of an act of duty and shall be eligible for all benefits that the City provides for police officers injured in the performance of an act of duty. This subsection (d) is a restatement of existing law and applies without regard to whether the policeman is in service on or after the effective date of Public Act 89-12 or this amendatory Act of 1996.

(Source: P.A. 89-12, eff. 4-20-95; 89-643, eff. 8-9-96.)

(40 ILCS 5/5-154.1) (from Ch. 108 1/2, par. 5-154.1)
Sec. 5-154.1. Occupational disease disability benefit.

(a) The General Assembly finds that service in the police department requires police officers in times of stress and danger to perform unusual tasks; that police officers are subject to exposure to extreme heat or extreme cold in certain seasons while performing their duties; and that these conditions exist and arise out of or in the course of employment.

(b) Any police officer with at least 10 years of service who suffers a heart attack or any other disabling heart disease but is not entitled to a benefit under Section 5-154 is entitled to receive an occupational disease disability benefit under this Section. The occupational disease disability benefit shall be 65% of the salary attached to the rank held by the police officer in the police service at the time of his or her removal from the police department payroll. However, no occupational disease

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disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank held by the police officer at the time of his or her removal from the police department payroll.

The police officer is also entitled to a child's disability benefit of $100 per month for each natural or legally adopted unmarried child less than age 18 dependent upon the police officer for support. The total child's disability benefit shall not exceed 10% of the police officer's salary at the time of removal from the police department payroll. The increase in child's disability benefit provided by this amendatory Act of the 92nd General Assembly applies beginning January 1, 2000 to all such benefits payable on or after that date, regardless of whether the disabled policeman is in active service on or after the effective date of this amendatory Act.

The occupational disease disability benefit is payable during the period of disability until the police officer attains age 63 or compulsory retirement age, whichever occurs later; thereafter the police officer shall receive the benefits provided under the other provisions of this Article. If the police officer ceases to be disabled, the occupational disease disability benefit shall cease.

The child's disability benefit is payable during the period of disability until the child attains age 18 or marries, whichever event occurs first, except that a benefit payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability, but shall continue to be paid as long as the child's dependency and disability continue.

(Source: P.A. 89-12, eff. 4-20-95; 89-643, eff. 8-9-96.)

(40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)
Sec. 5-157. Administration of disability benefits.
(a) If a policeman who is granted duty or ordinary disability benefit refuses to submit to examination by a physician appointed by the board, he shall have no further right to receive the benefit.
(b) A policeman who has withdrawn from service while disabled and entered upon annuity prior to the effective date, and who has thereafter been reinstated as a policeman, shall have no right to ordinary disability benefit in excess of the amount previously received unless he serves at least one year after such reinstatement. This provision shall apply throughout the duration of any disability incurred by the policeman within one year after his reinstatement resulting from any cause other than injury incurred in the performance of an act of duty.
(c) Until the effective date of this amendatory Act of the 92nd General Assembly, a policeman who assumes regular employment for compensation, while in receipt of ordinary or duty disability benefits, shall not be entitled to receive any amount of such disability benefits which, when added to his compensation for such employment during disability, would exceed 150% of the rate of salary which would be paid to him if he were working in his regularly appointed civil service position as a policeman. The changes made to this Section by Public this amendatory Act 90-766 of 1998 are not limited to persons in service on or after the effective date of that this amendatory Act.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, the reduction of disability benefits due to compensation for employment previously imposed under this subsection (c) no longer applies to any person receiving a disability benefit under this Article, without regard to whether the person is in service on or after that date. The removal of this limitation by this amendatory Act is not retroactive and does not entitle any person to the restoration of amounts previously reduced or withheld under this subsection.
(d) Disability benefit shall not be paid for any part of time for which a disabled policeman shall receive any part of his salary.
(e) Except as herein otherwise provided, disability benefit shall not be paid for any disability based upon or caused by any mental or physical defect which the policeman had at the time he entered the police service.
(f) Disability benefit shall not be allowed to any policeman who re-enters the public service in any capacity where his salary is payable in whole or in part by taxes levied upon taxable property in the city in which this Article is in effect, or out of special revenues of any department of the city. The disability benefit shall be suspended during the period he is in the public service for compensation, and shall be resumed when he withdraws from such service.
(g) Any disability benefit paid in violation of this Section or of this Article shall be construed

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to have been paid in error, and the amounts so paid shall be charged as a debit in the account of any person to whom the same was paid and shall be deducted from any moneys thereafter payable to such person out of this fund, or to the widow, heirs or estate of such person.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)
Sec. 5-167.1. Automatic increase in annuity; retirement from service after September 1, 1967.

(a) A policeman who retires from service after September 1, 1967 with at least 20 years of service credit shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1950) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1950) if it occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2% and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning January 1, 1983 for policemen born before January 1, 1930, and beginning January 1, 1988 for policemen born on or after January 1, 1930 but before January 1, 1940, and beginning January 1, 1996 for policemen born on or after January 1, 1940 but before January 1, 1945, and beginning January 1, 2000 for policemen born on or after January 1, 1945 but before January 1, 1950, such increases shall be 3% and such policemen shall not be subject to the 30% maximum increase.

Any policeman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by Public Act 89-12, this amendatory Act of 1995 apply beginning January 1, 1996 and without regard to whether the policeman or annuitant terminated service before the effective date of that amendatory Act of 1995.

Any policeman born before January 1, 1950 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2000 is entitled to receive the initial increase under this subsection on (1) January 1, 2000, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 92nd General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1967, from each payment of salary to a policeman, 1/2 of 1% of each salary payment concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

The city, in addition to the contributions otherwise made by it for annuity purposes under other provisions of this Article, shall make matching contributions concurrently with such salary deductions.

Each such 1/2 of 1% deduction from salary and each such contribution by the city of 1/2 of 1% of salary shall be credited to the Automatic Increase Reserve, to be used to defray the cost of the 1 1/2% annuity increase provided by this Section. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such deductions from salary and city contributions shall continue while the policeman is in service.

The salary deductions provided in this Section are not subject to refund, except to the policeman himself, in any case in which a policeman withdraws prior to qualification for minimum annuity and applies for refund or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the policeman, without interest, and charged to the Automatic Increase Reserve.

(Source: P.A. 89-12, eff. 4-20-95.)

(40 ILCS 5/5-212) (from Ch. 108 1/2, par. 5-212)
Sec. 5-212. Computation of service. In computing the service rendered by a policeman prior

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to the effective date, the following periods shall be counted, in addition to all periods during where he performed the duties of his position, as periods of service for annuity purposes only: all periods of (a) vacation; (b) leave of absence with whole or part pay; (c) leave of absence without pay on account of disability; and (d) leave of absence during which the policeman was engaged in the military or naval service of the United States of America. Service credit shall not be allowed for a policeman in receipt of a pension on account of disability from any pension fund superseded by this fund.

In computing the service rendered by a policeman on or after the effective date, the following periods shall be counted, in addition to all periods during which he performed the duties of his position, as periods of service for annuity purposes only: all periods of (a) vacation; (b) leave of absence with whole or part pay; (c) leave of absence during which the policeman was engaged in the military or naval service of the United States of America; (d) time that the policeman was engaged in the military or naval service of the United States of America, during which he was passed over on any eligible list posted from an entrance examination, due to the fact that he was in such military or naval service at the time he was called for appointment to the Police Department, to be computed from the date he was passed over on any eligible list and would have been first sworn in as a policeman had he not been engaged in the military or naval service of the United States of America, until the date of his discharge from such military or naval service; provided that such policeman shall pay into this Fund the same amount that would have been deducted from his salary had he been a policeman during the aforementioned portion of such military or naval service; (e) disability for which the policeman receives any disability benefit; (f) disability for which the policeman receives whole or part pay; and (g) service for which credits and creditable service have been transferred to this Fund under Section 9-121.1, 14-105.1 or 15-134.3 of this Code.

In computing service on or after the effective date for ordinary disability benefit, all periods described in the preceding paragraph, except any such period for which a policeman receives ordinary disability benefit, shall be counted as periods of service.

In computing service for any of the purposes of this Article, no credit shall be given for any period during which a policeman was not rendering active service because of his discharge from the service, unless proceedings to test the legality of the discharge are filed in a court of competent jurisdiction within one year from the date of discharge and a final judgment is entered therein declaring the discharge illegal.

No overtime or extra service shall be included in computing service of a policeman and not more than one year or a fractional part thereof of service shall be allowed for service rendered during any calendar year.

In computing service for any of the purposes of this Article, credit shall be given for any periods prior to January 9, 1997, during which a policeman who is a member of the General Assembly is on leave of absence or is otherwise authorized to be absent from duty to enable him or her to perform legislative duties, notwithstanding any reduction in salary for such periods and notwithstanding that the contributions paid by the policeman were based on a reduced salary rather than the full amount of salary attached to his or her career service rank.

(Source: P.A. 89-136, eff. 7-14-95.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0053
(House Bill No. 0478)

AN ACT in relation to public employee benefits.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 1-113, 13-213, 13-302, 13-306, and 13-308 as follows:

(40 ILCS 5/1-113) (from Ch. 108 1/2, par. 1-113)

Sec. 1-113. Investment authority of certain pension funds, not including those established under Article 3 or 4. The investment authority of a board of trustees of a retirement system or pension fund established under this Code shall, if so provided in the Article establishing such retirement system or pension fund, embrace the following investments:

(1) Bonds, notes and other direct obligations of the United States Government; bonds, notes and other obligations of any United States Government agency or instrumentality, whether or not guaranteed; and obligations the principal and interest of which are guaranteed unconditionally by the United States Government or by an agency or instrumentality thereof.

(2) Obligations of the Inter-American Development Bank, the International Bank for Reconstruction and Development, the African Development Bank, the International Finance Corporation, and the Asian Development Bank.

(3) Obligations of any state, or of any political subdivision in Illinois, or of any county or city in any other state having a population as shown by the last federal census of not less than 30,000 inhabitants provided that such political subdivision is not permitted by law to become indebted in excess of 10% of the assessed valuation of property therein and has not defaulted for a period longer than 30 days in the payment of interest and principal on any of its general obligations or indebtedness during a period of 10 calendar years immediately preceding such investment.

(4) Nonconvertible bonds, debentures, notes and other corporate obligations of any corporation created or existing under the laws of the United States or any state, district or territory thereof; provided there has been no default on the obligations of the corporation or its predecessor(s) during the 5 calendar years immediately preceding the purchase. Up to 5% of the assets of a pension fund established under Article 9 of this Code may be invested in nonconvertible bonds, debentures, notes, and other corporate obligations of corporations created or existing under the laws of a foreign country, provided there has been no default on the obligations of the corporation or its predecessors during the 5 calendar years immediately preceding the date of purchase.

(5) Obligations guaranteed by the Government of Canada, or by any Province of Canada, or by any Canadian city with a population of not less than 150,000 inhabitants, provided (a) they are payable in United States currency and are exempt from any Canadian withholding tax; (b) the investment in any one issue of bonds shall not exceed 10% of the amount outstanding; and (c) the total investments at book value in Canadian securities shall be limited to 5% of the total investment account of the board at book value.

(5.1) Direct obligations of the State of Israel for the payment of money, or obligations for the payment of money which are guaranteed as to the payment of principal and interest by the State of Israel, or common or preferred stock or notes issued by a bank owned or controlled in whole or in part by the State of Israel, on the following conditions:

(a) The total investments in such obligations shall not exceed 5% of the book value of the aggregate investments owned by the board;

(b) The State of Israel shall not be in default in the payment of principal or interest on any of its direct general obligations on the date of such investment;

(c) The bonds, stock or notes, and interest thereon shall be payable in currency of the United States;

(d) The bonds shall (1) contain an option for the redemption thereof after 90 days from date of purchase or (2) either become due 5 years from the date of their purchase or be subject to redemption 120 days after the date of notice for redemption;

(e) The investment in these obligations has been approved in writing by investment counsel employed by the board, which counsel shall be a national or state bank or trust company authorized to do a trust business in the State of Illinois, or an investment advisor qualified under the Federal Investment Advisors Act of 1940 and registered under the Illinois Securities Act of 1953;

(f) The fund or system making the investment shall have at least $5,000,000 of net present assets.
(6) Notes secured by mortgages under Sections 203, 207, 220 and 221 of the National Housing Act which are insured by the Federal Housing Commissioner, or his successor assigns, or debentures issued by such Commissioner, which are guaranteed as to principal and interest by the Federal Housing Administration, or agency of the United States Government, provided the aggregate investment shall not exceed 20% of the total investment account of the board at book value, and provided further that the investment in such notes under Sections 220 and 221 shall in no event exceed one-half of the maximum investment in notes under this paragraph.

(7) Loans to veterans guaranteed in whole or part by the United States Government pursuant to Title III of the Act of Congress known as the "Servicemen's Readjustment Act of 1944," 58 Stat. 284, 38 U.S.C. 693, as amended or supplemented from time to time, provided such guaranteed loans are liens upon real estate.

(8) Common and preferred stocks and convertible debt securities authorized for investment of trust funds under the laws of the State of Illinois, provided:

(a) the common stocks, except as provided in subparagraph (g), are listed on a national securities exchange or board of trade, as defined in the federal Securities Exchange Act of 1934, or quoted in the National Association of Securities Dealers Automated Quotation System (NASDAQ);

(b) the securities are of a corporation created or existing under the laws of the United States or any state, district or territory thereof, except that up to 5% of the assets of a pension fund established under Article 9 of this Code may be invested in securities issued by corporations created or existing under the laws of a foreign country, if those securities are otherwise in conformance with this paragraph (8);

(c) the corporation is not in arrears on payment of dividends on its preferred stock;

(d) the total book value of all stocks and convertible debt owned by any pension fund or retirement system shall not exceed 40% of the aggregate book value of all investments of such pension fund or retirement system, except for a pension fund or retirement system governed by Article 9, 13, or 17, where the total of all stocks and convertible debt shall not exceed 50% of the aggregate book value of all fund investments, and except for a pension fund or retirement system governed by Article 13, where the total market value of all stocks and convertible debt shall not exceed 65% of the aggregate market value of all fund investments;

(e) the book value of stock and convertible debt investments in any one corporation shall not exceed 5% of the total investment account at book value in which such securities are held, determined as of the date of the investment, and the investments in the stock of any one corporation shall not exceed 5% of the total outstanding stock of such corporation, and the investments in the convertible debt of any one corporation shall not exceed 5% of the total amount of such debt that may be outstanding;

(f) the straight preferred stocks or convertible preferred stocks and convertible debt securities are issued or guaranteed by a corporation whose common stock qualifies for investment by the board; and

(g) that any common stocks not listed or quoted as provided in subdivision 8(a) above be limited to the following types of institutions: (a) any bank which is a member of the Federal Deposit Insurance Corporation having capital funds represented by capital stock, surplus and undivided profits of at least $20,000,000; (b) any life insurance company having capital funds represented by capital stock, special surplus funds and unassigned surplus totalling at least $50,000,000; and (c) any fire or casualty insurance company, or a combination thereof, having capital funds represented by capital stock, net surplus and voluntary reserves of at least $50,000,000.

(9) Withdrawable accounts of State chartered and federal chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation; deposits or certificates of deposit in State and national banks insured by the Federal Deposit Insurance Corporation; and share accounts or share certificate accounts in a State or federal credit union, the accounts of which are insured as required by the Illinois Credit Union Act or the Federal Credit Union Act, as applicable.

No bank or savings and loan association shall receive investment funds as permitted by this
subsection (9), unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

(10) Trading, purchase or sale of listed options on underlying securities owned by the board.

(11) Contracts and agreements supplemental thereto providing for investments in the general account of a life insurance company authorized to do business in Illinois.

(12) Conventional mortgage pass-through securities which are evidenced by interests in Illinois owner-occupied residential mortgages, having not less than an "A" rating from at least one national securities rating service. Such mortgages may have loan-to-value ratios up to 95%, provided that any amount over 80% is insured by private mortgage insurance. The pool of such mortgages shall be insured by mortgage guaranty or equivalent insurance, in accordance with industry standards.

(13) Pooled or commingled funds managed by a national or State bank which is authorized to do a trust business in the State of Illinois, shares of registered investment companies as defined in the federal Investment Company Act of 1940 which are registered under that Act, and separate accounts of a life insurance company authorized to do business in Illinois, where such pooled or commingled funds, shares, or separate accounts are comprised of common or preferred stocks, bonds, or money market instruments.

(14) Pooled or commingled funds managed by a national or state bank which is authorized to do a trust business in the State of Illinois, separate accounts managed by a life insurance company authorized to do business in Illinois, and commingled group trusts managed by an investment adviser registered under the federal Investment Advisors Act of 1940 (15 U.S.C. 80b-1 et seq.) and under the Illinois Securities Law of 1953, where such pooled or commingled funds, separate accounts or commingled group trusts are comprised of real estate or loans upon real estate secured by first or second mortgages. The total investment in such pooled or commingled funds, commingled group trusts and separate accounts shall not exceed 10% of the aggregate book value of all investments owned by the fund.

(15) Investment companies which (a) are registered as such under the Investment Company Act of 1940, (b) are diversified, open-end management investment companies and (c) invest only in money market instruments.

(16) Up to 10% of the assets of the fund may be invested in investments not included in paragraphs (1) through (15) of this Section, provided that such investments comply with the requirements and restrictions set forth in Sections 1-109, 1-109.1, 1-109.2, 1-110 and 1-111 of this Code.

The board shall have the authority to enter into such agreements and to execute such documents as it determines to be necessary to complete any investment transaction.

Any limitations herein set forth shall be applicable only at the time of purchase and shall not require the liquidation of any investment at any time.

All investments shall be clearly held and accounted for to indicate ownership by such board. Such board may direct the registration of securities in its own name or in the name of a nominee created for the express purpose of registration of securities by a national or state bank or trust company authorized to conduct a trust business in the State of Illinois.

Investments shall be carried at cost or at a value determined in accordance with generally accepted accounting principles and accounting procedures approved by such board.

(40 ILCS 5/13-213) (from Ch. 108 1/2, par. 13-213)
Sec. 13-213. "Contributions": Any moneys paid or payable to the Fund by the District or by any employee, or any salary deduction hereunder.

(40 ILCS 5/13-302) (from Ch. 108 1/2, par. 13-302)
Sec. 13-302. Computation of retirement annuity.
(a) Computation of annuity. An employee who withdraws from service on or after July 1, 1989 and who has met the age and service requirements and other conditions for eligibility set forth in Section 13-301 of this Article is entitled to receive a retirement annuity for life equal to 2.2% of average final salary for each of the first 20 years of service, and 2.4% of average final salary for each year of service in excess of 20. The retirement annuity shall not exceed 80% of average final salary.

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than 30 years of service, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60, or each full month by which the employee's service is less than 30 years, whichever is less. However, where the employee first enters service after June 13, 1997 the effective date of this amendatory Act of 1997 and does not have at least 10 years of service exclusive of credit under Article 20, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60.

(c) (Blank). Early retirement without discount. An employee who has attained age 50 and retires after December 31, 1987 and before June 30, 1997, and who retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund:

The one-time employee and employer contributions shall be a percentage of the retiring employee's last full-time annual salary, calculated as the total amount paid during the last 260 work days immediately prior to the date of withdrawal, or if not full-time then the full-time equivalent, and based on the employee's age and service at retirement. The employee contribution rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under this subsection unless the employee continues in service for at least 4 years after re-entry.

(c-1) Early retirement without discount; retirement after June 29, 1997. An employee who (i) has attained age 55 (age 50 if the employee first entered service before June 13, 1997) the effective date of this amendatory Act of 1997), (ii) has at least 10 years of service exclusive of credit under Article 20, (iii) retires after June 29, 1997 and before January 1, 2003, and (iv) retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund.

The one-time employee and employer contributions shall be a percentage of the retiring employee's highest full-time annual salary, calculated as the total amount of salary included in the highest 26 consecutive pay periods as used in the average final salary calculation, and based on the employee's age and service at retirement. The employee rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of

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the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under this subsection unless the employee continues in service for at least 4 years after re-entry.

(d) Annual increase. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 1, 1985 but before the effective date of this amendatory Act of the 92nd General Assembly shall, upon the first payment date following the first anniversary of the date of retirement, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. Except for employees retiring and receiving a term annuity, an employee who retires on or after the effective date of this amendatory Act of the 92nd General Assembly shall, on the first day of the month in which the first anniversary of the date of retirement occurs, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. The monthly annuity shall be increased by an additional 3% on the same date each year thereafter. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision, regardless of the date of retirement) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Any employee who (i) retired before July 1, 1985 with at least 10 years of creditable service, (ii) is receiving a retirement annuity under this Article, other than a term annuity, and (iii) has not received any annual increase under this subsection, shall begin receiving the annual increases provided under this subsection (d) beginning on the next annuity payment date following the effective date of this amendatory Act of 1997.

(e) Minimum retirement annuity. Beginning January 1, 1993, the minimum monthly retirement annuity shall be $500 for any annuitant having at least 10 years of service under this Article, other than a term annuitant or an annuitant who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly retirement annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant under subsection (d) of Section 13-301) having less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) having at least 10 years of service under this Article who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

Beginning on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), the minimum monthly retirement annuity for any annuitant having at least 10 years of service, other than an annuitant whose annuity is subject to an early retirement discount, shall be $500 plus $25 for each year of service in excess of 10, not to exceed $750 for an annuitant with 20 or more years of service. In the case of a reciprocal annuity, this minimum shall apply only if the annuitant has at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following the effective date of this amendatory Act of the 92nd General Assembly, an employee who retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-306) (from Ch. 108 1/2, par. 13-306)

(a) Computation of the annuity. The surviving spouse's annuity shall be equal to 60% of the retirement annuity earned and accrued to the credit of the deceased employee, whether death occurs while in service or after withdrawal, plus 1% for each year of total service of the employee to a
maximum of 85%; provided, however, that if the employee's death arises out of and in the course of the employee's service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the surviving spouse's annuity is payable regardless of the employee's length of service and shall be not less than 50% of the employee's salary at the date of death.

For any death in service the early retirement discount required under Section 13-302(b) shall not be applied in computing the retirement annuity upon which is based the surviving spouse's annuity.

(b) Reciprocal service. For any employee or annuitant who retires on or after July 1, 1985 and whose death occurs after January 1, 1991, having at least 15 years of service with the employer under this Article, and who was eligible at the time of death or elected at the time of retirement to have his or her retirement annuity calculated as provided in Section 20-131 of this Code, the surviving spouse benefit shall be calculated as of the date of the employee's death as indicated in subsection (a) as a percentage of the employee's total benefit as if all service had been with the employer. That benefit shall then be reduced by the amounts payable by each of the reciprocal funds as of the date of death so that the total surviving spouse benefit at that date will be equal to the benefit which would have been payable had all service been with the employer under this Article.

(c) Discount for age differential. The annuity for a surviving spouse shall be discounted by 0.25% for each full month that the spouse is younger than the employee as of the date of withdrawal from service or death in service to a maximum discount of 60% of the surviving spouse annuity as calculated under subsections (a), (b), and (e) of this Section. The discount shall be reduced by 10% for each full year the marriage has been in continuous effect as of the date of withdrawal or death in service. There shall be no discount if the marriage has been in continuous effect for 10 full years or more at the time of withdrawal or death in service.

(d) Annual increase. On the first day of each calendar month in which there occurs an anniversary of the employee's date of retirement or date of death, whichever occurred first, the surviving spouse's annuity, other than a term annuity under Section 13-307, shall be increased by an amount equal to 3% of the amount of the annuity. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision of this Article) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Beginning January 1, 1993, surviving spouse annuitants whose deceased spouse died, retired or withdrew from service before August 23, 1989 with at least 10 years of service under this Article shall be eligible for the annual increases provided under this subsection.

(e) Minimum surviving spouse's annuity.

(1) Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be $500 for any annuitant whose deceased spouse had at least 10 years of service under this Article, other than a surviving spouse who is a term annuitant or whose deceased spouse began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant survivor under subsection (d) of Section 13-301) whose deceased spouse had less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) whose deceased spouse had at least 10 years of service under this Article and began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

(2) Beginning on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the deceased spouse was in service on or after that effective date), the minimum monthly surviving spouse's annuity for any annuitant whose deceased spouse had at least 10 years of service shall be the greater of the following:

(A) An amount equal to $500, plus $25 for each year of the deceased spouse's service in excess of 10, not to exceed $750 for an annuitant whose deceased spouse had 20 or more

New matter indicated by italics - deletions by strikeout.
years of service. This subdivision (A) is not applicable if the deceased spouse received a retirement annuity that was subject to an early retirement discount.

(B) An amount equal to (i) 50% of the retirement annuity earned and accrued to the credit of the deceased spouse at the time of death, plus (ii) the amount of any annual increases applicable to the surviving spouse's annuity (including the amount of any reversionary annuity) under subsection (d) before the effective date of this amendatory Act of the 92nd General Assembly. In any case in which a refund of excess contributions for the surviving spouse's annuity has been paid by the Fund and the surviving spouse's annuity is increased due to the application of this subdivision (B), the amount of that refund shall be recovered by the Fund as an offset against the amount of the increase in annuity arising from the application of this subdivision (B).

In the case of a reciprocal annuity, the minimum annuity calculated under this subdivision (e)(2) shall apply only if the deceased spouse of the annuitant had at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

The minimum annuity calculated under this subdivision (e)(2) is in addition to the amount of any reversionary annuity that may be payable.

(3) Beginning on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the deceased spouse was in service on or after that effective date), any surviving spouse who is receiving a term annuity under Section 13-307 or any predecessor provision of this Article may have that term annuity recalculated and converted to a minimum surviving spouse annuity under this subsection (e).

(4) Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following the effective date of this amendatory Act of the 92nd General Assembly, an annuitant whose deceased spouse retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60.

(5) The minimum annuity provided under this subsection (e) shall be subject to the age discount provided under subsection (c) of this Section.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-308) (from Ch. 108 1/2, par. 13-308)

Sec. 13-308. Child's annuity.

(a) Eligibility. A child's annuity shall be provided for each unmarried child under the age of 18 years whose employee parent dies while in service, or whose deceased parent is an annuitant or former employee with at least 10 years of creditable service who did not take a refund of employee contributions.

For purposes of this Section, "employee" includes a former employee, and "child" means the issue of an employee, or a child adopted by an employee if the proceedings for adoption were instituted at least one year prior to the employee's death.

Payments shall cease when a child attains the age of 18 years or marries, whichever first occurs. The annuity shall not be payable unless the employee has been employed as an employee for at least 36 months from the date of the employee's original entry into service (at least 24 months in the case of an employee who first entered service before the effective date of this amendatory Act of 1997) and at least 12 months from the date of the employee's latest re-entry into service; provided, however, that if death arises out of and in the course of service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the annuity is payable regardless of the employee's length of service.

(b) Amount. A child's annuity shall be $500 per month for one child and $350 per month for each additional child, up to a maximum of $2,500 per month for all children of the employee, as provided in this Section, if a parent of the child is living. The child's annuity shall be $1,000 per month for one child, and $500 per month for each additional child, up to a maximum of $2,500 for all children of the employee, when neither parent is alive. The total amount payable to all children of the employee shall be divided equally among those children. Any child's annuity

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which commenced prior to the effective date of this amendatory Act of the 92nd General Assembly shall be increased upon the first day of the month following the month in which the effective date occurs, to the amount set forth herein.

(c) Payment. A child's annuity shall be paid to the child's parent or other person who shall be providing for the child without requiring formal letters of guardianship, unless another person shall be appointed by a court of law as guardian.

(Source: P.A. 90-12, eff. 6-13-97.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

**PUBLIC ACT 92-0054**
(House Bill No. 0513)

AN ACT to amend the Illinois Pension Code by changing Section 14-104.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 14-104 as follows:

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership

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service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of less than one year spent on authorized leave of absence from service, provided that (1) the period of leave began on or after January 1, 1982 and (2) any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed one year. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To

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establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(Source: P.A. 90-32, eff. 6-27-97; 90-448, eff. 8-16-97; 90-511, eff. 8-22-97; 90-655, eff. 7-30-98; 90-766, eff. 8-14-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0055
(House Bill No. 0857)

AN ACT in relation to nuisances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Controlled Substance and Cannabis Nuisance Act is amended by changing Section 3.1 as follows:

(740 ILCS 40/3.1) (from Ch. 100 1/2, par. 16.1)
Sec. 3.1. Before the filing of a complaint under paragraph (c) of Section 3 of this Act, the State's Attorney shall, by personal service or by certified mail, provide to the owner of the place at which the nuisance is located, or the agent of the owner, written notice of the following:

(1) That a nuisance, as defined in this Act, exists at the place specified in the notice;
(2) That the owner of the place or his or her agent has 14 days from the mailing of the notice or 7 days from personal service of the notice to appear at the State's Attorney's Office at the address provided in the notice to arrange to take action to abate the nuisance; and
(3) That failure to appear at the State's Attorney's Office within the time indicated may result in the State's Attorney filing a complaint to enjoin the use of the owner's property for a period of one year.

If the owner of the place or his or her agent does not appear at the State's Attorney's Office as requested within the time periods prescribed above, the State's Attorney may file a complaint under Section 3 of this Act. If the owner or his or her agent appears before the State's Attorney in the time prescribed, the owner or his or her agent may agree to comply with reasonable recommendations requested by the State's Attorney designed to abate the nuisance. If the owner or his or her agent does not affirmatively agree to follow the State's Attorney's recommendations, the State's Attorney may file a complaint under Section 3 of this Act. If the owner or his or her agent agrees to follow the State's Attorney's recommendations but subsequently fails to comply with those recommendations requested by the State's Attorney, the State's Attorney may proceed to file a complaint under Section 3 of this Act, except that in cases in which the prompt failure to file a complaint would not result in irreparable harm, loss, or damage, the State's Attorney shall, before the filing of the complaint, provide the owner of the place or his or her agent with written notification by personal service or by certified mail sent to the last known address of the owner or agent that he or she has failed to satisfactorily comply with the requested recommendations and that the State's Attorney intends to file a suit under Section 3 of this Act to abate the nuisance.

(Source: P.A. 87-765.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.109b as follows:

(105 ILCS 5/2-3.109b new)

Sec. 2-3.109b. Vocational center grant eligibility. An area vocational center, as designated by the State Board of Education, may apply for and be eligible to receive any school maintenance grant, federal or State technology grant, or other competitive grant administered by the State Board of Education that is available for school districts, subject to the same restrictions applicable to school districts.

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


Approved July 12, 2001.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section. If the spouse of the owner of a vehicle seized for a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle. Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 90-134, eff. 7-22-97; 90-216, eff. 1-1-98; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 91-876, eff. 1-1-01.)
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0058
(Senate Bill No. 0138)

AN ACT concerning drug treatment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Drug Court Treatment Act.
Section 5. Purposes. The General Assembly recognizes that the use and abuse of drugs has a dramatic effect on the criminal justice system in the State of Illinois. There is a critical need for a criminal justice system program that will reduce the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly to create specialized drug courts with the necessary flexibility to meet the drug problems in the State of Illinois.
Section 10. Definitions. As used in this Act:
"Drug court", "drug court program", or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible defendants that brings together substance abuse professionals, local social programs, and intensive judicial monitoring in accordance with the nationally recommended 10 key components of drug courts.
"Drug court professional" means a judge, prosecutor, defense attorney, probation officer, or treatment provider involved with the drug court program.
"Pre-adjudicatory drug court program" means a program that allows the defendant, with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the drug court program as part of the agreement.
"Post-adjudicatory drug court program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a drug court program as part of the defendant's sentence.
"Combination drug court program" means a drug court program that includes a pre-adjudicatory drug court program and a post-adjudicatory drug court program.
Section 15. Authorization. The Chief Judge of each judicial circuit may establish a drug court
program including the format under which it operates under this Act.

Section 20. Eligibility.
(a) A defendant may be admitted into a drug court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.
(b) A defendant shall be excluded from a drug court program if any of one of the following apply:
   (1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).
   (2) The defendant denies his or her use of or addiction to drugs.
   (3) The defendant does not demonstrate a willingness to participate in a treatment program.
   (4) The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time, including but not limited to: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.
   (5) The defendant has previously completed or has been discharged from a drug court program.

Section 25. Procedure.
(a) The court shall order an eligibility screening and an assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois Courts. An assessment need not be ordered if the court finds a valid assessment related to the present charge pending against the defendant has been completed within the previous 60 days.
(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of the drug court program, eligibility to participate in the program may be revoked and the defendant may be sentenced or the prosecution continued as provided in the Unified Code of Corrections for the crime charged.
(c) The defendant shall execute a written agreement as to his or her participation in the program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of sanctions or incarceration for failing to abide or comply with the terms of the program.
(d) In addition to any conditions authorized under the Pretrial Services Act and Section 5-6-3 of the Unified Code of Corrections, the court may order the defendant to complete substance abuse treatment in an outpatient, inpatient, residential, or jail-based custodial treatment program. Any period of time a defendant shall serve in a jail-based treatment program may not be reduced by the accumulation of good time or other credits and may be for a period of up to 120 days.
(e) The drug court program shall include a regimen of graduated requirements and rewards and sanctions, including but not limited to: fines, fees, costs, restitution, incarceration of up to 180 days, individual and group therapy, drug analysis testing, close monitoring by the court at a minimum of once every 30 days and supervision of progress, educational or vocational counseling as appropriate, and other requirements necessary to fulfill the drug court program.

Section 30. Substance abuse treatment.
(a) The drug court program shall maintain a network of substance abuse treatment programs representing a continuum of graduated substance abuse treatment options commensurate with the needs of defendants.
(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.
(c) The drug court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

Section 35. Violation; termination; discharge.
(a) If the court finds from the evidence presented including but not limited to the reports or proffers of proof from the drug court professionals that:
   (1) the defendant is not performing satisfactorily in the assigned program;
   (2) the defendant is not benefitting from education, treatment, or rehabilitation;

New matter indicated by italics - deletions by strikeout.
(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or
(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate; the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing.
(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from any further proceedings against him or her in the original prosecution.

Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0059
(Senate Bill No. 0194)

AN ACT in relation to nuisances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Controlled Substance and Cannabis Nuisance Act is amended by changing Section 3.1 as follows:
(740 ILCS 40/3.1) (from Ch. 100 1/2, par. 16.1)
Sec. 3.1. Before the filing of a complaint under paragraph (c) of Section 3 of this Act, the State's Attorney shall, by personal service or by certified mail, provide to the owner of the place at which the nuisance is located, or the agent of the owner, written notice of the following:
(1) That a nuisance, as defined in this Act, exists at the place specified in the notice;
(2) That the owner of the place or his or her agent has 14 days from the mailing of the notice or 7 days from personal service of the notice to appear at the State's Attorney's Office at the address provided in the notice to arrange to take action to abate the nuisance; and
(3) That failure to appear at the State's Attorney's Office within the time indicated may result in the State's Attorney filing a complaint to enjoin the use of the owner's property for a period of one year.
If the owner of the place or his or her agent does not appear at the State's Attorney's Office as requested within the time periods prescribed above, the State's Attorney may file a complaint under Section 3 of this Act. If the owner or his or her agent appears before the State's Attorney in the time prescribed, the owner or his or her agent may agree to comply with reasonable recommendations requested by the State's Attorney designed to abate the nuisance. If the owner or his or her agent does not affirmatively agree to follow the State's Attorney's recommendations, the State's Attorney may file a complaint under Section 3 of this Act. If the owner or his or her agent agrees to follow the State's Attorney's recommendations but subsequently fails to comply with those recommendations within 60 days of the owner's or his or her agent's appearance before the State's Attorney, the State's Attorney may proceed to file a complaint under Section 3 of this Act, except that in cases in which the prompt failure to file a complaint would not result in irreparable harm, loss, or damage, the State's Attorney shall, before the filing of the complaint, provide the owner of the place or his or her agent with written notification by personal service or by certified mail sent to the last known address of the owner or agent that he or she has failed to satisfactorily comply with the requested recommendations and that the State's Attorney intends to file a suit under Section 3 of this Act to abate the nuisance.
(Source: P.A. 87-765.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.
AN ACT concerning procurement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Procurement Code is amended by changing Section 45-45 as follows:
(30 ILCS 500/45-45)
Sec. 45-45. Small businesses.
(a) Set-asides. The chief procurement officer has authority to designate as small business set-asides a fair proportion of construction, supply, and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.
(b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The chief procurement officer shall establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a bidder, annual sales and receipts of the bidder and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated by the chief procurement officer may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:
   (1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed $7,500,000.
   (2) No retail business or business selling services is a small business if its annual sales and receipts exceed $1,500,000.
   (3) No manufacturing business is a small business if it employs more than 250 persons.
   (4) No construction business is a small business if its annual sales and receipts exceed $10,000,000.
(c) Fair proportion. For the purpose of subsection (a), for State agencies of the executive branch, a fair proportion of construction contracts shall be no less than 25% nor more than 40% of the annual total contracts for construction.
(d) Withdrawal of designation. A small business set-aside designation may be withdrawn by the purchasing agency when deemed in the best interests of the State. Upon withdrawal, all bids or offers shall be rejected, and the bidders or offerors shall be notified of the reason for rejection. The contract shall then be awarded in accordance with this Code without the designation of small business set-aside.
(e) Small business specialist. The chief procurement officer shall designate a State purchasing officer who will be responsible for engaging an experienced contract negotiator to serve as its small business specialist, whose duties shall include:
   (1) Compiling and maintaining a comprehensive bidders list of small businesses. In this duty, he or she shall cooperate with the Federal Small Business Administration in locating potential sources for various products and services.
   (2) Assisting small businesses in complying with the procedures for bidding on State contracts.
   (3) Examining requests from State agencies for the purchase of property or services to help determine which invitations to bid are to be designated small business set-asides.
   (4) Making recommendations to the chief procurement officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.
   (5) Assisting in investigations by purchasing agencies to determine the responsibility of bidders on small business set-asides.
(f) Small business annual report. The State purchasing officer designated under subsection (e) shall annually before December 1 report in writing to the General Assembly concerning the awarding
of contracts to small businesses. The report shall include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The report shall also include the total value of awards made to businesses owned by minorities, females, and persons with disabilities, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, in the preceding fiscal year under the designation of small business set-aside.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0061
(Senate Bill No. 0273)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 1-106.5 as follows:
(625 ILCS 5/1-106.5)

Sec. 1-106.5. Bumper. Any device or system of devices protruding from and attached to the front and rear of a motor vehicle that has been designed to be used to absorb the impact of a collision. For the purposes of this Code, a bumper also includes a device or system of devices similar in design to those with which new motor vehicles are equipped.

(Source: P.A. 90-89, eff. 1-1-98.)
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0062
(Senate Bill No. 0317)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Private Business and Vocational Schools Act is amended by changing Section 1.1 as follows:
(105 ILCS 425/1.1) (from Ch. 144, par. 136.1)

Sec. 1.1. Exemptions and annual filing.
(a) For purposes of this Act, the following shall not be considered to be a private business and vocational school:

(1) Any eleemosynary institution.
(2) Any religious institution.
(3) Any public educational institution exempt from property taxation under the laws of this State.
(4) Any in-service course of instruction and subject offered by an employer provided no tuition is charged and such instruction is offered only to employees of such employer.
(5) Any educational institution which on the effective date of this amendatory Act of 1984 is regulated solely by or which on January 2, 2001, June 30, 1991, is solely degree granting, enrolls a majority of its students in bachelor's or higher degree programs, has maintained an accredited status with the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools, and is regulated by the Illinois Board of Higher Education under the Private College Act or the Academic Degree Act, or which is exempt from such regulation under either of the foregoing Acts solely for the reason that such educational institution was in operation on the effective date of either such Act.

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(6) Any institution and the franchisees of such institution which offer exclusively a course of instruction in income tax theory or return preparation at a total contract price of no more than $400, provided that the total annual enrollment of such institution for all such courses of instruction exceeds 500 students, and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed $400. For each calendar year after 1990, the total contract price shall be adjusted, rounded off to the nearest dollar, by the same percentage as the increase or decrease in the general price level as measured by the consumer price index for all urban consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency. The change in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the total contract price is calculated.

(b) An institution exempted under subsection (a) of this Section must file with the Superintendent an annual financial report to demonstrate continued compliance by the institution with the requirements on which the exemption is based.

(Source: P.A. 90-649, eff. 7-24-98.)

Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0063

(Senate Bill No. 0358)

AN ACT concerning the Quad Cities Regional Economic Development Authority.

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

Section 5. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987, is amended by changing Section 4 as follows:

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Quad Cities Regional Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Rock Island, Henry, Knox, and Mercer counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 11 members including, as an ex officio member, the Director of the Department of Commerce and Community Affairs, or his or her designee. The other 10 members of the Authority shall be designated "public members", 6 of whom shall be appointed by the Governor with the advice and consent of the Senate. Of the 6 members appointed by the Governor, one shall be from a city within the Authority's territory with a population of 25,000 or more and the remainder shall be appointed at large. Of the 6 members appointed by the Governor, 2 members shall have business or finance experience. One member shall be appointed by each of the county board chairmen of Rock Island, Henry, Knox, and Mercer Counties with the advice and consent of the respective county board. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be a public member elected by the affirmative vote of not fewer than 6 members of the Authority. The term of the Chairman shall be one year.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act, except (i) the terms of those members added by this amendatory Act of 1989, whose terms shall begin 30 days after the effective date of this amendatory Act of 1989 and (ii) the terms of those members added by this amendatory Act of the 92nd General Assembly shall begin 30 days after the effective date of this amendatory Act of the 92nd General Assembly. Of the 10 public members
appointed pursuant to this Act, 2 (one of whom shall be appointed by the Governor) shall serve until
the third Monday in January, 1989, 2 (one of whom shall be appointed by the Governor) shall serve
until the third Monday in January, 1990, 2 (one of whom shall be appointed by the Governor) shall
serve until the third Monday in January, 1991, and 2 (both of whom shall be appointed by the
Governor) shall serve until the third Monday in January, 1992, and 2 (one of whom shall be appointed
by the Governor and one of whom shall be appointed by the county board chairman of Knox County)
shall serve until the third Monday in January, 2004. The initial terms of the members appointed by
the county board chairmen (other than the county board chairman of Knox County) shall be
determined by lot. All successors shall be appointed by the original appointing authority and hold
office for a term of 3 years commencing the third Monday in January of the year in which their term
commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public
members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed
membership when the Senate is not in session, the Governor may make a temporary appointment until
the next meeting of the Senate when a person shall be nominated to fill such office, and any person
so nominated who is confirmed by the Senate shall hold office during the remainder of the term and
until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to
compensation for their services as members but shall be entitled to reimbursement for all necessary
expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority appointed by the Governor
in case of incompetency, neglect of duty, or malfeasance in office. The Chairman of a county board
may remove any public member of the Authority appointed by such Chairman in the case of
incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance,
including familiarity with the legal and procedural requirements of issuing bonds, real estate or
economic development and administration. The Executive Director shall hold office at the discretion
of the Board. The Executive Director shall be the chief administrative and operational officer of the
Authority, shall direct and supervise its administrative affairs and general management, shall perform
such other duties as may be prescribed from time to time by the members and shall receive
compensation fixed by the Authority. The Authority may engage the services of such other agents and
employees, including attorneys, appraisers, engineers, accountants, credit analysts and other
consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board shall create a task force to study and make recommendations to the Board on
the economic development of the territory within the jurisdiction of this Act. The number of members
constituting the task force shall be set by the Board and may vary from time to time. The Board may
set a specific date by which the task force is to submit its final report and recommendations to the
Board.

(Source: P.A. 86-837.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0064
(Senate Bill No. 0376)

AN ACT in relation to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 2-3.13a and 10-22.6 as follows:
(105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)
Sec. 2-3.13a. Scholastic records; transferring students. The State Board of Education shall
establish and implement rules requiring all of the public schools and all private or nonpublic
elementary and secondary schools located in this State, whenever any such school has a student who
is transferring to any other public elementary or secondary school located in this or in any other state,
to forward within 10 days of notice of the student's transfer an unofficial record of that student's grades
to the school to which such student is transferring. Each public school at the same time also shall forward to the school to which the student is transferring the remainder of the student's school student records as required by the Illinois School Student Records Act. In addition, if a student is transferring from a public school, whether located in this or any other state, from which the student has been suspended or expelled for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school, and if the period of suspension or expulsion has not expired at the time the student attempts to transfer into another public school in the same or any other school district: (i) any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion; and (ii) with the exception of transfers into the Department of Corrections school district, the student shall not be permitted to attend class in the public school into which he or she is transferring until the student has served the entire period of the suspension or expulsion imposed by the school from which the student is transferring, provided that the school board may approve the placement of the student in an alternative school program established under Article 13A of this Code Act. A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being admitted into the school district. This policy may allow placement of the student in an alternative school program established under Article 13A of this Code, if available, for the remainder of the suspension or expulsion. Each public school and each private or nonpublic elementary or secondary school in this State shall within 10 days after the student has paid all of his or her outstanding fines and fees and at its own expense forward an official transcript of the scholastic records of each student transferring from that school in strict accordance with the provisions of this Section and the rules established by the State Board of Education as herein provided.

The State Board of Education shall develop a one-page standard form that Illinois school districts are required to provide to any student who is moving out of the school district and that contains the information about whether or not the student is "in good standing" and whether or not his or her medical records are up-to-date and complete. As used in this Section, "in good standing" means that the student is not being disciplined by a suspension or expulsion, but is entitled to attend classes. No school district is required to admit a new student who is transferring from another Illinois school district unless he or she can produce the standard form from the student's previous school district enrollment. No school district is required to admit a new student who is transferring from an out-of-state public school unless the parent or guardian of the student certifies in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.

(Source: P.A. 91-365, eff. 7-30-99.)

(105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate.

(b) To suspend or by regulation to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, and no action shall lie against them for such suspension. The board may by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may
suspend the pupil in excess of 10 school days for safety reasons. Any suspension shall be reported immediately to the parents or guardian of such pupil along with a full statement of the reasons for such suspension and a notice of their right to a review, a copy of which shall be given to the school board. Upon request of the parents or guardian the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis. A student who is determined to have brought a weapon to school, any school-sponsored activity or event, or any activity or event which bears a reasonable relationship to school shall be expelled for a period of not less than one year, except that the expulsion period may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case by case basis.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion before being admitted into the school district. This policy may allow placement of the student in an alternative school program established under Article 13A of this Code, if available, for the remainder of the suspension or expulsion. This subsection (g) applies to all school districts, including special charter districts and districts organized under Article 34 of this Code.

(Source: P.A. 89-371, eff. 1-1-96; 89-507, eff. 7-1-97; 89-610, eff. 8-6-96; P.A. 90-14, eff. 7-1-97; 90-548, eff. 1-1-98; 90-757, eff. 8-14-98.)
AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 205 as follows:
(215 ILCS 5/205) (from Ch. 73, par. 817)
Sec. 205. Priority of distribution of general assets.
(1) The priorities of distribution of general assets from the company's estate is to be as follows:
   (a) The costs and expenses of administration, including the expenses of the Illinois
       Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the
       Illinois Health Maintenance Organization Guaranty Association and of any similar
       organization in any other state as prescribed in subsection (c) of Section 545.
   (b) Secured claims, including claims for taxes and debts due the federal or any state or
       local government, that are secured by liens perfected prior to the filing of the complaint.
   (c) Claims for wages actually owing to employees for services rendered within 3 months
       prior to the date of the filing of the complaint, not exceeding $1,000 to each employee unless
       there are claims due the federal government under paragraph (f), then the claims for wages
       shall have a priority of distribution immediately following that of federal claims under
       paragraph (f) and immediately preceding claims of general creditors under paragraph (g).
   (d) Claims by policyholders, beneficiaries, insureds and liability claims against insureds
       covered under insurance policies and insurance contracts issued by the company, and claims
       of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty
       Association, the Illinois Health Maintenance Organization Guaranty Association and any
       similar organization in another state as prescribed in Section 545.
   (e) Claims by policyholders, beneficiaries, and insureds, the allowed values of which were
       determined by estimation under paragraph (b) of subsection (4) of Section 209.
   (f) Any other claims due the federal government.
   (g) All other claims of general creditors not falling within any other priority under this
       Section including claims for taxes and debts due any state or local government which are not
       secured claims and claims for attorneys' fees incurred by the company in contesting its
       conservation, rehabilitation, or liquidation.
   (h) Claims of guaranty fund certificate holders, guaranty capital shareholders, capital note
       holders, and surplus note holders.
   (i) Proprietary claims of shareholders, members, or other owners.
   Every claim under a written agreement, statute, or rule providing that the assets in a separate
   account are not chargeable with the liabilities arising out of any other business of the insurer shall
   be satisfied out of the funded assets in the separate account equal to, but not to exceed, the reserves
   maintained in the separate account under the separate account agreement, and to the extent, if any,
   the claim is not fully discharged thereby, the remainder of the claim shall be treated as a priority level
   (d) claim under paragraph (d) of this subsection to the extent that reserves have been established in
   the insurer's general account pursuant to statute, rule, or the separate account agreement.
   For purposes of this provision, "separate account policies, contracts, or agreements" means any policies,
   contracts, or agreements that provide for separate accounts as contemplated by Section 245.21.
   To the extent that any assets of an insurer, other than those assets properly allocated to and
   maintained in a separate account, have been used to fund or pay any expenses, taxes, or policyholder
   benefits that are attributable to a separate account policy, contract, or agreement that should have

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been paid by a separate account prior to the commencement of receivership proceedings, then upon the commencement of receivership proceedings, the separate accounts that benefited from this payment or funding shall first be used to repay or reimburse the company's general assets or account for any unreimbursed net sums due at the commencement of receivership proceedings prior to the application of the separate account assets to the satisfaction of liabilities or the corresponding separate account policies, contracts, and agreements.

To the extent, if any, reserves or assets maintained in the separate account are in excess of the amounts needed to satisfy claims under the separate account contracts, the excess shall be treated as part of the general assets of the insurer's estate.

(2) Within 120 days after the issuance of an Order of Liquidation with a finding of insolvency against a domestic company, the Director shall make application to the court requesting authority to disburse funds to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states from time to time out of the company's marshaled assets as funds become available in amounts equal to disbursements made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states for covered claims obligations on the presentation of evidence that such disbursements have been made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states.

The Director shall establish procedures for the ratable allocation and distribution of disbursements to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and similar organizations in other states. In determining the amounts available for disbursement, the Director shall reserve sufficient assets for the payment of the expenses of administration described in paragraph (1) (a) of this Section. All funds available for disbursement after the establishment of the prescribed reserve shall be promptly distributed. As a condition to receipt of funds in reimbursement of covered claims obligations, the Director shall secure from the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association and each similar organization in other states, an agreement to return to the Director on demand funds previously received as may be required to pay claims of secured creditors and claims falling within the priorities established in paragraphs (a), (b), (c), and (d) of subsection (1) of this Section in accordance with such priorities.

(3) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 89-206, eff. 7-21-95; 90-381, eff. 8-14-97.)

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


Approved July 12, 2001.


PUBLIC ACT 92-0066
(Senate Bill No. 0479)

AN ACT in relation to public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Sections 9-185, 9-186, and 9-187 as follows:

(40 ILCS 5/9-185) (from Ch. 108 1/2, par. 9-185)
Sec. 9-185. Board created.
(a) A board of members shall constitute the board of trustees authorized to carry out the provisions of this Article. The board of trustees shall be known as "The Retirement Board of the County Employees' Annuity and Benefit Fund of .... County". The board shall consist of members appointed and members elected as hereinafter prescribed.
(b) The appointed members shall be appointed as follows: One member shall be appointed

New matter indicated by italics - deletions by strikeout.
by the comptroller of such county, who may be the comptroller or some person chosen by him from among employees of the county, who are versed in the affairs of the comptroller's office; and one member shall be appointed by the treasurer of such county, who may be the treasurer or some person chosen by him from among employees of the County who are versed in the affairs of the treasurer's office.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the county treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment.

Thereafter, each appointed member shall be appointed by the officer that appointed his predecessor for a term of 2 years.

(c) Three county employee members of the board shall be elected as follows: within 30 days from and after the date upon which this Article comes into effect in the county, the clerk of the county shall arrange for and hold an election. One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending on December 1st of the following year; and one for a term ending December 1st of the second following year.

(d) Beginning December 1, 1988, and every 3 years thereafter, an annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement or disability benefits under this Article shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year.

(d-1) Beginning December 1, 2001, and every 3 years thereafter, an annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement benefits under this Article shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year. Until December 1, 2001, the position created under this subsection (d-1) may be filled by the board as in the case of a vacancy.

(e) Beginning December 1, 1988, if a Forest Preserve District Employees' Annuity and Benefit Fund shall be in force in such county and the board of this fund is charged with administering the affairs of such annuity and benefit fund for employees of such forest preserve district, a forest preserve district member of the board shall be elected as of December 1, 1988, and every 3 years thereafter as follows: the board shall arrange for and hold an election in which only those employees of such forest preserve district who are contributors to the annuity and benefit fund for employees of such forest preserve district shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year.

(f) Beginning December 1, 2001, and every 3 years thereafter, if a Forest Preserve District Employees' Annuity and Benefit Fund is in force in the county and the board of this Fund is charged with administering the affairs of such annuity and benefit fund for employees of the forest preserve district, a forest preserve district annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement benefits under Article 10 shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year. Until December 1, 2001, the position created under this subsection (f) may be filled by the board as in the case of a vacancy.

(Source: P.A. 85-964; 86-1488.)

(40 ILCS 5/9-186) (from Ch. 108 1/2, par. 9-186)

Sec. 9-186. Board elections. In each year, the board shall conduct a regular election, under rules adopted by it, at least 30 days prior to the expiration of the term of each elected employee or annuitant member.

To be eligible to be a county employee member, a person must be an employee of the county and must have at least 5 years of service credit in that capacity by December 1 of the year of election. To be eligible to be a forest preserve district member, a person must be an employee of the forest preserve district and must have at least 5 years of service credit in that capacity by December 1 of the
year of election.

Only those persons who are employees of the county shall be eligible to vote for the 3 county employee members, only those persons who are employees of the forest preserve district shall be eligible to vote for the forest preserve district member, and only those persons who are currently receiving retirement or disability benefits under this Article shall be eligible to vote for the annuitant members elected under subsections (d) and (d-1) of Section 9-185, and only those persons who are currently receiving retirement benefits under Article 10 shall be eligible to vote for the forest preserve district annuitant member elected under subsection (f) of Section 9-185. The ballot shall be of secret character.

Except as otherwise provided in Section 9-187, each member of the board shall hold office until his successor is chosen and has qualified.

Any person elected or appointed a member of the board shall qualify for the office by taking an oath of office to be administered by the county clerk or a person designated by him. A copy thereof shall be kept in the office of the county clerk. Any appointment or notice of election shall be in writing and the written instrument shall be filed with the oath.

(Source: P.A. 85-964; 86-1488.)

(40 ILCS 5/9-187) (from Ch. 108 1/2, par. 9-187)

Sec. 9-187. Board vacancy.

(a) A vacancy in the membership of the board shall be filled as follows:

If the vacancy is that of an appointive member, the official who appointed him shall appoint a person to serve for the unexpired term.

If the vacancy is that of a county employee member, the remaining members of the board shall appoint a successor from among the employees of the county, who shall serve during the remainder of the unexpired term.

If the vacancy is that of a forest preserve district member, the remaining members of the board shall appoint a successor from among the employees of the forest preserve district, who shall serve during the remainder of the unexpired term.

If the vacancy is that of an annuitant member other than a forest preserve district annuitant member, the remaining members of the board shall appoint a successor from among those persons who are currently receiving retirement or disability benefits under this Article.

If the vacancy is that of a forest preserve district annuitant member, the remaining members of the board shall appoint a successor from among those persons who are currently receiving retirement benefits under Article 10.

(b) Any county or forest preserve district member who withdraws from service shall automatically cease to be a member of the board. Any annuitant member (other than a forest preserve district annuitant member) whose retirement or disability benefits cease under this Article, and any forest preserve district annuitant member whose retirement benefits cease under Article 10, shall also automatically cease to be a member of the Board.

(Source: P.A. 85-964; 86-1488.)

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


Approved July 12, 2001.

and trends in the State.

(2) Make such special economic and fiscal studies as it deems appropriate or desirable or as the General Assembly may request.

(3) Based on its studies, recommend such State fiscal and economic policies as it deems appropriate or desirable to improve the functioning of State government and the economy of the various regions within the State.

(4) Prepare annually a State economic report.

(5) Provide information for all appropriate legislative organizations and personnel on economic trends in relation to long range planning and budgeting.

(6) Study and make such recommendations as it deems appropriate to the General Assembly on local and regional economic and fiscal policy and on federal fiscal policy as it may affect Illinois.

(7) Review capital expenditures, appropriations and authorizations for both the State's general obligation and revenue bonding authorities. At the direction of the Commission, specific reviews may include economic feasibility reviews of existing or proposed revenue bond projects to determine the accuracy of the original estimate of useful life of the projects, maintenance requirements and ability to meet debt service requirements through their operating expenses.

(8) Receive and review all executive agency and revenue bonding authority annual and 3 year plans. The Commission shall prepare a consolidated review of these plans, an updated assessment of current State agency capital plans, a report on the outstanding and unissued bond authorizations, an evaluation of the State's ability to market further bond issues and shall submit them as the "Legislative Capital Plan Analysis" to the House and Senate Appropriations Committees at least once a year. The Commission shall annually submit to the General Assembly on the first Wednesday of April a report on the State's long-term capital needs, with particular emphasis upon and detail of the 5-year period in the immediate future.

(9) Study and make recommendations it deems appropriate to the General Assembly on State bond financing, bondability guidelines, and debt management. At the direction of the Commission, specific studies and reviews may take into consideration short and long-run implications of State bonding and debt management policy.

(10) Comply with the provisions of the "State Debt Impact Note Act" as now or hereafter amended.

(11) Comply with the provisions of the Pension Impact Note Act, as now or hereafter amended.

(12) By August 1st of each year, the Commission must prepare and cause to be published a summary report of State appropriations for the State fiscal year beginning the previous July 1st. The summary report must discuss major categories of appropriations, the issues the General Assembly faced in allocating appropriations, comparisons with appropriations for previous State fiscal years, and other matters helpful in providing the citizens of Illinois with an overall understanding of appropriations for that fiscal year. The summary report must be written in plain language and designed for readability. Publication must be in newspapers of general circulation in the various areas of the State to ensure distribution statewide. The summary report must also be published on the General Assembly's web site.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 86-192.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.
PUBLIC ACT 92-0068  
(Senate Bill No. 0542)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Nursing Mothers in the Workplace Act.
Section 5. Definitions. In this Act:
"Employee" means a person currently employed or subject to recall after layoff or leave of absence with a right to return at a position with an employer or a former employee who has terminated service within the preceding year.
"Employer" means an individual, corporation, partnership, labor organization, or unincorporated association, the State, an agency or political subdivision of the State, or any other legal, business, or commercial entity that has more than 5 employees exclusive of the employer's parent, spouse, or child or other members of the employer's immediate family. "Employer" includes an agent of an employer.
Section 10. Break time for nursing mothers. An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this Section if to do so would unduly disrupt the employer's operations.
Section 15. Private place for nursing mothers. An employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee described in Section 10 can express her milk in privacy.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0069  
(Senate Bill No. 0547)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 2-124, 3-402.2, and 3-824 as follows:
(625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)
Sec. 2-124. Audits, interest and penalties.
(a) Audits. The Secretary of State or employees and agents designated by him, may audit the books, records, tax returns, reports, and any and all other pertinent records or documents of any person licensed or registered, or required to be licensed or registered, under any provisions of this Act, for the purpose of determining whether such person has not paid any fees or taxes required to be paid to the Secretary of State and due to the State of Illinois. For purposes of this Section, "person" means an individual, corporation, or partnership, or an officer or an employee of any corporation, including a dissolved corporation, or a member or an employee of any partnership, who as an officer, employee, or member under a duty to perform the act in respect to which the violation occurs.
(b) Joint Audits. The Secretary of State may enter into reciprocal audit agreements with officers, agents or agencies of another State or States, for joint audits of any person subject to audit under this Act.
(c) Special Audits. If the Secretary of State is not satisfied with the books, records and documents made available for an audit, or if the Secretary of State is unable to determine therefrom whether any fees or taxes are due to the State of Illinois, or if there is cause to believe that the person audited has declined or refused to supply the books, records and documents necessary to determine whether a deficiency exists, the Secretary of State may either seek a court order for production of any and all books, records and documents he deems relevant and material, or, in his discretion, the

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Secretary of State may instead give written notice to such person requiring him to produce any and all books, records and documents necessary to properly audit and determine whether any fees or taxes are due to the State of Illinois. If such person fails, refuses or declines to comply with either the court order or written notice within the time specified, the Secretary of State shall then order a special audit at the expense of the person affected. Upon completion of the special audit, the Secretary of State shall determine if any fees or taxes required to be paid under this Act have not been paid, and make an assessment of any deficiency based upon the books, records and documents available to him, and in an assessment, he may rely upon records of other persons having an operation similar to that of the person audited specially. A person audited specially and subject to a court order and in default thereof, shall in addition, be subject to any penalty or punishment imposed by the court entering the order.

(d) Deficiency; Audit Costs. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the Secretary of State may impose an audit fee of $50 per day, or $25 per half-day, per auditor, plus in the case of out-of-state travel, transportation expenses incurred by the auditor or auditors. Where more than one person is audited on the same out-of-state trip, the additional transportation expenses may be apportioned. The actual costs of a special audit shall be imposed upon the person audited.

(e) Interest. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the amount of the deficiency, if greater than $100 for all registration years examined, shall also bear interest at the rate of 1/2 of 1% per month or fraction thereof, from the date when the fee or tax due should have been paid under the provisions of this Act, subject to a maximum of 6% per annum.

(f) Willful Negligence. When a deficiency is determined by the Secretary to be caused by the willful neglect or negligence of the person audited, an additional 10% penalty, that is 10% of the amount of the deficiency or assessment, shall be imposed, and the 10% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(g) Fraud or Evasion. When a deficiency is determined by the Secretary to be caused by fraud or willful evasion of the provisions of this Act, an additional penalty, that is 20% of the amount of the deficiency or assessment, shall be imposed, and the 20% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(h) Notice. The Secretary of State shall give written notice to any person audited, of the amount of any deficiency found or assessment made, of the costs of an audit or special audit, and of the penalty imposed, and payment shall be made within 30 days of the date of the notice unless such person petitions for a hearing.

However, except in the case of fraud or willful evasion, or the inaccessibility of books and records for audit or with the express consent of the person audited, no notice of a deficiency or assessment shall be issued by the Secretary for more than 3 registration years. This limitation shall commence on any January 1 as to calendar year registrations and on any July 1 as to fiscal year registrations. This limitation shall not apply for any period during which the person affected has declined or refuses to make his books and records available for audit, nor during any period of time in which an Order of any Court has the effect of enjoining or restraining the Secretary from making an audit or issuing a notice. Notwithstanding, each person licensed under the International Registration Plan and audited by this State or any member jurisdiction shall follow the assessment and refund procedures as adopted and amended by the International Registration Plan members. The Secretary of State shall have the final decision as to which registrants may be subject to the netting of audit fees as outlined in the International Registration Plan. Persons audited may be subject to a review process to determine the final outcome of the audit finding. This process shall follow the adopted procedure as outlined in the International Registration Plan. All decisions by the IRP designated tribunal shall be binding.

(i) Every person subject to licensing or registration and audit under the provisions of this Chapter shall retain all pertinent licensing and registration documents, books, records, tax returns, reports and all supporting records and documents for a period of 4 years.

(j) Hearings. Any person receiving written notice of a deficiency or assessment may, within 30 days after the date of the notice, petition for a hearing before the Secretary of State or his duly appointed hearing officer to contest the audit in whole or in part, and the petitioner shall
simultaneously file a certified check or money order, or certificate of deposit, or a surety bond approved by the Secretary in the amount of the deficiency or assessment. Hearings shall be held pursuant to the provisions of Section 2-118 of this Act.

(k) Judgments. The Secretary of State may enforce any notice of deficiency or assessment pursuant to the provisions of Section 3-831 of this Act.
(Source: P.A. 89-570, eff. 7-26-96.)

(625 ILCS 5/3-402.2) (from Ch. 95 1/2, par. 3-402.2)
Sec. 3-402.2. Audits. In addition to audit authority set forth in Section 2-124 of this Act, the Secretary of State, when this state is the base jurisdiction, may audit such owners displaying a base plate of this state as to authenticity of mileage figures and registrations and at such time and frequency as determined by the Secretary of State. Audits may be made by officials of other jurisdictions which are members of an International Registration Plan (IRP) of which this state is also a member.

Upon completion of any such audit, the Secretary of State shall notify all jurisdictions in which such owner was proportionally registered on the accuracy of the records of such owner. Should such owner have underpaid or overpaid any jurisdiction in which his vehicles were proportionally registered, such information shall be furnished to the jurisdiction for processing in accordance with the procedures as set forth under the International Registration Plan collection.
(Source: P.A. 87-206.)

(625 ILCS 5/3-824) (from Ch. 95 1/2, par. 3-824)
Sec. 3-824. When fees returnable.
(a) Whenever any application to the Secretary of State is accompanied by any fee as required by law and such application is refused or rejected, said fee shall be returned to said applicant.
(b) Whenever the Secretary of State collects any fee not required to be paid under the provisions of this Act, the same shall be refunded to the person paying the same upon application therefor made within 6 months after the date of such payment, except as follows: (1) whenever a refund is determined to be due and owing as a result of an audit, by this State or any other state or province, in accordance with Section 2-124 of this Code, of a prorate or apportion license fee payment pursuant to any reciprocal compact or agreement between this State and any other state or province, and the Secretary for any reason fails to promptly make such refund, the licensee shall have one year from the date of the notification of the audit result to file, with the Secretary, an application for refund found to be due and owing as a result of such audit; and (2) whenever a person eligible for a reduced registration fee pursuant to Section 3-806.3 of this Code has paid in excess of the reduced registration fee owed, the refund applicant shall have 2 years from the date of overpayment to apply with the Secretary for a refund of that part of payment made in excess of the established reduced registration fee.
(c) Whenever a person dies after making application for registration, application for a refund of the registration fees and taxes may be made if the vehicle is then sold or disposed of so that the registration plates, registration sticker and card are never used. The Secretary of State shall refund the registration fees and taxes upon receipt within 6 months after the application for registration of an application for refund accompanied with the unused registration plates or registration sticker and card and proof of both the death of the applicant and the sale or disposition of the vehicle.
(d) Any application for refund received after the times specified in this Section shall be denied and the applicant in order to receive a refund must apply to the Court of Claims.
(e) The Secretary of State is authorized to maintain a two signature revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawal-for-return those monies received and determined upon receipt to be in excess of the amount or amounts required by law.
(f) Refunds on audits performed by Illinois or another member of the International Registration Plan shall be made in accordance with the procedures as set forth in the agreement.
(Source: P.A. 86-131.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.
AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Acupuncture Practice Act is amended by adding Section 20.1 and changing
Section 50 as follows:

Sec. 20.1. Guest instructors of acupuncture. The provisions of this Act do not prohibit an
acupuncturist from another State or country, who is not licensed under this Act and who is an invited
guest of a professional acupuncture association or scientific acupuncture foundation or an
acupuncture training program or continuing education provider that is approved under this Act, from
engaging in professional education through lectures, clinics, or demonstrations. To qualify as a guest
instructor of acupuncture, the acupuncturist must have been issued a guest instructor of acupuncture
permit by the Department. The Department shall grant a guest instructor of acupuncture permit if the
Department determines that the applicant for the permit (i) is currently certified in good standing as
an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine;
or (ii) has sufficient training to qualify as a licensed acupuncturist in Illinois. By rule, the Department
may prescribe forms that shall be used to apply for guest instructor of acupuncture permits and
charge an application fee to defray expenses borne by the Department in connection with
implementation of this amendatory Act of the 92nd General Assembly. The applicant shall submit his
or her application for a guest instructor of acupuncture permit to the Department. The Department
shall issue a guest instructor of acupuncture permit, or indicate why the Department has refused to
issue the permit, within 60 days after the application is complete and on file with the Department. The
Department shall maintain a registry of guest instructors of acupuncture. A guest instructor of
acupuncture permit shall be valid for 12 months. The guest instructor of acupuncture may engage in
the application of acupuncture techniques in conjunction with the lectures, clinics, or demonstrations
for a maximum of 12 months, but may not open an office, appoint a place to meet private patients,
consult with private patients, or otherwise engage in the practice of acupuncture beyond what is
required in conjunction with these lectures, clinics, or demonstrations.

Sec. 50. Practice prohibited. Unless he or she has been issued, by the Department, a valid,
existing license as an acupuncturist under this Act, no person may use the title and designation of
"Lic. Ac." either directly or indirectly, in connection with his or her profession or business. No person
licensed under this Act may use the designation "medical", directly or indirectly, in connection with
his or her profession or business. Nothing shall prevent a physician from using the designation
"Acupuncturist".

No person may practice, offer to practice, attempt to practice, or hold himself or herself out
to practice as a licensed acupuncturist without being licensed under this Act.
This Act does not prohibit a person from applying acupuncture techniques as part of his or
her educational training when he or she:

(1) is engaged in a State-approved course in acupuncture, as provided in this Act;
(2) is a graduate of a school of acupuncture and participating in a postgraduate training
program;
(3) is a graduate of a school of acupuncture and participating in a review course in
preparation for taking the National Certification Commission for Acupuncture and Oriental
Medicine examination; or
(4) is participating in a State-approved continuing education course offered through a
State-approved provider.

Students attending schools of acupuncture, and professional acupuncturists who are not
licensed in Illinois, may engage in the application of acupuncture techniques in conjunction with their
education as provided in this Act, but may not open an office, appoint a place to meet private patients,
consult with private patients, or otherwise engage in the practice of acupuncture beyond what is
required in conjunction with their education.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0071
(Senate Bill No. 0683)

AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Utilities Act is amended by adding Sections 8-501.5, 8-505.5, and 9-245 as follows:
(220 ILCS 5/8-501.5 new)
Sec. 8-501.5. Employees and independent contractors; background checks.
(a) Before hiring an employee or independent contractor to perform work involving facilities used for the distribution of natural gas to customers, a public utility shall, in accordance with Commission rules, require the proposed employee or independent contractor to complete a certificate listing the proposed employee's or contractor's violations of pertinent safety or environmental laws.
(b) The Commission shall adopt rules establishing the requirements for the certificates referred to in subsection (a).
(220 ILCS 5/8-505.5 new)
Sec. 8-505.5. Work on natural gas regulator or manometer. The Commission shall require, under such rules as it may prescribe, a public utility that is performing work on a natural gas regulator or manometer containing mercury that is used to provide natural gas service to test the immediate area around the regulator or manometer for mercury before and after work is performed using testing instruments of the type approved by the Commission. Copies of the test results, if requested, shall be provided to the occupant or owner of the property upon which the regulator or manometer is located at the time the work is performed. The test results shall be available for inspection by the Commission.
(220 ILCS 5/9-245 new)
Sec. 9-245. Rates; environmental fines and remediation. In determining the rates for a public utility engaged in providing natural gas service, the Commission may not include any expenditure for fines or remediation and related activities incurred as a result of mercury spills associated with gas pressure regulators, manometers, or any other devices containing mercury in the utility's system. Any related insurance or third party recoveries must also be excluded for ratemaking purposes.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0072
(Senate Bill No. 0819)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-709 as follows:
(625 ILCS 5/12-709) (from Ch. 95 1/2, par. 12-709)
Sec. 12-709. Slow-moving vehicle emblem.
(a) Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, when operated on a highway must display a slow-moving vehicle emblem mounted on the rear except as provided in paragraph (b) of this Section. Special mobile equipment is exempt when operated within the limits of a construction or maintenance project where traffic control devices are
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used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the "Illinois Vehicle Code".

(b) Every vehicle or unit described in paragraph (a) of this Section when operated in combination on a highway must display a slow-moving vehicle emblem as follows:

1. Where the towed unit or any load thereon partially or totally obscures the slow-moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow-moving vehicle emblem. In such cases the towing unit need not display the emblem.

2. Where the slow-moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either displays it.

3. A registered truck towed behind a farm tractor in conformity with the provisions of Section 11-1418 of the "Illinois Vehicle Code" must display a slow-moving vehicle emblem in the manner provided in paragraph (c) while being towed on a highway if the emblem on the towing vehicle is partially or totally obscured.

(c) The slow-moving vehicle emblem required by paragraphs (a) and (b) of this Section must meet or exceed the specifications and mounting requirements established by the Department. Such specifications and mounting requirements shall, on and before August 31, 2004, be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.2 dated March, 1968 or as ASAE S 276.5. On and after September 1, 2004, the specifications and mounting requirements shall be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.5 NOV 97. No advertising or other marking shall appear upon the emblem except that specified by the American Society of Agricultural Engineers to identify the standard to which the material complies. Each original package containing a slow-moving vehicle emblem shall display a notice on the outside of the package stating that such emblem shall only be used for the purposes stated in subsections (a) and (b).

(d) A slow-moving vehicle emblem is intended as a safety identification device and shall not be displayed on any vehicle nor displayed in any manner other than as described in paragraphs (a), (b) and (c) of this Section. A violation of this subsection (d) is a petty offense punishable by a fine of $25 for the first offense and $75 for a second or subsequent offense within one year of the first offense.

(Source: P.A. 91-505, eff. 1-1-00.)


Approved July 12, 2001.

Effective January 1, 2002.

PUBLIC ACT 92-0073
(Senate Bill No. 0860)

AN ACT concerning the Illinois Emergency Management Agency.

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

Section 5. The Illinois Emergency Management Agency Act is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 20, and 21 as follows:

(20 ILCS 3305/3) (from Ch. 127, par. 1053)

Sec. 3. Limitations. Nothing in this Act shall be construed to:

(a) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this Act or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety;

(b) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(c) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision emergency operations plans shall place reliance upon the forces available for

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performance of functions related to emergency management;

(d) Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in the Governor under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

(Source: P.A. 85-1027.)

(20 ILCS 3305/4) (from Ch. 127, par. 1054)

Sec. 4. Definitions. As used in this Act, unless the context clearly indicates otherwise, the following words and terms have the meanings ascribed to them in this Section:

"Coordinator" means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action, or acts of domestic terrorism.

"Disaster Training Exercise" means a planned event designed specifically to simulate an actual disaster that will provide emergency operations training for emergency response personnel. Actual response by emergency services and disaster agency volunteers to local emergency situations not qualifying as disasters, as defined in this Section, is considered a disaster training exercise. Provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

"Emergency Management" means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

"Emergency Management Services and Disaster Agency" means the agency by this name, by the name Emergency Management Agency, or by any other name that is established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.

"Emergency Operations Plan" means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

"Emergency Services" means the coordination of functions by the State and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, fire fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

"Exercise" means a planned event realistically simulating a disaster, conducted for the purpose of evaluating the political subdivision's coordinated emergency management capabilities, including, but not limited to, testing the emergency operations plan.

"Illinois Emergency Management Agency" means the agency established by this Act within the executive branch of State Government responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions, and the federal government. Illinois Emergency Management Agency also means the State Emergency Response Commission responsible for the implementation of Title III of the Superfund Amendments and Reauthorization Act of 1986.
"Mobile Support Team" means a group of individuals designated as a team by the Governor or Director to train prior to and to be dispatched, if the Governor or the Director so determines, to aid and reinforce the State and political subdivision emergency management efforts the utilization of personnel to be dispatched by the Governor, or, if he so authorizes the Director, by the Director, to supplement the State and political subdivisions for emergency management programs in response to a disaster.

"Municipality" means any city, village, and incorporated town.

"Political Subdivision" means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000.

"Principal Executive Officer" means chair chairman of the county board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established under Section 7 of the Emergency Interim Executive Succession Act.

(Source: P.A. 87-168; 88-606, eff. 1-1-95.)

(20 ILCS 3305/5) (from Ch. 127, par. 1055)
Sec. 5. Illinois Emergency Management Agency.
(a) There is created within the executive branch of the State Government an Illinois Emergency Management Agency and a Director of the Illinois Emergency Management Agency, herein called the "Director" who shall be the head thereof. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of 2 years beginning on the third Monday in January of the odd-numbered year, and until a his successor is appointed and has qualified; except that the term of the first Director appointed under this Act shall expire on the third Monday in January, 1989. The Director shall not hold any other remunerative public office. The Director shall receive an annual salary as set by the Governor from time to time or the amount set by the Compensation Review Board, whichever is higher. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary.

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

(c) The Director, subject to the direction and control of the Governor, shall be the executive head of the Illinois Emergency Management Agency and the State Emergency Response Commission and shall be responsible under the direction of the Governor, for carrying out the program for emergency management of this State. The Director He shall also maintain liaison and cooperate with the emergency management organizations of this State and other states and of the federal government.

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

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

(1) the development of emergency operations plan provisions for hazardous chemical

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emergencies; and
(2) the assessment of emergency response capabilities related to hazardous chemical emergencies.

(f) The Illinois Emergency Management Agency shall:

(1) Coordinate the overall emergency management program of the State.
(2) Cooperate with local governments, the federal government and any public or private agency or entity in achieving any purpose of this Act and in implementing emergency management programs for mitigation, preparedness, response, and recovery.
(3) Prepare, for issuance by the Governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters.
(4) Promulgate rules and requirements for political subdivision emergency operations plans that are not inconsistent with and are at least as stringent as applicable federal laws and regulations, in accordance with federal guidelines.
(5) Review and approve, in accordance with Illinois Emergency Management Agency rules, political subdivision emergency operations plans for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act and recommend revisions under State rules.
(5.5) Promulgate rules and requirements for the political subdivision emergency management exercises, including, but not limited to, exercises of the emergency operations plans.
(5.10) Review, evaluate, and approve, in accordance with Illinois Emergency Management Agency rules, political subdivision emergency management exercises for those political subdivisions required to have an emergency services and disaster agency pursuant to this Act.
(6) Determine requirements of the State and its political subdivisions for food, clothing, and other necessities in event of a disaster.
(7) Establish a register of persons with types of emergency management training and skills in mitigation, preparedness, response, and recovery.
(8) Establish a register of government and private response resources available for use in a disaster.
(9) Expand the Earthquake Awareness Program and its efforts to distribute earthquake preparedness materials to schools, political subdivisions, community groups, civic organizations, and the media. Emphasis will be placed on those areas of the State most at risk from an earthquake. Maintain the list of all school districts, hospitals, airports, power plants, including nuclear power plants, lakes, dams, emergency response facilities of all types, and all other major public or private structures which are at the greatest risk of damage from earthquakes under circumstances where the damage would cause subsequent harm to the surrounding communities and residents.
(10) Disseminate all information, completely and without delay, on water levels for rivers and streams and any other data pertaining to potential flooding supplied by the Division of Water Resources within the Department of Natural Resources to all political subdivisions to the maximum extent possible.
(11) Develop agreements, if feasible, with medical supply and equipment firms to supply resources as are necessary to respond to an earthquake or any other disaster as defined in this Act. These resources will be made available upon notifying the vendor of the disaster. Payment for the resources will be in accordance with Section 7 of this Act. The Illinois Department of Public Health shall determine which resources will be required and requested.
(12) Do all other things necessary, incidental or appropriate for the implementation of this

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(a) The Governor shall have general direction and control of the Illinois Emergency Management Agency and shall be responsible for the carrying out of the provisions of this Act.

(b) In performing his duties under this Act, the Governor is authorized to cooperate with the federal government and with other states in all matters pertaining to emergency management.

(c) In performing his duties under this Act, the Governor is further authorized:

(1) To make, amend, and rescind all lawful necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon the Governor him.

(2) To cause to be prepared a comprehensive plan and program for the emergency management of this State, which plan and program shall be integrated into and coordinated with emergency management plans and programs of the federal government and of other states whenever possible and which plan and program may include:
   a. Mitigation of injury and damage caused by disaster.
   b. Prompt and effective response to disaster.
   c. Emergency relief.
   d. Identification of areas particularly vulnerable to disasters.
   e. Recommendations for zoning, building, and other land-use controls, safety measures for securing permanent structures and other mitigation measures designed to eliminate or reduce disasters or their impact.
   f. Assistance to political subdivisions in designing emergency operations plans.
   g. Authorization and procedures for the erection or other construction of temporary works designed to mitigate danger, damage or loss from flood, or other disaster.
   h. Preparation and distribution to the appropriate State and political subdivision officials of a State catalog of federal, State, and private assistance programs.
   i. Organization of State personnel and chains of command.
   j. Coordination of federal, State, and political subdivision emergency management activities.
   k. Other necessary matters.

(3) In accordance with the plan and program for the emergency management of this State, and out of funds appropriated for these purposes, to procure and preposition supplies, medicines, materials and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of emergency services and disaster agencies in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster response and recovery.

(4) Out of funds appropriated for these purposes, to make studies and surveys of the industries, resources, and facilities in this State as may be necessary to ascertain the capabilities of the State for emergency management phases of mitigation, preparedness, response, and recovery and to plan for the most efficient emergency use thereof.

(5) On behalf of this State, to negotiate for and submit to the General Assembly for its approval or rejection reciprocal mutual aid agreements or compacts with other states, either on a statewide or political subdivision basis. The agreements or compacts, shall be limited to the furnishing or exchange of food, clothing, medical or other supplies, engineering and police services; emergency housing and feeding; National and State Guards while under the control of the State; health, medical, and related services; fire fighting, rescue, transportation, communication, and construction services and equipment, provided, however, that if the General Assembly be not in session and the Governor has not proclaimed the existence of a disaster under this Section, then the agreements or compacts shall instead be submitted to an Interim Committee on Emergency Management composed of 5 Senators appointed by the President of the Senate and of 5 Representatives appointed by the Speaker of the House, during the month of June of each odd-numbered year to serve for a 2 year
term, beginning July 1 of that year, and until their successors are appointed and qualified, or until termination of their legislative service, whichever first occurs. Vacancies shall be filled by appointment for the unexpired term in the same manner as original appointments. All appointments shall be made in writing and filed with the Secretary of State as a public record. The Committee shall have the power to approve or reject any agreements or compacts for and on behalf of the General Assembly; and, provided further, that an affirmative vote of 2/3 of the members of the Committee shall be necessary for the approval of any agreement or compact.

(Source: P.A. 87-168.)

(20 ILCS 3305/7) (from Ch. 127, par. 1057)

Sec. 7. Emergency Powers of the Governor.

(a) In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regards any act or acts occurring or committed within the 30 days period, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which he, she, it, or they may have under the provisions of this Act:

(1) To suspend the provisions of any regulatory statute prescribing procedures for conduct of State business, or the orders, rules and regulations of any State agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by the Illinois Emergency Management Agency, in coping with the disaster.

(2) To utilize all available resources of the State government as reasonably necessary to cope with the disaster and of each political subdivision of the State.

(3) To transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating disaster response and recovery programs.

(4) On behalf of this State to take possession of, and to acquire full title or a lesser specified interest in, any personal property as may be necessary to accomplish the objectives set forth in Section 2 of this Act, including: airplanes, automobiles, trucks, trailers, buses, and other vehicles; coal, oils, gasoline, and other fuels and means of propulsion; explosives, materials, equipment, and supplies; animals and livestock; feed and seed; cattle, poultry, food, and provisions for humans and animals man and beast; clothing and bedding; and medicines and medical and surgical supplies; and to take possession of and for a limited period occupy and use any real estate necessary to accomplish those objectives; but only upon the undertaking by the State to pay just compensation therefor as in this Act provided, and then only under the following provisions:

a. The Governor, or the person or persons as the Governor may authorize so to do, may forthwith take possession of property for and on behalf of the State; provided, however, that the Governor or persons shall simultaneously with the taking, deliver to the owner or his or her agent, if the identity of the owner or agency is known or readily ascertainable, a signed statement in writing, that shall include the name and address of the owner, the date and place of the taking, description of the property sufficient to identify it, a statement of interest in the property that is being so taken, and, if possible, a statement in writing, signed by the owner, setting forth the sum that he or she is willing to accept as just compensation for the property or use. Whether or not the owner or agent is known or readily ascertainable, a true copy of the statement shall promptly be filed by the Governor or the person with the Director, who shall keep the docket of the statements. In cases where the sum that the owner is willing to accept as just compensation is less than $1,000, copies of the statements shall also be filed by the Director with, and shall be passed upon by an Emergency Management Claims Commission, consisting of 3 disinterested citizens who shall be appointed by the Governor, by and with the advice and consent of the Senate, within 20 days after the Governor's declaration of a disaster, and

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if the sum fixed by them as just compensation be less than $1,000 and is accepted in writing by the owner, then the State Treasurer out of funds appropriated for these purposes, shall, upon certification thereof by the Emergency Management Claims Commission, cause the sum so certified forthwith to be paid to the owner. The Emergency Management Claims Commission is hereby given the power to issue appropriate subpoenas and to administer oaths to witnesses and shall keep appropriate minutes and other records of its actions upon and the disposition made of all claims.

b. When the compensation to be paid for the taking or use of property or interest therein is not or cannot be determined and paid under item (a) above, a petition in the name of The People of the State of Illinois shall be promptly filed by the Director, which filing may be enforced by mandamus, in the circuit court of the county where the property or any part thereof was located when initially taken or used under the provisions of this Act praying that the amount of compensation to be paid to the person or persons interested therein be fixed and determined. The petition shall include a description of the property that has been taken, shall state the physical condition of the property when taken, shall name as defendants all interested parties, shall set forth the sum of money estimated to be just compensation for the property or interest therein taken or used, and shall be signed by the Director. The litigation shall be handled by the Attorney General for and on behalf of the State.

c. Just compensation for the taking or use of property or interest therein shall be promptly ascertained in proceedings and established by judgment against the State, that shall include, as part of the just compensation so awarded, interest at the rate of 6% per annum on the fair market value of the property or interest therein from the date of the taking or use to the date of the judgment; and the court may order the payment of delinquent taxes and special assessments out of the amount so awarded as just compensation and may make any other orders with respect to encumbrances, rents, insurance, and other charges, if any, as shall be just and equitable.

(5) When required by the exigencies of the disaster, to sell, lend, rent, give, or distribute all or any part of property so or otherwise acquired to the inhabitants of this State, or to political subdivisions of this State, or, under the interstate mutual aid agreements or compacts as are entered into under the provisions of subparagraph (5) of paragraph (c) of Section 6 to other states, and to account for and transmit to the State Treasurer all funds, if any, received therefor.

(6) To recommend the evacuation of all or part of the population from any stricken or threatened area within the State if the Governor deems this action necessary.

(7) To prescribe routes, modes of transportation, and destinations in connection with evacuation.

(8) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

(10) To make provision for the availability and use of temporary emergency housing.

(11) A proclamation of a disaster shall activate the State Emergency Operations Plan, and political subdivision emergency operations plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces that the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or arranged to be made available under this Act or any other provision of law relating to disasters.

(12) Control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods, or services; and perform and exercise any other functions, powers, and duties as may be necessary to promote and secure the safety and protection of the civilian population.

(13) During the continuance of any disaster the Governor is commander-in-chief of the
organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the Governor shall delegate or assign command authority to do so by orders issued at the time of the disaster.

(14) Prohibit increases in the prices of goods and services during a disaster.

(Source: P.A. 87-168.)

(20 ILCS 3305/8) (from Ch. 127, par. 1058)

Sec. 8. Mobile Support Teams.

(a) The Governor or Director may cause to be created Mobile Support Teams to aid and to reinforce the Illinois Emergency Management Agency, and emergency services and disaster agencies in areas stricken by disaster. Each mobile support team shall have a leader, selected by the Director who will be responsible, under the direction and control of the Director, for the organization, administration, and training, and operation of the mobile support team.

(b) Personnel of a mobile support team while on duty pursuant to such a call or while engaged in regularly scheduled training or exercises, whether within or without the State, shall either:

(1) If they are paid employees of the State, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment.

(2) If they are paid employees of a political subdivision or body politic of this State, and whether serving within or without that political subdivision or body politic, have the powers, duties, rights, privileges and immunities, and receive the compensation incidental to their employment.

(3) If they are not employees of the State, political subdivision or body politic, or being such employees, are not normally paid for their services, be entitled to at least one dollar per year compensation from the State.

Personnel of a mobile support team who suffer disease, injury or death arising out of or in the course of emergency duty, shall for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of this State. If the person diseased, injured or killed is an employee described in item (3) above, the computation of benefits payable under either of those Acts shall be based on income commensurate with comparable State employees doing the same type of work or income from the person's regular employment, whichever is greater.

All personnel of mobile support teams shall, while on duty under such call, be reimbursed by this State for all actual and necessary travel and subsistence expenses.

(c) The State shall reimburse each political subdivision or body politic from the Disaster Relief Fund for the compensation paid and the actual and necessary travel, subsistence and maintenance expenses of paid employees of the political subdivision or body politic while serving, outside of its geographical boundaries pursuant to such a call, as members of a mobile support team, and for all payments made for death, disease or injury of those paid employees arising out of and incurred in the course of that duty, and for all losses of or damage to supplies and equipment of the political subdivision or body politic resulting from the operations.

(d) Whenever mobile support teams or units of another state, while the Governor has the emergency powers provided for under Section 7 of this Act, render aid to this State under the orders of the Governor of its home state and upon the request of the Governor of this State, all questions relating to reimbursement by this State to the other state and its citizens in regard to the assistance so rendered shall be determined by the mutual aid agreements or interstate compacts described in subparagraph (5) of paragraph (c) of Section 6 as are existing at the time of the assistance rendered or are entered into thereafter and under Section 303 (d) of the Federal Civil Defense Act of 1950.

(e) No personnel of mobile support teams of this State may be ordered by the Governor to operate in any other state unless a request for the same has been made by the Governor or duly authorized representative of the other state.

(Source: P.A. 87-168.)

(20 ILCS 3305/9) (from Ch. 127, par. 1059)

Sec. 9. Financing.

(a) It is the intent of the Legislature and declared to be the policy of the State that funds to meet disasters shall always be available.

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(b) It is the legislative intent that the first recourse shall be to funds regularly appropriated to State and political subdivision departments and agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the Governor may make funds available from the Disaster Relief Fund. If monies available from the Fund are insufficient, and if the Governor finds that other sources of money to cope with the disaster are not available or are insufficient, the Governor shall request the General Assembly to enact legislation as it may deem necessary to transfer and expend monies appropriated for other purposes or borrow, for a term not to exceed 2 years from the United States government or other public or private source. If the General Assembly is not sitting in regular session to enact such legislation for the transfer, expenditure or loan of such monies, and the President of the Senate and the Speaker of the House certify that the Senate and House are not in session, the Governor is authorized to carry out those decisions until such time as a quorum of the General Assembly can convene in a regular or extraordinary session.

(c) Nothing contained in this Section shall be construed to limit the Governor's authority to apply for, administer and expend grants, gifts or payments in aid of disaster mitigation, preparedness, response or recovery. (Source: P.A. 85-1027.)

(20 ILCS 3305/10) (from Ch. 127, par. 1060)
Sec. 10. Emergency Services and Disaster Agencies.
(a) Each political subdivision within this State shall be within the jurisdiction of and served by the Illinois Emergency Management Agency and by an emergency services and disaster agency responsible for emergency management programs. A township, if the township is in a county having a population of more than 2,000,000, must have approval of the county coordinator before establishment of a township emergency services and disaster agency.

(b) Unless multiple county emergency services and disaster agency consolidation is authorized by the Illinois Emergency Management Agency with the consent of the respective counties, each county shall maintain an emergency services and disaster agency that has jurisdiction over and serves the entire county, except as otherwise provided under this Act and except that in any county with a population of over 3,000,000 containing a municipality with a population of over 500,000 the jurisdiction of the county agency shall not extend to the municipality when the municipality has established its own agency.

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

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

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

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

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

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

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

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

(k) Volunteers Emergency services and disaster agency personnel who, while engaged in a disaster, an or disaster training exercise, training related to the emergency operations plan of the political subdivision, or a search-and-rescue team response to an occurrence or threat of injury or loss of life that is beyond local response capabilities, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if: (1) the claimant is a duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and (2) if: (i) the claimant was participating in a an actual disaster as defined in paragraph (c) of Section 4 of this Act, (ii) or the exercise or training participated in was specifically and expressly approved by the Illinois Emergency Management Agency prior to the exercise or training, or (iii) the search-and-rescue team response was to an occurrence or threat of injury or loss of life that was beyond local response capabilities and was specifically and expressly approved by the Illinois Emergency Management Agency prior to the search-and-rescue team response. Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing State volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.
(l) If any person who is entitled to receive benefits through the application of this Section receives, in connection with the disease, injury or death giving rise to such entitlement, benefits under an Act of Congress or federal program, benefits payable under this Section shall be reduced to the extent of the benefits received under that other Act or program.

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

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

(Source: P.A. 87-168; 88-606, eff. 1-1-95; revised 2-9-00.)

(20 ILCS 3305/11) (from Ch. 127, par. 1061)
Sec. 11. Local Disaster Declarations.
(a) A local disaster may be declared only by the principal executive officer of a political subdivision, or his or her interim emergency successor, as provided in Section 7 of the "Emergency Interim Executive Succession Act". It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk, township clerk, or the municipal clerk, as the case may be, in the area to which it applies.

(b) The effect of a declaration of a local disaster is to activate the emergency operations plan of that political subdivision and to authorize the furnishing of aid and assistance thereunder.

(Source: P.A. 85-1027.)
(20 ILCS 3305/12) (from Ch. 127, par. 1062)
Sec. 12. Testing of Disaster Warning Devices. The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning or during disaster training exercises that are specifically and expressly approved in advance by the Illinois Emergency Management Agency.

(Source: P.A. 87-168.)
(20 ILCS 3305/13) (from Ch. 127, par. 1063)
Sec. 13. Mutual aid arrangements between political subdivisions and taxing districts.

(a) The coordinator of each emergency services and disaster agency may, in collaboration with other public agencies within his or her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions of taxing districts within this State for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of the political subdivisions. The arrangements shall be consistent with the State Emergency Operations Plan and State emergency management program, and in the event of a disaster as described in Section 4 of this Act, it shall be the duty of each emergency services and disaster agency to render assistance in accordance with the provisions of the mutual aid arrangements.

(b) The coordinator of an emergency services and disaster agency may, subject to the approval of the Director, assist in the negotiation of mutual aid agreements between this and other states.

(Source: P.A. 87-168; 88-606, eff. 1-1-95.)
(20 ILCS 3305/15) (from Ch. 127, par. 1065)
Sec. 15. Immunity. Neither the State, any political subdivision of the State, nor, except in cases of gross negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act, is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does
not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with Section 10 of this Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which he or she would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

(Source: P.A. 85-1027.)

(20 ILCS 3305/18) (from Ch. 127, par. 1068)

Sec. 18. Orders, Rules and Regulations.

(a) The Governor shall file a copy of every rule, regulation or order, and any amendment thereof made by the Governor under the provisions of this Act in the office of the Secretary of State. No rule, regulation or order, or any amendment thereof shall be effective until 10 days after the filing, provided, however, that upon the declaration of a disaster by the Governor as is described in Section 7 the provision relating to the effective date of any rule, regulation, order or amendment issued under this Act and during the state of disaster is abrogated, and the rule, regulation, order or amendment shall become effective immediately upon being filed with the Secretary of State accompanied by a certificate stating the reason as required by the Illinois Administrative Procedure Act.

(b) Every emergency services and disaster agency established pursuant to this Act and the coordinators thereof shall execute and enforce the orders, rules and regulations as may be made by the Governor under authority of this Act. Each emergency services and disaster agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority. The Illinois Emergency Management Agency shall furnish the orders, rules and regulations to each such emergency services and disaster agency.

(Source: P.A. 87-168.)

(20 ILCS 3305/20) (from Ch. 127, par. 1070)

Sec. 20. Emergency Management Agency; personnel; oath. Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in the Illinois Emergency Management Agency or an emergency services and disaster agency, shall, before entering upon his or her duties, take an oath, in writing, before the Director or before the coordinator of that emergency services and disaster agency or before other persons authorized to administer oaths in this State, which oath shall be filed with the Director or with the coordinator of the emergency services and disaster agency with which he or she shall serve and which oath shall be substantially as follows:

"I, _______________, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the (name of political subdivision), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

(Source: P.A. 87-168.)

(20 ILCS 3305/21) (from Ch. 127, par. 1071)

Sec. 21. No Private Liability.

(a) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for
negligently causing loss of, or damage to, the property of such person.

(b) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the State, or any political subdivision of the State under the provisions of this Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(c) Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the State, or any political subdivision of the State under this Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

The immunities provided in this subsection (c) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefor.

(Source: P.A. 85-1027.)

Section 10. The Illinois Emergency Planning and Community Right to Know Act is amended by changing Section 8 as follows:

(430 ILCS 100/8) (from Ch. 111 1/2, par. 7708)
Sec. 8. Local emergency planning committees.
(a) The SERC shall appoint and supervise local emergency planning committees in accordance with Section 301 of the Federal Act.
(b) Local emergency planning committees shall carry out all responsibilities of a local emergency planning committee as specified in applicable Sections of the Federal Act and the Illinois Emergency Management Agency Act. Committees shall consult and coordinate with the SERC and such other local organizations as may be necessary to carry out their assigned responsibilities.

(Source: P.A. 86-449.)
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0074
(Senate Bill No. 0865)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 107.06a, 107.07, 107.15, 179A-5, 179A-10, 179A-15, 179A-20, 179A-25, 179A-30, and 179A-35 as follows:

(215 ILCS 5/107.06a) (from Ch. 73, par. 719.06a)
(a) After December 31, 1997, a syndicate or limited syndicate, except for a limited syndicate formed as a partnership or a special purpose limited syndicate, may only be organized pursuant to Sections 7, 8, 10, 11, 12, 14, 14.1 (other than subsection (d) thereof), 15 (other than subsection (d) thereof), 18, 19, 20, 21, 22, 23, 25, 27.1, 28, 28.1, 28.2, 29, 30, 31, 32, 32.1, 33, and 35.1 and Article X of this Code, to carry on the business of a syndicate, or limited syndicate under Article V-1/2 of this Code; provided that such syndicate or limited syndicate is admitted to the Exchange.
(b) After December 31, 1997, syndicates and limited syndicates are subject to the following:

(1) Articles I, IIA, VIII, VIII 1/2, X, XI, XI 1/2, XII, XII 1/2, XIII, XIII 1/2, XXIV, XXV (Sections 408 and 412 only), and XXVIII (except for Sections 445, 445.1, 445.2, 445.3, 445.4, and 445.5) of this Code;
(2) Subsections (2) and (3) of Section 155.04 and Sections 13, 13.21 through 140, 141a, 144, 155.01, 155.03, 378, 379.1, 393.1, 395, and 396 of this Code;
(3) the Reinsurance Intermediary Act; and
(4) the Producer Controlled Insurer Act.

New matter indicated by italics - deletions by strikeout.
(c) No other provision of this Insurance Code shall be applicable to any such syndicate or limited syndicate except as provided in this Article V-1/2.
(Source: P.A. 90-499, eff. 8-19-97; 90-794, eff. 8-14-98; 91-278, eff. 7-23-99.)

Sec. 107.07. Admission. Capitalization:
Syndicate - at least $2,000,000.
Subscriber - at least $30,000.
Special Purpose Limited Syndicate - at least $5,000.

Fees: (a) Exchange brokers. An annual fee shall be paid to the Exchange by any person who presents risks to the Exchange. The annual fee established by the Exchange shall not exceed $5,000.
(b) The Exchange may establish annual fees for the admission of syndicates, limited syndicates, and subscribers.

Standards: The Exchange may establish additional standards for the admission of subscribers and Exchange brokers.

Assessments: The Exchange may make assessments of subscribers or syndicates for the expenses of operating the Exchange.

Sec. 107.15. Definitions. Persons: A person is an individual, partnership, association, corporation or limited partnership.
Syndicate: A syndicate is a subscriber, group of subscribers, limited syndicate or group of limited syndicates which meets the minimum capital requirement of Section 107.07.
Limited Syndicate: A limited syndicate is a corporation or partnership formed by subscribers for the purpose of joining with syndicates, other subscribers, or limited syndicates to form syndicates or to participate with syndicates in the insurance or reinsurance of risks.
Subscriber: A subscriber is a person who has made a deposit of money pursuant to Section 107.07 permitting that person to participate as a subscriber in a syndicate or limited syndicate.
Special Purpose Limited Syndicate: A special purpose limited syndicate is any entity formed for the purposes of participation in the securitization of reinsurance risks in accordance with rules adopted pursuant to Section 107.15b.
Exchange Broker: A person licensed as an insurance broker in the State of Illinois or as a reinsurance intermediary who is admitted to the Exchange to present applications for insurance.
Present Applications for Insurance: Means to make an application to a syndicate for an insurance policy.
Reinsurance: Means reinsuring insurance.
Minimum Subscription: The subscription capital required for admission as a subscriber to the Exchange. Subscribers shall at all times maintain the minimum capitalization required by this Article.

Sec. 179A-5. Purpose.
This Article is adopted to provide a basis for the creation of protected cells by a domestic insurer as one means of accessing alternative sources of capital and achieving the benefits of insurance securitization. Investors in fully funded insurance securitization transactions provide funds that are available to pay the insurer's insurance obligations or to repay the investors or both. The creation of protected cells is intended to be a means to achieve more efficiencies in conducting insurance securitizations. Insurance securitization has been developed as a means of accessing alternative sources of capital and diversifying credit risk in order to enhance an insurance company's ability to both assume risk and stabilize underwriting results.

Under the terms of the typical debt instrument underlying an insurance securitization transaction, prepaid principal is repaid to the investor on a specified maturity date with interest, unless a trigger event occurs. The insurance securitization proceeds secure both the protected cell company's obligations under specified contracts of insurance if a trigger event occurs, as well as the protected cell insurance company's obligation to repay the insurance securitization investors' debt instrument if a trigger event does not occur. Traditionally, Insurance securitization transactions have been
performed through alien companies in order to utilize efficiencies available to alien companies that are not currently available to domestic companies. This Article is adopted in order to create more efficiency in conducting insurance securitization, to allow domestic companies easier access to alternative sources of capital, and to promote the benefits of insurance securitization generally. (Source: P.A. 91-278, eff. 7-23-99.)

Sec. 179A-10. Definitions.

"Domestic company" means an insurance company domiciled in the State of Illinois.

"Fully funded" means that, with respect to any exposure attributed to a protected cell, the market value of the protected cell assets, on the date on which the insurance securitization is effected, equals or exceeds the maximum possible exposure attributable to the protected cell with respect to those exposures.

"General account" means the assets and liabilities of a protected cell company other than protected cell assets and protected cell liabilities.

"Indemnity trigger" means a transaction term by which relief of the issuer's obligation to repay investors is triggered by its incurring suffering a specified level of losses under its policies of insurance or reinsurance contracts.

"Insurance securitization" means the entering into of debt instruments supported in full by cash or readily marketable securities with investors by a domestic company where repayment of principal or interest, or both, to investors pursuant to the transaction terms is contingent upon the occurrence or nonoccurrence of an event with respect to which the domestic company is exposed to loss under policies or contracts of insurance or reinsurance it has issued.

"Market value" has the meaning given that term in Article VIII of this Code (Investments of Domestic Companies).

"Non-indemnity trigger" means a transaction term by which relief of the issuer's obligation to repay investors is triggered solely by some event or condition other than the individual protected cell company incurring a specified level of losses under its insurance or reinsurance contracts.

"Protected cell" means an identified pool of assets and liabilities of a domestic company segregated and insulated by means of this Article from the remainder of the company's assets and liabilities.

"Protected cell account" means a specifically identified bank or custodial account established by a protected cell company for the purpose of legally segregating the protected cell assets of one protected cell from the protected cell assets of other protected cells and from the assets of the protected cell company's general account.

"Protected cell assets" means all assets, contract rights, and general intangibles identified with and attributable to a specific protected cell of a protected cell company, including assets physically segregated in a protected cell account.

"Protected cell company" means a domestic company that has one or more protected cells.

"Protected cell company insurance securitization" means the issuance of debt instruments, the proceeds from which support the exposures attributed to the protected cell, by a protected cell company where repayment of principal or interest, or both, to investors pursuant to the transaction terms is contingent upon the occurrence or nonoccurrence of an event with respect to which the protected cell company is exposed to loss under insurance or reinsurance contracts it has issued.

"Protected cell liabilities" means all liabilities and other obligations identified with and attributable to a specific protected cell of a protected cell company. Protected cell liabilities include liabilities representing the insurance obligations of the protected cell as well as obligations of the protected cell arising out of any insurance securitization transactions of the protected cell.

(Source: P.A. 91-278, eff. 7-23-99.)


(a) A domestic company may, with the prior written approval by the Director of a plan of operation submitted by the domestic company with respect to each protected cell, establish one or more protected cells in connection with an insurance securitization. Upon the written approval by the
Director of the plan of operation, which shall include, but not be limited to, the specific business and investment guidelines objectives of the protected cell, the protected cell company may, in accordance with the approved plan of operation, attribute to the protected cell amounts both reflective of insurance obligations with respect to its insurance business and obligations relating to the insurance securitization and assets to fund those obligations. A protected cell shall have its own distinct name or designation, which shall include the words "protected cell". The protected cell company shall transfer all assets attributable to a protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell. Protected cell assets shall be held in the protected cell accounts for the purpose of satisfying the obligations of that protected cell.

(b) All sales, exchanges, transfers, or other attributions of assets and liabilities between a protected cell and the general account shall be in accordance with the plan of operation approved by the Director. or shall be otherwise approved by the Director. Unless otherwise approved by the Director, no sale, exchange, transfer, or sale, exchange, transfer, or other attribution of assets or liabilities may be made by a protected cell company between the protected cell company's general account and one or more of its protected cells. unless, in the case of an attribution to a protected cell, the attribution is made solely to establish the protected cell or, in the case of an attribution from a protected cell to the company's general account, the attribution is made solely to support the company's insurance obligations that are the subject of the business of the protected cell. Any sale, exchange, transfer, or other attribution of assets and liabilities between the general account and a protected cell or from investors in the form of principal on a debt instrument issued by a protected cell company shall be in cash or in readily marketable securities with established market values unless otherwise approved in advance in writing by the Director.

(c) The creation of a protected cell does not create, in respect of that protected cell, a legal person separate from the protected cell company. Amounts attributed to a protected cell under this Article, including assets transferred to a protected cell account, are owned by the protected cell company and the protected cell company may not be, nor hold itself out to be, a trustee with respect to those protected cell assets of that protected cell account. Notwithstanding the foregoing, the company may allow for a security interest to attach to protected cell assets or a protected cell account when in favor of a creditor of the protected cell and otherwise allowed under applicable law.

(d) This Article shall not be construed to prohibit the protected cell company from contracting with or arranging for an investment advisor, commodity trading advisor, or other third party to manage the protected cell assets of a protected cell, provided that all remuneration, expenses, and other compensation of the third party advisor or manager are payable from the protected cell assets of that protected cell and not from the protected cell assets of other protected cells or the assets of the protected cell company's general account.

(e) A domestic company that is a protected cell company shall establish such administrative and accounting procedures as are necessary to properly identify the one or more protected cells of the protected cell company and the protected cell assets and protected cell liabilities attributable to the protected cells therein. It shall be the duty of the directors of a protected cell company to:

1. keep protected cell assets and protected cell liabilities separate and separately identifiable from the assets and liabilities of the protected cell company's general account, and
2. keep protected cell assets and protected cell liabilities attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

If this Section is violated Notwithstanding the foregoing, the remedy of tracing shall be applicable to protected cell assets when commingled with protected cell assets of other protected cells or the assets of the protected cell company's general account. The remedy of tracing shall not be construed as an exclusive remedy.

(f) The protected cell company shall, when establishing a protected cell, attribute to the protected cell assets with a value at least equal to the reserves and other insurance liabilities attributed to that protected cell. (Source: P.A. 91-278, eff. 7-23-99.) (215 ILCS 5/179A-20)
Sec. 179A-20. Use and operation of protected cells.
(a) The protected cell assets of any protected cell may not be charged with liabilities arising out of any other business the protected cell company may conduct. All contracts or other documentation reflecting protected cell liabilities shall clearly indicate that only the assets of the protected cell are available for the satisfaction of those obligations. All contracts or other documentation pertaining to the protected cell shall contain provisions identifying the protected cell to which the transaction will be attributed. In addition, the contracts or other documentation shall clearly disclose that the assets of that protected cell, and only those assets, are available to pay the obligations of that protected cell. Notwithstanding the foregoing, and subject to the provisions of this Article and any other applicable law or rule, the failure to include such language in the contracts or other documentation effecting such transaction shall not be used as the sole basis by creditors, reinsurers, or other claimants to circumvent the provisions of this Article.
(b) The income, gains, and losses, realized or unrealized, from protected cell assets and protected cell liabilities must be credited to or charged against the protected cell without regard to other income, gains, or losses of the protected cell company, including income, gains, or losses of other protected cells. Amounts attributed to a protected cell shall not be used as the sole basis by creditors, reinsurers, or other claimants to circumvent the provisions of this Article.
(c) Unless otherwise approved by the Director, protected cell assets may be valued at their market value on the date of valuation, or if there is no readily available market, then as provided in the contract or the rules or other written documentation applicable to the protected cell.
(d) A protected cell company shall, in respect of any of its protected cells, engage in fully funded indemnity-triggered insurance securitization to support in full the protected cell exposures attributable to that protected cell. A protected cell company may not use insurance securitization that is not indemnity-triggered to support the obligations of a protected cell to the general account. An insurance securitization that is not indemnity-triggered may qualify as an insurance securitization under the terms of this Article only after the Director adopts rules addressing the methods of: (i) funding the portion of the risk that is not indemnity based, (ii) accounting, and disclosure, (iii) risk-based capital treatment, and (iv) assessing risk associated with such securitizations, and does not support in full the protected cell obligations of a protected cell shall be prohibited absent specific permission by the Director in accordance with the authority granted under Section 179A-40 and the guidance of the National Association of Insurance Commissioners, as such guidance is developed. A protected cell company may not engage in a non-indemnity triggered insurance securitization transaction that is not fully funded, whether indemnity triggered or not indemnity triggered, is prohibited. Protected cell assets may be used to pay interest or other consideration on any outstanding debt or other obligation attributable to that protected cell, and nothing in this subsection shall be construed or interpreted to prevent a protected cell company from entering into a swap agreement or other transaction for the account of the protected cell that has the effect of guaranteeing such interest or other consideration.
(e) In all cases in which a protected cell company engages in an insurance securitizations transaction, the contracts or other documentation financial instrument effecting such transaction shall contain provisions identifying the protected cell to which the transaction will be attributed. In addition, the contracts or other documentation financial instrument shall clearly disclose that the assets of that protected cell, and only those assets, are available to pay the obligations of that protected cell. Notwithstanding the foregoing, and subject to the provisions of this Article and any other applicable law or rule, the failure to include such language in the contracts or other documentation financial instrument shall not be used as the sole basis by creditors, reinsurers, or other claimants to circumvent the provisions of this Article.
(f) A protected cell company may attribute to a protected cell account only the insurance obligations relating to the protected cell company's general account. A protected cell company may not issue insurance or reinsurance contracts directly to policyholders or reinsureds or have any obligation to the policyholders or reinsureds of the protected cell company's general account.
(g) At the cessation of business of a protected cell, the protected cell company shall voluntarily close out or wind up the protected cell account in accordance with a plan approved by the Director.
(Source: P.A. 91-278, eff. 7-23-99.)
(215 ILCS 5/179A-25)
Sec. 179A-25. Reach of creditors and other claimants.
(a) Protected cell assets are only available only to the creditors of the protected cell

New matter indicated by italics - deletions by strikeout.
company who are creditors in respect of that protected cell and shall thereby be entitled, in conformity with the provisions of this Article, to have recourse to the protected cell assets attributable to that protected cell. Protected cell assets and shall be absolutely protected from the creditors of the protected cell company who are not creditors in respect of that protected cell and who, accordingly, are not entitled to have recourse to the protected cell assets attributable to that protected cell. Creditors with respect to a protected cell shall not be entitled to have recourse against the protected cell assets of other protected cells or the assets of the protected cell company's general account.

Protected cell assets are available only to creditors of a protected cell company after all protected cell liabilities have been extinguished or otherwise provided for in accordance with the plan of operation relating to that protected cell.

(b) When an obligation of a protected cell company to a person arises from a transaction, or is otherwise imposed, in respect of a protected cell:

(1) that obligation of the protected cell company shall extend only to the protected cell assets attributable to that protected cell, and the person shall, in respect of that obligation, be entitled to have recourse only to the protected cell assets attributable to that protected cell; and

(2) that obligation of the protected cell company shall not extend to the protected cell assets of any other protected cell or the assets of the company's general account, and that person shall not, in respect of that obligation, be entitled to have recourse to the protected cell assets of any other protected cell or the assets of the company's general account.

(c) When an obligation of a protected cell company relates solely to the general account, the obligation of the protected cell company shall extend only to, and that creditor shall, in respect of that obligation, be entitled to have recourse only to, the assets of the protected cell company's general account.

(d) A protected cell shall only be authorized to assume an insurance obligation directly from the company's general account, and under no circumstances shall a protected cell be authorized to issue insurance or reinsurance policies or contracts directly to policyholders or reinsureds or have any obligation to the policyholders of the company's general account. The activities, assets, and obligations relating to a protected cell are not subject to the provisions of Article XXXIII 1/2 (Illinois Life and Health Guaranty Association Law) or Article XXXIV (Illinois Insurance Guaranty Fund), and neither a protected cell nor a protected cell company protected cells shall not be assessed by or otherwise be required to contribute to any guaranty fund or guaranty association in this State with respect to the activities, assets, or obligations of a protected cell. Nothing in this subsection shall affect the activities or obligations of a company's general account.

(e) In no event shall the establishment of one or more protected cells alone constitute or be deemed to be a fraudulent conveyance, an intent by the protected cell company to defraud creditors, or the carrying out of business by the protected cell company for any other fraudulent purpose.

(Source: P.A. 91-278, eff. 7-23-99.)

(215 ILCS 5/179A-30)
Sec. 179A-30. Rehabilitation and liquidation of protected cell companies.

(a) Notwithstanding any contrary provision in this Code, the rules promulgated under this Code, or any other applicable law or rule, upon any order of rehabilitation, conservation, or liquidation of a domestic company that is a protected cell company, the receiver shall be bound to deal with the protected cell company's assets and liabilities, including protected cell assets and protected cell liabilities, in accordance with the requirements set forth in this Article.

(b) With respect to amounts recoverable under a protected cell company any insurance securitization entered into or outstanding in any protected cell of a protected cell company, the amount recoverable by the receiver shall not be reduced or diminished as a result of the entry of an order of rehabilitation, conservation, or liquidation with respect to the protected cell company notwithstanding any provisions to the contrary in the contracts or other documentation governing the protected cell company such insurance securitization.

(Source: P.A. 91-278, eff. 7-23-99.)

(215 ILCS 5/179A-35)
Sec. 179A-35. No transaction of an insurance business. A protected cell insurance securitization shall not No insurance securitization effected under the provisions of this Article shall

New matter indicated by italics - deletions by strikeout.
be deemed to be an insurance or reinsurance contract. An policy or contract of insurance and no investor in a protected cell company insurance securitization transaction shall not, by sole means of such investment, be deemed to be transacting an insurance business in this State. The underwriters or selling agents (and their partners, directors, officers, members, managers, employees, agents, representatives, and advisors) involved in a protected cell company insurance securitization shall not be deemed to be conducting an insurance or reinsurance agency, brokerage, intermediary, advisory, or consulting business by virtue of their activities in connection therewith required to be licensed as an insurance company in the State of Illinois.

(Source: P.A. 91-278, eff. 7-23-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0075
(Senate Bill No. 0870)

AN ACT concerning insurer security deposits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 26, 53, 74, 278, 327, and 341 as follows:

(215 ILCS 5/26) (from Ch. 73, par. 638)
Sec. 26. Deposit. A Every company subject to the provisions of this Article shall make and maintain with the Director for the protection of all creditors, policyholders and policy obligations of the company, a deposit of securities which are authorized investments under Section 126.11A(1), 126.11A(2), 126.24A(1), or 126.24A(2) having a fair market value equal to the minimum capital and surplus required to be maintained under Section 13. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the company that it has no outstanding creditors, policyholders, or policy obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the company's board of directors effecting the surrender of its articles of incorporation for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the company, together with a plan of dissolution approved by the Director.
(Source: P.A. 90-418, eff. 8-15-97.)

(215 ILCS 5/53) (from Ch. 73, par. 665)
Sec. 53. Deposit. A Each company subject to the provisions of this Article shall make and maintain with the Director for the protection of all creditors, policyholders and policy obligations of the company, a deposit of securities which are authorized investments under Section 126.11A(1), 126.11A(2), 126.24A(1), or 126.24A(2) having a fair market value equal to the minimum surplus required to be maintained under Section 43. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the company that it has no outstanding creditors, policyholders, or policy obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the company's board of directors effecting the surrender of its articles of incorporation for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the company, together with a plan of dissolution approved by the Director.
(Source: P.A. 90-418, eff. 8-15-97.)

(215 ILCS 5/74) (from Ch. 73, par. 686)
Sec. 74. Deposit. A Each domestic reciprocal subject to the provisions of this Article shall make and maintain with the Director, for the protection of all creditors, policyholders and policy obligations of the reciprocal, a deposit of securities that are authorized investments under Section 126.11A(1), 126.11A(2), 126.24A(1), or 126.24A(2), having a fair market value equal to the surplus required to be maintained under Section 66. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by

New matter indicated by italics - deletions by strikeout.
the reciprocal company that it has no outstanding creditors, policyholders, or policy obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the governing body of the reciprocal's attorney-in-fact effecting the surrender of its certificate of authority and declaration of organization for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the reciprocal's attorney-in-fact, together with a plan of dissolution approved by the Director.

(Source: P.A. 90-418, eff. 8-15-97; 90-655, eff. 7-30-98.)

(215 ILCS 5/278) (from Ch. 73, par. 890)

Sec. 278. Reserve deposits. A Each company subject to this Article shall from time to time deposit with the Director, securities of the kind authorized for investment by a company transacting the kind of business enumerated in Class 1 of Section 4, in such amount that the market value of the securities deposited shall, at all times, be at least equal to the total of the reserves required by this Code on the life contracts issued by said company until there shall be on deposit at least $200,000. Thereafter, while the reserves on all such contracts are maintained, further deposits shall be optional with the company. Each separate deposit, except in the case of newly organized companies during the first 2 years of existence, shall be in the sum of not less than $1,000 and such securities may be deposited at any time. Any such company may at any time, withdraw any of such securities in excess of the minimum herein required and may from time to time exchange any of such securities by depositing others of the kind in which the company is authorized to invest, of equal value. So long as the said company shall remain solvent and maintain its deposits as herein required, it may collect the interest or other income of the securities deposited as the same may accrue. All such deposits shall be held by the Director in trust for the benefit of the holders of life contracts upon which reserves at least equal to the minimum reserves prescribed by Section 281 are required. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the company that it has no outstanding life contracts on which reserves are required, life insurance policyholders, or policy obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the company's board of directors effecting the surrender of its articles of incorporation for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the company, together with a plan of dissolution approved by the Director.

(Source: Laws 1959, p. 1148.)

(215 ILCS 5/327) (from Ch. 73, par. 939)

Sec. 327. Benefit fund.

(1) An Every association shall maintain a benefit fund which shall be used solely for the payment of claims of members and no part thereof shall be used for defraying the expenses of the association. Such fund, any portion of which may be deposited with the Director, may be held in cash or invested in securities of the United States Government or of the State of Illinois, and not otherwise. All moneys or other assets of the benefit account, as defined in the Act mentioned in Section 316, of any association shall upon the effective date of this Code be deemed transferred to and become a part of its benefit fund. The minimum amount of such benefit fund at all times after one year from the effective date of this Code shall be $1,000, plus the sum of $200 for each 100 members in excess of 500. If the benefit fund of any association at any time after one year from the effective date of this Code shall be less than the minimum amount required by this Section and is not increased to such minimum within 90 days, the association shall be deemed insolvent and the Director shall proceed against it under Article XIII. The Director may release any required benefit fund deposit upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the association that it has no outstanding member creditors, member certificates, or member obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the association's board of directors effecting the surrender of its charter and articles of incorporation for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the company, together with a plan of dissolution approved by the Director.

(2) Whenever the association shall have been notified of any loss under its certificate of membership, which exceeds in amount the benefit fund of the association, the president shall convene
the directors of the association who shall levy an assessment against all members for an amount sufficient to pay all such losses of the association at the time said assessment is made and for an amount in excess thereof sufficient to maintain the minimum amount of the benefit fund as provided in this Section. Assessments provided for in this section shall be distributed equally against all members of the association except for children under 16 years of age. The board of directors shall assess each such child an amount not to exceed one half of the amount levied against each other member.

(3) In order to provide for an unexpected number of deaths, an association shall have the right to levy additional assessments whenever in the discretion of the board of directors the same shall be deemed advisable except that no assessment may be levied if the amount in the benefit fund exceeds, or if such assessment will increase the amount of the benefit fund in excess of a sum equal to $25 per member in good standing. The entire proceeds of all such additional assessments shall be placed in the benefit fund.

(Source: Laws 1957, p. 68.)

(215 ILCS 5/341) (from Ch. 73, par. 953)

Sec. 341. Deposit required.

(1) Every burial society shall maintain with the Director a deposit of cash or securities in an amount of at least $1,000 one thousand dollars. Any society having a membership of more than 2,500 twenty-five hundred members shall maintain a deposit with the Director of $5,000 five thousand dollars. Any society having a membership of more than 3,000 five thousand members and less than 10,000 ten thousand members shall maintain a deposit with the Director of $10,000 ten thousand dollars. Any society having more than 10,000 ten thousand members shall maintain a deposit with the Director of $10,000 ten thousand dollars and an additional $1,000 one thousand dollars for each 1,000 one thousand members in excess of 10,000 ten thousand.

(2) All deposits as required herein shall be in cash or in securities permitted by section 346.

(3) The Director may release the required deposit of cash or securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the burial society that it has no outstanding creditors, policyholders, certificate holders, or member obligations in effect and no plans to engage in the business of insurance; (ii) receipt of a lawful resolution of the burial society's board of directors effecting the surrender of its articles of incorporation for administrative dissolution by the Director; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the burial society, together with a plan of dissolution approved by the Director.

(Source: Laws 1937, p. 696.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 2-6 as follows:

(215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)

Sec. 2-6. Statutory Deposits. Every organization subject to the provisions of this Act shall make and maintain with the Director through December 30, 1993, for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $100,000. Effective December 31, 1993 and through December 30, 1994, the deposit shall have a fair market value at least equal to $200,000. Effective December 31, 1994 and thereafter, the deposit shall have a fair market value at least equal to $300,000. An organization issued a certificate of authority on or after the effective date of this Amendatory Act of 1993, shall make and maintain with the Director, for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $300,000. The amount on deposit shall remain as an admitted asset of the organization in the determination of its net worth. The Director may release the required deposit of securities upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the organization that it has no outstanding enrollee creditors, enrollees, certificate holders, or enrollee obligations in effect and no plans to engage in the business of insurance as a health maintenance organization; (ii) receipt of a lawful resolution of the organization's governing body effecting the surrender of its certificate of authority, articles of incorporation, or other organizational documents to their issuing
governmental officer for voluntary or administrative dissolution; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the organization, together with a plan of dissolution approved by the Director.
(Source: P.A. 88-364.)

Section 15. The Limited Health Service Organization Act is amended by changing Section 2006 as follows:
(215 ILCS 130/2006) (from Ch. 73, par. 1502-6)
Sec. 2006. Statutory deposits.
(a) An organization subject to the provisions of this Act shall make and maintain with the Director, for the protection of enrollees of the organization, a deposit of securities that are in the form authorized under Section 2-6 of the Health Maintenance Organization Act having a fair market value equal to the minimum net worth required under subsection (a) of Section 2004. The amount on deposit shall remain as an admitted asset of the organization in the determination of its net worth. The Director may release the required deposit of securities required by this Section upon receipt of an order of a court having proper jurisdiction or upon: (i) certification by the organization that it has no outstanding enrollee creditors, enrollees, certificate holders, or enrollee obligations in effect and no plans to engage in the business of insurance as a limited health service organization; (ii) receipt of a lawful resolution of the organization’s governing body effecting the surrender of its certificate of authority, articles of incorporation, or other organizational documents to their issuing governmental officer for voluntary or administrative dissolution; and (iii) receipt of the name and forwarding address for each of the final officers and directors of the organization, together with a plan of dissolution approved by the Director.

(b) An LHSO that offers a POS contract shall, in addition to the deposit required by subsection (a), deposit and maintain with the Director cash or securities that are authorized investments under Section 1003 having a fair market value equal to the greater of:
(1) $50,000 if the LHSO's expenditures for out-of-plan covered services do not exceed 10% of its total limited health expenditures in any calendar quarter; or
(2) $100,000 if the LHSO's expenditures for out-of-plan covered services exceed 10% but are less than 20% of its total limited health services expenditure in any calendar quarter; or
(3) 120% of its current actual monthly out-of-plan covered service claims expense plus incurred but not reported balances for out-of-plan covered services.
(c) The combined deposit amount required in subsections (a) and (b) shall not exceed $200,000.
(Source: P.A. 87-1079; 88-364; 88-667, eff. 9-16-94.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0076
(Senate Bill No. 0876)

AN ACT concerned military funeral honors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Military Code of Illinois is amended by adding Article IV-A as follows:
(20 ILCS 1805/Art. IV-A heading new)

ARTICLE IV-A. MILITARY FUNERAL HONORS
(20 ILCS 1805/28.1 new)
Sec. 28.1. Purpose. This Article establishes the Illinois Military Funeral Honors Program to ensure, subject to the appropriation of adequate funds, an appropriate final tribute to deceased veterans and Governors in the absence of federal military funeral honors or funeral honors provided

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by veteran organizations. This Article establishes procedures that ensure this tribute on behalf of a
grateful citizenry to honor deceased veterans in recognition of their service to the State of Illinois and
to the United States of America. The rendering of military funeral honors is the ceremonial paying
of respects and final demonstration of gratitude to those who, in times of war and peace, have
faithfully defended freedom.

(20 ILCS 1805/28.2 new)
Sec. 28.2. Administration. The Adjutant General of Illinois, as Director of the Department of
Military Affairs, shall administer the Military Funeral Honors Program.

(20 ILCS 1805/28.3 new)
Sec. 28.3. State funeral honors. The funeral honors entitlement established by this Article may
be provided to an eligible veteran only if (i) a request for military funeral honors has been made on
behalf of the deceased veteran to federal authorities and (ii) military funeral honors are not to be
provided by federal authorities, regardless of the reason. Governors are entitled to funeral honors
without a federal request.

(20 ILCS 1805/28.4 new)
Sec. 28.4. Eligibility. Only veterans and Governors are eligible for military funeral honors
under this Article. In this Article, "veteran" means an Illinois resident who is a veteran as defined in
subsection (h) of Section 1491 of Title 10 of the United States Code. Governors are eligible for
military funeral honors because of their service as Commander-in-Chief of the military forces of the
State of Illinois.

(20 ILCS 1805/28.5 new)
Sec. 28.5. Waiver authority.
(a) With approval of the Governor, the Adjutant General may waive the requirement
established in Section 28.3 of this Article if the Adjutant General determines in writing that it is in the
best interests of the State of Illinois to do so.
(b) Waiver authority under this Section may be delegated only to the Assistant Adjutant
General for Army or the Assistant Adjutant General for Air.

(20 ILCS 1805/28.6 new)
Sec. 28.6. Policy.
(a) A member of the Army National Guard or the Air National Guard may be ordered to
funeral honors duty in accordance with this Article. That member shall receive an allowance of $50
for any day on which a minimum of 2 hours of funeral honors duty is performed. Members of the
Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered
to be in the active service of the State for all purposes except for pay, and the provisions of Sections
52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard
is injured or disabled in the course of those duties.
(b) The Adjutant General may provide support for other authorized providers who volunteer
to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited
to transportation, reimbursement for transportation, expenses, materials, and training.

(20 ILCS 1805/28.8 new)
Sec. 28.8. Rules. The Adjutant General, as Director of the Department of Military Affairs,
must adopt appropriate rules to implement this program.

(20 ILCS 1805/28.9 new)
Sec. 28.9. Availability of funds. Nothing in this Article establishes any entitlement to military
funeral honors if the Adjutant General determines that Illinois National Guard personnel are not
available to perform those honors or if adequate appropriated funds are not available to fund this
program.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0077
(Senate Bill No. 0941)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Sections 537.2, 537.6, 537.7, and 551 as follows:

(215 ILCS 5/537.2) (from Ch. 73, par. 1065.87-2)

Sec. 537.2. Obligation of Fund. The Fund shall be obligated to the extent of the covered claims existing prior to the entry of an Order of Liquidation against an insolvent company and arising within 30 days after the entry of such Order, or before the policy expiration date if less than 30 days after the entry of such Order, or before the insured replaces the policy or on request effects cancellation, if he does so within 30 days after the entry of such Order. If the entry of an Order of Liquidation occurs on or after October 1, 1975 and before October 1, 1977, such obligations shall not: (i) exceed $100,000, or (ii) include any obligation to refund the first $100 of any unearned premium claim; and if the entry of an Order of Liquidation occurs on or after October 1, 1977 and before January 1, 1988, such obligations shall not: (i) exceed $150,000, except that this limitation shall not apply to any workers compensation claims, or (ii) include any obligation to refund the first $100 of any unearned premium claim; and if the entry of an Order of Liquidation occurs on or after January 1, 1988, such obligations shall not: (i) exceed $300,000, except that this limitation shall not apply to any workers compensation claims, or (ii) include any obligation to refund the first $100 of any unearned premium claim or to refund any unearned premium over $10,000 under any one policy. In no event shall the Fund be obligated to a policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises.

In no event shall the Fund be liable for any interest on any judgment entered against the insured or the insolvent company, or for any other interest claim against the insured or the insolvent company, regardless of whether the insolvent company would have been obligated to pay such interest under the terms of its policy. The Fund shall be liable for interest at the statutory rate on money judgments entered against the Fund until the judgment is satisfied.

Any obligation of the Fund to defend an insured shall cease upon the Fund's payment or tender of an amount equal to the lesser of the Fund's covered claim obligation limit or the applicable policy limit.

(Source: P.A. 85-576; 86-1155; 86-1156; 86-1475.)

(215 ILCS 5/537.6) (from Ch. 73, par. 1065.87-6)

Sec. 537.6. Allocation of claims; assessments. The Fund shall allocate covered claims paid and expenses incurred between the accounts established by Section 535 separately, and assess member companies separately for each account amounts necessary to pay the obligations of the Fund under Section 537.2 subsequent to the entry of an Order of Liquidation against an insolvent company, the expenses of handling covered claims subsequent to such Order of Liquidation and other expenses authorized by this Article. The assessments of each member company shall be in the proportion that the net direct written premiums of the member company for the calendar year immediately preceding the year in which the assessment is levied on the kinds of insurance in the account bears to the net direct written premiums of all member companies for such preceding calendar year on the kinds of insurance in the account. Each member company shall be notified of the assessment not later than 30 days before it is due. Before January 1, 2002, no member company may be assessed in any year on any account an amount greater than 1% of that member company's net direct written premiums on the kinds of insurance in the account for the calendar year preceding the assessment. Beginning January 1, 2002, the amount a member company may be assessed in any year on any account shall be a maximum of 2% of that member company's net direct written premium on the kinds of insurance in the account for the calendar year preceding the assessment. This 2% maximum shall apply regardless of the date of any insolvency that gives rise to the need for the assessment. If the maximum assessment, together with the other assets of the Fund in any account, does not provide, in any one year, in any account, an amount sufficient to make all necessary payments from that account, the funds available shall be paid in the manner determined by the Fund and approved by the Director and the unpaid portion shall be paid as soon thereafter as funds become available. If requested by a member company, the Director may exempt or defer the assessment of any member company, if the assessment

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would cause the member company's financial impairment.
(Source: P.A. 85-576.)

Sec. 537.7. Investigation of claims; disposition.
(a) The Fund shall investigate claims brought against the Fund and adjust, compromise, settle, and pay covered claims to the extent of the Fund's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent company or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested.

(b) The Fund shall not be bound by a settlement, release, compromise, waiver, or final judgment executed or entered within 12 months prior to an order of liquidation and shall have the right to assert all defenses available to the Fund including, but not limited to, defenses applicable to determining and enforcing its statutory rights and obligations to any claim. The Fund shall be bound by a settlement, release, compromise, waiver, or final judgment executed or entered more than 12 months prior to an order of liquidation, however, if the claim is a covered claim and the settlement or judgment was not a result of fraud, collusion, default, or failure to defend. In addition, with respect to covered claims arising from a judgment under a decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend, upon application by the Fund, either on its own behalf or on behalf of an insured, the court shall set aside the judgment, order, decision, verdict, or finding, and the Fund shall be permitted to defend against the claim on the merits.

(c) The Fund shall have the right to appoint or approve and to direct legal counsel retained under liability insurance policies for the defense of covered claims.

(Sources: P.A. 85-576.)

Sec. 551. Stay of proceedings. All proceedings arising out of a claim under a policy of insurance written by an insolvent company shall be stayed for 120 days from the date of the entry of the Order of Liquidation to permit proper defense by the Fund of all such pending causes of action. As to any covered claims arising from a judgment under a decision, verdict, or finding based on the default of the insolvent company or its failure to defend an insured, upon application of the Fund, either on its own behalf or on behalf of such insured, the court or administrator that made such judgment, order, decision, verdict, or finding shall set aside such judgment, order, decision, verdict, or finding and the Fund shall be permitted to defend against such claim on the merits.

(Sources: P.A. 85-576.)


AN ACT concerning local government debt.

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

Section 5. The Local Government Debt Reform Act is amended by changing Section 13 as follows:

Sec. 13. Certain pledges. A governmental unit may pledge, as security for the payment of its bonds, (1) revenues derived from the operation of any utility system or revenue producing enterprise, (2) moneys deposited or to be deposited into any special fund of the governmental unit, (3) grants or other revenues or taxes expected to be received by the governmental unit from the State or federal government, including taxes imposed by the governmental unit pursuant to grant of authority by the State, such as sales or use taxes or utility taxes, (4) special assessments to be collected with respect to a local improvement financed with the proceeds of bonds, or (5) payments to be made by another governmental unit pursuant to a service, user or other similar agreement with such governmental unit. Any such pledge made by a governmental unit shall be valid and binding from the time such

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pledge is made. The revenues, moneys and other funds so pledged and thereafter received by the governmental unit shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and, subject only to the provisions of prior agreements, the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the governmental unit irrespective of whether such parties have notice thereof. Pursuant to any such pledge, a governmental unit may bind itself to impose rates, charges or taxes to the fullest extent permitted by applicable law. No ordinance, resolution, trust agreement or other instrument by which such pledge is created need be filed or recorded except in the records of the governmental unit.

The State Treasurer, the State Comptroller, the Department of Revenue, the Department of Transportation, the State Superintendent of Education, or any Regional Superintendent of Schools shall deposit or cause to be deposited any amount of grants or other revenues or taxes expected to be received by a qualified governmental unit from that official or entity that have been pledged to the payment of bonds of the qualified governmental unit, in accordance with the authorization of the qualified governmental unit, directly into a designated escrow account established by the qualified governmental unit at a trust company or bank having trust powers. The ordinance authorizing that disposition shall, within 10 days after adoption by the governing body of the qualified governmental unit, be filed with the official or entity having custody of the pledged grants or other revenues or taxes.

For the purposes of this Section, "qualified governmental unit" means a governmental unit (i) that has issued not less than $6,000,000 principal amount of bonds, including the principal amount of bonds to be secured by the deposit into the designated escrow account, during the 24 months preceding the adoption of the ordinance authorizing the deposit, (ii) whose bonds secured by the deposit into the designated escrow account are rated without regard to any credit enhancement within the 3 highest general rating classifications established by a rating service of nationally recognized expertise in rating bonds of states and political subdivisions of states, (iii) that has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association or the equivalent award from the Association of School Business Officials International during the 24 months preceding the adoption of the ordinance authorizing the deposit, or (iv) that represents a population in excess of 300,000.

(Source: P.A. 91-868, eff. 6-22-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0079
(Senate Bill No. 1024)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:
(625 ILCS 5/3-648 new)
Sec. 3-648. Army Combat Veteran license plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Army Combat Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Army Combat Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Army Combat Infantry Badge. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of

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Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0080
(Senate Bill No. 1032)

AN ACT concerning labor relations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Police Act is amended by adding Section 12.5 as follows:
(20 ILCS 2610/12.5 new)
Sec. 12.5. Zero tolerance drug policy. Any person employed by the Department of State Police who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act shall be discharged from employment. Refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the Department shall be construed as a positive test, and the person shall be discharged from employment.

Section 10. The Unified Code of Corrections is amended by adding Section 3-7-2.5 as follows:
(730 ILCS 5/3-7-2.5 new)
Sec. 3-7-2.5. Zero tolerance drug policy.
(a) Any person employed by the Department of Corrections who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act shall be discharged from employment. Refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the Department shall be construed as a positive test, and the person shall be discharged from employment.

Testing of employees shall be conducted in accordance with established Departmental drug testing procedures. Changes to established drug testing procedures that are inconsistent with the federal guidelines specified in the Mandatory Guidelines for Federal Workplace Drug Testing Program, 59 FR 29908, or that affect terms and conditions of employment, shall be negotiated with an exclusive bargaining representative in accordance with the Illinois Public Labor Relations Act.

(1) All samples used for the purpose of drug testing shall be collected by persons who have at least 40 hours of initial training in the proper collection procedures and at least 8 hours of annual follow-up training. Proof of this training shall be available upon request. In order to ensure that these persons possess the necessary knowledge, skills, and experience to carry out their duties, their training must include guidelines and procedures used for the collection process and must also incorporate training on the appropriate interpersonal skills required during the collection process.

(2) With respect to any bargaining unit employee, the Department shall not initiate discipline of any employee who authorizes the testing of a split urine sample in accordance with established Departmental drug testing procedures until receipt by the Department of the test results from the split urine sample evidencing a positive test for any substance prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act.
(b) Any employee discharged in accordance with the provisions of subsection (a) shall not be eligible for rehire by the Department.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-18 as follows:

(a) No person accused of violating Sections 12-13, 12-14, 12-15 or 12-16 of this Code shall be presumed to be incapable of committing an offense prohibited by Sections 12-13, 12-14, 12-14.1, 12-15 or 12-16 of this Code because of age, physical condition or relationship to the victim, except as otherwise provided in subsection (c) of this Section. Nothing in this Section shall be construed to modify or abrogate the affirmative defense of infancy under Section 6-1 of this Code or the provisions of Section 5-805 of the Juvenile Court Act of 1987.

(b) Any medical examination or procedure which is conducted by a physician, nurse, medical or hospital personnel, parent, or caretaker for purposes and in a manner consistent with reasonable medical standards is not an offense under Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.

(c) Prosecution of a spouse of a victim under this subsection for any violation by the victim's spouse of Section 12-13, 12-14, 12-15 or 12-16 of this Code is barred unless the victim reported such offense to a law enforcement agency or the State's Attorney's office within 30 days after the offense was committed, except when the court finds good cause for the delay.

(d) In addition to the sentences provided for in Sections 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 the Court may order any person who is convicted of violating any of those Sections to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, rehabilitative or psychological treatment, prescribed for the victim or victims of the offense.

(e) After a finding at a preliminary hearing that there is probable cause to believe that an accused has committed a violation of Section 12-13, 12-14, or 12-14.1 of this Code, or after an indictment is returned charging an accused with a violation of Section 12-13, 12-14, or 12-14.1 of this Code, or after a finding that a defendant charged with a violation of Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand trial pursuant to Section 104-16 of the Code of Criminal Procedure of 1963 where the finding is made prior to preliminary hearing, at the request of the person who was the victim of the violation of Section 12-13, 12-14, or 12-14.1, the prosecuting State's attorney shall seek an order from the court to compel the accused to be tested for any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV). The medical tests shall be performed only by appropriately licensed medical practitioners. The test for infection with human immunodeficiency virus (HIV) and shall consist of an enzyme-linked immunosorbent assay (ELISA) test, or such other test as may be approved by the Illinois Department of Public Health; in the event of a positive result, the Western Blot Assay or a more reliable confirmatory test shall be administered. The results of the tests shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the victim and to the judge who entered the order, for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the result of the testing may be revealed; however, in no case shall the identity of the victim be disclosed. The court shall order that the cost of the tests shall be paid by the county, and may be taxed as costs against the accused if convicted.

(f) Whenever any law enforcement officer has reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, the law enforcement officer shall advise the victim about seeking medical treatment and preserving evidence.
(g) Every hospital providing emergency hospital services to an alleged sexual assault survivor, when there is reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, shall designate personnel to provide:

1. An explanation to the victim about the nature and effects of commonly used controlled substances and how such controlled substances are administered.
2. An offer to the victim of testing for the presence of such controlled substances.
3. A disclosure to the victim that all controlled substances or alcohol ingested by the victim will be disclosed by the test.
4. A statement that the test is completely voluntary.
5. A form for written authorization for sample analysis of all controlled substances and alcohol ingested by the victim.

A physician licensed to practice medicine in all its branches may agree to be a designated person under this subsection.

No sample analysis may be performed unless the victim returns a signed written authorization within 48 hours after the sample was collected.

Any medical treatment or care under this subsection shall be only in accordance with the order of a physician licensed to practice medicine in all of its branches. Any testing under this subsection shall be only in accordance with the order of a licensed individual authorized to order the testing.

(Source: P.A. 90-590, eff. 1-1-99; 90-735, eff. 8-11-98; 91-271, eff. 1-1-00; 91-357, eff. 7-29-99.)

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

Approved July 12, 2001.

PUBLIC ACT 92-0082
(Senate Bill No. 1099)

AN ACT in regard to vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-623 as follows:

Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the standard registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the original issuance fee and regular annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 91-25, eff. 6-9-99.)
Approved July 12, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0083
(Senate Bill No. 1113)

AN ACT in relation to county law enforcement employees.

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

Section 5. The Counties Code is amended by changing Section 3-8010 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 3-8010. Certification of applicants. The appointment of all personnel subject to the jurisdiction of the Merit Commission shall be made by the sheriff from those applicants who have been certified by the Commission as being qualified for appointment. A Commission may, by its rules and regulations, set forth the minimum requirements for appointment to any position. In addition, the Commission's review of any application may include examinations, investigations or any other method consistent with recognized merit principles, which in the judgment of the Commission is reasonable and practical for any particular classification. Different examining procedures may be set for the examinations in different classifications but all examinations in the same classification shall be uniform. However, the Merit Commission may by regulation provide that applicants who have served with another sheriff's office, a police department, or any other law enforcement agency, or who are graduate law enforcement interns as defined in the Law Enforcement Intern Training Act, may be exempt from one or more of the minimum requirements for appointment. Preference may be given in such appointments to persons who have honorably served in the military or naval services of the United States.

The sheriff shall make appointments from those persons certified by the Commission as qualified for appointment. If the sheriff rejects any person so certified, the sheriff shall notify the Commission in writing of such rejection.

The rules and regulations of a Commission shall provide that all initial appointees shall serve a probationary period of 12 months during which time they may be discharged at the will of the sheriff.

(Source: P.A. 86-962.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

PUBLIC ACT 92-0084
(Senate Bill No. 1151)

AN ACT in relation to the repeal, deletion, and amendment of certain statutory provisions.
WHEREAS, It is the intent of the General Assembly that nothing in this Public Act shall be construed to have any effect on (i) any action taken under any provision of law before the repeal or deletion of the provision of law by this Public Act or (ii) any right, remedy, immunity from liability, right or duty of confidentiality, conveyance, or legal status that was created, conferred, or imposed by any provision of law before the repeal or deletion of the provision of law by this Public Act; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Supported Employees Act is amended by changing Section 4 as follows:
(5 ILCS 390/4) (from Ch. 127, par. 3904)
Sec. 4. The Department, working with the Departments of Human Services and Public Aid, any funder or provider or both, and the Interagency Committee on Handicapped Employees with Disabilities, shall seek the cooperation, assistance and participation of all State agencies in the development and implementation of a supported employment program. It shall be the goal of the program to appoint a minimum of 25 supported employees to State agency positions prior to June 30, 1991.
(Source: P.A. 89-507, eff. 7-1-97.)

Section 10. The Illinois Act on the Aging is amended by changing Section 4.02a as follows:
(20 ILCS 105/4.02a) (from Ch. 23, par. 6104.02a)
Sec. 4.02a. Study of board and care homes.
(a) The Department shall conduct a study to determine the need for and viability of establishing laws and regulations governing board and care homes in Illinois. This study shall be conducted in cooperation with the Department of Public Health.

The Department and the Department of Public Health shall conduct at least 3 public hearings

New matter indicated by italics - deletions by strikeout.
on the issue of board and care. Board and care legislation and policy from other states shall be researched, as well as the administrative structure and costs of board and care oversight.

(b) The Department shall submit a written report to the General Assembly by April 1, 1992, summarizing its activities and recommendations and the research of other states. The report shall minimally include:

1. The advisability of developing a system for registration or licensing of board and care homes to provide room, board and personal care to older persons and disabled persons in Illinois.
2. The definition of personal care to be used by board and care homes.
3. The size and composition of board and care homes, such as foster care homes, and personal care boarding homes, to be licensed or registered.
4. The minimum qualifications and training requirements for operators of board and care homes.
5. The general conditions of homes to be licensed or registered.
6. The recommended bill of rights for persons who reside in board and care homes.
7. The role of the Department and the Department of Public Health in licensing or registering board and care homes and the role of the Long Term Care Ombudsman Program.
8. The projected number of board and care homes that would be licensed or registered and the projected number of persons who may reside in board and care homes.
9. The cost of licensing or registering and oversight of board and care homes and the projected cost of providing services to residents of board and care homes.

(c) This Section is repealed on July 1, 2002.

(Source: P.A. 87-162.)

Section 15. The Children and Family Services Act is amended by changing Section 34.12 as follows:

Sec. 34.12. Federal family resource and support program grants. Each year By January 1, 1994, the Department shall submit an application to the Commissioner of the Administration on Children, Youths, and Families under 42 USCA Sections 12336, 12337, and 12338 for a family resource and support program grant to expand, develop, and operate a network of local family resource and support programs.

(Source: P.A. 88-487; 88-670, eff. 12-2-94.)

Section 25. The Export Trading Company Act is amended by adding Section 8.1 as follows:

Sec. 8.1. Repeal. This Act is repealed on July 1, 2002.

Section 30. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-75, 2310-275, and 2310-315 as follows:

Sec. 2310-75. Impact of diesel powered equipment and explosives in underground coal mines. The Department shall conduct a study of underground coal mines that use diesel powered equipment or explosives while persons are working underground. The study shall include, at a minimum, an assessment of the health and safety impacts from the use of those practices and equipment. The Department shall report its findings to the Governor and the General Assembly by no later than January 1, 1986.

This Section is repealed on July 1, 2002.

(Source: P.A. 91-239, eff. 1-1-00.)

Sec. 2310-275. Child health insurance plan study.

(a) The Department, in cooperation with the Department of Insurance and the Department of Public Aid, shall undertake a study to determine the feasibility of establishing a child health insurance plan to provide primary and preventive health care services for children. The study shall provide an analysis of the types of health care services and benefits needed, including, but not limited to, well-child care, diagnosis and treatment of illness and injury, prescription drugs, and laboratory...
services. The study shall include an analysis of the cost of the plan and possible sources of funding. The study shall include a review of similar plans operating in other states.

(b) The Department shall file its report as provided in Section 3.1 of the General Assembly Organization Act no later than 6 months after January 1, 1992.

(c) This Section is repealed on July 1, 2002.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)
Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) Establish an AIDS Advisory Council consisting of 25 persons appointed by the Governor, including representation from public and private agencies, organizations, and facilities involved in AIDS research, prevention, and treatment, which shall advise the Department on the State AIDS Control Plan. The terms of the initial appointments shall be staggered so that 13 members are appointed for 2-year terms and 12 members are appointed for 4-year terms. All subsequent appointments shall be for 4-year terms. Members shall serve without compensation, but may be reimbursed for expenses incurred in relation to their duties on the Council. A Chairman and other officers that may be considered necessary shall be elected from among the members. Any vacancy shall be filled for the term of the original appointment. Members whose terms have expired may continue to serve until their successors are appointed.

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

(A) Information, referral, and treatment services.
(B) Interdisciplinary workshops for professionals involved in research and treatment.
(C) Establishment and operation of a statewide hotline.
(D) Establishment and operation of alternative testing services.
(E) Research into detection, prevention, and treatment.
(F) Supplementation of other public and private resources.
(G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) (Blank). Conduct a study and report to the Governor and the General Assembly by July 1, 1988, on the public and private costs of AIDS medical treatment, including the availability and accessibility of inpatient, outpatient, physician, and community support services.

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

New matter indicated by italics - deletions by strikeout.
(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate. The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 40. The Disabled Persons Rehabilitation Act is amended by changing Section 3 as follows:

(20 ILCS 2405/3) (from Ch. 23, par. 3434)

Sec. 3. Powers and duties. The Department shall have the powers and duties enumerated herein:

(a) To co-operate with the federal government in the administration of the provisions of the federal Rehabilitation Act of 1973, as amended, of the Workforce Investment Act of 1998, and of the federal Social Security Act to the extent and in the manner provided in these Acts.

(b) To prescribe and supervise such courses of vocational training and provide such other services as may be necessary for the habilitation and rehabilitation of persons with one or more disabilities, including the administrative activities under subsection (e) of this Section, and to co-operate with State and local school authorities and other recognized agencies engaged in habilitation, rehabilitation and comprehensive rehabilitation services; and to cooperate with the Department of Children and Family Services regarding the care and education of children with one or more disabilities.

(c) (Blank). To make such reports and submit such plans to the federal government as are required by the provisions of the federal Rehabilitation Act of 1973, as amended, and by the rules and regulations of the federal agency or agencies administering the federal Rehabilitation Act of 1973, as amended, the Workforce Investment Act of 1998, and the federal Social Security Act.

(d) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the existing condition of comprehensive rehabilitation services, habilitation and rehabilitation in the State; (2) a statement of suggestions and recommendations with reference to the development of comprehensive rehabilitation services, habilitation and rehabilitation in the State; and (3) an itemized statement of the amounts of money received from federal, State and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted.

(e) (Blank). To exercise, pursuant to Section 13 of this Act, executive and administrative supervision over all institutions, divisions, programs and services now existing or hereafter acquired or created under the jurisdiction of the Department, including, but not limited to, the following:

The Illinois School for the Visually Impaired at Jacksonville, as provided under Section 10 of this Act,

The Illinois School for the Deaf at Jacksonville, as provided under Section 10 of this Act, and

The Illinois Center for Rehabilitation and Education, as provided under Section 11 of this Act.

(f) To establish a program of services to prevent unnecessary institutionalization of persons with Alzheimer's disease and related disorders or persons in need of long term care who are established as blind or disabled as defined by the Social Security Act, thereby enabling them to remain in their own homes or other living arrangements. Such preventive services may include, but are not...
limited to, any or all of the following:

(1) home health services;
(2) home nursing services;
(3) homemaker services;
(4) chore and housekeeping services;
(5) day care services;
(6) home-delivered meals;
(7) education in self-care;
(8) personal care services;
(9) adult day health services;
(10) habilitation services;
(11) respite care; or
(12) other nonmedical social services that may enable the person to become self-supporting.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the population for whom they are to be provided. Such eligibility standards may be based on the recipient's ability to pay for services; provided, however, that any portion of a person's income that is equal to or less than the "protected income" level shall not be considered by the Department in determining eligibility. The "protected income" level shall be determined by the Department, shall never be less than the federal poverty standard, and shall be adjusted each year to reflect changes in the Consumer Price Index For All Urban Consumers as determined by the United States Department of Labor. Additionally, in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

The services shall be provided to eligible persons to prevent unnecessary or premature institutionalization, to the extent that the cost of the services, together with the other personal maintenance expenses of the persons, are reasonably related to the standards established for care in a group facility appropriate to their condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Illinois Department on Aging.

Personal care attendants shall be paid:

(i) A $5 per hour minimum rate beginning July 1, 1995.
(ii) A $5.30 per hour minimum rate beginning July 1, 1997.
(iii) A $5.40 per hour minimum rate beginning July 1, 1998.

The Department shall execute, relative to the nursing home prescreening project, as authorized by Section 4.03 of the Illinois Act on the Aging, written inter-agency agreements with the Department on Aging and the Department of Public Aid, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 18 through 59 years of age shall be conducted by the Department.

The Department is authorized to establish a system of recipient cost-sharing for services provided under this Section. The cost-sharing shall be based upon the recipient's ability to pay for services, but in no case shall the recipient's share exceed the actual cost of the services provided. Protected income shall not be considered by the Department in its determination of the recipient's ability to pay a share of the cost of services. The level of cost-sharing shall be adjusted each year to reflect changes in the "protected income" level. The Department shall deduct from the recipient's share of the cost of services any money expended by the recipient for disability-related expenses.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is
no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Public Aid, regardless of the value of the property.

The Department and the Department on Aging shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before March 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.

(g) To establish such subdivisions of the Department as shall be desirable and assign to the various subdivisions the responsibilities and duties placed upon the Department by law.

(h) To cooperate and enter into any necessary agreements with the Department of Employment Security for the provision of job placement and job referral services to clients of the Department, including job service registration of such clients with Illinois Employment Security offices and making job listings maintained by the Department of Employment Security available to such clients.

(i) To possess all powers reasonable and necessary for the exercise and administration of the powers, duties and responsibilities of the Department which are provided for by law.

(j) To establish a procedure whereby new providers of personal care attendant services shall submit vouchers to the State for payment two times during their first month of employment and one time per month thereafter. In no case shall the Department pay personal care attendants an hourly wage that is less than the federal minimum wage.

(k) To provide adequate notice to providers of chore and housekeeping services informing them that they are entitled to an interest payment on bills which are not promptly paid pursuant to Section 3 of the State Prompt Payment Act.

(l) To establish, operate and maintain a Statewide Housing Clearinghouse of information on available, government subsidized housing accessible to disabled persons and available privately owned housing accessible to disabled persons. The information shall include but not be limited to the location, rental requirements, access features and proximity to public transportation of available housing. The Clearinghouse shall consist of at least a computerized database for the storage and retrieval of information and a separate or shared toll free telephone number for use by those seeking information from the Clearinghouse. Department offices and personnel throughout the State shall also assist in the operation of the Statewide Housing Clearinghouse. Cooperation with local, State and federal housing managers shall be sought and extended in order to frequently and promptly update the Clearinghouse's information.

(m) To assure that the names and case records of persons who received or are receiving services from the Department, including persons receiving vocational rehabilitation, home services, or other services, and those attending one of the Department's schools or other supervised facility shall be confidential and not be open to the general public. Those case records and reports or the information contained in those records and reports shall be disclosed by the Director only to proper law enforcement officials, individuals authorized by a court, the General Assembly or any committee

New matter indicated by italics - deletions by strikeout.
or commission of the General Assembly, and other persons and for reasons as the Director designates by rule. Disclosure by the Director may be only in accordance with other applicable law. (Source: P.A. 90-365, eff. 8-10-97; 91-540, eff. 8-13-99.)


(35 ILCS 5/507) (from Ch. 120, par. 5-507)
Sec. 507. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Child Abuse Prevention Fund created by Section 4a of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended, he or she may do so by stating the amount of such contribution (not less than $1) on such return and that such contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

If, on October 1 of any year, the total contributions made pursuant to this Section do not equal $100,000 or more, the explanations and spaces for designating contributions shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to such fund shall be refunded to the taxpayer.

This Section is repealed on July 1, 2002.

(Source: P.A. 86-678.)

(35 ILCS 5/507A) (from Ch. 120, par. 5-507A)
Sec. 507A. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Community Health Center Care Fund created by this amendatory Act of 1989, he or she may do so by stating the amount of such contribution (not less than $1) on such return and that such contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 86-996.)

(35 ILCS 5/507B) (from Ch. 120, par. 5-507B)
Sec. 507B. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Child Care Expansion Program Fund created by this amendatory Act of 1989, he or she may do so by stating the amount of such contribution (not less than $1) on such return and that such contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 86-995.)

(35 ILCS 5/507C) (from Ch. 120, par. 5-507C)
Sec. 507C. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Youth Drug Abuse Prevention Fund as authorized by this amendatory Act of 1991, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 87-342.)

(35 ILCS 5/507D) (from Ch. 120, par. 5-507D)
Sec. 507D. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Ryan White AIDS Victims Assistance Fund, he or she may do so by stating the amount of such contribution (not less than $1) on such return and that such contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

New matter indicated by italics - deletions by strikeout.
Sec. 507E. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Assistive Technology for Persons with Disabilities Fund created by this amendatory Act of 1991, he or she may do so by stating the amount of that contribution, which may not be less than $1, on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment required to accompany the return. Failure to remit the appropriate increase in the payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(35 ILCS 5/507E) (from Ch. 120, par. 5-507E)

Sec. 507F. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Domestic Violence Shelter and Service Fund, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(35 ILCS 5/507F) (from Ch. 120, par. 5-507F)

Sec. 507G. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the United States Olympians Assistance Fund created by this amendatory Act of 1991, he or she may do so by stating the amount of such contribution (not less than $1) on such return and that such contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(35 ILCS 5/507G) (from Ch. 120, par. 5-507G)

Sec. 507H. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Persian Gulf Conflict Veterans Fund, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(35 ILCS 5/507H) (from Ch. 120, par. 5-507H)

Sec. 507I. Literacy Advancement Checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Literacy Advancement Fund created by this amendatory Act of 1992, he or she may do so by stating the amount of that contribution, which may not be less than $1, on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment required to accompany the return. Failure to remit the appropriate increase in the payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.

(35 ILCS 5/507I) (from Ch. 120, par. 5-507I)

Sec. 507J. Ryan White Pediatric and Adult AIDS Fund checkoff. Beginning with taxable years ending on December 31, 1993, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Ryan White Pediatric and Adult AIDS Fund, as authorized by this amendatory Act of 1993, he or she may do so by stating the
amount of the contribution (not less than $1) on the return and that the contribution will reduce the
taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any
amount of increased payment shall reduce the contribution accordingly. This Section shall not apply
to any amended return.

This Section is repealed on July 1, 2002.
(Source: P.A. 88-459.)
(35 ILCS 5/507K)
Sec. 507K. Illinois Special Olympics Checkoff. Beginning with taxable years ending on
December 31, 1993, the Department shall print on its standard individual income tax form a provision
indicating that if the taxpayer wishes to contribute to the Illinois Special Olympics Checkoff Fund as
authorized by this amendatory Act of 1993, he or she may do so by stating the amount of the
contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund
or increase the amount of payment to accompany the return. Failure to remit any amount of increased
payment shall reduce the contribution accordingly. This Section shall not apply to an amended return.

This Section is repealed on July 1, 2002.
(Source: P.A. 88-459.)
(35 ILCS 5/507M)
Sec. 507M. Meals on Wheels Fund checkoff. If and only if a tax checkoff under this Act
administered by the Department on Aging does not receive $100,000 by October 1, 1993, then
beginning with taxable years ending on December 31, 1993, the Department shall print on its standard
individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Meals
on Wheels Checkoff Fund as authorized by this amendatory Act of 1993, he or she may do so by
stating the amount of the contribution (not less than $1) on the return and that the contribution will
reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to
remit any amount of increased payment shall reduce the contribution accordingly. This Section shall
not apply to an amended return.

This Section is repealed on July 1, 2002.
(Source: P.A. 88-459.)
(35 ILCS 5/507N)
Sec. 507N. Korean War Memorial Fund checkoff. The Department shall print on its standard
individual income tax form a provision indicating that if the taxpayer wishes to contribute to the
Korean War Memorial Fund, as authorized by this amendatory Act of 1994, he or she may do so by
stating the amount of the contribution (not less than $1) on the return and that the contribution will
reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to
remit any amount of increased payment shall reduce the contribution accordingly. This Section shall
not apply to any amended return.

This Section is repealed on July 1, 2002.
(Source: P.A. 88-666, eff. 9-16-94.)
(35 ILCS 5/507O)
Sec. 507O. Heart Disease Treatment and Prevention Fund checkoff. The Department shall
print on its standard individual income tax form a provision indicating that if the taxpayer wishes to
contribute to the Heart Disease Treatment and Prevention Fund, as authorized by this amendatory Act
of 1994, he or she may do so by stating the amount of the contribution (not less than $1) on the return
and that the contribution will reduce the taxpayer's refund or increase the amount of payment to
accompany the return. Failure to remit any amount of increased payment shall reduce the contribution
accordingly. This Section shall not apply to any amended return.

This Section is repealed on July 1, 2002.
(Source: P.A. 88-666, eff. 9-16-94.)
(35 ILCS 5/507P)
Sec. 507P. Hemophilia Treatment Fund checkoff. The Department shall print on its standard
individual income tax form a provision indicating that if the taxpayer wishes to contribute to the
Hemophilia Treatment Fund, as authorized by this amendatory Act of 1994, he or she may do so by
stating the amount of the contribution (not less than $1) on the return and that the contribution will
reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to
remit any amount of increased payment shall reduce the contribution accordingly. This Section shall

New matter indicated by italics - deletions by strikeout.
Public Act 92-0080

Public Act 92-0080 not apply to any amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 88-666, eff. 9-16-94.)

(35 ILCS 5/507R)

Sec. 507R. Mental Health Research Fund checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Mental Health Research Fund, as authorized by this amendatory Act of 1997, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 90-171, eff. 7-23-97.)

(35 ILCS 5/507S)

Sec. 507S. Children's Cancer Fund checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Children's Cancer Fund, as authorized by this amendatory Act of 1997, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 90-171, eff. 7-23-97.)

(35 ILCS 5/507T)

Sec. 507T. The American Diabetes Association checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the American Diabetes Association Fund, as authorized by this amendatory Act of 1997, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

This Section is repealed on July 1, 2002.

(Source: P.A. 90-171, eff. 7-23-97.)

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Community Health Center Care Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Heritage Preservation Fund as required by the Heritage Preservation Act, to the Child Care Expansion Program Fund as required by the Child Care Expansion Program Act, to the Ryan White AIDS Victims Assistance Fund, to the Assistive Technology for Persons with Disabilities Fund, to the Domestic Violence Shelter and Service Fund, to the United States Olympians Assistance Fund, to the Youth Drug Abuse Prevention Fund, to the Persian Gulf Conflict Veterans Fund, to the Literacy Advancement Fund, to the Ryan White Pediatric and Adult AIDS Fund, to the Illinois Special Olympics Checkoff Fund, to the Penny Severns Breast and Cervical Cancer Research Fund, to the Korean War Memorial Fund, to the Heart Disease Treatment and Prevention Fund, to the Hemophilia Treatment Fund, to the Mental Health Research Fund, to the Children's Cancer Fund, to the American Diabetes Association Fund, to the National World War II Memorial Fund, and to the Meals on Wheels Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to

New matter indicated by italics - deletions by strikeout.
the fund shall be removed from the individual income tax return forms for the following and all
subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.
(Source: P.A. 90-171, eff. 7-23-97; 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99;
91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)
(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total
amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife
Preservation Fund, the Community Health Center Care Fund, the Assistance to the Homeless Fund,
the Alzheimer's Disease Research Fund, the Heritage Preservation Fund, the Child Care Expansion
Program Fund, the Ryan White AIDS Victims Assistance Fund, the Assistive Technology for Persons
with Disabilities Fund, the Domestic Violence Shelter and Service Fund, the United States Olympians
Assistance Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf Conflict Veterans Fund;
the Literacy Advancememt Fund, the Ryan White Pediatric and Adult AIDS Fund, the Illinois Special
Olympics Checkoff Fund; the Penny Severns Breast and Cervical Cancer Research Fund, the Korean
War Memorial Fund, the Heart Disease Treatment and Prevention Fund, the Hemophilia Treatment
Fund, the Mental Health Research Fund, the Children's Cancer Fund, the American Diabetes
Association Fund, the National World War II Memorial Fund, and the Prostate Cancer Research Fund;
and the Meals on Wheels Fund; and shall notify the State Comptroller and the State Treasurer of the
amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such
notification the State Treasurer and Comptroller shall transfer the amounts.
(Source: P.A. 90-171, eff. 7-23-97; 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01;
91-836, eff. 1-1-01.)

Section 50. The Peace Officer Firearm Training Act is amended by changing Section 3 as
follows:
(50 ILCS 710/3) (from Ch. 85, par. 517)
Sec. 3. The Board is charged with enforcing this Act and making inspections to insure
compliance with its provisions, and is empowered to promulgate rules necessary for its administration
and enforcement. All units of government or other agencies which employ or utilize peace officers
shall cooperate with the Board by furnishing relevant information which the Board may require. The
Executive Director of the Board shall report annually, no later than February 1, to the Board, with
copies to the Governor and the General Assembly, The Board shall, in its annual report required by
"The Civil Administrative Code of Illinois", indicate the results of these inspections and provide other
related information and recommendations as it deems proper.
(Source: P.A. 79-652.)

Section 55. The Tanning Facility Permit Act is amended by changing Section 83 as follows:
(210 ILCS 145/83) (from Ch. 111 1/2, par. 8351-83)
Sec. 83. Tanning Facility Permit Fund. There is hereby created in the State Treasury a special
fund to be known as the Tanning Facility Permit Fund. All fees and fines collected by the Department
under this Act and any agreement for the implementation of this Act and rules under Section 40(b)
and any federal funds collected pursuant to the administration of this Act shall be deposited into the
Fund. The amount deposited collected as fees shall be appropriated by the General Assembly to the
Department for the purpose of conducting activities relating to tanning facilities.
(Source: P.A. 87-636; 87-1056.)

Section 60. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by
changing Sections 15 and 16 as follows:
(225 ILCS 115/15) (from Ch. 111, par. 7015)
Sec. 15. Expiration and renewal of license. The expiration date and renewal period for each
license or certificate shall be set by rule. A veterinarian or veterinary technician whose license or
certificate has expired may reinstate his or her license or certificate at any time within 5 years after
the expiration thereof, by making a renewal application and by paying the required fee and submitting
proof of the required continuing education. However, any veterinarian or veterinary technician whose
license or certificate expired while he or she was (1) on active duty with the Armed Forces of the
United States or called into service or training by the State militia or (2) in training or education under
the supervision of the United States preliminary to induction into the military service, may have his
license or certificate renewed, reinstated, or restored without paying any lapsed renewal fees if within

New matter indicated by italics - deletions by strikeout.
2 years after termination of the service, training, or education the veterinarian furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any veterinarian or veterinary technician whose license or certificate has expired for more than 5 years may have it restored by making application to the Department and filing acceptable proof of fitness to have the license or certificate restored. The proof may include sworn evidence certifying active practice in another jurisdiction. The veterinarian or veterinary technician shall also pay the required restoration fee and submit proof of the required continuing education. If the veterinarian has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether the individual is fit to resume active status and may require the veterinarian to complete a period of evaluated clinical experience and may require successful completion of a clinical examination.

(Source: P.A. 88-424.)

Sec. 16. Continuing education. Proof of having met the minimum requirements of continuing education as determined by the Board shall be required of all license and certificate renewals and restorations. Pursuant to rule, the continuing education requirements may upon petition be waived in whole or in part if the veterinarian or veterinary technician can demonstrate that he or she had served in the Coast Guard or Armed Forces, had an extreme hardship or obtained such license or certification by examination or endorsement within the preceding renewal period.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

(Source: P.A. 87-546; 88-424.)

Section 65. The Illinois Public Aid Code is amended by changing Sections 5-2.1, 10-20, 10-21, and 12-4.20a as follows:

(a) To the extent required under federal law, a person shall not make or have made a voluntary or involuntary assignment or transfer of any legal or equitable interests in real property or in personal property, whether vested, contingent or inchoate, for less than fair market value. A person's interest in real or personal property includes all income and assets to which the person is entitled or to which the person would be entitled if the person had not taken action to avoid receiving the interest.

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank). The Auditor General shall conduct a program audit of the Illinois Department's enforcement of this Section. The Auditor General's report of the audit shall be filed with the Legislative Audit Commission, the Governor, and the General Assembly. The need for any subsequent reaudit shall be determined by the Legislative Audit Commission. Each audit report shall include the Auditor General's findings and recommendations concerning the need for changes in the law concerning property transfers.

(Source: P.A. 88-554, eff. 7-26-94; 89-21, eff. 7-1-95.)

Sec. 10-20. The Illinois Department may provide by rule for the establishment of a child support enforcement amnesty program for responsible relatives who owe support under this Article, to the extent permitted by federal law and regulation. The rule shall provide for the suspending of specified enforcement actions, the duration of the suspension period or periods, the action the responsible relative must take to avoid future enforcement action, and the announcement of the program.

This Section is repealed on July 1, 2002.

(Source: P.A. 85-114; 85-115.)

Sec. 10-21. The Illinois Department may provide by rule for the imposition of a one-time
charge of 20% of the amount of past-due child support owed on July 1, 1988, by responsible relatives of persons receiving support services under this Article X, which has accrued under a support order entered by a court or administrative body of this or any other State, on behalf of resident or non-resident persons. The rule shall provide for notice to, and an opportunity to be heard by, the responsible relative affected and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law. No action to impose the charge shall be commenced after June 30, 1993. Action under this Section shall be subject to the limitations of Section 10-20 of this Code.  

This Section is repealed on July 1, 2002.
(Source: P.A. 85-114.)

(305 ILCS 5/12-4.20a) (from Ch. 23, par. 12-4.20a)
Sec. 12-4.20a. Appointment of Executive Task Force on Nursing Homes. Appoint the Executive Task Force on Nursing Homes, to be composed of members of the General Assembly and representatives of State agencies, local governmental units, nursing home facilities, nursing home residents and the general public as deemed appropriate by the Director. The Task Force shall conduct a study of the delivery of nursing home care in this State and make to the Director such recommendations as it deems necessary concerning rates charged for nursing home care, reimbursements to nursing homes from State funds (including, specifically, capitation rates for payments to nursing homes under this Code), peer review of delivery of services, and quality of care assurance. No later than January 1, 1988, the Director shall report the recommendations of the Task Force to the General Assembly, together with any other information or recommendations (including recommendations for legislation) deemed appropriate by the Director.

This Section is repealed on July 1, 2002.
(Source: P.A. 85-539.)

Section 70. The Elder Abuse Demonstration Project Act is amended by adding Section 10.1 as follows:

(320 ILCS 15/10.1 new)
Sec. 10.1. Repeal. This Act is repealed on July 1, 2002.

This Section is repealed on July 1, 2002.
(Source: P.A. 86-243.)

Section 80. The AIDS Registry Act is amended by changing Sections 3 and 4 as follows:

(410 ILCS 310/3) (from Ch. 111 1/2, par. 7353)
Sec. 3. For the purposes of this Act, unless the context requires otherwise:
(a) "AIDS" means acquired immunodeficiency syndrome, as defined by the Centers for Disease Control or the National Institutes of Health.
(b) (Blank). "ARC" means AIDS-related complex, as defined by the Centers for Disease Control or the National Institutes of Health.
(c) "Department" means the Illinois Department of Public Health.
(d) "Director" means the Director of Public Health.

(410 ILCS 310/4) (from Ch. 111 1/2, par. 7354)
Sec. 4. (a) The Department shall establish and maintain an AIDS Registry consisting of a record of cases of AIDS and ARC which occur in Illinois, and such information concerning those cases as it deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of AIDS and ARC in Illinois, and to evaluate existing control and prevention measures. Cases
included in the Registry shall be identified by a code rather than by name. To the extent feasible, the Registry shall be compatible with other national models so as to facilitate the coordination of information with other data bases.

(b) To facilitate the collection of information relating to cases of AIDS and ARC, the Department shall have the authority to require hospitals, laboratories and other facilities which diagnose such conditions to report cases of AIDS and ARC to the Department, and to require the submission of such other information pertaining to or in connection with such reported cases as the Department deems necessary or appropriate for the purposes of this Act. The Department may promulgate rules or regulations specifying the types of information required, requirements for follow up of patients, frequency of reporting, methods of submitting such information and any other details deemed by the Department to be necessary or appropriate for the administration of this Act. Nothing in this Act shall be construed to compel any individual to submit to a medical examination or supervision.

c) The Director shall by rule establish standards for ensuring the protection of information made confidential or privileged under law.

(Source: P.A. 85-929.)

Section 999. Effective date. This Act takes effect on July 1, 2002.
Approved July 12, 2001.
Effective July 1, 2002.

PUBLIC ACT 92-0085
(Senate Bill No. 1172)

AN ACT concerning the duties of the Governor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 5 as follows:
(5 ILCS 80/5) (from Ch. 127, par. 1905)
Sec. 5. Study and report. The Bureau of the Budget shall study the performance of each regulatory agency and program scheduled for termination under this Act and report annually to the Governor the results of such study, including in the report recommendations with respect to those agencies and programs the Bureau of the Budget determines should be terminated or continued by the State. The Governor shall review the report of the Bureau of the Budget and in each even-numbered year make recommendations to the General Assembly on the termination or continuation of regulatory agencies and programs. The Governor's recommendations shall be made a part of the State budget submitted to the General Assembly in even-numbered years.
(Source: P.A. 90-580, eff. 5-21-98.)
(15 ILCS 45/Act rep.)
Section 10. The Small Business Tax Policy Act is repealed.
Section 15. The Counties Code is amended by changing Section 5-15011 as follows:
(55 ILCS 5/5-15011) (from Ch. 34, par. 5-15011)
Sec. 5-15011. Construction and maintenance of sewers. Every such county is authorized to construct, maintain, alter and extend its sewers, pipelines, channels, ditches and drains along, upon, under and across any highway, street, alley or public ground in the State as a proper use of highways, but so as not to incommode the public use thereof, and the right and authority are granted to any such county to construct, maintain and operate any conduits, mainpipe or pipes, wholly or partially submerged, buried, or otherwise, in, upon and along any of the lands owned by the State and under any of the public waters therein; provided, that the extent and location of the lands and waters so to be used and appropriated shall be approved in writing by the appropriate State agency Governor, upon application duly made to him asking for such approval. And provided further, that the rights, permission and authority hereby granted shall be subject to all public rights of commerce and navigation, and to the authority of the United States in behalf of such public rights and also to the right of the State to regulate and control fishing in the public waters.
(Source: P.A. 86-962.)

Section 20. The School Code is amended by changing Sections 27-18 and 27-20.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 27-18. Arbor and bird day. The last Friday in April is designated as "Arbor and Bird Day," to be observed throughout the State as a day for planting trees, shrubs and vines about public grounds, and as a day on which to hold appropriate exercises in the public schools and elsewhere tending to show the value of trees and birds and the necessity for their protection.

(Source: Laws 1961, p. 31.)

Sec. 27-20.1. Illinois Law Week. The first full school week in May is designated "Illinois Law Week" to be observed throughout the State to foster the importance of law and the respect thereof in Illinois. During that week, the public schools may devote appropriate time, instruction, study, and exercises in the procedures of the legislature and the enactment of laws, the courts and the administration of justice, the police and the enforcement of law, citizen responsibilities, and other principles and ideals to promote the importance of government under law in the State.

(Source: P.A. 76-1183.)

Section 25. The Coal Mining Act is amended by repealing Section 4.04.

Section 30. The Illinois Diseased Animals Act is amended by changing Section 11 as follows:

Sec. 11. All claims against the State arising from the slaughter of animals as herein provided for, shall be made to the Department under such rules, not inconsistent with this Act, as the Department may prescribe.

The Department shall, after inspection, hearing and inquiry by appraisers, in each case determine the amount which shall be paid on account of the animals so slaughtered, which amount shall be the fair market value in health thereof and not less than the net market value for meat consumption, provided that where the appraisals exceed the net market value for meat consumption in health thereof the payments shall not be in excess of the following amounts:

(a) bovine species, for beef, dairy and breeding purposes $300 for any registered animal and $150 for any unregistered animal, but not to exceed an average value of $250 per head for all such registered animals in any herd and not to exceed an average value of $125 per head for such nonregistered animals in any herd;

(b) equine species, $500 for any one animal;

(c) swine, $50 per head for grade swine and $100 for any registered purebred animal or any breeding animal upon which a certificate of registration has been issued by an approved inbred livestock registry association;

(d) sheep, not to exceed $25 for any unregistered sheep, and not to exceed $75 for any registered sheep.

No value other than the market utility value of any such animal shall be allowed or fixed, however, unless a certificate of registration issued by the registry association, of the breed of such animal, recognized by the United States Government, is furnished to the appraisers. The appraisers shall report under oath the value of the animals, together with a statement of the evidence or facts upon which the appraisement is based, and the Department shall certify the appraisement and statement to the Governor for his approval. If the Governor finds that the appraisers have proceeded in accordance with law, he shall approve their appraisement for payment, and the Comptroller shall, upon presentation of the appraisement to him, draw his warrant upon the State Treasurer for the amount fixed by such appraisers in favor of the owner of the animals; provided, that where Federal authority authorizes the payment of part of the value of such animals the State shall only pay the balance of such appraisement fixed as aforesaid.

(Source: P.A. 78-592.)

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


Approved July 12, 2001.

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 26-4 as follows:
(720 ILCS 5/26-4) (from Ch. 38, par. 26-4)
Sec. 26-4. Unauthorized videotaping.
(a) It is unlawful for any person to knowingly videotape, photograph, or film another person
without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room,
or hotel bedroom.
(a-5) It is unlawful for any person to knowingly and secretly videotape, photograph, or film
another person in the other person's residence without that person's consent.
(a-10) It is unlawful for any person, using a concealed camcorder or photographic camera
of any type, to knowingly and secretly videotape, photograph, or record by electronic means, another
person under or through the clothing worn by that other person for the purpose of viewing the body
of or the undergarments worn by that other person without that person's consent.
(b) Exemptions. The following activities shall be exempt from the provisions of this Section:
(1) Videotaping, photographing, and filming by law enforcement officers pursuant to a
criminal investigation, which is otherwise lawful;
(2) Videotaping, photographing, and filming by correctional officials for security reasons
or for investigation of alleged misconduct involving a person committed to the Department
of Corrections.
(c) The provisions of this Section do not apply to any sound recording of an oral conversation
made as the result of the videotaping or filming, and to which Article 14 of this Code applies.
(d) Sentence.
(1) A violation of subsection (a), or (a-5), or (a-10) is a Class A misdemeanor.
(2) A person who, by any means, knowingly disseminates or permits the dissemination
to another person of a videotape, photograph, or film in violation of subsection (a), or (a-5),
or (a-10) is guilty of a Class 4 felony.
(Source: P.A. 91-910, eff. 1-1-01.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved July 12, 2001.

AN ACT to provide notification regarding employer responsibilities under the federal Worker
Adjustment and Retraining Notification Act.
WHEREAS, workers facing plant closings or mass layoffs can benefit from retraining and
readjustment services provided before their termination; and
WHEREAS, the Department of Employment Security coordinates and provides retraining and
readjustment services, including outreach to possible new employers, placement services, and
pre-layoff workshops to inform workers about services available to ease the transition to new
employment, to employees facing termination; and
WHEREAS, the federal Worker Adjustment and Retraining Notification Act (WARN)
requires certain employers to provide notice of impending plant closings or mass layoffs to the entity
designated by the State of Illinois to provide rapid response activities under the federal Workforce
Investment Act; and
WHEREAS, the State of Illinois has designated the Department of Employment Security, Job
Training Division as the entity that provides rapid response activities under the federal Workforce
Investment Act; and

New matter indicated by italics - deletions by strikeout.
WHEREAS, employers at times fail to provide notice to the Department of Employment Security, Job Training Division as required by the WARN Act; therefore

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

Section 5. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-60 as follows:

(20 ILCS 1005/1005-60 new)

Sec. 1005-60. Advisory notice. Before September 30 of each year, the Department must issue a written advisory notice to each employer that reported to the Department that the employer paid wages to 100 or more individuals with respect to any quarter in the immediately preceding calendar year. The notice must indicate that the employer may be subject to the federal Worker Adjustment and Retraining Notification Act and must generally advise the employer about the requirements of the Act and the remedies provided for violations of that Act.

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


PUBLIC ACT 92-0088
(Senate Bill No. 0149)

AN ACT in relation to medical care.

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

Section 1. Short title. This Act may be cited as the Community Health Center Expansion Act.

Section 5. Definitions. In this Act:

"Community health center site" means a new physical site where a community health center will provide primary health care services either to a medically underserved population or area or to the uninsured population of this State.

"Community provider" means a Federally Qualified Health Center (FQHC) or FQHC Look-Alike (Community Health Center or health center), designated as such by the Secretary of the United States Department of Health and Human Services, that operates at least one federally designated primary health care delivery site in the State of Illinois.

"Department" means the Illinois Department of Public Health.

"Medically underserved area" means an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services.

"Medically underserved population" means (i) the population of an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services or (ii) a population group designated by the Secretary as having a shortage of those services.

"Primary health care services" means the following:

(1) Basic health services consisting of the following:

(A) Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and, if appropriate, physician assistants, nurse practitioners, and nurse midwives.

(B) Diagnostic laboratory and radiologic services.

(C) Preventive health services, including the following:

(i) Prenatal and perinatal services.

(ii) Screenings for breast and cervical cancer.

(iii) Well-child services.

(iv) Immunizations against vaccine-preventable diseases.

(v) Screenings for elevated blood lead levels, communicable diseases, and cholesterol.

(vi) Pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care.

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(vii) Voluntary family planning services.
(viii) Preventive dental services.
(D) Emergency medical services.
(E) Pharmaceutical services as appropriate for particular health centers.

(2) Referrals to providers of medical services and other health-related services (including substance abuse and mental health services).

(3) Patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services.

(4) Services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of those individuals).

(5) Education of patients and the general population served by the health center regarding the availability and proper use of health services.

(6) Additional health services consisting of services that are appropriate to meet the health needs of the population served by the health center involved and that may include the following:

(A) Environmental health services, including the following:
   (i) Detection and alleviation of unhealthful conditions associated with water supply.
   (ii) Sewage treatment.
   (iii) Solid waste disposal.
   (iv) Detection and alleviation of rodent and parasite infestation.
   (v) Field sanitation.
   (vi) Housing.
   (vii) Other environmental factors related to health.

(B) Special occupation-related health services for migratory and seasonal agricultural workers, including the following:
   (i) Screening for and control of infectious diseases, including parasitic diseases.
   (ii) Injury prevention programs, which may include prevention of exposure to unsafe levels of agricultural chemicals, including pesticides.

"Uninsured population" means persons who do not own private health care insurance, are not part of a group insurance plan, and are not eligible for any State or federal government-sponsored health care program.

Section 10. Grants.
(a) The Department shall establish a community health center expansion grant program and may make grants to eligible community providers subject to appropriations for that purpose. The grants shall be for the purpose of (i) establishing new community health center sites to provide primary health care services to medically underserved populations or areas as defined in Section 5 or (ii) providing primary health care services to the uninsured population of Illinois.

(b) Grants under this Section shall be for periods of 3 years. The Department may make new grants whenever the total amount appropriated for grants is sufficient to fund both the new grants and the grants already in effect.

(c) A recipient of a grant to establish a new community health center site must add each such site to the recipient's established service area for the purpose of extending federal FQHC or FQHC Look-Alike status to the new site in accordance with federal regulations. The grant recipient must complete this process by the end of the second year of the grant.

Section 15. Eligibility for grant. To be eligible for a grant under this Act, a recipient must be a community provider as defined in Section 5 of this Act.

Section 20. Use of grant moneys. A recipient of a grant under this Act may use the grant moneys to do any one or more of the following:

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(1) Purchase equipment.
(2) Acquire a new physical location for the purpose of delivering primary health care services.
(3) Hire and train staff.
(4) Develop new practice networks.
(5) Purchase services or products that will facilitate the provision of health care services at a new community health center site.

Section 25. Reporting. Within 60 days after the first and second years of a grant under this Act, the grant recipient must submit a progress report to the Department. The Department may assist each grant recipient in meeting the goals and objectives stated in the original grant proposal submitted by the recipient, that grant moneys are being used for appropriate purposes, and that residents of the community are being served by the new community health center sites established with grant moneys.

Section 30. Rules; public comment.
(a) The Department shall adopt rules and regulations it deems necessary for the efficient administration of this Act.
(b) The rules shall provide for a 30-day general public comment period. Notification of a 30-day general public comment period shall be given to the community into which a grant applicant proposes to expand by publication in at least one newspaper of general circulation in that community. At the conclusion of the 30-day comment period, the Department shall no longer accept written comments. The Department shall review written comments, submitted within the comment period, before awarding a grant.
(c) The Department shall consider the contents of written comments only as part of the overall grant review process.

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

PUBLIC ACT 92-0089
(Senate Bill No. 0168)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The University of Illinois Act is amended by adding Section 21 as follows:
(110 ILCS 305/21 new)
Sec. 21. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 10. The Southern Illinois University Management Act is amended by adding Section 11 as follows:
(110 ILCS 520/11 new)
Sec. 11. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 15. The Chicago State University Law is amended by adding Section 5-115 as follows:
(110 ILCS 660/5-115 new)
Sec. 5-115. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

New matter indicated by italics - deletions by strikeout.
meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-115 as follows:

(110 ILCS 665/10-115 new)
Sec. 10-115. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 25. The Governors State University Law is amended by adding Section 15-115 as follows:

(110 ILCS 670/15-115 new)
Sec. 15-115. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 30. The Illinois State University Law is amended by adding Section 20-120 as follows:

(110 ILCS 675/20-120 new)
Sec. 20-120. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-115 as follows:

(110 ILCS 680/25-115 new)
Sec. 25-115. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 40. The Northern Illinois University Law is amended by adding Section 30-125 as follows:

(110 ILCS 685/30-125 new)
Sec. 30-125. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Section 45. The Western Illinois University Law is amended by adding Section 35-120 as follows:

(110 ILCS 690/35-120 new)
Sec. 35-120. Meningitis vaccine; information. At the beginning of each academic year, the University shall inform each of its incoming freshmen and transfer students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may be construed to require the University to pay for the cost of vaccination.

Effective January 1, 2002.
AN ACT concerning orders of protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 203 and 222 as follows:

(750 ILCS 60/203) (from Ch. 40, par. 2312-3)
Sec. 203. Pleading; non-disclosure of address; non-disclosure of schools.
(a) A petition for an order of protection shall be in writing and verified or accompanied by affidavit and shall allege that petitioner has been abused by respondent, who is a family or household member. The petition shall further set forth whether there is any other pending action between the parties. During the pendency of this proceeding, each party has a continuing duty to inform the court of any subsequent proceeding for an order of protection in this or any other state.
(b) If the petition states that disclosure of petitioner's address would risk abuse of petitioner or any member of petitioner's family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera. If petitioner has not disclosed an address under this subsection, petitioner shall designate an alternative address at which respondent may serve notice of any motions.
(c) If the petition states that disclosure of petitioner's address would risk abuse of petitioner or to the child protected under the order, this information may be omitted from all documents filed with the court.

(Source: P.A. 87-1186.)

(750 ILCS 60/222) (from Ch. 40, par. 2312-22)
Sec. 222. Notice of orders.
(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 217, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.
(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 217, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.
(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for service of process in civil proceedings. If process has not yet been served upon the respondent, it shall be served with the order. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 210.
(c-5) If the person against whom the order of protection is issued is arrested and the written order is issued in accordance with subsection (c) of Section 217 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for order of protection or receipt of the order issued under Section 217 of this Act.
(d) Extensions, modifications and revocations. Any order extending, modifying or revoking...
any order of protection shall be promptly recorded, issued and served as provided in this Section.

(e) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk of the issuing judge shall send written notice of the order of protection along with a certified copy of the order to the day-care facility, pre-school or pre-kindergarten, or private school or schools or the principal office of the public school district or any college or university, or districts in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.

(f) Disclosure by schools. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, neither a day-care facility, pre-school, pre-kindergarten, public or private school, college, or university nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the order of protection in the records of a child who is a protected person under the order of protection. When a child who is a protected person under the order of protection transfers to another day-care facility, pre-school, pre-kindergarten, public or private school, college, or university, the institution from which the child is transferring may, at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.

(Source: P.A. 89-106, eff. 7-7-95; 90-392, eff. 1-1-98.)

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

PUBLIC ACT 92-0091
(Senate Bill No. 0464)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 115-10.3 as follows:
(725 ILCS 5/115-10.3)
Sec. 115-10.3. Hearsay exception regarding elder adults.
(a) In a prosecution for a physical act, abuse, neglect, or financial exploitation perpetrated upon or against an eligible adult, as defined in the Elder Abuse and Neglect Act, who at the time the act was committed or prior to the time of the trial has been diagnosed by a physician to suffer from (i) any form of dementia, developmental disability, or other form of mental incapacity or (ii) any physical infirmity which prevents the eligible adult's appearance in court, including but not limited to prosecutions for violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-12, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, and 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2 of the Criminal Code of 1961, the following evidence shall be admitted as an exception to the hearsay rule:

(1) testimony by an eligible adult, of an out of court statement made by the eligible adult, that he or she complained of such act to another; and

(2) testimony of an out of court statement made by the eligible adult, describing any complaint of such act or matter or detail pertaining to any act which is an element of an offense which is the subject of a prosecution for a physical act, abuse, neglect, or financial

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exploitation perpetrated upon or against the eligible adult.

(b) Such testimony shall only be admitted if:

(1) The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and

(2) The eligible adult either:

(A) testifies at the proceeding; or

(B) is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement.

(c) If a statement is admitted pursuant to this Section, the court shall instruct the jury that it is for the jury to determine the weight and credibility to be given the statement and that, in making the determination, it shall consider the condition of the eligible adult, the nature of the statement, the circumstances under which the statement was made, and any other relevant factor.

(d) The proponent of the statement shall give the adverse party reasonable notice of his or her intention to offer the statement and the particulars of the statement.

(End Source: P.A. 90-628, eff. 1-1-99.)

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

PUBLIC ACT 92-0092
(Senate Bill No. 0494)

AN ACT in relation to civil immunities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Good Samaritan Act is amended by changing Section 20 as follows:

Sec. 20. Free dental clinic; exemption from civil liability for services performed without compensation. Any person licensed under the Illinois Dental Practice Act to practice dentistry or to practice as a dental hygienist who, in good faith, provides dental treatment, dental services, diagnoses, or advice as part of the services of an established free dental clinic providing care to medically indigent patients which is limited to care which does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not, as a result of any acts or omissions, except for willful or wanton misconduct on the part of the licensee, in providing dental treatment, dental services, diagnoses or advice, be liable for civil damages. For purposes of this Section, a "free dental clinic" is an organized community or public health based program providing, without charge, dental care to individuals unable to pay for their care. A free dental clinic may receive reimbursement from the Illinois Department of Public Aid or may receive partial reimbursement from a patient based upon ability to pay, provided any such reimbursements shall be used only to pay overhead expenses of operating the free dental clinic and may not be used, in whole or in part, to provide a fee or other compensation to any person licensed under the Illinois Dental Practice Act who is receiving an exemption under this Section. Dental care shall not include the use of general anesthesia or require an overnight stay in a health care facility.

The provisions of this Section shall not apply in any case unless the free dental clinic has posted in a conspicuous place on its premises an explanation of the immunity from civil liability provided in this Section.
(End Source: P.A. 89-607, eff. 1-1-97.)

Effective January 1, 2002.

PUBLIC ACT 92-0093
(Senate Bill No. 0523)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the regulation of fireworks.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Fireworks Regulation Act of Illinois is amended by adding Section 3.5 as follows:
(425 ILCS 30/3.5 new)
Sec. 3.5. Sale and use prohibited on public property. A municipality may, by ordinance, prohibit the sale and use of sparklers on public property.
Section 10. The Fireworks Use Act is amended by adding Section 3.4 as follows:
(425 ILCS 35/3.4 new)
Sec. 3.4. Sale and use prohibited on public property. A municipality may, by ordinance, prohibit the sale and use of sparklers on public property.
Effective January 1, 2002.

PUBLIC ACT 92-0094
(Senate Bill No. 0668)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 18-3 as follows:
(105 ILCS 5/18-3) (from Ch. 122, par. 18-3)
Sec. 18-3. Tuition of children from orphanages and children's homes.
When the children from any home for orphans, dependent, abandoned or maladjusted children maintained by any organization or association admitting to such home children from the State in general or when children residing in a school district wherein the State of Illinois maintains and operates any welfare or penal institution on property owned by the State of Illinois, which contains houses, housing units or housing accommodations within a school district, attend grades kindergarten through 12 of the public schools maintained by that school district, the State Superintendent of Education shall direct the State Comptroller to pay a specified amount sufficient to pay the annual tuition cost of such children who attended such public schools during the regular school year ending on June 30 or the summer term for that school year, and the Comptroller shall pay the amount after receipt of a voucher submitted by the State Superintendent of Education.
The amount of the tuition for such children attending the public schools of the district shall be determined by the State Superintendent of Education by multiplying the number of such children in average daily attendance in such schools by 1.2 times the total annual per capita cost of administering the schools of the district. Such total annual per capita cost shall be determined by totaling all expenses of the school district in the educational, operations and maintenance, bond and interest, transportation, Illinois municipal retirement, and rent funds for the school year preceding the filing of such tuition claims less expenditures not applicable to the regular K-12 program, less offsetting revenues from State sources except those from the common school fund, less offsetting revenues from federal sources except those from federal impaction aid, less student and community service revenues, plus a depreciation allowance; and dividing such total by the average daily attendance for the year.
Annually on or before June 30 the superintendent of the district upon forms prepared by the State Superintendent of Education shall certify to the regional superintendent the following:
1. The name of the home and of the organization or association maintaining it; or the legal description of the real estate upon which the house, housing units, or housing accommodations are located and that no taxes or service charges or other payments authorized by law to be made in lieu of taxes were collected therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;
2. The number of children from the home or living in such houses, housing units or housing accommodations and attending the schools of the district;
3. The total number of children attending the schools of the district;
4. The per capita tuition charge of the district; and

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5. The computed amount of the tuition payment claimed as due.

Whenever the persons in charge of such home for orphans, dependent, abandoned or maladjusted children have received from the parent or guardian of any such child or by virtue of an order of court a specific allowance for educating such child, such persons shall pay to the school board in the district where the child attends school such amount of the allowance as is necessary to pay the tuition required by such district for the education of the child. If the allowance is insufficient to pay the tuition in full the State Superintendent of Education shall direct the Comptroller to pay to the district the difference between the total tuition charged and the amount of the allowance.

Whenever the facilities of a school district in which such house, housing units or housing accommodations are located, are limited, pupils may be assigned by that district to the schools of any adjacent district to the limit of the facilities of the adjacent district to properly educate such pupils as shall be determined by the school board of the adjacent district, and the State Superintendent of Education shall direct the Comptroller to pay a specified amount sufficient to pay the annual tuition of the children so assigned to and attending public schools in the adjacent districts and the Comptroller shall draw his warrant upon the State Treasurer for the payment of such amount for the benefit of the adjacent school districts in the same manner as for districts in which the houses, housing units or housing accommodations are located.

The school district shall certify to the State Superintendent of Education the report of claims due for such tuition payments on or before July 31. Failure on the part of the school board to certify its claim on July 31 shall constitute a forfeiture by the district of its right to the payment of any such tuition claim for the school year just ended. The State Superintendent of Education shall direct the Comptroller to pay to the district, on or before August 15, the amount due the district for the school year in accordance with the calculation of the claim as set forth in this Section.

Claims for tuition for children from any home for orphans or dependent, abandoned, or maladjusted children beginning with the 1993-1994 school year shall be paid on a current year basis. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for districts with those students based on an estimated cost calculated from the prior year's claim. Final claims for those students for the regular school term and summer term must be received at the State Board of Education by July 31 following the end of the regular school year. Final claims for those students shall be vouchered by August 15. During fiscal year 1994 both the 1992-1993 school year and the 1993-1994 school year shall be paid in order to change the cycle of payment from a reimbursement basis to a current year funding basis of payment. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year. Payments required to eliminate any insufficiency for prior fiscal year claims shall be made before any claims are paid for the current fiscal year.

If a school district makes a claim for reimbursement under Section 18-4 or 14-7.03 it shall not include in any claim filed under this Section children residing on the property of State institutions included in its claim under Section 18-4 or 14-7.03.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

In order to provide services appropriate to allow a student under the legal guardianship or custodianship of the State to participate in local school district educational programs, costs may be incurred in appropriate cases by the district that are in excess of 1.2 times the district per capita tuition charge allowed under the provisions of this Section. In the event such excess costs are incurred, they must be documented in accordance with cost rules established under the authority of this Section and may then be claimed for reimbursement under this Section.

Planned services for students eligible for this funding must be a collaborative effort between the appropriate State agency or the student's group home or institution and the local school district.

(Source: P.A. 90-463, eff. 8-17-97; 90-644, eff. 7-24-98; 91-764, eff. 6-9-00.)


New matter indicated by italics - deletions by strikeout.
AN ACT concerning disaster volunteers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Local Government Disaster Service Volunteer Act.
Section 5. Application and Adoption by Ordinance. This Act applies to all counties, municipalities, townships, and home rule units that, by ordinance, adopt the provisions of this Act.
Section 10. Definitions. As used in this Act:
"Local agency" includes all departments, officers, commissions, boards, institutions, and bodies politic and corporate of local governments as defined in the Counties Code, Township Code, and Illinois Municipal Code.
"Disaster" includes disasters designated at Level III and above in the American National Red Cross Regulations and Procedures.
Section 15. Local Government Disaster Service Volunteer Leave. An employee of a local agency who is a certified disaster service volunteer of the American Red Cross may be granted leave from his or her work with pay for not more than 20 working days in any 12-month period to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross for the services of that employee and upon the approval of that employee's agency, without loss of seniority, pay, vacation time, compensatory time, personal days, sick time, or earned overtime accumulation. The agency must compensate an employee granted leave under this Section at his or her regular rate of pay for those regular work hours during which the employee is absent from work. Leave under this Act may be granted only for services related to a disaster occurring within the State of Illinois.
Section 99. Effective date. This Act takes effect upon becoming law.
Effective January 1, 2002.

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 22-12 as follows:
(105 ILCS 5/22-12) (from Ch. 122, par. 22-12)
Sec. 22-12. Preventing or interfering with a child's attendance at school. Whoever by threat, menace, or intimidation prevents any child entitled to attend a public or nonpublic school in this State from attending such school or interferes with any such child's attendance at that school shall be guilty of a Class A misdemeanor.
(Source: P.A. 89-610, eff. 8-6-96.)
Effective January 1, 2002.

AN ACT in relation to estates.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Probate Act of 1975 is amended by changing Section 20-7 as follows:

(755 ILCS 5/20-7) (from Ch. 110 1/2, par. 20-7)
Sec. 20-7. Place and terms of sale.
(a) The court may designate the place and manner of holding the sale, whether private or public, and whether for cash or on reasonable credit. The sale may be conducted by means of the Internet or any other electronic medium as approved by the court. When mining, oil or gas rights only are sold, the court may require security of the purchaser and may direct the sale to be made upon a royalty basis or for a lump sum in such manner and upon such terms as appears to the court to be to the best interests of the estate.

(b) Every public sale under this Article, except a sale conducted by means of the Internet or another electronic medium, shall be held between the hours of 10:00 o'clock in the forenoon and 5:00 o'clock in the afternoon of the same day. Notice of the time, place and terms of holding the sale, containing a description of the property sought to be sold, must be published once each week for 3 successive weeks, the first publication to be not less than 25 days prior to the sale, in some newspaper published in the county where the property sought to be sold, or the greater part thereof, lies.

A sale conducted by means of the Internet or another electronic medium shall be conducted according to terms and notice given by means of the Internet or other electronic medium. The notice required under this paragraph must include a statement that public access to the Internet is available at public libraries. Any notice required under this paragraph is in addition to any other notice required under this subsection (b).

(Source: P.A. 79-328.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0098

(AN ACT to amend the Illinois Vehicle Code by changing Section 11-1201.1.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-1201.1 as follows:
(625 ILCS 5/11-1201.1)
Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.
(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a two year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

(b-1) Commencing on the effective date of this amendatory Act of the 92nd General Assembly, the Illinois Commerce Commission and the Commuter Rail Board may, in cooperation with the local law enforcement agency, establish in a county with a population of between 750,000 and 1,000,000 a 2 year pilot program using an automated railroad grade crossing enforcement system. This pilot program may be established at a railroad grade crossing designated by local authorities. No State moneys may be expended on the automated railroad grade crossing enforcement system established.

New matter indicated by italics - deletions by strikeout.
(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle. The Uniform Traffic Citation shall be delivered to the registered owner, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the violator shall be accompanied by a written document which explains the violator's rights and obligations and how the violator can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(e) Any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation. Photographs or recorded images made by an automatic railroad grade crossing enforcement system shall be confidential, and shall be made available only to the defendant, governmental and law enforcement agencies for the purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) Except as provided in subsection (b-1), the cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation Authority. Except as provided in subsection (b-1), if the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority's portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission shall issue a report to the General Assembly at the conclusion of the two year pilot program established under subsection (b) on the effectiveness of the automatic railroad grade crossing enforcement system.

(Source: P.A. 89-454, eff. 5-17-96; 90-14, eff. 7-1-97.)

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

PUBLIC ACT 92-0099
(House Bill No. 0153)

AN ACT to amend the Religious and Charitable Risk Pooling Trust Act by changing Sections 2, 6, and 15.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Religious and Charitable Risk Pooling Trust Act is amended by changing Sections 2, 6, and 15 as follows:
(215 ILCS 150/2) (from Ch. 148, par. 202)

Sec. 2. Authorized organizations; purpose. Any number of organizations which are all exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended or as it may be amended hereafter are authorized to establish and become beneficiaries of a trust fund for the purpose of: (1) providing protection for themselves against the risk of financial loss due to damage, destruction or loss to property or the imposition of legal liability; or (2) providing protection for their employees or full-time students, but not dependents, against the risk of financial loss due to accident, sickness, or disablement. Any of such organizations' affiliated title holding corporations that are exempt from taxation under paragraph (2) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended or as it may be

New matter indicated by italics - deletions by strikeout.
amended hereafter, are authorized to establish or become beneficiaries of a trust for the purpose of providing protection for themselves against the risk of financial loss due to damage, destruction, or loss to property or the imposition of legal liability.

A hospital or long-term care facility owned and operated by a tax exempt unit of local government and such unit of local government, in relation to and to the extent of its liabilities arising from the ownership or operation of such hospital or long-term care facility, may participate in the establishment of and may become beneficiaries of a trust fund established under this Act for the purpose of providing protection against the risk of financial loss due to the imposition of legal liability.

(Source: P.A. 88-364.)

(215 ILCS 150/6) (from Ch. 148, par. 206)
Sec. 6. Risk pools; risk retention groups.
(a) A trust fund may enter into written agreements with other trust funds established under this Act whereby the risks assumed by any such trust fund may be pooled and shared with such other trust funds.
(b) A trust fund may enter into written agreements for the purpose of assuming risks from (i) risk pools or risk retention groups established or organized pursuant to the laws of any other state exclusively to provide protections, as described in this Act, to organizations which are exempt from taxation under paragraph subsection (3) of subsection paragraph (c) of Section 501 of the Internal Revenue Code, as amended from time to time, and their affiliated title holding corporations that are exempt from taxation under paragraph (2) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended from time to time, or (ii) insurance companies with regard to protections, as described in this Act, exclusively for organizations which are exempt from taxation, as aforesaid. As a condition to such authority, any trust fund so assuming risk from any risk pool, risk retention group or insurance company, shall, directly or through an underwriting manager controlled by it, underwrite risks assumed by it either on a facultative basis or on a primary basis pursuant to an underwriting management agreement with the entity from which risk is being assumed. Such underwriting management agreement shall provide for underwriting risks assumed on behalf of both the ceding entity and the assuming trust fund. For purposes of this subsection (b), the term "underwrite" shall include, but not be limited to, classification, selection and pricing of risks.

(Source: P.A. 85-131; 85-329.)

(215 ILCS 150/15) (from Ch. 148, par. 215)
Sec. 15. Ineligible beneficiaries. A beneficiary is ineligible (1) if it is not exempt from taxation under paragraph subsection (3) of subsection paragraph (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or an affiliate of a corporation exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code, as amended, and exempt from taxation under paragraph (2) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, or tax exempt as a unit of local government or as a hospital owned and operated by a unit of local government or; (2) if a corporation, it is not incorporated as a not-for-profit corporation; or; (3) if a foreign or alien corporation, it no longer has a Certificate of Authority issued by the Secretary of State.

(Source: P.A. 81-602.)

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

PUBLIC ACT 92-0100
(House Bill No. 0234)

AN ACT to amend the Medical Practice Act of 1987.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Medical Practice Act of 1987 is amended by changing Section 18 as follows:
(225 ILCS 60/18) (from Ch. 111, par. 4400-18)

New matter indicated by italics - deletions by strikeout.
Sec. 18. Visiting professor, physician, or resident permits.

(A) Visiting professor permit.

1 A visiting professor permit shall entitle a person to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery provided:

(a) the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in their native licensing jurisdiction during the period of the visiting professor permit; and

(b) the person has received a faculty appointment to teach in a medical, osteopathic or chiropractic school in Illinois; and:

(c) the Department may prescribe the information necessary to establish an applicant's eligibility for a permit. This information shall include without limitation (i) a statement from the dean of the medical school at which the applicant will be employed describing the applicant's qualifications and (ii) a statement from the dean of the medical school listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's education program and justifying any clinical activities at each of the institutions listed by the dean.

2 Application for visiting professor permits shall be made to the Department, in writing, on forms prescribed by the Department and shall be accompanied by the required fee established by rule, which shall not be refundable. Any application shall require the information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant.

3 A visiting professor permit shall be valid for no longer than 2 years from the date of issuance or until the faculty appointment is terminated, whichever occurs first, and may be renewed only in accordance with subdivision (A)(6) of this Section once.

4 The applicant may be required to appear before the Medical Licensing Board for an interview prior to, and as a requirement for, the issuance of the original permit and the renewal.

5 Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract with the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility.

6 A visiting professor permit shall be valid until the last day of the next physician license renewal period, as set by rule, and may only be renewed for applicants who meet the following requirements:

(i) have obtained the required continuing education hours as set by rule; and

(ii) have paid the fee prescribed for a license under Section 21 of this Act.

For initial renewal, the visiting professor must successfully pass a general competency examination authorized by the Department by rule.

(B) Visiting physician permit.

1 The Department may, in its discretion, issue a temporary visiting physician permit, without examination, provided:

(a) (blank);

(b) that the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in his or her native licensing jurisdiction during the period of the temporary visiting physician permit;

(c) that the person has received an invitation or appointment to study, demonstrate, or perform a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, or chiropractic school, a hospital licensed under the Hospital Licensing Act, a hospital organized under the University of Illinois Hospital Act, or a
facility operated pursuant to the Ambulatory Surgical Treatment Center Act; and
(d) that the temporary visiting physician permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic, or clinical studies for which the holder was invited or appointed.

(2) The application for the temporary visiting physician permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by the required fee established by rule, which shall not be refundable. The application shall require information that, in the judgment of the Department, will enable the Department to pass on the qualification of the applicant, and the necessity for the granting of a temporary visiting physician permit.

(3) A temporary visiting physician permit shall be valid for 180 days from the date of issuance or until the time the medical, osteopathic, chiropractic, or clinical studies are completed, whichever occurs first.

(4) The applicant for a temporary visiting physician permit may be required to appear before the Medical Licensing Board for an interview prior to, and as a requirement for, the issuance of a temporary visiting physician permit.

(5) A limited temporary visiting physician permit shall be issued to a physician licensed in another state who has been requested to perform emergency procedures in Illinois if he or she meets the requirements as established by rule.

(C) Visiting resident permit.

(1) The Department may, in its discretion, issue a temporary visiting resident permit, without examination, provided:
(a) (blank);
(b) that the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in his or her native licensing jurisdiction during the period of the temporary visiting resident permit;
(c) that the applicant is enrolled in a postgraduate clinical training program outside the State of Illinois that is approved by the Department;
(d) that the individual has been invited or appointed for a specific period of time to perform a portion of that post graduate clinical training program under the supervision of an Illinois licensed physician in an Illinois patient care clinic or facility that is affiliated with the out-of-State post graduate training program; and
(e) that the temporary visiting resident permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic or clinical studies for which the holder was invited or appointed.

(2) The application for the temporary visiting resident permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by the required fee established by rule. The application shall require information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant.

(3) A temporary visiting resident permit shall be valid for 180 days from the date of issuance or until the time the medical, osteopathic, chiropractic, or clinical studies are completed, whichever occurs first.

(4) The applicant for a temporary visiting resident permit may be required to appear before the Medical Licensing Board for an interview prior to, and as a requirement for, the issuance of a temporary visiting resident permit.

(Source: P.A. 91-357, eff. 7-29-99.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT concerning governmental ethics.

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

Section 5. The Illinois Governmental Ethics Act is amended by changing Sections 4A-102, 4A-103, 4A-104, and 4A-106 as follows:

(a) The following interests shall be listed by all persons required to file:

(1) The name, address and type of practice of any professional organization or individual professional practice in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1200 was derived during the preceding calendar year;

(2) The nature of professional services (other than services rendered to the unit or units of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding $5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement.

(3) The identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized in the preceding calendar year.

(4) The name of any unit of government which has employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

(5) The name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

(b) The following interests shall also be listed by persons listed in items (a) through (f) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business in the State of Illinois, in which an ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends of in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed;

(2) Except for professional service entities, the name of any entity and any position held therein from which income of in excess of $1,200 was derived during the preceding calendar year, if the entity does business in the State of Illinois. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

(c) The following interests shall also be listed by persons listed in items (g), (h), (i), and (l) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business with a the unit of local government in relation to which the person is required to file if the ownership interest of the person filing is greater than $5,000 fair market value as of the date of filing or if

New matter indicated by italics - deletions by strikeout.
dividends in excess of $1,200 were received from the entity during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(2) Except for professional service entities, the name of any entity and any position held therein from which income in excess of $1,200 was derived during the preceding calendar year if the entity does business with a unit of local government in relation to which the person is required to file. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

(Source: P.A. 88-511.)

(5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

Sec. 4A-103. The statement of economic interests required by this Article to be filed with the Secretary of State shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST
(TYPE OR HAND PRINT)

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(name)
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1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

Business Entity                             Instrument of Ownership
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2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

Name                         Address             Type of Practice
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3. List the nature of professional services rendered (other than to the State of Illinois) to each entity from which income exceeding $5,000 was received for professional services rendered during

New matter indicated by italics - deletions by strikeout.
the preceding calendar year by the person making the statement.

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

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<th>Lobbyist</th>
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6. List the name of any entity doing business in the State of Illinois from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution nor any debt instrument need be listed.

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<th>Entity</th>
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7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

VERIFICATION:

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

(date of filing) (signature of person making the statement)

(Source: P.A. 79-508.)

(5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

Sec. 4A-104. The statement of economic interests required by this Article to be filed with the county clerk shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTERESTS
(TYPE OR HAND PRINT)

(Name)

(each office or position of employment for which this statement is filed)

(full post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS:

New matter indicated by italics - deletions by strikeout.
The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business with a the unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument shall be listed.

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<th>Business Entity</th>
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2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

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<th>Name</th>
<th>Address</th>
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3. List the nature of professional services rendered (other than to the unit or units of local government in relation to which the person is required to file) to each entity from which income exceeding $5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

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4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

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5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to a the unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1200 were received by the person filing from the entity during the preceding calendar year.

..................................................................................................................
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6. List the name of any entity doing business with a the unit of local government in relation to which the person is required to file from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

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7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

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New matter indicated by italics - deletions by strikeout.
8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

VERIFICATION:

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct, and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

(date of filing) (signature of person making the statement)

(5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

Sec. 4A-106. The statements of economic interests required of persons listed in items (a) through (f) and item (j) of Section 4A-101 shall be filed with the Secretary of State. The statements of economic interests required of persons listed in items (g), (h), (i), (k), and (l) of Section 4A-101 shall be filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. If it is not apparent which county the principal office of a unit of local government is located, the chief administrative officer, or his or her designee, has the authority, for purposes of this Act, to determine the county in which the principal office is located. On or before February 1 annually, (1) the chief administrative officer of any State agency in the executive, legislative, or judicial branch employing persons required to file under item (f) of Section 4A-101 shall certify to the Secretary of State the names and mailing addresses of those persons, and (2) the chief administrative officer, or his or her designee, of each unit of local government with persons described in items (h), (i) and (k) of Section 4A-101 shall certify to the appropriate county clerk a list of names and addresses of persons described in items (h), (i) and (k) of Section 4A-101 that are required to file. In preparing the lists, each chief administrative officer, or his or her designee, shall set out the names in alphabetical order.

On or before February 1 annually, the secretary to the board of education for local school councils established pursuant to Section 34-2.1 of the School Code shall certify to the county clerk the names and mailing addresses of those persons described in item (l) of Section 4A-101.

On or before April 1 annually, the Secretary of State shall notify (1) all persons whose names have been certified to him under item (f) of Section 4A-101, and (2) all persons described in items (a) through (e) and item (j) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with the Secretary of State by virtue of more than one item among items (a) through (f) and item (j) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with the Secretary of State.

On or before April 1 annually, the county clerk of each county shall notify all persons whose names have been certified to him under items (g), (h), (i), (k), and (l) of Section 4A-101, other than candidates for office who have filed their statements with their nominating petitions, of the requirements for filing statements of economic interests. A person required to file with a county clerk by virtue of more than one item among items (g), (h), (i), (k), and (l) shall be notified of and is required to file only one statement of economic interests relating to all items under which the person is required to file with that county clerk.

Except as provided in Section 4A-106.1, the notices provided for in this Section shall be in writing and deposited in the U.S. Mail, properly addressed, first class postage prepaid, on or before the day required by this Section for the sending of the notice. A certificate executed by the Secretary of State or county clerk attesting that he has mailed the notice constitutes prima facie evidence thereof.

From the lists certified to him under this Section of persons described in items (g), (h), (i), (k), and (l) of Section 4A-101, the clerk of each county shall compile an alphabetical listing of persons.
required to file statements of economic interests in his office under any of those items. As the statements are filed in his office, the county clerk shall cause the fact of that filing to be indicated on the alphabetical listing of persons who are required to file statements. Within 30 days after the due dates, the county clerk shall mail to the State Board of Elections a true copy of that listing showing those who have filed statements.

The county clerk of each county shall note upon the alphabetical listing the names of all persons required to file a statement of economic interests who failed to file a statement on or before May 1. It shall be the duty of the several county clerks to give notice as provided in Section 4A-105 to any person who has failed to file his or her statement with the clerk on or before May 1.

Any person who files or has filed a statement of economic interest under this Act is entitled to receive from the Secretary of State or county clerk, as the case may be, a receipt indicating that the person has filed such a statement, the date of such filing, and the identity of the governmental unit or units in relation to which the filing is required.

The Secretary of State may employ such employees and consultants as he considers necessary to carry out his duties hereunder, and may prescribe their duties, fix their compensation, and provide for reimbursement of their expenses.

All statements of economic interests filed under this Section shall be available for examination and copying by the public at all reasonable times. Each person examining a statement must first fill out a form prepared by the Secretary of State identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reason for such examination. The Secretary of State shall supply such forms to the county clerks annually and replenish such forms upon request.

The Secretary of State or county clerk, as the case may be, shall promptly notify each person required to file a statement under this Article of each instance of an examination of his statement by sending him a duplicate original of the identification form filled out by the person examining his statement.

(Source: P.A. 88-187; 88-511; 88-605, eff. 9-1-94; 89-433, eff. 12-15-95.)


Effective January 1, 2002.

PUBLIC ACT 92-0102
(House Bill No. 0904)

AN ACT concerning municipalities.

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

Section 5. The Illinois Municipal Code is amended by adding Section 11-61-1.5 as follows:

(65 ILCS 5/11-61-1.5 new)

Sec. 11-61-1.5. Acquiring property by gift, legacy, or grant. Every municipality has the power to acquire by gift, legacy, or grant any real estate or personal property, or rights therein, for purposes authorized under this Code as its governing body may deem proper, whether the land or personal property is located within or outside the municipal boundaries. This Section applies to gifts, legacies, and grants acquired before, on, or after the effective date of this amendatory Act of the 92nd General Assembly.


Effective January 1, 2002.

PUBLIC ACT 92-0103
(House Bill No. 0915)

AN ACT in relation to taxes.

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

Section 5. The Downstate Forest Preserve District Act is amended by changing Section 13.1

New matter indicated by italics - deletions by strikeout.
as follows:

(70 ILCS 805/13.1) (from Ch. 96 1/2, par. 6324)

Sec. 13.1. After the first Monday in October and by the first Monday in December in each year, the board shall levy the general taxes for the district by general categories for the next fiscal year. A certified copy of the levy ordinance shall be filed with the county clerk by the last Tuesday in December each year.

In forest preserve districts with a population of less than 3,000,000, the amount of taxes levied for general corporate purposes for a fiscal year may not exceed the rate of .06% of the value, as equalized or assessed by the Department of Revenue, of the taxable property therein. In addition, in forest preserve districts having a population of 100,000 or more but less than 3,000,000, the board may levy taxes for constructing, restoring reconditioning, reconstructing and acquiring improvements and for the development of the forests and lands of such district, the amount of which tax each fiscal year shall be extended at a rate not to exceed .025% of the assessed value of all taxable property as equalized by the Department of Revenue.

All such taxes and rates are exclusive of the taxes required for the payment of the principal of and interest on bonds, and exclusive of taxes levied for employees' annuity and benefit purposes.

The rate of tax levied for general corporate purposes in a forest preserve district may not be increased by virtue of this amendatory Act of 1977 unless the board first adopts a resolution authorizing such increase and publishes notice thereof in a newspaper having general circulation in the district at least once not less than 45 days prior to the effective date of the increase. The notice shall include a statement of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the district; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The Secretary of the district shall provide a petition form to any individual requesting one. If, no later than 30 days after the publication of such notice, petitions signed by voters of the district equal to 10% or more of the registered voters of the district, as determined by reference to the number of voters registered at the next preceding general election, and residing in the district are presented to the board expressing opposition to the increase, the proposition must first be certified by the board to the proper election officials, who shall submit the proposition to the legal voters of the district at an election in accordance with the general election law and approved by a majority of those voting on the proposition.

The rate of the tax levied for general corporate purposes in a forest preserve district may be increased, up to the maximum rate identified in this Section, by the Board by a resolution calling for the submission of the question of increasing the rate to the voters of the district in accordance with the general election law. The question must be in substantially the following form:

"Shall (name of district) be authorized to establish its general corporate tax rate at (insert rate) on the equalized assessed value on taxable property located within the district for its general purposes, including education, outdoor recreation, maintenance, operations, public safety at the forest preserves, trails, and other properties of the district (and, optionally, insert any other lawful purposes or programs determined by the Board)."

The ballot must have printed on it, but not as part of the proposition submitted, the following:

"The approximate impact of the proposed increase on the owner of a single-family home having a market value of (insert value) would be (insert amount) in the first year of the increase if the increase is fully implemented." The ballot may have printed on it, but not as part of the proposition, one or both of the following: "The last tax rate extended for the purposes of the district was (insert rate). The last rate increase approved for the purposes of the district was in (insert year)." No other information needs to be included on the ballot.

"The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the district may thereafter levy the tax.

(Source: P.A. 87-17; 87-767; 87-895; 88-506.)

Section 99. Effective date. This Act takes effect upon becoming law.
PUBLIC ACT 92-0104
(House Bill No. 0921)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.12 as follows:
(5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
Sec. 4.12. The following Acts are repealed December 31, 2001:
The Professional Boxing and Wrestling Act.
The Interior Design Profession Title Act.
The Detection of Deception Examiners Act.
The Water Well and Pump Installation Contractor's License Act.
(Source: P.A. 86-1404; 86-1475; 87-703.)
Section 10. The Regulatory Sunset Act is amended by adding Section 4.22 as follows:
(5 ILCS 80/4.22 new)
Sec. 4.22. Act repealed on January 1, 2012. The following Act is repealed on January 1, 2012:
The Interior Design Title Act.
Section 15. The Interior Design Profession Title Act is amended by changing Sections 1 and 4.5 as follows:
(225 ILCS 310/1) (from Ch. 111, par. 8201)
Sec. 1. Short title. This Act may be cited as the Interior Design Profession Title Act.
(Source: P.A. 86-1404.)
(225 ILCS 310/4.5)
Sec. 4.5. Unregistered practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to be practice as an interior designer without being registered under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.
(b) The Department has the authority and power to investigate any illegal use of the title of interior designer or residential interior designer and all unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 89-474, eff. 6-18-96.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0105
(House Bill No. 1001)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 6-9 as follows:
(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:
(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker,

New matter indicated by italics - deletions by strikeout.
Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,
(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's retail license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license.
Nothing in this provision, nor in any subsequent provision of this Act shall be interpreted as
forbidding an individual or firm from concurrently obtaining and holding a Winemaker's and a Wine
manufacturer's license.
(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage,
distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and
to licensees in this State as follows:
Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers,
importing distributors, distributors and non-beverage users and to no other licensees.
Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries
of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users
and to no other licensees.
Class 3. A Brewer may make sales and deliveries of beer to importing distributors,
distributors, and to non-licensees, and to retailers provided the brewer obtains an importing
distributor's license or distributor's license in accordance with the provisions of this Act.
Class 4. A first class wine-manufacturer may make sales and deliveries of between 40,000 and
50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other
licensees.
Class 5. A second class Wine manufacturer may make sales and deliveries of more than
50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other
licensees.
Class 6. A first-class wine-maker's license shall allow the manufacture of less than 20,000
gallons of wine per year, and the storage and sale of such wine to distributors and retailers in the State
and to persons without the State, as may be permitted by law.
Class 7. A second-class wine-maker's license shall allow the manufacture of up to 50,000
gallons of wine per year, and the storage and sale of such wine to distributors in this State and to
persons without the State, as may be permitted by law. A second-class wine-maker's license shall
allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers.
Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000
gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this
Act.
(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic
liquor and which enlists agents, representatives, or individuals acting on its behalf who contact
licensed retailers on a regular and continual basis in this State must register those agents,
representatives, or persons acting on its behalf with the State Commission.
Registration of agents, representatives, or persons acting on behalf of a manufacturer is
fulfilled by submitting a form to the Commission. The form shall be developed by the Commission
and shall include the name and address of the applicant, the name and address of the manufacturer he
or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

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

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

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

(1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

(2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

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

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

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

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

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

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<td>Class 5</td>
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(i) A wine-maker's retail license shall allow the licensee to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of wine per year for use or consumption, but not for resale in any form; this license shall be issued only to a person licensed as a first-class or second-class wine-maker. A wine-maker's retail licensee, upon receiving permission from the Commission, may conduct business at a second location that is separate from the location specified in its wine-maker's retail license. One wine-maker's retail license-second location may be issued to a wine-maker's retail licensee allowing the licensee to sell and offer for sale at retail in the premises specified in the wine-maker's retail license-second location up to 50,000 gallons of wine that was produced at the licensee's first location per year for use and consumption and not for resale.

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

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

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or

New matter indicated by italics - deletions by strikeout.
offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 90-77, eff. 7-8-97; 90-432, eff. 1-1-98; 90-596, eff. 6-24-98; 90-655, eff. 7-30-98; 90-739, eff. 8-13-98; 91-357, eff. 7-29-99.)

(235 ILCS 5/6-9) (from Ch. 43, par. 126)

Sec. 6-9. Registration of trade marks; sale within geographical area; delivery to authorized persons. The Legislature hereby finds and declares that for purposes of ensuring the preservation and enhancement of interbrand competition in the alcoholic liquor industry within the State, ensuring that importation and distribution of alcoholic liquor in the State will be subject to thorough and inexpensive monitoring by the State, reducing the importation of illicit or untaxed alcoholic liquor into the State, excluding misbranded alcoholic liquor products from the State, providing incentives to distributors to service and sell to larger numbers of retail licensees in the geographic area where such distributors are engaged in business, and reducing the amount of spoiled and overaged alcoholic liquor products sold to consumers, it is necessary to restrict the purchase of alcoholic liquors at wholesale in the State to those persons selected by the manufacturer, distributor, importing distributor or foreign importer who owns or controls the trade mark, brand or name of the alcoholic liquor products sold to such persons, and to restrict the geographic area or areas within which such persons sell such alcoholic liquor at wholesale, as provided in this Section.

Each manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer who owns or controls the trade mark, brand or name of any alcoholic liquor shall register with the State Commission, in the Chicago office, on or before the effective date, the name of each person to whom such manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer grants the right to sell at wholesale in this State any such alcoholic liquor, specifying the particular trade mark, brand or name of alcoholic liquor as to which such right is granted, the geographical area or areas for which such right is granted and the period of time for which such rights are granted to such person. Each manufacturer, non-resident dealer, distributor or importing distributor, or foreign importer who is required to register under this Section must furnish a copy of the registration statement at the time of appointment to the person who has been granted the right to sell alcoholic liquor at wholesale. However, if a person who has been appointed the right to sell alcoholic liquor at wholesale does not receive a copy of the registration statement as required under this Section, such person may file a registration statement with the State Commission, provided that the person furnishes a copy of that registration statement to the manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer within 30 days of filing the registration statement. The registration statement shall state:

(1) the name of the person appointed;
(2) the name of the manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer from whom the person received the right to sell alcoholic liquor;
(3) the particular trade mark, brand, or name of alcoholic liquor as to which the right to sell at wholesale is granted; and
(4) the geographical areas for which the right to sell at wholesale is granted.

Such manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer may grant the right to sell at wholesale any trade mark, brand or name of any alcoholic liquor in any geographical area to more than one person. If the registration is received after the effective date, the Commission shall treat the date the registration was received in the Chicago office as the effective date. Such registration shall be made on a form prescribed by the State Commission and the State Commission may require such registration to be on a form provided by it.

No such registration shall be made by any other person in any other manner than as is provided in this Section and only those persons registered by the manufacturer, non-resident dealer, distributor, importing distributor or foreign importer, shall have the right to sell at wholesale in this State, the brand of alcoholic liquor specified on the registration form.

However, a licensed Illinois distributor who has not been registered to sell a brand of alcoholic liquor, but for a period of 2 years prior to November 8, 1979 has been engaged in the purchase of a brand for resale from a licensed Illinois distributor who has the right to sell that brand at wholesale, may continue to purchase and resell the brand at wholesale, and may purchase from the same
distributor and resell at wholesale any new brands of the same manufacturer, provided that:

(1) Within 60 days after November 8, 1979 he identifies the brand which he so purchased to the State Commission and the Commission within 30 days thereafter verifies that the purchases have occurred;

(2) Thereafter, he notifies the State Commission in writing of any brands of the same manufacturer which he wishes to purchase from the same distributor that were not available for distribution on or before November 8, 1979, and that the Commission within 30 days verifies that the brand is a new brand of the same manufacturer, and that the same licensed Illinois distributor has the right to sell the new brand at wholesale;

(3) His licensed business address is within the geographical area for which the licensed Illinois distributor from whom the purchases are made has the right to sell said brand or brands of alcoholic liquor; and

(4) His sales are made within the geographical area for which the licensed Illinois distributor from whom the purchases are made has the right to sell the brand or brands of alcoholic liquor and only to retail licensees whose licensed premises are located within the aforementioned geographical area.

No person to whom such right is granted shall sell at wholesale in this State any alcoholic liquor bearing such trade mark, brand or name outside of the geographical area for which such person holds such selling right, as registered with the State Commission, nor shall he sell such alcoholic liquor within such geographical area to a retail licensee if the premises specified in such retailer's license are located outside such geographical area. Any licensed Illinois distributor who has not been granted the right to sell any alcoholic liquor at wholesale and is purchasing alcoholic liquor from a person who has been granted the right to sell at wholesale may sell and deliver only to retail licensees whose licensed premises are within the same geographical area as the person who has been granted the right to sell at wholesale.

No manufacturer, importing distributor, distributor, non-resident dealer, or foreign importer shall sell or deliver any package containing alcoholic liquor manufactured or distributed by him for resale, unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the provisions of this Act.

(Source: P.A. 89-250, eff. 1-1-96; 90-596, eff. 6-24-98.)

Effective January 1, 2002.

PUBLIC ACT 92-0106
(House Bill No. 1901)

AN ACT concerning health care benefit information cards.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Uniform Health Care Service Benefits Information Card Act.

Section 5. Legislative intent. It is the intent of the legislature to lessen patients' waiting times, decrease administrative burdens for health care professionals and health care institutions, and improve care to patients by minimizing confusion, eliminating unnecessary paperwork, and streamlining the administrative aspects of care paid for by third-party payors. This Act shall be broadly applied and interpreted to effectuate this purpose.

Section 10. Definitions. As used in this Act, the following terms have the meanings given in this Section.
"Department" means the Department of Insurance.
"Director" means the Director of Insurance.
"Health benefit plan" means an accident and health insurance policy or certificate subject to the Illinois Insurance Code, a voluntary health services plan subject to the Voluntary Health Services Plans Act, a health maintenance organization subscriber contract subject to the Health Maintenance Organization Act, a plan provided by a multiple employer welfare arrangement, or a plan provided by any other plan, arrangement, or contract subject to any federal law or state law that provides benefits for health care services.

New matter indicated by italics - deletions by strikeout.
by another benefit arrangement. Without limitation, "health benefit plan" does not mean any of the following types of insurance:

1. accident;
2. credit;
3. disability income;
4. long-term or nursing home care;
5. specified disease;
6. dental or vision;
7. coverage issued as a supplement to liability insurance;
8. medical payments under automobile or homeowners;
9. insurance under which benefits are payable with or without regard to fault as statutorily required to be contained in any liability policy or equivalent self-insurance;
10. hospital income or indemnity; and

Section 15. Uniform health care benefit information cards required.

(a) A health benefit plan that issues a card or other technology and provides coverage for health care services including prescription drugs or devices also referred to as health care benefits and an administrator of such a plan including, but not limited to, third-party administrators for self-insured plans and state-administered plans shall issue to its insureds a card or other technology containing uniform health care benefit information. The health care benefit information card or other technology shall specifically identify and display the following mandatory data elements on the card:

1. processor control number, if required for claims adjudication;
2. group number;
3. card issuer identifier;
4. cardholder ID number; and
5. cardholder name.

(b) The uniform health care benefit information card or other technology shall specifically identify and display the following mandatory data elements on the back of the card:

1. claims submission names and addresses; and
2. help desk telephone numbers and names.

(c) A new uniform health care benefit information card or other technology shall be issued by a health benefit plan upon enrollment and reissued upon any change in the insured's coverage that affects mandatory data elements contained on the card.

Section 20. Coordination with Uniform Prescription Drug Information Card. A health benefit plan may comply with this Act by including the information required in Section 15 on one card if a card is also required under the Uniform Prescription Drug Information Card Act.

Section 25. Applicability and enforcement.

(a) This Act applies to health care benefit plans that are amended, delivered, issued, or renewed on and after the effective date of this amendatory Act of the 92nd General Assembly.

(b) The Director may adopt rules necessary to implement the Department's responsibilities under this Act. To enforce the provisions of this Act, the Director may issue a cease and desist order or require a health benefit plan to submit a plan of correction for violations of this Act, or both. Subject to the provisions of the Illinois Administrative Procedure Act, the Director may, pursuant to Section 403A of the Illinois Insurance Code, impose upon a health benefit plan an administrative fine not to exceed $250,000 for failure to submit a requested plan of correction, failure to comply with its plan or correction, or repeated violations of this Act.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0107
(House Bill No. 1957)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Township Code is amended by adding Section 245-20 as follows:
(60 ILCS 1/245-20 new)
Sec. 245-20. Transfer of interest income. The township board of any township, when requested by the treasurer, may authorize the transfer of interest earned on any of the moneys of the township into the fund of the township that is most in need of the interest. This Section does not apply to any interest earned that has been earmarked or restricted for a designated purpose. This Section does not apply to any interest earned on any funds for the purpose of municipal retirement under the Illinois Pension Code and tort immunity under the Local Governmental and Governmental Employees Tort Immunity Act. Interest earned on these funds may be used only for the purposes authorized for the respective funds from which the interest earnings were derived.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0108
(House Bill No. 2218)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 3-408, 8-101, 13-101, 13-107, 13-109, 18b-101, and 18b-105 and adding Section 18b-106.1 as follows:
(625 ILCS 5/3-408) (from Ch. 95 1/2, par. 3-408)
Sec. 3-408. Grounds for refusing registration or certificate of title. The Secretary of State shall refuse registration or any transfer of registration upon any of the following grounds:
1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the Secretary of State or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under Chapter 3;
2. That the Secretary of State has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;
3. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor-vehicle laws of this State;
4. That the required fee has not been paid;
5. (a) In the case of medical transport vehicles and vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, that the application does not contain a copy of a completed Vehicle Inspection Report issued by the Department of Transportation which certifies that the vehicle has been determined to be in safe mechanical condition by a safety test administered within the preceding 6 months; and (b) in the case of medical transport vehicles, other than vehicles owned or operated by a unit of local government, proof of financial responsibility; or
6. That the applicant is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days’ obligation or more and has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code.
(Source: P.A. 90-733, eff. 8-11-98.)
(625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)
Sec. 8-101. Proof of financial responsibility - Persons who operate motor vehicles in transportation of passengers for hire. It is unlawful for any person, firm or corporation to operate any

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motor vehicle along or upon any public street or highway in any incorporated city, town or village in this State for the carriage of passengers for hire, accepting and discharging all such persons as may offer themselves for transportation unless such person, firm or corporation has given, and there is in full force and effect and on file with the Secretary of State of Illinois, proof of financial responsibility provided in this Act. In addition this Section shall also apply to persons, firms or corporations who are in the business of providing transportation services for minors to or from educational or recreational facilities, except that this Section shall not apply to public utilities subject to regulation under "An Act concerning public utilities," approved June 29, 1921, as amended, or to school buses which are operated by public or parochial schools and are engaged solely in the transportation of the pupils who attend such schools. This Section also applies to a contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers. This Section shall not apply to any person participating in a ridesharing arrangement or operating a commuter van, but only during the performance of activities authorized by the Ridesharing Arrangements Act.

If the person operating such motor vehicle is not the owner, then proof of financial responsibility filed hereunder must provide that the owner is primarily liable.

(Source: P.A. 82-656.)

(625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)
Sec. 13-101. Submission to safety test; Certificate of safety. To promote the safety of the general public, every owner of a second division vehicle, medical transport vehicle, or tow truck, or contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers shall, before operating the vehicle upon the highways of Illinois, submit it to a "safety test" and secure a certificate of safety furnished by the Department as set forth in Section 13-109. Each second division motor vehicle that pulls or draws a trailer, semitrailer or pole trailer, with a gross weight of more than 8,000 lbs or is registered for a gross weight of more than 8,000 lbs, motor bus, religious organization bus, school bus, senior citizen transportation vehicle, and limousine shall be subject to inspection by the Department and the Department is authorized to establish rules and regulations for the implementation of such inspections.

The owners of each salvage vehicle shall submit it to a "safety test" and secure a certificate of safety furnished by the Department prior to its salvage vehicle inspection pursuant to Section 3-308 of this Code.

However, none of the provisions of Chapter 13 requiring safety tests or a certificate of safety shall apply to:

(a) farm tractors, machinery and implements, wagons, wagon-trailers or like farm vehicles used primarily in agricultural pursuits;

(b) vehicles other than school buses, tow trucks and medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants and which are subject to safety tests imposed by local ordinance or resolution;

(c) a semitrailer or trailer having a gross weight of 5,000 pounds or less including vehicle weight and maximum load;

(d) recreational vehicles;

(e) vehicles registered as and displaying Illinois antique vehicle plates;

(f) house trailers equipped and used for living quarters;

(g) vehicles registered as and displaying Illinois permanently mounted equipment plates or similar vehicles eligible therefor but registered as governmental vehicles provided that if said vehicle is reclassified from a permanently mounted equipment plate so as to lose the exemption of not requiring a certificate of safety, such vehicle must be safety tested within 30 days of the reclassification;

(h) vehicles owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is being delivered from the manufacturing or assembly plant directly to the purchasing dealership or distributor, or being temporarily road driven for quality control testing, or from one dealer or distributor to another, or are being moved by the most direct route from one location to another by the most direct route from one location to another.
another for the purpose of installing special bodies or equipment, or driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration;
(i) pole trailers and auxiliary axles;
(j) special mobile equipment;
(k) vehicles properly registered in another State pursuant to law and displaying a valid registration plate;
(l) water-well boring apparatuses or rigs;
m) any vehicle which is owned and operated by the federal government and externally displays evidence of such ownership; and
(n) second division vehicles registered for a gross weight of 8,000 pounds or less, except when such second division motor vehicles pull or draw a trailer, semi-trailer or pole trailer having a gross weight of or registered for a gross weight of more than 8,000 pounds; motor buses; religious organization buses; school buses; senior citizen transportation vehicles; medical transport vehicles and tow trucks.

The safety test shall include the testing and inspection of brakes, lights, horns, reflectors, rear vision mirrors, mufflers, safety chains, windshield wipers, warning flags and flares, frame, axle, cab and body, or cab or body, wheels, steering apparatus, and other safety devices and appliances required by this Code and such other safety tests as the Department may by rule or regulation require, for second division vehicles, school buses, medical transport vehicles, tow trucks, vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, trailers, and semitrailers subject to inspection.

For tow trucks, the safety test and inspection shall also include the inspection of winch mountings, body panels, body mounts, wheel lift swivel points, and sling straps, and other tests and inspections the Department by rule requires for tow trucks.

For trucks, truck tractors, trailers, semi-trailers, and buses, the safety test shall be conducted in accordance with the Minimum Periodic Inspection Standards promulgated by the Federal Highway Administration of the U.S. Department of Transportation and contained in Appendix G to Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. Those standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code.

The passing of the safety test shall not be a bar at any time to prosecution for operating a second division vehicle, or medical transport vehicle, or vehicle designed to carry 15 or fewer passengers operated by a contract carrier as provided in this Section which is unsafe as determined by the standards prescribed in this Code.

(Source: P.A. 89-433, eff. 12-15-95.)

(625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

Sec. 13-107. Investigation of complaints against official testing stations. The Department shall, upon its own motion, or upon charges made in writing verified under oath, investigate complaints that an official testing station is willfully falsifying records or tests, either for the purpose of selling parts or services not actually required, or for the purpose of issuing a certificate of safety for a vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, second division vehicle, or medical transport vehicle that is not in safe mechanical condition as determined by the standards of this Chapter in violation of the provisions of this Chapter or of the rules and regulations issued by the Department.

The Secretary of Transportation, for the purpose of more effectively carrying out the provisions of Chapter 13, may appoint such a number of inspectors as he may deem necessary. Such inspectors shall inspect and investigate applicants for official testing station permits and investigate and report violations. With respect to enforcement of the provisions of this Chapter 13, such inspectors shall have and may exercise throughout the State all the powers of police officers.

The Secretary must authorize to each inspector and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge

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shall be authorized by the Department.

(Source: P.A. 91-883, eff. 1-1-01.)

(625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

Sec. 13-109. Safety test prior to application for license - Subsequent tests - Repairs - Retest.

(a) Except as otherwise provided in Chapter 13, each second division vehicle and medical transport vehicle, except those vehicles other than school buses or medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants which are subjected to safety tests imposed by local ordinance or resolution, operated in whole or in part over the highways of this State, and each vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, shall be subjected to the safety test provided for in Chapter 13 of this Code. Tests shall be conducted at an official testing station within 6 months prior to the application for registration as provided for in this Code. Subsequently each vehicle shall be subject to tests at least every 6 months, and in the case of school buses at least every 6 months or 10,000 miles whichever occurs first, and according to schedules established by rules and regulations promulgated by the Department. Any component subject to regular inspection which is damaged in a reportable accident must be reinspected before the bus is returned to service.

(b) The Department shall also conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. If such inspection reveals that a vehicle is not in substantial compliance with the rules promulgated by the Department, the Department shall remove the Certificate of Safety from the vehicle, and shall place the vehicle out-of-service. A bright orange, triangular decal shall be placed on an out-of-service vehicle where the Certificate of Safety has been removed. The vehicle must pass a safety test at an official testing station before it is again placed in service.

(c) If the violation is not substantial a bright yellow, triangular sticker shall be placed next to the Certificate of Safety at the time the nonscheduled inspection is made. The Department shall reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. If the violation is not corrected within 3 working days, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(d) If a violation is not substantial and does not directly affect the safe operation of the vehicle, the Department shall issue a warning notice requiring correction of the violation. Such correction shall be accomplished as soon as practicable and a report of the correction shall be made to the Department within 30 days in a manner established by the Department. If the Department has not been advised that the corrections have been made, and the violations still exist, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(e) The Department is authorized to promulgate regulations to implement its program of nonscheduled inspections. Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service sticker is a Class 3 felony. Causing or allowing the operation of a vehicle with a 3-day sticker for longer than 3 days with the sticker attached or the unauthorized removal of a 3-day sticker is a Class C misdemeanor.

(f) If a second division vehicle, or medical transport vehicle, or vehicle operated by a contract carrier as provided in subsection (a) of this Section is in safe mechanical condition, as determined pursuant to Chapter 13, the operator of the official testing station must at once issue to the second division vehicle or medical transport vehicle a certificate of safety, in the form and manner prescribed by the Department, which shall be affixed to the vehicle by the certified safety tester who performed the safety tests. The owner of the second division vehicle or medical transport vehicle or the contract carrier shall at all times display the Certificate of Safety on the second division vehicle, or medical transport vehicle, or vehicle operated by a contract carrier in the manner prescribed by the Department.

(g) If a test shows that a second division vehicle, or medical transport vehicle, or vehicle operated by a contract carrier is not in safe mechanical condition as provided in this Section, it shall not be operated on the highways until it has been repaired and submitted to a retest at an official testing station. If the owner or contract carrier submits the second division vehicle or medical transport vehicle to a retest at a different official testing station from that where it failed to pass the
first test, he shall present to the operator of the second station the report of the original test, and shall
notify the Department in writing, giving the name and address of the original testing station and the
defects which prevented the issuance of a Certificate of Safety, and the name and address of the
second official testing station making the retest.
(Source: P.A. 86-447; 86-1223.)
(625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)
Sec. 18b-101. Definitions. Unless the context otherwise clearly requires, as used in this
Chapter:
"Commercial motor vehicle" means any self propelled or towed vehicle used on public
highways in interstate and intrastate commerce to transport passengers or property when the vehicle
has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross
combination weight rating of 10,001 or more pounds; or the vehicle is designed to transport more than
15 passengers, including the driver; or the vehicle is designed to carry 15 or fewer passengers and is
operated by a contract carrier transporting employees in the course of their employment on a highway
of this State; or the vehicle is used in the transportation of hazardous materials in a quantity requiring
placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include
farm machinery, fertilizer spreaders, and other special agricultural movement equipment described
in Section 3-809 nor implements of husbandry as defined in Section 1-130;
"Officer" means Illinois State Police Officer;
"Person" means any natural person or individual, governmental body, firm, association,
partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or
any other legal entity or their legal representative, agent or assigns.
(Source: P.A. 90-89, eff. 1-1-98; 91-179, eff. 1-1-00.)
(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
Sec. 18b-105. Rules and Regulations.
(a) The Department is authorized to make and adopt reasonable rules and regulations and
orders consistent with law necessary to carry out the provisions of this Chapter.
(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are
hereby adopted by reference as though they were set out in full:
Part 385-Safety Fitness Procedures;
Part 390-Federal Motor Carrier Safety Regulations: General;
Part 391-Qualifications of Drivers;
Part 392-Driving of Motor Vehicles;
Part 393-Parts and Accessories Necessary for Safe Operation;
Part 395-Hours of Service of Drivers, except as provided in Section 18b-106.1; and
Part 396-Inspection, Repair and Maintenance.
(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall
not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).
(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.
(2) Section 393.86 of Part 393 for those vehicles which are registered as farm trucks
under subsection (c) of Section 3-815 of The Illinois Vehicle Code.
(3) (Blank).
(4) (Blank).
(5) Paragraph (b)(1) of Section 391.11 of Part 391.
(6) All of Part 395 for all agricultural movements as defined in Chapter 1, between the
period of February 1 through November 30 each year, and all farm to market agricultural
transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200
air miles of the normal work reporting location.
(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity)
of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986
was eligible and licensed to operate a motor vehicle subject to this Section and was engaged
in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part
391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with
respect to a physical condition existing at that time unless such driver has a record of

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accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.  
(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.  
(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.  
(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

Sec. 18b-106.1. Hours of service of drivers employed by contract carriers transporting employees in the course of their employment. A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.  
Passed in the General Assembly May 1, 2001.  
Effective January 1, 2002.

PUBLIC ACT 92-0109
(House Bill No. 3069)

AN ACT concerning local governments.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Counties Code is amended by adding Section 3-14002.5 as follows: 
(55 ILCS 5/3-14002.5 new)
Sec. 3-14002.5. Power to deduct wages for debts.  
(a) Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of a county with a population of 3,000,000 or more, the county may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.  
(b) Before the county deducts any amount from any salary or wage of an employee under this Section, the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.  
(c) For purposes of this Section:  
(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.
(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(d) Nothing in this Section is intended to affect the power of a county to withhold the amount of any debt that is due and owing the county by any of its employees.

Section 10. The Illinois Municipal Code is amended by adding Section 10-4-8 as follows:

(65 ILCS 5/10-4-8 new)
Sec. 10-4-8. Power to deduct wages for debts.
(a) Upon receipt of notice from the comptroller of a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of a municipality with a population of 500,000 or more, the municipality may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the municipality deducts any amount from any salary or wage of an employee under this Section, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means the part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(d) Nothing in this Section is intended to affect the power of a municipality to withhold the amount of any debt that is due and owing the municipality by any of its employees.

Section 15. The Cook County Forest Preserve District Act is amended by adding Section 17.5 as follows:

(70 ILCS 810/17.5 new)
Sec. 17.5. Power to deduct wages for debts.
(a) Upon receipt of notice from the comptroller of a municipality with a population of 500,000

New matter indicated by italics - deletions by strikeout.
or more, a county with a population of 3,000,000 or more, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of the District, the District may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 17. The Chicago Park District Act is amended by changing Section 16b as follows:

Sec. 16b. Power to deduct wages for municipal debts. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of the Chicago Park District, the District may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and
"debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(Source: P.A. 90-22, eff. 6-20-97.)

Section 20. The Metropolitan Water Reclamation District Act is amended by adding Section 4.39 as follows:

(70 ILCS 2605/4.39 new)

Sec. 4.39. Power to deduct wages for debts.

(a) Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of the District, the District may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 22. The Metropolitan Transit Authority Act is amended by changing Section 28c as follows:

(70 ILCS 3605/28c)

Sec. 28c. Power to deduct wages for municipal debts. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority by an
employee of the Authority, the Authority may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Authority deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(Source: P.A. 90-22, eff. 6-20-97.)

Section 23. The School Code is amended by changing Section 34-18 as follows:

(105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructual and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, however, that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those
children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board's authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties;
and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

11. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

13. During that period of the calendar year not embraced within the regular school term, to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School Board Nominating Commission, Local School Councils, the Chicago Schools Academic Accountability Council, or the former Subdistrict Councils or of any member, officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. To provide, on an equal basis, access to the school campus to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his
or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee's request.

(b) For the purpose of this paragraph 17:

1. "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.

2. "Computer program" means a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

3. "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of $10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding;

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education, School Reform Board of Trustees, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county,
the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

(a) Black (a person having origins in any of the black racial groups in Africa);
(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
(c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days;

22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;

23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;

24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;

26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;

27. To provide or contract out training programs for administrative personnel and principals with revised or expanded duties pursuant to this Act in order to assure they have the knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected
employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance; and

32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95; 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff. 1-1-98.)

Section 25. The Housing Authorities Act is amended by adding Section 6.1 as follows:

(310 ILCS 10/6.1 new)
Sec. 6.1. Power to deduct wages for debts.

(a) Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education by an employee of the housing authority of a municipality with a population of 500,000 or more, that authority may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the housing authority of a municipality with a population of 500,000 or more deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education, and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water
Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 30. The Illinois Wage Payment and Collection Act is amended by changing Section 9 as follows:

(820 ILCS 115/9) (from Ch. 48, par. 39m-9)

Sec. 9. Except as hereinafter provided, deductions by employers from wages or final compensation are prohibited unless such deductions are (1) required by law; (2) to the benefit of the employee; (3) in response to a valid wage assignment or wage deduction order; (4) made with the express written consent of the employee, given freely at the time the deduction is made; (5) made by a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, a community college district in a city with a population of 500,000 or more, a housing authority in a municipality with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, or the Chicago School Reform Board of Education, the Cook County Forest Preserve District, or the Metropolitan Water Reclamation District of Trustees to pay a debt owed by the employee to a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment; or (6) made by a housing authority in a municipality with a population of 500,000 or more or a municipality with a population of 500,000 or more to pay a debt owed by the employee to a housing authority in a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the municipality with a population of 500,000 or more, the community college district in a city with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, a housing authority in a municipality with a population of 500,000 or more, or the Chicago Board of Education, the county with a population of 3,000,000 or more, the Cook County Forest Preserve District, or the Metropolitan Water Reclamation District of Trustees deducts any amount from any salary or wage of an employee to pay a debt owed to a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more under this Section, the employee has been afforded an opportunity for a hearing to object to the order and has been afforded an opportunity for a hearing to dispute the debt that is due and owing the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum

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of money owed to the municipality, county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education or housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review. Where the legitimacy of any deduction from wages is in dispute, the amount in question may be withheld if the employer notifies the Department of Labor on the date the payment is due in writing of the amount that is being withheld and stating the reasons for which the payment is withheld. Upon such notification the Department of Labor shall conduct an investigation and render a judgment as promptly as possible, and shall complete such investigation within 30 days of receipt of the notification by the employer that wages have been withheld. The employer shall pay the wages due upon order of the Department of Labor within 15 calendar days of issuance of a judgment on the dispute.

The Department shall establish rules to protect the interests of both parties in cases of disputed deductions from wages. Such rules shall include reasonable limitations on the amount of deductions beyond those required by law which may be made during any pay period by any employer.

In case of a dispute over wages, the employer shall pay, without condition and within the time set by this Act, all wages or parts thereof, conceded by him to be due, leaving to the employee all remedies to which he may otherwise be entitled as to any balance claimed. The acceptance by an employee of a disputed paycheck shall not constitute a release as to the balance of his claim and any release or restrictive endorsement required by an employer as a condition to payment shall be a violation of this Act and shall be void.

(Source: P.A. 90-22, eff. 6-20-97; 91-443, eff. 8-6-99.)

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

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sustainable Agriculture Act is amended by changing Sections 2 and 5 as follows:
(505 ILCS 135/2) (from Ch. 5, par. 2652)
Sec. 2. Findings. It is the intent of this Act to provide for funding of the developmental research program that serves production agriculture in Illinois. Illinois is blessed with some of the richest agricultural soils and the most favorable agricultural climate of any land area in the world of similar size. An economically competitive production agriculture in Illinois is essential to sustaining Illinois farmers plus a vast infrastructure of the State's input, processing, distribution and marketing industries and financial institutions and provides the economic base for many rural communities and municipalities.

Production agriculture in Illinois faces rapidly growing competition for international markets, for which the basis of competition is cost of production. In order to compete effectively, agricultural producers in Illinois must be the early and most effective adapters of new productivity-enhancing, cost-cutting and quality-improving technology.

In addition, in order to sustain a high level of agricultural production into the twenty-first century and beyond, it is critical to determine the optimum methods for production agriculture which result in the best return for the farm and best preserves the environment and the farmland of Illinois.

The Illinois Agricultural Experiment Station's Office of Research and research farm system are essential to conducting research that tests and compares promising new agricultural practices

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and products, selecting those that are most appropriate for Illinois, tailoring them to the specific agricultural conditions of Illinois and generating information that helps Illinois farmers assemble them into effective farming systems, thus achieving competitive advantages for Illinois.

Tremendous numbers of new practices and products are becoming available because of increased public and private research around the world, and this rate of development will increase in the future, requiring a much stronger and more sophisticated adaptive research program. Research conducted in the research farm system permits Illinois to capture the economic benefits of worldwide agricultural research and product development.

The State's investment in utilization and marketing research will have little benefit for the present and future of Illinois unless Illinois farmers are the low-cost producers of the raw materials for new food and non-food uses, use production methods which preserve the farmland and guarantee future productivity, and employ some of the utilization and marketing technologies which can be implemented on Illinois farms as efficient production practices.

(Source: P.A. 86-1022.)

(505 ILCS 135/5) (from Ch. 5, par. 2655)

Sec. 5. There is hereby created the Sustainable Agriculture Committee which shall consist of 7 members as follows: one member representing and appointed by the Governor; one member representing and appointed by the Board of Higher Education; one member representing and appointed by the Department of Agriculture; and 4 members appointed by the Department of Agriculture who are farmers actively involved in production agriculture. Members of the Committee shall be appointed for a term of 5 years.

It is the duty of the Committee to seek sources of funding for projects described in Section 4. These sources may be private or public, or federal, State, or local, or designated for agricultural, environmental, or other related purposes. The Committee shall act in an advisory capacity to the Department of Agriculture in program administration and funding recommendations.

The Department of Agriculture may accept funds from any public or private source for the purposes specified in Section 3. Funds received shall be deposited into the State treasury into a State trust fund to be held by the Treasurer as ex-officio custodian and subject to the Comptroller -- Treasurer, voucher -- warrant system. Such funds shall be used by the Department only for the purposes specified in Section 3.

(Source: P.A. 86-1022; 87-998.)

(505 ILCS 135/6 rep.) (from Ch. 5, par. 2656)

Section 10. The Sustainable Agriculture Act is amended by repealing Section 6.

Section 99. Effective date. This Act takes effect upon becoming law.
(2) Determine facility compliance with audit recommendations;
(3) Evaluate facility compliance with applicable federal standards;
(4) Review and follow up on complaints made by community mental health agencies and advocates, and on findings of the Human Rights Authority division of the Guardianship and Advocacy Commission; and
(5) Review administrative and management problems identified by other sources.
(Source: P.A. 86-1013.)
(20 ILCS 1705/52) (from Ch. 91 1/2, par. 100-52)
Sec. 52. The Citizens Council on Mental Health and Developmental Disabilities shall monitor the Department's plan development process. After publication of the annual plan, or any amendment thereto, the Department shall make copies available to the public and to Statewide citizen and professional organizations as well as to each legislative commission having review or advisory authority in the areas of mental health or developmental disabilities. The public, the citizen and professional organizations and legislative commission shall be given an opportunity to comment upon the plan, or amendments thereto.

Within 60 days after publication of the annual plan or of any substantial amendments thereto, the Department shall hold a public hearing in each administrative region of the State. The Department shall respond to any comments, recommendations or testimony presented at such hearings or communicated to the Department in writing. Such comments, recommendations and testimony as well as the responses of the Department shall be abstracted and published in the annual plan for the succeeding year.

Amendments to an annual plan which relate only to state-operated facilities, services or programs delivered to a single region of the State require a public hearing only in that region.

When there are budgetary or other changes in programs or services of the Department which are inconsistent with the annual plan in effect, the Department shall submit to the General Assembly, the Citizens Council on Mental Health and Developmental Disabilities, and to any commission subject to notice of amendments under this Section, a detailed statement of such deviation and its consequences.
(Source: P.A. 86-922.)
(20 ILCS 1705/58 rep.)
Section 3. The Mental Health and Developmental Disabilities Administrative Act is amended by repealing Section 58.
(20 ILCS 2425/Act rep.)
Section 4. The Hearing Impaired and Behavior Disordered Children Services Act is repealed.
(20 ILCS 3940/Act rep.)
Section 5. The General Assistance Job Opportunities Act is repealed.
(20 ILCS 3957/Act rep.)
Section 7. The Home and Community-Based Services Act is repealed.
Section 58. The Legislative Commission Reorganization Act of 1984 is amended by changing Section 11A-7 as follows:
(25 ILCS 130/11A-7) (from Ch. 63, par. 1011A-7)
Sec. 11A-7. The Citizens Assembly, under the direction of the Citizens Council on Mental Health and Developmental Disabilities, shall:
(a) Review, comment and make recommendations upon the following: all plans and policies of the Department of Human Services relating to mental health and developmental disabilities; all other plans, including long range plans developed by the Governor or any officer, agency, committee or other group designated to do planning for the State in the areas of mental health or developmental disabilities, including alcoholism and drug addiction; and the impact of such plans on the programs and services provided by units of local government, school districts and private agencies in such areas. The Citizens Assembly may adopt its own recommendations for a statewide plan or for limited plans on a regional, programmatic or other basis in such areas. The Citizens Assembly may review and comment upon any plans, proposals or grant applications made on behalf of the State to the federal government or to private organizations in such areas;
(b) (Blank); Review the operations, administration, execution of policy and implementation
of State law by the Department of Human Services in relation to mental health and developmental
disabilities and by any other State agency providing services or administering programs in the areas
of mental health or developmental disabilities, including alcoholism and drug addiction. The Citizens
Assembly shall monitor the following activities of the Department of Human Services and such other
agencies insofar as they relate to mental health or developmental disabilities: the delivery of all direct
services; the administration of grant and purchase of service programs; and any licensing, enforcement
or review powers:

As a part of the review under this subsection (b), the Citizens Council on Mental Health and
Developmental Disabilities shall conduct, at least once during each biennium, an examination of each
facility under the jurisdiction of the Department of Human Services as described in Section 4 of the
Mental Health and Developmental Disabilities Administrative Act. The examination shall include, but
not be limited to, at least one site visit to review the facility's operations, patient care provided by the
facility, and the physical condition of the facility's buildings and grounds. The examination shall also
include an analysis of the following indices of care:

1. The percentage of patients and residents returning for inpatient treatment within 30
   and 60 days of discharge, in relation to the documentation of readiness for discharge and
   quality of discharge planning;
2. The facility's ability to ensure continuity of care by linkage rates and access to patients
   for community providers;
3. Overcrowding; that is, the number of days on which the facility's census exceeded its
   functional bed capacity;
4. The level of clinical services as measured by the number of credentialed staff, evidence of
   structured therapeutic activity, and the number of admissions in relation to the number of beds in the facility;
5. Employee turnover;
6. The incidence of assaults on patients or residents of the facility;
7. Recidivism.

In carrying out its examination, the Citizens Council shall solicit evaluations and comments
from patient and resident family and advocacy groups.

The Citizens Assembly shall also review the utilization of State appropriated funds and federal
and private grants by the Department of Human Services or such other agencies relating to mental
health and developmental disabilities;

(c) Study the progress and problems of the hospitalization, care, treatment and training of the
mentally afflicted and persons with a developmental disability;
(d) Study the need for further codification or revision of the laws relating to mental health and
developmental disabilities, and make such recommendations to the General Assembly;
(e) Study all germane factors in an effort to determine the improvements necessary to raise
the mental health of the citizens of Illinois to a desirable level;
(f) Advise the Governor concerning the choice of a person to be appointed Associate Secretary
of Human Services with authority over the functions exercised by the Department of Human Services
as successor to the Department of Mental Health and Developmental Disabilities, if such a person is
appointed;
(g) Meet regularly with the Secretary of Human Services and regularly consult with the
Psychiatric Advisory Council. The Citizens Assembly may advise the Secretary on all matters relating
to the policy and administration of mental health and developmental disability services in this State.
(Source: P.A. 88-380; 89-507, eff. 7-1-97.)

Section 10. The Public Officer Prohibited Activities Act is amended by changing Section 1
as follows:

Sec. 1. County board. No member of a county board, during the term of office for which he
or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county
board or member of the regional planning commission by appointment or election of the board of
which he or she is a member or (ii) alderman of a city or member of the board of trustees of a village
or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and

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is located in a county having fewer than 50,000 inhabitants, unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being selected or from serving as a member of the County Personnel Advisory Board as provided in Section 12-17.2 of the Illinois Public Aid Code, as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.

(Source: P.A. 91-732, eff. 1-1-01.)

Section 15. The Illinois Municipal Code is amended by changing Section 11-43-2 as follows:

Sec. 11-43-2. Taxes levied by any municipality having a population of 500,000 or more for general assistance for persons in need thereof as provided in The Illinois Public Aid Code, as now or hereafter amended, for each fiscal year shall not exceed the rate of .10% upon the value of all property therein as that property is equalized or assessed by the Department of Revenue. Nor shall the rate produce in excess of the amount needed in that municipality for general assistance for persons in need thereof. All money received from these taxes and moneys collected or recovered by or in behalf of the municipality under The Illinois Public Aid Code shall be used exclusively for the furnishing of general assistance within the municipality; for the payment of administrative costs thereof; and for the payment of warrants issued against and in anticipaton of the general assistance taxes, and accrued interest thereon. Until January 1, 1974, the treasurer of the municipality, shall pay all moneys received from general assistance taxes and all the moneys collected or recovered by or in behalf of the municipality under The Illinois Public Aid Code into the special fund in the county treasury established pursuant to Section 12-21.14 of that Code. After December 31, 1973, but not later than June 30, 1979, the treasurer of the municipality shall pay all moneys received from general assistance taxes and collections or recoveries directly into the Special Purposes Trust Fund established by Section 12-10 of The Illinois Public Aid Code. After June 30, 1979, moneys and funds designated by this Section shall be paid into the General Revenue Fund as reimbursement for appropriated funds disbursed as provided in Section 12-18.4 of the Illinois Public Aid Code.

Upon the filing with the county clerk of a certified copy of an ordinance levying such taxes, the county clerk shall extend the taxes upon the books of the collector of state and county taxes within that municipality in the manner provided in Section 8-3-1 for the extension of municipal taxes.

(Source: P.A. 81-1509.)

Section 20. The Illinois Public Aid Code is amended by changing Sections 1-7, 1-8, 2-6, 2-13, 3-1a, 3-11, 4-1, 4-1.1, 4-1.2a, 4-1.2c, 4-1.6, 4-1.10, 4-2, 4-8, 4-17, 6-1, 6-1.2, 6-1.3a, 6-2, 6-11, 9-1, 9-5, 9-6, 9-6.1, 9-6.2, 9A-3, 9A-5, 9A-13, 11-3, 11-6.1, 11-8, 11-8.7, 11-9, 11-15, 11-17, 11-20, 11-22, 11-22a, 12-2, 12-3, 12-4.4, 12-4.7, 12-4.8, 12-4.17, 12-4.24a, 12-5, 12-8, 12-10.3, 12-13, 12-13.05, 12-19, 12-19.2, 12-19.3, 12-21.10, 12-21.14, and 12-21.20 as follows:

(305 ILCS 5/1-7) (from Ch. 23, par. 1-7)

Sec. 1-7. (a) For purposes of determining eligibility for assistance under this Code, the Illinois Department, County Departments, and local governmental units shall exclude from consideration restitution payments, including all income and resources derived therefrom, made to persons of Japanese or Aleutian ancestry pursuant to the federal Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act, P.L. 100-383.

(b) For purposes of any program or form of assistance where a person's income or assets are considered in determining eligibility or level of assistance, whether under this Code or another authority, neither the State of Illinois nor any entity or person administering a program wholly or partially financed by the State of Illinois or any of its political subdivisions shall include restitution payments, including all income and resources derived therefrom, made pursuant to the federal Civil

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Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act, P.L. 100-383, in the calculation of income or assets for determining eligibility or level of assistance.

(c) For purposes of determining eligibility for or the amount of assistance under this Code, except for the determination of eligibility for payments or programs under the TANF employment, education, and training programs Job Opportunity and Basic Skills Program and the Food Stamp Employment and Training Program, the Illinois Department, County Departments, and local governmental units shall exclude from consideration any financial assistance received under any student aid program administered by an agency of this State or the federal government, by a person who is enrolled as a full-time or part-time student of any public or private university, college, or community college in this State.

(Source: P.A. 87-565; 88-436.)

(305 ILCS 5/1-8)
Sec. 1-8. Fugitives ineligible.

(a) The following persons are not eligible for aid under this Code, or federal food stamps or federal food stamp benefits:

1. A person who has fled from the jurisdiction of any court of record of this or any other state or of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding involving the alleged commission of a felony.

2. A person who has fled to avoid imprisonment in a correctional facility of this or any other state or the United States for having committed a felony.

3. A person who has escaped from a correctional facility of this or any other state or the United States if the person was incarcerated for having committed a felony.

4. A person who is violating a condition of probation or parole imposed under federal or State law.

In this Section, "felony" means a violation of a penal statute of this or any other state or the United States for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided.

To implement this Section, the Illinois Department may exchange necessary information with an appropriate law enforcement agency of this or any other state, a political subdivision of this or any other state, or the United States.

(b) (Blank). The Illinois Department shall apply for all waivers of federal law and regulations necessary to implement this Section, and implementation of this Section is contingent on the Illinois Department's receipt of those waivers.

(Source: P.A. 89-489, eff. 1-1-97; 90-17, eff. 7-1-97.)

(305 ILCS 5/2-6) (from Ch. 23, par. 2-6)
Sec. 2-6. "Financial aid". A money or vendor payment to or in behalf of a recipient for basic maintenance support or medical assistance provided under Articles III, IV, V, and VI and VII. (Source: Laws 1967, p. 122.)

(305 ILCS 5/2-13) (from Ch. 23, par. 2-13)
Sec. 2-13. "County department". The Department of Human Services local office or offices County Department of Public Aid in each county in this State.

(Source: Laws 1967, p. 122.)

(305 ILCS 5/3-1a) (from Ch. 23, par. 3-1a)
Sec. 3-1a. Interim Assistance.

(a) (Blank). The interim assistance program previously administered under this Article is abolished effective September 1, 1995. Persons receiving interim assistance before September 1, 1995 may apply for and receive State Transitional Assistance benefits under Section 6-11 of this Code if they meet the eligibility criteria under that program as revised by this amendatory Act of 1995. Notwithstanding any other Section of this Code, the Illinois Department is authorized to cancel interim assistance and related medical benefits for all clients effective September 1, 1995 and require former recipients of interim assistance to reapply for State Transitional Assistance and any related medical benefits. Applications filed on July 1, 1995 and thereafter shall not be considered under the interim assistance program but shall be considered only under the State Transitional Assistance program, as revised by this amendatory Act of 1995.

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(b) The Illinois Department may establish, by rule, an advocacy program to help clients pursue Supplemental Security Income applications and, if the client is found ineligible for Supplemental Security Income initially, to help the client pursue the Supplemental Security Income reconsideration and appeal process. This program may be limited to specific geographic areas.

(Source: P.A. 88-670, eff. 12-2-94; 89-21, eff. 7-1-95.)

(305 ILCS 5/3-11) (from Ch. 23, par. 3-11)
Sec. 3-11. Fraudulent transfer of real property.
A transfer of any legal or equitable interest in real property, whether vested, contingent, or inchoate, by a person who is or has been a recipient, including any such transfers prior to application which would have initially disqualified the person as provided in Section 3-1.3, shall, under any of the following conditions, be deemed prima facie fraudulent as to the Illinois Department.

1. Where the deed or assignment has not been recorded or registered by the grantee, trustee, or assignee.

2. When the deed or assignment, even though recorded or registered, fails to state the consideration.

3. When the consideration for the deed or assignment, even though recorded or registered, is not paid.

4. When the consideration for the deed or assignment, even though recorded or registered, does not approximate the fair, cash market value.

The Attorney General, upon request of the Illinois Department, shall file suit to rescind any such transfer or assignment of real property. Any aid furnished under this Article, or under Articles V, VII, or VII-A of the 1949 Code shall be recoverable in any such proceeding from such person or from his estate.

(Source: Laws 1967, p. 122.)

(305 ILCS 5/4-1) (from Ch. 23, par. 4-1)
Sec. 4-1. Eligibility requirements. Financial aid in meeting basic maintenance requirements for a livelihood compatible with health and well-being shall be given under this Article to or in behalf of families with dependent children who meet the eligibility conditions of Sections 4-1.1 through 4-1.11. Persons who meet the eligibility criteria authorized under this Article shall be treated equally, provided that nothing in this Article shall be construed to create an entitlement to a particular grant or service level or to aid in amounts not authorized under this Code, nor construed to limit the authority of the General Assembly to change the eligibility requirements or provisions respecting assistance amounts.

The Illinois Department shall advise every applicant for and recipient of aid under this Article of (i) the requirement that all recipients move toward self-sufficiency and (ii) the value and benefits of employment. As a condition of eligibility for that aid, every person who applies for aid under this Article on or after the effective date of this amendatory Act of 1995 shall prepare and submit, as part of the application or subsequent redetermination, a personal plan for achieving employment and self-sufficiency. The plan shall incorporate the individualized assessment and employability plan set out in subsections (d), (f), and (g) of Section 9A-8. The plan may be amended as the recipient's needs change. The assessment process to develop the plan shall include questions that screen for domestic violence issues and steps needed to address these issues may be part of the plan. If the individual indicates that he or she is a victim of domestic violence, he or she may also be referred to an available domestic violence program. Failure of the client to follow through on the personal plan for employment and self-sufficiency may be a basis for sanction under Section 4-21. The Illinois Department may implement this paragraph through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

The eligibility of persons who, on the effective date of this Code, are receiving aid under Article VI of the 1949 Code, for aid under this Article, and the continuity of their grants, shall not be affected by the enactment of this Code.

(Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

(305 ILCS 5/4-1.1) (from Ch. 23, par. 4-1.1)
Sec. 4-1.1. Child age eligibility.
(a) Every assistance unit must include a child, except as provided in subsections (b) and (c). The child or children must have already been born and be under age 18, or, if age 18, must be a full-time student in a secondary school or the equivalent level of vocational or technical training.
(b) Grants shall be provided for assistance units consisting exclusively of a pregnant woman with no dependent child, and may include her husband if living with her, if the pregnancy has been determined by medical diagnosis, to the extent that federal law permits and federal matching funds are available.
(c) Grants may be provided for assistance units consisting of only adults if all the children living with those adults are disabled and receive Supplemental Security Income.

(305 ILCS 5/4-1.2a) (from Ch. 23, par. 4-1.2a)
Sec. 4-1.2a. Residents of public institutions. Residents of municipal, county, state or national institutions for persons with mental illness or persons with a developmental disability or for the tuberculous, or residents of a home or other institution maintained by such governmental bodies when not in need of institutional care because of sickness, convalescence, infirmity, or chronic illness, and inmates of penal or correctional institutions maintained by such governmental bodies, may qualify for aid under this Article only after they have ceased to be residents or inmates, but they may apply in advance of their discharge. Applications received from residents scheduled for discharge from such institutions shall be processed by the Department in an expeditious manner. For persons whose applications are approved, the earliest date of eligibility shall be the date of release from the institution.

A person shall not be deemed a resident of a State institution for persons with mental illness or persons with a developmental disability within the meaning of this Section if he or she has been conditionally discharged by the Department of Mental Health and Developmental Disabilities or the Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and is no longer residing in the institution.

Recipients of benefits under this Article who become residents of such institutions shall be permitted a period of up to 30 days in such institutions without suspension or termination of eligibility. Benefits for which such person is eligible shall be restored, effective on the date of discharge or release, for persons who are residents of institutions. Within a reasonable time after the discharge of a person who was a resident of an institution, the Department shall redetermine the eligibility of such person.

The Department shall provide for procedures to expedite the determination of incapacity or ability to engage in employment of persons scheduled to be discharged from facilities operated by the Department.

If federal law or regulations governing grants under this Article permit the inclusion of persons who are residents of institutions designated in this Section beyond the period authorized herein, the Illinois Department, upon a determination that the appropriations for public aid are sufficient for such purpose, and upon approval of the Governor, may provide by general and uniform rule for the waiver of the provisions of this Section which would otherwise disqualify such person for aid under this Article.

(305 ILCS 5/4-1.2c)
Sec. 4-1.2c. Residence of child who is pregnant or a parent.
(a) Notwithstanding any other provision of this Code, no aid shall be paid under this Article on behalf of a person under age 18 who has never married and who has a child or is pregnant, unless that person resides with a parent, legal guardian, or other adult relative or in a foster home, maternity home, or other adult-supervised living arrangement.
(b) The Illinois Department may make an exception to the requirement of subsection (a) as authorized under the federal Family Support Act of 1988 or in any of the following circumstances:

(1) The person has no living parent or legal guardian, or the parent's or legal guardian's whereabouts are unknown.

(2) The Illinois Department determines that the physical health or safety of the person or
the person's child would be jeopardized.

(3) The person has lived apart from the parent or legal guardian for a period of at least one year before the child's birth or before applying for aid under this Article.

(c) (Blank). The Illinois Department may implement this Section through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this Section shall be considered an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 89-6, eff. 3-6-95.)

(305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

Sec. 4-1.6. Need. Income available to the family as defined by the Illinois Department by rule, or to the child in the case of a child removed from his or her home, when added to contributions in money, substance or services from other sources, including income available from parents absent from the home or from a stepparent, contributions made for the benefit of the parent or other persons necessary to provide care and supervision to the child, and contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation for such a person.

In considering income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. The Illinois Department may also, subject to such limitations as may be prescribed by federal law or regulation, permit all or any portion of earned or other income to be set aside for the future identifiable needs of a child. If federal law or regulations permit or require exemption of other income of recipients, The Illinois Department may provide by rule and regulation for the exemptions thus permitted or required. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Illinois Department may, by rule, set forth criteria under which an assistance unit is ineligible for cash assistance under this Article for a specified number of months due to the receipt of a lump sum payment.

(Source: P.A. 90-17, eff. 7-1-97; 91-676, eff. 12-23-99.)

(305 ILCS 5/4-1.10) (from Ch. 23, par. 4-1.10)

Sec. 4-1.10. Acceptance of Assignment to Job Search, Training and Work Programs. An individual for whom the job search, training and work programs established under Article IXA are applicable must accept assignment to such programs. The Illinois Department shall seek a waiver of federal law and regulations to operate a job search program, under which every person determined eligible for aid under this Article who has a high school education or its equivalent or a prior work history as defined by rule and whose youngest child is at least 5 years of age but less than 13 years of age shall be required to participate in a job search program until employment is secured or for 6 months after the date of approval, whichever is less. This Section shall be operative only to the extent that it does not conflict with the Federal Social Security Act, or any other federal law or federal regulation governing the receipt of federal grants for aid provided under this Article. The Illinois Department and the local governmental unit shall determine, pursuant to rules and regulations, sanctions for persons failing to comply with the requirements under this Section. However, no participant shall be sanctioned for failure to satisfy job search requirements before a full assessment of the participant's job readiness and employability, except that for those persons subject to the job search program operated under this Section an assessment as defined by rule at the time of intake will meet the assessment requirement. No participant shall be sanctioned for failure to satisfy the minimum number of employer contacts if the participant made a good faith effort.

The Illinois Department may implement the changes made by this amendatory Act of 1995 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement these changes shall be considered an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 89-6, eff. 3-6-95.)
Sec. 4-2. Amount of aid.

(a) The amount and nature of financial aid shall be determined in accordance with the grant amounts, rules and regulations of the Illinois Department. Due regard shall be given to the self-sufficiency requirements of the family and to the income, money contributions and other support and resources available, from whatever source. Beginning July 1, 1992, the supplementary grants previously paid under this Section shall no longer be paid. However, the amount and nature of any financial aid is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The aid shall be sufficient, when added to all other income, money contributions and support to provide the family with a grant in the amount established by Department regulation.

(b) The Illinois Department may conduct special projects, which may be known as Grant Diversion Projects, under which recipients of financial aid under this Article are placed in jobs and their grants are diverted to the employer who in turn makes payments to the recipients in the form of salary or other employment benefits. The Illinois Department shall by rule specify the terms and conditions of such Grant Diversion Projects. Such projects shall take into consideration and be coordinated with the programs administered under the Illinois Emergency Employment Development Act.

(c) The amount and nature of the financial aid for a child requiring care outside his own home shall be determined in accordance with the rules and regulations of the Illinois Department, with due regard to the needs and requirements of the child in the foster home or institution in which he has been placed.

(d) If the Department establishes grants for family units consisting exclusively of a pregnant woman with no dependent child or including her husband if living with her, the grant amount for such a unit shall be equal to the grant amount for an assistance unit consisting of one adult, or 2 persons if the husband is included. Other than as herein described, an unborn child shall not be counted in determining the size of an assistance unit or for calculating grants.

Payments for basic maintenance requirements of a child or children and the relative with whom the child or children are living shall be prescribed, by rule, by the Illinois Department.

These grants may be increased in the following circumstances:

1. If the child is living with both parents or with persons standing in the relationship of parents, and if the grant is necessitated because of the unemployment or insufficient earnings of the parent or parents and neither parent is receiving benefits under "The Unemployment Compensation Act", approved June 30, 1937, as amended, the maximum may be increased by not more than $25.

2. If a child is age 13 or over, the maximum may be increased by not more than $15.

The allowances provided under Article IX for recipients participating in the training and rehabilitation programs shall be in addition to the maximum payments established in this Section.

Grants under this Article shall not be supplemented by General Assistance provided under Article VI.

(e) Grants shall be paid to the parent or other person with whom the child or children are living, except for such amount as is paid in behalf of the child or his parent or other relative to other persons or agencies pursuant to this Code or the rules and regulations of the Illinois Department.

(f) An assistance unit, receiving financial aid under this Article or temporarily ineligible to receive aid under this Article under a penalty imposed by the Illinois Department for failure to comply with the eligibility requirements or that voluntarily requests termination of financial assistance under this Article and becomes subsequently eligible for assistance within 9 months, shall not receive any increase in the amount of aid solely on account of the birth of a child; except that an increase is not prohibited when the birth is (i) of a child of a pregnant woman who became eligible for aid under this Article during the pregnancy, or (ii) of a child born within 10 months after the date of implementation of this subsection, or (iii) of a child conceived after a family became ineligible for assistance due to income or marriage and at least 3 months of ineligibility expired before any reapplication for
assistance. This subsection does not, however, prevent a unit from receiving a general increase in the amount of aid that is provided to all recipients of aid under this Article.

The Illinois Department is authorized to transfer funds, and shall use any budgetary savings attributable to not increasing the grants due to the births of additional children, to supplement existing funding for employment and training services for recipients of aid under this Article IV. The Illinois Department shall target, to the extent the supplemental funding allows, employment and training services to the families who do not receive a grant increase after the birth of a child. In addition, the Illinois Department shall provide, to the extent the supplemental funding allows, such families with up to 24 months of transitional child care pursuant to Illinois Department rules. All remaining supplemental funds shall be used for employment and training services or transitional child care support.

In making the transfers authorized by this subsection, the Illinois Department shall first determine, pursuant to regulations adopted by the Illinois Department for this purpose, the amount of savings attributable to not increasing the grants due to the births of additional children. Transfers may be made from General Revenue Fund appropriations for distributive purposes authorized by Article IV of this Code only to General Revenue Fund appropriations for employability development services including operating and administrative costs and related distributive purposes under Article IXA of this Code. The Director, with the approval of the Governor, shall certify the amount and affected line item appropriations to the State Comptroller.

The Illinois Department shall apply for all waivers of federal law and regulations necessary to implement this subsection; implementation of this subsection is contingent on the Illinois Department receiving all necessary federal waivers. The Illinois Department may implement this subsection through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this subsection shall be considered an emergency and necessary for the public interest, safety, and welfare.

Nothing in this subsection shall be construed to prohibit the Illinois Department from using funds under this Article IV to provide assistance in the form of vouchers that may be used to pay for goods and services deemed by the Illinois Department, by rule, as suitable for the care of the child such as diapers, clothing, school supplies, and cribs.

(g) (Blank).

(h) Notwithstanding any other provision of this Code, the Illinois Department is authorized to reduce payment levels used to determine cash grants under this Article after December 31 of any fiscal year if the Illinois Department determines that the caseload upon which the appropriations for the current fiscal year are based have increased by more than 5% and the appropriation is not sufficient to ensure that cash benefits under this Article do not exceed the amounts appropriated for those cash benefits. Reductions in payment levels may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply and the provisions of Sections 5-115 and 5-125 of the Illinois Administrative Procedure Act shall not apply. Increases in payment levels shall be accomplished only in accordance with Section 5-40 of the Illinois Administrative Procedure Act. Before any rule to increase payment levels promulgated under this Section shall become effective, a joint resolution approving the rule must be adopted by a roll call vote by a majority of the members elected to each chamber of the General Assembly.

(Source: P.A. 90-17, eff. 7-1-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

(305 ILCS 5/4-8) (from Ch. 23, par. 4-8)

Sec. 4-8. Mismanagement of assistance grant.

(a) If the County Department has reason to believe that the money payment for basic maintenance is not being used, or may not be used, in the best interests of the child and the family and that there is present or potential damage to the standards of health and well-being that the grant is intended to assure, the County Department shall provide the parent or other relative with the counseling and guidance services with respect to the use of the grant and the management of other funds available to the family as may be required to assure use of the grant in the best interests of the child and family. The Illinois Department shall by rule prescribe criteria which shall constitute

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evidence of grant mismanagement. The criteria shall include but not be limited to the following:

(1) A determination that a child in the assistance unit is not receiving proper and necessary support or other care for which assistance is being provided under this Code.

(2) A record establishing that the parent or relative has been found guilty of public assistance fraud under Article VIII-A.

(3) A determination by an appropriate person, entity, or agency that the parent or other relative requires treatment for alcohol or substance abuse, mental health services, or other special care or treatment.

The Department shall at least consider non-payment of rent for two consecutive months as evidence of grant mismanagement by a parent or relative of a recipient who is responsible for making rental payments for the housing or shelter of the child or family, unless the Department determines that the non-payment is necessary for the protection of the health and well-being of the recipient. The County Department shall advise the parent or other relative grantee that continued mismanagement will result in the application of one of the sanctions specified in this Section.

The Illinois Department shall consider irregular school attendance by children of school age grades 1 through 8, as evidence of lack of proper and necessary support or care. The Department may extend this consideration to children in grades higher than 8.

The Illinois Department shall develop preventive programs in collaboration with school and social service networks to encourage school attendance of children receiving assistance under Article IV. To the extent that Illinois Department and community resources are available, the programs shall serve families whose children in grades 1 through 8 are not attending school regularly, as defined by the school. The Department may extend these programs to families whose children are in grades higher than 8. The programs shall include referrals from the school to a social service network, assessment and development of a service plan by one or more network representatives, and the Illinois Department's encouragement of the family to follow through with the service plan. Families that fail to follow the service plan as determined by the service provider, shall be subject to the protective payment provisions of this Section and Section 4-9 of this Code.

Families for whom a protective payment plan has been in effect for at least 3 months and whose school children continue to regularly miss school shall be subject to sanction under Section 4-21. The sanction shall continue until the children demonstrate satisfactory attendance, as defined by the school. To the extent necessary to implement this Section, the Illinois Department shall seek appropriate waivers of federal requirements from the U.S. Department of Health and Human Services.

The Illinois Department may implement the amendatory changes to this Section made by this amendatory Act of 1995 through the use of emergency rules in accordance with the provisions of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement the amendatory changes to this Section made by this amendatory Act of 1995 shall be deemed an emergency and necessary for the public interest, safety, and welfare.

(b) In areas of the State where clinically appropriate substance abuse treatment capacity is available, if the local office has reason to believe that a caretaker relative is experiencing substance abuse, the local office shall refer the caretaker relative to a licensed treatment provider for assessment. If the assessment indicates that the caretaker relative is experiencing substance abuse, the local office shall require the caretaker relative to comply with all treatment recommended by the assessment. If the caretaker relative refuses without good cause, as determined by rules of the Illinois Department, to submit to the assessment or treatment, the caretaker relative shall be ineligible for assistance, and the local office shall take one or more of the following actions:

(i) If there is another family member or friend who is ensuring that the family's needs are being met, that person, if willing, shall be assigned as protective payee.

(ii) If there is no family member or close friend to serve as protective payee, the local office shall provide for a protective payment to a substitute payee as provided in Section 4-9. The Department also shall determine whether a referral to the Department of Children and Family Services is warranted and, if appropriate, shall make the referral.

(iii) The Department shall contact the individual who is thought to be experiencing substance abuse and explain why the protective payee has been assigned and refer the
individual to treatment.

(c) This subsection (c) applies to cases other than those described in subsection (b). If the efforts to correct the mismanagement of the grant have failed, the County Department, in accordance with the rules and regulations of the Illinois Department, shall initiate one or more of the following actions:

1. Provide for a protective payment to a substitute payee, as provided in Section 4-9. This action may be initiated for any assistance unit containing a child determined to be neglected by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and in any case involving a record of public assistance fraud.
2. Provide for issuance of all or part of the grant in the form of disbursing orders. This action may be initiated in any case involving a record of public assistance fraud, or upon the request of a substitute payee designated under Section 4-9.
3. File a petition under the Juvenile Court Act of 1987 for an Order of Protection under Section 2-25, 2-26, 3-26, 3-27, 4-23, 4-24, 5-730, or 5-735 of that Act.
4. Institute a proceeding under the Juvenile Court Act of 1987 for the appointment of a guardian or legal representative for the purpose of receiving and managing the public aid grant.
5. If the mismanagement of the grant, together with other factors, has rendered the home unsuitable for the best welfare of the child, file a neglect petition under the Juvenile Court Act of 1987, requesting the removal of the child or children.

(Source: P.A. 90-17, eff. 7-1-97; 90-249, eff. 1-1-98; 90-590, eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

Sec. 4-17. Targeted jobs TANF Demonstration project: employment.

(a) The Illinois Department shall seek a waiver of federal law and regulations to allow the Illinois Department to operate a targeted jobs TANF AFDC demonstration project under which individuals whose youngest child is 13 years of age or older shall be required to seek and accept employment. Cash assistance for these individuals shall be limited to 24 months unless the individual is working, as defined by rule, or is participating in a pay-after-performance program. Excluded from the work requirement based on criteria to be established by rule. After 24 months of assistance without work, the individual shall be ineligible for assistance for a period of 24 months. An individual who does not cooperate with the job search, education, or work requirements shall be subject to sanctions to be defined by rule. The addition to the household of a child under 13 years of age or the birth of a child more than 10 months after enrollment into the targeted jobs TANF project time-limited demonstration shall not extend the period of eligibility.

(b) (Blank). Furthermore, the Illinois Department shall seek an additional waiver of federal law and regulations under which, for cases in this demonstration, an assistance unit (other than an assistance unit consisting exclusively of a pregnant woman with no child) receiving financial aid under this Article, or a family unit that is temporarily ineligible for aid under this Article, may be excluded from the work requirement based on criteria to be established by rule. After 24 months of assistance without work, the individual shall be ineligible for assistance for a period of 24 months. An individual who does not cooperate with the job search, education, or work requirements shall be subject to sanctions to be defined by rule. The addition to the household of a child under 13 years of age or the birth of a child more than 10 months after enrollment into the targeted jobs TANF project time-limited demonstration shall not extend the period of eligibility.

(c) (Blank). The Illinois Department shall report to the General Assembly on or before January 1, 1996 as to the status of the request for federal waivers and the status of the proposed implementation of this demonstration project.

(Source: P.A. 89-6, eff. 3-6-95; 89-626, eff. 8-9-96.)

Sec. 6-1. Eligibility requirements. Financial aid in meeting basic maintenance requirements shall be given under this Article to or in behalf of persons who meet the eligibility conditions of Sections 6-1.1 through 6-1.10. In addition, each unit of local government subject to this Article shall provide persons receiving financial aid in meeting basic maintenance requirements with financial aid for either (a) necessary treatment, care, and supplies required because of illness or disability, or (b) acute medical treatment, care, and supplies only. If a local governmental unit elects to provide

New matter indicated by italics - deletions by strikeout.
financial aid for acute medical treatment, care, and supplies only, the general types of acute medical treatment, care, and supplies for which financial aid is provided shall be specified in the general assistance rules of the local governmental unit, which rules shall provide that financial aid is provided, at a minimum, for acute medical treatment, care, or supplies necessitated by a medical condition for which prior approval or authorization of medical treatment, care, or supplies is not required by the general assistance rules of the Illinois Department. Nothing in this Article shall be construed to permit the granting of financial aid where the purpose of such aid is to obtain an abortion, induced miscarriage or induced premature birth unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child.

Until August 1, 1969, children who require care outside their own homes, where no other sources of funds or insufficient funds are available to provide the necessary care, are included among persons eligible for aid under this Article. After July 31, 1969, the Department of Children and Family Services shall have the responsibility of providing child welfare services to such children, as provided in Section 5 of "An Act creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named", approved June 4, 1963, as amended.

In cities, villages and incorporated towns of more than 500,000 population, the Illinois Department may establish a separate program under this Article. The 2 programs shall be differentiated, but the placement of persons under both programs shall be based upon their ability or inability to engage in employment in accordance with the rules and regulations promulgated by the Illinois Department. In establishing rules and regulations for determining whether a person is able to engage in employment, the Illinois Department may establish rules different than those set out under Section 11-20. In determining need and the amount of aid under Sections 6-1.2 and 6-2 for the 2 programs, the Illinois Department may establish different standards for the 2 programs based upon the specific needs of the different populations to be served by the 2 programs. The Illinois Department may enter into contracts with entities to establish work or training related projects under the program established for persons determined to be able to engage in employment.

(Source: P.A. 89-646, eff. 1-1-97.)

(305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)
Sec. 6-1.2. Need. Income available to the person, when added to contributions in money, substance, or services from other sources, including contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation (or by local governmental unit in units which do not receive State funds) for such a person.
In determining income to be taken into account:

(1) The first $75 of earned income in income assistance units comprised exclusively of one adult person shall be disregarded, and for not more than 3 months in any 12 consecutive months that portion of earned income beyond the first $75 that is the difference between the standard of assistance and the grant amount, shall be disregarded.

(2) For income assistance units not comprised exclusively of one adult person, when authorized by rules and regulations of the Illinois Department, a portion of earned income, not to exceed the first $25 a month plus 50% of the next $75, may be disregarded for the purpose of stimulating and aiding rehabilitative effort and self-support activity.

"Earned income" means money earned in self-employment or wages, salary, or commission for personal services performed as an employee. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act", any refund or payment of the federal Earned Income Tax Credit, or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

If federal laws or regulations applicable to persons receiving assistance under Articles III or IV of this Code permit or require the exemption of earned income in excess of the foregoing limitation on earned income exemptions or permit or require the exemption of certain other income and resources, the Illinois Department, may, by rule, authorize comparable exemptions in determining

New matter indicated by italics - deletions by strikeout.
Residents of public institutions. Residents of municipal, county, state or national institutions for persons with mental illness or persons with a developmental disability or for the tuberculous, or residents of a home or other institution maintained by such governmental bodies when not in need of institutional care because of sickness, convalescence, infirmity, or chronic illness, and inmates of penal or correctional institutions maintained by such governmental bodies, may qualify for aid under this Article only after they have ceased to be residents or inmates, but they may apply in advance of their discharge. Applications received from residents scheduled for discharge from such institutions shall be processed by the Department in an expeditious manner. For persons whose applications are approved, the earliest date of eligibility shall be the date of release from the institution.

A person shall not be deemed a resident of a state institution for persons with mental illness or persons with a developmental disability within the meaning of this Section if he has been conditionally discharged by the Department of Mental Health and Developmental Disabilities or the Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and is no longer residing in the institution.

Recipients of benefits under this Article who become residents of such institutions shall be permitted a period of up to 30 days in such institutions without suspension or termination of eligibility. Benefits for which such person is eligible shall be restored, effective on the date of discharge or release, for persons who are residents of institutions. Within a reasonable time after the discharge of a person who was a resident of an institution, the Department shall redetermine the eligibility of such person.

The Department shall provide for procedures to expedite the determination of ability to engage in employment of persons scheduled to be discharged from facilities operated by the Department.

If federal law or regulations governing grants under this Article permit the inclusion of persons who are residents of institutions designated in this Section beyond the period authorized herein, the Illinois Department, upon a determination that the appropriations for public aid are sufficient for such purpose, and upon approval of the Governor, may provide by general and uniform rule for the waiver of the provisions of this Section which would otherwise disqualify such person for aid under this Article.

Amount of aid. The amount and nature of General Assistance for basic maintenance requirements shall be determined in accordance with local budget standards for local governmental units which do not receive State funds. For local governmental units which do receive State funds, the amount and nature of General Assistance for basic maintenance requirements shall be determined in accordance with the standards, rules and regulations of the Illinois Department. Beginning July 1, 1992, the supplementary grants previously paid under this Section shall no longer be paid. However, the amount and nature of any financial aid is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. Due regard shall be given to the requirements and the conditions existing in each case, and to the income, money contributions and other support and resources available, from whatever source. In local governmental units which do not receive State funds, the grant shall be sufficient when added to all other income, money contributions and support in excess of any excluded income or resources, to provide the person with a grant in the amount established for such a person by the local governmental unit based upon standards meeting basic maintenance requirements. In local governmental units which do receive State funds, the grant shall be sufficient when added to all other income, money contributions and support in excess of any excluded income or resources, to provide the person with a grant in the amount established for such a person by Department regulation based upon standards providing a livelihood compatible with
health and well-being, as directed by Section 12-4.11 of this Code.

The Illinois Department may conduct special projects, which may be known as Grant Diversion Projects, under which recipients of financial aid under this Article are placed in jobs and their grants are diverted to the employer who in turn makes payments to the recipients in the form of salary or other employment benefits. The Illinois Department shall by rule specify the terms and conditions of such Grant Diversion Projects. Such projects shall take into consideration and be coordinated with the programs administered under the Illinois Emergency Employment Development Act.

The allowances provided under Article IX for recipients participating in the training and rehabilitation programs shall be in addition to such maximum payment.

Payments may also be made to provide persons receiving basic maintenance support with necessary treatment, care and supplies required because of illness or disability or with acute medical treatment, care, and supplies. Payments for necessary or acute medical care under this paragraph may be made to or in behalf of the person. Obligations incurred for such services but not paid for at the time of a recipient's death may be paid, subject to the rules and regulations of the Illinois Department, after the death of the recipient.

(Source: P.A. 90-372, eff. 7-1-98; 91-676, eff. 12-23-99.)

(305 ILCS 5/6-11) (from Ch. 23, par. 6-11)
Sec. 6-11. State funded General Assistance.
(a) Effective July 1, 1992, all State funded General Assistance and related medical benefits shall be governed by this Section. Other parts of this Code or other laws related to General Assistance shall remain in effect to the extent they do not conflict with the provisions of this Section. If any other part of this Code or other laws of this State conflict with the provisions of this Section, the provisions of this Section shall control.

(b) State funded General Assistance shall consist of 2 separate programs. One program shall be for adults with no children and shall be known as State Transitional Assistance. The other program shall be for families with children and for pregnant women and shall be known as State Family and Children Assistance.

(c) (1) To be eligible for State Transitional Assistance on or after July 1, 1992, an individual must be ineligible for assistance under any other Article of this Code, must be determined chronically needy, and must be one of the following:

   (A) age 18 or over or
   (B) married and living with a spouse, regardless of age.

   (2) The Illinois Department or the local governmental unit shall determine whether individuals are chronically needy as follows:

   (A) Individuals who have applied for Supplemental Security Income (SSI) and are awaiting a decision on eligibility for SSI who are determined disabled by the Illinois Department using the SSI standard shall be considered chronically needy, except that individuals whose disability is based solely on substance addictions (drug abuse and alcoholism) and whose disability would cease were their addictions to end shall be eligible only for medical assistance and shall not be eligible for cash assistance under the State Transitional Assistance program.

   (B) If an individual has been denied SSI due to a finding of "not disabled" (either at the Administrative Law Judge level or above, or at a lower level if that determination was not appealed), the Illinois Department shall adopt that finding and the individual shall not be eligible for State Transitional Assistance or any related medical benefits. Such an individual may not be determined disabled by the Illinois Department for a period of 12 months, unless the individual shows that there has been a substantial change in his or her medical condition or that there has been a substantial change in other factors, such as age or work experience, that might change the determination of disability.

   (C) The Illinois Department, by rule, may specify other categories of individuals as chronically needy; nothing in this Section, however, shall be deemed to require the inclusion of any specific category other than as specified in paragraphs (A) and (B).

(3) For individuals in State Transitional Assistance, medical assistance shall be provided in
an amount and nature determined by the Illinois Department of Public Aid by rule. The amount and nature of medical assistance provided need not be the same as that provided under paragraph (4) of subsection (d) of this Section, and nothing in this paragraph (3) shall be construed to require the coverage of any particular medical service. In addition, the amount and nature of medical assistance provided may be different for different categories of individuals determined chronically needy.

(4) The Illinois Department shall determine, by rule, those assistance recipients under Article VI who shall be subject to employment, training, or education programs including Earnfare, the content of those programs, and the penalties for failure to cooperate in those programs.

(5) The Illinois Department shall, by rule, establish further eligibility requirements, including but not limited to residence, need, and the level of payments.

(d) (1) To be eligible for State Family and Children Assistance, a family unit must be ineligible for assistance under any other Article of this Code and must contain a child who is:

(A) under age 18 or

(B) age 18 and a full-time student in a secondary school or the equivalent level of vocational or technical training, and who may reasonably be expected to complete the program before reaching age 19.

Those children shall be eligible for State Family and Children Assistance.

(2) The natural or adoptive parents of the child living in the same household may be eligible for State Family and Children Assistance.

(3) A pregnant woman whose pregnancy has been verified shall be eligible for income maintenance assistance under the State Family and Children Assistance program.

(4) The amount and nature of medical assistance provided under the State Family and Children Assistance program shall be determined by the Illinois Department of Public Aid by rule. The amount and nature of medical assistance provided need not be the same as that provided under paragraph (3) of subsection (c) of this Section, and nothing in this paragraph (4) shall be construed to require the coverage of any particular medical service.

(5) The Illinois Department shall, by rule, establish further eligibility requirements, including but not limited to residence, need, and the level of payments.

(e) A local governmental unit that chooses to participate in a General Assistance program under this Section shall provide funding in accordance with Section 12-21.13 of this Act. Local governmental funds used to qualify for State funding may only be expended for clients eligible for assistance under this Section 6-11 and related administrative expenses.

(f) In order to qualify for State funding under this Section, a local governmental unit shall be subject to the supervision and the rules and regulations of the Illinois Department.

(g) Notwithstanding any other provision in this Code, the Illinois Department is authorized to reduce payment levels used to determine cash grants provided to recipients of State Transitional Assistance at any time within a Fiscal Year in order to ensure that cash benefits for State Transitional Assistance do not exceed the amounts appropriated for those cash benefits. Changes in payment levels may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply and the provisions of Sections 5-115 and 5-125 of the Illinois Administrative Procedure Act shall not apply. This provision shall also be applicable to any reduction in payment levels made upon implementation of this amendatory Act of 1995.

(Source: P.A. 88-45; 89-21, eff. 7-1-95; 89-507, eff. 7-1-97.)

Sec. 9-1. Declaration of Purpose. It is the purpose of this Article to aid applicants for and recipients of public aid under Articles III, IV, V, and VI and VII, to increase their capacities for self-support, self-care, and responsible citizenship, and to assist them in maintaining and strengthening family life. If authorized pursuant to Section 9-8, this Article may be extended to former and potential recipients and to persons whose income does not exceed the standard established to determine eligibility for aid as a medically indigent person under Article V. The Department, with the written consent of the Governor, may also:

(a) extend this Article to individuals and their families with income closely related to national indices of poverty who have special needs resulting from institutionalization of a family member or
conditions that may lead to institutionalization or who live in impoverished areas or in facilities
developed to serve persons of low income;
(b) establish, where indicated, schedules of payment for service provided based on ability to pay;
(c) provide for the coordinated delivery of the services described in this Article and related
services offered by other public or private agencies or institutions, and cooperate with the Illinois
Department on Aging to enable it to properly execute and fulfill its duties pursuant to the provisions
of Section 4.01 of the "Illinois Act on the Aging", as now or hereafter amended;
(d) provide in-home care services, such as chore and housekeeping services or homemaker
services, to recipients of public aid under Articles IV and VI, the scope and eligibility criteria for such
services to be determined by rule; and
(e) contract with other State agencies for the purchase of social service under Title XX of the
Social Security Act, such services to be provided pursuant to such other agencies' enabling legislation.
(f) cooperate with the Illinois Department of Public Aid to provide services to public aid
recipients for the treatment and prevention of alcoholism and substance abuse.
(Source: P.A. 89-507, eff. 7-1-97.)
(305 ILCS 5/9-5) (from Ch. 23, par. 9-5)
Sec. 9-5. Educational programs; vocational training and retraining. The Illinois Department,
the County Departments, and local governmental units shall cooperate with all public or private
education and vocational training or retraining agencies or facilities operating within this State, or
making their services available to residents of this State, to the end that there may be developed all
necessary education and vocational training or retraining services and facilities required to improve
the skills of persons receiving aid under Articles III, V, and VI of the Social Security Act, for whom jobs are not
immediately available, or which will provide education, training, and experience for persons who lack
the skills required for employment opportunities as are or may become available. The education,
training, or retraining services and facilities shall assure that persons receiving this assistance who are
subject to participation shall become enrolled in, and attend, programs that will lead to graduation
from high school or the equivalent when the Illinois Department determines these programs will be
beneficial to the person in obtaining employment.
Participants in any educational or vocational training program shall be provided with an extra
allowance towards the costs of their participation.
(Source: P.A. 86-1184; 86-1381; 87-528.)
(305 ILCS 5/9-6) (from Ch. 23, par. 9-6)
Sec. 9-6. Job Search, Training and Work Programs. The Illinois Department and local
governmental units shall initiate, promote and develop job search, training and work programs which
will provide employment for and contribute to the training and experience of persons receiving aid
under Articles III, V, and VI of the Social Security Act.
The job search, training and work programs shall be designed to preserve and improve the
work habits and skills of recipients for whom jobs are not otherwise immediately available and to
provide training and experience for recipients who lack the skills required for such employment
opportunities as are or may become available. The Illinois Department and local governmental unit
shall determine by rule those classes of recipients who shall be subject to participation in such
programs. If made subject to participation, every applicant for or recipient of public aid who is
determined to be "able to engage in employment", as defined by the Department or local governmental
unit pursuant to rules and regulations, for whom unsubsidized jobs are not otherwise immediately
available shall be required to participate in any program established under this Section.
The Illinois Department shall establish with the Director of Central Management Services an
outreach and training program designed to encourage and assist recipients participating in job search,
training and work programs to participate in open competitive examinations for trainee and other entry
level positions to maximize opportunities for placement on open competitive eligible listings and
referral to State agencies for employment consideration.
The Department shall provide payment for transportation, day-care and Workers' Compensation costs which occur for recipients as a result of participating in job search, training and work programs as described in this Section. The Department may decline to initiate such programs.
in areas where eligible recipients would be so few in number as to not economically justify such programs; and in this event the Department shall not require persons in such areas to participate in any job search, training, or work programs whatsoever as a condition of their continued receipt of, or application for, aid.

The programs may include, but shall not be limited to, service in child care centers, in preschool programs as teacher aides and in public health programs as home visitors and health aides; the maintenance of or services required in connection with public offices, buildings and grounds; state, county and municipal hospitals, forest preserves, parks, playgrounds, streets and highways, and other governmental maintenance or construction directed toward environmental improvement; and similar facilities.

The Illinois Department or local governmental units may enter into agreements with local taxing bodies and private not-for-profit organizations, agencies and institutions to provide for the supervision and administration of job search, work and training projects authorized by this Section. Such agreements shall stipulate the requirements for utilization of recipients in such projects. In addition to any other requirements dealing with the administration of these programs, the Department shall assure, pursuant to rules and regulations, that:

(a) Recipients may not displace regular employees.
(b) The maximum number of hours of mandatory work is 8 hours per day and 40 hours per week, not to exceed 120 hours per month.
(c) The maximum number of hours per month shall be determined by dividing the recipient's benefits by the federal minimum wage, rounded to the lowest full hour. "Recipient's benefits" in this subsection includes: (i) both cash assistance and food stamps provided to the entire assistance unit or household by the Illinois Department where the job search, work and training program is administered by the Illinois Department and, where federal programs are involved, includes all such cash assistance and food stamps provided to the greatest extent allowed by federal law; or (ii) includes only cash assistance provided to the entire assistance unit by the local governmental unit where the job search, work and training program is administered by the local governmental unit.
(d) The recipient shall be provided or compensated for transportation to and from the work location.
(e) Appropriate terms regarding recipient compensation are met.

Local taxing bodies and private not-for-profit organizations, agencies and institutions which utilize recipients in job search, work and training projects authorized by this Section are urged to include such recipients in the formulation of their employment policies.

Unless directly paid by an employing local taxing body or not-for-profit agency, a recipient participating in a work project who meets all requirements set forth by the Illinois Department shall receive credit towards his or her monthly assistance benefits for work performed based upon the applicable minimum wage rate. Where a recipient is paid directly by an employing agency, the Illinois Department or local governmental unit shall provide for payment to such employing entity the appropriate amount of assistance benefits to which the recipient would otherwise be entitled under this Code.

The Illinois Department or its designee, including local governmental units, may enter into agreements with the agencies or institutions providing work under programs established hereunder for payment to each such employer (hereinafter called "public service employer") of all or a portion of the wages to be paid to persons for the work performed and other appropriate costs.

If the number of persons receiving aid under Article VI is insufficient to justify the establishment of job search, training and work programs on a local basis by a local governmental unit, or if for other good cause the establishment of a local program is impractical or unwarranted, the local governmental unit shall cooperate with other local governmental units, with civic and non-profit community agencies, and with the Illinois Department in developing a program or programs which will jointly serve the participating governmental units and agencies.

Wherever feasible the Illinois Department may make job search, training and work programs established by it for persons receiving aid under Articles III, V and VII available also to recipients under Article VI.

New matter indicated by italics - deletions by strikeout.
A local governmental unit receiving State funds shall refer all recipients able to engage in
employment to such job search, training and work programs as are established, whether within or
without the governmental unit, and as are accessible to persons receiving aid from the governmental
unit. The Illinois Department shall withhold allocation of state funds to any governmental unit which
fails or refuses to make such referrals.

Participants in job search, training and work programs shall be required to maintain current
registration for regular employment under Section 11-10 and to accept any bona fide offer of regular
employment. They shall likewise be required to accept education, work and training opportunities
available to them under other provisions of this Code or Federal law. The Illinois Department or local
governmental unit shall provide by rule for periodic review of the circumstances of each participant
to determine the feasibility of his placement in regular employment or other work, education and
training opportunities.

Moneys made available for public aid purposes under Articles III, IV, V, VI, and VII may
be expended to pay public service employers all or a portion of the wages of public service employees
and other appropriate costs, to provide necessary supervisory personnel and equipment, to purchase
Workers' Compensation Insurance or to pay Workers' Compensation claims, and to provide
transportation to and from work sites.

The Department shall provide through rules and regulations for sanctions against applicants
and recipients of aid under this Code who fail to cooperate with the regulations and requirements
established pursuant to this Section. Such sanctions may include the loss of eligibility to receive aid
under Article VI of this Code for up to 3 months.

The Department, in cooperation with a local governmental unit, may maintain a roster of
persons who are required to participate in a local job search, training and work program. In such cases,
the roster shall be available for inspection by employers for the selection of possible workers.

In addition to the programs authorized by this Section, the Illinois Department is authorized
to administer any job search, training or work projects in conjunction with the Federal Food Stamp
Program, either under this Section or under other regulations required by the Federal government.

The Illinois Department may also administer pilot programs to provide job search, training
and work programs to unemployed parents of children receiving support services under Article X of
this Code.

Beginning January 1, 1994, the Illinois Department shall conduct an ongoing longitudinal
study of the Department's JOBS programs operated under the federal Family Support Act and the
Social Security Act. The study shall examine the impact of the JOBS programs and supportive
services upon the participants' level of self-sufficiency, skills, earnings, and welfare dependency in
the short and long term. In conducting this study, the Department shall utilize the data collected by
the Department to fulfill its responsibilities under Section 9-6.01 of this Code and under 42 U.S.C.
Sec. 687 and their implementing regulations, in addition to data from the case files of the participants
in the study. The Department shall select a statistically valid random sample of cases in its JOBS
program and follow these cases from the date of their initial enrollment in one of the JOBS programs
to the date on which they have not received cash assistance under Article IV of this Code for at least
24 consecutive months. To the extent that information or data necessary to fulfill the requirements of
this Section is available to or in the possession or control of other State agencies, those agencies, at
the request of the Department, shall collect the requested data or information and forward it to the
Department. The Department shall consult with the Social Services Advisory Council in arriving at
the specific elements of the longitudinal study, the particular data to be included in the study, and the
contents of the reports that the Department shall prepare based upon the study. The Department shall
collect at least the following categories of data from the cases in the study sample: demographics,
employment history, welfare history, JOBS participation history, child care and other supportive
service utilization history, child support status and child support enforcement history, and Medicaid
usage history. The Department shall report the results of the study to the General Assembly on or
before January 1, 1997 and each year thereafter along with recommendations for changes in the JOBS
programs' structure or funding based on the study's findings. The Department shall create a data base
that includes all of the information collected for the study. The data base shall be available to the
public upon request. The Department may assign individual identifying codes to the cases in the study.

New matter indicated by italics - deletions by strikeout.
sample to preserve the anonymity of the recipients while making it possible to distinguish and track the cases.

(Source: P.A. 88-396.)

(305 ILCS 5/9-6.1) (from Ch. 23, par. 9-6.1)

Sec. 9-6.1. Housing Education Program. The Illinois Department, upon consultation with and advice of the Citizens Assembly/Council on Public Aid, shall establish, either directly or by contract, a pilot project for a housing education program that will provide persons receiving aid under Articles III, IV, V, and VI and VII with instructions in the care and maintenance of dwelling units, in the essentials of adequate housekeeping, and the problems of urban living. If in accord with Federal law and regulations governing grants to this State for public aid purposes, the Department may require recipients to attend a housing education program. Non-recipients to whom services have been extended under the provisions of Section 9-8 may also attend and participate in a housing education program established hereunder.

(Source: P.A. 86-651.)

(305 ILCS 5/9-6.2) (from Ch. 23, par. 9-6.2)

Sec. 9-6.2. Township assistance to county convalescent homes. In counties under township organization, the several townships therein which do not receive State funds for general assistance or aid to the medically indigent under Article VII of this Code may provide, from moneys received and collected for public aid to all persons eligible therefor under Article VI of this Code, funds for the operation costs of any county convalescent home in the county, in addition to payment of patient expenses otherwise provided for under this Code. No township which receives State funds for general assistance or aid to the medically indigent under Article VII of this Code may use moneys received and collected for public aid for such assistance to county convalescent homes. "County convalescent home" shall refer to any facility that was established by a county according to the provisions of Division 5-21 of the Counties Code or its predecessor.

(Source: P.A. 86-1475.)

(305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

Sec. 9A-3. Establishment of Program and Level of Services.

(a) The Illinois Department shall establish and maintain a program to provide recipients with services consistent with the purposes and provisions of this Article. The program offered in different counties of the State may vary depending on the resources available to the State to provide a program under this Article, and no program may be offered in some counties, depending on the resources available. Services may be provided directly by the Illinois Department or through contract, as allowed by federal law. References to the Illinois Department or staff of the Illinois Department shall include contractors when the Illinois Department has entered into contracts for these purposes. The Illinois Department shall provide each recipient who participates with such services available under the program as are necessary to achieve his employability plan as specified in the plan.

(b) The Illinois Department, in operating the program, shall cooperate with public and private education and vocational training or retraining agencies or facilities, the Illinois State Board of Education, the Illinois Community College Board, the Departments of Employment Security and Commerce and Community Affairs or other sponsoring organizations funded under the federal Job Training Partnership Act and other public or licensed private employment agencies.

(Source: P.A. 90-17, eff. 7-1-97.)

(305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)

Sec. 9A-5. Exempt recipients.

(a) Exempt recipients under Section 9A-4 may volunteer to participate.

(b) Services will be offered to exempt and non-exempt individuals who wish to volunteer to participate only to the extent resources permit.

(c) Exempt and non-exempt individuals who volunteer to participate become program participants upon completion of the initial assessment, development of the employability plan, and assignment to a component. Volunteers who fail to attend the orientation or initial assessment meetings or both will not be sanctioned. Exempt and non-exempt individuals who attend the orientation meeting and become program participants by completing the initial assessment, development of the employability plan, and assignment to a component may be sanctioned if they do
not meet program requirements without good cause. The Illinois Department may implement this amendatory Act of 1995 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this amendatory Act of 1995 shall be considered an emergency and necessary for the public interest, safety and welfare.

(Source: P.A. 89-289, eff. 1-1-96.)

(305 ILCS 5/9A-13)
Sec. 9A-13. Work activity; anti-displacement provisions.
(a) As used in this Section "work activity" means any workfare, earnfare, pay-after-performance, work-off-the-grant, work experience, or other activity under Section Sections 9A-9-9A-12; or any other Section of this Code in which a recipient of public assistance performs work for any employer as a condition of receiving the public assistance, and the employer does not pay wages for the work; or as any grant diversion, wage supplementation, or similar program in which the public assistance grant is provided to the employer as a subsidy for the wages of any recipient in its workforce.

(b) An employer may not utilize a work activity participant if such utilization would result in:

(1) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or

(2) the filling of a position that would otherwise be a promotional opportunity for current employees; or

(3) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or

(4) the placement of a participant in any established unfilled vacancy; or

(5) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.

(c) An employer who wishes to utilize work activity participants shall, at least 15 days prior to utilizing such participants, notify the labor organization of the name, work location, and the duties to be performed by the participant.

(d) The Department of Human Services shall establish a grievance procedure for employees and labor organizations to utilize in the event of any alleged violation of this Section. Notwithstanding the above, a labor organization may utilize the established grievance or arbitration procedure in its collective bargaining agreement to contest violations of this Section.

(Source: P.A. 90-17, eff. 7-1-97.)

(305 ILCS 5/11-3) (from Ch. 23, par. 11-3)
Sec. 11-3. Assignment and attachment of aid prohibited. Except as provided below in this Section and in Section 11-3.3, all financial aid given under Articles III, IV, V, and VI and VII and money payments for child care services provided by a child care provider under Articles IX and IXA shall not be subject to assignment, sale, attachment, garnishment, or otherwise. Provided, however, that a medical vendor may use his right to receive vendor payments as collateral for loans from financial institutions so long as such arrangements do not constitute any activity prohibited under Section 1902(a)(32) of the Social Security Act and regulations promulgated thereunder, or any other applicable laws or regulations. Provided further, however, that a medical or other vendor or a service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payments or money payments or grants which he has a right to receive to the Illinois Health Facilities Authority, in connection with any financing program undertaken by the Illinois Health Facilities Authority, or to the Illinois Development Finance Authority, in connection with any financing program undertaken by the Illinois Development Finance Authority. Each Authority may utilize a trustee or agent to accept, accomplish, effectuate or realize upon any such assignment, reassignment, sale, pledge or grant on that Authority's behalf. Provided further, however, that nothing herein shall prevent the Illinois Department from collecting any assessment, fee, interest or penalty due under Article V-A, V-B, V-C, or V-E by withholding financial aid as payment of such assessment, fee, interest, or penalty. Any alienation in contravention of this statute does not diminish and does not
affect the validity, legality or enforceability of any underlying obligations for which such alienation may have been made as collateral between the parties to the alienation. This amendatory Act shall be retroactive in application and shall pertain to obligations existing prior to its enactment.

(Source: P.A. 87-13; 87-842; 87-861; 88-88; 88-554, eff. 7-26-94.)

(305 ILCS 5/11-6.1) (from Ch. 23, par. 11-6.1)
Sec. 11-6.1. Identification card; Report of loss.

(a) Blank. The Illinois Department shall issue an identification card to every payee of a grant under this Code.

(b) Blank. Within 180 days after the effective date of this amendatory Act of 1990, the Illinois Department shall establish a program which provides for the electronic transfer of funds to participating financial institutions. The program shall provide for the safe, secure and convenient redemption of benefits by any person entitled to receive benefits under this Code.

(c) The payee of a grant under this Code shall immediately report to the Illinois Department the theft or other loss of any instrument used in making a grant payment.

(Source: P.A. 86-1235.)

(305 ILCS 5/11-8) (from Ch. 23, par. 11-8)
Sec. 11-8. Appeals - to whom taken. Applicants or recipients of aid may, at any time within 60 days after the decision of the County Department or local governmental unit, as the case may be, appeal a decision denying or terminating aid, or granting aid in an amount which is deemed inadequate, or changing, cancelling, revoking or suspending grants as provided in Section 11-16, or determining to make a protective payment under the provisions of Sections 3-5a or 4-9, or a decision by an administrative review board to impose administrative safeguards as provided in Section 8A-8. An appeal shall also lie when an application is not acted upon within the time period after filing of the application as provided by rule of the Illinois Department.

If an appeal is not made, the action of the County Department or local governmental unit shall be final.

Appeals by applicants or recipients under Articles III, IV, or V or VII shall be taken to the Illinois Department.

Appeals by applicants or recipients under Article VI shall be taken as follows:

(1) In counties under township organization (except such counties in which the governing authority is a Board of Commissioners) appeals shall be to a Public Aid Committee consisting of the Chairman of the County Board, and 4 members who are township supervisors of general assistance, appointed by the Chairman, with the advice and consent of the county board.

(2) In counties in excess of 3,000,000 population and under township organization in which the governing authority is a Board of Commissioners, appeals of persons from government units outside the corporate limits of a city, village or incorporated town of more than 500,000 population, and of persons from incorporated towns which have superseded civil townships in respect to aid under Article VI, shall be to the Cook County Townships Public Aid Committee consisting of 2 township supervisors and 3 persons knowledgeable in the area of General Assistance and the regulations of the Illinois Department pertaining thereto and who are not officers, agents or employees of any township, except that township supervisors may serve as members of the Cook County Township Public Aid and Committee. The 5 member committee shall be appointed by the township supervisors. The first appointments shall be made with one person serving a one year term, 2 persons serving a 2 year term, and 2 persons serving a 3 year term. Committee members shall thereafter serve 3 year terms. In any appeal involving a local governmental unit whose supervisor of general assistance is a member of the Committee, such supervisor shall not act as a member of the Committee for the purposes of such appeal. The township whose action, inaction, or decision is being appealed shall bear the expenses related to the appeal as determined by the Cook County Townships Public Aid Committee. A township supervisor's compensation for general assistance or township related duties shall not be considered an expense related to the appeal except for expenses related to service on the Committee.

(3) In counties described in paragraph (2) appeals of persons from a city, village or
incorporated town of more than 500,000 population shall be to the Illinois Department of Public Aid in accordance with and subject to the provisions of Section 12-21.3.

(4) In counties not under township organization, appeals shall be to the County Board of Commissioners which shall for this purpose be the Public Aid Committee of the County.

In counties designated in paragraph (1) the Chairman or President of the County Board shall appoint, with the advice and consent of the county board, one or more alternate members of the Public Aid Committee. All regular and alternate members shall be Supervisors of General Assistance. In any appeal involving a local governmental unit whose Supervisor of General Assistance is a member of the Committee, he shall be replaced for that appeal by an alternate member designated by the Chairman or President of the County Board, with the advice and consent of the county board. In these counties not more than 3 of the 5 regular appointees shall be members of the same political party unless the political composition of the Supervisors of the General Assistance precludes such a limitation. In these counties at least one member of the Public Aid Committee shall be a person knowledgeable in the area of general assistance and the regulations of the Illinois Department pertaining thereto. If no member of the Committee possesses such knowledge, the Illinois Department shall designate an employee of the Illinois Department having such knowledge to be present at the Committee hearings to advise the Committee.

In every county the County Board shall provide facilities for the conduct of hearings on appeals under Article VI. All expenses incident to such hearings shall be borne by the county except that in counties under township organization in which the governing authority is a Board of Commissioners (1) the salary and other expenses of the Commissioner of Appeals shall be paid from General Assistance funds available for administrative purposes, and (2) all expenses incident to such hearings shall be borne by the township and the per diem and traveling expenses of the township supervisors serving on the Public Aid Committee shall be fixed and paid by their respective townships. In all other counties the members of the Public Aid Committee shall receive the compensation and expenses provided by law for attendance at meetings of the County Board.

In appeals under Article VI involving a governmental unit receiving State funds, the Public Aid Committee and the Commissioner of Appeals shall be bound by the rules and regulations of the Illinois Department which are relevant to the issues on appeal, and shall file such reports concerning appeals as the Illinois Department requests.

An appeal shall be without cost to the appellant and shall be made, at the option of the appellant, either upon forms provided and prescribed by the Illinois Department or, for appeals to a Public Aid Committee, upon forms prescribed by the County Board; or an appeal may be made by calling a toll-free number provided for that purpose by the Illinois Department and providing the necessary information. The Illinois Department may assist County Boards or a Commissioner of Appeals in the preparation of appeal forms, or upon request of a County Board or Commissioner of Appeals may furnish such forms. County Departments and local governmental units shall render all possible aid to persons desiring to make an appeal. The provisions of Sections 11-8.1 to 11-8.7, inclusive, shall apply to all such appeals.

(Source: P.A. 90-17, eff. 7-1-97; 90-210, eff. 7-25-97; 90-655, eff. 7-30-98.)

Sec. 11-8.7. Judicial review. The provisions of the Administrative Review Law, as amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Illinois Department on appeals by applicants or recipients under Articles III, IV, or V or VII. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

Sec. 11-9. Protection of records - Exceptions. For the protection of applicants and recipients, the Illinois Department, the county departments and local governmental units and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of public aid under this Code.

New matter indicated by italics - deletions by strikeout.
In any judicial proceeding, except a proceeding directly concerned with the administration of programs provided for in this Code, such records, files, papers and communications, and their contents shall be deemed privileged communications and shall be disclosed only upon the order of the court, where the court finds such to be necessary in the interest of justice.

The Illinois Department shall establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files, and communications of the Illinois Department, the county departments and local governmental units receiving State or Federal funds or aid. The governing body of other local governmental units shall in like manner establish and enforce rules and regulations governing the same matters.

The contents of case files pertaining to recipients under Articles IV, V, and VI shall be made available without subpoena or formal notice to the officers of any court, to all law enforcing agencies, and to such other persons or agencies as from time to time may be authorized by any court. In particular, the contents of those case files shall be made available upon request to a law enforcement agency for the purpose of determining the current address of a recipient with respect to whom an arrest warrant is outstanding. Information shall also be disclosed to the Illinois State Scholarship Commission pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award.

This Section does not prevent the Illinois Department and local governmental units from reporting to appropriate law enforcement officials the desertion or abandonment by a parent of a child, as a result of which financial aid has been necessitated under Articles IV, V, or VI, or VII, or reporting to appropriate law enforcement officials instances in which a mother under age 18 has a child out of wedlock and is an applicant for or recipient of aid under any Article of this Code. The Illinois Department may provide by rule for the county departments and local governmental units to initiate proceedings under the Juvenile Court Act of 1987 to have children declared to be neglected when they deem such action necessary to protect the children from immoral influences present in their home or surroundings.

This Section does not preclude the full exercise of the powers of the Board of Public Aid Commissioners to inspect records and documents, as provided for all advisory boards pursuant to Section 5-505 of the Departments of State Government Law (20 ILCS 5/5-505).

This Section does not preclude exchanges of information among the Illinois Department of Public Aid, the Department of Human Services (as successor to the Department of Public Aid), and the Illinois Department of Revenue for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Code and of the Illinois Income Tax Act.

The provisions of this Section and of Section 11-11 as they apply to applicants and recipients of public aid under Article Articles III, IV and V shall be operative only to the extent that they do not conflict with any Federal law or regulation governing Federal grants to this State for such programs.

The Illinois Department of Public Aid and the Department of Human Services (as successor to the Illinois Department of Public Aid) shall enter into an inter-agency agreement with the Department of Children and Family Services to establish a procedure by which employees of the Department of Children and Family Services may have immediate access to records, files, papers, and communications (except medical, alcohol or drug assessment or treatment, mental health, or any other medical records) of the Illinois Department, county departments, and local governmental units receiving State or federal funds or aid, if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-00; 91-239, eff. 1-1-00.)

(305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

Sec. 11-15. Application requirements.

(1) An application for financial aid shall be filed in writing by the person requesting aid and, in the case of a request for family aid, by the head of that family, except as otherwise provided in paragraph (2). Applications for aid under Articles III, IV, and V shall be filed in writing with the county department of the county in which the applicant resides in the manner prescribed by the Illinois Department. Applications for aid under Article VI shall be filed in writing with the local

New matter indicated by italics - deletions by strikeout.
governmental unit upon forms approved by the Illinois Department. Each applicant shall provide information as to the amount of property, real and personal, owned by him or her within the period of time preceding the application as required under Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The applicant shall also furnish information concerning all income, money contributions, and other support from any source, and the beneficiary and the amount or cash surrender or loan value of all insurance policies held by himself or herself or any member of his family for whom aid is requested.

(2) An application, in all instances to be in writing, may be filed in behalf of a person considered to be in need of financial aid under Articles III, IV, or VI or VII only if the person

(a) has been adjudged to be under legal disability; or

(b) is unable because of minority or physical or mental disability, to execute the application; or

(c) in the case of need for funeral and burial, died before an application was filed and the application is filed not more than 30 days after the person's death, excluding the day on which the death occurred.

Applications in behalf of persons specified in (a) and (b) shall be filed by the applicant's legal guardian or, if a guardian has not been appointed or the applicant has no legal guardian or the guardian is not available, by a relative or other person, acceptable under the rules of the Illinois Department, who is able to furnish the required information. Applications in behalf of persons specified in (c) shall be filed by any next of kin of the deceased who is not under legal disability or, if there are no such next of kin or they are unknown or unavailable, by a person, acceptable under the rules of the Illinois Department, who is able to furnish the required information.

(3) The application shall contain a written declaration to be signed by the applicant, or in behalf of the applicant by a person qualified under paragraph (2), in substantially the following form, the parenthetical references being applicable to an application filed by a person in behalf of the applicant:

"I declare under penalties of perjury that I have examined this form and all accompanying statements or documents pertaining to the income and resources of myself (the applicant) or any member of my family (the applicant's family) included in this application for aid, or pertaining to any other matter having bearing upon my (the applicant's) eligibility for aid, and to the best of my knowledge and belief the information supplied is true, correct, and complete".

(4) If an application for financial aid is filed for a family, and any person in that family is under 18 years of age, the application shall be accompanied by the following for each such person under 18 years of age:

(i) a copy of the person's birth certificate, or

(ii) other reliable proof, as determined by the Department, of the person's identity and age.

The Illinois Department shall provide information to all families, orally by an intake worker and in writing when the application is filed, about the availability and location of immunization services.

(Source: P.A. 88-342; 88-554, eff. 7-26-94.)

(305 ILCS 5/11-17) (from Ch. 23, par. 11-17)

Sec. 11-17. Duplication or supplementation of aid prohibited-Exceptions. Except (1) for Medical Assistance provided under Article V, or (2) when necessary to accomplish the purposes of this Code, where not inconsistent therewith, and subject to the rules of the Illinois Department, a person receiving aid under any one of Articles III, IV, or VI or VII of this Code shall not at the same time receive aid under any other of such Articles or any other financial aid from the State, any political subdivision thereof, or any municipal corporation therein.

(Source: Laws 1967, p. 122.)

(305 ILCS 5/11-20) (from Ch. 23, par. 11-20)

Sec. 11-20. Employment registration; duty to accept employment. This Section applies to employment and training programs other than those for recipients of assistance under Article IV.

(1) Each applicant or recipient and dependent member of the family age 16 or over who is able to engage in employment and who is unemployed, or employed for less than the full working time for the occupation in which he or she is engaged, shall maintain a current registration for employment or
additional employment with the system of free public employment offices maintained in this State by the State Department of Employment Security under the Public Employment Office Act and shall utilize the job placement services and other facilities of such offices unless the Illinois Department otherwise provides by rule for programs administered by the Illinois Department.

(2) Every person age 16 or over shall be deemed "able to engage in employment", as that term is used herein, unless (a) the person has an illness certified by the attending practitioner as precluding his or her engagement in employment of any type for a time period stated in the practitioner's certification; or (b) the person has a medically determinable physical or mental impairment, disease or loss of indefinite duration and of such severity that he or she cannot perform labor or services in any type of gainful work which exists in the national economy, including work adjusted for persons with physical or mental handicap; or (c) the person is among the classes of persons exempted by paragraph 5 of this Section. A person described in clauses (a), (b) or (c) of the preceding sentence shall be classified as "temporarily unemployable". The Illinois Department shall provide by rule for periodic review of the circumstances of persons classified as "temporarily unemployable".

(3) The Illinois Department shall provide through rules and regulations for sanctions against applicants and recipients of aid under this Code who fail or refuse to cooperate, without good cause, as defined by rule of the Illinois Department, to accept a bona fide offer of employment in which he or she is able to engage either in the community of the person's residence or within reasonable commuting distance therefrom.

The Illinois Department may provide by rule for the grant or continuation of aid for a temporary period, if federal law or regulation so permits or requires, to a person who refuses employment without good cause if he or she accepts counseling or other services designed to increase motivation and incentives for accepting employment.

(4) Without limiting other criteria which the Illinois Department may establish, it shall be good cause of refusal if

(a) the wage does not meet applicable minimum wage requirements,
(b) there being no applicable minimum wage as determined in (a), the wage is certified by the Illinois Department of Labor as being less than that which is appropriate for the work to be performed, or
(c) acceptance of the offer involves a substantial threat to the health or safety of the person or any of his or her dependents.

(5) The requirements of registration and acceptance of employment shall not apply (a) to a parent or other person needed at home to provide personal care and supervision to a child or children unless, in accordance with the rules and regulations of the Illinois Department, suitable arrangements have been or can be made for such care and supervision during the hours of the day the parent or other person is out of the home because of employment; (b) to a person age 16 or over in regular attendance in school, as defined in Section 4-1.1; or (c) to a person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household.

The Illinois Department may implement a demonstration project limited to one county of less than 3 million population that would require registration for and acceptance of employment by parents or another person needed at home to provide personal care and supervision to a child or children age 3 and over, as allowed by federal law and subject to rules and regulations of the Illinois Department, provided suitable arrangements have been or can be made for such care and supervision during the hours of the day the parents or other person are out of the home because of employment. Such arrangements must meet standards and requirements established under the Child Care Act of 1969, as now or hereafter amended. Such requirements shall not apply to parents or another caretaker with a child or children at home under the age of 3.

(Source: P.A. 90-17, eff. 7-1-97; 91-357, eff. 7-29-99.)

(305 ILCS 5/11-22) (from Ch. 23, par. 11-22)

Sec. 11-22. Charge upon claims and causes of action for injuries. The Illinois Department shall have a charge upon all claims, demands and causes of action for injuries to an applicant for or recipient of financial aid under Articles III, IV, and V and VH for the total amount of medical assistance provided the recipient from the time of injury to the date of recovery upon such claim, demand or cause of action. In addition, if the applicant or recipient was employable, as defined by the
Department, at the time of the injury, the Department shall also have a charge upon any such claims, demands and causes of action for the total amount of aid provided to the recipient and his dependents, including all cash assistance and medical assistance only to the extent includable in the claimant's action, from the time of injury to the date of recovery upon such claim, demand or cause of action. Any definition of "employable" adopted by the Department shall apply only to persons above the age of compulsory school attendance. Local governmental units shall have like charges for injuries to an applicant or recipient under Article VII.

If the injured person was employable at the time of the injury and is provided aid under Articles III, IV, or V or VII and any dependent or member of his family is provided aid under Article VI, or vice versa, both the Illinois Department and the local governmental unit shall have a charge upon such claims, demands and causes of action for the aid provided to the injured person and any dependent member of his family, including all cash assistance, medical assistance and food stamps, from the time of the injury to the date of recovery.

"Recipient", as used herein, means the grantee of record and any persons whose needs are included in the financial aid provided to the grantee of record or otherwise met by grants under the appropriate Article of this Code for which such person is eligible.

In each case, the notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or recipient has a claim, demand or cause of action. The notice shall claim the charge and describe the interest the Illinois Department, the local governmental unit, or the county, has in the claim, demand, or cause of action. The charge shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

On petition filed by the Illinois Department, or by the local governmental unit or county if either is claiming a charge, or by the recipient, or by the defendant, the court, on written notice to all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this Section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the Illinois Department, the local governmental unit or county has charge. The court may determine what portion of the recovery shall be paid to the injured person and what portion shall be paid to the Illinois Department, the local governmental unit or county having a charge against the recovery. In making this determination, the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

1. the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the recipient incident to the recovery; and whether the Department, unit of local government or county seeking to enforce the charge against the recovery should as a matter of fairness and equity bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

2. the amount, if any, of the attorney's fees and other costs incurred by the recipient incident to the recovery and paid by the recipient up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

3. the total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the recipient, by insurance provided by the recipient, and by the Department, unit of local government and county seeking to enforce a charge against the recovery, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

4. whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the recipient;

5. the age of the recipient and of persons dependent for support upon the recipient, the
nature and permanency of the recipient's injuries as they affect not only the future employability and education of the recipient but also the reasonably necessary and foreseeable future material, maintenance, medical, rehabilitative and training needs of the recipient, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) the realistic ability of the recipient to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

The court may reduce and apportion the Illinois Department's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Illinois Department shall pay its pro rata share of the attorney fees based on the Illinois Department's lien as it compares to the total settlement agreed upon. This Section shall not affect the priority of an attorney's lien under the Attorneys Lien Act. The charges of the Illinois Department described in this Section, however, shall take priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien under said statute.

Whenever the Department or any unit of local government has a statutory charge under this Section against a recovery for damages incurred by a recipient because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, irrespective of whether or not an action based on recipient's claim has been filed in court.

This Section shall be inapplicable to any claim, demand or cause of action arising under (a) the Workers' Compensation Act or the predecessor Workers' Compensation Act of June 28, 1913, (b) the Workers' Occupational Diseases Act or the predecessor Workers' Occupational Diseases Act of March 16, 1936; and (c) the Wrongful Death Act.

(Source: P.A. 91-357, eff. 7-29-99.)

(305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

Sec. 11-22a. Right of Subrogation. To the extent of the amount of medical assistance provided by the Department to or on behalf of a recipient under Article V or Articles V, VI or VII, the Department shall be subrogated to any right of recovery such recipient may have under the terms of any private or public health care coverage or casualty coverage, including coverage under the "Workers' Compensation Act", approved July 9, 1951, as amended, or the "Workers' Occupational Diseases Act", approved July 9, 1951, as amended, without the necessity of assignment of claim or other authorization to secure the right of recovery to the Department. To enforce its subrogation right, the Department may (i) intervene or join in an action or proceeding brought by the recipient, his or her guardian, personal representative, estate, dependents, or survivors against any person or public or private entity that may be liable; (ii) institute and prosecute legal proceedings against any person or public or private entity that may be liable for the cost of such services; or (iii) institute and prosecute legal proceedings, to the extent necessary to reimburse the Illinois Department for its costs, against any noncustodial parent who (A) is required by court or administrative order to provide insurance or other coverage of the cost of health care services for a child eligible for medical assistance under this Code and (B) has received payment from a third party for the costs of those services but has not used the payments to reimburse either the other parent or the guardian of the child or the provider of the services.

(Source: P.A. 89-183, eff. 1-1-96.)

(305 ILCS 5/12-2) (from Ch. 23, par. 12-2)

Sec. 12-2. County departments of public aid. The County Departments of Public Aid, under the supervision and direction of the Illinois Department and subject to its rules and regulations, shall locally administer the programs provided by Articles III, IV, and V and VII of this Code and shall provide the social services and utilize the rehabilitative facilities authorized in Articles IX and IXA in respect to persons served through Articles III, IV, and V and VII. They shall also discharge such other duties as may be required.
Sec. 12-3. Local governmental units. As provided in Article VI, local governmental units shall provide funds for and administer the programs provided in that Article subject, where so provided, to the supervision of the Illinois Department. Local governmental units shall also provide the social services and utilize the rehabilitative facilities authorized in Article IX for persons served through Article VI, and shall discharge such other duties as may be required by this Code or other laws of this State.

In counties not under township organization, the county shall provide funds for and administer such programs.

In counties under township organization (including any such counties in which the governing authority is a board of commissioners) the various towns other than those towns lying entirely within the corporate limits of any city, village or incorporated town having a population of more than 500,000 inhabitants shall provide funds for and administer such programs.

Cities, villages, and incorporated towns having a population of more than 500,000 inhabitants shall provide funds for public aid purposes under Article VI but the County Department of Human Services Public Aid of the county in which any such municipality is located shall administer the program for such municipality.

Incorporated towns which have superseded civil townships shall provide funds for and administer the public aid program provided by Article VI.

In counties of less than 3 million population having a County Veterans Assistance Commission in which there has been levied a tax as authorized by Section 5-2006 of the Counties Code for the purpose of providing assistance to military veterans and their families, the County Veterans Assistance Commission shall administer the programs provided by Article VI for such military veterans and their families as seek aid through the County Veterans Assistance Commission.

Sec. 12-4.4. Administration of federally-aided programs. Direct County Departments of Public Aid in the administration of the federally funded food stamp program, programs to aid refugees and Articles III, IV, and V and VII of this Code. The Illinois Department of Human Services may also, upon its own motion, review any decision made by a County Department and consider any application upon which a decision has not been made by the County Department within 30 days. It may require a County Department to transmit its files and all papers and documents pertaining to any applicant or recipient.

Beginning July 1, 1992, or upon approval by the Food and Nutrition Service of the United States Department of Agriculture, The Illinois Department of Human Services shall operate a Food Stamp Employment and Training (FSE&T) program in compliance with federal law. The FSE&T program will have an Earnfare component. The Earnfare component shall be available in selected geographic areas based on criteria established by the Illinois Department of Human Services by rule. Participants in Earnfare will, to the extent resources allow, earn their assistance. Participation in the Earnfare program is voluntary, except when ordered by a court of competent jurisdiction. Eligibility for Earnfare may be limited to only 6 months out of any 12 consecutive month period. Clients are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit. Earnfare shall be available to persons receiving food stamps who meet eligibility criteria established by the Illinois Department of Human Services by rule. The Illinois Department may, by rule, extend the Earnfare Program to clients who do not receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate in the Earnfare Program. To the extent resources permit, the Earnfare program will allow participants to engage in work-related activities to earn monthly financial assistance payments and to improve participants' employability in order for them to succeed in obtaining employment. The Illinois Department of Human Services may enter into contracts with other public agencies including State agencies, with local governmental units, and with not-for-profit community based organizations to carry out the elements of the Program that the Department of Human Services

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The Earnfare Program shall contain the following elements:

(1) To the extent resources allow and slots exist, the Illinois Department of Human Services shall refer recipients of food stamp assistance who meet eligibility criteria, as established by rule. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate in the Earnfare Program.

(2) Persons participating in Earnfare shall engage in employment assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of performance in Earnfare activity. Earnfare participants shall be offered the opportunity to earn up to $154. The Department of Human Services may establish a higher amount by rule provided resources permit. If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment assigned activities shall first be applied for a $50 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in employment assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of performance in Earnfare activity.

(3) To the extent appropriate slots are available, the Illinois Department of Human Services shall assign Earnfare participants to Earnfare activities based on an assessment of the person's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known to the Department of Human Services or to the contractor and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment.

(4) The Department of Human Services shall consider the participant's preferences and personal employment goals in making assignments to the extent administratively possible and to the extent that resources allow.

(5) The Department of Human Services may enter into cooperative agreements with local governmental units (which may, in turn, enter into agreements with not-for-profit community based organizations): with other public, including State, agencies; directly with not-for-profit community based organizations, and with private employers to create Earnfare activities for program participants.

(6) To the extent resources permit, the Department of Human Services shall provide the Earnfare participants with the costs of transportation in looking for work and in getting to and from the assigned Earnfare job site and initial expenses of employment.

(7) All income and asset limitations of the Federal Food Stamp Program will govern continued Earnfare participation, except that court ordered participants shall participate for 6 months unless the court orders otherwise.

(8) Earnfare participants shall not displace or substitute for regular, full time or part time employees, regardless of whether or not the employee is currently working, on a leave of absence or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

(9) Persons who fail to cooperate with the FSE&T program shall become ineligible for food stamp assistance according to Food Stamp regulations, and for Earnfare participation. Failure to participate in Earnfare for all of the hours assigned is not a failure to cooperate unless so established by the employer pursuant to Department of Human Services rules. If a person who is ordered by a court of competent jurisdiction to participate in the Earnfare Program fails to cooperate with the Program, the person shall be referred to the court for failure to comply with the court order.

(Source: P.A. 89-6, eff. 3-6-95; 89-21, eff. 7-1-95; 89-507, eff. 7-1-97; 90-17, eff. 7-1-97.)

(305 ILCS 5/12-4.7) (from Ch. 23, par. 12-4.7)

Sec. 12-4.7. Co-operation with other agencies. Make use of, aid and co-operate with State and local governmental agencies, and co-operate with and assist other governmental and private agencies.
and organizations engaged in welfare functions.

The Department shall, not later than January 1, 1986, enter into a written agreement with the Illinois Department of Mental Health and Developmental Disabilities which shall provide for interagency procedures to process and expedite applications for benefits under this Code which are filed by or on behalf of patients scheduled for discharge from facilities operated or licensed by the Department of Mental Health and Developmental Disabilities (now the Department of Human Services) pursuant to Sections 15c and 15d of the Mental Health and Developmental Disabilities Administrative Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under this agreement are transferred to the Department of Human Services as provided in the Department of Human Services Act.

(Source: P.A. 89-131, eff. 7-14-95; 89-507, eff. 7-1-97.)

Sec. 12-4.8. Supervision of administration of general assistance. Supervise the administration of General Assistance under Article VI by local governmental units receiving State funds for the purposes of such Article.

In addition, the Illinois Department shall be chargeable with providing medical assistance payments and services under all Articles of this Code where:

(a) the recipient of the services or payments is a non-resident of this State; and

(b) but for non-residency, provision of those services or payments would be a township responsibility.

The Illinois Department shall assure, by rule or regulation, that provision of such medical assistance shall be determined in accordance with the uniform standard of eligibility established by the Illinois Department.

(Source: P.A. 83-1378.)

Sec. 12-4.17. Training personnel for employment in public aid programs. Establish within the administrative staff a staff development unit to provide orientation and job-related training for new employees and continued development and improvement of job skills of all staff of the Department and County Departments; establish criteria for and administer and maintain a program for granting employees educational leave for specialized professional or technical study; and coordinate such training, development, and educational activities with the training program of the Illinois Department of Central Management Services and with other programs for training personnel established under this Section. The Department may also make grants to public or other non-profit institutions of higher learning for training personnel employed or preparing for employment in the public aid programs and conduct special courses of study or seminars for personnel by experts hired temporarily by the Illinois Department.

(a) To qualify for an assignment for educational or training purposes under this Section, a person must:

1. be enrolled in the final 2 years of accredited specialized training which is required to meet the qualifications for the position, as established by the Department of Central Management Services, or be a current employee of the Department who has continuously served in a full-time capacity for at least 1 year prior to assignment;

2. have completed 4 years of high school education;

3. possess such qualities and attributes as the Director of the Department deems necessary for achieving the purposes of which the assignment was made;

4. sign an agreement to serve as an employee of the Department for 12 months for each 9 months of subsidized training for educational or training purposes under this Section;

5. sign a promissory note agreeing to repay the Department for the funds expended if the employee fails to return to employment with, or remain an employee of the Department for the period of time required by paragraph 4; and

6. agree in writing to such other terms and conditions as the Department may reasonably require when granting the assignment.

(b) When granting an assignment for educational or training purposes to an eligible person under this Section, the Department may pay:
1. for support and living expenses, a sum up to $300 per month plus $50 per month for the first unemployed dependent of the person and $25 per month for each of the next unemployed dependents, provided the maximum total payment to the person under this paragraph shall not exceed $400 per month; and

2. for school expenses, not in excess of 80% of the cost to the person of all tuition, laboratory fees, matriculation fees and other general student charges made by the institution of higher learning, but not including charges for food or residence halls, which charges shall be payable from the funds for support and living expenses with the limitations provided in paragraph 1.

(c) Except for the purpose of receiving salary, vacation pay or any other similar remuneration payable to State employees, the status of an employee of the Department as an employee of the State is not affected by the employee serving on an educational or training assignment under this Section as specified under the rules and regulations of the Department of Central Management Services.

(d) Training programs such as tuition only refunds and special workshops for employees; and training which is a part of collaborative arrangements with institutions of higher learning or other public agencies are not affected by this Section.

(Source: P.A. 85-1308.)

(305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

Sec. 12-4.24a. Report and recommendations concerning designated shortage area. The Illinois Department shall analyze payments made to providers of medical services under Article Articles V and VII of this Code to determine whether any special compensatory standard should be applied to payments to such providers in designated shortage areas as defined in Section 3.04 of the Family Practice Residency Act, as now or hereafter amended. The Illinois Department shall, not later than June 30, 1990, report to the Governor and the General Assembly concerning the results of its analysis, and may provide by rule for adjustments in its payment rates to medical service providers in such areas.

(Source: P.A. 86-965.)

(305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

Sec. 12-5. Appropriations; uses; federal grants; report to General Assembly. From the sums appropriated by the General Assembly, the Illinois Department shall order for payment by warrant from the State Treasury grants for public aid under Articles III, IV, and VII, including grants for funeral and burial expenses, and all costs of administration of the Illinois Department and the County Departments relating thereto. Moneys appropriated to the Illinois Department for public aid under Article VI may be used, with the consent of the Governor, to co-operate with federal, State, and local agencies in the development of work projects designed to provide suitable employment for persons receiving public aid under Article VI. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds or commodities for public aid purposes under Article VI and for related purposes in which the co-operation of the Illinois Department is sought by the federal government, and, in connection therewith, may make necessary expenditures from moneys appropriated for public aid under any Article of this Code and for administration. The Illinois Department, with the consent of the Governor, may be the agent of the State for the receipt and disbursement of federal funds pursuant to the Immigration Reform and Control Act of 1986 and may make necessary expenditures from moneys appropriated to it for operations, administration, and grants, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services. All amounts received by the Illinois Department pursuant to the Immigration Reform and Control Act of 1986 shall be deposited in the Immigration Reform and Control Fund. All amounts received into the Immigration Reform and Control Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund.

All grants received by the Illinois Department for programs funded by the Federal Social Services Block Grant shall be deposited in the Social Services Block Grant Fund. All funds received into the Social Services Block Grant Fund as reimbursement for expenditures from the General Revenue Fund shall be transferred to the General Revenue Fund. All funds received into the Social Services Block Grant Fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social Services Block Grant Fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social Services Block Grant Fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund. Any other federal funds received into the Social Services Block Grant Fund for reimbursement for expenditure out of the Local Initiative Fund shall be transferred into the Local Initiative Fund.
Block Grant Fund shall be transferred to the Special Purposes Trust Fund. All federal funds received by the Illinois Department as reimbursement for Employment and Training Programs for expenditures made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or made by an entity other than the Illinois Department shall be deposited into the Employment and Training Fund, except that federal funds received as reimbursement as a result of the appropriation made for the costs of providing adult education to public assistance recipients under the "Adult Education, Public Assistance Fund" shall be deposited into the General Revenue Fund; provided, however, that all funds, except those that are specified in an interagency agreement between the Illinois Community College Board and the Illinois Department, that are received by the Illinois Department as reimbursement under Title IV-A of the Social Security Act for expenditures that are made by the Illinois Community College Board or any public community college of this State shall be credited to a special account that the State Treasurer shall establish and maintain within the Employment and Training Fund for the purpose of segregating the reimbursements received for expenditures made by those entities. As reimbursements are deposited into the Employment and Training Fund, the Illinois Department shall certify to the State Comptroller and State Treasurer the amount that is to be credited to the special account established within that Fund as a reimbursement for expenditures under Title IV-A of the Social Security Act made by the Illinois Community College Board or any of the public community colleges. All amounts credited to the special account established and maintained within the Employment and Training Fund as provided in this Section shall be held for transfer to the TANF Opportunities Fund as provided in subsection (d) of Section 12-10.3, and shall not be transferred to any other fund or used for any other purpose.

Any or all federal funds received as reimbursement for food and shelter assistance under the Emergency Food and Shelter Program authorized by Section 12-4.5 may be deposited, with the consent of the Governor, into the Homelessness Prevention Fund.

Eighty percent of the federal financial participation funds received by the Illinois Department under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of providing services in behalf of Department of Children and Family Services clients shall be deposited into the DCFS Children's Services Fund.

All federal funds, except those covered by the foregoing 3 paragraphs, received as reimbursement for expenditures from the General Revenue Fund shall be deposited in the General Revenue Fund for administrative and distributive expenditures properly chargeable by federal law or regulation to aid programs established under Articles III through XII and Titles IV, XVI, XIX and XX of the Federal Social Security Act. Any other federal funds received by the Illinois Department under Sections 12-4.6, 12-4.18 and 12-4.19 that are required by Section 12-10 of this Code to be paid into the Special Purposes Trust Fund shall be deposited into the Special Purposes Trust Fund. Any other federal funds received by the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be deposited in the Child Support Enforcement Trust Fund as required under Section 12-10.2 of this Code. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.21 of this Code to be paid into the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund shall be deposited into the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5-4.31 of this Code to be paid into the Medicaid Long Term Care Provider Participation Fee Trust Fund shall be deposited into the Medicaid Long Term Care Provider Participation Fee Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 14-2 of this Code to be paid into the Hospital Services Trust Fund shall be deposited into the Hospital Services Trust Fund. Any other federal funds received by the Illinois Department for expenditures made under Title XIX of the Social Security Act and Articles V and VI of this Code that are required by Section 15-2 of this Code to be paid into the County Provider Trust Fund shall be deposited into the County...
Provider Trust Fund. Any other federal funds received by the Illinois Department for hospital inpatient, hospital ambulatory care, and disproportionate share hospital expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5A-8 of this Code to be paid into the Hospital Provider Fund shall be deposited into the Hospital Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5B-8 of this Code to be paid into the Long-Term Care Provider Fund shall be deposited into the Long-Term Care Provider Fund. Any other federal funds received by the Illinois Department for medical assistance program expenditures made under Title XIX of the Social Security Act and Article V of this Code that are required by Section 5C-7 of this Code to be paid into the Developmentally Disabled Care Provider Fund shall be deposited into the Developmentally Disabled Care Provider Fund. Any other federal funds received by the Illinois Department for trauma center adjustment payments that are required by Section 5-5.03 of this Code and made under Title XIX of the Social Security Act and Article V of this Code shall be deposited into the Trauma Center Fund. Any other federal funds received by the Illinois Department as reimbursement for expenses for early intervention services paid from the Early Intervention Services Revolving Fund shall be deposited into that Fund.

The Illinois Department shall consult with the Citizens Assembly/Council on Public Aid in respect to the expenditure of federal funds from the Special Purposes Trust Fund under Section 12-10 and the Local Initiative Fund under Section 12-10.1. It shall report to the General Assembly at the end of each fiscal quarter the amount of all funds received and paid into the Social Service Block Grant Fund and the Local Initiative Fund and the expenditures and transfers of such funds for services, programs and other purposes authorized by law. Such report shall be filed with the Speaker, Minority Leader and Clerk of the House, with the President, Minority Leader and Secretary of the Senate, with the Chairmen of the House and Senate Appropriations Committees, the House Human Resources Committee and the Senate Public Health, Welfare and Corrections Committee, or the successor standing Committees of each as provided by the rules of the House and Senate, respectively, with the Legislative Research Unit and with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act and one copy with the Citizens Assembly/Council on Public Aid or its successor shall be deemed sufficient to comply with this Section.

(Source: P.A. 88-45; 88-412; 88-553, eff. 7-14-94; 88-554, eff. 7-26-94; 88-670, eff. 12-2-94; 89-235, eff. 8-4-95; 89-499, eff. 6-28-96.)

Sec. 12-8. Public Assistance Emergency Revolving Fund - Uses. The Public Assistance Emergency Revolving Fund, established by Act approved July 8, 1955 shall be held by the Illinois Department and shall be used for the following purposes:

1. To provide immediate financial aid to applicants in acute need who have been determined eligible for aid under Articles III, IV, or V.

2. To provide emergency aid to recipients under said Articles who have failed to receive their grants because of mail box or other thefts, or who are victims of a burnout, eviction, or other circumstances causing privation, in which cases the delays incident to the issuance of grants from appropriations would cause hardship and suffering.

3. To provide emergency aid for transportation, meals and lodging to applicants who are referred to cities other than where they reside for physical examinations to establish blindness or disability, or to determine the incapacity of the parent of a dependent child.

4. To provide emergency transportation expense allowances to recipients engaged in vocational training and rehabilitation projects.

5. To assist public aid applicants in obtaining copies of birth certificates, death certificates, marriage licenses or other similar legal documents which may facilitate the verification of eligibility for public aid under this Code.

6. To provide immediate payments to current or former recipients of support services, or refunds to responsible relatives, for child support made to the Illinois Department under Title IV-D of the Social Security Act when such recipients of services or responsible relatives are legally entitled to all or part of such child support payments under applicable State or federal

New matter indicated by italics - deletions by strikeout.
law.

7. To provide payments to individuals or providers of transportation to and from medical care for the benefit of recipients under Articles III, IV, V, and VI, and VII.

Disbursements from the Public Assistance Emergency Revolving Fund shall be made by the Illinois Department.

Expenditures from the Public Assistance Emergency Revolving Fund shall be for purposes which are properly chargeable to appropriations made to the Illinois Department, or, in the case of payments under subparagraph 6, to the Child Support Enforcement Trust Fund, except that no expenditure shall be made for purposes which are properly chargeable to appropriations for the following objects: personal services; extra help; state contributions to retirement system; state contributions to Social Security; state contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of auto equipment; telecommunications services; library books; and refunds. The Illinois Department shall reimburse the Public Assistance Emergency Revolving Fund by warrants drawn on the appropriation or appropriations which are so chargeable, or, in the case of payments under subparagraph 6, by warrants drawn on the Child Support Enforcement Trust Fund, payable to the Revolving Fund.

The Illinois Department shall consult, in writing, with the Citizens Assembly/Council on Public Aid with respect to the investment of funds from the Public Assistance Emergency Revolving Fund outside the State Treasury in certificates of deposit or other interest-bearing accounts.

(Source: P.A. 86-651; 87-769.)

(305 ILCS 5/12-10.3) (from Ch. 23, par. 12-10.3)

Sec. 12-10.3. Employment and Training Fund; uses.

(a) The Employment and Training Fund is hereby created in the State Treasury for the purpose of receiving and disbursing moneys in accordance with the provisions of Title IV - F of the federal Social Security Act, known as the Job Opportunities and Basic Skills (JOBS) Program and, on and after July 1, 1997, Title IV-A of the federal Social Security Act; the Food Stamp Act, Title 7 of the United States Code; and related rules and regulations governing the use of those moneys for the purposes of providing employment and training services.

(b) All federal funds received by the Illinois Department as reimbursement for expenditures for employment and training programs made by the Illinois Department from grants, gifts, or legacies as provided in Section 12-4.18 or by an entity other than the Department, except as a result of appropriations made for the costs of providing adult education to public assistance recipients, shall be deposited into the Employment and Training Fund; provided, however, that all funds, except those that are specified in the interagency agreement between the Illinois Community College Board and the Department, that are received by the Department as reimbursement under Title IV-A of the federal Social Security Act for expenditures that are made by the Illinois Community College Board or by any public community college of this State shall be credited to a special account that the State Treasurer shall establish and maintain within the Employment and Training Fund for the purpose and in the manner provided in Section 12-5.

(c) Except as provided in subsection (d) of this Section, the Employment and Training Fund shall be administered by the Illinois Department, and the Illinois Department may make payments from the Employment and Training Fund to clients for supportive services or to public and private entities for employment and training services. Such payments shall not include any funds generated by Illinois community colleges as part of the Opportunities Program.

(d) On or before the 10th day of August, 1992, and on or before the 10th day of each month thereafter, the State Treasurer and State Comptroller shall automatically transfer to the TANF Opportunities Fund of the Illinois Community College Board from the special account established and maintained in the Employment and Training Fund all amounts credited to that special account as provided in Section 12-5 during the preceding month as reimbursement for expenditures under Title IV-A of the federal Social Security Act made by the Illinois Community College Board or any public community college of this State.

(e) The Illinois Department shall execute a written contract when purchasing employment and training services from entities qualified to provide services under the programs. The contract shall be filed with the Illinois Department and the State Comptroller.
Sec. 12-13. Rules and regulations. The Department shall make all rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this Code, to the end that its spirit and purpose may be achieved and the public aid programs administered efficiently throughout the State. However, the rules and regulations shall not provide that payment for services rendered to a specific recipient by a person licensed under the Medical Practice Act of 1987, whether under a general or limited license, or a person licensed or registered under other laws of this State to provide dental, optometric, or pediatric care, may be authorized only when services are recommended for that recipient by a person licensed to practice medicine in all its branches.

Whenever a rule of the Department requires that an applicant or recipient verify information submitted to the Department, the rule, in order to make the public fully aware of what information is required for verification, shall specify the acceptable means of verification or shall list examples of acceptable means of verification.

The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and incorporated herein, and shall apply to all administrative rules and procedures of the Illinois Department under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Illinois Department is precluded by law from exercising any discretion, and the requirements of the Administrative Procedure Act with respect to contested cases are not applicable to (1) hearings involving eligibility of applicants or recipients of public aid or, (2) support hearings involving responsible relatives, or (3) personnel hearings involving matters arising under Section 12-18.1.

Sec. 12-13.05. Emergency Rules for Temporary Assistance for Needy Families. The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1997 and any other changes made as the result of implementing the Temporary Assistance to Needy Families Program under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) through the use of emergency rules in accordance with the provisions of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement these changes shall be deemed an emergency and necessary for the public interest, safety, and welfare. The emergency rulemaking powers authorized in this Section apply only to rules filed to implement the TANF plan effective July 1, 1997.

All rules regulating the Temporary Assistance for Needy Families program and all other rules regulating the amendatory changes to this Code made by this amendatory Act of 1997 shall be promulgated pursuant to this Section. All rules regulating the Temporary Assistance for Needy Families program and all other rules regulating the amendatory changes to this Code made by this amendatory Act of 1997 are repealed on January 1, 2003. On and after January 1, 2003, the Illinois Department may not promulgate any rules regulating the Temporary Assistance for Needy Families program or regulating the amendatory changes to this Code made by this amendatory Act of 1997.

Sec. 12-19. County welfare services committees; membership. If a county welfare services committee is formed in a county of less than 3,000,000 population, the committee may consist of not more than 10 members appointed by the Illinois Department and the following members, ex-officio: the state's attorney and the chairman of the county board. The terms of the state's attorney and the chairman of the county board shall be co-extensive with their terms of office. The terms of the Illinois Department appointees shall be as specified in this Section.

In counties of 3,000,000 or more population, if a county welfare services committee is formed, it may consist of not more than 33 members appointed by the Illinois Department and the president of the county board of commissioners, ex-officio. The term of the president of the county board of commissioners shall be co-extensive with his term of office. The terms of the Illinois Department appointees shall be as specified in this Section.
The Illinois Department shall make its appointments from a list of nominees submitted with the advice and consent of the county board by the presiding officer of the county board of each county. If the county board fails or refuses to submit a list of nominees, the Illinois Department may make appointments from among the residents of the county.

The Illinois Department and the county boards shall include a balanced representation of recipients, service providers, representatives of community and welfare advocacy groups, representatives of local governments dealing with public aid, and representatives of the general public on all county welfare services committees appointed by the Illinois Department or on lists of nominees submitted by the presiding officers of the county boards.

(Source: P.A. 88-412.)

(305 ILCS 5/12-19.2) (from Ch. 23, par. 12-19.2)

Sec. 12-19.2. Organization of committee. The county welfare services committee, at its first meeting in each calendar year, shall organize by electing from its membership a chairman and vice chairman. These officers shall serve a term of one year and until their successors are elected but neither may serve more than 3 consecutive terms. The Department of Human Services local office administrator county superintendent of public aid shall act as the executive secretary of the committee and assist it in fulfilling its responsibilities in the manner the committee designates. The committee may request the assistance of other members of the staff of the County Department to perform duties the committee designates. The committee shall provide rules for transacting its business and keeping records thereof. It shall hold as many meetings during each calendar year as may be necessary to fulfill committee responsibilities. In counties of less than 3,000,000 population, meetings may be called by the chairman or any 3 members. In counties of 3,000,000 or more population, meetings may be called by the chairman or any 11 members. The members of the committee shall receive no compensation for their services but shall be reimbursed for actual and necessary traveling and other expenses incurred in the performance of their duties.

(Source: P.A. 88-412.)

(305 ILCS 5/12-19.3) (from Ch. 23, par. 12-19.3)

Sec. 12-19.3. Information to committee. The County Department shall furnish each member of the County Welfare Services Committee, upon such member's request, a copy of the existing regulations and of all changes of regulations pertaining to any of the public aid programs, and of rulings handed down by the Illinois Department or the courts on review, affecting or interpreting such regulations. The County Superintendent of Public Aid shall also furnish the Committee, or any member thereof, upon request in writing by such Committee or by such member, information (including access to the files) concerning any individual applicant or recipient, with notations as to the regulations and facts upon the basis of which increases or decreases were made in the amount of aid granted, or upon the basis of which aid was denied or terminated, together with such other information as may be in the possession of the County Department and stipulated in the written request of the Committee or any member thereof. The Committee and each member thereof shall keep all such information strictly confidential and shall use it only for purposes directly connected with the administration of public aid within the county.

(Source: Laws 1967, p. 122.)

(305 ILCS 5/12-21.10) (from Ch. 23, par. 12-21.10)

Sec. 12-21.10. Default and misappropriation of funds; Removal of supervisor; Conditions requiring appointment of interim supervisor.) If the Supervisor of General Assistance is a defaulter and in arrears with the governmental unit, or has misused, misappropriated, or converted to his own use or the use of any other person any of the funds of the unit, or is guilty of any other misconduct in office, the governing body of the governmental unit, and in the case of a township, the board of town trustees, may remove him as Supervisor of General Assistance and appoint a suitable person to be the supervisor therein; provided, that for a township containing 4,000 inhabitants or more, upon written request of the township supervisors, the board of town trustees may appoint a Supervisor of General Assistance who is a resident of such township, and fix his compensation and term of office, which shall not exceed the term of the board. If the defaulter is the Director of the County Department of Public Aid, his removal shall be made by the Illinois Department and a successor shall be appointed as provided in Section 12-18.1.

New matter indicated by italics - deletions by strikeout.
If, as provided in Section 12-21.18, the Illinois Department has ordered the withholding of State funds for failure of the governmental unit to comply with the Department's rules and regulations, the governing body of the governmental unit, and in the case of a township, the board of town trustees, upon written order of the Illinois Department shall appoint an Interim Supervisor of General Assistance, acceptable to the Illinois Department, to serve as Supervisor of General Assistance for the governmental unit until such time as the policies and procedures of the unit are determined by the Department to be in compliance with its rules. The Illinois Department shall in the manner provided by Section 12-18.1, appoint such Interim Supervisor in the case of a Supervisor of General Assistance who is the Director of the County Department of Public Aid. If, after a reasonable time as determined by the Illinois Department, the governmental unit or agency to which such order is directed fails to make an appointment, or appoints a person who is not acceptable to the Illinois Department, the Public Aid Committee, established under Section 11-8, of the county in which the governmental unit is located, upon written order of the Illinois Department, shall appoint an Interim Supervisor, which appointment shall be subject to the approval of the Illinois Department.

The appointing authority shall fix the compensation of the Interim Supervisor of General Assistance, subject to approval of the Illinois Department, which shall be payable from the general assistance fund of the local governmental unit.

An Interim Supervisor of General Assistance may be removed and another person appointed in his place in the same manner and for the same reasons as in the case of an initial appointment of an Interim Supervisor.

The Illinois Department shall not order the appointment of an Interim Supervisor of General Assistance if the local governmental unit takes such action as the Department considers to have established satisfactory compliance with its rules, and a reasonable time, to be determined by the Department, shall be allowed the governmental unit to establish such compliance.

If an Interim Supervisor of General Assistance has been appointed, he shall exercise all the powers of that office in respect to the administration of general assistance, and shall have the sole authority to disburse State and local funds available for this purpose. If the governmental unit thereafter takes such action to assure the Department that it will comply with the Department's rules, the service of the Interim Supervisor shall be terminated.

(Source: P.A. 82-783.)

(305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

Sec. 12-21.14. Requirements; review by Illinois Department; allocations. The County Board of each county or a duly appointed committee thereof, or any other county agency designated by the County Board, shall by the last day of each month submit to the Illinois Department an itemized statement showing, for all local governmental units therein except a city, village or incorporated town of more than 500,000 population, assistance furnished in the county under Article VI of this Code during the previous month and the expenses for the administration thereof, and the actual revenues available through taxation by the local governmental units. If the Illinois Department has reason to believe that the amounts submitted by any county are excessive, it may require appropriate officials of the county to appear before it and substantiate the amounts to the satisfaction of the Department.

The Illinois Department shall review these amounts and shall determine and allocate to the several counties the amounts necessary to supplement local funds actually available for public aid purposes. There shall be a yearly reconciliation of amounts allocated to the local governmental units by the Illinois Department to supplement local funds.

If, because of circumstances beyond the local governmental unit's control, such as a sudden caseload increase or an unexpected increase in the administrative expenses, a local governmental unit has insufficient local funds actually available to furnish assistance or pay administrative expenses, the Illinois Department shall provide a special allocation of funds to the local governmental unit to meet the need. In calculating the need for a special allocation, the Illinois Department shall take into consideration the amount of funds legally available from the taxes levied by the local governmental unit for public aid purposes and any available unobligated balances.

If a local governmental unit has not received State funds for public aid purposes for at least 84 consecutive months immediately prior to its request for State funds, the Illinois Department shall not consider as a legally available resource of the governmental unit public aid funds, or the proceeds of public aid taxes and tax anticipation warrants which may have been transferred or expended during
such period for other purposes.

Except as hereinafter provided, State allocations shall be paid to the County Treasurer for disbursement to local governmental units as certified by the Illinois Department. Until January 1, 1974, moneys allocated by the Illinois Department for General Assistance purposes in a city, village or incorporated town of more than 500,000 population and moneys received from the Treasurer of the municipality from taxes levied for General Assistance purposes in the municipality and other moneys and funds designated in Section 11-43-2 of the Illinois Municipal Code shall be paid into the special fund established by the County Treasurer of the county in which the municipality is located and retained for disbursement by the Director of the County Department of Public Aid serving as Supervisor of General Assistance for the municipality.

On January 1, 1974, or as soon thereafter as is feasible but not later than January 1, 1975, the County Treasurer shall transfer to the Special Purposes Trust Fund established by Section 12-10 of this Code all State and municipal moneys remaining in or due to the special fund of the County Treasury. After December 31, 1973, but not later than June 30, 1979, State allocations and municipal funds for General Assistance purposes in such a municipality, and other moneys and funds designated by Section 11-43-2 of the Illinois Municipal Code, shall be paid into the Special Purposes Trust Fund and disbursed as provided in Section 12-10. State and municipal moneys paid into the Special Purposes Trust Fund under the foregoing provision shall be used exclusively for (1) furnishing General Assistance within the municipality; (2) the payment of administrative costs; and (3) the payment of warrants issued against and in anticipation of taxes levied by the municipality for General Assistance purposes, and the accrued interest thereon. After June 30, 1979, moneys and funds designated by Section 11-43-2 of the Illinois Municipal Code, shall be paid into the General Revenue Fund as reimbursement for appropriated funds disbursed as provided in Section 12-18.4 of this Code.

(Source: P.A. 86-431.)

Sec. 12-21.20. Destruction of Obsolete Records. Obsolete records, documents, papers, and memoranda pertaining to public aid under Article VI may be destroyed or otherwise disposed of by local governmental units at any time subsequent to the expiration of 5 years after the matters to which they relate have been concluded. Such records pertaining to public aid under Article VII prior to July 1, 1978, may be destroyed or otherwise disposed of by the local governmental unit at any time after July 1, 1983. However, records required by the Illinois Department may not be so destroyed or otherwise disposed of except upon approval of the Illinois Department.

(Source: P.A. 81-1085.)

New matter indicated by italics - deletions by strikeout.
Section 21. The Illinois Public Aid Code is amended by repealing Sections 1-3, 2-15, 3-1.6, 3-15, 4-1.6a, 4-3, 4-6, 4-13, 4-18, 4-19, 6-4, 6-8, 9-6.01, 9-6.02, 9-6.03, 9-6.04, 9-10, 9A-12, 11-8.5, 11-23, 11-23.1, 11-25, 11-30, 12-4.28, 12-4.101, 12-4.102, 12-17, 12-17.1, 12-17.3, 12-17.4, 12-17.5, 12-18, 12-18.1, 12-18.2, 12-18.3, 12-18.4, 12-18.5, 12-18.6, 12-18.8, 12-18.9, 12-19.4, 12-20, and 12-21.3.

(405 ILCS 30/4.2 rep.)

Section 22. The Community Services Act is amended by repealing Section 4.2.
(405 ILCS 50/Act rep.)

Section 25. The Mental Illness Services Pilot Project Act is repealed.
(405 ILCS 60/Act rep.)

Section 30. The Community Mental Health Task Force Act is repealed.
(405 ILCS 70/Act rep.)

Section 35. The Community Mental Health Equity Funding Act is repealed.
(405 ILCS 80/2-12 rep.)

(405 ILCS 80/3-14 rep.)

Section 40. The Developmental Disability and Mental Disability Service Act is amended by repealing Sections 2-12 and 3-14.

INDEX

Statutes amended in order of appearance

20 ILCS 1705/4.3 from Ch. 91 1/2, par. 100-4.3
20 ILCS 1705/52 from Ch. 91 1/2, par. 100-52
20 ILCS 1705/58 rep.
20 ILCS 2425/Act rep.
20 ILCS 3940/Act rep.
20 ILCS 3957/Act rep.

25 ILCS 130/11A-7 from Ch. 63, par. 1011A-7
50 ILCS 105/1 from Ch. 102, par. 1
65 ILCS 5/11-43-2 from Ch. 24, par. 11-43-2
305 ILCS 5/1-7 from Ch. 23, par. 1-7
305 ILCS 5/1-8
305 ILCS 5/2-6 from Ch. 23, par. 2-6
305 ILCS 5/2-13 from Ch. 23, par. 2-13
305 ILCS 5/3-1a from Ch. 23, par. 3-1a

New matter indicated by italics - deletions by strikeout.
305 ILCS 5/3-11 from Ch. 23, par. 3-11
305 ILCS 5/4-1 from Ch. 23, par. 4-1
305 ILCS 5/4-1.1 from Ch. 23, par. 4-1.1
305 ILCS 5/4-1.2a from Ch. 23, par. 4-1.2a
305 ILCS 5/4-1.2c
305 ILCS 5/4-1.6 from Ch. 23, par. 4-1.6
305 ILCS 5/4-1.10 from Ch. 23, par. 4-1.10
305 ILCS 5/4-2 from Ch. 23, par. 4-2
305 ILCS 5/4-8 from Ch. 23, par. 4-8
305 ILCS 5/4-17
305 ILCS 5/6-1 from Ch. 23, par. 6-1
305 ILCS 5/6-1.2 from Ch. 23, par. 6-1.2
305 ILCS 5/6-1.3a from Ch. 23, par. 6-1.3a
305 ILCS 5/6-2 from Ch. 23, par. 6-2
305 ILCS 5/6-11 from Ch. 23, par. 6-11
305 ILCS 5/9-1 from Ch. 23, par. 9-1
305 ILCS 5/9-5 from Ch. 23, par. 9-5
305 ILCS 5/9-6 from Ch. 23, par. 9-6
305 ILCS 5/9-6.1 from Ch. 23, par. 9-6.1
305 ILCS 5/9-6.2 from Ch. 23, par. 9-6.2
305 ILCS 5/9A-3 from Ch. 23, par. 9A-3
305 ILCS 5/9A-5 from Ch. 23, par. 9A-5
305 ILCS 5/9A-13
305 ILCS 5/11-3 from Ch. 23, par. 11-3
305 ILCS 5/11-6.1 from Ch. 23, par. 11-6.1
305 ILCS 5/11-8 from Ch. 23, par. 11-8
305 ILCS 5/11-8.7 from Ch. 23, par. 11-8.7
305 ILCS 5/11-9 from Ch. 23, par. 11-9
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305 ILCS 5/11-17 from Ch. 23, par. 11-17
305 ILCS 5/11-20 from Ch. 23, par. 11-20
305 ILCS 5/11-22 from Ch. 23, par. 11-22
305 ILCS 5/11-22a from Ch. 23, par. 11-22a
305 ILCS 5/12-2 from Ch. 23, par. 12-2
305 ILCS 5/12-3 from Ch. 23, par. 12-3
305 ILCS 5/12-4.4 from Ch. 23, par. 12-4.4
305 ILCS 5/12-4.7 from Ch. 23, par. 12-4.7
305 ILCS 5/12-4.8 from Ch. 23, par. 12-4.8
305 ILCS 5/12-4.17 from Ch. 23, par. 12-4.17
305 ILCS 5/12-4.24a from Ch. 23, par. 12-4.24a
305 ILCS 5/12-5 from Ch. 23, par. 12-5
305 ILCS 5/12-8 from Ch. 23, par. 12-8
305 ILCS 5/12-10.3 from Ch. 23, par. 12-10.3
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305 ILCS 5/12-21.10 from Ch. 23, par. 12-21.10
305 ILCS 5/12-21.14 from Ch. 23, par. 12-21.14
305 ILCS 5/12-21.20 from Ch. 23, par. 12-21.20
305 ILCS 5/1-3 rep.
305 ILCS 5/2-15 rep.
305 ILCS 5/3-1.6 rep.
305 ILCS 5/3-15 rep.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning pharmaceuticals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Pharmacy Practice Act of 1987 is amended by changing Section 25 as follows:
(225 ILCS 85/25) (from Ch. 111, par. 4145)

Sec. 25. No person shall compound, or sell or offer for sale, or cause to be compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia National Formulary, for internal or external use, which differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopoeia National Formulary official at the time of such compounding, sale or offering for sale. Nor shall any person compound, sell or offer for sale, or cause to be compounded, sold, or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. If the physician or other authorized prescriber, when transmitting an oral or written prescription, does not prohibit drug product selection, a different brand name or nonbrand name drug product of the same generic name may be dispensed by the pharmacist, provided that the selected drug has a unit price less than the drug product specified in the prescription and provided that the selection is permitted, is not subject to review at a hearing by the Technical Advisory Council, is not subject to a hearing in accordance with this Section, or is not specifically prohibited by the current Drug Product Selection Formulary issued by the Department of Public Health pursuant to Section 3.14 of the Illinois Food, Drug and Cosmetics Act, as amended. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Illinois Food, Drug and Cosmetic Act, provided that each manufacturer submits a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. If the Technical Advisory Council finds that a generic drug product may have issues related to the practice of medicine or the practice of pharmacy, the Technical Advisory Council shall review the generic drug product to hold a hearing at its next regularly scheduled Technical Advisory Council meeting. Following the Technical Advisory Council's review and initial recommendation that a generic drug product not be included in the Illinois Formulary, a determination that an issue exists related to the practice of medicine or the practice of pharmacy, the hearing shall be conducted in accordance with the rules of the Department of Public Health and Article 10 of the Illinois Administrative Procedure Act if requested by the manufacturer. The Technical Advisory Council shall make its recommendation to the Department of Public Health within 20 business days after the public hearing. If the Department of Public Health, on the recommendation of the Technical Advisory Council, determines that, based upon a preponderance of the evidence, the drug is not bioequivalent, not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients receiving that generic drug, the Department of Public Health may prohibit the generic drug from substitution in the State. A decision by the Department of Public Health to prohibit a drug product from substitution shall constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act and Section 3-101 of the Code of Civil Procedure, and shall be subject to judicial review pursuant to the provisions of Article III of the Administrative Review Law. A decision to prohibit a generic drug from substitution must be accompanied by a written detailed explanation of the basis for the decision. On the prescription forms of prescribers, shall be placed a signature line and the words "may substitute" and "may not substitute". The prescriber, in his or her own handwriting, shall place a mark beside either the "may substitute" or "may not substitute" alternatives to guide the pharmacist in the dispensing of the prescription. A prescriber placing a mark beside the "may substitute" alternative or failing in his or her own handwriting to place a mark beside either alternative authorizes drug product selection in accordance with this Act. Preprinted or rubber stamped marks, or other deviations from the above prescription format shall not be permitted. The prescriber shall sign the form in his or her own handwriting to authorize the issuance of the prescription. When a person presents a prescription to be dispensed, the pharmacist to whom it is presented may inform the person if the pharmacy has available a different brand name or nonbrand name of the same generic drug prescribed and the price of the different brand name or nonbrand name of the drug product. If the person presenting the prescription is the one to whom the drug is to be administered, the pharmacist may dispense the prescription with the brand prescribed or a different brand name or nonbrand name product of the same generic name...
that has been permitted by the Department of Public Health, if the drug is of lesser unit cost and the patient is informed and agrees to the selection and the pharmacist shall enter such information into the pharmacy record. If the person presenting the prescription is someone other than the one to whom the drug is to be administered the pharmacist shall not dispense the prescription with a brand other than the one specified in the prescription unless the pharmacist has the written or oral authorization to select brands from the person to whom the drug is to be administered or a parent, legal guardian or spouse of that person.

In every case in which a selection is made as permitted by the Illinois Food, Drug and Cosmetic Act, the pharmacist shall indicate on the pharmacy record of the filled prescription the name or other identification of the manufacturer of the drug which has been dispensed.

The selection of any drug product by a pharmacist shall not constitute evidence of negligence if the selected nonlegend drug product was of the same dosage form and each of its active ingredients did not vary by more than 1 percent from the active ingredients of the prescribed, brand name, nonlegend drug product or if the selected legend drug product was included in the Illinois Drug Product Selection Formulary current at the time the prescription was dispensed. Failure of a prescribing physician to specify that drug product selection is prohibited does not constitute evidence of negligence unless that practitioner has reasonable cause to believe that the health condition of the patient for whom the physician is prescribing warrants the use of the brand name drug product and not another.

The Department is authorized to employ an analyst or chemist of recognized or approved standing whose duty it shall be to examine into any claimed adulteration, illegal substitution, improper selection, alteration, or other violation hereof, and report the result of his investigation, and if such report justify such action the Department shall cause the offender to be prosecuted.

(Source: P.A. 91-766, eff. 9-1-00.)

Section 10. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.14 as follows:

(410 ILCS 620/3.14) (from Ch. 56 1/2, par. 503.14)

Sec. 3.14. Dispensing or causing to be dispensed a different drug in place of the drug or brand of drug ordered or prescribed without the express permission of the person ordering or prescribing. However, this Section does not prohibit the interchange of different brands of the same generically equivalent drug product, when the drug products are not required to bear the legend "Caution: Federal law prohibits dispensing without prescription", provided that the same dosage form is dispensed and there is no greater than 1% variance in the stated amount of each active ingredient of the drug products. Nothing in this Section shall prohibit the selection of different brands of the same generic drug, based upon a drug formulary listing which is developed, maintained, and issued by the Department of Public Health under which drug product selection is permitted, is not subject to review at a meeting of the hearing review process for the Technical Advisory Council, is not subject to a hearing in accordance with this Section, or is not specifically prohibited. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Pharmacy Practice Act of 1987, provided that each manufacturer submits a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. If the Technical Advisory Council finds that a generic drug product may have issues related to the practice of medicine or the practice of pharmacy, the Technical Advisory Council shall hold a hearing at its next regularly scheduled Technical Advisory Council meeting. Following the Technical Advisory Council's review and initial recommendation that a generic drug product not be included in the Illinois Formulary, a determination that an issue exists related to the practice of medicine or the practice of pharmacy, the hearing shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Admin. Code 100) and Article 10 of the Illinois Administrative Procedure Act if requested by the manufacturer. The Technical Advisory Council shall make its recommendation to the Department of Public Health within 20 business days after the public hearing. If the Department of Public Health, on the recommendation of the Technical Advisory Council, determines that, based upon a preponderance of the evidence, the drug is not
bioequivalent, not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients receiving that generic drug, the Department of Public Health may prohibit the generic drug from substitution in the State. A decision by the Department to prohibit a drug product from substitution shall constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act and Section 3-101 of the Code of Civil Procedure, and shall be subject to judicial review pursuant to the provisions of Article III of the Administrative Review Law. A decision to prohibit a generic drug from substitution must be accompanied by a written detailed explanation of the basis for the decision. Determination of products which may be selected shall be recommended by a Technical Advisory Council of the Department, selected by the Director of Public Health, which council shall consist of 7 persons including 2 physicians, 2 pharmacists, 2 pharmacologists and one other prescriber who have special knowledge of generic drugs and formulary. Technical Advisory Council members shall serve without pay, and shall be appointed for a 3 year term and until their successors are appointed and qualified. The procedures for operation of the Drug Product Selection Program shall be promulgated by the Director, however the actual list of products prohibited or approved for drug product selection need not be promulgated. The Technical Advisory Council shall take cognizance of federal studies, the U.S. Pharmacopoeia - National Formulary, or other recognized authoritative sources, and shall advise the Director of any necessary modifications. Drug products previously approved by the Technical Advisory Council for generic interchange may be substituted in the State of Illinois without further review subject to the conditions of approval in the State of Illinois prior to the effective date of this amendatory Act of the 91st General Assembly.

Timely notice of revisions to the formulary shall be furnished at no charge to all pharmacies by the Department. Single copies of the drug formulary shall be made available at no charge upon request to licensed prescribers, student pharmacists, and pharmacists practicing pharmacy in this State under a reciprocal license. The Department shall offer subscriptions to the drug formulary and its revisions to other interested parties at a reasonable charge to be established by rule. Before the Department makes effective any additions to or deletions from the procedures for operation of the Drug Product Selection Program under this Section, the Department shall file proposed rules to amend the procedures for operation of the program under Section 5-40 of the Illinois Administrative Procedure Act. The Department shall issue necessary rules and regulations for the implementation of this Section.

(Source: P.A. 91-766, eff. 9-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0113
(House Bill No. 3332)

AN ACT in relation to agrichemicals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Section 14.6 as follows:
(415 ILCS 5/14.6) (from Ch. 111 1/2, par. 1014.6)
Sec. 14.6. Agrichemical facilities.
(a) Notwithstanding the provisions of Section 14.4, groundwater protection for storage and related handling of pesticides and fertilizers at a facility for the purpose of commercial application or at a central location for the purpose of distribution to retail sales outlets may be provided by adherence to the provisions of this Section. For any such activity to be subject to this Section, the following action must be taken by an owner or operator:
(1) with respect to agrichemical facilities, as defined by the Illinois Pesticide Act, the Illinois Fertilizer Act and regulations adopted thereunder, file a written notice of intent to be subject to the provisions of this Section with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility;

New matter indicated by italics - deletions by strikeout.
(2) with respect to lawn care facilities that are subject to the wash water containment area provisions of the Lawn Care Products Application and Notice Act and its regulations, file a written notice of intent to be subject to the provisions of this Section with the Department of Agriculture by January 1, 1993, or within 6 months after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects such a facility;

(3) with respect to a central distribution location that is not an agrichemical facility, certify intent to be subject to the provisions of this Section on the appropriate license or renewal application form submitted to the Department of Agriculture; or

(4) with respect to any other affected facility, certify intent to be subject to the provisions of this Section on the appropriate renewal application forms submitted to the Department of Agriculture or other appropriate agency.

An owner or operator of a facility that takes the action described in this subsection shall be subject to the provisions of this Section and shall not be regulated under the provisions of Section 14.4, except as provided in subsection (d) of this Section and unless a regulatory program is not in effect by January 1, 1994, pursuant to subsection (b) or (c) of this Section. The Department of Agriculture or other appropriate agency shall provide copies of the written notices and certifications to the Agency. For the purposes of this subsection, the term "commercial application" shall not include the use of pesticides or fertilizers in a manner incidental to the primary business activity.

(b) The Agency and Department of Agriculture shall cooperatively develop a program for groundwater protection for designated facilities or sites consistent with the activities specified in subsection (a) of this Section. In developing such a program, the Agency and the Department of Agriculture shall consult with affected interests and take into account relevant information. Based on such agreed program, the Department of Agriculture shall adopt appropriate regulatory requirements by January 1, 1994, for the designated facilities or sites and administer a program. At a minimum, the following considerations must be adequately addressed as part of such program:

(1) a facility review process, using available information when appropriate, to determine those sites where groundwater monitoring will be implemented;

(2) requirements for groundwater quality monitoring for sites identified under item (1);

(3) reporting, response, and operating practices for the types of designated facilities; and

(4) requirements for closure or discontinuance of operations.

(c) The Agency may enter into a written agreement with any State agency to operate a cooperative program for groundwater protection for designated facilities or sites consistent with the activities specified in subparagraph (4) of subsection (a) of this Section. Such State agency shall adopt appropriate regulatory requirements for the designated facilities or sites and necessary procedures and practices to administer the program.

(d) The Agency shall ensure that any facility that is subject to this Section is in compliance with applicable provisions as specified in subsection (b) or (c) of this Section. To fulfill this responsibility, the Agency may rely on information provided by another State agency or other information that is obtained on a direct basis. If a facility is not in compliance with the applicable provisions, or a deficiency in the execution of a program affects such a facility, the Agency may so notify the facility of this condition and shall provide 30 days for a written response to be filed. The response may describe any actions taken by the owner which relate to the condition of noncompliance. If the response is deficient or untimely, the Agency shall serve notice upon the owner that the facility is subject to the applicable provisions of Section 14.4 of this Act and regulations adopted thereunder.

(e) After January 1, 1993, and before January 1, 1994, an owner or operator of a facility that is subject to the provisions of this Section may withdraw the notice given under subsection (a) of this Section by filing a written withdrawal statement with the Department of Agriculture. Within 45 days after such filing and after consultation with the Agency, the Department of Agriculture shall provide written confirmation to the owner or operator that the facility is no longer subject to the provisions of this Section and must comply with the applicable provisions of Section 14.4 within 90 days after receipt of the confirmation. The Department of Agriculture shall provide copies of the written confirmations to the Agency.

(f) After January 1, 1994, and before one year after the date on which a maximum setback zone is established or a regulated recharge area regulation is adopted that affects a facility subject to

New matter indicated by italics - deletions by strikeout.
the provisions of this Section, an owner or operator of such a facility may withdraw the notice given under subsection (a) of this Section by filing a written withdrawal statement with the Department of Agriculture. Within 45 days after such filing and after consultation with the Agency, the Department of Agriculture shall provide written confirmation to the owner or operator that the facility is no longer subject to the provisions of this Section and must comply with the applicable provisions of Section 14.4 within 90 days after receipt of the confirmation. The Department of Agriculture shall provide copies of the written confirmations to the Agency.

(g) On or after the effective date of this amendatory Act of 1994, an owner or operator of an agrichemical facility that is subject to the provisions of Section 14.4 and regulations adopted thereunder solely because of the presence of an on-site potable water supply well that is not a non-community water supply may file a written notice with the Department of Agriculture by January 1, 1995 declaring the facility to be subject to the provisions of this Section. When that action is taken, the regulatory requirements of subsection (b) of this Section shall be applicable beginning January 1, 1995. During the period from January 1, 1993 through December 31, 1994, any facility described in this subsection shall not be subject to regulation under Section 14.4 of this Act. Beginning on January 1, 1995, such facilities shall be subject to either Section 14.4 or this Section depending on the action taken under this subsection. An owner or operator of an agrichemical facility that is subject to this Section because a written notice was filed under this subsection shall do all of the following:

1. File a facility review report with the Department of Agriculture on or before February 28, 1995 consistent with the regulatory requirements of subsection (b) of this Section.
2. Implement an approved monitoring program within 120 days of receipt of the Department of Agriculture's determination or a notice to proceed from the Department of Agriculture. The monitoring program shall be consistent with the requirements of subsection (b) of this Section.
3. Implement applicable operational and management practice requirements and submit a permit application or modification to meet applicable structural provisions consistent with those in subsection (b) of this Section on or before July 1, 1995 and complete construction of applicable structural requirements on or before January 1, 1996.

Notwithstanding the provisions of this subsection, an owner or operator of an agrichemical facility that is subject to the provisions of Section 14.4 and regulations adopted thereunder solely because of the presence of an on-site private potable water supply well may file a written notice with the Department of Agriculture before January 1, 1995 requesting a release from the provisions of Section 14.4 and this Section. Upon receipt of a request for release, the Department of Agriculture shall conduct a site visit to confirm the private potable use of the on-site well. If private potable use is confirmed, the Department shall provide written notice to the owner or operator of the agrichemical facility that the facility is released from compliance with the provisions of Section 14.4 and this Section. If private potable use is not confirmed, the Department of Agriculture shall provide written notice to the owner or operator that a release cannot be given. No action in this subsection shall be precluded by the on-site non-potable use of water from an on-site private potable water supply well.

(Source: P.A. 87-1108; 88-496; 88-571, eff. 8-11-94.)

Section 10. The Illinois Pesticide Act is amended by changing Sections 4, 19, and 19.3 as follows:

Sec. 4. Definitions. As used in this Act:
1. "Director" means Director of the Illinois Department of Agriculture or his authorized representative.
2. "Active Ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a plant regulator, defoliant or desiccant.
3. "Adultered" shall apply to any pesticide if the strength or purity is not within the standard of quality expressed on the labeling under which it is sold, distributed or used, including any substance which has been substituted wholly or in part for the pesticide as specified on the labeling under which it is sold, distributed or used, or if any valuable constituent of the pesticide has been wholly or in part abstracted.
4. "Agricultural Commodity" means produce of the land including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod, shrubs and other...
products of agricultural origin including the premises necessary to and used directly in agricultural production. Agricultural commodity also includes aquatic products as defined in the Aquaculture Development Act.

5. "Animal" means all vertebrate and invertebrate species including, but not limited to, man and other mammals, bird, fish, and shellfish.

6. "Beneficial Insects" means those insects which during their life cycle are effective pollinators of plants, predators of pests or are otherwise beneficial.

7. "Certified applicator".
   A. "Certified applicator" means any individual who is certified under this Act to purchase, use, or supervise the use of pesticides which are classified for restricted use.
   B. "Private applicator" means a certified applicator who purchases, uses, or supervises the use of any pesticide classified for restricted use, for the purpose of producing any agricultural commodity on property owned, rented, or otherwise controlled by him or his employer, or applied to other property if done without compensation other than trading of personal services between no more than 2 producers of agricultural commodities.
   C. "Licensed Commercial Applicator" means a certified applicator, whether or not he is a private applicator with respect to some uses, who owns or manages a business that is engaged in applying pesticides, whether classified for general or restricted use, for hire. The term also applies to a certified applicator who uses or supervises the use of pesticides, whether classified for general or restricted use, for any purpose or on property of others excluding those specified by subparagraphs 7 (B), (D), (E) of Section 4 of this Act.
   D. "Commercial Not For Hire Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use for any purpose on property of an employer when such activity is a requirement of the terms of employment and such application of pesticides under this certification is limited to property under the control of the employer only and includes, but is not limited to, the use or supervision of the use of pesticides in a greenhouse setting.
   E. "Licensed Public Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.

8. "Defoliant" means any substance or combination of substances which cause leaves or foliage to drop from a plant with or without causing abscission.

9. "Desiccant" means any substance or combination of substances intended for artificially accelerating the drying of plant tissue.

10. "Device" means any instrument or contrivance, other than a firearm or equipment for application of pesticides when sold separately from pesticides, which is intended for trapping, repelling, destroying, or mitigating any pest, other than bacteria, virus, or other microorganisms on or living in man or other living animals.

11. "Distribute" means offer or hold for sale, sell, barter, ship, deliver for shipment, receive and then deliver, or offer to deliver pesticides, within the State.

12. "Environment" includes water, air, land, and all plants and animals including man, living therein and the interrelationships which exist among these.

13. "Equipment" means any type of instruments and contrivances using motorized, mechanical or pressure power which is used to apply any pesticide, excluding pressurized hand-size household apparatus containing dilute ready to apply pesticide or used to apply household pesticides.


15. "Fungi" means any non-chlorophyll bearing thallophytes, any non-chlorophyll bearing plant of a lower order than mosses or liverworts, as for example rust, smut, mildew, mold, yeast and bacteria, except those on or in living animals including man and those on or in processed foods, beverages or pharmaceuticals.

16. "Household Substance" means any pesticide customarily produced and distributed for use by individuals in or about the household.

17. "Imminent Hazard" means a situation which exists when continued use of a pesticide would likely result in unreasonable adverse effect on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the U.S. Secretary of the Interior or to...
species declared to be protected by the Illinois Department of Natural Resources.

18. "Inert Ingredient" means an ingredient which is not an active ingredient.

19. "Ingredient Statement" means a statement of the name and percentage of each active ingredient together with the total percentage of inert ingredients in a pesticide and for pesticides containing arsenic in any form, the ingredient statement shall include percentage of total and water soluble arsenic, each calculated as elemental arsenic. In the case of spray adjuvants the ingredient statement need contain only the names of the functioning agents and the total percent of those constituents ineffective as spray adjuvants.

20. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented for the most part belonging to the class Insects, comprised of six-legged, usually winged forms, as for example beetles, caterpillars, and flies. This definition encompasses other allied classes of arthropods whose members are wingless and usually have more than 6 legs as for example spiders, mites, ticks, centipedes, and millipedes.

21. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

22. "Labeling" means the label and all other written, printed or graphic matter: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except when references are made to current official publications of the U.S. Environmental Protection Agency, Departments of Agriculture, Health, Education and Welfare or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.

23. "Land" means all land and water area including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

24. "Licensed Operator" means a person employed to apply pesticides to the lands of others under the direction of a "licensed commercial applicator" or a "licensed public applicator" or a "licensed commercial not-for-hire applicator".

25. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, also referred to as nemas or eelworms, which are unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.

26. "Permit" means a written statement issued by the Director or his authorized agent, authorizing certain acts of pesticide purchase or of pesticide use or application on a interim basis prior to normal certification, registration, or licensing.

27. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

28. "Pest" means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, excluding virus, bacteria, or other microorganism on or in living animals including man, which the Director declaring to be a pest.

29. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

30. "Pesticide Dealer" means any person who distributes registered pesticides to the user.

31. "Plant Regulator" means any substance or mixture of substances intended through physiological action to affect the rate of growth or maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof. This does not include substances which are not intended as plant nutrient trace elements, nutritional chemicals, plant or seed inoculants or soil conditioners or amendments.

32. "Protect Health and Environment" means to guard against any unreasonable adverse effects on the environment.

33. "Registrant" means person who has registered any pesticide pursuant to the provision of FIFRA and this Act.

34. "Restricted Use Pesticide" means any pesticide with one or more of its uses classified as restricted by order of the Administrator of USEPA.
35. "SLN Registration" means registration of a pesticide for use under conditions of special local need as defined by FIFRA.
36. "State Restricted Pesticide Use" means any pesticide use which the Director determines, subsequent to public hearing, that an additional restriction for that use is needed to prevent unreasonable adverse effects.
37. "Structural Pest" means any pests which attack and destroy buildings and other structures or which attack clothing, stored food, commodities stored at food manufacturing and processing facilities or manufactured and processed goods.
38. "Unreasonable Adverse Effects on the Environment" means the unreasonable risk to the environment, including man, from the use of any pesticide, when taking into account accrued benefits of as well as the economic, social, and environmental costs of its use.
40. "Use inconsistent with the label" means to use a pesticide in a manner not consistent with the label instruction, the definition adopted in FIFRA as interpreted by USEPA shall apply in Illinois.
41. "Wildlife" means all living things, not human, domestic, or pests.
42. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.
43. "Bulk repackaging" means the transfer of a registered pesticide from one bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) to another bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) in an unaltered state in preparation for sale or distribution to another person.
44. "Business" means any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing pesticides or providing the service of application of pesticides in this State.
45. "Facility" means any building or structure and all real property contiguous thereto, including all equipment fixed thereon used for the operation of the business.
46. "Cheminigation" means the application of a pesticide through the systems or equipment employed for the primary purpose of irrigation of land and crops.
47. "Use" means any activity covered by the pesticide label including but not limited to application of pesticide, mixing and loading, storage of pesticides or pesticide containers, disposal of pesticides and pesticide containers and reentry into treated sites or areas.

1. An interagency committee on pesticides shall consist of: (1) the Director of the Department of Agriculture, (2) the Director of Natural Resources, (3) the Director of the Environmental Protection Agency, (4) the Director of the Department of Public Health, (5) the Secretary of the Department of Transportation, (6) the Chief of the State Natural History Survey and (7) the Dean of the College of Agriculture, University of Illinois. Each member of the committee may designate some person in his department to serve on the committee in his stead. Other State agencies may, at the discretion of the Director, be asked to serve on the interagency committee on pesticides. The Director of the Department of Agriculture shall be chairman of this committee.
2. The interagency committee shall: (1) Review the current status of the sales and use of pesticides within the State of Illinois. (2) Review pesticide programs to be sponsored or directed by a governmental agency. (3) Consider the problems arising from pesticide use with particular emphasis on the possible adverse effects on human health, livestock, crops, fish, and wildlife, business, industry, agriculture, or the general public. (4) Recommend legislation to the Governor, if appropriate, which will prohibit the irresponsible use of pesticides. (5) Review rules and regulations pertaining to the
regulation or prohibition of the sale, use or application of pesticides and labeling of pesticides for approval prior to promulgation and adoption. (6) Contact various experts and lay groups, such as the Illinois Pesticide Control Committee, to obtain their views and cooperation. (7) Advise on and approve of all programs involving the use of pesticides on State owned property, state controlled property, or administered by State agencies. This shall not be construed to include research programs, or the generally accepted and approved practices essential to good farm and institutional management on the premises of the various State facilities.

3. Members of this committee shall receive no compensation for their services as members of this committee other than that provided by law for their respective positions with the State of Illinois. All necessary expenses for travel of the committee members shall be paid out of regular appropriations of their respective agencies.

4. The committee shall meet at least once each quarter of the calendar year, and may hold additional meetings upon the call of the chairman. Four members shall constitute a quorum.

5. The committee shall make a detailed report of its findings and recommendations to the Governor of Illinois prior to each General Assembly Session.

6. The Interagency Committee on Pesticides shall, at a minimum, annually, during the spring, conduct a statewide public education campaign and agriculture chemical safety campaign to inform the public about pesticide products, uses and safe disposal techniques. A toll-free hot line number shall be made available for the public to report misuse cases.

The Committee shall include in its educational program information and advice about the effects of various pesticides and application techniques upon the groundwater and drinking water of the State.

7. The Interagency Committee on Pesticides shall conduct a special study of the effects of chemigation and other agricultural applications of pesticides upon the groundwater of this State. The results of such study shall be reported to the General Assembly by March 1, 1989. The members of the Committee may utilize the technical and clerical resources of their respective departments and agencies as necessary or useful in the conduct of the study.

8. In consultation with the Interagency Committee, the Department shall develop, and the Interagency Committee shall approve, procedures, methods, and guidelines for addressing agrichemical pesticide contamination at agrichemical facilities in Illinois. In developing those procedures, methods, and guidelines, the following shall be considered and addressed: (1) an evaluation and assessment of site conditions and operational practices at agrichemical facilities where agricultural pesticides are handled; (2) what constitutes pesticide contamination; (3) cost effective procedures for site assessments and technologies for remedial action; and (4) achievement of adequate protection of public health and the environment from such actual or potential hazards. In consultation with the Interagency Committee, the Department shall develop, and the Interagency Committee shall approve, guidelines and recommendations regarding long term financial resources which may be necessary to remediate pesticide contamination at agrichemical facilities in Illinois. The Department, in consultation with the Interagency Committee, shall present a report on those guidelines and recommendations to the Governor and the General Assembly on or before January 1, 1993. The Department and the Interagency Committee shall consult with the Illinois Pesticide Control Committee and other appropriate parties during this development process.

9. As part of the consideration of cost effective technologies pursuant to subsection 8 of this Section, the Department may, upon request, provide a written authorization to the owner or operator of an agrichemical facility for land application of agrichemical contaminated soils at agronomic rates. As used in this Section, "agrichemical" means pesticides or commercial fertilizers, at an agrichemical facility, in transit from an agrichemical facility to the field of application, or at the field of application. The written authorization may also provide for use of groundwater contaminated by the on-site release of an agrichemical, provided that the groundwater is not also contaminated due to the release of a petroleum product or hazardous substance other than an agrichemical. The uses of agrichemical contaminated groundwater authorized by the Department shall be limited to supervised application or irrigation onto farmland and blending as make-up water in the preparation of agrichemical spray solutions that are to be applied to farmland. In either case, the use of the agrichemical contaminated water shall not cause (i) the total annual application amounts of a pesticide to exceed the respective pesticide label application rate on any authorized sites or (ii) the total annual

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application amounts of a fertilizer to exceed the generally accepted annual application rate on any authorized sites. All authorizations shall prescribe appropriate operational control practices to protect the site of application and shall identify each site or sites where land application or irrigation take place. Where agrichemical contaminated groundwater is used on farmland, the prescribed practices shall be designed to prevent off-site runoff or conveyance through underground tile systems. The Department shall periodically advise the Interagency Committee regarding the issuance of such authorizations and the status of compliance at the application sites.

(Source: P.A. 88-257; 88-512; 88-513; 89-94, eff. 7-6-95; 89-445, eff. 2-7-96.)

(415 ILCS 60/19.3)
Sec. 19.3. Agrichemical Facility Response Action Program.
(a) It is the policy of the State of Illinois that an Agrichemical Facility Response Action Program be implemented to reduce potential agrichemical pesticide pollution and minimize environmental degradation risk potential at these sites. In this Section, "agrichemical facility" means a site where agrichemicals are stored or handled, or both, in preparation for end use. "Agrichemical facility" does not include basic manufacturing or central distribution sites utilized only for wholesale purposes. As used in this Section, "agrichemical" means pesticides or commercial fertilizers at an agrichemical facility.

The program shall provide guidance for assessing the threat of soil agrichemical pesticide contaminants to groundwater and recommending which sites need to establish a voluntary corrective action program.

The program shall establish appropriate site-specific soil cleanup objectives, which shall be based on the potential for the agrichemical pesticide contaminants to move from the soil to groundwater and the potential of the specific soil agrichemical pesticide contaminants to cause an exceedence of a Class I or Class III groundwater quality standard or a health advisory level. The Department shall use the information found and procedures developed in the Agrichemical Facility Site Contamination Study or other appropriate physical evidence to establish the soil agrichemical pesticide contaminant levels of concern to groundwater in the various hydrological settings to establish site-specific cleanup objectives.

No remediation of a site may be recommended unless (i) the agrichemical pesticide contamination level in the soil exceeds the site-specific cleanup objectives or (ii) the agrichemical pesticide contaminant level in the soil exceeds levels where physical evidence and risk evaluation indicates probability of the site causing an exceedence of a groundwater quality standard.

When a remediation plan must be carried out over a number of years due to limited financial resources of the owner or operator of the agrichemical facility, those soil agrichemical pesticide contaminated areas that have the greatest potential to adversely impact vulnerable Class I groundwater aquifers and adjacent potable water wells shall receive the highest priority rating and be remediated first.

(b) The Agrichemical Facility Response Action Program Board ("the Board") is created. The Board members shall consist of the following:

(1) The Director or the Director's designee.
(2) One member who represents pesticide manufacturers.
(3) Two members who represent retail agrichemical dealers.
(4) One member who represents agrichemical distributors.
(5) One member who represents active farmers.
(6) One member at large.

The public members of the Board shall be appointed by the Governor for terms of 2 years. Those persons on the Board who represent pesticide manufacturers, agrichemical dealers, agrichemical distributors, and farmers shall be selected from recommendations made by the associations whose membership reflects those specific areas of interest. The members of the Board shall be appointed within 90 days after the effective date of this amendatory Act of 1995. Vacancies on the Board shall be filled within 30 days. The Board may fill any membership position vacant for a period exceeding 30 days.

The members of the Board shall be paid no compensation, but shall be reimbursed for their expenses incurred in performing their duties. If a civil proceeding is commenced against a Board member arising out of an act or omission occurring within the scope of the Board member's
performance of his or her duties under this Section, the State, as provided by rule, shall indemnify the Board member for any damages awarded and court costs and attorney's fees assessed as part of a final and unreversed judgement, or shall pay the judgment, unless the court or jury finds that the conduct or inaction that gave rise to the claim or cause of action was intentional, willful or wanton misconduct and was not intended to serve or benefit interests of the State.

The chairperson of the Board shall be selected by the Board from among the public members.

(c) The Board has the authority to do the following:
   (1) Cooperate with the Department and review and approve an agrichemical facility remediation program as outlined in the handbook or manual as set forth in subdivision (d)(8) of this Section.
   (2) Review and give final approval to each agrichemical facility corrective action plan.
   (3) Approve any changes to an agrichemical facility's corrective action plan that may be necessary.
   (4) Upon completion of the corrective action plan, recommend to the Department that the site-specific cleanup objectives have been met and that a notice of closure be issued by the Department stating that no further remedial action is required to remedy the past agrichemical pesticide contamination.
   (5) When a soil agrichemical pesticide contaminant assessment confirms that remedial action is not required in accordance with the Agrichemical Facility Response Action Program, recommend that a notice of closure be issued by the Department stating that no further remedial action is required to remedy the past agrichemical pesticide contamination.
   (6) Periodically review the Department's administration of the Agrichemical Incident Response Trust Fund and actions taken with respect to the Fund. The Board shall also provide advice to the Interagency Committee on Pesticides regarding the proper handling of agrichemical incidents at agrichemical facilities in Illinois.

(d) The Director has the authority to do the following:
   (1) When requested by the owner or operator of an agrichemical facility, may investigate the agrichemical facility site contamination.
   (2) After completion of the investigation under subdivision (d)(1) of this Section, recommend to the owner or operator of an agrichemical facility that a voluntary assessment be made of the soil agrichemical pesticide contaminant when there is evidence that the evaluation of risk indicates that groundwater could be adversely impacted.
   (3) Review and make recommendations on any corrective action plan submitted by the owner or operator of an agrichemical facility to the Board for final approval.
   (4) On approval by the Board, issue an order to the owner or operator of an agrichemical facility that has filed a voluntary corrective action plan that the owner or operator may proceed with that plan.
   (5) Provide remedial project oversight, monitor remedial work progress, and report to the Board on the status of remediation projects.
   (6) Provide staff to support the activities of the Board.
   (7) Take appropriate action on the Board's recommendations regarding policy needed to carry out the Board's responsibilities under this Section.
   (8) In cooperation with the Board, incorporate the following into a handbook or manual: the procedures for site assessment; pesticide constituents of concern and associated parameters; guidance on remediation techniques, land application, and corrective action plans; and other information or instructions that the Department may find necessary.
   (9) Coordinate preventive response actions at agrichemical facilities pursuant to the Groundwater Quality Standards adopted pursuant to Section 8 of the Illinois Groundwater Protection Act to mitigate resource groundwater impairment.

Upon completion of the corrective action plan and upon recommendation of the Board, the Department shall issue a notice of closure stating that site-specific cleanup objectives have been met and no further remedial action is required to remedy the past agrichemical pesticide contamination.

When a soil agrichemical pesticide contaminant assessment confirms that remedial action is not required in accordance with the Agrichemical Facility Response Action Program and upon the recommendation of the Board, a notice of closure shall be issued by the Department stating that no
further remedial action is required to remedy the past agrichemical pesticide contamination.

(e) Upon receipt of notification of an agrichemical pesticide contaminant in groundwater pursuant to the Groundwater Quality Standards, the Department shall evaluate the severity of the agrichemical pesticide contamination and shall submit to the Environmental Protection Agency an informational notice characterizing it as follows:

(1) An agrichemical pesticide contaminant in Class I or Class III groundwater has exceeded the levels of a standard adopted pursuant to the Illinois Groundwater Protection Act or a health advisory established by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency; or

(2) An agrichemical pesticide has been detected at a level that requires preventive notification pursuant to a standard adopted pursuant to the Illinois Groundwater Protection Act.

(f) When agrichemical pesticide contamination is characterized as in subdivision (e)(1) of this Section, a facility may elect to participate in the Agrichemical Facility Response Action Program. In these instances, the scope of the corrective action plans developed, approved, and completed under this program shall be limited to the soil agrichemical pesticide contamination present at the site unless implementation of the plan is coordinated with the Illinois Environmental Protection Agency as follows:

(1) Upon receipt of notice of intent to include groundwater in an action by a facility, the Department shall also notify the Illinois Environmental Protection Agency.

(2) Upon receipt of the corrective action plan, the Department shall coordinate a joint review of the plan with the Illinois Environmental Protection Agency.

(3) The Illinois Environmental Protection Agency may provide a written endorsement of the corrective action plan.

(4) The Illinois Environmental Protection Agency may approve a groundwater management zone for a period of 5 years after the implementation of the corrective action plan to allow for groundwater impairment mitigation results.

(5) The Department, in cooperation with the Illinois Environmental Protection Agency, shall recommend a proposed corrective action plan to the Board for final approval to proceed with remediation. The recommendation shall be based on the joint review conducted under subdivision (f)(2) of this Section and the status of any endorsement issued under subdivision (f)(3) of this Section.

(6) The Department, in cooperation with the Illinois Environmental Protection Agency, shall provide remedial project oversight, monitor remedial work progress, and report to the Board on the status of the remediation project.

(7) The Department shall, upon completion of the corrective action plan and recommendation of the Board, issue a notice of closure stating that no further remedial action is required to remedy the past agrichemical pesticide contamination.

(g) When an owner or operator of an agrichemical facility initiates a soil contamination assessment on the owner's or operator's own volition and independent of any requirement under this Section 19.3, information contained in that assessment may be held as confidential information by the owner or operator of the facility.

(Source: P.A. 89-94, eff. 7-6-95; 90-403, eff. 8-15-97.)

Section 15. The Lawn Care Products Application and Notice Act is amended by changing Section 5 as follows:

(415 ILCS 65/5) (from Ch. 5, par. 855)
Sec. 5. Containment of spills, wash water, and rinsate collection.

(a) No loading of lawn care products for distribution to a customer or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors or other items used for the storage, handling, preparation for use, transport, or application of pesticides to lawns shall be performed at a facility except in designated containment wash areas in accordance with the requirements of this Section. A lawn care containment permit, issued by the Department, shall be obtained prior to the operation of the wash water containment area. The Department shall issue a lawn care containment permit when the containment area or facility complies with the provisions of this Section and the rules and regulations adopted under Sections 5 and 6.

New matter indicated by italics - deletions by strikeout.
(b) No later than January 1, 1993, wash water containment areas shall be in use in any facility as defined in this Act and no wash water or rinsates may be released into the environment except in accordance with applicable law. Wash water Containment areas shall include the following requirements:

(1) The containment wash area shall be constructed of concrete, asphalt or other impervious materials which include, but are not limited to, polyethylene containment pans and synthetic membrane liners. All containment area materials shall be compatible with the lawncare products to be contained.

(2) The containment wash area shall be designed to capture spills, washwaters, and rinsates generated in the loading of application devices, the lawncare product-related servicing of vehicles, and the triple rinsing of pesticide containers and to prevent the release of such spills, washwaters, or rinsates to the environment other than as described in paragraph (3) of this subsection (b).

(3) Spills, washwaters, and rinsates captured in the containment wash area may be used in accordance with the label rates of the lawncare products, either reused as makeup water for dilution of pesticides in preparation of application, or disposed in accordance with applicable local, State and federal regulations.

c) The requirements of this Section shall not apply to situations constituting an emergency where washing or rinsing of pesticide residues from equipment or other items is necessary to prevent imminent harm to human health or the environment.

d) The requirements of this Section shall not apply to persons subject to the containment requirements of the Illinois Pesticide Act or the Illinois Fertilizer Act of 1961 and any rules or regulations adopted thereunder.
(Source: P.A. 86-358; 87-1033.)

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

PUBLIC ACT 92-0114
(House Bill No. 3576)

AN ACT concerning local governments.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The Local Government Acceptance of Credit Cards Act is amended by changing Section 25 as follows:
(50 ILCS 345/25)
Sec. 25. Payment of fees by cardholders.
(a) The governing body of a local governmental entity authorizing acceptance of payment by credit card may, but is not required to, impose a convenience fee or surcharge upon a cardholder making payment by credit card in an amount to wholly or partially offset, but in no event exceed, the amount of any discount or processing fee incurred by the local governmental entity. This convenience fee or surcharge may be applied only when allowed under the operating rules and regulations of the credit card involved. When a cardholder elects to make a payment by credit card to a local governmental entity and a convenience fee or surcharge is imposed, the payment of the convenience fee or surcharge shall be deemed voluntary by the person and shall not be refundable.

(b) No fee, or accumulation of fees, that exceeds the lesser of $20 or 5% of the principal amount charged may be imposed in connection with the issuance of any license, sticker, or permit, or with respect to any other similar transaction. No fee, or accumulation of fees, that exceeds the lesser of $5 or 5% of the transaction involved may be imposed in connection with the payment of any fine. No fee, or accumulation of fees, in excess of the lesser of $40 or 3% of the principal amount charged may be imposed in connection with the payment of any real estate or other tax.

(c) Notwithstanding the provisions of subsection (b), a minimum fee of $1 may be imposed with respect to any transaction.

Notwithstanding the provisions of subsection (b), a fee in excess of the limits in subsection (b)
may be imposed by a local governmental entity on a transaction if (i) the fee imposed by the local governmental entity is no greater than a fee charged by the financial institution or service provider accepting and processing credit card payments on behalf of the local governmental entity; (ii) the financial institution or service provider accepting and processing the credit card payments was selected by competitive bid and, when applicable, in accordance with the provisions of the Illinois Procurement Code; and (iii) the local governmental entity fully discloses the amount of the fee to the cardholder.

(Source: P.A. 90-518, eff. 8-22-97.)

Section 5. The Clerks of Courts Act is amended by changing Sections 27.1 and 27.3 as follows:

(705 ILCS 105/27.1) (from Ch. 25, par. 27.1)

Sec. 27.1. The fees of the Clerk of the Circuit Court in all counties having a population of 180,000 inhabitants or less shall be paid in advance, except as otherwise provided, and shall be as follows:

(a) Civil Cases.

(1) All civil cases except as otherwise provided........................................... $40
(2) Judicial Sales (except Probate)........... $40

(b) Family.

(1) Commitment petitions under the Mental Health and Developmental Disabilities Code, filing transcript of commitment proceedings held in another county, and cases under the Juvenile Court Act of 1987........................................ $25
(2) Petition for Marriage Licenses........... $10
(3) Marriages in Court....................... $10
(4) Paternity................................ $40

(c) Criminal and Quasi-Criminal.

(1) Each person convicted of a felony........ $40
(2) Each person convicted of a misdemeanor, leaving scene of an accident, driving while intoxicated, reckless driving or drag racing, driving when license revoked or suspended, overweight, or no interstate commerce certificate, or when the disposition is court supervision........... $25
(3) Each person convicted of a business offense............................................ $25
(4) Each person convicted of a petty offense. $25
(5) Minor traffic, conservation, or ordinance violation, including without limitation when the disposition is court supervision:
   (i) For each offense....................... $10
   (ii) For each notice sent to the defendant's last known address pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code........................... $2
   (iii) For each notice sent to the Secretary of State pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code.............. $2
(6) When Court Appearance required........ $15
(7) Motions to vacate or amend final orders.. $10
(8) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused

New matter indicated by italics - deletions by strikeout.
upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(d) Other Civil Cases.
   (1) Money or personal property claimed does not exceed $500
   (2) Exceeds $500 but not more than $10,000
   (3) Exceeds $10,000, when relief in addition to or supplemental to recovery of money alone is sought in an action to recover personal property taxes or retailers occupational tax regardless of amount claimed
   (4) The Clerk of the Circuit Court shall be entitled to receive, in addition to other fees allowed by law, the sum of $62.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain, and in every equitable action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing his jury demand. If such a fee is not paid by either party, no jury shall be called in the action, suit, or proceeding, and the same shall be tried by the court without a jury.

(e) Confession of judgment and answer.
   (1) When the amount does not exceed $1,000
   (2) Exceeds $1,000

(f) Auxiliary Proceedings.
   Any auxiliary proceeding relating to the collection of a money judgment, including garnishment, citation, or wage deduction action.

(g) Forcible entry and detainer.
   (1) For possession only or possession and rent not in excess of $10,000
   (2) For possession and rent in excess of $10,000

(h) Eminent Domain.
   (1) Exercise of Eminent Domain
   (2) For each and every lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessments by a jury

(i) Reinstatement.
   Each case including petition for modification of a judgment or order of Court if filed later than 30 days after the entry of a judgment or order, except in forcible entry and detainer cases and small claims and except a petition to modify, terminate, or enforce a judgement or order for
child or spousal support or to modify, suspend, or terminate an order for withholding, petition to vacate judgment of dismissal for want of prosecution whenever filed, petition to reopen an estate, or redocketing of any cause............. $20

(j) Probate.
(1) Administration of decedent's estates, whether testate or intestate, guardianships of the person or estate or both of a person under legal disability, guardianships of the person or estate or both of a minor or minors, or petitions to sell real estate in the administration of any estate.... $50
(2) Small estates in cases where the real and personal property of an estate does not exceed $5,000............................................. $25
(3) At any time during the administration of the estate, however, at the request of the Clerk, the Court shall examine the record of the estate and the personal representative to determine the total value of the real and personal property of the estate, and if such value exceeds $5,000 shall order the payment of an additional fee in the amount of................................. $40
(4) Inheritance tax proceedings............... $15
(5) Issuing letters only for a certain specific reason other than the administration of an estate, including but not limited to the release of mortgage; the issue of letters of guardianship in order that consent to marriage may be granted or for some other specific reason other than for the care of property or person; proof of heirship without administration; or when a will is to be admitted to probate, but the estate is to be settled without administration..................... $10
(6) When a separate complaint relating to any matter other than a routine claim is filed in an estate, the required additional fee shall be charged for such filing........................................ $45

(k) Change of Venue.
From a court, the charge is the same amount as the original filing fee; however, the fee for preparation and certification of record on change of venue, when original documents or copies are forwarded................................................. $10

(l) Answer, adverse pleading, or appearance.
In civil cases................................. $15
With the following exceptions:
(1) When the amount does not exceed $500..... $5
(2) When amount exceeds $500 but not $10,000. $10
(3) When amount exceeds $10,000............ $15
(4) Court appeals when documents are forwarded, over 200 pages, additional fee per page over 200......................................................... 10¢

(m) Tax objection complaints.
For each tax objection complaint containing

New matter indicated by italics - deletions by strikeout.
one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining the complaint.................... $10

(n) Tax deed.
   (1) Petition for tax deed, if only one parcel is involved................................. $45
   (2) For each additional parcel involved, an additional fee of............................ $10

(o) Mailing Notices and Processes.
   (1) All notices that the clerk is required to mail as first class mail..................... $2
   (2) For all processes or notices the Clerk is required to mail by certified or registered mail, the fee will be $2 plus cost of postage.

(p) Certification or Authentication.
   (1) Each certification or authentication for taking the acknowledgement of a deed or other instrument in writing with seal of office........ $2
   (2) Court appeals when original documents are forwarded, 100 pages or under, plus delivery costs. $25
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery costs..... $60
   (4) Court appeals when original documents are forwarded, over 200 pages, additional fee per page over 200........................................ 10¢

(q) Reproductions.
   Each record of proceedings and judgment, whether on appeal, change of venue, certified copies of orders and judgments, and all other instruments, documents, records, or papers:
   (1) First page.......................... $1
   (2) Next 19 pages, per page............ 50¢
   (3) All remaining pages, per page...... 25¢

(r) Counterclaim.
   When any defendant files a counterclaim as part of his or her answer or otherwise, or joins another party as a third party defendant, or both, he or she shall pay a fee for each such counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(s) Transcript of Judgment.
   From a court, the same fee as if case originally filed.

(t) Publications.
   The cost of publication shall be paid directly to the publisher by the person seeking the publication, whether the clerk is required by law to publish, or the parties to the action.

(u) Collections.
   (1) For all collections made for others, except the State and County and except in

New matter indicated by italics - deletions by strikeout.
maintenance or child support cases, a sum equal to 2% of the amount collected and turned over.

(2) In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court, the Clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(3) In maintenance and child support matters, the Clerk may deduct from each payment an amount equal to the United States postage to be used in mailing the maintenance or child support check to the recipient. In such cases, the Clerk shall collect an annual fee of up to $36 from the person making such payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited in a separate Maintenance and Child Support Collection Fund of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(4) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

The Clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(v) Correction of Cases.

For correcting the case number or case title on any document filed in his office, to be charged against the party that filed the document........... $10

(w) Record Search.

For searching a record, per year searched..... $4

New matter indicated by italics - deletions by strikeout.
For each page of hard copy print output, when case records are maintained on an automated medium. $2

For each alias summons issued......................... $2

For each expungement petition filed................... $15

Any fees not covered by this Section shall be set by rule or administrative order of the Circuit Court, with the approval of the Supreme Court.

No fee provided for herein shall be charged to any unit of State or local government or school district unless the Court orders another party to pay such fee on its behalf. The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws and ordinances. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

For an adoption........................................... $65

Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

No fee other than that set forth in subsection (cc) shall be charged to any person in connection with an adoption proceeding.

Beginning July 1, 1993, the clerk of the circuit court may provide such additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the public and by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

For each check delivered to the clerk that is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds in the account, because the account is closed, because there is no account, or because a stop payment has been placed on the check, in addition to the amount already owed... $25.

The county board shall provide the compensation of Clerks of the Circuit Court, and the amount necessary for clerk hire, stationery, fuel and other expenses. Beginning December 1, 1989, the compensation per annum for Clerks of the Circuit Court shall be as follows:

In counties where the population is:

Less than 14,000............................... at least $13,500
14,001-30,000............................... at least $14,500
30,001-60,000............................... at least $15,000
60,001-100,000......................... at least $15,000

New matter indicated by italics - deletions by strikeout.
(b) In counties in which the population is 3,000,000 or less, "base salary" is the compensation paid for each Clerk of the Circuit Court, respectively, before July 1, 1989.

c) The Clerks of the Circuit Court, in counties in which the population is 3,000,000 or less, shall be compensated as follows:

(1) Beginning December 1, 1989, base salary plus at least 3% of base salary.
(2) Beginning December 1, 1990, base salary plus at least 6% of base salary.
(3) Beginning December 1, 1991, base salary plus at least 9% of base salary.
(4) Beginning December 1, 1992, base salary plus at least 12% of base salary.

d) In addition to the compensation provided by the county board, each Clerk of the Circuit Court shall receive an award from the State for the additional duties imposed by Sections 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section 10 of the Violent Crime Victims Assistance Act, Section 16-104a of the Illinois Vehicle Code, and other laws, in the following amount:

(1) $3,500 per year before January 1, 1997.
(2) $4,500 per year beginning January 1, 1997.
(3) $5,500 per year beginning January 1, 1998.
(4) $6,500 per year beginning January 1, 1999.

The total amount required for such awards shall be appropriated each year by the General Assembly to the Supreme Court, which shall distribute such awards in annual lump sum payments to the Clerks of the Circuit Court in all counties. This annual award, and any other award or stipend paid out of State funds to the Clerks of the Circuit Court, shall not affect any other compensation provided by law to be paid to Clerks of the Circuit Court.

e) Also in addition to the compensation provided by the county board, Clerks of the Circuit Court in counties in which one or more State correctional institutions are located shall receive a minimum reimbursement in the amount of $2,500 per employee to perform services in connection with the State correctional institution, payable monthly from the State Treasury to the treasurer of the county in which the additional staff is employed. Counties whose State correctional institution inmate population exceeds 250 shall receive reimbursement in the amount of $2,500 per 250 inmates. This subsection (e) shall not apply to staff added before November 29, 1990.

For purposes of this subsection (e), "State correctional institution" means any facility of the Department of Corrections, including without limitation adult facilities, juvenile facilities, pre-release centers, community correction centers, and work camps.

(f) No county board may reduce or otherwise impair the compensation payable from county funds to a Clerk of the Circuit Court if the reduction or impairment is the result of the Clerk of the Circuit Court receiving an award or stipend payable from State funds.

(Source: P.A. 90-95, eff. 7-11-97.)

Effective January 1, 2002.

PUBLIC ACT 92-0115

(AN ACT in relation to municipal government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 1-1-4 as follows:

(65 ILCS 5/1-1-4) (from Ch. 24, par. 1-1-4)
Sec. 1-1-4. This Code shall apply generally to all municipalities which are treated as properly incorporated under this Code as provided in the first paragraph of Section 1-1-3 and to all municipalities which are incorporated under this Code.

This Code shall also apply generally to all municipalities incorporated and now existing under

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This Code shall also apply generally to all municipalities incorporated and now existing under
a special charter except to the extent that this Code is in conflict with any provision in a special
charter, and except as otherwise provided in subsection (1) of Section 1-1-2. In the event that there
is a conflict between a provision in this Code and a provision in a special charter, the special charter
shall govern except where any such charter conflicts with or is inconsistent with the general election
law and except where a provision in this Code is stated to apply to municipalities incorporated under
a special charter, or to municipalities whether incorporated under a general or special act, or words
to that effect, or where it is otherwise made manifest that this Code or any other Illinois statute is
intended to govern despite the inconsistent provisions in the special charter. A municipality
incorporated under a special charter may, by ordinance or resolution, adopt the provisions of

However, if a particular section of this Code is limited to cities or villages or incorporated
towns or any combination thereof, or to cities, villages, or incorporated towns of a specified type or
any combination thereof, that intention shall prevail.
(Source: P.A. 81-1489.)
Effective January 1, 2002.

PUBLIC ACT 92-0116
(Senate Bill No. 0195)

AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Section 2-616 as follows:
(735 ILCS 5/2-616) (from Ch. 110, par. 2-616)
Sec. 2-616. Amendments. (a) At any time before final judgment amendments may be allowed
on just and reasonable terms, introducing any party who ought to have been joined as plaintiff or
defendant, dismissing any party, changing the cause of action or defense or adding new causes of
action or defenses, and in any matter, either of form or substance, in any process, pleading, bill of
particulars or proceedings, which may enable the plaintiff to sustain the claim for which it was
intended to be brought or the defendant to make a defense or assert a cross claim.
(b) The cause of action, cross claim or defense set up in any amended pleading shall not be
barred by lapse of time under any statute or contract prescribing or limiting the time within which an
action may be brought or right asserted, if the time prescribed or limited had not expired when the
original pleading was filed, and if it shall appear from the original and amended pleadings that the
cause of action asserted, or the defense or cross claim interposed in the amended pleading grew out
of the same transaction or occurrence set up in the original pleading, even though the original pleading
was defective in that it failed to allege the performance of some act or the existence of some fact or
some other matter which is a necessary condition precedent to the right of recovery or defense asserted,
if the condition precedent has in fact been performed, and for the purpose of preserving the
cause of action, cross claim or defense set up in the amended pleading, and for that purpose only, an
amendment to any pleading shall be held to relate back to the date of the filing of the original pleading
so amended.
(c) A pleading may be amended at any time, before or after judgment, to conform the
pleadings to the proofs, upon terms as to costs and continuance that may be just.
(d) A cause of action against a person not originally named a defendant is not barred by lapse
of time under any statute or contract prescribing or limiting the time within which an
action may be brought or right asserted, if all the following terms and conditions are met: (1) the time prescribed or
limited had not expired when the original action was commenced; (2) failure to join the person as a
defendant was inadvertent; (3) service of summons was in fact had upon the person, his or her agent
or partner, as the nature of the defendant made appropriate, even though he or she was served in the
wrong capacity or as agent of another, or upon a trustee who has title to but no power of management
or control over real property constituting a trust of which the person is a beneficiary; (4) the person,
within the time that the action might have been brought or the right asserted against him or her plus the time for service permitted under Supreme Court Rule 103(b), received such notice of the
commencement of the action that the person will not be prejudiced in maintaining a defense on the merits and knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him or her; and (3) it appears from the original and amended pleadings that the cause of action asserted in the amended pleading grew out of the same transaction or occurrence set up in the original pleading, even though the original pleading was defective in that it failed to allege the performance of some act or the existence of some fact or some other matter which is a necessary condition precedent to the right of recovery when the condition precedent has in fact been performed, and even though the person was not named originally as a defendant. For the purpose of preserving the cause of action under those conditions, an amendment adding the person as a defendant relates back to the date of the filing of the original pleading so amended.

(e) A cause of action against a beneficiary of a land trust not originally named a defendant is not barred by lapse of time under any statute or contract prescribing or limiting the time within which an action may be brought or right asserted, if all the following terms and conditions are met: (1) the cause of action arises from the ownership, use or possession of real estate, record title whereto is held by a land trustee; (2) the time prescribed or limited had not expired when the original action was commenced; (3) the land trustee of record is named as a defendant; and (4) the plaintiff proceeds with reasonable diligence subsequent to the commencement of the action to serve process upon the land trustee, to determine the identity of the beneficiary, and to amend the complaint to name the beneficiary as a defendant.

(f) The changes made by this amendatory Act of the 92nd General Assembly apply to all complaints filed on or after the effective date of this amendatory Act, and to complaints filed before the effective date of this amendatory Act if the limitation period has not ended before the effective date.

(Source: P.A. 85-907.)

Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0117
(Senate Bill No. 0290)

AN ACT concerning Selective Service registration.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 6-106 as follows:
(625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)
Sec. 6-106. Application for license or instruction permit.
(a) Every application for any permit or license authorized to be issued under this Act shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of 1 year after the date of application.
(b) Every application shall state the name, social security number, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been cancelled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility. The Secretary of State may in his discretion substitute a federal tax number in lieu of a social security number, or he may instead assign an additional distinctive number in lieu thereof, where an applicant is prohibited by bona fide religious convictions from applying or is exempt from applying for a social

New matter indicated by italics - deletions by strikeout.
security number. The Secretary of State shall, however, determine which religious orders or sects have such bona fide religious convictions. The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a driver's license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each driver's license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a driver's license and to prevent substitution of another photo thereon.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Act or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.

(Source: P.A. 89-8, eff. 1-1-96; 90-191, eff. 1-1-98.)
Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0118
(Senate Bill No. 0316)
AN ACT concerning libraries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Village Library Act is amended by changing Section 2 as follows:
(75 ILCS 40/2) (from Ch. 81, par. 16d)
Sec. 2. The board of trustees shall appoint a library commission of not less than 3 or more than 7 members who shall hold office for terms of 3 years. Terms shall be established so that no more than 3 members' terms expire in any single year at the pleasure of the board. Members of the commission shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The commission shall advise and make recommendations to the board of trustees regarding the operations of the library and shall have such other powers and duties as the board may establish by ordinance. Conduct said library in accordance with rules adopted by it, shall employ such assistants as may be necessary and shall fix their compensation.
(Source: Laws 1939, p. 700.)
Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0119
(Senate Bill No. 0360)
AN ACT concerning townships.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Township Code is amended by changing Section 45-50 as follows:
(60 ILCS 1/45-50)
Sec. 45-50. Caucus procedures.
(a) The rules of procedure for conducting a township or multi-township caucus must be
approved and may be amended by a majority vote of the qualified participants attending the caucus. No participant shall be able to participate or vote at any township or multi-township caucus if the person is or was at anytime during the 12 months before the caucus any of the following:

(1) An elected or appointed public official of another established political party.
(2) An elected or appointed officer, director, precinct committeeman or representative of the township committeeman of another established political party.
(3) A judge of election under Article 13 or 14 of the Election Code for another statewide established political party.
(4) A voter who voted in the primary election of another statewide established political party different from the party holding the caucus.

(b) The rules of procedure shall include the following:

(1) No caucus shall commence earlier than 6:00 p.m.
(2) The caucus shall commence at the place specified in the notice of caucus.
(3) Procedures by which qualified caucus participants determine by a majority vote the duties of caucus judges of election. Caucus judges of election shall be appointed by a majority vote of the township or multi-township central committee. No judge of the Supreme Court, appellate court, or circuit court or associate judge shall serve as a caucus judge of election.
(4) Nominations for selection as a candidate shall be accepted from any qualified participant of the caucus.
(5) The method of voting (i.e., written ballot, voice vote, show of hands, standing vote) for determining the candidate or candidates selected for nomination.
(6) Whether candidates will be selected as a slate or as individual nominees for each office.
(7) Whether written notice of intent to be a caucus nominee is required.
(8) Other rules deemed necessary by the central committee at the time the rules are promulgated or by the majority of the qualified caucus participants when the rules are being considered at their meeting.

(c) Individuals participating at an established political party township or multi-township caucus shall comply with each of the following:

(1) A participant shall be registered under Article 4, 5, or 6 of the Election Code.
(2) A participant shall be registered within the territory for which the nomination is made.
(3) A participant shall sign an affidavit that he or she is a registered voter and affiliated with the established political party holding the caucus.
(4) A participant shall not take part in the proceedings of more than one established political party township and multi-township caucus for the same election. This requirement also applies to the township and multi-township clerks.
(5) A participant shall not sign a petition of nomination for an independent or new political party candidate for the same election.
(6) A participant shall not become an independent candidate or a candidate of another established political party or a new political party for the same election.
(d) The voters participating at an established political party township or multi-township caucus shall not select for nomination more candidates than there are to be elected for each office.
(e) No candidate for nomination at a township or multi-township caucus shall be required to do either of the following:

(1) Circulate and file nominating petitions to become a candidate at the caucus.
(2) File a fee to become a candidate at the caucus.

(Source: P.A. 87-1208; 88-62; incorporates 88-360; 88-670, eff. 12-2-94.)
Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0120
(Senate Bill No. 0437)

AN ACT in relation to health.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Code is amended by adding Section 2-115 as follows:

(405 ILCS 5/2-115 new)
Sec. 2-115. Participants in mental health courts. Subject to appropriations, the Department shall establish pilot programs to provide the clinical services necessary to serve participants in mental health courts that have been established in any judicial circuit in this State.

Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0121
(Senate Bill No. 0556)

AN ACT concerning education.

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

Section 5. The School Code is amended by adding Section 2-3.2a and by changing Sections 2-3.116 and 3-9 as follows:

(105 ILCS 5/2-3.2a new)
Sec. 2-3.2a. Electronic transmission and collection of data and funds. The State Board of Education may require that the transmission or collection of any document, record, form, claim, proposal, other data, or funds, between the State Board of Education and any entity doing business with the State Board of Education, be handled by electronic transmission or collection. The State Board shall establish standards for the electronic transmission and collection of data and funds, including data encryption standards, that must be used by all entities doing business with the State Board. These standards must comply with the Electronic Commerce Security Act.

(105 ILCS 5/2-3.116)
Sec. 2-3.116. Electronic transfer of funds to school districts, regional offices of education, and other providers. The State Board of Education shall, in consultation with the regional superintendents of schools and with the advice and approval of the Comptroller, adopt and implement rules establishing a system for the electronic transfer of funds to school districts, regional offices of education, and other providers entitled to payment under programs administered by the State Board of Education. Beginning July 1, 2002, all payments for school districts, regional offices of education, and other providers entitled to payment under programs administered by the State Board of Education must be disbursed by the Comptroller through electronic funds transfer, except as the State Board of Education otherwise directs. If a school district entitled to payment wishes an electronic payment to be made to the district's regional office of education on the district's behalf, the school board, with the approval of the regional office of education, must provide a resolution to the State Board of Education directing that the electronic deposit be made into the account of the regional office of education. The procedures in effect on the effective date of this amendatory Act of 1994 for payment by the State Board of Education shall remain in effect until those rules take effect.
(Source: P.A. 88-641, eff. 9-9-94.)
(105 ILCS 5/3-9) (from Ch. 122, par. 3-9)
Sec. 3-9. School funds; apportionment and payment. Whenever the regional superintendent receives in every instance possible, except by written agreement between local school districts in an educational service region and a regional superintendent directing that payments be made to the regional superintendent by the State Comptroller, funds due to local school districts shall be disbursed by the State Comptroller through direct electronic transfer from the State school fund as directed by the State Board of Education. In the event a written agreement exists, upon receipt of amounts due to local school districts from the State school funds, the regional superintendent shall apportion and distribute the moneys to the appropriate local school districts as directed. No part of the State or other school funding fund, however, shall be paid to any school treasurer or other persons authorized to receive it unless such treasurer has filed the required bond, or if reelected, has renewed the bond and filed it as required by law and unless the publication of the annual fiscal statement required in Section 10-17 has been made and properly certified.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to older persons and persons with disabilities.

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

Section 1. Short title. This Act may be cited as the Prevention of Unnecessary Institutionalization Act.

Section 5. Findings. The General Assembly finds that it is far preferable for older persons and adults and children with disabilities to live in their own homes or in the homes of family members in their own communities rather than in more restrictive institutionalized settings removed from their friends and loved ones. The General Assembly further finds that older persons and adults and children with disabilities often are unnecessarily placed or forced to remain in institutionalized settings due to the lack of resources needed to make modifications to their dwellings or to obtain assistive technology devices to enable them to remain in or return to their homes and communities. The General Assembly further finds that it is in the best interests of the State of Illinois to support community-based living for older persons and adults and children with disabilities by implementing a program to enable them to make modifications to their dwellings or to obtain assistive technology devices to avoid unnecessary placement outside of their own homes and communities.

Section 10. Purpose. The purpose of this Act is to authorize the Department of Human Services and the Department on Aging to jointly establish a program to provide funding for necessary structural modifications and assistive technology devices to enable older persons and adults and children with disabilities to remain in or return to their homes or other dwellings of their choice within their community in order to allow them to live as independently as possible for as long as possible.

Section 15. Definitions. As used in this Act:

"Assistive technology device" means an item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities and older persons.

"Structural modification" means a change to a dwelling that enhances its usability or accessibility or both for a resident who has a disability or is an older person.

Section 20. Program. Subject to appropriation for these purposes, the Department of Human Services and the Department on Aging shall jointly establish a Prevention of Unnecessary Institutionalization Grant and Loan Program. The Program shall have 2 components. One component shall be administered by the Department of Human Services and the other component shall be administered by the Department on Aging. The Department of Human Services and the Department on Aging shall cooperate in the overall administration of the Program.

Section 25. Eligibility. Persons age 60 or over and adults and children with disabilities shall be eligible for grants or loans or both under the Program established by this Act if they have one or more verifiable impairments that substantially limits one or more of life's major activities for which some modification of their dwelling or assistive technology devices, or both, are required which they are unable to afford because of limited resources. Preference shall be given to applicants who: (1) are at imminent risk of institutionalization or who are already in an institutional setting but are ready to return to the community and who would be able to live in the community if modifications are made or they have the needed assistive technology devices, (2) have inadequate resources or no current access to resources as a result of the geographic location of their dwelling, the lack of other available State or federal funds such as the Community Development Block Grant or rural housing assistance programs or income limitations such as the inability to qualify for a low-interest loan, or (3) have access to other resources, but those resources are insufficient to complete the necessary modifications or acquire the needed assistive technology devices. Adults under 60 years of age with disabilities and children with disabilities shall receive services under the component of the Program administered by...
the Department of Human Services. An adult 60 years of age or older may elect to receive services
under the component administered by the Department of Human Services if, at the time he or she
reached age 60, he or she was already receiving Home Services under subsection (f) of Section 3 of
the Disabled Persons Rehabilitation Act or he or she was already receiving services under the
component of the Program administered by the Department of Human Services. All other adults 60
years of age or older receiving services under the Program shall receive services under the component
administered by the Department on Aging.

Section 30. Rulemaking. The Department of Human Services and the Department on Aging
shall jointly adopt administrative rules governing the Program consistent with this Act.

Section 35. Advisory Committee. The Department of Human Services and the Department
on Aging shall jointly establish an Advisory Committee for the Prevention of Unnecessary
Institutionalization Program to advise the Secretary of Human Services and the Director on Aging on
rulemaking, policies, and procedures under which the Program shall operate. The Advisory Committee
shall consist of 11 members and shall include at least three individuals under the age of 60
representing different disabilities appointed by the Secretary of Human Services, three individuals age
60 or over representing different disabilities appointed by the Director on Aging, a representative of
an Area Agency on Aging, the Executive Director of the Statewide Independent Living Council or his
or her designee, a representative from the construction industry who specializes in home modifications
for individuals with disabilities and older persons, the Executive Director of the Illinois Assistive
Technology Project or his or her designee, and the Executive Director of the Coalition of Citizens with
Disabilities in Illinois or his or her designee.

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

PUBLIC ACT 92-0123
(Senate Bill No. 0859)

AN ACT in relation to emergency management assistance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Emergency Management Assistance
Compact Act.
Section 5. Emergency Management Assistance Compact. The State of Illinois ratifies and
approves the Emergency Management Assistance Compact and enters into the Compact in
substantially the following form:

ARTICLE I. Purposes and Authorities
This compact is made and entered into by and between the participating member states which
enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states"
is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and
all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering
into this compact in managing any emergency or disaster that is duly declared by the governor of the
affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil
emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises,
testing, or other training activities using equipment and personnel simulating performance of any
aspect of the giving and receiving of aid by party states or subdivisions of party states during
emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in
this compact may include the use of the states' National Guard forces, either in accordance with the
National Guard Mutual Assistance Compact or by mutual agreement between states.

ARTICLE II. General Implementation
Each party state entering into this compact recognizes many emergencies transcend political
jurisdictional boundaries and that intergovernmental coordination is essential in managing these and
other emergencies under this compact. Each state further recognizes that there will be emergencies

New matter indicated by italics - deletions by strikeout.
which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III. Party State Responsibilities

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(i) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.

(ii) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

(iii) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(iv) Assist in warning communities adjacent to or crossing the state boundaries.

(v) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

(vi) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(vii) Provide, to the extent authorized by law, for temporary suspension of any statutes.

(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(i) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(ii) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

(iii) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV. Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

New matter indicated by italics - deletions by strikeout.
Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state(s), whichever is longer.

ARTICLE V. Licenses and Permits
Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI. Liability
Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII. Supplementary Agreements
Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII. Compensation
Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX. Reimbursement
Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

ARTICLE X. Evacuation
Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in
which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI. Implementation

(a) This compact shall become operative immediately upon its enactment into law by any two (2) states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

ARTICLE XII. Validity

This Act shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XIII. Additional Provisions

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of title 18, United States Code.

(45 ILCS 150/Act rep.)
Section 95. The Interstate Disaster Compact Act is repealed.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0124
(Senate Bill No. 0864)

AN ACT concerning reinsurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by adding Article XIE as follows:
(215 ILCS 5/Art. XIE heading new)
ARTICLE XIE. Special Purpose Reinsurance Vehicle Law
(215 ILCS 5/179E-1 new)
Sec. 179E-1. Short title. This Article may be cited as the Special Purpose Reinsurance Vehicle Law.
(215 ILCS 5/179E-5 new)
Sec. 179E-5. Purpose. This Article is adopted to provide for the creation of Special Purpose Reinsurance Vehicles ("SPRV") exclusively to facilitate the securitization of one or more ceding

New matter indicated by italics - deletions by strikeout.
insurers' risk as a means of accessing alternative sources of capital and achieving the benefits of securitization. Investors in fully funded insurance securitization transactions provide funds that are available to the SPRV to secure the aggregate limit under an SPRV contract that provides coverage against the occurrence of a triggering event. The creation of SPRVs is intended to achieve greater efficiencies in conducting insurance securitizations, to diversify and broaden insurers' access to sources of risk bearing capital, and to make insurance securitization generally available on reasonable terms to as many U.S. insurers as possible.

Under the terms of the typical securities underlying an insurance securitization transaction, proceeds from the issuance of securities are repaid to the investor on a specified maturity date with interest or dividends unless a triggering event occurs. The insurance securitization proceeds are available to pay the SPRV's obligations to the ceding insurer if the triggering event occurs, as well as being available to satisfy the SPRV's obligation to repay the insurance securitization investors if a triggering event does not occur. Insurance securitization transactions have been performed by alien companies to utilize efficiencies available to those alien companies that are not currently available to domestic companies. This Article is adopted to allow more efficiency in conducting insurance securitizations, to allow ceding insurers easier access to alternative sources of risk bearing capital, and to promote the benefits of insurance securitization to U.S. insurers.

(215 ILCS 5/179E-10 new)
Sec. 179E-10. Exemption from insurance laws within limitations.
(a) An SPRV is subject to the following:
   (1) Articles I, XII 1/2, XXIV, XXV (Sections 408 and 412 only), and XXVIII (except for Sections 443, 443.1, 443.2, 443.3, 443.4, and 443.5) of this Code; and
   (2) Sections 132.1 through 134, 137 through 140, 155.01, 155.03, and 155.04 of this Code.
(b) No other provisions of this Code apply to an SPRV organized under this Article, except as otherwise provided in this Article.

(215 ILCS 5/179E-15 new)
Sec. 179E-15. Definitions. For purposes of this Article, the following terms have the indicated meanings:
"Aggregate limit" means the maximum sum payable to the ceding insurer under an SPRV contract.
"Ceding insurer" means one or more insurers or reinsurers under common control that enters into an SPRV contract with an SPRV.
"Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not, in fact, exist. Notwithstanding the foregoing, for purposes of this Article, the fact that an SPRV exclusively provides reinsurance to a ceding insurer under an SPRV contract shall not by itself be sufficient grounds for a finding that the SPRV or the SPRV organizer or owner is controlled by or under common control with the ceding insurer.
"Fair Value" means:
   (1) as to cash, the amount thereof; and
   (2) as to an asset other than cash:
      (A) the amount at which that asset could be bought or sold in a current transaction between arms-length, willing parties;
      (B) quoted market price for the asset in active markets should be used if available; and
      (C) if quoted market prices are not available, a value determined using the best information available considering values of like assets and other valuation methods, such as present value of future cash flows, historical value of the same or similar assets or

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comparison to values of other asset classes the value of which have been historically related to the subject asset.

"Fully funded" means that, with respect to an SPRV contract, the fair value of the assets held in trust by or on behalf of the SPRV under the SPRV contract on the date on which the SPRV contract is effected, equals or exceeds the aggregate limit as defined in this Article.

"Indemnity trigger" means a transaction term by which the SPRV's obligation to pay the ceding insurer for losses covered by an SPRV contract is triggered by the ceding insurer incurring a specified level of losses.

"Insolvency" or "insolvent" means that the SPRV is unable to pay its obligations when they are due, unless those obligations are the subject of a bona fide dispute.

"Non-indemnity trigger" means a transaction term by which the SPRV's obligation to pay the ceding insurer under an SPRV contract arises from the occurrence or existence of some event or condition other than the ceding insurer incurring a specified level of losses under its insurance or reinsurance contracts.

"Permitted investments" means those investments that meet the qualifications set forth in Section 179E-85.

"Qualified U.S. financial institution" means, for purposes of meeting the requirements of a trustee under this Article, a financial institution that is eligible to act as a fiduciary of a trust, and that is:

(1) organized or, in the case of a U.S. branch or agency office of a foreign banking organization, licensed, under the laws of the United States or any state of the United States; and

(2) regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

"Special purpose reinsurance vehicle" or "SPRV" means an entity, domiciled in and organized under the laws of this State, that has received a limited certificate of authority from the Director under this Article exclusively for the limited purpose of entering into and effectuating SPRV insurance securitizations, SPRV contracts, and other related transactions permitted by this Article.

"SPRV contract" means a contract between the SPRV and the ceding insurer pursuant to which the SPRV agrees to pay the ceding insurer an agreed amount upon the occurrence of a triggering event.

"SPRV insurance securitization" means a package of related risk transfer instruments and facilitating administrative agreements by which proceeds are obtained by an SPRV through the issuance of securities, which proceeds are held in trust pursuant to the requirements of this Article to secure the obligations of the SPRV under an SPRV contract with one or more ceding insurers, wherein the SPRV’s obligation to return the full initial investment to the holders of those securities, pursuant to the transaction terms, is contingent upon those funds not being used to pay the obligations of the SPRV to the ceding insurers under the SPRV Contract.

"SPRV organizer" means one or more persons who have organized or intend to organize an SPRV under authority obtained pursuant to Section 179E-20.

"SPRV securities" means the securities issued by an SPRV.

"Triggering event" means an event or condition that, if and when it occurs or exists, obligates the SPRV to make a payment to the ceding insurer under the provisions of an SPRV contract.

Sec. 179E-20. Limited certificate of authority.

(a) Within 30 days after receipt by the Director of a complete filing by the prospective SPRV organizer for authority to form or acquire an SPRV, which SPRV shall exist and operate expressly for the limited purposes set forth in this Article, the application shall be deemed approved and a limited certificate of authority shall be issued, unless before the expiration of the 30-day period the Director approves or disapproves the application in writing. A limited certificate of authority may not be issued unless the country or state of domicile of each ceding insurer has notified the Director in writing that they have not disapproved the transaction. A complete filing of the application must include the following:

(1) an affidavit verifying that each prospective SPRV organizer the SPRV meets the requirements as set forth in this Article;
(2) a representation that the prospective SPRV organizer intends to form an SPRV to operate in accordance with the requirements set forth in this Article;

(3) the proposed name of the subject SPRV;

(4) biographical descriptions of each SPRV organizer setting forth their legal names, any names under which they have or are conducting their affairs, and any affiliations with other persons as defined in Article VIII 1/2, together with such other biographical information as the Director may request;

(5) the source and form of the minimum capital to be contributed to the SPRV;

(6) any persons with which the SPRV is or, upon formation, will be affiliated as defined in Article VIII 1/2;

(7) the names and biographical information of the proposed members of the board of directors and principal officers of the SPRV, setting forth their legal names, any names under which they have or are conducting their affairs and any affiliations with other persons as defined in Article VIII 1/2, together with such other biographical information as the Director may request; and

(8) a plan of operation, consisting of a description of the contemplated insurance securitization, the SPRV contract, and related transactions, which plan of operation must include:

(A) draft documentation or, at the discretion of the Director, a written summary, of all material agreements that will be entered into to effectuate the insurance securitization and the related SPRV contract, including the names of the ceding insurers, the nature of the risks being assumed, and the maximum amounts, purpose, nature, and interrelationships of the various transactions required to effectuate the insurance securitization;

(B) the investment strategy of the SPRV and a representation that (i) the investment strategy complies with the investment requirements set forth in this Article and (ii) includes investment practices or other provisions to preserve asset values that will facilitate attainment of full funding during the term of the securitization with assets that can be monetized in response to a triggering event without a substantial loss in value;

(C) a description of the method by which losses covered by the SPRV contract that may develop after the termination of the contract period are to be addressed under the provisions of the SPRV contract; and

(D) a representation that the trust agreement and the trusts holding assets that secure the obligations of the SPRV under the SPRV contract and the SPRV contract with the ceding insurers in connection with the contemplated insurance securitization will be structured in accordance with the requirements set forth in this Article.

(b) The Director may not approve the application or issue a limited certificate of authority until he or she has found that the proposed plan of operation provides a reasonable expectation of a successful operation, based on the proposed SPRV organizer, directors, and officers being of known good character and that there is no good reason to believe that they are affiliated, directly or indirectly, through ownership, control, management, reinsurance transactions, or other insurance or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts or reinsurance.

(c) Upon approval by the Director of the application and the issuance of a limited certificate of authority, the SPRV may enter into contracts and conduct other activities within the parameters set forth in the filed plan of operation.

(d) The limited certificate of authority so issued shall state that the SPRV’s authorization to be involved in the business of reinsurance is limited to only the reinsurance activities that the SPRV is allowed to conduct under this Article.

(e) The SPRV organizer must provide a complete set of the documentation of the insurance securitization to the Director upon closing of the transactions including, but not limited to, an opinion of legal counsel with respect to compliance with this and any other applicable laws as of the effective date of the transaction. Any material change of the SPRV’s plan of operation described in items (1) through (8) of subsection (a) including, but not limited to, the issuance of new securities to continue
the securitization activities of the SPRV under this Article after expiration and full satisfaction of the initial securitization transactions, requires prior approval of the Director, however, a change in the counterparty to swap transactions for an existing securitization as allowed under this Article shall not be deemed a material change. Any material change that is not disapproved by the Director in writing within 15 days after its submission shall be deemed approved.

(215 ILCS 5/179E-25 new)

Sec. 179E-25. Limited purpose of SPRV. This Article authorizes SPRVs to be created for the limited purpose of entering into insurance securitization transactions with investors and into related agreements to pay one or more ceding insurers agreed upon amounts under an SPRV contract upon the occurrence of triggering events related to the insurance business of the ceding insurer. An SPRV may not issue a contract for assumption of risk or indemnification of loss other than an SPRV contract as defined herein.

(215 ILCS 5/179E-30 new)

Sec. 179E-30. Approved transactions and operation of SPRVs.

(a) SPRVs authorized under this Article may at any given time enter into and effectuate SPRV contracts with one or more ceding insurers, provided that the SPRV contracts obligate the SPRV to indemnify the ceding insurer for losses and that contingent obligations of the SPRV under the SPRV contracts are securitized in full through a single SPRV insurance securitization and are fully funded and secured with assets held in trust in accordance with the requirements of this Article pursuant to agreements contemplated by this Article and invested in a manner that meets the criteria set forth in Section 179E-85 of this Article.

(b) An SPRV may enter into such agreements with third parties and conduct such business as is necessary to fulfill its obligations and administrative duties incident to the insurance securitization and the SPRV contract. The agreements may include entering into swap agreements or other transactions that have the objective of leveling timing differences in funding up-front or ongoing transaction expenses or managing credit or interest rate risk of the investments in trust to assure that the assets held in trust will be sufficient to satisfy (i) payment or repayment of the securities issued pursuant to an insurance securitization transaction or (ii) the obligations of the SPRV under the SPRV contract. In fulfilling its function, the SPRV shall adhere to the following requirements and shall, to the extent of its powers, ensure that contracts obligating other parties to perform certain functions incident to its operations are substantively and materially consistent with the following requirements and guidelines:

(1) An SPRV shall have a distinct name, which shall include the designation "SPRV". The name of the SPRV may not be deceptively similar to, or likely to be confused with or mistaken for, any other existing business name registered in this State.

(2) Unless otherwise provided in the plan of operation, the principal place of business and office of any SPRV organized under this Article must be located in this State.

(3) The assets of an SPRV must be preserved and administered by or on behalf of the SPRV to satisfy the liabilities and obligations of the SPRV incident to the insurance securitization and other related agreements, including the SPRV contract.

(4) Assets of the SPRV that are pledged to secure obligations of the SPRV to a ceding insurer under an SPRV contract must be held in trust and administered by a qualified U.S. financial institution. The qualified U.S. financial institution may not control, be controlled by, or be under common control with, the SPRV or the ceding insurers.

(5) The agreement governing any trust must create one or more trust accounts into which all pledged assets must be deposited and held until distributed in accordance with the trust agreement. The pledged assets must be held by the trustee at the trustee's office in the United States and may be held in certificated or electronic form.

(6) The provisions for withdrawal by ceding insurers of assets from the trust shall be clean and unconditional, subject only to the following requirements:

(A) the ceding insurer shall have the right to withdraw assets from the trust account at any time, without notice to the SPRV, subject only to written notice to the trustee from the ceding insurer that funds in the amount requested are due and payable by the SPRV;

(B) no other statement or document need be presented in order to withdraw assets, except the ceding insurer may be required to acknowledge receipt of withdrawn assets;
(C) the trust agreement must indicate that it is not subject to any conditions or qualifications outside of the trust agreement;
(D) the trust agreement may not contain references to any other agreements or documents; and
(E) no reference may be made to the fact that the funds may represent reinsurance premiums or that the funds have been deposited for any specific purpose.
(7) The trust agreement must be established for the sole use and benefit of the ceding insurer at least to the full extent of the SPRV’s obligations to the ceding insurer under the SPRV contract. If there is more than one ceding insurer, a separate trust agreement must be entered with each ceding insurer and a separate trust account must be maintained for each ceding insurer.
(8) The trust agreement must provide for the trustee to:
(A) receive assets and hold all assets in a safe place;
(B) determine that all assets are in a form so that the ceding insurer or the trustee, upon direction by the ceding insurer may, whenever necessary, negotiate any the assets, without consent or signature from the SPRV or any other person or entity;
(C) furnish to the SPRV, the Director, and the ceding insurer a statement of all assets in the trust account reported at fair value upon its inception and at intervals no less frequent than the end of each calendar quarter;
(D) notify the SPRV and the ceding insurer, within 10 days, of any deposits to or withdrawals from the trust account;
(E) upon written demand of the ceding insurer, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title, and interest in the assets held in the trust account to the ceding insurer and deliver physical custody of the assets to the ceding insurer; and
(F) allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the ceding insurer.
(9) The trust agreement must provide that at least 30 days, but not more than 45 days, before termination of the trust account, written notification of termination shall be delivered by the trustee to the ceding insurer.
(10) The trust agreement may be made subject to and governed by the laws of any state, in addition to the requirements for the trust as provided in this Article, provided that the state is disclosed in the plan of operation filed with and approved, or deemed approved, by the Director under Section 179E-20.
(11) The trust agreement must prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.
(12) The trust agreement must provide that the trustee shall be liable for its own negligence, willful misconduct, or lack of good faith.
(13) Notwithstanding the provisions of items (6)(C), (6)(D), and (6)(E) of this subsection or item (14)(E) of this subsection, when a trust agreement is established in conjunction with an SPRV contract, then the trust agreement may provide that the ceding insurer must undertake to use and apply any amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the SPRV, for the following purposes:
(A) to pay or reimburse the ceding insurer amounts due to the ceding insurer under the specific SPRV contract including, but not limited to, unearned premiums due to the ceding insurer, if not otherwise paid by the SPRV in accordance with the terms of the agreement; or
(B) when the ceding insurer has received notification of termination of the trust account, and when the SPRV’s entire "obligations" under the specific SPRV contract remain unliquidated and undischarged 10 days prior to the termination date, to withdraw amounts equal to those obligations and deposit those amounts in a separate account, in the name of the ceding insurer, in any qualified U.S. financial institution, apart from its general assets, in trust for those uses and purposes specified in item (13)(A) of this subsection as may remain executory after the withdrawal and for any period after the termination date. "Obligations" within the meaning of this subsection may, without
duplication, include:

(i) losses and loss expenses paid by the ceding insurer, but not recovered from the SPRV;
(ii) reserves for losses reported and outstanding;
(iii) reserves for losses incurred but not reported;
(iv) reserves for loss expenses;
(v) reserves for unearned premiums; and
(vi) any other amounts that, together with (iv), represent the aggregate limit remaining under the SPRV contract if the period of coverage or the agreed upon period of loss development has yet to expire.

The provisions to be included in the trust agreement pursuant to this item (13) may, in lieu thereof, be included in the underlying SPRV contract.

(14) An SPRV contract must contain provisions that:
(A) require the SPRV to enter into a trust agreement specifying what recoverables or reserves, or both, the agreement is to cover and to establish a trust account for the benefit of the ceding insurer;
(B) stipulate that assets deposited in the trust account must be valued according to their current fair value, and may consist only of permitted investments;
(C) require the SPRV, before depositing assets with the trustee, to execute assignments, endorsements in blank, or transfer legal title to the trustee of all shares, obligations, or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may whenever necessary negotiate the assets without consent or signature from the SPRV or any other entity;
(D) require that all settlements of account between the ceding insurer and the SPRV be made in cash or its equivalent; and
(E) stipulate that the SPRV and the ceding insurer agree that the assets in the trust account, established under the provisions of the SPRV contract, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the SPRV contract, and shall be utilized and applied by the ceding insurer or any successor by operation of law of the ceding insurer, including (subject to the provisions of Section 179E-80), but without further limitation, any liquidator, rehabilitator, receiver, or conservator of the ceding insurer, without diminution because of insolvency on the part of the ceding insurer or the SPRV, only for the following purposes:
(i) to transfer all of those assets into the trust account for the benefit of the ceding insurer under the terms of the SPRV contract and in compliance with this Article; and
(ii) to pay any other amounts the ceding insurer claims are due under the SPRV contract.

(15) The SPRV contract entered into by the SPRV may contain provisions that give the SPRV the right to seek approval from the ceding insurer to withdraw from the trust all or part of the assets contained in it and transfer the assets to the SPRV, provided that:
(A) at the time of the withdrawal, the SPRV replaces the withdrawn assets with other qualified assets having a fair value equal to the fair value of the assets withdrawn and that meet the requirements of Section 179E-85; and
(B) after the withdrawals and transfer, the fair value of the assets in trust securing the obligations of the SPRV under the SPRV contract is no less than an amount needed to satisfy the fully funded requirement of the SPRV contract. The ceding insurer shall be the sole judge as to the application of these provisions, but shall not unreasonably nor arbitrarily withhold its approval.

(16) The investors in the SPRV must agree, and be contractually obligated to do so, that any obligation to repay principal, interest, or dividends on the securities issued by the SPRV shall be reduced upon the occurrence of a triggering event, to the extent that the assets of the SPRV held in trust for the benefit of the ceding insurer are remitted to the ceding insurer in fulfillment of the obligations of the SPRV under the SPRV contract.

(17) Assets held by an SPRV in trust must be valued at their fair value.

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(18) The proceeds from the sale of securities by the SPRV to investors must be deposited with the trustee as contemplated by this Article, and must be held or invested by the trustee in accordance with the requirements of Section 179E-85.

(19) An SPRV organized under this Article, may engage only in fully funded indemnity triggered SPRV contracts to support in full the ceding insurers' exposures assumed by the SPRV, except that an SPRV may engage in an SPRV contract that is non-indemnity triggered after the Director, in accordance with the authority granted under Section 179E-100 of this Article, adopts rules addressing the treatment of the portion of the risk that is not indemnity based, including accounting, disclosure, risk-based capital treatment, and the manner in which risks associated with the non-indemnity based SPRV contract may be evaluated and managed. An SPRV may not at any time enter into an SPRV contract that is not fully funded, whether indemnity triggered or non-indemnity triggered. Assets of the SPRV may be used to pay interest or other consideration on any outstanding debt or other obligation of the SPRV, and nothing in this item shall be construed or interpreted to prevent an SPRV from entering into a swap agreement or other transaction that has the effect of guaranteeing interest or other consideration.

(20) The contracts or other documentation relating to an SPRV insurance securitization must contain provisions identifying the SPRV that will enter into the special purpose reinsurance securitization. The contracts or other documentation must clearly disclose that the assets of the SPRV, and only those assets, are available to pay the obligations of that SPRV. Notwithstanding the foregoing, and subject to the provisions of this Article and any other applicable law or rule, the failure to include this language in the contracts or other documentation may not be used as the sole basis by creditors, reinsurers, or other claimants to circumvent the provisions of this Article.

(21) Under no circumstances may an SPRV be authorized to:

(A) issue or otherwise administer primary insurance policies;
(B) have any obligation to the policyholders or reinsureds of the ceding insurer;
(C) enter into an SPRV contract with a person that is not licensed or otherwise authorized to conduct the business of insurance or reinsurance in at least its state or country of domicile; or
(D) assume or retain exposure to insurance or reinsurance losses for its own account that is not initially fully funded by proceeds from an SPRV securitization that meets the requirements of this Article.

(22) At the cessation of business of an SPRV the limited certificate of authority granted by the Director shall expire and the SPRV shall no longer be authorized to conduct activities under this Article unless and until a new certificate of authority is issued pursuant to a new filing in accordance with Section 179E-20.

(23) It is unlawful for an SPRV to loan or otherwise invest, or place any of its assets in custody, trust, or under management with, or to borrow money or receive a loan from (other than by issuance of the securities pursuant to an SPRV insurance securitization), or advance from, anyone convicted of a felony, anyone who is untrustworthy or of known bad character, or anyone convicted of a criminal offense involving the conversion or misappropriation of fiduciary funds or insurance accounts, theft, deceit, fraud, misrepresentation, or corruption.

Sec. 179E-35. Powers.

(a) An SPRV authorized under this Article shall have the necessary powers to enter into contracts and to conduct such other commercial activities as are necessary to fulfill the purposes of this Article. Those activities may include, but are not limited to, entering into SPRV contracts, issuing securities of the SPRV and complying with the terms thereof, entering into trust, swap, and other agreements as may be necessary to effectuate an insurance securitization in compliance with the limitations and pursuant to the authorities granted to the SPRV under this Article or the plan of operation approved or deemed approved by the Director.

(b) An SPRV organized or doing business under this Article shall, by the name adopted by the SPRV, in law, be capable of suing or being sued, and may make or enforce contracts in relation to the business of the SPRV; may have and use a common seal, and in the name of the SPRV or by a

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trustee chosen by the board of directors, shall, in law, be capable of taking, purchasing, holding and disposing of real and personal property for carrying into effect the purposes of its organization; and may by its board of directors, trustees, officers, or managers, make by-laws and amendments thereto not inconsistent with the laws or the constitution of this State or of the United States, which by-laws shall define the manner of electing directors, trustees, or managers and officers of the SPRV, together with their qualifications and duties and fixing their term of office.

(215 ILCS 5/179E-40 new)
Sec. 179E-40. Affiliation. Notwithstanding the provisions of Article VIII 1/2, the SPRV, the SPRV organizer, and subsequent debt or equity investors in SPRV securities shall not be deemed affiliates of the ceding insurer by virtue of the SPRV contract between the ceding insurer and the SPRV, the securities of the SPRV, or related agreements necessary to implement the SPRV insurance securitization. An SPRV may not be controlled by, may not control, and may not be under common control with any ceding insurer that is a party to an SPRV contract.

(215 ILCS 5/179E-45 new)
Sec. 179E-45. Capitalization. An SPRV must have minimum initial capital of not less than $5,000. All of the initial capital must be received by the SPRV in cash. The minimum initial capital required and all other funds of the SPRV in excess of its minimum initial capital, including funds held in trust to secure the obligations of the SPRV pursuant to its obligations under the SPRV contracts, shall be invested as provided in Section 179E-85.

(215 ILCS 5/179E-50 new)
Sec. 179E-50. Dividends. An SPRV may not declare or pay dividends in any form to its owners unless the dividends do not decrease the capital of the SPRV below $5,000, and after giving effect to the dividends, the assets of the SPRV, including assets held in trust pursuant to the terms of the insurance securitization, are sufficient to meet its obligations. Dividends may be declared by the board of directors of the SPRV if the declaration of dividends would not violate the provisions of this Article or jeopardize the fulfillment of the obligations of the SPRV or the trustee pursuant to the SPRV insurance securitization, the SPRV contract or any related transaction.

(215 ILCS 5/179E-55 new)
Sec. 179E-55. Records and financial reports.
(a) The records of the SPRV must be maintained in this State and must be available for examination by the Department. The Director shall have the right to examine the records of an SPRV at any time. No later than 5 months after the fiscal year end of the SPRV, the SPRV must file with the Director an audit by a certified public accounting firm of the financial statements of the SPRV and the trust accounts.

(b) No later than March 1 of each year, an SPRV organized under this Article must file with the Director a statement of operations, including, but not limited to, a statement of income, a balance sheet, and a detailed listing of invested assets, including identification of assets held in trust to secure the SPRV’s obligations under the SPRV contract, for the year ending the previous December 31. The statements shall be prepared in accordance with Section 136 of this Code on such forms and shall reveal such information as shall be required by the Director.

(c) An SPRV must keep its books and records in a manner so that its financial condition, affairs, and operations can be ascertained, its financial statements filed with the Director can be readily verified, and its compliance with the provisions of this Article can be determined. An SPRV may cause any or all of the books or records to be photographed, reproduced on film, or stored and reproduced electronically.

(d) All original books, records, documents, accounts, and vouchers, or reproductions of those items, must be preserved and kept available in this State for the purpose of examination and until authority to destroy or otherwise dispose of the records is secured from the Director. The original records may, however, be kept and maintained outside this State if, according to a plan adopted by the SPRV’s board of directors and approved by the Director, it maintains other suitable records.

(215 ILCS 5/179E-60 new)
Sec. 179E-60. Officers and directors.
(a) The directors of an SPRV shall elect such officers they deem necessary to carry out the purposes of the SPRV pursuant to this Article. The provisions of Section 10 of this Code relating to the indemnification of officers and directors apply to and govern SPRVs organized under this Article.
(b) An SPRV authorized to do business in this State must notify the Director of the appointment or election of any new officers or directors within 30 days after the appointment or election.

(c) If, after notice and hearing afforded to the officer or director, and after a finding that the officer or director is incompetent or untrustworthy or of known bad character, the Director shall order the removal of the person. If the SPRV does not comply with a removal order within 30 days, the Director may suspend that SPRV’s limited certificate of authority until such time as the order is complied with.

(d) An SPRV may not make loans to any SPRV organizer, owner, director, officer, manager, or affiliate.

(215 ILCS 5/179E-65 new)
Sec. 179E-65. Fees and taxes. The Director may charge fees to reimburse the Director for expenses and costs incurred by the Department incident to the examination of financial statements and review of the plan of operation and to reimburse other such activities of the Director related to the formation and ongoing operation of an SPRV. An SPRV is not be subject to State premium or other State taxes incidental to the operation of its business as long as the business remains within the limitations of this Article.

(215 ILCS 5/179E-70 new)
Sec. 179E-70. Dissolution. An SPRV operating under this Article may be dissolved by a vote of its board of directors at any time after the Director has approved that action. A voluntary dissolution may not be effected or allowed until and unless all of the obligations of the SPRV pursuant to the insurance securitization have been fully and finally satisfied pursuant to their terms. In the case of voluntary dissolution, the disposition of the affairs of the SPRV (including the settlement of all outstanding obligations) shall be made by the officers or directors of the SPRV, and when the liquidation has been completed and a final statement, in acceptable form, filed with and approved, or deemed approved, by the Director, the provisions for voluntary dissolution under the laws of this State shall be followed to dissolve the SPRV.

(215 ILCS 5/179E-75 new)
Sec. 179E-75. Conservation, rehabilitation, or liquidation.
(a) The provisions of Articles XIII and XIII 1/2 apply to an SPRV, except to the extent modified in this Section.

(b) Notwithstanding the provisions of Section 188 of this Code, the Director may apply by petition to the Circuit Court of Cook County, the Circuit Court of Sangamon County, or the circuit court of the county in which an SPRV has or last had its principal office for an order authorizing the Director to conserve, rehabilitate or liquidate an SPRV domiciled in this State solely on one or more of the following grounds:

1. There has been embezzlement, wrongful sequestration, dissipation, or diversion of the assets of the SPRV intended to be used to pay amounts owed to the ceding insurer or the holders of SPRV securities; or

2. The SPRV is insolvent and the holders of a majority in outstanding principal amount of each class of SPRV securities request or consent to conservation, rehabilitation, or liquidation under this Article.

The court shall not grant relief under item (1) of this subsection unless, after notice and a hearing, the Director, who has the burden of proof, establishes by clear and convincing evidence that the relief should be granted.

(c) Notwithstanding any contrary provision in this Code, the rules promulgated under this Code, or any other applicable law or rule, upon any order of conservation, rehabilitation, or liquidation of the SPRV, the receiver shall be bound to deal with the SPRV’s assets and liabilities, in accordance with the requirements set forth in this Article.

(d) With respect to amounts recoverable under an SPRV contract, the amount recoverable by the receiver may not be reduced or diminished as a result of the entry of an order of conservation, rehabilitation, or liquidation with respect to the ceding insurer notwithstanding any provisions to the contrary in the contracts or other documentation governing the SPRV insurance securitization.

(e) Notwithstanding the provisions of Article XIII and XIII 1/2 of this Code, any application, petition, or temporary restraining order or injunction issued under those Articles, with respect to a
ceeding insurer shall not prohibit the transaction of any business by an SPRV, including any payment by an SPRV made pursuant to an SPRV security, or any action or proceeding against an SPRV or its assets.

(f) Notwithstanding the provisions of Articles XIII and XIII 1/2 of this Code, the commencement of a summary proceeding or other interim proceeding commenced before a formal delinquency proceeding with respect to an SPRV, and any order issued by the court thereunder, shall not prohibit:

(1) the payment by an SPRV made pursuant to an SPRV security or SPRV contract; or

(2) the SPRV from taking any action required to make the payment.

(g) Notwithstanding any other provision of Articles XIII and XIII 1/2 of this Code or other State law:

(1) a receiver of a ceding insurer may not avoid a non-fraudulent transfer by a ceding insurer to an SPRV of money or other property made pursuant to an SPRV contract; and

(2) a receiver of an SPRV may not void a non-fraudulent transfer by the SPRV of money or other property made to a ceding insurer pursuant to an SPRV contract or made to or for the benefit of any holder of an SPRV security on account of the SPRV security.

(h) With the exception of the fulfillment of the obligations under an SPRV contract, and notwithstanding any other provisions of this Article or other law of this State to the contrary, the assets of an SPRV, including assets held in trust, may not be consolidated with or included in the estate of a ceding insurer in any delinquency proceeding against the ceding insurer under this Article for any purpose, including, without limitation, distribution to creditors of the ceding insurer.

(i) Notwithstanding any other provision of this Article:

(1) A domiciliary receiver of an SPRV domiciled in another state shall be vested by operation of law with the title to all of the assets, property, contracts, and rights of action, and all of the books, accounts, and other records of the SPRV located in this State. The domiciliary receiver shall have the immediate right to recover all of the vested property, assets, and causes of action of the SPRV located in this State.

(2) An ancillary proceeding may not be commenced or prosecuted in this State against an SPRV domiciled in another state.

(215 ILCS 5/179E-80 new)
Sec. 179E-80. SPRV not subject to guaranty funds, residual market, or similar arrangements.

(a) An SPRV or the activities, assets, and obligations relating to the SPRV are not subject to the provisions of Articles XXXIII 1/2 and XXXIV of this Code, and an SPRV may not be assessed by or otherwise be required to contribute to any guaranty fund or guaranty association in this State with respect to the activities, assets, or obligations of an SPRV or the ceding insurer.

(b) An SPRV may not be required to participate in residual market, FAIR plan, or other similar plans to provide insurance coverage, take out policies, assume risks, make capital contributions, pay or be otherwise obligated for assessments, surcharges, or fees, or otherwise support or participate in such plans or arrangements.

(215 ILCS 5/179E-85 new)
Sec. 179E-85. Asset and investment limitations.

(a) Assets of the SPRV held in trust to secure obligations under the SPRV contract must at all times be held in:

(1) cash and cash equivalents;

(2) securities listed by the Securities Valuation Office of the NAIC and qualifying as admitted assets under statutory accounting convention in its state of domicile; and

(3) any other form of security acceptable to the Director.

(b) An SPRV may enter into swap agreements or other transactions that have the objective of leveling timing differences in funding of up-front or ongoing transaction expenses or managing credit or interest rate risk of the investments in the trust to ensure that the investments are sufficient to assure payment or repayment of:

(1) the securities (and related interest or principal payments) issued pursuant to an SPRV insurance securitization transaction; or

(2) the SPRV’s obligations under the SPRV contract.

(215 ILCS 5/179E-90 new)

New matter indicated by italics - deletions by strikeout.
Sec. 179E-90. Credit for reinsurance for the SPRV contract. An SPRV contract meeting the requirements under this Article shall be granted credit for reinsurance treatment or shall otherwise qualify as an asset or a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer under Section 173.1 of this Code for the benefit of the ceding insurer, provided and only to the extent that (i) the fair value of the assets held in trust for the benefit of the ceding insurer equal or exceed the obligations due and payable to the ceding insurer by the SPRV under the SPRV contract, (ii) the assets are held in trust in accordance with the requirements set forth in this Article, (iii) the assets are administered in the manner and pursuant to arrangements as set forth in this Article, and (iv) the assets are held or invested in one or more of the forms allowed in Section 179E-85.

Sec. 179E-95. Insurance securitization deemed not to be transaction of insurance business. The securities issued by the SPRV under an SPRV insurance securitization shall not be deemed to be insurance or reinsurance contracts. An investor in securities issued pursuant to an SPRV insurance securitization or any holder of those securities shall not, by sole means of the investment or holding, be deemed to be transacting an insurance business in this State. The underwriters or selling agents (and their partners, directors, officers, members, managers, employees, agents, representatives, and advisors) involved in an SPRV insurance securitization shall not be deemed to be conducting an insurance or reinsurance agency, brokerage, intermediary, advisory, or consulting business by virtue of their activities in connection therewith.

Sec. 179E-100. Authority to adopt rules. The Director may promulgate rules necessary to effectuate the purposes of this Article. Any rules so promulgated will not affect any existing SPRV insurance securitization in effect at the time of the promulgation.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0125
(Senate Bill No. 0943)

AN ACT in relation to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 143.28 as follows:
(215 ILCS 5/143.28) (from Ch. 73, par. 755.28)
Sec. 143.28. The rates and premium charges for all policies of automobile insurance, as described in sub-section (a) of Section 143.13 of this Code, shall include appropriate reductions for insured automobiles which are equipped with anti-theft mechanisms or devices approved by the Director. To implement the provisions of this Section, the Director shall promulgate rules and regulations. The rules and regulations promulgated hereunder shall include procedures for certification to insurers that anti-theft mechanisms and devices have been installed properly in insured vehicles.
(Source: P.A. 91-798, eff. 7-9-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0126
(Senate Bill No. 1019)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Employee Benefit Contribution Act is amended by changing Section 2 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 2. Any employer who has agreed to make payments to an employee health insurance plan shall notify its employees of any failure to make such payments where such failure shall result in the total loss of insurance coverage so as to provide its employees a reasonable opportunity to replace such coverage at the time the employee health insurance plan terminates. The employer must provide written notification directly to each of its employees who are covered under the plan. Notification may be made by posting in a conspicuous place in the place of employment. Any employer who fails to provide timely notice of a prospective termination of a health insurance plan, which failure results in the deprivation of the opportunity to replace such coverage and which further results in damages to one or more employees arising from the loss of coverage, shall be guilty of a Class B misdemeanor. The Department of Insurance has authority to inspect places of employment for the purpose of assuring the employer's compliance with the notification requirements of this Section.

(Source: P.A. 83-1006.)

Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0127
(Senate Bill No. 1035)

AN ACT in relation to education.

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

Section 5. The School Code is amended by changing Sections 10-22.36 and 17-2A as follows:

Sec. 10-22.36. Buildings for school purposes and offices. To build, purchase or move a building for school classroom or instructional purposes or office facilities upon the approval of a majority of the voters upon the proposition at a referendum held for such purpose or in accordance with Section 17-2.11. The board may initiate such referendum by resolution. The board shall certify the resolution and proposition to the proper election authority for submission in accordance with the general election law.

The questions of building one or more new buildings for school purposes or office facilities, and issuing bonds for the purpose of borrowing money to purchase one or more buildings or sites for such buildings or office sites, to build one or more new buildings for school purposes or office facilities or to make additions and improvements to existing school buildings, may be combined into one or more propositions on the ballot.

Before erecting, or purchasing or remodeling such a building the board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the regional superintendent of schools having supervision and control over the district, for approval in accordance with Section 2-3.12.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building or moving of any such building or office facility is completed (1) while the building is being leased by the school district or (2) with the expenditure of (A) funds derived from the sale or disposition of other buildings, land, or structures of the school district or (B) funds received (i) as a grant under the School Construction Law or (ii) as gifts or donations, provided that no funds to complete such building, other than lease payments, or office facility are derived from the district's bonded indebtedness or the tax levy of the district.

(Source: P.A. 86-686; 86-1010; 86-1040; 86-1331; 87-306; 87-984.)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants; may, by proper resolution following a public hearing set by the school board or the president of the school board, that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does
not exist, with both notices setting forth the time, date, place, and subject matter of the hearing),
transfer from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation
Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund,
or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of
said district an amount of money not to exceed 20% of the tax actually received in the transferer Fund
for the year previous to the transfer, provided such transfer is made solely for the purpose of meeting
one-time, non-recurring expenses. Any other permanent interfund transfers authorized by any
provision or judicial interpretation of this Code for which the transferee Fund is not precisely and
specifically set forth in the provision of this Code authorizing such transfer shall be made to the Fund
of the school district most in need of the funds being transferred, as determined by resolution of the
school board.
(Source: P.A. 89-3, eff. 2-27-95.)
Passed in the General Assembly May 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0128
(Senate Bill No. 1084)

AN ACT in relation to counties.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Section 5-12011 as follows:
(55 ILCS 5/5-12011) (from Ch. 34, par. 5-12011)
Sec. 5-12011. Hearing and decision of board of appeals. The board of appeals shall also hear
and decide appeals from and review any order, requirement, decision or determination made by an
administrative official charged with the enforcement of any ordinance or resolution adopted pursuant
to this Division.
It shall also hear and decide all matters referred to it or upon which it is required to pass under
any such ordinance or resolution or under the terms of this Division. Where a public hearing before
a board of appeals is required by this Division or by any ordinance or resolution under the terms of
this Division, notice of each hearing shall be published at least 15 days in advance thereof in a
newspaper of general circulation published in the township or road district in which such property is
located. If no newspaper is published in such township or road district, then such notice shall be
published in a newspaper of general circulation published in the county and having circulation where
such property is located. The concurring vote of 3 members of a board consisting of 5 members or
the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any
order, requirement, decision or determination of any such administrative official or to decide in favor
of the applicant any matter upon which it is required to pass under any such ordinance or resolution,
or to effect any variation in such ordinance or resolution, or to recommend any variation or
modification in such ordinance or resolution to the county board. An appeal may be taken by any
person aggrieved or by any officer, department, board or bureau of the county. An appeal shall be
taken within such time as is prescribed by the board of appeals by general rule by filing with the
officer from whom the appeal is taken and with the board of appeals a notice of appeal, specifying the
grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all
the papers constituting the record upon which the action appealed from was taken.
An appeal stays all proceedings in furtherance of the action appealed from, unless the officer
from whom the appeal is taken certifies to the board of appeals after the notice of appeal has been filed
with him that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent
peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining
order which may be granted by the board of appeals or by a court on application, on notice to the
officer from whom the appeal is taken and on due cause shown.
(Source: P.A. 86-962.)
Effective January 1, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the circulation of election petitions.

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

Section 5. The Election Code is amended by changing Sections 3-1.2, 7-10, 8-8, 10-4, and 28-3 as follows:

(10 ILCS 5/3-1.2) (from Ch. 46, par. 3-1.2)
Sec. 3-1.2. Eligibility to sign or circulate a nominating petition or a petition proposing a public question the terms "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector", and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. Any person, otherwise qualified under this Section, who has not moved to another residence but whose address has changed as a result of implementation of a 9-1-1 emergency telephone system shall be considered a "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector", and "qualified primary elector". (Source: P.A. 90-664, eff. 7-30-98; 91-57, eff. 6-30-99.)

(10 ILCS 5/7-10) (from Ch. 46, par. 7-10)
Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Name             Office                Address
John Jones           Governor           Belvidere, Ill.
Thomas Smith      Attorney General        Oakland, Ill.
Name..................         Address.......................
State of Illinois)
)
ss.
County of......)
I, ...., do hereby certify that I am a registered voter and have been a registered voter at all times I have circulated this petition, that I reside at No. .... street, in the .... of ...., county of ...., and State of ......, that I am 18 years of age or older Illinois, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

Subscribed and sworn to before me on (insert date).

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route...
number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States registered voter of the political division, who has been a registered voter at all times he or she circulated the petition, for which the candidate is seeking a nomination, stating the street address or rural route number of the voter, as the case may be, as well as the voter's county, and city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition, or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election; and certifying that the signatures on the sheet are genuine, and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition, or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:  

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name      Address       Office      District      Party
John Jones  102 Main St.  Governor    Statewide    Republican
Belvidere,
Illinois
State of Illinois)
) ss.
County of ......)

New matter indicated by italics - deletions by strikeout.
I, ..., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed ......................

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed ......................

(Official Character)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.

Such petitions for nominations shall be signed:

(a) If for a State office, or for delegate or alternate delegate to be elected from the State at large to a National nominating convention by not less than 5,000 nor more than 10,000 primary electors of his party.

(b) If for a congressional officer or for delegate or alternate delegate to be elected from a congressional district to a national nominating convention by at least .5% of the qualified primary electors of his party in his congressional district, except that for the first primary following a redistricting of congressional districts such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his congressional district.

(c) If for a county office (including county board member and chairman of the county board where elected from the county at large), by at least .5% of the qualified electors of his party cast at the last preceding general election in his county. However, if for the nomination for county commissioner of Cook County, then by at least .5% of the qualified primary electors of his or her party in his or her county in the district or division in which such person is a candidate for nomination; and if for county board member from a county board district, then by at least .5% of the qualified primary electors of his party in the county board district. In the case of an election for county board member to be elected from a district, for the first primary following a redistricting of county board districts or the initial establishment of county board districts, then by at least .5% of the qualified electors of his party in the entire county at the last preceding general election, divided by the number of county board districts, but in any event not less than 25 qualified primary electors of his party in the district.

(d) If for a municipal or township office by at least .5% of the qualified primary electors of his party in the municipality or township; if for alderman, by at least .5% of the voters of his party of his ward. In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district.

(e) If for State central committeeman, by at least 100 of the primary electors of his or her
party of his or her congressional district.

(f) If for a candidate for trustee of a sanitary district in which trustees are not elected from wards, by at least .5% of the primary electors of his party, from such sanitary district.

(g) If for a candidate for trustee of a sanitary district in which the trustees are elected from wards, by at least .5% of the primary electors of his party in his ward of such sanitary district, except that for the first primary following a reapportionment of the district such petitions shall be signed by at least 150 qualified primary electors of the candidate's ward of such sanitary district.

(h) If the number of signatures required for a candidate for judicial office in a district, circuit, or subcircuit, by a number of primary electors at least equal to shall be 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last regular general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event fewer shall be less than 500 signatures.

(i) If for a candidate for precinct committeeman, by at least 10 primary electors of his or her party of his or her precinct; if for a candidate for ward committeeman, by not less than 10% nor more than 16% (or 50 more than the minimum, whichever is greater) of the primary electors of his party of his ward; if for a candidate for township committeeman, by not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the primary electors of his party in his township or part of a township as the case may be.

(j) If for a candidate for State's Attorney or Regional Superintendent of Schools to serve 2 or more counties, by at least .5% of the primary electors of his party in the territory comprising such counties.

(k) If for any other office by at least .5% of the total number of registered voters of the political subdivision, district or division for which the nomination is made or a minimum of 25, whichever is greater.

For the purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision at the last regular election at which an office was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

(Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99; 91-358, eff. 7-29-99; revised 8-17-99.)

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

Sec. 8-8. Form of petition for nomination. The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section. Each such petition shall include as a part thereof the oath required by Section 7-10.1 of this Act and a statement of candidacy by the candidate filing or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State and may be in substantially the following form:

State of Illinois)
) ss.
County ...........

I, ...., being first duly sworn, say that I reside at .... street in the city (or village of) .... in the

New matter indicated by italics - deletions by strikeout.
county of .... State of Illinois; that I am a qualified voter therein and am a qualified primary voter of .... party; that I am a candidate for nomination to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified to hold such office and that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for such office.

Signed

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .... (Official Character)

(Seal if officer has one.)

All petitions for nomination for the office of State Senator shall be signed by 1% or 600, whichever is greater, of the qualified primary electors of the candidate's party in his legislative district, except that for the first primary following a redistricting of legislative districts, such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his legislative district.

All petitions for nomination for the office of Representative in the General Assembly shall be signed by at least 1% or 300, whichever is greater, of the qualified primary electors of the candidate's party in his or her representative district, except that for the first primary following a redistricting of representative districts such petitions shall be signed by at least 300 qualified primary electors of the candidate's party in his or her representative district.

Opposite the signature of each qualified primary elector who signs a petition for nomination for the office of State Representative or State Senator such elector's residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county and city, village or town.

For the purposes of this Section, the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States and have been a registered voter at all times he or she circulated the petition, shall state his or her street address or rural route number, as the case may be, as well as his or her county, and city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought.

In the affidavit at the bottom of each petition sheet, the petition circulator shall either (1) indicate the dates on which he or she circulated that sheet, or (2) indicate the first and last dates on which the sheet was circulated, or (3) certify that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 for the filing of such petition.

All petition sheets which are filed with the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99.)
(10 ILCS 5/10-4) (from Ch. 46, par. 10-4)
Sec. 10-4. Form of petition for nomination. All petitions for nomination under this Article 10 for candidates for public office in this State, shall in addition to other requirements provided by law, be as follows: Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same. Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However, the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the such electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with. At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States registered voter of the political division, who has been a registered voter at all times he or she circulated the petition, for which the candidate or candidates shall be nominated; stating the street address or rural route number of the voter, as the case may be, as well as the voter's county, and city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for filing the petition, or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election, and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters under Articles 4, 5 or 6 of the Code of the political subdivision or district for which the candidate or candidates shall be nominated, and certifying that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 10-6 for the filing of such petition; or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election. Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets. A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the officers or officer with whom the petition is required to be presented or filed, and before the presentation or filing of such petition. Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly. The word "petition" or "petition for nomination", as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The words "political division for which the candidate is nominated", or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate or candidates, as the state in the case of state officers; the township in the case of township officers et cetera. Provided, further, that no person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next primary or general election.
Sec. 28-3. Form of petition for public question. Petitions for the submission of public questions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to the question of public policy to be submitted, and specifying the state at large or the political subdivision or district or precinct or combination of precincts or other territory in which it is to be submitted and, where by law the public question must be submitted at a particular election, the election at which it is to be submitted. In the case of a petition for the submission of a public question described in subsection (b) of Section 28-6, the heading shall also specify the regular election at which the question is to be submitted and include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory in plain and nonlegal language, such description to describe the territory by reference to streets, natural or artificial landmarks, addresses or any other method which would enable a voter signing the petition to be informed of the territory concerning which the question is to be submitted. The heading of each sheet shall be the same. Such petition shall be signed by the registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed, which residence address shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state; provided that the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the such electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States registered voter, who has been a registered voter at all times he or she circulated the petition, of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted, stating the street address or rural route number of the voter, as the case may be, as well as the voter's county, and city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence and are genuine, and that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

Such sheets, before being filed with the proper officer or board shall be bound securely and numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets. A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the board or officer with whom the petition is required to be presented or filed, and before the presentment or filing of such petition, except as may otherwise be provided in another statute which authorize the public question. Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly.

In addition to the foregoing requirements, a petition proposing an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution or a petition proposing a question of public policy to be submitted to the voters of the entire State shall be in conformity with the requirements of Section 28-9 of this Article.

If multiple sets of petitions for submission of the same public questions are filed, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the proponent of his or her multiple petition filings and that

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proponent has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the proponent notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, appropriate election authority or local election official. If the proponent fails to notify the State Board of Elections, appropriate election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(Source: P.A. 91-57, eff. 6-30-99.)

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

AN ACT in relation to insurance.

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

Section 5. The Illinois Insurance Code is amended by adding Section 356z.1 as follows:

Sec. 356z.1. Prenatal HIV testing. An individual or group policy of accident and health insurance that provides maternity coverage and is amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly must provide coverage for prenatal HIV testing ordered by an attending physician licensed to practice medicine in all its branches, or by a physician assistant or advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes these services, including but not limited to orders consistent with the recommendations of the American College of Obstetricians and Gynecologists or the American Academy of Pediatrics.

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.5 as follows:

Sec. 4-6.5. Required health benefits. A health maintenance organization is subject to the provisions of Sections 356t, and 356u, and 356z.1 of the Illinois Insurance Code.
(Source: P.A. 90-7, eff. 6-10-97.)

Section 15. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

Section 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.
(Source: P.A. 90-7, eff. 6-10-97; 90-25, eff. 1-1-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

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

AN ACT in relation to senior citizens and disabled persons.

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

Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Sections 3.07, 4, and 5 and by adding Section 4.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 3.07. "Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

(A) An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;
(B) An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the taxable year;
(C) An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;
(D) An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year;
(E) An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year;
(F) An amount equal to the total amount of cash public assistance payments received from any governmental agency during the taxable year other than benefits received pursuant to this Act;
(G) An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the taxable year;

(H) For claim years beginning on or after January 1, 2002, an amount equal to any benefits received under the Workers' Compensation Act or the Workers' Occupational Diseases Act during the taxable year.

"Income" does not include any grant assistance received under the Nursing Home Grant Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

This amendatory Act of 1987 shall be effective for purposes of this Section for tax years ending on or after December 31, 1987.

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued and is domiciled in this State at the time he files his claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceed 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes...
cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his household, the amount of property taxes accrued used in computing the amount of grant to which he is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he may claim only one residence for any part of a month. In the case of property taxes accrued, he shall pro rate 1/12 of the total property taxes accrued on his residence to each month that he owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall pro rate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must be: (1) (i) 65 years or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) is domiciled in this State at the time he files his or her claim, and (3) has a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, (3) present the identification card to the dispensing pharmacist.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs

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shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

(Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99; 91-699, eff. 1-1-01.)

(320 ILCS 25/4.1 new)

Sec. 4.1. Information to the Department. Notwithstanding any other law to the contrary, entities subject to the Illinois Insurance Code, Comprehensive Health Insurance Plan Act, Dental Service Plan Act, Children’s Health Insurance Program Act, Health Care Purchasing Group Act, Health Maintenance Organization Act, Limited Health Service Organization Act, Voluntary Health Services Plans Act, and the Workers’ Compensation Act, including, but not limited to, insurers, health maintenance organizations, pharmacy benefit managers, third party administrators, fraternal benefit societies, group-funded workers’ compensation pools, municipal group-funded pools, self-funded or self-insured welfare or benefit plans or programs, and any other entities that provide health coverage through an employer, union, trade association or other organization or source, or any other entities, must provide information to the Department, or its designee, that is necessary to carry out the purposes of this Act, including, but not limited to, the name, social security number, address, date of birth, and coverage of their policyholders, their subscribers, or the beneficiaries of their plans, benefits, or services who participate in the programs under this Act. The provision of this information to the Department or its designee is subject to the confidentiality provisions in Section 8a of this Act.

(320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

Sec. 5. Procedure.

(a) In general. Claims must be filed after January 1, on forms prescribed by the Department. No claim may be filed more than one year after December 31 of the year for which the claim is filed except that claims for 1976 may be filed until December 31, 1978. The pharmaceutical assistance identification card provided for in subsection (f) of Section 4 shall be valid for a period not to exceed one year. On and after January 1, 2002, however, to enable the Department to convert coverage for a pharmaceutical assistance program participant to a fiscal year basis, a card shall be valid for a longer or shorter period than 12 months, depending on the date a timely claim is filed and as determined by the Department.

(b) Claim is Personal. The right to file a claim under this Act shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. If a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to his surviving spouse or, if no spouse survives, to his surviving dependent minor children in equal parts, provided the spouse or child, as the case may be, resided with the claimant at the time he filed his claim. If at the time of disbursement neither the claimant nor his spouse is surviving, and no dependent minor children of the claimant are surviving the amount of the claim shall escheat to the State.

(c) One claim per household. Only one member of a household may file a claim under this Act in any calendar year; where both members of a household are otherwise entitled to claim a grant under this Act, they must agree as to which of them will file a claim for that year.

(d) Content of application form. The form prescribed by the Department for purposes of paragraph (a) shall include a table, appropriately keyed to the parts of the form on which the claimant is required to furnish information, which will enable the claimant to determine readily the approximate amount of grant to which he is entitled by relating levels of household income to property taxes accrued or rent constituting property taxes accrued.

(e) Pharmaceutical Assistance Procedures. The Department shall establish the form and manner for application, and establish by January 1, 1986 a procedure to enable persons to apply for the additional grant or for the pharmaceutical assistance identification card on the same application form. The Department shall determine eligibility for pharmaceutical assistance using the applicant's
current income. The Department shall determine a person's current income in the manner provided by the Department by rule.

(Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0132
(House Bill No. 0171)

AN ACT concerning methyl tertiary butyl ether.

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

Section 1. Short title. This Act may be cited as the MTBE Elimination Act.

Section 5. Findings. The General Assembly finds that methyl tertiary butyl ether (MTBE) presents substantial environmental risks to the water quality in Illinois, as well as to the public health, safety, and welfare of the people of the State of Illinois.

Section 10. Definitions. As used in this Act:
"MTBE" means methyl tertiary butyl ether.
"Agency" means the Illinois Environmental Protection Agency.

Section 15. MTBE Prohibitions. Beginning 3 years after the effective date of this Act, no person shall use, sell, offer for sale, distribute, blend, or manufacture MTBE as a fuel additive in Illinois.

Section 20. Programs. The Agency is hereby directed to coordinate with the United States Environmental Protection Agency, other federal, state, and local governmental agencies, and private entities to develop accurate and improved MTBE groundwater testing methodologies and to develop more efficient and cost effective remediation procedures for public water supplies and sources contaminated with MTBE.

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

PUBLIC ACT 92-0133
(House Bill No. 0509)

AN ACT concerning taxation.

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

Section 5. The Property Tax Code is amended by changing Section 16-125 as follows:

Sec. 16-125. Hearings. In counties with 3,000,000 or more inhabitants, complaints filed with the board of appeals (until the first Monday in December 1998 and the board of review beginning the first Monday in December 1998 and thereafter) shall be classified by townships. All complaints shall be docketed numerically, in the order in which they are presented, as nearly as possible, in books or computer records kept for that purpose, which shall be open to public inspection. The complaints shall be considered by townships until they have been heard and passed upon by the board. After completing final action on all matters in a township, the board shall transmit such final actions to the county assessor.

A hearing upon any complaint shall not be held until the taxpayer affected and the county assessor have each been notified and have been given an opportunity to be heard. All hearings shall be open to the public and the board shall sit together and hear the representations of the interested parties or their representatives. An order for a correction of any assessment shall not be made unless both commissioners of the board, or a majority of the members in the case of a board of review, concur therein, in which case, an order therefor shall be made in open session and entered in the records of the board. When an assessment is ordered corrected, the board shall transmit a computer

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printout of the results, or make and sign a brief written statement of the reason for the change and the manner in which the method used by the assessor in making the assessment was erroneous, and shall deliver a copy of the statement to the county assessor. Upon request the board shall hear any taxpayer in opposition to a proposed reduction in any assessment.

The board may destroy or otherwise dispose of complaints and records pertaining thereto after the lapse of 5 years from the date of filing.

(Source: P.A. 91-393, eff. 7-30-99; 91-425, eff. 8-6-99.)

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

Passed in the General Assembly May 9, 2001.


PUBLIC ACT 92-0134
(House Bill No. 0544)

AN ACT concerning recreation funding.

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

Section 5. The Recreational Trails of Illinois Act is amended by changing Section 45 as follows:

(20 ILCS 862/45)
Sec. 45. Public access sticker.
(a) Except as provided in subsection (b), after January 1, 1998, a person may not operate and an owner may not give permission to another to operate an off-highway vehicle on land or lands or waters in public off-highway vehicle parks paid for, operated, or supported by the grant program established under subsection (d) of Section 15 unless the off-highway vehicle displays an off-highway vehicle public access sticker in a manner prescribed by the Department by rule.
(b) An off-highway vehicle does not need a public access sticker if the off-highway vehicle is used on private land or if the off-highway vehicle is owned by the State, the federal government, or a unit of local government.
(c) The Department shall issue the public access stickers and shall charge the following fees:
   (1) $30 for 3 years for individuals.
   (2) $50 for 3 years for rental units.
   (3) $75 for 3 years for dealer and manufacturer demonstrations and research.
   (4) $50 for 3 years for an all-terrain vehicle or off-highway motorcycle used for production agriculture, as defined in Section 3-821 of the Illinois Vehicle Code.
   (5) $50 for 3 years for residents of a State other than Illinois that does not have a reciprocal agreement with the Department, pursuant to subsection (d).
   (6) $50 for 3 years for an all-terrain vehicle or off-highway motorcycle that does not have a title.

The Department, by administrative rule, may make replacement stickers available at a reduced cost. These fees for public access stickers shall be deposited into the Off-Highway Vehicle Trails Fund.
(d) The Department is authorized to enter into reciprocal agreements with other states that have a similar off-highway vehicle public access sticker program to allow residents of such states to operate off-highway vehicles on land or lands or waters in public off-highway vehicle parks paid for, operated, or supported by the grant program established under subsection (d) of Section 15 without acquiring an off-highway vehicle public access sticker in this State pursuant to subsection (a).
(e) The Department may license vendors to sell off-highway vehicle public access stickers. Issuing fees may be set by administrative rule.
(f) Any person participating in an organized competitive event on land or lands in off-highway vehicle parks paid for, operated by, or supported by the grant program established in subsection (d) of Section 15 shall display the public access sticker required under subsection (c) of this Section or pay $5 per event. Fees collected under this subsection shall be deposited into the Fund.
(g) The Department is authorized to modify any or all provisions of this Section 45 by rule.

(Source: P.A. 90-287, eff. 1-1-98; 91-441, eff. 1-1-00.)

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

New matter indicated by italics - deletions by strikeout.
AN ACT relating to insurance.

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

Section 5. The Health Maintenance Organization Act is amended by changing Sections 2-3, 2-4, and 2-6 and adding Article 4.5 as follows:

(215 ILCS 125/2-3) (from Ch. 111 1/2, par. 1405)

Sec. 2-3. Powers of health maintenance organizations. The powers of a health maintenance organization include, but are not limited to the following:

(a) The purchase, lease, construction, renovation, operation, or maintenance of hospitals, medical facilities or both, and their ancillary equipment, and such property as may reasonably be required for its principal office or for such other purposes as may be necessary in the transaction of the business of the organization.

(b) The making of loans to a medical group under contract with it and in furtherance of its program or the making of loans to a corporation or corporations under its control for the purpose of acquiring or constructing medical facilities at hospitals or in furtherance of a program providing health care services for enrollees.

(c) The furnishing of health care services through providers which are under contract with or employed by the health maintenance organization.

(d) The contracting with any person for the performance on its behalf of certain functions such as marketing, enrollment and administration.

(e) The contracting with an insurance company licensed in this State, or with a hospital, medical, dental, vision or pharmaceutical service corporation authorized to do business in this State, for the provision of insurance, indemnity, or reimbursement against the cost of health care services provided by the health maintenance organization.

(f) The offering, in addition to basic health care services, of (1) health care services, (2) indemnity benefits covering out of area or emergency services, and (3) indemnity benefits provided through insurers or hospital, medical, dental, vision, or pharmaceutical service corporations, and (4) health maintenance organization point-of-service benefits as authorized under Article 4.5.

(g) Rendering services related to the functions involved in the operating of its health maintenance organization business including but not limited to providing health services, data processing, accounting, or claims.

(g-5) Indemnification for services provided to a child as required under subdivision (e)(3) of Section 4-2.

(h) Any other business activity reasonably complementary or supplementary to its health maintenance organization business to the extent approved by the Director.

(Source: P.A. 89-183, eff. 1-1-96.)

(215 ILCS 125/2-4) (from Ch. 111 1/2, par. 1406)

Sec. 2-4. Required minimum net worth; special contingent reserve; deficiency; impairment.

(a) A health maintenance organization issued a certificate of authority on or after the effective date of this amendatory Act of 1987 shall have and at all times maintain net worth of not less than $1,500,000. As an allocation of net worth, organizations certified prior to the effective date of this amendatory Act of 1987 shall maintain a special contingent reserve. The special contingent reserve for an organization certified between January 1, 1986 and the effective date of this amendatory Act of 1987 shall be equal to 5% of its net earned subscription revenue for health care services through December 31st of the year in which certified. In subsequent years such organization shall accumulate additions to the contingent reserve in an amount which is equal to 2% of its net earned subscription revenue for each calendar year. For purposes of this Section, net earned subscription revenue means premium minus reinsurance expenses. Maintenance of the contingent reserve requires that net worth equals or exceeds the contingent reserve at any balance sheet date.

New matter indicated by italics - deletions by strikeout.
(b) Additional accumulations under subsection (a) will no longer be required at such time that the total special contingent reserve required by subsection (a) is equal to $1,500,000.

(c) A deficiency in meeting amounts required in subsections (a), (b), and (d) will require (1) filing with the Director a plan for correction of the deficiency, acceptable to the Director and (2) correction of the deficiency within a reasonable time, not to exceed 60 days unless an extension of time, not to exceed 60 additional days, is granted by the Director. Such a deficiency will be deemed an impairment, and failure to correct the deficiency in the prescribed time shall be grounds for suspension or revocation pursuant to subsection (h) of Section 5-5.

(d) All health maintenance organizations issued a certificate of authority on or prior to December 31, 1985 and regulated under this Act must have and at all times maintain, prior to December 31, 1988, the net worth and special contingent reserve that was required for that particular organization at the time it was certified. All such organizations must have by December 31, 1988 and thereafter maintain at all times, net worth of not less than $300,000 and a special contingent reserve calculated and accumulated in the same manner as required of a health maintenance organization issued a certificate of authority on or between January 1, 1986 and the effective date of this amendatory Act of 1987. Such calculation shall commence with the financial reporting period first following certification.

All organizations issued a certificate of authority between January 1, 1986 and the effective date of this amendatory Act of 1987 must have and at all times maintain the net worth and special contingent reserve that was required for that particular organization at the time it was certified.

(d-5) A health maintenance organization that offers a point-of-service product must maintain minimum net worth of not less than:

1. the greater of 300% of the "authorized control level" as defined by Article IIA of the Illinois Insurance Code; or
2. $3,500,000 if the health maintenance organization's annual projected out-of-plan claims are less than $500,000; or
3. $4,500,000 if the health maintenance organization's annual projected out-of-plan claims are equal to or greater than $500,000 but less than $1,000,000; or
4. $6,000,000 if the health maintenance organization's annual projected out-of-plan claims are $1,000,000 or greater.

(e) Unless allowed by the Director, no health maintenance organization, officer, director, trustee, producer, or employee of such organization may renew, issue, or deliver, or cause to be renewed, issued or delivered, any certificate, agreement, or contract of coverage in this State, for which a premium is charged or collected, when the organization writing such coverage is insolvent or impaired, and the fact of such insolvency or impairment is known to the organization, officer, director, trustee, producer, or employee of such organization. An organization is impaired when a deficiency exists in meeting the amounts required in subsections (a), (b), and (d) of Section 2-4.

However, the existence of an impairment does not prevent the issuance or renewal of a certificate, agreement or contract when the enrollee exercises an option granted under the plan to obtain new, renewed or converted coverage.

Any organization, officer, director, trustee, producer, or employee of such organization violating this subsection shall be guilty of a Class A misdemeanor.

(Source: P.A. 85-20.)

(215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)

Sec. 2-6. Statutory deposits.

(a) Every organization subject to the provisions of this Act shall make and maintain with the Director through December 30, 1993, for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $100,000. Effective December 31, 1993 and through December 30, 1994, the deposit shall have a fair market value at least equal to $200,000. Effective December 31, 1994 and thereafter, the deposit shall have a fair market value at least equal to $300,000. An organization issued a certificate of authority on or after the effective date of this Amendatory Act of 1993, shall make and maintain with the Director; for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least $300,000. The amount
on deposit shall remain as an admitted asset of the organization in the determination of its net worth.

(b) An organization that offers a point-of-service product, as permitted by Article 4.5, must maintain an additional deposit in an amount that is not less than the greater of 125% of the organization's annual projected point-of-service claims or $300,000.

(Source: P.A. 88-364.)

(215 ILCS 125/Art. 4.5, heading new)

ARTICLE 4.5. POINT-OF-SERVICE PRODUCTS

Sec. 4.5-1. Point-of-service health service contracts.

(a) A health maintenance organization that offers a point-of-service contract:

(1) must include as in-plan covered services all services required by law to be provided by a health maintenance organization;
(2) must provide incentives, which shall include financial incentives, for enrollees to use in-plan covered services;
(3) may not offer services out-of-plan without providing those services on an in-plan basis;
(4) may include annual out-of-pocket limits and lifetime maximum benefits allowances for out-of-plan services that are separate from any limits or allowances applied to in-plan services;
(5) may not consider emergency services, authorized referral services, or non-routine services obtained out of the service area to be point-of-service services; and
(6) may treat as out-of-plan services those services that an enrollee obtains from a participating provider, but for which the proper authorization was not given by the health maintenance organization.

(b) A health maintenance organization offering a point-of-service contract is subject to all of the following limitations:

(1) The health maintenance organization may not expend in any calendar quarter more than 20% of its total expenditures for all its members for out-of-plan covered services.
(2) If the amount specified in item (1) of this subsection is exceeded by 2% in a quarter, the health maintenance organization must effect compliance with item (1) of this subsection by the end of the following quarter.
(3) If compliance with the amount specified in item (1) of this subsection is not demonstrated in the health maintenance organization's next quarterly report, the health maintenance organization may not offer the point-of-service contract to new groups or include the point-of-service option in the renewal of an existing group until compliance with the amount specified in item (1) of this subsection is demonstrated or until otherwise allowed by the Director.
(4) A health maintenance organization failing, without just cause, to comply with the provisions of this subsection shall be required, after notice and hearing, to pay a penalty of $250 for each day out of compliance, to be recovered by the Director. Any penalty recovered shall be paid into the General Revenue Fund. The Director may reduce the penalty if the health maintenance organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the health maintenance organization.

(c) A health maintenance organization that offers a point-of-service product must do all of the following:

(1) File a quarterly financial statement detailing compliance with the requirements of subsection (b).
(2) Track out-of-plan, point-of-service utilization separately from in-plan or non-point-of-service, out-of-plan emergency care, referral care, and urgent care out of the service area utilization.
(3) Record out-of-plan utilization in a manner that will permit such utilization and cost reporting as the Director may, by rule, require.
(4) Demonstrate to the Director's satisfaction that the health maintenance organization has the fiscal, administrative, and marketing capacity to control its point-of-service

New matter indicated by italics - deletions by strikeout.
enrollment, utilization, and costs so as not to jeopardize the financial security of the health maintenance organization.

(5) Maintain, in addition to any other deposit required under this Act, the deposit required by Section 2-6.

(6) Maintain cash and cash equivalents of sufficient amount to fully liquidate 10 days' average claim payments, subject to review by the Director.

(7) Maintain and file with the Director, reinsurance coverage protecting against catastrophic losses on out of network point-of-service services. Deductibles may not exceed $100,000 per covered life per year, and the portion of risk retained by the health maintenance organization once deductibles have been satisfied may not exceed 20%. Reinsurance must be placed with licensed authorized reinsurers qualified to do business in this State.

(d) A health maintenance organization may not issue a point-of-service contract until it has filed and had approved by the Director a plan to comply with the provisions of this Section. The compliance plan must, at a minimum, include provisions demonstrating that the health maintenance organization will do all of the following:

(1) Design the benefit levels and conditions of coverage for in-plan covered services and out-of-plan covered services as required by this Article.

(2) Provide or arrange for the provision of adequate systems to:

   (A) process and pay claims for all out-of-plan covered services;

   (B) meet the requirements for point-of-service contracts set forth in this Section and any additional requirements that may be set forth by the Director; and

   (C) generate accurate data and financial and regulatory reports on a timely basis so that the Department of Insurance can evaluate the health maintenance organization's experience with the point-of-service contract and monitor compliance with point-of-service contract provisions.

(3) Comply with the requirements of subsections (b) and (c).


Effective January 1, 2002.

AN ACT concerning property law.

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

Section 5. The Joint Tenancy Act is amended by changing Section 1c as follows:

Sec. 1c. Whenever a devise, conveyance, assignment, or other transfer of property, including a beneficial interest in a land trust, maintained or intended for maintenance as a homestead by both husband and wife together during coverture shall be made and the instrument of devise, conveyance, assignment, or transfer expressly declares that the devise or conveyance is made to persons, named and expressly identified in that instrument as husband and wife, not as joint tenants or tenants in common but as tenants by the entirety, or if the beneficial interest in a land trust is to be held by both husband and wife as tenants by the entirety, the estate created shall be deemed to be in tenancy by the entirety. Subject to the provisions of paragraph (d) of Section 2 and unless otherwise assented to in writing by both tenants by the entirety, the estate in tenancy by the entirety so created shall exist only if, and as long as, the tenants are and remain married to each other, and upon the death of either such tenant the survivor shall retain the entire estate; provided that, upon a judgment of dissolution of marriage or of declaration of invalidity of marriage, the estate shall, by operation of law, become a tenancy in common until and unless the court directs otherwise; provided further that the estate shall, by operation of law, become a joint tenancy upon the creation and maintenance by both spouses together of other property as a homestead. A devise, conveyance, assignment, or other transfer to 2
grantees who are not in fact husband and wife that purports to create an estate by the entirety shall be construed as having created an estate in joint tenancy. An estate in tenancy by the entirety may be created notwithstanding the fact that a grantor is or the grantors are also named as a grantee or the grantees in a deed. No deed, contract for deed, mortgage, or lease of homestead property held in tenancy by the entirety shall be effective unless signed by both tenants. This Section shall not apply to nor operate to change the effect of any devise or conveyance.

This amendatory Act of 1995 is declarative of existing law.
(Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95.)
Effective January 1, 2002.

PUBLIC ACT 92-0137
(House Bill No. 2161)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 6-108.1 as follows:
(625 ILCS 5/6-108.1 new)
Sec. 6-108.1. Notice to Secretary; denial of license; persons under 18.
(a) The State's Attorney must notify the Secretary of the charges pending against any person younger than 18 years of age who has been charged with a violation of this Code or the Criminal Code of 1961 arising out of an accident in which the person was involved as a driver and that caused the death of or a type A injury to another person. A "type A injury" includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. The State's Attorney must notify the Secretary on a form prescribed by the Secretary.
(b) The Secretary, upon receiving notification from the State's Attorney, may deny any driver's license to any person younger than 18 years of age against whom the charges are pending.
(c) The State's Attorney must notify the Secretary of the final disposition of the case of any person who has been denied a driver's license under subsection (b).
(d) The Secretary must adopt rules for implementing this Section.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0138
(House Bill No. 2534)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 1-105 and 12-215 as follows:
(625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)
Sec. 1-105. Authorized emergency vehicle.
Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; and ambulances; vehicles of the Illinois Emergency Management Agency; and vehicles of the Department of Nuclear Safety.
(Source: P.A. 76-1586.)
(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:
(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

New matter indicated by italics - deletions by strikeout.
1. Law enforcement vehicles of State, Federal or local authorities;
2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;
3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured; and
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; and

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;
4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;
5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;
6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;
7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;
8. Such other vehicles as may be authorized by local authorities;
9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;
10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;
11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;
12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;
13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and

New matter indicated by italics - deletions by strikeout.
14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:
   - voluntary firefighter;
   - paid firefighter;
   - part-paid firefighter;
   - call firefighter;
   - member of the board of trustees of a fire protection district;
   - paid or unpaid member of a rescue squad; or
   - paid or unpaid member of a voluntary ambulance unit.

   However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted except when responding to an emergency call.


(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the State of Illinois, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 90-330, eff. 8-8-97; 90-347, eff. 1-1-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)
AN ACT concerning payment of insurance claims.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 224 and 357.9a as follows:

(215 ILCS 5/224) (from Ch. 73, par. 836)
Sec. 224. Standard provisions for life policies.
(1) After the first day of July, 1937, no policy of life insurance other than industrial, group or annuities and pure endowments with or without return of premiums or of premiums and interest, may be issued or delivered in this State, unless such policy contains in substance the following provisions:
(a) A provision that all premiums after the first shall be payable in advance either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy, when such receipt is requested by the policyholder.
(b) A provision that the insured is entitled to a grace period either of 30 days or of one month within which the payment of any premium after the first may be made, subject at the option of the company to an interest charge not in excess of 6% per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in force, but in case the policy becomes a claim during the grace period before the overdue premium is paid, or the deferred premiums of the current policy year, if any, are paid, the amount of such premium or premiums with interest thereon may be deducted in any settlement under the policy.
(c) A provision that the policy, together with the application therefor, a copy of which shall be endorsed upon or attached to the policy and made a part thereof, shall constitute the entire contract between the parties and that after it has been in force during the lifetime of the insured a specified time, not later than 2 years from its date, it shall be incontestable except for nonpayment of premiums and except at the option of the company, with respect to provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident and except for violations of the conditions of the policy relating to naval or military service in time of war or for violation of an express condition, if any, relating to aviation, (except riding as a fare-paying passenger of a commercial air line flying on regularly scheduled routes between definitely established airports) in which case the liability of the company shall be fixed at a definitely determined amount not less than the full reserve for the policy and any dividend additions; provided that the application therefor need not be attached to or made a part of any policy containing a clause making the policy incontestable from date of issue.
(d) A provision that if it is found at any time before final settlement under the policy that the age of the insured (or the age of the beneficiary, if considered in determining the premium) has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age or ages, according to the company's published rate at date of issue.
(e) A provision that the policy shall participate annually in the surplus of the company beginning not later than the end of the third policy year; and any policy containing provision for annual participation beginning at the end of the first policy year, may also provide that each dividend be paid subject to the payment of the premiums for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation either paid in cash, or applied in reduction of premiums, or applied to the purchase of paid-up additional insurance, or be left to accumulate to the credit of the policy, with interest at such rate as may be determined from time to time by the company, but not less than a guaranteed minimum rate specified in the policy, and payable at the maturity of the policy, but withdrawable on any anniversary date, subject to such further provisions as the policy may provide regarding the application of dividends toward the payment of any premiums unpaid at the end of the grace period; and if the insured fails to notify the company in writing of his election within the period of grace allowed for the payment of premium, the policy shall further provide which of such options are effective.
(f) A provision that after the policy has been in force 3 full years the company at any time,
while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified maximum fixed or adjusted rate of interest in accordance with Section 229.5, a sum equal to, or at the option of the insured less than the amount required by Section 229.3 under the conditions specified thereby and with notification as required by Section 229.5; and that the company will deduct from such loan value any indebtedness not already deducted in determining such value and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; and any policy may also provide that if the interest on the loan is not paid when due it shall be added to the existing loan and shall bear interest at the same rate. No condition other than as provided herein or in Sections 229.3 and 229.5 shall be exacted as a prerequisite to any such loan. This clause shall not apply to term insurance.

(g) A provision for nonforfeiture benefits and cash surrender values in accordance with the requirements of paragraph (1) of Section 229.1 or, Section 229.2.

(h) A table showing in figures the loan values and the options available under the policy each year, upon default in premium payments, during at least the first 20 years of the policy; the policy to contain a provision that the company will furnish upon request an extension of such table beyond the years shown in the policy.

(i) A provision that in event of default in premium payments the value of the policy is applied to the purchase of other insurance as provided in this Section, and if such insurance is in force and the original policy is not surrendered to the company and cancelled, the policy may be reinstated within 3 years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums and the payment or reinstatement of any other indebtedness to the company upon the policy, with interest on the premiums at a rate not exceeding 6% per annum payable annually and with interest on the indebtedness at a rate not exceeding the rate prescribed by Section 229.5.

(j) A provision that when a policy is a claim by the death of the insured settlement shall be made upon receipt of due proof of death and not later than 2 months after the receipt of such proof.

(k) If the policy provides for payment of its proceeds in installments, a table showing the amount and period of such installments shall be included in the policy.

(l) Interest shall accrue on the proceeds payable because of the death of the insured, from date of death, at the rate of 9% on the total amount payable or the face amount if payments are to be made in installments until the total payment or first installment is paid, unless payment is made within fifteen (15) days from the date of receipt by the company of due proof of loss. This provision need not appear in the policy, however, the company shall notify the beneficiary at the time of claim of this provision. The payment of interest shall apply to all policies now in force, as well as those written after the effective date of this amendment.

(m) Title on the face and on the back of the policy briefly describing its form.

(n) A provision, or a notice attached to the policy, to the effect that during a period of ten days from the date the policy is delivered to the policy owner, it may be surrendered to the insurer together with a written request for cancellation of the policy and in such event, the insurer will refund any premium paid therefor, including any policy fees or other charges. The Director may by rule exempt specific types of policies from the requirements of this subsection.

(2) In the case of the replacement of life insurance, as defined in the rule promulgated by the Director, the replacing insurer shall either (1) delay the issuance of its policy for not less than 20 days from the date it has transmitted a policy summary to the existing insurer, or (2) provide in a form titled "Notice Regarding Replacement of Life Insurance", as well as in its policy, or in a separate notice delivered with the policy, that the insured has the right to an unconditional refund of all premiums paid, and that such right may be exercised within a period of 20 days commencing from the date of delivery of such policy. Where option (2) is exercised, the replacing insurer shall also transmit a policy summary to the existing insurer within 3 working days after the date the replacement policy is issued.

(3) Any of the foregoing provisions or portions thereof not applicable to single premium or nonparticipating or term policies shall to that extent not be incorporated therein. This Section shall not apply to policies of reinsurance nor to policies issued or granted pursuant to the nonforfeiture provisions prescribed in subparagraph (g) of paragraph (1) of this Section.

(Source: P.A. 83-598.)

(215 ILCS 5/357.9a) (from Ch. 73, par. 969.9a)
Sec. 357.9a. Delay in payment of claims. Periodic payments of accrued indemnities for loss-of-time coverage under accident and health policies shall commence not later than 30 days after the receipt by the company of the required written proofs of loss. An insurer which violates this Section if liable under said policy, shall pay to the insured, in addition to any other penalty provided for in this Code, interest at the rate of 9% per annum from the 30th day after receipt of such proofs of loss to the date of late payment of the accrued indemnities, provided that interest amounting to less than one dollar need not be paid.

(Source: P.A. 79-792.)

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

PUBLIC ACT 92-0140
(House Bill No. 2556)

AN ACT concerning insurers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Sections 10, 40, 131.20a, 187, and 188 and adding Section 131.20b as follows:

(215 ILCS 5/10) (from Ch. 73, par. 622)

Sec. 10. Directors.
(1) After the date of incorporation, as determined by Section 18, and until the first meeting of shareholders, the incorporators shall have the powers and perform the duties ordinarily possessed and exercised by a board of directors.

(2) Upon the issuance of a certificate of authority to a company organized under this article, the corporate powers shall be exercised by, and its business and affairs shall be under the control of, a board of directors composed of not less than 3 nor more than 21 natural persons who are shareholders, except where the Company is a wholly owned subsidiary, and who are at least 18 years of age and at least 3 of whom are residents and citizens of this State. After June 30, 2002, at least 20%, but not less than one, of the directors of a company that is not subject to Section 131.20b shall be persons who are not officers or employees of the company. A person convicted of a felony may not be a director, and all directors shall be of good character and known professional, administrative, or business ability, such business ability to include a practical knowledge of insurance, finance, or investment. The first board of directors shall be elected at the first meeting of shareholders, and, except as provided in subsection (3) below, all directors shall be elected annually thereafter.

(3) If the board of directors consists of 6 or more members, in lieu of electing the membership of the whole board of directors annually, the articles of incorporation may provide that the directors shall be divided into two or three classes, each class to be as nearly equal in number as is possible. The term of office of directors of the first class shall expire at the first annual meeting of shareholders after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after such classification, a number of directors equal to the number of directors in the class whose terms expire at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there are two classes, or until the third succeeding annual meeting, if there are three classes.

(4) In all elections for directors every shareholder of common shares has the right to vote, in person or by proxy, for the number of common shares owned by him, for as many persons as there are directors to be elected, or to cumulate his shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares equals, or to distribute them on the same principle among as many candidates as he thinks fit, and directors shall not be elected in any other manner.

(5) Meetings of the board of directors, regular or special, may be held either within or without the State. Meetings of the board of directors shall be upon such notice as the by-laws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except
where a director attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting, unless expressly otherwise provided by this Code. Unless specifically prohibited by the articles of incorporation or by-laws, members of the board of directors or of any committee of the board of directors may participate in and act at any meeting of such board or committee through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. Unless specifically prohibited by the articles of incorporation or by-laws, members of the board of directors or of any committee of the board of directors may take action without a meeting, if a consent in writing setting forth the action so taken shall be signed by all of the directors entitled to vote with respect to the subject matter thereof, or by all of the members of such committee, as the case may be. The consent shall be evidenced by one or more written approvals, each of which sets forth the action taken and bears the signature of one or more directors or committee members. All approvals evidencing the consent shall be filed in the company's corporate records. The action taken shall be effective when all of the directors, or members of the committee, have approved the consent unless the consent specifies a different effective date.

(6) If the number of directors provided for in the articles of incorporation be indefinite, the number of directors to be elected, within the minimum and maximum limits set forth in paragraph (2), shall be as provided in the by-laws. The number of directors may be increased or decreased from time to time by amendment to the by-laws. The by-laws may establish a variable range for the size of the board by prescribing a minimum and maximum number of directors. The maximum may not exceed the minimum by more than 5. If a variable range is established, the number of directors may be fixed or changed from time to time, within the minimum and maximum, by the directors or the shareholders without further amendment to the by-laws.

(7) (a) A company may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the company) by reason of the fact that he or she is or was a director, officer, employee or agent, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to the best interests of the company, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the company or, with respect to any criminal action or proceeding, that the person had reasonable cause to believe that his or her conduct was unlawful.

(b) A company may indemnify any person who was or is a party, or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the company to procure a judgment in its favor by reason of the fact that such person is or was a director, officer, employee or agent of the company, or is or was serving at the request of the company as a director, officer, employee or agent of another company, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit, if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to the best interests of the company, provided that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the company, unless, and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expenses as the court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a company has been successful,
on the merits or otherwise, in the defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the company only as authorized in the specific case, upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or even if obtainable, if a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the company in advance of the final disposition of such action, suit or proceeding, as authorized by the board of directors in the specific case, upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount, unless it shall ultimately be determined that he or she is entitled to be indemnified by the company as authorized in this Section.

(f) The indemnification provided by this Section shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any by-law, agreement, vote of shareholders or disinterested directors, or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent, and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A company may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the company, or who is or was serving at the request of the company as a director, officer, employee or agent of another company, partnership, joint venture, trust or other enterprise, against any liability asserted against such person and incurred by such person in any such capacity, or arising out of his or her status as such, whether or not the company would have the power to indemnify such person against such liability under the provisions of this Section.

(h) If a company has paid indemnification or has advanced expenses to a director, officer, employee or agent, the company shall report the indemnification or advance in writing to the shareholders with or before the notice of the next shareholders meeting.

(i) For purposes of this Section, references to "the company" shall include, in addition to the surviving company, any merging company (including any company having merged with a merging company) absorbed in a merger which, if its separate existence had continued, would have had the power and authority to indemnify its directors, officers, and employees or agents, so that any person who was a director, officer, employee or agent of such merging company, or was serving at the request of such merging company as a director, officer, employee or agent of another company, partnership, joint venture, trust or other enterprise, shall stand in the same position under the provisions of this Section with respect to the surviving company as such person would have with respect to such merging company if its separate existence had continued.

(j) For purposes of this Section, references to "other enterprises" shall include employee benefit plans; references to "fines" shall include any excise taxes assessed on a person with respect to any employee benefit plan; and references to "serving at the request of the company" shall include any service as a director, officer, employee or agent of the company which imposes duties on, or involves services by such director, officer, employee, or agent with respect to any employee benefit plan, its participants, or beneficiaries. A person who acted in good faith and in a manner he or she reasonably believed to be in the best interests of the participants and beneficiaries of any employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interest of the company" as referred to in this Section.

(Source: P.A. 88-648, eff. 9-16-94.)

(215 ILCS 5/40) (from Ch. 73, par. 652)
Sec. 40. Directors or trustees.
(1) After the date of incorporation, as determined by Section 48, and until the first meeting of the members, the incorporators shall have the powers and perform the duties ordinarily possessed

New matter indicated by italics - deletions by strikeout.
and exercised by a board of directors.

(2) Upon the issuance of a certificate of authority to a company organized under this Article, the corporate powers shall be exercised by, and its business and affairs shall be under the control of, a board of directors or trustees composed of not less than 3 nor more than 21 natural persons who are members and who are at least 18 years of age and at least 3 of whom are residents and citizens of this State. After June 30, 2002, at least 20%, but not less than one, of the directors of a company that is not subject to Section 131.20b shall be persons who are not officers or employees of the company. A person convicted of a felony may not be a director, and all directors shall be of good character and known professional, administrative, or business ability, such business ability to include a practical knowledge of insurance, finance, or investment. The first board of directors or trustees shall be elected at the first meeting of the members, and all directors or trustees shall be elected annually thereafter, except only as provided in subsection (3).

(3) The articles of incorporation may provide for the division of the board into classes, as nearly equal in number as possible, and fix the term of office for each class, but no term shall be for more than 3 years.

(4) Meetings of the board of directors or trustees, regular or special, may be held either within or without the State. Meetings of the board of directors or trustees shall be upon such notice as the by-laws may prescribe. Attendance of a director or trustee at any meeting shall constitute a waiver of notice of such meeting except where a director or trustee attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or trustees need be specified in the notice or waiver of notice of such meeting, unless expressly otherwise provided by this Code. Unless specifically prohibited by the articles of incorporation or by-laws, members of the board of directors or of any committee of the board of directors may participate in and act at any meeting of such board or committee through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. Unless specifically prohibited by the articles of incorporation or by-laws, members of the board of directors or of any committee of the board of directors may take action without a meeting, if a consent in writing setting forth the action so taken shall be signed by all of the directors or committee members. The consent shall be evidenced by one or more written approvals, each of which sets forth the action taken and bears the signature of one or more directors or committee members. All approvals evidencing the consent shall be filed in the company's corporate records. The action taken shall be effective when all of the directors, or members of the committee, have approved the consent unless the consent specifies a different effective date.

(5) A company may indemnify any person in conformance with subsection (7) of Section 10.

(Source: P.A. 86-632.)

(215 ILCS 5/131.20a) (from Ch. 73, par. 743.20a)

Sec. 131.20a. Prior notification of transactions; dividends and distributions.

(1) (a) The following transactions between a domestic company and any person in its holding company system may not be entered into unless the company has notified the Director in writing of its intention to enter into such transaction at least 30 days prior thereto, or such shorter period as the Director may permit, and the Director has not disapproved it within such period:

(i) Sales, purchases, exchanges of assets, loans or extensions of credit, guarantees, investments, or any other transaction (A) that involves the transfer of assets from or liabilities to a company equal to or exceeding the lesser of 3% of the company's admitted assets or 25% of its surplus as regards policyholders as of the 31st day of December next preceding or (B) that is proposed when the domestic company is not eligible to declare and pay a dividend or other distribution pursuant to the provisions of Section 27.

(ii) Loans or extensions of credit to any person that is not an affiliate (A) that involves the lesser of 3% of the company's admitted assets or 25% of the company's surplus, each as of the 31st day of December next preceding, made with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be

New matter indicated by italics - deletions by strikeout.
used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the company making such loans or extensions of credit or (B) that are proposed when the domestic company is not eligible to declare and pay a dividend or other distribution pursuant to the provisions of Section 27.

(iii) Reinsurance agreements or modifications thereto, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of those assets will be transferred to one or more affiliates of the insurer.

(iv) All management agreements, service contracts, cost-sharing arrangements, and any other contracts providing for the rendering of services on a regular systematic basis.

(v) Any series of the previously described transactions that are substantially similar to each other, that take place within any 180 day period, and that in total are equal to or exceed the lesser of 3% of the domestic insurer's admitted assets or 25% of its policyholders surplus, as of the 31st day of the December next preceding.

(vi) Any other material transaction that the Director by rule determines might render the company's surplus as regards policyholders unreasonable in relation to the company's outstanding liabilities and inadequate to its financial needs or may otherwise adversely affect the interests of the company's policyholders or shareholders.

Nothing herein contained shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

(b) Any transaction or contract otherwise described in paragraph (a) of this subsection that is between a domestic insurer and any person that is not its affiliate and that precedes or follows within 180 days or is concurrent with a similar transaction between that nonaffiliate and an affiliate of the domestic company and that involves amounts that are equal to or exceed the lesser of 3% of the domestic insurer's admitted assets or 25% of its surplus as regards policyholders at the end of the prior year may not be entered into unless the company has notified the Director in writing of its intention to enter into the transaction at least 30 days prior thereto or such shorter period as the Director may permit, and the Director has not disapproved it within such period.

(c) A company may not enter into transactions which are part of a plan or series of like transactions with any person within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the Director determines that such separate transactions were entered into for such purpose, he may exercise his authority under subsection (2) of Section 131.24.

(d) The Director, in reviewing transactions pursuant to paragraph (a), shall consider whether the transactions comply with the standards set forth in Section 131.20 and whether they may adversely affect the interests of policyholders.

(e) The Director shall be notified within 30 days of any investment of the domestic insurer in any one corporation if the total investment in that corporation by the insurance holding company system exceeds 10% of that corporation's voting securities.

(f) Except for those transactions subject to approval under other Sections of this Code, any such transaction or agreements which are not disapproved by the Director may be effective as of the date set forth in the notice required under this Section.

(g) If a domestic insurer enters into a transaction described in this subsection without having given the required notification, the Director may cause the insurer to pay a civil forfeiture of not more than $250,000. Each transaction so entered shall be considered a separate offense.

(2) No domestic company subject to registration under Section 131.13 may pay any extraordinary dividend or make any other extraordinary distribution to its securityholders until: (a) 30 days after the Director has received notice of the declaration thereof and has not within such period disapproved the payment, or (b) the Director approves such payment within the 30-day period. For purposes of this subsection, an extraordinary dividend or distribution is any dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions, made within the period of 12 consecutive months ending on the date on which the proposed dividend is scheduled for payment or distribution exceeds the greater of: (a) 10% of the company's surplus as regards policyholders as of the 31st day of December next preceding, or (b) the
net income of the company for the 12-month period ending the 31st day of December next preceding, but does not include pro rata distributions of any class of the company's own securities.

Notwithstanding any other provision of law, the company may declare an extraordinary dividend or distribution which is conditional upon the Director's approval, and such a declaration confers no rights upon security holders until: (a) the Director has approved the payment of the dividend or distribution, or (b) the Director has not disapproved the payment within the 30-day period referred to above.

(Source: P.A. 90-655, eff. 7-30-98.)

(215 ILCS 5/131.20b new)

Sec. 131.20b. Controlled insurers; management; directors.

(1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with Article VIII 1/2 of this Code.

(2) Nothing in this Section shall preclude a domestic insurer from having or sharing a common management or a cooperative or joint use of personnel, property, or services with one or more affiliated persons under arrangements meeting the standards and requirements of Sections 131.20 and 131.20a.

(3) After June 30, 2002, not less than one-third of the directors of a domestic insurer that is a member of an insurance holding company system shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. At least one such person shall be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof.

(4) Subsection (3) of this Section does not apply to a domestic insurer if the entity controlling the insurer, whether directly or through an intermediate subsidiary, has a board of directors composed in accordance with that subsection.

(5) Subsection (3) of this Section does not apply to a domestic insurer if the ultimate controlling party of the domestic insurer is a corporation whose equity securities or equivalent instruments are listed on the New York Stock Exchange.

(215 ILCS 5/187) (from Ch. 73, par. 799)

Sec. 187. Scope of Article.

(1) This Article shall apply to every corporation, association, society, order, firm, company, partnership, individual, and aggregation of individuals to which any Article of this Code is applicable, or which is subject to examination, visitation or supervision by the Director under any provision of this Code or under any law of this State, or which is engaging in or proposing or attempting to engage in or is representing that it is doing an insurance or surety business, or is undertaking or proposing or attempting to undertake to provide or arrange for health care services as a health care plan as defined in subsection (7) of Section 1-2 of the Health Maintenance Organization Act, including the exchanging of reciprocal or inter-insurance contracts between individuals, partnerships and corporations in this State, or which is in the process of organization for the purpose of doing or attempting or intending to do such business, anything as to any such corporation, association, society, order, firm, company, partnership, individual or aggregation of individuals provided in this Code or elsewhere in the laws of this State to the contrary notwithstanding.

(2) The word "company" as used in this Article includes all of the corporations, associations, societies, orders, firms, companies, partnerships, and individuals specified in subsections subsection (1), (4), and (5) of this Section and agents, managing general agents, brokers, premium finance companies, insurance holding companies, and all other non-risk bearing entities or persons engaged in any aspect of the business of insurance on behalf of an insurer against which a receivership proceeding has been or is being filed under this Article, including, but not limited to, entities or persons that provide management, administrative, accounting, data processing, marketing, underwriting, claims handling, or any other similar services to that insurer, whether or not those entities are licensed to engage in the business of insurance in Illinois, if the entity or person is an affiliate of that insurer. The word "assets" as used in this Article includes all deposits and funds of a special or trust nature.
(3) The word "court" shall mean the court before which the conservation, rehabilitation, or liquidation proceeding of the company is pending, or the judge presiding in such proceedings.

(4) The word "affiliate" as used in this Article means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the person specified.

(5) The word "person" as used in this Article means an individual, an aggregation of individuals, a partnership, or a corporation.

(6) The word "assets" as used in this Article includes all deposits and funds of a special or trust nature.

(7) The words "receivership proceedings" mean any conservation, rehabilitation, liquidation, or ancillary receivership.

(Source: P.A. 87-1012.)

(215 ILCS 5/188) (from Ch. 73, par. 800)

Sec. 188. Grounds for rehabilitation and liquidation of a domestic company or an unauthorized foreign or alien company. Whenever any domestic company or any unauthorized foreign or alien company:

1. is insolvent;
2. has failed or refused to submit its books, papers, accounts, records or affairs to the reasonable inspection or examination of the Director or his actuaries, supervisors, deputies, or examiners;
3. has concealed, removed, altered, destroyed or failed to establish and maintain books, records, documents, accounts, vouchers and other pertinent material adequate for the determination of its financial condition by examination under Sections 132 through 132.7 or has failed to properly administer claims and to maintain claims records which are adequate for the determination of its outstanding claims liability;
4. has failed or refused to observe an order of the Director to make good within the time prescribed by law any deficiency, whenever its capital and minimum required surplus, if a stock company, or its required surplus, if a company other than stock, has become impaired;
5. has, by articles of consolidation, contract of reinsurance or otherwise, transferred or attempted to transfer its entire property or business not in conformity with this Code, or entered into any transaction the effect of which is to merge substantially its entire property or business in any other company without having first obtained the written approval of the Director under this Code;
6. is found to be in such condition that its further transaction of business would be hazardous to its policyholders, or to its creditors, or to the public;
7. has violated its charter or any law of this State or has exceeded or is exceeding its corporate powers;
8. has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;
9. is found to be in such condition that it could not meet the requirements for organization and authorization as required by law, except as to the amount of the original surplus required of a stock company in Section 13, and except as to the amount of the surplus required of a mutual company in excess of the minimum surplus required by this Code to be maintained, or either an authorized control level event or a mandatory control level event as set forth in Article IIA exists;
10. has ceased for the period of one year to transact insurance business;
11. has commenced, or has attempted to commence, any voluntary liquidation or dissolution proceeding, or any proceeding to procure the appointment of a receiver, liquidator, rehabilitator, sequestrator, or a similar officer for itself;
12. is a party, whether plaintiff or defendant in any proceeding in which an application is made for the appointment of a receiver, custodian, liquidator, rehabilitator, sequestrator, or a similar officer for such company or its property, or a receiver, custodian, liquidator, rehabilitator, sequestrator or similar officer, for such company or its property is appointed by any court, or such appointment is imminent;
13. consents by a majority of its directors, stockholders or members;

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14. has not organized and obtained a certificate authorizing it to commence the
transaction of its business within the period of time prescribed by the sections of this Code
under which it is or proposes to be organized; or
15. has failed or refused to pay any valid final judgment within 30 days after the rendition
thereof, or whenever it appears to the Director that any person has committed a violation of
Article VIII 1/2 with the result described in Section 131.26,
sufficient grounds shall be deemed to exist for the commencement of rehabilitation or liquidation
proceedings.

With respect to a domestic company, the Director must report, and with respect to an
unauthorized foreign or alien company, the Director may report any such case to the Attorney General
of this State whose duty it shall be to apply forthwith by complaint on relation of the Director in the
name of the People of the State of Illinois, as plaintiff, to the Circuit Court of Cook County, the
Circuit Court of Sangamon County, or the circuit court of the county in which such company has, or
last had its principal office, for an order to rehabilitate or liquidate the defendant company as provided
in this Article, and for such other relief as the nature of the case and the interests of its policyholders,
creditors, members, stockholders or the public may require.

When, upon investigation, the Director finds that a company is engaged in any aspect of the
business of insurance on behalf of or in association with any domestic insurance company, against
which a receivership proceeding has been or is being filed under this Article, the controlling interest
of any domestic insurance company has been acquired by another corporation and that the purchasing
corporation is operating the acquired company in a manner that appears to be detrimental to
policyholders, creditors, members, shareholders, or the interests of the persons insured, minority
shareholders and the general public, the Director may after notice and hearing under Article XXIV
issue an order stating such finding and report such case to the Attorney General of this State,
whose duty it is to apply forthwith by complaint on relation of the Director in the name of the People of the
State of Illinois, as plaintiff, to the Circuit Court of Cook County, the Circuit Court of Sangamon
County, or the circuit court in which the receivership proceeding is pending in which such
acquired or controlled company has, or last had its principal office, for an order to appoint the Director
as receiver to assume control of the assets and operation of the company pending a complete
investigation and determination of the rights of the policyholders, creditors, members, shareholders,
and the general public.

(Source: P.A. 88-364; 89-97, eff. 7-7-95; 89-206, eff. 7-21-95; 89-626, eff. 8-9-96.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 3-1
and adding Section 2-10 as follows:
(215 ILCS 125/2-10 new)
Sec. 2-10. Directors.
(a) After June 30, 2002, the corporate powers for domestic organizations issued a certificate
of authority under this Act must be exercised by, and its business and affairs must be under the control
of, a board of directors composed of not less than 3 nor more than 21 natural persons who are at least
18 years of age. At least 3 of the directors must be residents and citizens of this State. A person
convicted of a felony may not be a director. A director must be of good character and known
professional, administrative, or business ability. The requisite ability must include a practical
knowledge of managed health care, insurance, finance, or investment.
(b) After June 30, 2002, not less than one-third of the directors of a domestic organization
that is not a controlled insurer for purposes of Section 131.20b of the Illinois Insurance Code must
be persons who are not officers or employees of the organization. At least one of those persons must
be included in any quorum for the transaction of business at any meeting of the board of directors or
any committee thereof.
(215 ILCS 125/3-1) (from Ch. 111 1/2, par. 1407.3)
Sec. 3-1. Investment Regulations.
(a) Any health maintenance organization may invest its funds as provided in this Section and
not otherwise. A health maintenance organization that is organized as an insurance company may also
acquire the investment assets authorized for an insurance company pursuant to the laws applicable to
an insurance company in the organization's state of domicile. Notwithstanding the provisions of this
Section, the Director may, after notice and hearing, order an organization to limit or withdraw from

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certain investments, or discontinue certain investment practices, to the extent the Director finds that such investments or investment practices are hazardous to the financial condition of the organization.

(b) No investment or loan shall be made or engaged in by any health maintenance organization unless the same have been authorized or ratified by the board of directors or by a committee thereof charged with the duty of supervising investments and loans. Nothing contained in this subsection shall prevent the board of directors of any such organization from depositing any of its securities with a committee appointed for the purpose of protecting the interest of security holders or with the authorities of any state where it is necessary to do so in order to secure permission to transact its appropriate business therein, and nothing contained in this subsection shall prevent the board of directors of such organization from depositing any securities as collateral for the securing of any bond required for the business of the organization.

(c) No health maintenance organization shall pay any commission or brokerage for the purchase or sale of property whether real or personal, in excess of that usual and customary at the time and in the locality where such purchases or sales are made, and information regarding payments of commissions and brokerage shall be maintained.

(d) A health maintenance organization may not directly or indirectly, unless it has notified the Director in writing of its intention to enter into the transaction at least 30 days prior thereto, or any shorter period as the Director may permit, and the Director has not disapproved it within that period:

(1) make a loan to or other investment in an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest;

(2) make a guarantee for the benefit of or in favor of an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest; or

(3) enter into an agreement for the purchase or sale of property from or to an officer or director of the organization or a person in which the officer or director has any direct or indirect financial interest.

For the purposes of this Section, an officer or director shall not be deemed to have a financial interest by reason of an interest that is held directly or indirectly through the ownership of equity interests representing less than 2% of all outstanding equity interests issued by a person that is a party to the transaction, or solely by reason of that individual's position as a director or officer of a person that is a party to the transaction.

This subsection does not apply to a transaction between an organization and any of its subsidiaries or affiliates that is entered into in compliance with Section 131.20a of the Illinois Insurance Code, other than a transaction between an insurer and its officer or director.

No such Health Maintenance Organization shall knowingly invest in or loan upon any property, directly or indirectly, whether real or personal, in which any officer or director of such organization has a financial interest, nor shall any such organization make a loan of any kind to any officer or director of such organization, except that this subsection shall not apply in circumstances where the financial interest of such officer or director is only nominal, trifling or so remote as not to give rise to a conflict of interest. In any case, the Director may approve a transaction between such organization and its officers or directors under this subsection if he is satisfied that (i) the transaction is entered into in good faith for the advantage and benefit of the organization, (ii) the amount of the proposed investment or loan does not violate any other provision of this Section nor exceed the reasonable, normal value of the property or the interest which the organization proposes to acquire; and that the transaction is otherwise fair and reasonable; and (iii) the transaction will not adversely affect, to any substantial degree, the liquidity of the organization's investment or its ability thereafter to comply with requirements of this Act or the payment of its claims and obligations.

(e) In applying the percentage limitations imposed by this Section there shall be used as a base the total of all assets which would be admitted by this Section without regard to percentage limitations. All legal measurements used as a base in the determination of all investment qualifications shall consist of the amounts determined at the most recent year end adjusted for subsequent acquisition and disposition of investments.

(f) Valuation of investments. Investments shall be valued in accordance with the published valuation standards of the National Association of Insurance Commissioners. Securities investments...
as to which the National Association of Insurance Commissioners has not published valuation
standards in its Valuations of Securities manual or its successor publication shall be valued as follows:

(1) All obligations having a fixed term and rate shall, if not in default as to principal or
interest, be valued as follows: if purchased at par, at the par value; if purchased above or below par,
on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield
in the meantime the effective rate of interest at which the purchase was made;

(2) Common, preferred or guaranteed stocks shall be valued at market value.

(3) Other security investments shall be valued in accordance with regulations promulgated
by the Director pursuant to paragraph (6) of this subsection.

(4) Other investments, including real property, shall be valued in accordance with regulations
promulgated by the Director pursuant to paragraph (6) of this subsection, but in no event shall such
other investments be valued at more than the purchase price. The purchase price for real property
includes capitalized permanent improvements, less depreciation spread evenly over the life of the
property or, at the option of the company, less depreciation computed on any basis permitted under
the Internal Revenue Code and regulations thereunder. Such investments that have been affected by
permanent declines in value shall be valued at not more than market value.

(5) Any investment, including real property, not purchased by the Health Maintenance
Organization but acquired in satisfaction of a debt or otherwise shall be valued in accordance with the
applicable procedures for that type of investment contained in this subsection. For purposes of
applying the valuation procedures, the purchase price shall be deemed to be the market value at the
time the investment is acquired or, in the case of any investment acquired in satisfaction of debt, the
amount of the debt, including interest, taxes and expenses, whichever amount is less.

(6) The Director shall promulgate rules and regulations for determining and calculating values
to be used in financial statements submitted to the Department for investments.

(g) Definitions. As used in this Section, unless the context otherwise requires.

(1) "Business Corporation" means corporations organized for other than not for profit
purposes.

(2) "Business Entity" includes sole proprietorships, corporations, associations, partnerships
and business trusts.

(3) "Bank or Trust Company" means any bank or trust company organized under the laws of
the United States or any State thereof if said bank or trust company is regularly examined pursuant
to such laws and said bank or trust company has the insurance protection afforded by an agency of
the United States government.

(4) "Capital" means capital stock paid-up, if any, and its use in a provision does not imply that
a non-profit Health Maintenance Organization without stated capital stock is excluded from the
 provision. The capital of such an organization will be zero.

(5) "Direct" when used in connection with "obligation" means that the designated obligor shall
be primarily liable on the instrument representing the obligation.

(6) "Facility" means and includes real estate and any and all forms of tangible personal
property and services used constituting an operating unit.

(7) "Guaranteed or insured" means that the guarantor or insurer will perform or insure the
obligation of the obligor or will purchase the obligation to the extent of the guaranty or insurance.

(8) "Mortgage" shall include a trust deed or other lien on real property securing an obligation
for the payment of money.

(9) "Servicer" means a business entity that has a contractual obligation to service a pool of
mortgage loans. The service provided shall include, but is not limited to, collection of principal and
interest, keeping the accounts current, maintaining or confirming in force hazard insurance and tax
status and providing supportive accounting services.

(10) "Single credit risk" means the direct, guaranteed or insured obligations of any one
business entity including affiliates thereof.

(11) "Surplus" means the amount properly shown as total net worth on a company's balance
sheet, plus all voluntary reserves, but not including capital paid-up.

(12) "Tangible net worth" means the par value of all issued and outstanding capital stock of
a corporation (or in the case of shares having no par value, the stated value) and the amounts of all
surplus accounts less the sum of (a) such intangible assets as deferred charges, organization and
development expense, discount and expense incurred in securing capital, good will, trade-marks, trade-names and patents, (b) leasehold improvements, and (c) any reserves carried by the corporation and not otherwise deducted from assets.

(13) "Unconditional" when used in connection with "obligation" means that nothing remains to be done or to occur to make the designated obligor liable on the instrument, and that the legal holder shall have the status at least equal to that of general creditor of the obligor.

(h) Authorized investments. Any Health Maintenance Organization, except those organized as an insurance company, may acquire the assets set forth in paragraphs 1 through 17, inclusive. A Health Maintenance Organization that is organized as an insurance company may acquire the investment assets authorized for an insurance company pursuant to the laws applicable to an insurance company in the organization's state of domicile. Any restriction, exclusion or provision appearing in any paragraph shall apply only with respect to the authorization of the particular paragraph in which it appears and shall not constitute a general prohibition and shall not be applicable to any other paragraph. The qualifications or disqualifications of an investment under one paragraph shall not prevent its qualification in whole or in part under another paragraph, and an investment authorized by more than one paragraph may be held under whichever authorizing paragraph the organization elects. An investment which qualified under any paragraph at the time it was acquired or entered into by an organization shall continue to be qualified under that paragraph. An investment in whole or in part may be transferred from time to time, at the election of the organization, to the authority of any paragraph under which it qualifies, whether originally qualifying thereunder or not.

(1) Direct obligations of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by the United States.

(2) Direct obligations for the payment of money, issued by an agency or instrumentality of the United States, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by an agency or instrumentality of the United States.

(3) Direct, general obligations of any state of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by any state of the United States, on the following conditions:

(i) Such state has the power to levy taxes for the prompt payment of the principal and interest of such obligations; and

(ii) Such state shall not be in default in the payment of principal or interest on any of its direct, guaranteed or insured obligations at the date of such investment.

(4) Direct, general obligations of any political subdivision of any state of the United States for the payment of money, or obligations for the payment of money to the extent guaranteed as to the payment of principal and interest by any political subdivision of any state of the United States, on the following conditions:

(i) The obligations are payable or guaranteed from ad valorem taxes;

(ii) Such political subdivision is not in default in the payment of principal or interest on any of its direct or guaranteed obligations;

(iii) No investment shall be made under this paragraph in obligations which are secured only by special assessments for local improvements; and

(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in obligations issued or guaranteed by any one such political subdivision.

(5) Anticipation obligations of any political subdivision of any state of the United States, including but not limited to bond anticipation notes, tax anticipation notes and construction anticipation notes, for the payment of money within 12 months from the issuance of the obligation, on the following conditions:

(i) Such anticipation notes must be a direct obligation of the issuer under conditions set forth in paragraph 4;

(ii) Such political subdivision is not in default in the payment of principal or interest on any of its direct general obligations or any obligation guaranteed by such political subdivision;

(iii) The anticipated funds must be specifically pledged to secure the obligation;

(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in the anticipation obligations issued by any one such political subdivision.
(6) Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any one or more of the foregoing, for the payment of money, on the following conditions:

(i) The obligations are payable from revenues or earnings of a public utility of such state, political subdivision, or public instrumentality which are specifically pledged therefor;

(ii) The law under which the obligations are issued requires such rates for service shall be charged and collected at all times that they will produce sufficient revenue or earnings together with any other revenues or moneys pledged to pay all operating and maintenance charges of the public utility and all principal and interest on such obligations;

(iii) No prior or parity obligations payable from the revenues or earnings of that public utility are in default at the date of such investment;

(iv) An organization shall not invest more than 20% of its admitted assets under this paragraph; and

(v) An organization shall not invest under this Section more than 2% of its admitted assets in the revenue obligations issued in connection with any one facility.

(7) Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any of the foregoing, for the payment of money, on the following conditions:

(i) The obligations are payable from revenues or earnings, excluding revenues or earnings from public utilities, specifically pledged therefor by such state, political subdivision or public instrumentality;

(ii) No prior or parity obligation of the same issuer payable from revenues or earnings from the same source has been in default as to principal or interest during the 5 years next preceding the date of such investment, but such issuer need not have been in existence for that period, and obligations acquired under this paragraph may be newly issued;

(iii) An organization shall not invest in excess of 20% of its admitted assets under this paragraph; and

(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in revenue obligations issued in connection with any one facility;

(v) An organization shall not invest under this paragraph more than 2% of its admitted assets in revenue obligations payable from revenue or earnings sources which are the contractual responsibility of any one single credit risk.

(8) Direct, unconditional obligations of a solvent business corporation for the payment of money, including obligations to pay rent for equipment used in its business or obligations for the payment of money to the extent guaranteed or insured as to the payment of principal and interest by any solvent business corporation, on the following conditions:

(i) The corporation shall be incorporated under the laws of the United States or any state of the United States;

(ii) The corporation shall have tangible net worth of not less than $1,000,000;

(iii) No such obligation, guarantee or insurance of the corporation has been in default as to principal or interest during the 5 years preceding the date of investment, but the corporation need not have had obligations guarantees or insurance outstanding during that period and need not have been in existence for that period, and obligations acquired under this paragraph may be newly issued;

(iv) An organization shall not invest more than 2% of its admitted assets in obligations issued, guaranteed or insured by any one such corporation;

(v) An organization may invest under this paragraph up to an additional 2% of its admitted assets in obligations which (i) are issued, guaranteed or insured by any one or more such corporations, each having a tangible net worth of not less than $25,000,000 and (ii) mature within 12 months from the date of acquisition;

(vi) An organization may invest not more than 1/2 of 1% of its admitted assets in such obligations of corporations which do not meet the condition of subparagraph (ii) of this paragraph; and

(vii) An organization shall not invest more than 75% of its admitted assets under this paragraph.

(9) Direct, unconditional obligations for the payment of money issued or obligations for the payment of money to the extent guaranteed as to principal and interest by a solvent not for profit
corporation, on the following conditions:

(i) The corporation shall be incorporated under the laws of the United States or of any state of the United States;
(ii) The corporation shall have been in existence for at least 5 years and shall have assets of at least $2,000,000;
(iii) Revenues or other income from such assets and the services or commodities dispensed by the corporation shall be pledged for the payment of the obligations or guarantees;
(iv) No such obligation or guarantee of the corporation has been in default as to principal or interest during the 5 years next preceding the date of such investment, but the corporation need not have had obligations or guarantees outstanding during that period and obligations which are acquired under this paragraph may be newly issued;
(v) An organization shall not invest more than 15% of its admitted assets under this paragraph; and
(vi) An organization shall not invest under this paragraph more than 2% of its admitted assets in the obligations issued or guaranteed by any one such corporation.

(10) Direct, unconditional nondemand obligations for the payment of money issued by a solvent bank, mutual savings bank or trust company on the following conditions:
(i) The bank, mutual savings bank or trust company shall be incorporated under the laws of the United States, or of any state of the United States;
(ii) The bank, mutual savings bank or trust company shall have tangible net worth of not less than $1,000,000;
(iii) Such obligations must be of the type which are insured by an agency of the United States or have a maturity of no more than 1 day;
(iv) An organization shall not invest under this paragraph more than the amount which is fully insured by an agency of the United States plus 2% of its admitted assets in nondemand obligations issued by any one such financial institution; and
(v) An organization may invest under this paragraph up to an additional 8% of its admitted assets in nondemand obligations which (1) are issued by any such banks, mutual savings banks or trust companies, each having a tangible net worth of not less than $25,000,000 and (2) mature within 12 months from the date of acquisition.

(11) Preferred or guaranteed stocks issued or guaranteed by a solvent business corporation incorporated under the laws of the United States or any state of the United States, on the following conditions:

(i) The corporation shall have tangible net worth of not less than $1,000,000;
(ii) If such stocks have been outstanding prior to purchase, an organization shall not invest under this paragraph in such stock if prescribed current or cumulative dividends are in arrears;
(iii) An organization shall not invest more than 33 1/3% of its admitted assets under this paragraph in stocks which, at the time of purchase, are not Sinking Fund Stocks. An issue of preferred or guaranteed stock shall be a Sinking Fund Stock when (1) such issue is subject to a 100% mandatory sinking fund or similar arrangement which will provide for the redemption of the entire issue over a period not longer than 40 years from the date of issue; (2) annual mandatory sinking fund installments on each issue commence not more than 10 years from the date of issue; and (3) each annual sinking fund installment provides for the purchase or redemption of at least 2 1/2% of the original number of shares of such issue; and
(iv) An organization shall not invest under this paragraph more than 2% of its admitted assets in the preferred or guaranteed stocks of any one such corporation.

(12) Common stock issued by any solvent business corporation incorporated under the laws of the United States, or of any state of the United States, on the following conditions:
(i) The issuing corporation must have tangible net worth of $1,000,000 or more;
(ii) An organization may not invest more than an amount equal to its net worth under this paragraph; and
(iii) An organization may not invest under this paragraph an amount equal to more than 10% of its net worth in the common stock of any one corporation.

(13) Shares of common stock or units of beneficial interest issued by any solvent business
corporation or trust incorporated or organized under the laws of the United States, or of any state of the United States, on the following conditions:

(i) If the issuing corporation or trust is advised by an investment advisor which is the organization or an affiliate of the organization, the issuing corporation or trust shall have net assets of $100,000 or more, or if the issuing corporation or trust has an unaffiliated investment advisor, the issuing corporation or trust shall have net assets of $10,000,000 or more;

(ii) The issuing corporation or trust is registered as an investment company with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended;

(iii) An organization shall not invest under this paragraph more than the greater of $100,000 or 10% of its admitted assets in any one bond fund, municipal bond fund or money market fund;

(iv) An organization shall not invest under this paragraph more than 10% of its net worth in any one common stock fund, balanced fund or income fund;

(v) An organization shall not invest more than 50% of its admitted assets in bond funds, municipal bond funds and money market funds under this paragraph; and

(vi) An organization's investments in common stock funds, balanced funds or income funds when combined with its investments in common stocks made under paragraph (12) shall not exceed the aggregate limitation provided by subparagraph (ii) of paragraph (12).

(14) Shares of, or accounts or deposits with savings and loan associations or building and loan associations, on the following conditions:

(i) The shares, accounts, or deposits, or investments in any form legally issuable shall be of a withdrawable type and issued by an association which has the insurance protection afforded by the Federal Savings and Loan Insurance Corporation; but nonwithdrawable accounts which are not eligible for insurance by the Federal Savings and Loan Insurance Corporation shall not be eligible for investment under this paragraph;

(ii) The association shall have tangible net worth of not less than $1,000,000;

(iii) The investment shall be in the name of and owned by the organization, unless the account is under a trusteeship with the organization named as the beneficiary;

(iv) An organization shall not invest more than 50% of its admitted assets under this paragraph; and

(v) Under this paragraph, an organization shall not invest in any one such association an amount in excess of 2% of its admitted assets or an amount which is fully insured by the Federal Savings and Loan Insurance Corporation, whichever is greater.

(15) Direct, unconditional obligations for the payment of money secured by the pledge of any investment which is authorized by any of the preceding paragraphs, on the following conditions:

(i) The investment pledged shall by its terms be legally assignable and shall be validly assigned to the organization;

(ii) The investment pledged shall have a fair market value which is at least 25% greater than the amount invested under this paragraph, except that a loan may be made up to 100% of the full fair market value of collateral that would qualify as an investment under paragraph (1) provided it qualifies under condition (i) of this paragraph; and

(iii) An organization's investment under this paragraph when added to its investment of the category of the collateral pledged shall not cause the sum to exceed the limits provided by the paragraph authorizing that category of investments.

(16) Real estate (including leasehold estates and leasehold improvements) for the convenient accommodation of the organization's business operations, including home office, branch office, medical facilities and field office operations, on the following conditions:

(i) Any parcel of real estate acquired under this paragraph may include excess space for rent to others, if it is reasonably anticipated that such excess will be required by the organization for expansion or if the excess is reasonably required in order to have one or more buildings that will function as an economic unit;

(ii) Such real estate may be subject to a mortgage; and

(iii) The greater of the admitted value of the asset as determined by subsection (f) or the organization's equity plus all encumbrances on such real estate owned by a company under this paragraph shall not exceed 20% of its admitted assets, except with the permission of the Director if he finds that such percentage of its admitted assets is insufficient to provide convenient

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accommodation for the company's business; provided, however, an organization that directly provides medical services may invest an additional 20% of its admitted assets in such real estate, not requiring the permission of the Director.

(17) Any investments of any kind, in the complete discretion of the organization, without regard to any condition of, restriction in, or exclusion from paragraphs (1) to (16), inclusive, and regardless of whether the same or a similar type of investment has been included in or omitted from any such paragraph, on the following condition:

(a) An organization shall not invest under this paragraph more than the lesser of (i) 10% of its admitted assets, or (ii) 50% of the amount by which its net worth exceeds the minimum requirements of a new health maintenance organization to qualify for a certificate of authority.

(Source: P.A. 90-655, eff. 7-30-98.)

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

PUBLIC ACT 92-0141
(House Bill No. 3054)

AN ACT concerning death registrations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Vital Records Act is amended by adding Section 18.5 and changing Sections 25 and 25.5 as follows:

(410 ILCS 535/18.5 new)
Sec. 18.5. Electronic reporting system for death registrations. The State Registrar may facilitate death registration by implementing an electronic reporting system. The system may be used to transfer information to individuals and institutions responsible for completing and filing certificates and related reports for deaths that occur in the State. The system shall be capable of storing and retrieving accurate and timely data and statistics for those persons and agencies responsible for vital records registration and administration.

(410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)
Sec. 25. In accordance with Section 24 of this Act, and the regulations adopted pursuant thereto:

(1) The State Registrar of Vital Records shall search the files of birth, death, and fetal death records, upon receipt of a written request and a fee of $10 from any applicant entitled to such search. A search fee shall not be required for commemorative birth certificates issued by the State Registrar. If, upon search, the record requested is found, the State Registrar shall furnish the applicant one certification of such record, under the seal of such office. If the request is for a certified copy of the record an additional fee of $5 shall be required. If the request is for a certified copy of a death certificate or a fetal death certificate, an additional fee of $2 is required. The additional fee shall be deposited into the Death Certificate Surcharge Fund. A further fee of $2 shall be required for each additional certification or certified copy requested. If the requested record is not found, the State Registrar shall furnish the applicant a certification attesting to that fact, if so requested by the applicant. A further fee of $2 shall be required for each additional certification that no record has been found.

Any local registrar or county clerk shall search the files of birth, death and fetal death records, upon receipt of a written request from any applicant entitled to such search. If upon search the record requested is found, such local registrar or county clerk shall furnish the applicant one certification or certified copy of such record, under the seal of such office, upon payment of the applicable fees. If the requested record is not found, the local registrar or county clerk shall furnish the applicant a certification attesting to that fact, if so requested by the applicant and upon payment of applicable fee. The local registrar or county clerk must charge a $2 fee for each certified copy of a death certificate. The fee is in addition to any other fees that are charged by the local registrar or county clerk. The additional fees must be transmitted to the State Registrar monthly and deposited into the Death Certificate Surcharge Fund. The local registrar or county clerk may charge fees for providing other

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services for which the State Registrar may charge fees under this Section, except that such fees may not exceed the fees charged by the State Registrar.

A request to any custodian of vital records for a search of the death record indexes for genealogical research shall require a fee of $10 per name for a 5 year search. An additional fee of $1 for each additional year searched shall be required. If the requested record is found, one uncertified copy shall be issued without additional charge.

Any fee received by the State Registrar pursuant to this Section which is of an insufficient amount may be returned by the State Registrar upon his recording the receipt of such fee and the reason for its return. The State Registrar is authorized to maintain a 2 signature, revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawing-for-return cash received and determined insufficient for the service requested.

No fee imposed under this Section may be assessed against an organization chartered by Congress that requests a certificate for the purpose of death verification.

(2) The certification of birth may contain only the name, sex, date of birth, and place of birth, of the person to whom it relates, the name, age and birthplace of the parents, and the file number; and none of the other data on the certificate of birth except as authorized under subsection (5) of this Section.

(3) The certification of death shall contain only the name, Social Security Number, sex, date of death, and place of death of the person to whom it relates, and file number; and none of the other data on the certificate of death except as authorized under subsection (5) of this Section.

(4) Certification or a certified copy of a certificate shall be issued:
   (a) Upon the order of a court of competent jurisdiction; or
   (b) In case of a birth certificate, upon the specific written request for a certification or certified copy by the person, if of legal age, by a parent or other legal representative of the person to whom the record of birth relates, or by a person having a genealogical interest; or
   (c) Upon the specific written request for a certification or certified copy by a department of the state or a municipal corporation or the federal government; or
   (d) In case of a death or fetal death certificate, upon specific written request for a certified copy by a person, or his duly authorized agent, having a genealogical, personal or property right interest in the record.

A genealogical interest shall be a proper purpose with respect to births which occurred not less than 75 years and deaths which occurred not less than 20 years prior to the date of written request. Where the purpose of the request is a genealogical interest, the custodian shall stamp the certification or copy with the words, FOR GENEALOGICAL PURPOSES ONLY.

(5) Any certification or certified copy issued pursuant to this Section shall show the date of registration; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and show the effective date.

(6) Any certification or certified copy of a certificate issued in accordance with this Section shall be considered as prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(7) Any certification or certified copy issued pursuant to this Section shall be issued without charge when the record is required by the United States Veterans Administration or by any accredited veterans organization to be used in determining the eligibility of any person to participate in benefits available from such organization. Requests for such copies must be in accordance with Sections 1 and 2 of "An Act to provide for the furnishing of copies of public documents to interested parties," approved May 17, 1935, as now or hereafter amended.

(8) The National Vital Statistics Division, or any agency which may be substituted therefor, may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Vital Statistics Division, or any agency which may be substituted therefor, unless so authorized by the State Registrar of Vital Records.

(9) Federal, State, local, and other public or private agencies may, upon request, be furnished copies or data for statistical purposes upon such terms or conditions as may be prescribed by the
Department.

(10) The State Registrar of Vital Records, at his discretion and in the interest of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this Act, a special notice of registration of birth.

(11) No person shall prepare or issue any certificate which purports to be an original, certified copy, or certification of a certificate of birth, death, or fetal death, except as authorized in this Act or regulations adopted hereunder.

(12) A computer print-out of any record of birth, death or fetal record that may be certified under this Section may be used in place of such certification and such computer print-out shall have the same legal force and effect as a certified copy of the document.

(13) The State Registrar may verify from the information contained in the index maintained by the State Registrar the authenticity of information on births, deaths, marriages and dissolution of marriages provided to a federal agency or a public agency of another state by a person seeking benefits or employment from the agency, provided the agency pays a fee of $10.

(14) The State Registrar may issue commemorative birth certificates to persons eligible to receive birth certificates under this Section upon the payment of a fee to be determined by the State Registrar.

(Source: P.A. 90-144, eff. 7-23-97; 91-382, eff. 7-30-99.)

(410 ILCS 535/25.5)

Sec. 25.5. Death Certificate Surcharge Fund. The additional $2 fee for certified copies of death certificates and fetal death certificates must be deposited into the Death Certificate Surcharge Fund, a special fund created in the State treasury. Beginning 30 days after the effective date of this amendatory Act of the 92nd General Assembly and until January 1, 2003, moneys in the Fund, subject to appropriation, may be used by the Department for the purpose of implementing an electronic reporting system for death registrations as provided in Section 18.5 of this Act. Before the effective date of this amendatory Act of the 92nd General Assembly and on and after January 1, 2003, moneys in the Fund, subject to appropriations, may be used as follows: (i) 25% by the Illinois Law Enforcement Training and Standards Board for the purpose of training coroners, deputy coroners, forensic pathologists, and police officers for homicide investigations, (ii) 25% by the Illinois Necropsy Board for equipment and lab facilities for local county coroners, (iii) 25% by the Department of Public Health for the purpose of setting up a statewide database of death certificates and implementing an electronic reporting system for death registrations pursuant to Section 18.5, and (iv) 25% for a grant by the Department of Public Health to local registrars.

(Source: P.A. 91-382, eff. 7-30-99; revised 2-23-00.)

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

PUBLIC ACT 92-0142
(Senate Bill No. 0049)

AN ACT concerning home mortgages.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Local Government Housing Finance Act.
Section 5. Definitions. In this Act:
"Appraised value" means the fair market value of a home determined in accordance with generally accepted procedures and standards applicable to the appraisal of real property.
"Authority" means any county or any municipality in this State.
"Bonds" means any revenue bonds authorized under this Act and payable as provided under this Act.
"Corporate authorities" means the county board or the corporate authorities of a municipality as defined in the Illinois Municipal Code.
"Home" means real property and improvements on real property located within the Authority.

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consisting of not more than 4 dwelling units, including, but not limited to, condominium units owned
by one mortgagor who occupies or intends to occupy one of the units.

"Home mortgage loan" means an interest-bearing loan to a mortgagor evidenced by a
promissory note and secured by a mortgage on a home purchased or originated in accordance with this
Act made for the purpose of acquiring a home having a purchase price less than the maximum home
value.

"Lender" means any lending institution participating in a residential housing finance plan as
the originator of home mortgage loans.

"Lending institution" means any bank, bank holding company, credit union, trust company,
savings bank, national banking association, savings and loan association, building and loan
association, mortgage banker, or other financial institution that customarily provides service or
otherwise aids in the financing of home mortgages, or any holding company for any of the foregoing.

"Maximum home value" means the amount determined by the corporate authorities.

"Mortgagor" means a person of low or moderate income who has received or qualifies to
receive a home mortgage loan on a home.

"Ordinance" means an ordinance adopted and approved by the corporate authorities of an
Authority.

"Purchase price" means the actual consideration paid to the seller of a home.

"Person" means a natural person or persons or a trust, provided that the trust is for the benefit
of a natural person or members of that person's immediate family.

"Participation commitment" means any undertaking or agreement by a lending institution to
participate in the implementation of a residential housing finance plan.

"Persons of low or moderate income" means a person or family (consisting of one or more
persons all of whom occupy or will occupy the home) whose aggregate gross income including the
gross income of any co-signer or guarantor of the promissory note made in connection with the
making of a home mortgage loan does not exceed a maximum amount to be established by the
corporate authorities and determined in accordance with appropriate criteria, rules, and regulations,
approved by the corporate authorities in connection with the implementation of a residential housing
finance plan.

"Residential housing finance plan" means a program implemented under this Act by an
Authority to assist persons of low or moderate income in acquiring safe, decent, and sanitary housing
that they can afford.

"State" means the State of Illinois.

"Trustee" means any State or national bank or trust company, having trust powers, located
within or outside the State of Illinois, that may be appointed to act in any capacity with respect to a
residential housing finance plan and the issuance of bonds to finance that plan whether designated as
a trustee, custodian, or administrator.

Section 10. Powers. In addition to powers that an Authority may now have, Authorities have
the following powers:

(a) To acquire, and to contract and enter into advance commitments to acquire, directly or
indirectly, home mortgages owned by lending institutions at any prices and upon any other terms and
conditions that are determined by the Authority or trustee that the Authority designates as its agent.

(b) To make and execute contracts with lending institutions for the origination and servicing
of home mortgage loans on behalf of an Authority and to pay the reasonable value of services
rendered in accordance with those contracts.

(c) To make loans to lenders to enable those lenders to make home mortgage loans in
accordance with this Act.

(d) To establish, by rules, regulations, or ordinances relating to the issuance of bonds or in any
financing documents relating to the issuance of bonds, any standards and requirements applicable to
the purchase of home mortgage loans or the origination of home mortgage loans or loans to lenders
that the Authority deems necessary or desirable to effectuate the public purposes of this Act, including
but not limited to: (i) the time within which lending institutions must make participation commitments
and make disbursements for home mortgage loans; (ii) the terms and conditions of home mortgage
loans to be acquired or originated; (iii) the standards and criteria to be applied by the Authority in
defining persons of low or moderate income; (iv) the amounts and types of insurance coverage

New matter indicated by italics - deletions by strikeout.
required on homes, home mortgage loans, and bonds; (v) the representations and warranties to be required of persons and lending institutions as evidence of compliance with the standards and requirements; (vi) restrictions as to interest rate and other terms of home mortgage loans or the return realized therefrom by lending institutions; (vii) the type and amount of collateral security to be provided to assure repayment of any loans to lenders by the Authority and to assure repayment of bonds; and (viii) any other matters related to the purchase or origination of home mortgage loans or the making of loans to lenders that shall be deemed relevant or necessary by the corporate authorities.

(e) To require from each lending institution from which home mortgage loans are to be purchased or that will originate home mortgage loans on behalf of the Authority or from lenders to which loans are made the submission, at the time of making participation commitments, of evidence satisfactory to the Authority of the ability and intention of the lending institutions to make home mortgage loans and the submission, within the time specified by the Authority for making disbursements for home mortgage loans, of evidence satisfactory to the Authority of the making of home mortgage loans and of compliance with any standards and requirements established by the Authority.

(f) To require that a lending institution or lender furnish, prior to or concurrent with the delivery of any participation commitment by a lending institution, a commitment fee in the form of a cash deposit, letter of credit, promissory note, surety bond, or other instrument approved by the corporate authorities executed by or on behalf of the lending institution, in an amount to be determined by the corporate authorities.

(g) To issue its bonds to defray, in whole or in part, (i) the cost of acquiring or originating home mortgage loans or making loans to lenders in order to enable them to make home mortgage loans; (ii) if deemed necessary or advisable, the cost of paying interest on bonds during a reasonable period necessary to acquire or originate the home mortgage loans or to make the loans to the lender; (iii) the costs of studies and surveys, insurance premiums, underwriting fees, legal, accounting, and marketing services incurred in connection with the issuance and the sale of the bonds, including amounts required to establish reasonably necessary bond and interest reserve accounts, and trustee, custodian, and rating agency fees; (iv) the costs of reasonable reserves; and (v) any other costs that are reasonably related to the foregoing.

(h) To authorize the sale or other disposition of any home mortgage loan, in whole or in part, upon any terms, at any price and time, and from time to time, as may be necessary to assure that the revenues and receipts to be derived with respect to the home mortgage loans, together with any insurance proceeds, funds held in reserve accounts, and earnings thereon, shall produce and provide revenues and receipts at least sufficient to provide for the prompt payment of the principal, redemption premiums, if any, and interest at maturity of all bonds issued pursuant to this Act or to otherwise authorize the sale or other disposition of any home mortgage loan after the bonds have been paid or deemed to be paid.

(i) To pledge any revenues and receipts to be received from any home mortgage loans to the punctual payment of bonds authorized under this Act, and the interest and redemption premiums, if any, on the bonds.

(j) To mortgage, pledge, or grant security interests in any home mortgage loans, notes, or other property in favor of the holder or holders of bonds issued therefor.

(k) To issue its bonds in any amount that may be necessary (and not limited by the amount of bonds refunded) for the purpose of refunding, in whole or in part, at any time, bonds previously issued, the proceeds of which refunding bonds may be used, at the discretion of the corporate authorities, for paying bonds at maturity, calling bonds for payment, and paying bonds prior to maturity, or for deposit into an escrow or trust fund in advance of maturity of bonds to be held for payment thereof at maturity or earlier.

(l) To appoint or designate a trustee or trustees for the benefit of the bondholders and to delegate and assign thereto, insofar as it may lawfully do so, its rights, duties, and responsibilities with respect to carrying out and enforcing the terms and provisions of its residential housing finance plan.

(m) To provide for and authorize the use and disposition of any funds remaining in the possession of the Authority or its trustees following payment and retirement of the bonds of a designated series issued under this Act.

(n) To make and execute contracts and other instruments necessary or convenient to the
Section 15. Ordinance authorizing exercise of powers. The exercise of any or all powers granted by this Act shall be authorized and the bonds shall be authorized to be issued under this Act for the purposes set forth in this Act, by an ordinance adopted by the corporate authorities that takes effect immediately upon adoption. The ordinance shall set forth a finding and declaration (i) of the public purpose therefor and (ii) that the ordinance is adopted pursuant to this Act, which finding and declaration shall be conclusive evidence of the existence and sufficiency of the public purpose and of the power to carry out and give effect to the public purpose.

The bonds shall bear interest at any rate or rates without regard to any other law pertaining to interest rate limitations, may be payable at any time or times, may be in one or more series, may bear any date or dates, mature at any time or times not exceeding 40 years from their respective dates, may be payable in any medium of payment at any place or places, may carry any registration privileges, may be subject to any terms of redemption at any premiums, may be executed in any manner, may contain any terms, covenants, and conditions, and may be in any form, either coupon or registered, that the corporate authorities shall provide. The bonds may be sold at public or private sale at any price, in any manner and upon any terms that the corporate authorities may authorize, and may be issued to the purchaser or purchasers of bonds sold under this Act. The bonds and interim notes shall be deemed to be securities and negotiable instruments within the meaning of and for all purposes of the Uniform Commercial Code.

Section 20. Covenants. Any ordinances authorizing the issuance of the bonds under this Act may contain covenants regarding (i) the use and disposition of the revenues and receipts from any home mortgage loans for which the bonds are to be issued, including the creation and maintenance of any reasonable and adequate reserves that the corporate authorities may determine; (ii) the insurance to be carried on any home mortgage loan or bonds and the use and disposition of the proceeds of that insurance; (iii) the appointment of one or more trustees for the benefit of the bondholders, paying agents, or bond registrants; (iv) the investment of any funds held by the trustee or lender, notwithstanding any other law to the contrary; (v) the maximum rate payable on any home mortgage loan; and (vi) the terms and conditions upon which the holders of the bonds or any portion of the bonds, or any trustees for the bonds, are entitled to the appointment of a receiver by a court of competent jurisdiction, and any terms and conditions may provide that the receiver may take possession of the home mortgage loans or any part thereof and maintain, sell, or otherwise dispose of the home mortgage loans, prescribe other payments, and collect, receive, and apply all income and revenues thereafter derived therefrom. An ordinance authorizing the issuance of bonds under this Act may provide that payment of the principal of, redemption premium, if any, and interest on any bonds issued under this Act shall be secured by a mortgage, pledge, security interest, insurance agreement, or indenture of trust of or with respect to any home mortgage loans and a lien upon the revenues and receipts derived therefrom or from any notes or other obligations of lending institutions with respect to which the bonds are issued. The mortgage, pledge, security interest, insurance agreement, or indenture of trust constitute a contract with the holder or holders of the bonds and continue in effect until the principal of, the interest on, and the redemption premiums, if any, on the bonds have been fully paid or provision made for the payment of the bonds, and the duties of the Authority and its corporate authorities and officers under this Act and any ordinance and any mortgage, pledge, security interest, insurance agreement, or indenture of trust shall be enforceable as provided therein by any bondholder by mandamus, foreclosure of any mortgage, pledge, security interest, insurance agreement, or indenture of trust, or other appropriate suit, action, or proceeding in any court of competent jurisdiction; provided the ordinance or any mortgage, pledge, security interest, insurance agreement, or indenture of trust under which the bonds are issued may provide that all remedies and rights to enforcement may be vested in a trustee (with full power of appointment) for the benefit of all the bondholders, which trustee shall be subject to the control of any number of holders or owners of any outstanding bonds as provided therein.

Section 25. Signatures. The bonds shall bear the manual or facsimile signatures of any officers of the Authority that may be designated in the ordinance authorizing the bonds and the signatures constitute the valid and binding signatures of the officers, notwithstanding that before the delivery of and payment for the bonds any or all of the persons whose signatures appear thereon have ceased to be officers of the Authority. The validity of the bonds shall not be dependent on nor affected by the
validity or regularity of any proceedings relating to the home mortgage loans acquired or made from
proceeds of the bonds. A recital in the bonds that they are issued pursuant to this Act shall be
conclusive evidence of their validity and of the regularity of their issuance.

Section 30. Pledges; validity. Any pledge made to secure bonds shall be valid and binding
from the time when the pledge is made. The revenues and receipts or property or interests in property
pledged and thereafter received by the Authority or trustee shall immediately be subject to the lien of
the pledge without any physical delivery of the pledge or further act, and the lien of any such pledge
shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise
against the Authority or trustee irrespective of whether the parties have notice thereof. Neither the
ordinance, nor any other instrument by which a pledge is created, need be recorded.

Section 35. Bonds; obligations of the Authority. All bonds issued under this Act shall be
limited obligations of the Authority issuing the same, payable solely from the (i) bond proceeds, (ii)
revenues and receipts derived from the home mortgage loans or from any notes or other obligations
of persons with respect to which the bonds are issued and secured by a mortgage, pledge, security
interest, insurance agreement, or indenture of trust of or with respect to such home mortgage loans,
(iii) certain insurance proceeds which may relate to the bonds or the home mortgage loans, (iv)
participation fees, or (v) certain reserve funds. No Authority shall have any right or authority to levy
taxes to pay any of the principal of, redemption premium, if any, or interest on any bonds issued
pursuant to this Act or any judgment against an Authority on account of the bonds. No holder of any
bonds issued under this Act shall have the right to compel any exercise of the taxing power of any
Authority to pay the bonds, the interest, or redemption premium, if any, on the bonds, and the bonds
shall not constitute an indebtedness of the Authority, or a loan of the faith and credit of the Authority,
within the meaning of any constitutional or statutory provision, nor shall the bonds be construed to
create any moral obligation on the part of the Authority to provide for the payment of the bonds. It
shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act
and that it does not constitute an indebtedness of the Authority, or a loan of the faith and credit of the
Authority, within the meaning of any constitutional or statutory provision. Bonds may be issued
pursuant to this Act without regard to (i) any statutory limitation as to bonded indebtedness and shall
not be included in computing total bonded indebtedness within the meaning of any statutory
limitation, (ii) any requirement of competitive bidding or procedure for award of contracts applicable
by any statute, (iii) any requirement of publication of ordinance or other documents, or (iv) any
requirement of referendum or petition.

Section 40. Personal liability; corporate authorities. Neither the members of the corporate
authorities of an Authority, nor any official or employee of the Authority, nor any person executing
bonds issued under this Act shall be liable personally for payment of the bonds or the interest or
redemption premium, if any, thereon or be subject to any personal liability or accountability by reason
of the issuance thereof.

Section 45. Joint or cooperative action. One or more Authorities (whether or not any of them
are home rule units) may join together or cooperate with one another in the exercise, either jointly,
on behalf of the Authorities, or otherwise, of any one or more of the powers conferred upon
Authorities under this Act or other enabling acts or powers. The joint or cooperative action shall be
taken only in accordance with and pursuant to a written agreement entered into between or among
such cooperating parties.

Section 50. Legal investments. Notwithstanding any other provision of law, bonds issued
pursuant to this Act shall be legal investments for all trust funds, insurance companies, savings and
loan associations, investment companies, and banks, both savings and commercial, and shall be legal
investments for executors, administrators, trustees, and all other fiduciaries. The bonds shall be legal
investments for State school funds and for any funds which may be invested in county, municipal, or
school district bonds, and such bonds shall be deemed to be securities which may properly and legally
be deposited with, and received by, any State or municipal officer or by any agency or political
subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is
now, or may hereafter, be authorized by law, including deposits to secure public funds.

Section 55. Interests of corporate officers or employees; participating lending institutions.
Notwithstanding the provisions of any other law to the contrary, a member of the corporate authorities,
or an officer or employee of the Authority, may be an officer, employee, or stockholder of a lending
of any law, including any law relating to any requirement of competitive bidding or restriction imposed on the sale or disposition of property or award of contracts. Nothing in this Act shall be deemed or construed to prohibit the exercise of the powers conferred upon Authorities in connection with the financing of federally assisted housing for persons of low and moderate income.

Section 65. Construction. This Act is necessary for the health, welfare, and safety of the State, its counties and municipalities, and its inhabitants; therefore, it shall be liberally construed to effect its purposes.

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


PUBLIC ACT 92-0143
(Senate Bill No. 0093)

AN ACT concerning the Metropolitan Water Reclamation District.

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

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 10 and by adding Section 285 as follows:

Sec. 10. At the time or before incurring any indebtedness, the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within 30 years from the time of contracting the same: Provided that any such tax levied to pay the interest on bonds and to discharge the principal thereof for bonds heretofore issued prior to November 6, 1956, or for Refunding Bonds thereafter issued to refund said bonds, shall be levied and extended only upon property within the territorial limits of such sanitary districts as said territorial limits existed on November 6, 1956.

(Source: Laws 1955, p. 677.)

Sec. 285. District enlarged. Upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within those limits the following described tract of land, and that tract is annexed to the District.

THAT PART OF THE NORTH HALF OF SECTION 8, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, THENCE SOUTH 00 DEGREES 29 MINUTES 11 SECONDS WEST (ILLINOIS STATE PLACE GRID - EAST ZONE), ALONG THE WEST LINE OF SAID SECTION 8, AS MONUMENTED, A DISTANCE OF 1138.22 FEET TO THE CENTERLINE OF SHOE FACTORY ROAD PER DOCUMENT NUMBER 12259969; THENCE THE FOLLOWING ONE COURSE AND DISTANCE ALONG SAID CENTERLINE, SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST A DISTANCE OF 75.47 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO COOK COUNTY ILLINOIS BY DOCUMENT

New matter indicated by italics - deletions by strikeout.
NUMBER 14665399, THENCE NORTH 01 DEGREE 16 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 50.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST A DISTANCE OF 95.80 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A TANGENTIAL CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 4000.00 FEET, A DISTANCE OF 697.96 FEET TO A POINT OF TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST A DISTANCE OF 286.47 FEET TO THE WEST LINE OF THE 190.00 FOOT-WIDE COMED PARCEL, AS MONUMENTED AND OCCUPIED, PER DOCUMENT NUMBERS 9693094, 9693090 AND 18690041. POINT ALSO BEING THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES PER DOCUMENT NUMBER 14176170, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY PARCEL, A DISTANCE OF 152.32 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 50.77 FEET TO THE NORTHWEST CORNER OF BERNER ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 7, 1958 AS DOCUMENT NUMBER 17129065; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 66.01 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST A DISTANCE OF 50.77 FEET TO THE SOUOTHERLY RIGHT-OF-WAY LINE OF SHOE FACTORY AS DEDICATED BY SAID BERNER ESTATES; THENCE SOUTH 80 DEGREES 03 MINUTES 14 SECONDS WEST, ALONG SAID SOUOTHERLY LINE AND THE SOUTH LINE OF THE AFOREMENTIONED RIGHT-OF-WAY PARCEL PER DOCUMENT 14176170, A DISTANCE OF 218.33 FEET TO THE WEST LINE OF SAID PARCEL PER DOCUMENT NUMBER 14176170; THENCE NORTH 00 DEGREES 04 MINUTES 04 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 101.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4254 ACRES, MORE OR LESS, AND LYING IN COOK COUNTY, ILLINOIS.

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

PUBLIC ACT 92-0144
(Senate Bill No. 0133)

AN ACT in relation to limited liability companies.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Limited Liability Company Act is amended by changing Section 1-25 as follows:
(805 ILCS 180/1-25)
Sec. 1-25. Nature of business. A limited liability company may be formed for any lawful purpose or business except:
(1) banking, exclusive of fiduciaries organized for the purpose of accepting and executing trusts;
(2) insurance unless, for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters, the Director of Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;
(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; or
(4) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and any of the following conditions apply:

New matter indicated by italics - deletions by strikeout.
(A) all the member or members and managers are licensed to practice medicine under the Medical Practice Act of 1987; or:
(B) the member or members are a registered medical corporation or corporations organized pursuant to the Medical Corporation Act; or
(C) the member or members are a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice medicine in all its branches; or
(D) the member or members are a medical limited liability company or companies.
(Source: P.A. 90-424, eff. 1-1-98; 91-593, eff. 8-14-99.)

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

PUBLIC ACT 92-0145
(Senate Bill No. 0289)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Professional Engineering Practice Act of 1989 is amended by changing Sections 4, 5, 8, 9, 12, 14, 15, 24, and 39 as follows:
(225 ILCS 325/4) (from Ch. 111, par. 5204)
Sec. 4. Definitions. As used in this Act:
(a) "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more which meets the standards established by the rules of the Department.
(b) "Board" means the State Board of Professional Engineers of the Department of Professional Regulation, previously known as the Examining Committee.
(c) "Department" means the Department of Professional Regulation.
(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.
(e) "Director" means the Director of Professional Regulation.
(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge.
(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.
(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.
(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.
(j) "Enrollment" means an action by the Department to record those individuals who have met the Board's requirements for an engineer intern.
(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.
(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.
(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.
(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

New matter indicated by italics - deletions by strikeout.
(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials and methods to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; irrigation works; aircraft, airports and landing fields; waterworks, piping systems and appurtenances, sewers, sewage disposal works; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil classification, geology and geohydrology, incidental to the practice of professional engineering; energy analysis, environmental design, hazardous waste mitigation and control; recognition, measurement, evaluation and control of environmental systems and emissions; automated building management systems; or the provision of professional engineering site observation of the construction of works and engineering systems. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(u) "Site observation" is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "Technical submissions" means designs, drawings, and specifications which establish the standard of quality for materials, workmanship, equipment, and the construction systems, studies, and other technical reports prepared in the course of a design professional's practice.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised 10-7-99.)

(225 ILCS 325/5) (from Ch. 111, par. 5205)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be
fit and qualified;
(b) To prescribe rules for the method, conduct and grading of the examination of applicants;
(c) To license corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a license to those who qualify;
(d) To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings;
(e) To prescribe rules as to what shall constitute an engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules;
(f) To promulgate rules required for the administration of this Act, including rules of professional conduct;
(g) To maintain membership in the National Council of Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council; and
(h) To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.
Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.
(i) To publish and distribute or to post on the Department's website, at least semi-annually, a newsletter to all persons licensed and registered under this Act. The newsletter shall describe the most recent changes in this Act and the rules adopted under this Act and shall contain information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.
None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.
(Source: P.A. 91-92, eff. 1-1-00.)
(225 ILCS 325/8) (from Ch. 111, par. 5208)
Sec. 8. Applications for licensure.
(a) Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.
(b) Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for examination, except as provided in subsection (b) of Section 11. Allowable experience shall commence at the date of the baccalaureate degree, except:
(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or
(2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant takes 8 or more years (16 semesters or 24 quarters minimum)
as a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience employment.

(3) If an applicant files an application and supporting documents containing a material misstatement of information or a misrepresentation for the purpose of obtaining licensure or enrollment or if an applicant performs any fraud or deceit in taking any examination to qualify for licensure or enrollment under this Act, the Department may issue a rule of intent to deny licensure or enrollment and may conduct a hearing in accordance with Sections 26 through 33 and Sections 37 and 38 of this Act.

The Board may conduct oral interviews of any applicant under Sections 10, 11, or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule.

(225 ILCS 325/9) (from Ch. 111, par. 5209)
Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations.
Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the Department, of which applicants shall be notified by the Department in writing.

Beginning on or before January 1, 2005, a principles of practice examination in Software Engineering shall be offered to applicants.

Examinations of the applicants who seek to practice professional engineering shall ascertain:
(a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

(225 ILCS 325/12) (from Ch. 111, par. 5212)
Sec. 12. Educational credits or teaching as equivalent of experience.
(a) After earning an acceptable baccalaureate degree as required by subsection (a) or (b) of Section 10 in engineering or related science and upon completion of a Master's degree in engineering, the applicant may receive one year of experience credit. Upon completion of a Ph.D. in engineering, an applicant may receive an additional year experience credit for a maximum of 2 years.
(b) Teaching engineering subjects in an engineering college at a rank of instructor or above is considered experience in engineering.
(c) (Blank).

(225 ILCS 325/14) (from Ch. 111, par. 5214)
Sec. 14. Seal. Every professional engineer shall have a seal or stamp, the print of which shall be reproducible and contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this state for use by a professional engineer, including those

New matter indicated by italics - deletions by strikeout.
with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. Signatures generated by computer shall not be permitted.

The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/15) (from Ch. 111, par. 5215)

Sec. 15. Technical submissions. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer generated signatures are not permitted.

The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

All technical submissions intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such documents. In recognition that professional engineers are licensed for the protection of the public health, safety and welfare, documents shall be of such quality and scope, and be so administered as to conform to professional standards.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/24) (from Ch. 111, par. 5224)

Sec. 24. Rules of professional conduct; disciplinary or administrative action.

(a) The Department shall adopt rules setting standards of professional conduct and establish appropriate penalty for the breach of such rules.

(a-1) The Department may, singularly or in combination, refuse to issue, restore, or renew a license or registration, revoke or suspend a license or registration, or place on probation, reprimand, or impose a civil penalty not to exceed $10,000 upon any person, corporation, partnership, or professional design firm licensed or registered under this Act for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Failure to comply with any provisions of this Act or any of its rules.

(3) Conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering.

(4) Making any misrepresentation for the purpose of obtaining licensure, or in applying
for restoration or renewal; or practice of any fraud or deceit in taking any examination to qualify for licensure under this Act.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment.

(6) Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) Habitual intoxication or addiction to the use of drugs.

(11) Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(13) A finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill or safety.

(16) The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(17) Failing to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by a tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or
supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/39) (from Ch. 111, par. 5239)
Sec. 39. Violations.
(a) Using or attempting to use an expired license or registration is a Class A misdemeanor.
(b) Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 Felony for a second or subsequent offense:

(1) A violation of any provision of this Act or its rules, except as noted in subsection (a) or (c) of this Section;
(2) The making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;
(3) Using or attempting to use an inactive, suspended, or revoked license or the license or seal of another, or impersonating another licensee, or practicing professional engineering while one's license is inactive, suspended, or revoked;
(4) The practice, attempt to practice, or offer to practice professional engineering without a license as a licensed professional engineer, with each day of practicing professional engineering, or attempting to practice professional engineering, and each instance of offering to practice professional engineering without a license as a licensed professional engineer constituting a separate offense;
(5) Advertising or displaying any sign or card or other device which might indicate to the public that the person or entity is entitled to practice as a professional engineer, or using the initials "P.E.", or using the title "engineer" or any of its derivations, unless such person holds an active license as a professional engineer in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, professional design firm, limited liability company, or other entity is in compliance with Section 23 of this Act; or
(6) Obtaining or attempting to obtain a license by fraud.

(c) A violation of paragraphs (3), (6), (10), (11), (15), or (17) of subsection (a-1) (a) of Section 24 is not subject to the penalty provisions of this Section.

(Source: P.A. 88-428; 88-595, eff. 8-26-94; 89-61, eff. 6-30-95)
Effective January 1, 2002.

**PUBLIC ACT 92-0146**
(Senate Bill No. 0318)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Athletic Trainers Practice Act is amended by changing Section 14 as follows:

(225 ILCS 5/14) (from Ch. 111, par. 7614)
Sec. 14. Fees; returned checks.
The fees for administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration shall be set by rule.
Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50.

New matter indicated by italics - deletions by strikeout.
If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 89-216, eff. 1-1-96.)

Section 10. The Clinical Psychologist Licensing Act is amended by changing Section 25 as follows:

(225 ILCS 15/25) (from Ch. 111, par. 5375)
Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 15. The Clinical Social Work and Social Work Practice Act is amended by changing Section 14 as follows:

(225 ILCS 20/14) (from Ch. 111, par. 6364)
Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds...
that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 86-615; 87-1031.)

Section 20. The Illinois Dental Practice Act is amended by changing Section 22 as follows:
(225 ILCS 25/22) (from Ch. 111, par. 2322)

Sec. 22. Returned checks; penalties. Any person who delivers a check or other payment to the
Department that is returned to the Department unpaid by the financial institution upon which it is
drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine
of $50. If the check or other payment was for a renewal or issuance fee and that person practices
without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be
imposed. The fines imposed by this Section are in addition to any other discipline provided under this
Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the
person that payment of fees and fines shall be paid to the Department by certified check or money
order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of
the notification, the person has failed to submit the necessary remittance, the Department shall
automatically terminate the license or deny the application, without hearing. If, after termination or
denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance
of the license and pay all fees and fines due to the Department. The Department may establish a fee
for the processing of an application for restoration of a license to pay all expenses of processing this
application. The Director may waive the fines due under this Section in individual cases where the
Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

Section 25. The Dietetic and Nutrition Services Practice Act is amended by changing Section
87 as follows:
(225 ILCS 30/87) (from Ch. 111, par. 8401-87)

Sec. 87. Deposit of fees and fines. All fees, fines, and penalties collected under this Act shall
be deposited into the General Professions Dedicated Fund.

Any person who delivers a check or other payment to the Department that is returned to the
Department unpaid by the financial institution upon which it is drawn shall pay to the Department,
in addition to the amount already owed to the Department, a fine of $50. If a person practices without
paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be
imposed. The fines imposed by this Section are in addition to any other discipline provided under this
Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the
person that payment of fees and fines shall be paid to the Department by certified check or money
order within 30 calendar days of such notification. If, after the expiration of 30 days from the date of
notification, the person has failed to submit the necessary remittance, the Department shall
automatically terminate the license or certificate or deny the application, without hearing. If, after
termination or denial, the person seeks a license or certificate, he or she shall apply to the Department
for restoration or issuance of the license or certificate and pay all fees and fines due to the Department.
The Department may establish a fee for the processing of an application for restoration of a license
or certificate to pay all expenses of processing this application. The Director may waive the fines due
under this Section in individual cases where the Director finds that the fines would be unreasonable
or unnecessarily burdensome.
(Source: P.A. 87-784; 87-1000; 88-683, eff. 1-24-95.)

Section 30. The Dietetic and Nutrition Services Practice Act is amended by changing Section
97 as follows:
(225 ILCS 30/97) (from Ch. 111, par. 8401-97)

Sec. 97. Payments; penalty for insufficient funds. Any person who delivers a check or other
payment to the Department that is returned to the Department unpaid by the financial institution upon
which it is drawn shall pay to the Department, in addition to the amount already owed to the
Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that
person practices without paying the renewal fee or issuance fee and the fine due, an additional fine
of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline
provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department
shall notify the person that payment of fees and fines shall be paid to the Department by certified
check or money order within 30 calendar days of the notification. If, after the expiration of 30 days

New matter indicated by italics - deletions by strikeout.
from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 35. The Environmental Health Practitioner Licensing Act is amended by changing Section 31 as follows:

(225 ILCS 37/31)

Sec. 31. Checks or orders dishonored. A person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the person practices without paying the renewal fee or issuance fee and the fines due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person fails to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of a license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unnecessarily burdensome.

(Source: P.A. 89-61, eff. 6-30-95.)

Section 40. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-70 as follows:

(225 ILCS 41/15-70)

Sec. 15-70. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fines due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of a license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unnecessarily burdensome.

(Source: P.A. 87-966.)

Section 45. The Home Medical Equipment and Services Provider License Act is amended by changing Section 65 as follows:

(225 ILCS 51/65)

Sec. 65. Fees; returned checks. An entity who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fines due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-966.)
drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine
of $50. If the check or other payment was for a renewal or issuance fee and that entity operates
without paying the renewal or issuance fee and the fine due, an additional fine of $100 shall be
imposed. The fines imposed by this Section are in addition to any other discipline provided under this
Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the entity
that fees and fines shall be paid to the Department by certified check or money order within 30
calendar days of the notification. If, after the expiration of 30 days from the date of the notification,
the entity has failed to submit the necessary remittance, the Department shall automatically terminate
the license or deny the application without a hearing. If the entity seeks a license after termination or
denial, the entity shall apply to the Department for restoration or issuance of the license and pay all
fees and fines owed to the Department. The Department may establish a fee for the processing of an
application for restoration of a license to pay all expenses of processing that application. The Director
may waive the fines due under this Section in individual cases where the Director finds that the fines
would be unreasonable or unnecessarily burdensome.
(Source: P.A. 90-532, eff. 11-14-97.)

Section 50. The Marriage and Family Therapy Licensing Act is amended by changing Section
60 as follows:

(225 ILCS 55/60) (from Ch. 111, par. 8351-60)
Sec. 60. Payments; penalty for insufficient funds. Any person who delivers a check or other
payment to the Department that is returned to the Department unpaid by the financial institution upon
which it is drawn shall pay to the Department, in addition to the amount already owed to the
Department, a fine of $50. If a person practices without paying the renewal fee or issuance fee and the
fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition
to any other discipline provided under this Act prohibiting unlicensed practice or practice on a
nonrenewed license. The Department shall notify the person that payment of fees and fines shall be
paid to the Department by certified check or money order within 30 calendar days after notification.
If, after the expiration of 30 days from the date of the notification, the person has failed to submit the
necessary remittance, the Department shall automatically terminate the license or deny the application,
without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the
Department for restoration or issuance of the license and pay all fees and fines due to the Department.
The Department may establish a fee for the processing of an application for restoration of a license
to pay all expenses of processing this application. The Director may waive the fines due under this
Section in individual cases where the Director finds that the fines would be unreasonable or
unnecessarily burdensome.
(Source: P.A. 90-61, eff. 12-30-97.)

Section 55. The Medical Practice Act of 1987 is amended by changing Section 21 as follows:

(225 ILCS 60/21) (from Ch. 111, par. 4400-21)
Sec. 21. License renewal; restoration; inactive status; disposition and collection of fees.
(A) Renewal. The expiration date and renewal period for each license issued under this Act
shall be set by rule. The holder of a license may renew the license by paying the required fee. The
holder of a license may also renew the license within 90 days after its expiration by complying with
the requirements for renewal and payment of an additional fee. A license renewal within 90 days after
expiration shall be effective retroactively to the expiration date.
The Department shall mail to each licensee under this Act, at his or her last known address,
at least 60 days in advance of the expiration date of his or her license, a notice of that fact and an
application for renewal form. No such license shall be deemed to have lapsed until 90 days after the
expiration date and after such notice and application have been mailed by the Department as herein
provided.
(B) Restoration. Any licensee who has permitted his or her license to lapse or who has had
his or her license on inactive status may have his or her license restored by making application to the
Department and filing proof acceptable to the Department of his or her fitness to have the license
restored, including evidence certifying to active practice in another jurisdiction satisfactory to the
Department, proof of meeting the continuing education requirements for one renewal period, and by
paying the required restoration fee.
If the licensee has not maintained an active practice in another jurisdiction satisfactory to the
Department, the Licensing Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of the practical examination.

However, any registrant whose license has expired while he or she has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to restore his or her license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury, and used only for the following purposes: (a) by the Medical Disciplinary Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Medical Disciplinary Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited in the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in such Fund.

(E) Fees. The following fees are nonrefundable.

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

(2) The fee for a license under Section 9 of this Act is $300.

(3) The fee for a license under Section 19 of this Act is $300.

(4) The fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of $100 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be $100. The fee for the renewal of a license for a nonresident shall be calculated at the rate of $200 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be $200.

(5) The fee for the restoration of a license other than from inactive status, is $100. In addition, payment of all lapsed renewal fees not to exceed $600 is required.

(6) The fee for a 3-year temporary license under Section 17 is $100.

(7) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

New matter indicated by italics - deletions by strikeout.
(8) The fee to be paid for a license record for any purpose is $20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is $20 plus any fees charged by the applicable testing service.

(10) The fee to be paid by a licensee for a wall certificate showing his or her license shall be the actual cost of producing the certificate.

(11) The fee for a roster of persons licensed as physicians in this State shall be the actual cost of producing such a roster.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.  
(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

Section 60. The Naprapathic Practice Act is amended by changing Section 115 as follows:

(225 ILCS 63/115)
Sec. 115. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to defray all expenses of processing the application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.  
(Source: P.A. 89-61, eff. 6-30-95.)

Section 65. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-25 as follows:

(225 ILCS 65/20-25)
Sec. 20-25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the
person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

Section 75. The Illinois Occupational Therapy Practice Act is amended by changing Section 16 as follows:

(225 ILCS 75/16) (from Ch. 111, par. 3716)

Sec. 16. Fees; returned checks. The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration, shall be by rule.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such

New matter indicated by italics - deletions by strikeout.
service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.
(Source: P.A. 86-596; 87-1031.)

    Section 80. The Illinois Optometric Practice Act of 1987 is amended by changing Section 25 as follows:
    (225 ILCS 80/25) (from Ch. 111, par. 3925)
    Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarly burdensome.
    (Source: P.A. 86-596; 87-1031.)

    Section 85. The Pharmacy Practice Act of 1987 is amended by changing Section 28 as follows:
    (225 ILCS 85/28) (from Ch. 111, par. 4148)
    Sec. 28. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
    (Source: P.A. 86-596; 87-1031.)

    Section 90. The Illinois Physical Therapy Act is amended by changing Section 32.1 as follows:
    (225 ILCS 90/32.1) (from Ch. 111, par. 4282.1)
    Sec. 32.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
    (Source: P.A. 86-596; 87-1031.)

New matter indicated by italics - deletions by strikeout.
Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-596; 87-1031.)

Section 95. The Physician Assistant Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 95/22) (from Ch. 111, par. 4622)

Sec. 22. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-596; 87-1031.)

Section 100. The Podiatric Medical Practice Act of 1987 is amended by changing Section 18 as follows:

(225 ILCS 100/18) (from Ch. 111, par. 4818)

Sec. 18. Fees.

(a) The following fees are not refundable.

(1) The fee for a certificate of licensure is $400. The fee for a temporary permit or Visiting Professor permit under Section 12 of this Act is $250.

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

(3) The fee for the renewal of a certificate of licensure shall be calculated at the rate of $200 per year. The fee for the renewal of a temporary permit or Visiting Professor permit shall be calculated at the rate of $125 per year.

(4) The fee for the restoration of a certificate of licensure other than from inactive status is $100 plus payment of all lapsed renewal fees, but not to exceed $910.

(5) The fee for the issuance of a duplicate certificate of licensure, for the issuance of a replacement certificate for a certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate
(6) The fee for a certification of a licensee's record for any purpose is $20.

(7) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.

(8) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificates.

(9) The fee for a roster of persons licensed as podiatric physicians in this State shall be the actual cost of producing such a roster.

(10) The annual fee for continuing education sponsors is $1,000, however colleges, universities and State agencies shall be exempt from payment of this fee.

(b) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(1) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(2) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(3) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(4) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(5) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1011; 87-1269.)

Section 120. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Section 15 as follows:

(225 ILCS 110/15) (from Ch. 111, par. 7915)

Sec. 15. Returned checks; Penalties.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

New matter indicated by italics - deletions by strikeout.
Section 125. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Section 14.1 as follows:

(225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

Sec. 14.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license or certificate. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-424.)

Section 130. The Wholesale Drug Distribution Licensing Act is amended by changing Section 35 as follows:

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The following fees shall be imposed by the Department and are not refundable.

(1) The fee for application for a certificate of registration as a wholesale drug distributor is $200.

(2) The fee for the renewal of a certificate of registration as a wholesale drug distributor is $200 per year.

(3) The fee for the change of person responsible for drugs is $50.

(4) The fee for the issuance of a duplicate license to replace a license that has been lost or destroyed is $25.

(5) The fee for certification of a registrant's record for any purpose is $25.

(6) The fee for a roster of licensed wholesale drug distributors shall be the actual cost of producing the roster.

(7) The fee for wholesale drug distributor licensing, disciplinary, or investigative records obtained under subpoena is $1 per page.

(b) All moneys received by the Department under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund in the State Treasury and shall be used only for the following purposes: (i) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (ii) for costs directly related to license renewal of persons licensed under this Act, and (iii) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment...
was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(d) The Department shall maintain a roster of the names and addresses of all registrants and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 135. The Perfusionist Practice Act is amended by changing Section 90 as follows:

Sec. 90. Fees; returned checks.

(a) The Department shall set by rule fees for the administration of this Act, including but not limited to fees for initial and renewal licensure and restoration of a license.

(b) All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund. The monies deposited into the Fund shall be appropriated to the Department for expenses of the Department in the administration of this Act.

(c) A person who delivers a check or other payment to the Department that is returned by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without a hearing. If the person seeks a license after termination or denial, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to defray the expenses of processing the application. The Director may waive the fines due under this Section in individual cases if the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-580, eff. 1-1-00.)

Section 140. The Fire Equipment Distributor and Employee Regulation Act of 2000 is amended by changing Section 65 as follows:

Sec. 65. Returned checks. Any person who on 2 occasions issues or delivers a check or other order to the State Fire Marshal that is not honored by the financial institution upon which it is drawn because of insufficient funds on account shall pay to the State Fire Marshal, in addition to the amount owing upon the check or other order, a fee of $50. If the check or other order was issued or delivered in payment of a renewal fee and the licensee whose license has lapsed continues to practice without a renewal fee and the $50 fee required under this Section, an additional fee of $100 shall be imposed. The State Fire Marshal shall notify the licensee whose license has lapsed, within 30 days after the discovery by the State Fire Marshal that the licensee is practicing without a current license, that the individual, person, or distributor is acting as a fire equipment distributor or employee, as the case may be, without a license, and the amount due to the
State Fire Marshal, which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of such notification, the licensee whose license has lapsed seeks a current license, he shall thereafter apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The State Fire Marshal may establish a fee for the processing of an application for reinstatement of a license that allows the State Fire Marshal to pay all costs and expenses incident to the processing of this application. The State Fire Marshal may waive the fees due under this Section in individual cases where he finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-835, eff. 6-16-00.)

Section 145. The Illinois Architecture Practice Act of 1989 is amended by changing Section 19 as follows:

(225 ILCS 305/19) (from Ch. 111, par. 1319)

Sec. 19. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department.

All of the fees and fines collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks the license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-133, eff. 1-1-00.)

Section 150. The Interior Design Profession Title Act is amended by changing Section 12 as follows:

(225 ILCS 310/12) (from Ch. 111, par. 8212)

Sec. 12. Returned checks; penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person uses the title “interior designer” or “residential interior designer” without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for prohibited use of a title without a registration or on a nonrenewed registration. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or certificate, without hearing. If, after termination or denial, the person seeks registration, he or she shall apply to the Department for registration or issuance of the registration and pay all fees and fines due to the Department. The Department may establish a fee for the processing
of an application for restoration of a certificate of registration to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-650, eff. 9-16-94.)

Section 155. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Section 36.1 as follows:

(225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)
Sec. 36.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 160. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.10 as follows:

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)
Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-55, eff. 1-1-98.)

Section 165. The Auction License Act is amended by changing Section 20-95 as follows:

(225 ILCS 407/20-95)
Sec. 20-95. Returned checks; fine. A person who delivers a check or other payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it is drawn shall pay to OBRE, in addition to the amount already owed to OBRE, a fee of $50. If the check or other payment was for issuance of a license under this Act and that person conducts an auction or provides an auction service, that person may be subject to discipline for unlicensed practice. OBRE shall notify the person that his or her check has been returned and that the person shall pay to OBRE by certified check or money order the amount of the returned check plus the $50 fee within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to
submit the necessary remittance, OBRE shall automatically terminate the license or deny the application without a hearing. If, after termination or denial, the person seeks a license, he or she shall petition OBRE for restoration and he or she may be subject to additional discipline or fines. The Commissioner may waive the fines due under this Section in individual cases where the Commissioner finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 91-603, eff. 1-1-00.)

Section 170. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Section 4-6 as follows:

(225 ILCS 410/4-6) (from Ch. 111, par. 1704-6)
Sec. 4-6. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 86-615; 87-1031.)

Section 175. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Section 17 as follows:

(225 ILCS 415/17) (from Ch. 111, par. 6217)
Sec. 17. Fees; returned checks; expiration while in military. The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration, shall be set by rule.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so
terminated.
(Source: P.A. 86-615; 87-1031.)

Section 180. The Detection of Deception Examiners Act is amended by changing Section 26.1 as follows:

(225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

Sec. 26.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 87-1031.)

Section 185. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 110 as follows:

(225 ILCS 446/110)

Sec. 110. Checks or orders to Department dishonored because of insufficient funds; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to recover all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 88-363.)

Section 190. The Illinois Public Accounting Act is amended by changing Section 17 as follows:

(225 ILCS 450/17) (from Ch. 111, par. 5518)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Department which allows the Department to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Department, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department,
in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 87-1031; 88-36.)

Section 195. The Real Estate License Act of 2000 is amended by changing Section 20-25 as follows:

(225 ILCS 454/20-25)
Sec. 20-25. Returned checks; fees. Any person who delivers a check or other payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it is drawn shall pay to OBRE, in addition to the amount already owed to OBRE, a fee of $50. The fees imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. OBRE shall notify the person that payment of fees and fines shall be paid to OBRE by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, OBRE shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to OBRE for restoration or issuance of the license and pay all fees and fines due to OBRE. OBRE may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Commissioner may waive the fees due under this Section in individual cases where the Commissioner finds that the fees would be unreasonable or unnecessarily burdensome.
(Source: P.A. 91-245, eff. 12-31-99.)

Section 200. The Professional Geologist Licensing Act is amended by changing Section 75 as follows:

(225 ILCS 745/75)
Sec. 75. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 89-366, eff. 7-1-96.)

Effective January 1, 2002.
AN ACT concerning environmental protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Sections 17.7 and 17.8 as follows:
(415 ILCS 5/17.7) (from Ch. 111 1/2, par. 1017.7)
Sec. 17.7. Community water supply testing fee.
(a) The Agency shall collect an annual nonrefundable testing fee from each community water supply for participating in the laboratory fee program for analytical services to determine compliance with contaminant levels specified in State or federal drinking water regulations. A community water supply may commit to participation in the laboratory fee program. If the community water supply makes such a commitment, it shall commit for a period consistent with the participation requirements established by the Agency and the Community Water Supply Testing Council (Council). If a community water supply elects not to participate, it must annually notify the Agency in writing of its decision not to participate in the laboratory fee program.
(b) The Agency, with the concurrence of the Council, shall determine the fee for participating in the laboratory fee program for analytical services. The Agency, with the concurrence of the Council, may establish multi-year participation requirements for community water supplies and establish fees accordingly. The Agency shall base its annual fee determination upon the actual and anticipated costs for testing under State and federal drinking water regulations and the associated administrative costs of the Agency and the Council. By October 1 of each year, the Agency shall submit its fee determination and supporting documentation for the forthcoming year to the Council. Before the following January 1, the Council shall hold at least one regular meeting to consider the Agency's determination. If the Council concurs with the Agency's determination, it shall thereupon take effect. The Agency and the Council may establish procedures for resolution of disputes in the event the Council does not concur with the Agency's fee determination.
(c) Community water supplies that choose not to participate in the laboratory fee program or do not pay the fees shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations established after the federal Safe Drinking Water Act Amendments of 1986.
(d) There is hereby created in the State Treasury an interest-bearing special fund to be known as the Community Water Supply Laboratory Fund. All fees collected by the Agency under this Section shall be deposited into this Fund and shall be used for no other purpose except those established in this Section. In addition to any monies appropriated from the General Revenue Fund, monies in the Fund shall be appropriated to the Agency in amounts deemed necessary for laboratory testing of samples from community water supplies, and for the associated administrative expenses of the Agency and the Council.
(e) The Agency is authorized to adopt reasonable and necessary rules for the administration of this Section. The Agency shall submit the proposed rules for review by the Council before submission of the rulemaking for the First Notice under Section 5-40 of the Illinois Administrative Procedure Act.
(f) The Director shall establish a Community Water Supply Testing Council, consisting of 5 persons who are elected municipal officials, 5 persons representing community water supplies, one person representing the engineering profession, one person representing investor-owned utilities, one person representing the Illinois Association of Environmental Laboratories, and 2 persons representing municipalities and community water supplies on a statewide basis, all appointed by the Director. Beginning in 1994, the Director shall appoint the following to the Council: (i) 2 elected municipal officials, 2 community water supply representatives, and 1 investor-owned utility representative, each for a one-year term; (ii) 2 elected municipal officials and 2 community water supply representatives, each for a 2 year term; and (iii) one elected municipal official, one community water supply representative, one person representing the engineering profession, and 2 persons representing municipalities and community water supplies on a statewide basis, each for a 3 year term.
As soon as possible after the effective date of this amendatory Act of the 92nd General Assembly, the
Director shall appoint one person representing the Illinois Association of Environmental Laboratories to a term of 3 years. Thereafter, the Director shall appoint successors in each position to 3 year terms. In case of a vacancy, the Director may appoint a successor to fill the remaining term of the vacancy.

Members of the Council shall serve until a successor is appointed by the Director. The Council shall select from its members a chairperson and such other officers as it deems necessary. The Council shall hold at least 2 regular meetings each year. The Agency shall provide the Council with such supporting services as the Director and the Chairperson may designate, and members shall be reimbursed for ordinary and necessary expenses incurred in the performance of their duties. The Council shall have the following duties:

1. to consider any fee determinations submitted by the Agency pursuant to subsection (b) of this Section, and to hold regular and special meetings at a time and place designated by the Director or the Chairperson of the Council;
2. to consider appropriate means for long-term financial support of water supply testing, and to make recommendations to the Agency regarding a preferred approach;
3. to review and evaluate the financial implications of current and future federal requirements for monitoring of public water supplies;
4. to review and evaluate management and financial audit reports related to the testing program, and to make recommendations regarding the Agency's efforts to implement the fee system and testing provided for by this Section;
5. to require an external audit as may be deemed necessary by the Council; and
6. to conduct such other activities as may be deemed appropriate by the Director.

(Source: P.A. 88-488.)

(415 ILCS 5/17.8)

Sec. 17.8. Environmental laboratory certification assessment fee.

(a) Beginning January 1, 1996, the Agency shall collect an annual administrative assessment of $350 from each laboratory requesting certification for meeting the minimum standards established under the authority of subsection (n) of Section 4. The Agency also shall collect an annual certification assessment for each certification requested, as listed below. Until the Agency and the Environmental Laboratory Certification Committee establish administrative and certification assessment schedules in accordance with the procedures of subsections (c) and (d-5) of this Section, the following assessment schedules shall remain in effect based on the following schedule:

1. For certification to conduct public water supply analyses:
   (A) $350 per year for inorganic parameters; and
   (B) $350 per year for organic parameters.
2. For certification to conduct water pollution analyses:
   (A) $700 per year for inorganic parameters; and
   (B) $700 per year for organic parameters.
3. For certification to conduct analyses of solid or liquid samples for hazardous or other waste parameters:
   (A) $900 per year for inorganic parameters; and
   (B) $900 per year for organic parameters.
4. An administrative assessment of $350 per year from each laboratory requesting certification.

(b) Until the Agency and the Environmental Laboratory Certification Committee establish administrative and certification assessment schedules in accordance with the procedures of subsections (c) and (d-5) of this Section, the following payment schedules shall remain in effect. The administrative assessment shall be paid at the time the laboratory submits an application for certification or renewal of certification and on the anniversary date of the initial certification. The certification assessment shall be paid at the time the laboratory submits an application and on the anniversary date of the initial certification. Assessments paid under this Section may not be refunded.

(c) The Agency must establish procedures relating to the certification of laboratories, analyses of samples, development of alternative assessment schedules, assessment schedule dispute resolution, and collection of assessments. No assessment for the certification of environmental laboratories shall be due under this Section from any department, agency, or unit of State government. No assessments shall be due from any municipal government for certification to conduct public
water supply that conducts analyses of samples from public water supplies. The Agency’s cost for certification of laboratories that are exempt from the assessment shall be excluded from the calculation of the alternative assessment schedules.

(d) All moneys collected by the Agency under this Section shall be deposited into the Environmental Laboratory Certification Fund, a special fund hereby created in the State treasury. Subject to appropriation, the Agency shall use the moneys in the Fund to pay expenses incurred in the administration of laboratory certification duties. All interest or other income earned from the investment of the moneys in the Fund shall be deposited into the Fund.

(d-5) The Agency, with the concurrence with the Environmental Laboratory Certification Committee, shall determine the assessment schedules for participation in the environmental laboratory certification program. The Agency, with the concurrence of the Committee, shall base the assessment schedules upon actual and anticipated costs for certification under State and federal programs and the associated costs of the Agency and Committee. On or before August 1 of each year, the Agency shall submit its assessment schedules determination and supporting documentation for the forthcoming year to the Committee. Before the following September 30, the Committee shall hold at least one regular meeting to consider the Agency’s assessment schedule determination. If the Committee concurs with the Agency’s assessment schedule determination, it shall thereupon take effect.

(e) The Director shall establish an Environmental Laboratory Certification Committee consisting of (i) one person representing accredited county or municipal public water supply laboratories, (ii) one person representing the Metropolitan Water Reclamation District of Greater Chicago, (iii) one person representing accredited sanitary district or waste water treatment plant laboratories, (iv) 3 persons representing accredited environmental commercial laboratories duly incorporated in the State of Illinois and employing 20 or more people, (v) 2 persons representing accredited environmental commercial laboratories duly incorporated in the State of Illinois employing less than 20 people, and (vi) one person representing the Illinois Association of Environmental Laboratories, all appointed by the Director. If no accredited laboratories are available to fill one of the categories under item (iv) or (v) then any laboratory that has applied for accreditation may be eligible to fill that position. Beginning in 2002, the Director shall appoint 3 members of the Committee for a one-year term, 3 members of the Committee for 2-year terms, and 3 members of the Committee for 3-year terms. Thereafter, all terms shall be for 3 years. In the case of a vacancy, the Director may appoint a successor to fill the remaining term of the vacancy. Members of the Committee shall serve until a successor is appointed by the Director. No member of the Committee shall serve more than 2 consecutive 3-year terms. The Committee shall select from its members a Chairperson and any other officers that it deems necessary. The Committee shall hold at least 2 regular meetings each year. The Agency shall provide the Committee with any supporting services that the Director and the Chairperson may designate. Members of the Committee shall be reimbursed for ordinary and necessary expenses incurred in the performance of their duties. The Committee shall have the following duties:

(1) To consider any alternative assessment schedules submitted by the Agency pursuant to subsection (c) of this Section;
(2) To review and evaluate the financial implications of current and future State and federal requirements for certification of environmental laboratories;
(3) To review and evaluate management and financial audit reports relating to the certification program and to make recommendations regarding the Agency’s efforts to implement alternative assessment schedules;
(4) To consider appropriate means for long-term financial support of the laboratory certification program and to make recommendations to the Agency regarding a preferred approach;
(5) To provide technical review and evaluation of the laboratory certification program;
(6) To hold regular and special meetings at a time and place designated by the Director or the Chairperson of the Committee; and
(7) To conduct any other activities as may be deemed appropriate by the Director.

(Source: P.A. 89-368, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
PUBLIC ACT 92-0148  
(Senate Bill No. 0867)

AN ACT concerning insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Sections 351A-1, 351A-4, 351A-7, and 351A-8 and adding Sections 351A-9.2 and 351A-9.3 as follows:

Sec. 351A-1. Definitions. Unless the context requires otherwise, in this Article:

(a) "Long-term care insurance" means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance. The term also includes a policy or rider that provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. The term shall also include qualified long-term care insurance contracts. Long-term care insurance may be issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization to the extent they are otherwise authorized to issue life or health insurance. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. Long-term care insurance may include benefits for care and treatment in accordance with the tenets and practices of any established church or religious denomination which teaches reliance on spiritual treatment through prayer for healing.

(b) "Applicant" means:

(1) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits.

(2) In the case of a group long-term care insurance policy, the proposed certificate holder.

(c) "Certificate" means, for the purposes of this Article, any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.

(d) "Director" means the Director of Insurance of this State.

(e) "Group long-term care insurance" means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:

(1) One or more employers or labor organizations, or to a trust or to the trustee or trustees of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees, or a combination thereof, for members or former members, or a combination thereof, of the labor organizations.

(2) Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

(A) is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

(B) has been maintained in good faith for purposes other than obtaining insurance.

(3) An association or a trust or the trustee or trustees of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been

New matter indicated by italics - deletions by strikeout.
organized and maintained in good faith for purposes other than that of obtaining insurance, have been in active existence for at least one year, and have a constitution and by-laws which provide that:

(A) the association or associations hold regular meetings not less than annually to further the purposes of the members;
(B) except for credit unions, the association or associations collect dues or solicit contributions from members; and
(C) the members have voting privileges and representation on the governing board and committees.

Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.

(4) A group other than as described in paragraph (1), (2) or (3) of this subsection (e), subject to a finding by the Director that:

(A) the issuance of the group policy is not contrary to the best interest of the public;
(B) the issuance of the group policy would result in economies of acquisition or administration; and
(C) the benefits are reasonable in relation to the premiums charged.

(f) "Policy" means, for the purposes of this Article, any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer, fraternal benefit society, nonprofit health, hospital, or medical service corporation, prepaid health plan, health maintenance organization or any similar organization.

(g) "Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means an individual or group insurance contract that meets the requirements of Section 7702B(b) of the Internal Revenue Code of 1986, as amended, as follows:

(1) The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

(2) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act, as amended, or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subparagraph do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act only as a secondary payer. A contract shall not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

(3) The contract is guaranteed renewable within the meaning of Section 7702(B)(b)(1)(C) of the Internal Revenue Code of 1986, as amended.

(4) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subparagraph (5).

(5) All refunds of premiums and all policyholder dividends or similar amounts under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract.

(6) The contract meets the consumer protection provisions set forth in Section 7702B(g) of the Internal Revenue Code of 1986, as amended.

"Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" also means the portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies the requirements of Sections 7702B(b) and 7702B(e) of the Internal Revenue Code of 1986, as amended.

(Source: P.A. 86-384.)
(215 ILCS 5/351A-4) (from Ch. 73, par. 963A-4)
Sec. 351A-4. Limitation. No long-term care insurance policy may:
(1) Be cancelled, nonrenewed or otherwise terminated on grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder.

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder.

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

(Source: P.A. 85-1172; 85-1174; 85-1440.)

(215 ILCS 5/351A-7) (from Ch. 73, par. 963A-7)

Sec. 351A-7. Right to return.

(a) An individual long-term care insurance policyholder shall have the right to return the policy within 30 days of its delivery and to have the premium refunded directly to him or her if, after examination of the policy, the policyholder is not satisfied for any reason. Long-term care insurance policies shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder shall have the right to return the policy within 30 days of its delivery and to have the premium refunded if, after examination of the policy, the policyholder is not satisfied for any reason. This subsection also applies to denials of applications, and any refund must be made within 30 days of the return or denial.

(b) A person insured under a long-term care insurance policy or certificate issued pursuant to a direct response solicitation shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded directly to him or her if, after examination, the insured person is not satisfied for any reason. Long-term care insurance policies or certificates issued pursuant to a direct response solicitation shall have a notice prominently printed on the first page of the policy or certificate attached thereto stating in substance that the insured person shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason. This subsection also applies to denials of applications, and any refund must be made within 30 days of the return or denial.

(Source: P.A. 85-1440; 86-384.)

(215 ILCS 5/351A-8) (from Ch. 73, par. 963A-8)

Sec. 351A-8. Outline of coverage.

(a) An outline of coverage shall be delivered to a prospective applicant for long-term care insurance at the time of initial solicitation through means which prominently direct the attention of the recipient to the document and its purpose.

(1) The Director shall prescribe a standard format including style, arrangement and overall appearance and the content of an outline of coverage.

(2) In the case of agent solicitations, an agent must deliver the outline of coverage prior to the presentation of an application or enrollment form.

(3) In the case of direct response solicitations, the outline of coverage must be presented in conjunction with any application or enrollment form.

(b) The outline of coverage shall include:

(1) A description of the principal benefits and coverage provided in the policy.

(2) A statement of the principal exclusions, reductions and limitations contained in the policy.

(3) A statement of the terms under which the policy or certificate, or both, may be continued in force or discontinued, including any reservation in the policy of a right to change premium. Continuation or conversion provisions of group coverage shall be specifically described.

(4) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy or group master policy contain governing contractual provisions.

(5) A description of the terms under which the policy or certificate may be returned and premium refunded.

(6) A brief description of the relationship of cost of care and benefits.

(7) A statement that discloses to the policyholder or certificate holder whether the policy is intended to be a federally tax-qualified long-term care insurance contract under 7702B(b)

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of the Internal Revenue Code of 1986, as amended.
(Source: P.A. 85-1440; 86-384.)

(215 ILCS 5/351A-9.2 new)
Sec. 351A-9.2. Delivery of policy. If an applicant for a long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later than 30 days after the date of approval.

(215 ILCS 5/351A-9.3 new)
Sec. 351A-9.3. Claim denial; explanation. If a claim under a long-term care insurance contract is denied, the issuer, within 60 days after receipt of a written request by a policyholder or certificate holder or a policyholder's or certificate holder's representative shall:
1. provide a written explanation of the reasons for the denial; and
2. make available all information directly related to the denial.

Section 99. Effective date. This Act takes effect upon becoming law.
(a) Under the provisions of Section 2683 of Title 10 of the United States Code, the State of Illinois authorizes acceptance of retrocession by the United States of America of concurrent legislative jurisdiction over lands consisting of the U.S. Army Depot Activity Savanna Military Reservation, Jo Daviess County and Carroll County, Illinois, being more particularly described as follows:

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

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

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

Easterly 2,640 feet to a 2 inch shafting at the north quarter corner of Section 4; thence
Easterly 1,002 feet to a monument on the westerly right-of-way line of the Burlington Northern Santa Fe Railroad; thence crossing section 4 with said right-of-way line as it generally follows a southeasterly direction
Southeasterly 2,335 feet, more or less, to point on the west line of Section 3, said point being located South 1,588 feet from the northwest corner of section 3; thence crossing a portion of section 3
Southeasterly 2,845 feet, more or less, to a monument on the boundary of the village of Blanding; thence with the common boundary of the U.S. Army Depot Activity Savanna and village of Blanding
South 43° 50' West 372 feet to a monument
South 46° 10' East 131 feet to a monument
North 60° 30' East 387 feet to a monument on said westerly railroad right-of-way line; thence crossing section 3 with said right-of-way line as it generally follows a southeasterly direction
Southeasterly 2,430 feet, more or less to a point on the north line of Section 10, said point being located West 1,332 feet from a monument at the northeast corner of Section 10; thence crossing Section 10 and a portion of Section 11
Southeasterly 5,010 feet, more or less, to a monument on the north and south quarter line through Section 11, said point being located North 3,102 feet from a stone on the south line of Section 11; thence crossing Section 11
Southeasterly 3,000 feet, more or less, to a monument on the east line of Section 11, said monument being located North 2,277 feet from the southeast corner of said Section 11; thence crossing Section 12
Southeasterly 3,880 feet, more or less, to a point on the north line of Section 13, said point being located East 393 feet from a stone at the north quarter corner of Section 13; thence crossing Section 13 and a portion of Section 18
Southeasterly 3,950 feet, more or less, to a monument on the east and west quarter line in Section 18, Township 26 north, Range 2 east, said monument being located East 452 feet from a stone at the west quarter corner of Section 18; thence crossing Section 18
Southeasterly 3,585 feet, more or less, to a monument on the north line of Section 19, said monument being located West 2 feet from the north quarter corner of Section 19; thence crossing Section 19
Southeasterly 4,320 feet, more or less, to a monument on the west line of Section 20; thence crossing Section 20 Southeasterly 2,787 feet, more or less, to a monument on the north line of Section 29; thence crossing Sections 29 and 28
Southeasterly 7,180 feet, more or less, to a point on the north line of Section 33, said point being located North 86° 45' East 731.3 feet from a stone at the northwest corner of Section 33; thence crossing a portion of Section 33
Southeasterly 4,170 feet, more or less, to a point on the east and west quarter line through
said Section 33, said point being located East 1,141 feet from the center of said Section 33; thence crossing Sections 33 and 34
Southeasternly 4,740 feet, more or less, to a point on the north line of Section 3, Township 25 north, Range 2 east; thence crossing said right-of-way with said north line of Section 3
Easterly 305 feet to a monument on the north quarter corner of Section 3; thence continuing with said north line of Section 3
Easterly 2,678 feet to the northwest corner of Section 2; thence with the north line of Section 2
Easterly 2,181.5 feet to a monument on the westerly bank of the Apple River; thence with said westerly bank
Southerly to a point 100 feet north of and parallel to the east and west quarter line of Section 2; thence with a line 100 feet north of and parallel to the east and west quarter line of Section 2
Easterly 80 feet, more or less, to a point on the centerline of the Apple River, said point being the northwest corner of U.S. Tract No. S-10; thence with the north boundary of U.S. Tract No. S-10 (north line of the access road to the U.S. Army Depot Activity Savanna)
Easterly 824.7 feet, more or less, to a point on the west line of Section 1; thence crossing Section 1 with a line 100 feet north of and parallel to the east and west quarter line of Section 1
Easterly along a line comprising the northern boundaries of U.S. Tract Nos. S-7, S-6, S-5, S-4, S-3, and S-2, respectively, passing the east line of Section 1, to the southwest right-of-way line Illinois Highway No. 84; thence with said right-of-way line
Southeasternly 115 feet, more or less, to a point on the extended east and west quarter line of Section 1, Township 25 north, Range 2 east; thence with said extended line
Westerly to the east quarter corner of Section 1, Township 25 north, Range 2 east; thence along the east and west quarter line of said Section 1
Westerly to a point at the center of Section 1; thence continuing along the said east and west quarter line Westerly 1,942.1 feet (passing a point at 1925.4 feet on the centerline of the old access road, hereafter referred to as Point "A") to a point on the west right-of-way line of the old access road to the U.S. Army Depot Activity Savanna; thence with said west right-of-way
Southwesterly to a point 20 feet south of and parallel to the east and west quarter line of Section 1, said point also being the southeast corner of U.S. Tract No. S-9A; thence along the south boundary of said U.S. Tract No. S-9A
Westerly to a point on the west line of Section 1, thence along a line 20.0 south of and parallel to the east and west quarter line of Section 2, Township 25 north, Range 2 east
Westerly 855 feet, more or less, to a point on the westerly bank of the Apple River; thence along the westerly bank of the Apple River
Southeasternly to the Mississippi River; thence along the meanders of the Mississippi River
Northwesterly to the Southeast corner of a tract of land transferred to Mississippi Lock and Dam No.12; thence with the common boundary of Lock and Dam No.12 and said Army Depot
North 73° 05' East 1,251.4 feet, more or less, to a point; thence
North 61° 58' East 5,524.0 feet, to a point on the south line of Section 4, Township 26 north, Range 1 east; thence with said south line
North 88° 53' East 333.3 feet to the southwest corner of Section 3; thence with the south line of Section 3
South 88° 21' West 75.0 feet to the northwest corner of the southwest quarter of said Section 3; thence
South 46° 48' West 839.1 feet
South 61° 58' West 5,541.0 feet

New matter indicated by italics - deletions by strikeout.
South 73° 05' West 1287.6 feet, more or less, to the Mississippi River; thence with the meanders of the Mississippi River
Northwesterly to the point of beginning, inclusive of Apple River island in Section 10 and 11, sand bars in Sections 3, 4, and 5, all in Township 25 north, Range 2 east, Island No. 9 in Section 31, Township 26 north, Range 2 east, and in Section 25, Township 26 north, Range 1 east, Island No. 7 in Sections 25 and 26, Township 26 north, Range 1 east, and Section 31, Township 26 North, Range 2 east, Island No. 4 in Section 22 and 27; Island No. 2 in Section 8, 9 and 16; and Island No. 1 in Section 5; all in Township 26 north, Range 1 east, excepting that portion of the railroad right-of-way in Sections 2, 3, and 11, Township 25 north, Range 2 east, and also the following, lying 15 feet on both sides of the following described centerline:
Beginning at the aforesaid Point "A" said point being on the centerline of a strip of land 30 feet in width, thence with said centerline and an angle of 116° 07' to the right with said east and west quarter line of Section 1
Southwesterly 387.8 feet; thence with a deflection angle to the right of 04°
Southwesterly 190 feet; thence with a deflection angle to the right of 37°
Southwesterly 145 feet; thence with a deflection angle to the right of 20° 47'
Westerly 371.6 feet, more or less, to a point on the east line of Section 2, Township 25 north, Range 2 east, being located South 591 feet from the west quarter corner of said Section 2; thence with an angle to the left of 94° 33' with said west line of Section 2
Westerly 578.4 feet to a point on the centerline of a strip of land 100 feet in width, lying 50 feet on both sides of the following described centerline; thence with a deflection angle to the right of 12° 34'
Westerly 499.3 feet to the east bank of the Apple River, containing a total of 13,060.94 acres, more or less, for all of the above described lands.
Further, the State of Illinois accepts retrocession of and authorizes acceptance of retrocession of concurrent legislative jurisdiction over all those lands owned by the United States that may subsequently be identified by the Department of the Army as part of the U.S. Army Depot Activity Savanna Military Reservation, Jo Davies County and Carroll County, Illinois, although not included within the legal description contained in this subsection, to the extent concurrent jurisdiction has not previously been retroceded to the State of Illinois. Any additional land over which the State accepts retrocession of concurrent jurisdiction shall be identified in a notice filed by the Governor as provided in subsection (d).
(b) Pursuant to concurrent legislative jurisdiction, both State and federal laws are applicable. Since most major crimes violate both federal and State laws, both may punish an offender for an offense committed in the area. The State of Illinois, subject to the exemption of the federal government, has the right to tax. The regulatory powers of the State of Illinois may be exercised in the area, but not in such a manner as to interfere with federal functions. Persons residing on the area under concurrent legislative jurisdiction are ensured important rights and privileges of citizenship, such as the right to vote and access to the Illinois courts.
(c) Subject to subsection (b), the State of Illinois accepts cession of concurrent legislative jurisdiction from the United States.
(d) The Governor of the State of Illinois is authorized to accept the retrocession of concurrent legislative jurisdiction over the subject lands by filing a notice of acceptance with the Illinois Secretary of State.
(e) Upon transfer by deed of the subject lands, or any portion thereof, by the United States of America, the concurrent jurisdiction retained by the United States shall expire as to the particular property transferred.
Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning environmental protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing and renumbering Section 58.15 (as added by Public Act 91-442) as follows:

(415 ILCS 5/58.16)
Sec. 58.16. Construction of school; requirements. This Section applies only to counties with a population of more than 3,000,000. In this Section, "school" means any public school located in whole or in part in a county with a population of more than 3,000,000. No person shall commence construction on real property of a building intended for use as a school unless:

1. a Phase I Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained;
2. if the Phase I Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, a Phase II Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained; and
3. if the Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, and (i) the real property is enrolled in the Site Remediation Program, and (ii) the remedial action plan is approved by the Agency, if a remedial action plan is required by Board regulations.

No person shall cause or allow any person to occupy a building intended to be used as a school for which a remedial action plan is required by Board regulations unless all work pursuant to the remedial action plan is completed.


AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-610 as follows:

(625 ILCS 5/12-610) (from Ch. 95 1/2, par. 12-610)
Sec. 12-610. Headset receivers.
(a) Except as provided under Section 11-1403.3, no driver of a motor vehicle on the highways of this State shall wear headset receivers while driving.
(b) This Section does not prohibit the use of a headset type receiving equipment used exclusively for safety or traffic engineering studies, by law enforcement personnel on duty, or emergency medical services and fire service personnel.
(c) This Section does not prohibit the use of any single sided headset type receiving and transmitting equipment designed to be used in or on one ear which is used exclusively for providing two-way radio vocal communications by an individual in possession of a current and valid novice class or higher amateur radio license issued by the Federal Communications Commission and an amateur radio operator special registration plate issued under Section 3-607 of this Code.
(d) This Section does not prohibit the use of a single-sided headset or earpiece with a cellular or other mobile telephone.


New matter indicated by italics - deletions by strikeout.
AN ACT to amend the Comprehensive Health Insurance Plan Act by changing Sections 2 and 15.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Sections 2 and 15 as follows:

(215 ILCS 105/2) (from Ch. 73, par. 1302)
Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:
"Plan administrator" means the insurer or third party administrator designated under Section 5 of this Act.
"Benefits plan" means the coverage to be offered by the Plan to eligible persons and federally eligible individuals pursuant to this Act.
"Board" means the Illinois Comprehensive Health Insurance Board.
"Church plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.
"Continuation coverage" means continuation of coverage under a group health plan or other health insurance coverage for former employees or dependents of former employees that would otherwise have terminated under the terms of that coverage pursuant to any continuation provisions under federal or State law, including the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, Sections 367.2 and 367e of the Illinois Insurance Code, or any other similar requirement in another State.
"Covered person" means a person who is and continues to remain eligible for Plan coverage and is covered under one of the benefit plans offered by the Plan.
"Creditable coverage" means, with respect to a federally eligible individual, coverage of the individual under any of the following:
(A) A group health plan.
(B) Health insurance coverage (including group health insurance coverage).
(C) Medicare.
(D) Medical assistance.
(E) Chapter 55 of title 10, United States Code.
(F) A medical care program of the Indian Health Service or of a tribal organization.
(G) A state health benefits risk pool.
(H) A health plan offered under Chapter 89 of title 5, United States Code.
(I) A public health plan (as defined in regulations consistent with Section 104 of the Health Care Portability and Accountability Act of 1996 that may be promulgated by the Secretary of the U.S. Department of Health and Human Services).
(J) A health benefit plan under Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)).
(K) Any other qualifying coverage required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or regulations under that Act.

"Creditable coverage" does not include coverage consisting solely of coverage of excepted benefits, as defined in Section 2791(c) of title XXVII of the Public Health Service Act (42 U.S.C. 300 gg-91), nor does it include any period of coverage under any of items (A) through (K) that occurred before a break of more than 90 days during all of which the individual was not covered under any of items (A) through (K) above. Any period that an individual is in a waiting period for any coverage under a group health plan (or for group health insurance coverage) or is in an affiliation period under the terms of health insurance coverage offered by a health maintenance organization shall not be taken into account in determining if there has been a break of more than 90 days in any creditable coverage.

"Department" means the Illinois Department of Insurance.
"Dependent" means an Illinois resident: who is a spouse; or who is claimed as a dependent by the principal insured for purposes of filing a federal income tax return and resides in the principal

New matter indicated by italics - deletions by strikeout.
insured's household, and is a resident unmarried child under the age of 19 years; or who is an unmarried child who also is a full-time student under the age of 23 years and who is financially dependent upon the principal insured; or who is a child of any age and who is disabled and financially dependent upon the principal insured.

"Direct Illinois premiums" means, for Illinois business, an insurer's direct premium income for the kinds of business described in clause (b) of Class 1 or clause (a) of Class 2 of Section 4 of the Illinois Insurance Code, and direct premium income of a health maintenance organization or a voluntary health services plan, except it shall not include credit health insurance as defined in Article IX 1/2 of the Illinois Insurance Code.

"Director" means the Director of the Illinois Department of Insurance.

"Eligible person" means a resident of this State who qualifies for Plan coverage under Section 7 of this Act.

"Employee" means a resident of this State who is employed by an employer or has entered into the employment of or works under contract or service of an employer including the officers, managers and employees of subsidiary or affiliated corporations and the individual proprietors, partners and employees of affiliated individuals and firms when the business of the subsidiary or affiliated corporations, firms or individuals is controlled by a common employer through stock ownership, contract, or otherwise.

"Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, for which one or more persons is gainfully employed.

"Family" coverage means the coverage provided by the Plan for the covered person and his or her eligible dependents who also are covered persons.

"Federally eligible individual" means an individual resident of this State:

(1)(A) for whom, as of the date on which the individual seeks Plan coverage under Section 15 of this Act, the aggregate of the periods of creditable coverage is 18 or more months, and (B) whose most recent prior creditable coverage was under group health insurance coverage offered by a health insurance issuer, a group health plan, a governmental plan, or a church plan (or health insurance coverage offered in connection with any such plans) or any other type of creditable coverage that may be required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or the regulations under that Act;

(2) who is not eligible for coverage under (A) a group health plan, (B) part A or part B of Medicare due to age, or (C) medical assistance, and does not have other health insurance coverage;

(3) with respect to whom the most recent coverage within the coverage period described in paragraph (1)(A) of this definition was not terminated based upon a factor relating to nonpayment of premiums or fraud;

(4) if the individual had been offered the option of continuation coverage under a COBRA continuation provision or under a similar State program, who elected such coverage; and

(5) who, if the individual elected such continuation coverage, has exhausted such continuation coverage under such provision or program.

"Group health insurance coverage" means, in connection with a group health plan, health insurance coverage offered in connection with that plan.

"Group health plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Governmental plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital and medical expense-incurred policy, certificate, or contract provided by an insurer, non-profit health care service plan contract, health maintenance organization or other subscriber contract, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. Health insurance coverage shall not include short term, accident only, disability income, hospital confinement or fixed indemnity, dental only,
vision only, limited benefit, or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization and a voluntary health services plan) that is authorized to transact health insurance business in this State. Such term does not include a group health plan.

"Health Maintenance Organization" means an organization as defined in the Health Maintenance Organization Act.

"Hospice" means a program as defined in and licensed under the Hospice Program Licensing Act.

"Hospital" means a duly licensed institution as defined in the Hospital Licensing Act, an institution that meets all comparable conditions and requirements in effect in the state in which it is located, or the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term, limited-duration insurance.

"Insured" means any individual resident of this State who is eligible to receive benefits from any insurer (including health insurance coverage offered in connection with a group health plan) or health insurance issuer as defined in this Section.

"Insurer" means any insurance company authorized to transact health insurance business in this State and any corporation that provides medical services and is organized under the Voluntary Health Services Plans Act or the Health Maintenance Organization Act.

"Medical assistance" means the State medical assistance or medical assistance no grant (MANG) programs provided under Title XIX of the Social Security Act and Articles V (Medical Assistance) and VI (General Assistance) of the Illinois Public Aid Code (or any successor program) or under any similar program of health care benefits in a state other than Illinois.

"Medically necessary" means that a service, drug, or supply is necessary and appropriate for the diagnosis or treatment of an illness or injury in accord with generally accepted standards of medical practice at the time the service, drug, or supply is provided. When specifically applied to a confinement it further means that the diagnosis or treatment of the covered person's medical symptoms or condition cannot be safely provided to that person as an outpatient. A service, drug, or supply shall not be medically necessary if it: (i) is investigational, experimental, or for research purposes; or (ii) is provided solely for the convenience of the patient, the patient's family, physician, hospital, or any other provider; or (iii) exceeds in scope, duration, or intensity that level of care that is needed to provide safe, adequate, and appropriate diagnosis or treatment; or (iv) could have been omitted without adversely affecting the covered person's condition or the quality of medical care; or (v) involves the use of a medical device, drug, or substance not formally approved by the United States Food and Drug Administration.

"Medical care" means the ordinary and usual professional services rendered by a physician or other specified provider during a professional visit for treatment of an illness or injury.

"Medicare" means coverage under both Part A and Part B of Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395, et seq.

"Minimum premium plan" means an arrangement whereby a specified amount of health care claims is self-funded, but the insurance company assumes the risk that claims will exceed that amount.

"Participating transplant center" means a hospital designated by the Board as a preferred or exclusive provider of services for one or more specified human organ or tissue transplants for which the hospital has signed an agreement with the Board to accept a transplant payment allowance for all expenses related to the transplant during a transplant benefit period.

"Physician" means a person licensed to practice medicine pursuant to the Medical Practice Act of 1987.

"Plan" means the Comprehensive Health Insurance Plan established by this Act.

"Plan of operation" means the plan of operation of the Plan, including articles, bylaws and operating rules, adopted by the board pursuant to this Act.

"Provider" means any hospital, skilled nursing facility, hospice, home health agency,
physician, registered pharmacist acting within the scope of that registration, or any other person or entity licensed in Illinois to furnish medical care.

"Qualified high risk pool" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Resident" means a person who is and continues to be legally domiciled and physically residing on a permanent and full-time basis in a place of permanent habitation in this State that remains that person's principal residence and from which that person is absent only for temporary or transitory purpose.

"Skilled nursing facility" means a facility or that portion of a facility that is licensed by the Illinois Department of Public Health under the Nursing Home Care Act or a comparable licensing authority in another state to provide skilled nursing care.

"Stop-loss coverage" means an arrangement whereby an insurer insures against the risk that any one claim will exceed a specific dollar amount or that the entire loss of a self-insurance plan will exceed a specific amount.

"Third party administrator" means an administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI 1/4 of that Code.

(Source: P.A. 90-30, eff. 7-1-97; 91-357, eff. 7-29-99; 91-735, eff. 6-2-00.)

(215 ILCS 105/15)
Sec. 15. Alternative portable coverage for federally eligible individuals.
(a) Notwithstanding the requirements of subsection a. of Section 7, any federally eligible individual for whom a Plan application, and such enclosures and supporting documentation as the Board may require, is received by the Board within 90 days after the termination of prior creditable coverage shall qualify to enroll in the Plan under the portability provisions of this Section.
(b) Any federally eligible individual seeking Plan coverage under this Section must submit with his or her application evidence, including acceptable written certification of previous creditable coverage, that will establish to the Board's satisfaction, that he or she meets all of the requirements to be a federally eligible individual and is currently and permanently residing in this State (as of the date his or her application was received by the Board).
(c) A period of creditable coverage shall not be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, if after such period and before the application for Plan coverage was received by the Board, there was at least a 90 day period during all of which the individual was not covered under any creditable coverage.
(d) Any federally eligible individual who the Board determines qualifies for Plan coverage under this Section shall be offered his or her choice of enrolling in one of alternative portability health benefit plans which the Board is authorized under this Section to establish for these federally eligible individuals and their dependents.
(e) The Board shall offer a choice of health care coverages consistent with major medical coverage under the alternative health benefit plans authorized by this Section to every federally eligible individual. The coverages to be offered under the plans, the schedule of benefits, deductibles, co-payments, exclusions, and other limitations shall be approved by the Board. One optional form of coverage shall be comparable to comprehensive health insurance coverage offered in the individual market in this State or a standard option of coverage available under the group or individual health insurance laws of the State. The standard benefit plan that is authorized by Section 8 of this Act may be used for this purpose. The Board may also offer a preferred provider option and such other options as the Board determines may be appropriate for these federally eligible individuals who qualify for Plan coverage pursuant to this Section.
(f) Notwithstanding the requirements of subsection f. of Section 8, any plan coverage that is issued to federally eligible individuals who qualify for the Plan pursuant to the portability provisions of this Section shall not be subject to any preexisting conditions exclusion, waiting period, or other similar limitation on coverage.
(g) Federally eligible individuals who qualify and enroll in the Plan pursuant to this Section shall be required to pay such premium rates as the Board shall establish and approve in accordance with the requirements of Section 7.1 of this Act.
(h) A federally eligible individual who qualifies and enrolls in the Plan pursuant to this Section must satisfy on an ongoing basis all of the other eligibility requirements of this Act to the
extent not inconsistent with the federal Health Insurance Portability and Accountability Act of 1996 in order to maintain continued eligibility for coverage under the Plan.
(Source: P.A. 90-30, eff. 7-1-97.)

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

PUBLIC ACT 92-0154
(House Bill No. 3305)

AN ACT concerning children and family services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Sections 5 and 21 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)
Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.
(a) For purposes of this Section:
(1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 19 who:
(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or
(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.
(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.
(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:
(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;
(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;
(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;
(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;
(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;
(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;
(G) (blank);
(H) (blank); and
(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:
   (i) who are in a foster home, or
   (ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or
   (iii) who are female children who are pregnant, pregnant and parenting or parenting, or
   (iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:
   (1) adoption;
   (2) foster care;
   (3) family counseling;
   (4) protective services;
   (5) (blank);
   (6) homemaker service;
   (7) return of runaway children;
   (8) (blank);
   (9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and
   (10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized,
program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

(1) case management;
(2) homemakers;
(3) counseling;
(4) parent education;
(5) day care; and
(6) emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

(1) comprehensive family-based services;
(2) assessments;
(3) respite care; and
(4) in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency.
The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

1. the likelihood of prompt reunification;
2. the past history of the family;
3. the barriers to reunification being addressed by the family;
4. the level of cooperation of the family;
5. the foster parents' willingness to work with the family to reunite;
6. the willingness and ability of the foster family to provide an adoptive home or long-term placement;
7. the age of the child;
8. placement of siblings.

(m) The Department may assume temporary custody of any child if:
(1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
(2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where

New matter indicated by italics - deletions by strikeout.
children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing savings accounts in appropriate financial institutions ("individual accounts") for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each individual account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's individual accounts, the Department shall:

1. Establish standards in accordance with State and federal laws for disbursing money from children's individual accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's individual accounts. The Department shall be responsible for keeping complete records of all disbursements for each individual account for any purpose.

2. Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's individual account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's individual accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

3. Maintain any balance remaining after reimbursing the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to
voluntarily forward to the Department or its agent names and addresses of all persons who have
applied for and have been approved for adoption of a hard-to-place or handicapped child and the
names of such children who have not been placed for adoption. A list of such names and addresses
shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality
of the person seeking to adopt the child and of the child shall be made available, without charge, to
every adoption agency in the State to assist the agencies in placing such children for adoption. The
Department may delegate to an agent its duty to maintain and make available such lists. The
Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt
the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program
to reimburse Department and private child welfare agency foster parents licensed by the Department
of Children and Family Services for damages sustained by the foster parents as a result of the
malicious or negligent acts of foster children, as well as providing third party coverage for such foster
parents with regard to actions of foster children to other individuals. Such coverage will be secondary
to the foster parent liability insurance policy, if applicable. The program shall be funded through
appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise
supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of
Marriage Act or the Adoption Act only if:

(1) an order entered by an Illinois court specifically directs the Department to perform
such services; and

(2) the court has ordered one or both of the parties to the proceeding to reimburse the
Department for its reasonable costs for providing such services in accordance with
Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements
for supervised visitation and projected monthly costs within 60 days of the court order. The
Department shall send to the court information related to the costs incurred except in cases where the
court has determined the parties are financially unable to pay. The court may order additional periodic
reports as appropriate.

(u) Whenever the Department places a child in a licensed foster home, group home, child care
institution, or in a relative home, the Department shall provide to the caretaker:

(1) available detailed information concerning the child's educational and health history,
copies of immunization records (including insurance and medical card information), a history
of the child's previous placements, if any, and reasons for placement changes excluding any
information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation
arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the
child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including,
but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive
behavior, and substance abuse) necessary to care for and safeguard the child.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes
pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the
Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative
placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had
submitted an application for licensure as a foster family home may continue to receive foster care
payments only until the Department determines that they may be licensed as a foster family home or
that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois
Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional
record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS
2605/2605-355) if the Department determines the information is necessary to perform its duties under
the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and
Family Services Act. The Department shall provide for interactive computerized communication and

New matter indicated by italics - deletions by strikeout.
processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 90-11, eff. 1-1-98; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-362, eff. 1-1-98; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 91-812, eff. 6-13-00.)

(20 ILCS 505/21) (from Ch. 23, par. 5021)
Sec. 21. Investigative powers; training.
(a) To make such investigations as it may deem necessary to the performance of its duties.

(b) In the course of any such investigation any qualified person authorized by the Director may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. Any person who is served with a subpoena by the Department to appear and testify or to produce books and papers, in the course of an investigation authorized by law, and who refuses or neglects to appear, or to testify, or to produce books and papers relevant to such investigation, as commanded in such subpoena, shall be guilty of a Class B misdemeanor. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State. Any circuit court of this State, upon application of the person requesting the hearing or the Department, may compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Department or before any authorized officer or employee thereof, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before such court. Every person who, having taken an oath or made affirmation before the Department or any authorized officer or employee thereof, shall willfully swear or affirm falsely, shall be guilty of perjury and upon conviction shall be punished accordingly.

(c) Investigations initiated under this Section shall provide individuals due process of law, including the right to a hearing, to cross-examine witnesses, to obtain relevant documents, and to present evidence. Administrative findings shall be subject to the provisions of the Administrative Review Law.

(d) Beginning July 1, 1988, any child protective investigator or supervisor or child welfare specialist or supervisor employed by the Department on the effective date of this amendatory Act of 1987 shall have completed a training program which shall be instituted by the Department. The training program shall include, but not be limited to, the following: (1) training in the detection of symptoms of child neglect and drug abuse; (2) specialized training for dealing with families and children of drug abusers; and (3) specific training in child development, family dynamics and interview techniques. Such program shall conform to the criteria and curriculum developed under Section 4 of the Child Protective Investigator and Child Welfare Specialist Certification Act of 1987. Failure to complete such training due to lack of opportunity provided by the Department shall in no way be grounds for any disciplinary or other action against an investigator or a specialist.

The Department shall develop a continuous inservice staff development program and
evaluation system. Each child protective investigator and supervisor and child welfare specialist and supervisor shall participate in such program and evaluation and shall complete a minimum of 20 hours of inservice education and training every 2 years in order to maintain certification.

Any child protective investigator or child protective supervisor, or child welfare specialist or child welfare specialist supervisor hired by the Department who begins his actual employment after the effective date of this amendatory Act of 1987, shall be certified pursuant to the Child Protective Investigator and Child Welfare Specialist Certification Act of 1987 before he begins such employment. Nothing in this Act shall replace or diminish the rights of employees under the Illinois Public Labor Relations Act, as amended, or the National Labor Relations Act. In the event of any conflict between either of those Acts, or any collective bargaining agreement negotiated thereunder, and the provisions of subsections (d) and (e), the former shall prevail and control.

(e) The Department shall develop and implement the following:
(1) A standardized child endangerment risk assessment protocol.
(2) Related training procedures.
(3) A standardized method for demonstration of proficiency in application of the protocol.
(4) An evaluation of the reliability and validity of the protocol.

All child protective investigators and supervisors and child welfare specialists and supervisors employed by the Department or its contractors shall be required, subsequent to the availability of training under this Act, to demonstrate proficiency in application of the protocol previous to being permitted to make decisions about the degree of risk posed to children for whom they are responsible. The Department shall establish a multi-disciplinary advisory committee appointed by the Director, including but not limited to representatives from the fields of child development, domestic violence, family systems, juvenile justice, law enforcement, health care, mental health, substance abuse, and social service to advise the Department and its related contractors in the development and implementation of the child endangerment risk assessment protocol, related training, method for demonstration of proficiency in application of the protocol, and evaluation of the reliability and validity of the protocol. The Department shall develop the protocol, training curriculum, method for demonstration of proficiency in application of the protocol and method for evaluation of the reliability and validity of the protocol by July 1, 1995. Training and demonstration of proficiency in application of the child endangerment risk assessment protocol for all child protective investigators and supervisors and child welfare specialists and supervisors shall be completed as soon as practicable, but no later than January 1, 1996. The Department shall submit to the General Assembly on or before May 1, 1996, and every year thereafter, an annual report on the evaluation of the reliability and validity of the child endangerment risk assessment protocol. The Department shall contract with a not for profit organization with demonstrated expertise in the field of child endangerment risk assessment to assist in the development and implementation of the child endangerment risk assessment protocol, related training, method for demonstration of proficiency in application of the protocol, and evaluation of the reliability and validity of the protocol.

(Source: P.A. 90-655, eff. 7-30-98; 91-61, eff. 6-30-99.)

Effective January 1, 2002.

PUBLIC ACT 92-0155
(Senate Bill No. 0037)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 24-3.6 as follows:
(720 ILCS 5/24-3.6 new)
Sec. 24-3.6. Unlawful use of a firearm in the shape of a wireless telephone.
(a) For the purposes of this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.
(b) A person commits the offense of unlawful use of a firearm in the shape of a wireless telephone.

New matter indicated by italics - deletions by strikeout.
telephone when he or she manufactures, sells, transfers, purchases, possesses, or carries a firearm shaped or designed to appear as a wireless telephone.

(c) This Section does not apply to or affect the sale to or possession of a firearm in the shape of a wireless telephone by a peace officer.

(d) Sentence. Unlawful use of a firearm in the shape of a wireless telephone is a Class 4 felony.

Effective January 1, 2002.

PUBLIC ACT 92-0156
(Senate Bill No. 0114)

AN ACT in relation to emergency medical services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing
Section 2 and adding Section 2.2 as follows:

(410 ILCS 70/2) (from Ch. 111 1/2, par. 87-2)

Sec. 2. Hospitals to furnish emergency service. Every hospital required to be licensed by the
Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as now
or hereafter amended, which provides general medical and surgical hospital services shall provide
emergency hospital service, in accordance with rules and regulations adopted by the Department of
Public Health, to all alleged sexual assault survivors who apply for such hospital emergency services
in relation to injuries or trauma resulting from the sexual assault.

In addition every such hospital, regardless of whether or not a request is made for
reimbursement, except hospitals participating in community or area wide plans in compliance with
Section 4 of this Act, shall submit to the Department of Public Health a plan to provide hospital
emergency services to alleged sexual assault survivors which shall be made available by such hospital.
Such plan shall be submitted within 60 days of receipt of the Department's request for this plan, to the
Department of Public Health for approval prior to such plan becoming effective. The Department of
Public Health shall approve such plan for emergency service to alleged sexual assault survivors if it
finds that the implementation of the proposed plan would provide adequate hospital emergency service
and provide sufficient protections from the risk of pregnancy by sexual assault survivors.

The Department of Public Health shall periodically conduct on site reviews of such approved
plans with hospital personnel to insure that the established procedures are being followed.
(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

(410 ILCS 70/2.2 new)

Sec. 2.2. Emergency contraception.
(a) The General Assembly finds:
(1) Crimes of sexual violence cause significant physical, emotional, and psychological
trauma to the victims. This trauma is compounded by a victim's fear of becoming pregnant
and bearing a child as a result of the sexual assault.
(2) Each year over 32,000 women become pregnant in the United States as the result of
rape and approximately 50% of these pregnancies end in abortion.
(3) As approved for use by the Federal Food and Drug Administration (FDA),
emergency contraception can significantly reduce the risk of pregnancy if taken within 72
hours after the sexual assault.
(4) By providing emergency contraception to rape victims in a timely manner, the trauma
of rape can be significantly reduced.
(b) Within 120 days after the effective date of this amendatory Act of the 92nd General
Assembly, every hospital providing services to alleged sexual assault survivors in accordance with

New matter indicated by italics - deletions by strikeout.
a plan approved under Section 2 must develop a protocol that ensures that each survivor of sexual assault will receive medically and factually accurate and written and oral information about emergency contraception; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when victims may be provided emergency contraception upon the written order of a physician licensed to practice medicine in all its branches. The Department shall approve the protocol if it finds that the implementation of the protocol would provide sufficient protection for survivors of an alleged sexual assault.

The hospital shall implement the protocol upon approval by the Department. The Department shall adopt rules and regulations establishing one or more safe harbor protocols and setting minimum acceptable protocol standards that hospitals may develop and implement. The Department shall approve any protocol that meets those standards. The Department may provide a sample acceptable protocol upon request.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Effective January 1, 2002.

AN ACT concerning the Department of Public Health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-605 as follows:
Sec. 2310-605. Dementia Patient Care Advisory Committee. The Director of Public Health shall appoint a Dementia Patient Care Advisory Committee to study appropriate care and staffing for dementia patients residing in long-term care facilities. The Advisory Committee shall make recommendations regarding appropriate standards of care and staffing to the Director by April 15, 2002. The Advisory Committee shall be composed of the following members with knowledge of long-term care, dementia, and senior advocacy: the Director of Aging, or his or her designee; 3 representatives of long-term care; a representative of the Alzheimer's Association; a representative of the Association of Long-Term Care Ombudsmen; and any other individuals or representatives designated by the Director. The Director shall designate one of the Advisory Committee members to serve as the chairperson of the Advisory Committee. All Advisory Committee members shall serve without compensation but may be reimbursed for necessary expenses.
This Section is repealed April 30, 2002.
Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois Swine Market Development Act.
Section 5. Legislative intent. The legislature intends to promote the growth of the swine industry in Illinois; to assure the citizens of this State and the American public an adequate and wholesome food supply; to provide for the general economic welfare of both producers and consumers of pork and the State of Illinois; and to provide the swine production and feeding industry of this State with authority to establish a self-financed, self-governed program to help develop, maintain, and expand the State, national, and foreign markets for pork and pork products produced, processed, or manufactured in this State.
Section 10. Definitions. In this Act:
"Board" means the elected members of the Illinois Pork Producers Association board of directors.
"Council" means the Illinois Swine Market Development Council created by this Act.
"Director" means a member of the Illinois Swine Market Development Council.
"Market agent", "market agency", "collection agent", or "collection agency" means any person who sells, offers for sale, markets, distributes, trades, or processes swine that has been purchased or acquired from a producer or that is marketed on behalf of a producer. The term also includes meat packing firms, and their agents, that purchase or consign to purchase swine.
"Market" means to sell or to otherwise dispose of a swine animal, pork, or pork product in commerce.
"Person" means any natural person, partnership, corporation, company, association, society, trust, or other business unit or organization.
"Pork" means the meat from swine.
"Pork product" means a product produced or processed in whole or in part from swine.
"Producer" means any person engaged in this State in the business of producing or marketing swine, unless otherwise defined in the marketing program.
"Swine" means all domesticated animals of the family Suidae.

Section 15. Illinois Swine Market Development Program.
(a) The name of the program authorized by and created by this Act is the Illinois Swine Market Development Program.
(b) The program shall include, as applicable, the following:
1. a definition of terms;
2. the purpose of the program;
3. the assessment rate or rates provided for by the program;
4. equitable procedures for collection of the assessment provided for the program;
5. procedures and criteria for determining adoption of a program;
6. the election procedure and qualifications of the directors of the Council, terms of office, expense reimbursement, and other necessary provisions pertaining thereto;
7. the operating procedures of the program;
8. the qualifications for and registration of swine producers to participate in referenda for the adoption, amendment, or continuation of a marketing program and the election of Council directors;
9. the procedure for requesting refunds and, if provided for in the marketing program, reasonable reimbursement of collection agencies' expenses;
10. procedures for the discontinuance of a program;
11. the determination of what swine are subject to assessment and the exemption of swine producers or swine from assessment when those exemptions are applicable as defined in the marketing program; and
12. the adoption of other provisions to facilitate the purposes of the marketing program.
(c) The purposes of the program may include:
1. promoting the sale and use of pork and pork products; supporting promotion, research, and education programs, and other consumer marketing activities at a funding level determined by the Council; and otherwise supporting consumer market development and promotion efforts on a State, national, and international scale;
2. developing new uses and markets for pork and pork products;
3. developing and improving methods of distributing pork and pork products to the consumer;
4. developing methods for improving the quality of pork and pork products for consumer benefit;
5. informing and educating the public of the nutritive and economic value of pork and pork products;
6. informing and educating pork producers on disease control and eradication, environmental stewardship and mandates, and other areas of importance to the swine industry;
7. functioning as a liaison within the pork industry and other food industries of the State
and elsewhere in matters that would increase efficiencies that ultimately benefit both consumers and industry; and

(8) developing and expanding markets for swine.

Section 20. Powers and duties of the Board.

(a) The Board is responsible for the development of the initial Illinois Swine Market Development Program, providing publicity and conducting informational meetings prior to the referendum for adoption on the initial marketing program, making the proposed program and nominating petitions for director and names of candidates running for office available to the public, registering producers who are subject to the program to vote, conducting the initial referendum to adopt a program, and conducting the initial election of the Council.

(b) The Board shall develop an Illinois Swine Market Development Program consistent with the provisions set forth in Section 15 and as authorized by or required by this Act.

Section 25. Governing council. With a favorable vote of swine producers subject to the marketing program in the State of Illinois to adopt by referendum an Illinois Swine Market Development Program, there shall be established an Illinois Swine Market Development Council governed by a board of directors of 7 members who shall be elected at the same time as the initial referendum and thereafter as provided for in this Act and marketing program. Swine producers who are subject to the program shall elect a director from each of 7 compact and contiguous districts, apportioned as nearly as practical according to the swine-on-farms census report taken from the latest available United States Department of Agriculture records.

No county in Illinois shall be apportioned into more than one district. The 7 districts shall be re-apportioned by the Council every 9 years, according to the latest available United States Department of Agriculture swine-on-farms census records. An elected director shall not become ineligible to serve his or her elected term through any re-apportionment.

The 7 directors shall be elected to serve a 3-year term and may be re-elected to serve an additional consecutive term. An elected director must be a resident of Illinois and must be a swine producer subject to the program who has been a swine producer for at least the 5 years prior to his or her election. A qualified swine producer may be elected to serve on the Council only if he or she has submitted, by registered mail to the Illinois Swine Market Development office, a nominating petition containing signatures of 25 or more swine producers subject to the program from the district he or she seeks to represent, except that in the case of the initial election of Council directors, the nominating petition shall be mailed by registered mail to the Board. The candidate receiving the greatest number of votes cast from that district shall be elected.

All Council directors shall be unsalaried. Council directors may, however, be reimbursed for travel and other expenses incurred in carrying out the intent and purposes of this Act and marketing program.

It is the responsibility of the Council to conduct the election of Council directors within 30 days before the end of any elected Council director's term of office. Newly elected Council directors shall assume their office at the first meeting of the Council after their election to office, which shall be convened within 30 days after the election. Notice of the meeting shall be sent to the directors of the Council at least 10 days before the meeting. The notice must state the time, date, and place of the meeting.

Reasonable notice of elections of directors of the Council must be given at least once in trade publications and in the public press at least 30 days before the election.

The Council may declare an office of director vacant and appoint a swine producer subject to the program from that district to serve the unexpired term of any director unable or unwilling to complete his or her term of office.

Section 30. Referenda. All swine producers subject to the marketing program shall have the opportunity to vote in a referendum to determine the adoption, amendment, or continuation of a marketing program.

All referenda shall be by secret ballot. Voting shall be by mailed ballot. No less than 14 calendar days shall be allowed for swine producers subject to the program to cast their ballots. Procedure shall be provided for absentee voting. Reasonable notice of all referenda held under this Act must be given at least once in trade publications and in the public press at least 30 days before the referendum.
The ballots shall be returned to the Illinois Department of Agriculture. Such ballots shall be returned or delivered to the Department no later than the date for the conclusion of the voting period. The Department shall secure all ballots until they are tallied. The Department shall appoint a 3-person teller committee to tally the vote and shall make the results of the referendum public.

The initial referendum to adopt an Illinois Swine Market Development Program and to set the amount of an assessment may be conducted at any time by the Board of the Illinois Pork Producers Association. The Board shall hold informational meetings on the initial marketing program.

Any producer who is qualified under any marketing program is entitled to one vote. The referendum area includes the entire State of Illinois.

Section 35. Powers and duties of the Council.
(a) The Council shall:
   (1) receive and disburse funds, as prescribed in this Act and the marketing program, to be used in administering and implementing the provisions and the intent of this Act and the marketing program;
   (2) annually elect a Chairperson from among its members who may succeed himself or herself for not more than one term;
   (3) annually elect a Secretary-Treasurer from among its members;
   (4) meet regularly and at any other times at the call of the Chairperson, or when requested by 4 or more directors of the Council; all meetings must comply with the Open Meetings Act;
   (5) maintain a permanent record of its business proceedings;
   (6) maintain a permanent and detailed record of its financial dealings;
   (7) prepare and publish annually an activity and financial report for the marketing program to be available to all of the affected producers of the marketing program. All expenditures under each marketing program shall be audited at least annually by a registered public accountant. Within 30 days after completion of such audit, the results shall be made available to the Director of the Illinois Department of Agriculture;
   (8) bond the treasurer and such other persons necessary to insure adequate protection of funds and deposit program funds in a secure banking institution; and
   (9) maintain an office at a specific location in Illinois.

(b) The Council may:
   (1) conduct or contract with any accredited university, college, or similar institution and enter into other contracts or agreements that will aid the Council in carrying out the purposes of the program, including contracts for the purchase or acquisition of facilities or equipment necessary to carry out the purposes of the program;
   (2) disseminate reliable information benefiting the consumer and the swine industry on subjects including, but not limited to, purchase, identification, care storage, handling, cookery, preparation, serving, and nutritive value of pork and pork products;
   (3) provide information to government bodies and act jointly or in cooperation with the State or federal government, and agencies thereof, to facilitate the objectives of the program;
   (4) sue and be sued as a Council without individual liability of the members for acts of the Council when acting within the scope of the powers of this Act and in the manner prescribed by the laws of this State;
   (5) borrow money from licensed lending institutions in an amount that is not cumulatively greater than 50% of the Council's anticipated annual income;
   (6) maintain a financial reserve for emergency use, the total of which may not exceed 50% of the Council's anticipated annual income;
   (7) appoint advisory groups composed of representatives from organizations, institutions, government, or businesses related to or interested in the welfare of the swine industry and the pork-consuming public;
   (8) employ subordinate officers and employees of the Council and prescribe their duties and fix their compensation and terms of employment;
   (9) cooperate with any local, State, regional, or nationwide organization or agency or person engaged in work or activities consistent with the objectives of the program;
   (10) cause any duly authorized agent or representative of the Council to enter upon the premises of any market agency, market agent, collection agent, or collection agency, or any
person responsible for remitting assessments to the Council and examine or cause to be examined by an authorized agent only books, papers, and records that deal in any way with the payment of the assessment adopted pursuant to this Act and marketing program;

(11) provide services that enhance profitability and consumer preference for pork; and

(12) carry out the duties and responsibilities as set forth in this Act and marketing program.

Section 40. Acceptance of grants and gifts. The Council may accept grants, donations, contributions, or gifts from any source and may use these moneys consistent with the objectives of the program.

Section 45. Payments to organizations.

(a) The Council may pay funds to other organizations or persons for work or services performed that are consistent with the objectives of the program.

(b) Before making payments described in this Section, the Council must secure agreements in writing that the organization or persons receiving payment will (i) furnish yearly or at the request of the Council written or printed reports of program activities and reports of financial data that are related to the Council's funding of these activities and (ii) agree to have appropriate representatives attend business meetings of the Council as reasonably requested by the Chairperson of the Council.

(c) The Council may require adequate proof of surety bonding on funds paid to any person or organization.

Section 50. Collection of moneys.

(a) Every person who is responsible for remitting the assessment as established in the marketing program shall deduct the amount of the assessment as directed in the marketing program.

(b) The person responsible for remitting the assessment shall forward the assessed funds to the Council on a monthly basis. The Council shall provide appropriate business forms for the convenience of the person responsible for remitting the assessment.

(c) Failure of the person who is responsible for collecting and remitting to the Council assessments authorized by this Act and marketing program is grounds for the Council to request that the Illinois Department of Agriculture suspend or refuse to issue the person's license under the Livestock Auction Market Law or Illinois Livestock Dealer Licensing Act.

(d) The Council shall maintain financial records of all moneys received under the marketing program.

(e) Any due and payable assessment required under this Act and marketing program constitutes a personal debt of the person so assessed or the person who otherwise owes the assessment. In the event of failure of a person to remit any properly due assessment, the Council may bring a civil action against that person in the circuit court of any county for the collection thereof, and may add an additional 10% penalty assessment, cost of enforcing the collection of the assessment, and court costs. The action shall be tried and judgment rendered as in any other cause of action for debts due and payable. All assessments, penalty assessments, and enforcement costs are due and payable to the Council.

(f) All moneys assessed under this Act and marketing program are bona fide business expenses for the seller under the tax laws of this State.

(g) The Council may adopt reciprocal agreements with other swine councils or similar organizations.

Section 55. Refunds.

(a) Any person who has had an assessment deducted from under the provisions of this Act and marketing program is entitled to a full and prompt refund. The refund shall be made in a manner consistent with this Act and any marketing program for the time that the program is in effect.

(b) The Council shall make available to all persons responsible for collecting and remitting the assessment forms for requesting refunds. The refund request forms shall be submitted by the swine producer within 60 days after the date of assessment.

(c) A refund claim by the swine producer must include his or her signature, date and place of assessment, number of swine, and amount of assessment deducted and must have attached to it proof of the assessment.

(d) If the Council has reasonable doubt that a refund claim is valid, it may withhold payment and take any action that may be deemed necessary to determine its validity.

New matter indicated by italics - deletions by strikeout.
(e) All requests for refunds shall be initiated by the producer.

Section 60. Surety bond. Any person authorized by the Council to receive or disburse funds must post with the Council a surety bond in an amount determined by the Council. Premiums covering bonds for employees, officers, or members of the Council shall be paid by the Council.

Section 65. Compliance. No person may knowingly fail or refuse to comply with the requirements of this Act or an adopted marketing program. The Council may institute any action that is necessary to enforce compliance with this Act or an adopted marketing program. In addition to any other remedy provided by law, the Council may petition the circuit court for injunctive relief without being required to allege or prove the absence of any adequate remedy at law.

Section 70. Duration of program.
(a) Any marketing program adopted by referendum shall remain in effect until amended or repealed.

(b) Upon delivery by certified mail to the Council office of petitions from each of the 7 districts containing the signatures of at least 100 swine producers in each district that are qualified to vote, stating "Shall the Illinois Swine Market Development Program continue?", the Council shall, within 90 days, conduct a referendum to determine if a majority of the swine producers qualified to vote in the referendum support the continuation of the Illinois Swine Market Development Program. Referendums on the question of the continuation of a program may not be held more than once every 5 years. The continuation of a marketing program shall be determined by the same voting requirements as for adoption of the marketing program.

(c) A marketing program may be amended by utilizing the same procedures as for determining the continuation of a program. The Council may at any time deemed necessary propose amendments to a marketing program.

Section 75. Termination of program. Upon termination of any marketing program, all remaining unobligated funds shall be refunded on a pro rata basis to the producers from whom the assessments were collected in the preceding 2 years.

Section 80. Suspension of program. The operation of any marketing program or any part thereof may be suspended for any reasonable cause by the Council.

Section 85. Illinois Administrative Procedure Act. The marketing program, procedures relative to the adoption of any marketing program or amendment to an existing marketing program shall not be subject to the provisions of the Illinois Administrative Procedure Act.

Section 90. Invalidity. If any provision of this Act or application thereof to any person or circumstances is held invalid, that invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid application or provision, and to this end the provisions of this Act are declared to be severable.

Section 999. Effective date. This Act takes effect upon becoming law.

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 16-108 as follows:

Sec. 16-108. Claims of diplomatic immunity.
(a) This Section applies only to an individual that displays to a police officer a driver's license issued by the U.S. Department of State or that otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the individual's violation of Section 9-3 or Section 9-3.2 of the Criminal Code of 1961 or his or her violation of a traffic regulation governing the movement of vehicles under this Code or a similar provision of a local ordinance.
(b) If a driver subject to this Section is stopped by a police officer that has probable cause to believe that the driver has committed a violation described in subsection (a) of this Section, the police officer shall:

(1) As soon as practicable contact the U.S. Department of State office in order to verify the driver's status and immunity, if any;
(2) Record all relevant information from any driver's license or identification card, including a driver's license or identification card issued by the U.S. Department of State; and
(3) Within 5 workdays after the date of the stop, forward the following to the Secretary of State of Illinois:
   (A) A vehicle accident report, if the driver was involved in a vehicle accident;
   (B) If a citation or charge was issued to the driver, a copy of the citation or charge; and
   (C) If a citation or charge was not issued to the driver, a written report of the incident.
(c) Upon receiving material submitted under paragraph (3) of subsection (b) of this Section, the Secretary of State shall:

(1) File each vehicle accident report, citation or charge, and incident report received;
(2) Keep convenient records or make suitable notations showing each:
   (A) Conviction;
   (B) Disposition of court supervision for any violation of Section 11-501 of this Code; and
   (C) Vehicle accident; and
(3) Send a copy of each document and record described in paragraph (2) of this subsection (c) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the U.S. Department of State.
(d) This Section does not prohibit or limit the application of any law to a criminal or motor vehicle violation by an individual who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

Section 99. Effective date. This Act takes effect upon becoming law.
Sec. 8. Applicant qualifications; examination.

(a) In order to protect persons with hearing impairments, the Department shall authorize or shall conduct an appropriate examination for persons who dispense, test, select, recommend, fit, or service hearing instruments. The frequency of holding these examinations shall be determined by the Department by rule. Those who successfully pass such an examination shall be issued a license as a hearing instrument dispenser, which shall be effective for a 2-year period.

(b) Applicants shall be:

1. at least 18 years of age;
2. of good moral character;
3. a high school graduate or the equivalent;
4. free of contagious or infectious disease; and
5. a citizen or person who has the status as a legal alien.

Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

(c) Prior to engaging in the practice of fitting, dispensing, or servicing hearing instruments, an applicant shall demonstrate, by means of written and practical examinations, that such person is qualified to practice the testing, selecting, recommending, fitting, selling, or servicing of hearing instruments as defined in this Act. An applicant who fails to obtain a license within 12 months after passing both the written and practical examinations must take and pass those examinations again in order to be eligible to receive a license.

The Department shall, by rule, determine the conditions under which an individual is examined.

(d) Proof of having met the minimum requirements of continuing education as determined by the Board shall be required of all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part if the hearing instrument dispenser can demonstrate that he or she served in the Coast Guard or Armed Forces, had an extreme hardship, or obtained his or her license by examination or endorsement within the preceding renewal period.

(e) Beginning January 1, 2003, persons applying for an initial license must demonstrate having earned an associate degree or its equivalent from an accredited institution of higher education and meet the other requirements of this Section. In addition, the applicant must demonstrate the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the speech and hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent. Persons licensed before January 1, 2003 who have a valid license on that date may have their license renewed without meeting the requirements of this subsection.

(Source: P.A. 91-932, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 112A-17, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 112A-17, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or special process server may serve the respondent with a short form notification as provided in Section 112A-22.10. If process has not yet been served upon the respondent, it shall be served with the order or short form notification.

(c-5) If the person against whom the order of protection is issued is arrested and the written order is issued in accordance with subsection (c) of Section 112A-17 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for order of protection or receipt of the order issued under Section 112A-17 of this Code.

(d) Extensions, modifications and revocations. Any order extending, modifying or revoking any order of protection shall be promptly recorded, issued and served as provided in this Section.

(725 ILCS 5/112A-22.10 new)

Sec. 112A-22.10. Short form notification.

(a) Instead of personal service of an order of protection under Section 112A-22, a sheriff, other law enforcement official, or special process server may serve a respondent with a short form notification. The short form notification must include the following items:

(1) The respondent's name.
(2) The respondent's date of birth, if known.
(3) The petitioner's name.
(4) The names of other protected parties.
(5) The date and county in which the order of protection was filed.
(6) The court file number.
(7) The hearing date and time, if known.
(8) The conditions that apply to the respondent, either in checklist form or handwritten.
(9) The name of the judge who signed the order.

(b) The short form notification must contain the following notice in bold print:

"The order of protection is now enforceable. You must report to the office of the sheriff or the office of the circuit court in (name of county) County to obtain a copy of the order of protection. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order of protection."

(c) Upon verification of the identity of the respondent and the existence of an unserved order of protection against the respondent, a sheriff or other law enforcement official may detain the respondent for a reasonable time necessary to complete and serve the short form notification.

(d) When service is made by short form notification under this Section, it may be proved by the affidavit of the sheriff, other law enforcement official, or special process server making the service.

(e) The Attorney General shall provide adequate copies of the short form notification form to law enforcement agencies in this State.

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 222 and adding Section 222.10 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 222. Notice of orders.

(a) Entry and issuance. Upon issuance of any order of protection, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 217, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 217, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or special process server may serve the respondent with a short form notification as provided in Section 222.10. If process has not yet been served upon the respondent, it shall be served with the order or short form notification. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 210.

(c-5) If the person against whom the order of protection is issued is arrested and the written order is issued in accordance with subsection (c) of Section 217 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for order of protection or receipt of the order issued under Section 217 of this Act.

(d) Extensions, modifications and revocations. Any order extending, modifying or revoking any order of protection shall be promptly recorded, issued and served as provided in this Section.

(e) Notice to schools. Upon request the clerk of the issuing judge shall file a certified copy of an order of protection with the private school or schools or the principal office of the public school district or districts in which any children of the petitioner are enrolled.

(f) Disclosure by schools. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, neither a public or private school nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the order of protection in the records of a child who is a protected person under the order of protection.

(Source: P.A. 89-106, eff. 7-7-95; 90-392, eff. 1-1-98.)

Sec. 222.10. Short form notification.

(a) Instead of personal service of an order of protection under Section 222, a sheriff, other law enforcement official, or special process server may serve a respondent with a short form notification. The short form notification must include the following items:

1. The respondent's name.
2. The respondent's date of birth, if known.
3. The petitioner's name.
4. The names of other protected parties.
5. The date and county in which the order of protection was filed.
6. The court file number.
7. The hearing date and time, if known.
8. The conditions that apply to the respondent, either in checklist form or handwritten.
9. The name of the judge who signed the order.

(b) The short form notification must contain the following notice in bold print:

"The order of protection is now enforceable. You must report to the office of the sheriff
or the office of the circuit court in (name of county) County to obtain a copy of the order of protection. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order of protection."
(c) Upon verification of the identity of the respondent and the existence of an unserved order of protection against the respondent, a sheriff or other law enforcement official may detain the respondent for a reasonable time necessary to complete and serve the short form notification.
(d) When service is made by short form notification under this Section, it may be proved by the affidavit of the sheriff, other law enforcement official, or special process server making the service.
(e) The Attorney General shall provide adequate copies of the short form notification form to law enforcement agencies in this State.
Effective January 1, 2002.

PUBLIC ACT 92-0163  
(Senate Bill No. 0817)
AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Medicaid Buy-In Program Revolving Fund.
Section 10. The Illinois Public Aid Code is amended by adding Section 12-10.5 as follows:
(305 ILCS 5/12-10.5 new)
Sec. 12-10.5. Medicaid Buy-In Program Revolving Fund.
(a) The Medicaid Buy-In Program Revolving Fund is created as a special fund in the State treasury. The Fund shall consist of cost-sharing payments made by individuals pursuant to the Medicaid Buy-In Program established under paragraph 11 of Section 5-2 of this Code. All earnings on moneys in the Fund shall be credited to the Fund.
(b) Moneys in the Fund shall be appropriated to the Department to pay the costs of administering the Medicaid Buy-In Program, including payments for medical assistance benefits provided to Program participants. The Department shall adopt rules specifying the particular purposes for which the moneys in the Fund may be spent.

PUBLIC ACT 92-0164  
(Senate Bill No. 1081)
AN ACT regarding child care.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Care Act of 1969 is amended by adding Section 4.5 as follows:
(225 ILCS 10/4.5 new)
Sec. 4.5. Children with disabilities; training.
(a) An owner or operator of a licensed day care home or group day care home or the onsite executive director of a licensed day care center must successfully complete a basic training course in providing care to children with disabilities. The basic training course will also be made available on a voluntary basis to those providers who are exempt from the licensure requirements of this Act.
(b) The Department of Children and Family Services shall promulgate rules establishing the requirements for basic training in providing care to children with disabilities.
Effective January 1, 2002.
AN ACT in relation to higher education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Prepaid Tuition Act is amended by changing Section 45 as follows:
(110 ILCS 979/45)
Sec. 45. Illinois prepaid tuition contracts.
(a) The Commission may enter into an Illinois prepaid tuition contract with a purchaser under
which the Commission contracts on behalf of the State to pay full tuition and mandatory fees at an
Illinois public university or Illinois community college for a qualified beneficiary to attend the
MAP-eligible institution to which the qualified beneficiary is admitted. Each contract shall contain
terms, conditions, and provisions that the Commission determines to be necessary for ensuring the
educational objectives and sustainable financial viability of the Illinois prepaid tuition program.
(b) Each contract shall have one designated purchaser and one designated qualified
beneficiary. Unless otherwise specified in the contract, the purchaser owns the contract and retains
any tax liability for its assets only until the first distribution of benefits. Once a partial benefit of
the contract has been disbursed, any tax liability attributable to the contract and its assets becomes a tax
liability of the qualified beneficiary, unless otherwise specified in the contract. Contracts shall be
purchased in units of 15 credit hours at any MAP-eligible institution.
(c) Without exception, benefits may be received by a qualified beneficiary of an Illinois
prepaid tuition contract no earlier than 3 years from the date the contract is purchased.
(d) A prepaid tuition contract shall contain, but is not limited to, provisions for (i) refunds or
withdrawals in certain circumstances, with or without interest or penalties; (ii) conversion of the
contract at the time of distribution from accrued prepayment value at one type of MAP-eligible
institution to the accrued prepayment value at a different type of MAP-eligible institution; (iii)
portability of the accrued value of the prepayment value for use at an out-of-state higher education
institution; (iv) transferability of the contract benefits within the qualified beneficiary's immediate
family; and (v) a specified benefit period during which the contract may be redeemed.
(e) Each Illinois prepaid tuition contract also shall contain, at minimum, all of the following:
(1) The amount of payment or payments and the number of payments required from a
purchaser on behalf of a qualified beneficiary.
(2) The terms and conditions under which purchasers shall remit payments, including,
but not limited to, the date or dates upon which each payment shall be due.
(3) Provisions for late payment charges and for default.
(4) Provisions for penalty fees payable incident to an authorized withdrawal.
(5) The name, date of birth, and social security number of the qualified beneficiary on
whose behalf the contract is drawn and the terms and conditions under which the contract
may be transferred to another qualified beneficiary.
(6) The name and social security number of any person who may terminate the contract,
together with terms that specify whether the contract may be terminated by the purchaser,
the qualified beneficiary, a specific designated person, or any combination of these persons.
(7) The terms and conditions under which a contract may be terminated, the name and
social security number of the person entitled to any refund due as a result of the termination
of the contract pursuant to those terms and conditions, and the method for determining the
amount of a refund.
(8) The time limitations, if any, within which the qualified beneficiary must claim his or
her benefits through the program.
(9) Other terms and conditions determined by the Commission to be appropriate.
(f) In addition to the contract provisions set forth in subsection (e), each Illinois prepaid
tuition contract shall include:
(1) The number of credit hours contracted by the purchaser.
(2) The type of MAP-eligible institution and the prepaid tuition plan toward which the
credit hours shall be applied.
(3) The explicit contractual obligation of the Commission to the qualified beneficiary to
provide a specific number of credit hours of undergraduate instruction at a MAP-eligible institution, not to exceed the median number of credit hours required for the conference of a degree that corresponds to the plan purchased on behalf of the qualified beneficiary.

(g) The Commission shall indicate by rule the conditions under which refunds are payable to a contract purchaser. Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser. In the event that a contract is converted from a Public University Plan described in subsection (j) of this Section to a Community College Plan described in subsection (k) of this Section, the refund amount shall be reduced by the amount transferred to the Illinois community college on behalf of the qualified beneficiary. Except where the Commission may otherwise rule, refunds may exceed the amount paid into the Illinois Prepaid Tuition Trust Fund only under the following circumstances:

1. If the qualified beneficiary is awarded a grant or scholarship at a public institution of higher education, the terms of which duplicate the benefits included in the Illinois prepaid tuition contract, then moneys paid for the purchase of the contract shall be returned to the purchaser, upon request, in semester installments that coincide with the matriculation by the qualified beneficiary, in an amount equal to (i) the original purchase price plus 2% interest compounded annually, or (ii) the current cost of tuition and mandatory fees at the MAP-eligible institution where the qualified beneficiary is enrolled.

1.1. If the qualified beneficiary is awarded a grant or scholarship while enrolled at either a MAP-eligible nonpublic institution of higher education or an eligible public or private out-of-state higher education institution, the terms of which duplicate the benefits included in the Illinois prepaid tuition contract, then money paid for the purchase of the contract shall be returned to the purchaser, upon request, in semester installments that coincide with the matriculation by the qualified beneficiary. The amount paid shall not exceed the current average mean-weighted credit hour value of the registration fees purchased under the contract.

2. In the event of the death or total disability of the qualified beneficiary, moneys paid for the purchase of the Illinois prepaid tuition contract shall be returned to the purchaser together with all accrued earnings.

3. If an Illinois prepaid tuition contract is converted from a Public University Plan to a Community College Plan, then the amount refunded shall be the value of the original Illinois prepaid tuition contract minus the value of the contract after conversion. No refund shall be authorized under an Illinois prepaid tuition contract for any semester partially attended but not completed.

The Commission, by rule, shall set forth specific procedures for making contract payments in conjunction with grants and scholarships awarded to contract beneficiaries.

Moneys paid into or out of the Illinois Prepaid Tuition Trust Fund by or on behalf of the purchaser or the qualified beneficiary of an Illinois prepaid tuition contract are exempt from all claims of creditors of the purchaser or beneficiary, so long as the contract has not been terminated.

The State or any State agency, county, municipality, or other political subdivision, by contract or collective bargaining agreement, may agree with any employee to remit payments toward the purchase of Illinois prepaid tuition contracts through payroll deductions made by the appropriate officer or officers of the entity making the payments. Such payments shall be held and administered in accordance with this Act.

(h) Nothing in this Act shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a MAP-eligible institution or to a particular MAP-eligible institution, will be allowed to continue enrollment at a MAP-eligible institution after admission, or will be graduated from a MAP-eligible institution.

(i) The Commission shall develop and make prepaid tuition contracts available under a minimum of at least 2 independent plans to be known as the Public University Plan and the Community College Plan.

Contracts shall be purchased in units of 15 credit hours at either an Illinois public university or an Illinois community college. The minimum purchase amount per qualified beneficiary shall be one unit or 15 credit hours. The maximum purchase amount shall be 9 units (or 135 credit hours) for the Public University Plan and 4 units (or 60 credit hours) for the Community College Plan.
(j) Public University Plan. Through the Public University Plan, the Illinois prepaid tuition contract shall provide prepaid registration fees, which include full tuition costs as well as mandatory fees, for a specified number of undergraduate credit hours, not to exceed the maximum number of credit hours required for the conference of a baccalaureate degree. In determining the cost of participation in the Public University Plan, the Commission shall reference the combined mean-weighted current registration fees from all Illinois public universities.

In the event that a qualified beneficiary for whatever reason chooses to attend an Illinois community college, the qualified beneficiary may convert the average number of credit hours required for the conference of an associate degree from the Public University Plan to the Community College Plan and may retain the remaining Public University Plan credit hours or may request a refund for prepaid credit hours in excess of those required for conference of an associate degree. In determining the amount of any refund, the Commission also shall recognize the current relative credit hour cost of the 2 plans when making any conversion.

Qualified beneficiaries shall bear the cost of any laboratory or other non-mandatory fees associated with enrollment in specific courses. Qualified beneficiaries who are not Illinois residents shall bear the difference in cost between in-state registration fees guaranteed by the prepaid tuition contract and tuition and other charges assessed upon out-of-state students by the MAP-eligible institution.

(k) Community College Plan. Through the Community College Plan, the Illinois prepaid tuition contract shall provide prepaid registration fees, which include full tuition costs as well as mandatory fees, for a specified number of undergraduate credit hours, not to exceed the maximum number of credit hours required for the conference of an associate degree. In determining the cost of participation in the Community College Plan, the Commission shall reference the combined mean-weighted current registration fees from all Illinois community colleges.

In the event that a qualified beneficiary for whatever reason chooses to attend an Illinois public university, the qualified beneficiary's prepaid tuition contract shall be converted for use at that Illinois public university by referencing the current average mean-weighted credit hour value of registration fees at Illinois community colleges relative to the corresponding value of registration fees at Illinois public universities.

Qualified beneficiaries shall bear the cost of any laboratory or other non-mandatory fees associated with enrollment in specific courses. Qualified beneficiaries who are not Illinois residents shall bear the difference in cost between in-state registration fees guaranteed by the prepaid tuition contract and tuition and other charges assessed upon out-of-state students by the MAP-eligible institution.

(l) A qualified beneficiary may apply the benefits of any Illinois prepaid tuition contract toward a nonpublic institution of higher education. In the event that a qualified beneficiary for whatever reason chooses to attend a nonpublic institution of higher education, the qualified beneficiary's prepaid tuition contract shall be converted for use at that nonpublic institution of higher education by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. The Commission shall transfer, or cause to have transferred, this amount, less a transfer fee, to the nonpublic institution on behalf of the beneficiary. In the event that the cost of registration charged to the beneficiary at the nonpublic institution of higher education is less than the aggregate value of the Illinois prepaid tuition contract, any remaining amount shall be transferred in subsequent semesters until the transfer value is fully depleted.

(m) A qualified beneficiary may apply the benefits of any Illinois prepaid tuition contract toward an eligible out-of-state college or university. Institutional eligibility for out-of-state colleges and universities shall be determined by the Commission, but in making those determinations the Commission shall recognize that the benefits of an Illinois prepaid tuition contract may not be used at any postsecondary educational institution that is both operated for-profit and located outside of Illinois. In the event that a qualified beneficiary for whatever reason chooses to attend an eligible out-of-state college or university, the qualified beneficiary's prepaid tuition contract shall be converted for use at that college or university by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. The Commission shall transfer, or cause to have transferred, this amount, less a transfer fee, to the college or university on behalf of the beneficiary. In the event that the cost of registration charged to the beneficiary at the eligible
out-of-state college or university is less than the aggregate value of the Illinois prepaid tuition contract, any remaining amount shall be transferred in subsequent semesters until the transfer value is fully depleted.

(n) Illinois prepaid tuition contracts may be purchased either by lump sum or by installments. All installment contracts shall be for 5 years, except that contracts that purchase at least 120 credit hours may be payable, by installments, over a 10-year period. No penalty shall be assessed for early payment of installment contracts.

(o) The Commission shall annually adjust the price of new contracts, in accordance with the annual changes in registration fees at Illinois public universities and community colleges.

(9) The Commission shall annually adjust the price of new contracts, in accordance with the annual changes in registration fees at Illinois public universities and community colleges.

(Source: P.A. 90-546, eff. 12-1-97.)

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

PUBLIC ACT 92-0166
(House Bill No. 1785)

AN ACT concerning the use of libraries.

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

Section 5. The Illinois Local Library Act is amended by changing Section 4-7 as follows:

(75 ILCS 5/4-7) (from Ch. 81, par. 4-7)
Sec. 4-7. Each board of library trustees of a city, incorporated town, village or township shall carry out the spirit and intent of this Act in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to but without limiting other powers conferred by this Act, shall have the following powers:

1. To make and adopt such bylaws, rules and regulations, for their own guidance and for the government of the library as may be expedient, not inconsistent with this Act;
2. To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;
3. To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;
4. To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed 20 years with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than 75% of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed 20 years from the date of such refunding loan agreement, with interest on the unpaid principal balance at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of 20 years;
5. To remodel or reconstruct a building erected or purchased by the board, when such building is not adapted to its purposes or needs;
6. To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful but for which plans for ultimate use have been or will be adopted but the corporate authorities shall have the first right to purchase or lease except that in the case of the City of Chicago, this power shall be governed and limited by the Chicago Public Library Act;
7. To appoint and to fix the compensation of a qualified librarian, who shall have the
authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the board, but these powers are subject to Division 1 of Article 10 of the Illinois Municipal Code in municipalities in which that Division is in force. The board may also retain counsel and professional consultants as needed;

8. To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities, the spirit, and the provisions of this Act. This contractual power includes, but is not limited to, participating in interstate library compacts and library systems, contracting to supply library services, and expending of any federal or State funds made available to any county, municipality, township or to the State of Illinois for library purposes. However, if a contract is for the supply of library services for residents without a public library established under the provisions of this Act, the terms of that contract will recognize the principle of equity or cost of services to non-residents expressed in this Section of this Act, and will provide for the assumption by the contracting party receiving the services of financial responsibility for the loss of or damage to any library materials provided to non-residents under the contract;

9. To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

10. To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of "The Board of Library Trustees of the (city, village, incorporated town or township) of ...." and by that name to sue and be sued;

11. To exclude from the use of the library any person who wilfully violates the rules prescribed by the board;

12. To extend the privileges and use of the library, including the borrowing of materials on an individual basis by persons residing outside of the city, incorporated town, village or township. If the board exercises this power, the privilege of library use shall be upon such terms and conditions as the board shall from time to time by its regulations prescribe, and for such privileges and use, the board shall charge a nonresident fee at least equal to the cost paid by residents of the city, incorporated town, village or township, with the cost to be determined according to the formula established by the Illinois State Library. A person residing outside of a public library service area must apply for a non-resident library card at the public library located closest to the person's principal residence. The nonresident cards shall allow for borrowing privileges at all participating public libraries in the regional library system only at the library where the card was issued. The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the Illinois Library System Act, under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service, or to a nonresident who as an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the city, incorporated town, village or township upon the presentation of the most recent tax bill upon that taxable property, provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property. Nothing in this item 12 requires any public library to participate in the non-resident card reciprocal borrowing program of a regional library system as provided for in this Section;

13. To exercise the power of eminent domain subject to the prior approval of the corporate authorities under Sections 5-1 and 5-2 of this Act;

14. To join the public library as a member and to join the library trustees as members in the Illinois Library Association and the American Library Association, non-profit, non-political, 501(c)(3) associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through and in the name of such instrumentality by providing and disseminating information and research services, employing

New matter indicated by italics - deletions by strikeout.
personnel and doing any and all other acts for the purpose of improving library development;
15. To invest funds pursuant to the Public Funds Investment Act;
16. To accumulate and set apart as reserve funds portions of the unexpended balances of the proceeds received annually from taxes or other sources, for the purpose of providing self-insurance against liabilities relating to the public library.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Public Library District Act of 1991 is amended by changing Section 30-55.60 as follows:
(75 ILCS 16/30-55.60)
Sec. 30-55.60. Use of library by nonresidents. The board may extend the privileges and use of the library, including the borrowing of materials on an individual basis by persons residing outside the district. If the board exercises this power, the privilege of library use shall be upon terms and conditions prescribed by the board in its regulations. The board shall charge a nonresident fee for the privileges and use of the library at least equal to the cost paid by residents of the district, with the cost to be determined according to the formula established by the Illinois State Library. A person residing outside of a public library service area must apply for a non-resident library card at the public library closest to the person’s principal residence. The nonresident cards shall allow for borrowing privileges at all participating public libraries in the regional library system only at the library where the card was issued. The nonresident fee shall not apply to any of the following:

(1) Privileges and use provided (i) under the terms of the district's membership in a library system operating under the provisions of the Illinois Library System Act or (ii) under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service.

(2) Residents of an area in which the library is conducting a program for the purpose of encouraging the inclusion of the area in the library district.

(3) A nonresident who, as an individual or as a partner, principal stockholder, or other joint owner, owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the district, upon presentation of the most recent tax bill upon that taxable property, provided that the privileges and use of the library is extended to only one such nonresident for each parcel of taxable property.

Nothing in this Section requires any public library to participate in the non-resident card reciprocal borrowing program of a regional library system as provided for in this Section.

(Source: P.A. 87-1277; 88-253.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:
(30 ILCS 805/8.25 new)
Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Effective January 1, 2002.

PUBLIC ACT 92-0167
(House Bill No. 1905)

AN ACT concerning higher education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by changing Section 3-19 as follows:
(110 ILCS 805/3-19) (from Ch. 122, par. 103-19)
Sec. 3-19. Before entering upon his duties, each treasurer shall execute a bond with 2 or more persons having an interest in real estate who are not members of the board of the district, or with a surety company authorized to do business in this State, as sureties, payable to the board of the community college district for which he is treasurer and conditioned upon the faithful discharge of his duties. Except for the bond of the treasurer of a community college district in a city having a
population of 500,000 or more inhabitants, the penalty of the bond shall be 25% of the amount of all bonds, notes, mortgages, moneys, and effects of which the treasurer is to have custody, whether individuals act as surety or whether the surety is given by a surety authorized to do business in this State. However, the penalty of the bond of the treasurer of a community college district in a city having a population of 500,000 or more inhabitants shall be at least twice the amount of all bonds, notes, mortgages, moneys and effects of which he is to have the custody, if individuals act as sureties, or in the amount only of such bonds, notes, mortgages, moneys and effects if the surety given is by a surety company authorized to do business in this State. In all community college districts, the penalty of the bond of the treasurer shall be at least twice the amount of all bonds, notes, mortgages, moneys and effects of which he is to have custody, if individuals act as sureties, or in the amount only of such bonds, notes, mortgages, moneys and effects if the surety given is by a surety company authorized to do business in this State. In all community college districts, the penalty of the bond of the treasurer shall be increased or decreased from time to time, as the increase or decrease of the amount of notes, bonds, mortgages, moneys and effects may require, and whenever in the judgment of the State board the penalty of the bond should be increased or decreased. The bond must be approved by at least a majority of the board of the community college district and filed with the State Board. A copy of the bond must also be filed with the county clerk of each county in which any part of the community college district is situated. The bond shall be in substantially the following form:

STATE OF ILLINOIS) ) SS.

............ COUNTY)

We, .... and .... are obligated, jointly and severally, to the Board of Community College District No. ...., County (or Counties) of .... and State of Illinois in the penal sum of $...., for the payment of which we obligate ourselves, our heirs, executors and administrators.

Dated (insert date).

The condition of this obligation is such that if ...., treasurer in the district above stated, faithfully discharges the duties of his or her office, according to law, and delivers to his or her successor in office, after that successor has qualified by giving bond as provided by law, all moneys, books, papers, securities and property, which shall come into his or her possession or control, as such treasurer, from the date of his or her bond to the time that his or her successor has qualified as treasurer, by giving such bond as is required by law, then this obligation to be void; otherwise to remain in full force and effect.

Signed:....................

............................

............................

............................

Approved and accepted by Board of Community College District No. .... County (or Counties) of .... and State of Illinois. By .... Chairman .... Secretary

No part of any State or other district funds may be paid to any treasurer or other persons authorized to receive it unless the treasurer has filed his or her bond as required herein.

(Source: P.A. 91-357, eff. 7-29-99.)

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


PUBLIC ACT 92-0168

(AN ACT concerning schools.)

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

Section 5. The School Construction Law is amended by changing Section 5-5 as follows:
(105 ILCS 230/5-5)
Sec. 5-5. Definitions. As used in this Article:
"Approved school construction bonds" mean bonds that were approved by referendum after January 1, 1996 but prior to January 1, 1998 as provided in Sections 19-2 through 19-7 of the School Code to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings,

New matter indicated by italics - deletions by strikeout.
structures, durable-equipment, and land for educational purposes.

"Grant index" means a figure for each school district equal to one minus the ratio of the district's equalized assessed valuation per pupil in average daily attendance to the equalized assessed valuation per pupil in average daily attendance of the district located at the 90th percentile for all districts of the same category type. For the purpose of calculating the grant index, school districts are grouped into 2 categories, Category I and Category II. Category I consists of elementary and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category I shall be computed using its grades kindergarten through 8 average daily attendance figure. A unit school district's Category I grant index shall be used for projects or portions of projects constructed for elementary school pupils. Category II consists of high school and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category II shall be computed using its grades 9 through 12 average daily attendance figure. A unit school district's Category II grant index shall be used for projects or portions of projects constructed for high school pupils. The changes made by this amendatory Act of the 92nd General Assembly apply to all grants made on or after the effective date of this amendatory Act, provided that for grants not yet made on the effective date of this amendatory Act but made in fiscal year 2001 and for grants made in fiscal year 2002, the grant index for a school district shall be the greater of (i) the grant index as calculated under this Law on or after the effective date of this amendatory Act or (ii) the grant index as calculated under this Law before the effective date of this amendatory Act. The grant index shall be no less than 0.35 and no greater than 0.75 for each district; provided that the grant index for districts whose equalized assessed valuation per pupil in average daily attendance is at the 99th percentile and above for all districts of the same type shall be 0.00.

"School construction project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable equipment, and land for educational purposes.

"School maintenance project" means a project, other than a school construction project, intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs.

(Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

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

PUBLIC ACT 92-0169
(House Bill No. 3387)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Section 3-9.5 as follows:
(105 ILCS 5/3-9.5 new)
Sec. 3-9.5. Interfund loans allowed. A regional office of education is allowed to make interfund loans. If a regional office of education makes an interfund loan, then it must repay the loan by the end of the fiscal year.
Effective January 1, 2002.

PUBLIC ACT 92-0170
(Senate Bill No. 0012)

AN ACT concerning Illinois Parks.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The State Parks Designation Act is amended by changing Section 1 as follows:
(20 ILCS 840/1) (from Ch. 105, par. 468g)
Sec. 1. The following described areas are designated State Parks and have the names herein
ascribed to them:
Apple River Canyon State Park, in Jo Daviess County;
Argyle Lake State Park, in McDonough County;
Beaver Dam State Park, in Macoupin County;
Buffalo Rock State Park, in La Salle County;
Castle Rock State Park, in Ogle County;
Cave-in-Rock State Park, in Hardin County;
Chain O'Lakes State Park, in Lake and McHenry Counties;
Delabar State Park, in Henderson County;
Dixon State Park, in Lee County;
Dixon Springs State Park, in Pope County;
Eagle Creek State Park, in Shelby County;
Eldon Hazlet State Park, in Clinton County;
Ferne Clyffe State Park, in Johnson County;
Fort Creve Coeur State Park, in Tazewell County;
Fort Defiance State Park, in Alexander County;
Fort Massac State Park, in Massac County;
Fox Ridge State Park, in Coles County;
Frank Holten State Park, in St. Clair County;
Funk's Grove State Park, in McLean County;
Gebhard Woods State Park, in Grundy County;
Giant City State Park, in Jackson and Union Counties;
Goose Lake Prairie State Park, in Grundy County;
Hazen and Bill Rutherford Wildlife Prairie State Park, in Peoria County;
Hennepin Canal Parkway State Park, in Bureau, Henry, Rock Island, Lee and Whiteside
Counties;
Horseshoe Lake State Park, in Madison and St. Clair Counties;
Illini State Park, in La Salle County;
Illinois Beach State Park, in Lake County;
Illinois and Michigan Canal State Park, in the counties of Cook, Will, Grundy, DuPage and
La Salle;
Johnson Sauk Trail State Park, in Henry County;
Jubilee College State Park, in Peoria County, excepting Jubilee College State Historic Site
as described in Section 7.1 of the Historic Preservation Agency Act;
Kankakee River State Park, in Kankakee and Will Counties;
Kickapoo State Park, in Vermilion County;
Lake Le-Aqua-Na State Park, in Stephenson County;
Lake Murphysboro State Park, in Jackson County;
Laurence C. Warren State Park, in Cook County;
Lincoln Trail Homestead State Park, in Macon County;
Lincoln Trail State Park, in Clark County;
Lowden State Park, in Ogle County;
 Matthiessen State Park, in La Salle County;
McHenry Dam and Lake Defiance State Park, in McHenry County;
Mississippi Palisades State Park, in Carroll County;
Moraine View State Park, in McLean County;
Morrison-Rockwood State Park, in Whiteside County;
Nauvoo State Park, in Hancock County, containing Horton Lake;
Pere Marquette State Park, in Jersey County;
Prophetstown State Park, in Whiteside County;
Pyramid State Park, in Perry County;
Railsplitter State Park, in Logan County;

New matter indicated by italics - deletions by strikeout.
Ramsey Lake State Park, in Fayette County;
Red Hills State Park, in Lawrence County;
Rock Cut State Park, in Winnebago County, containing Pierce Lake;
Rock Island Trail State Park, in Peoria and Stark Counties;
Sam Parr State Park, in Jasper County;
Sangchris Lake State Park, in Christian and Sangamon Counties;
Shabbona Lake and State Park, in DeKalb County;
Siloam Springs State Park, in Brown and Adams Counties;
Silver Springs State Park, in Kendall County;
South Shore State Park, in Clinton County;
Spitler Woods State Park, in Macon County;
Starved Rock State Park, in La Salle County;
Stephen A. Forbes State Park, in Marion County;
Walnut Point State Park, in Douglas County;
Wayne Fitzgerrell State Park, in Franklin County;
Weinberg-King State Park, in Schuyler County;
Weldon Springs State Park, in DeWitt County;
White Pines Forest State Park, in Ogle County;
William G. Stratton State Park, in Grundy County;
Wolf Creek State Park, in Shelby County.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 10. The State Finance Act is amended by changing Section 6z-41 as follows:

(30 ILCS 105/6z-41)
Sec. 6z-41. Wildlife Prairie Park Fund. The Wildlife Prairie Park Fund is hereby created as an interest-bearing special fund in the State Treasury. Money in the Fund may be used, pursuant to appropriation, for the support and maintenance of the Hazel and Bill Rutherford Wildlife Prairie State Park, or as otherwise provided by law.

(Source: P.A. 89-611, eff. 1-1-97.)

Section 15. The State Parks Revenue Bond Act is amended by changing Section 2 as follows:

(30 ILCS 380/2) (from Ch. 105, par. 490.02)
Sec. 2. As used in this Act, unless the context otherwise requires, the following terms have the following meanings:
"Commission" means the State Parks Revenue Bond Commission or any board or officer succeeding to the powers now conferred by law upon the State Parks Revenue Bond Commission.
The State Parks System shall mean and include the following areas and such additional areas as may be designated by or pursuant to statute:

Apple River Canyon State Park, in Jo Daviess County;
Argyle Lake State Park, in McDonough County;
Beaver Dam State Park, in Macoupin County;
Black Hawk State Park, in Rock Island County;
Buffalo Rock State Park, in La Salle County;
Cahokia Mounds State Park, in Madison County;
Cave-in-Rock State Park, in Hardin County;
Chain O'Lakes State Park, in Lake County;
Channahon Parkway State Park, in Grundy County;
Dixon Springs State Park, in Pope County;
Ferne Clyffe State Park, in Johnson County;
Fort Chartres State Park, in Randolph County;
Fort Creve Coeur State Park, in Tazewell County;
Fort Kaskaskia State Park, in Randolph County;
Fort Massac State Park, in Massac County;
Fox River Park, in La Salle County;
Fox Ridge State Park, in Coles County;
Gebhard Woods State Park, in Grundy County;
Giant City State Park, in Jackson County;

New matter indicated by italics - deletions by strikeout.
Grand Marais State Park, in St. Clair County;  
*Hazel and Bill Rutherford Wildlife Prairie State Park, in Peoria County;*  
Illini State Park, in La Salle County;  
Illinois Beach State Park, in Lake County;  
Johnson Sauk Trail State Park, in Henry County;  
Kankakee River State Park, in Kankakee County;  
Kickapoo State Park, in Vermillion County;  
Lake Le-Aqua-Na State Park, in Stephenson County;  
Lake Murphysboro State Park, in Jackson County;  
Lincoln Log Cabin State Park, in Coles County;  
Lincoln Trail Homestead State Park, in Macon County;  
Lincoln Trail State Park, in Clark County;  
Lowden State Park, in Ogle County;  
Matthiessen State Park, in La Salle County;  
Mississippi Palisades State Park, in Carroll County;  
Nauvoo State Park, in Hancock County;  
Lincoln's New Salem State Park, in Menard County;  
Pere Marquette State Park, in Jersey County;  
Prophetstown State Park, in Whiteside County;  
Ramsey Lake State Park, in Fayette County;  
Red Hills State Park, in Lawrence County;  
Siloam Springs State Park, in Brown County;  
Spitler Woods State Park, in Macon County;  
Starved Rock State Park, in La Salle County;  
Stephen A. Forbes State Park, in Marion County;  
Weldon Springs State Park, in DeWitt County;  
White Pines Forest State Park, in Ogle County;  
William G. Stratton State Park, in Grundy County.

"Recreational facilities" shall mean and embrace cabins, lodges, marinas, fishing and boating facilities, swimming pools (including indoor and outdoor pools), putting greens, driving ranges, archery ranges, restaurants, commissaries and other like revenue producing facilities in any state park, whether presently existing or hereafter acquired, within the State Park System.

"Bonds" shall mean the revenue bonds issued by the Commission pursuant to this Act in an aggregate principal amount of not to exceed $9,000,000 at any one time.

"Project" shall mean, in whole or in part, the acquisition of land, buildings, the acquisition or construction or reconstruction of any buildings, piers, docks or other works, including installation of lighting, heating, sanitary and water facilities, together with incidental approaches, structures, furnishings, equipment and facilities, reasonably necessary and useful in order to provide and maintain existing, new or improved recreational facilities.

"Cost of project" shall embrace the cost of all labor, materials, machinery and equipment, lands, property, rights, easements and franchises, financing charges, interest prior to and during construction and for 12 months after the estimated date of completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of architectural, engineering, trustees' and legal services, and all other expenses necessary or incident to placing the project in operation or necessary or incident to determining the feasibility or practicability of such project, administrative expense and such other expenses as may be necessary or incident to the issuance, sale and delivery of the bonds herein authorized.

(Source: Laws 1963, p. 2605.)

(20 ILCS 4029/Act rep.)
Section 90. Repeal. The Illinois Wildlife Prairie Park Act is repealed.
Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0171
(Senate Bill No. 0098)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Passenger Protection Act is amended by changing Section 4a as follows:
(625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a)
Sec. 4a. Every person, when transporting a child 4 years of age or older but under the age of 16, as provided in Section 4 of this Act, shall be responsible for securing that child in either a child restraint system or seat belts.
(Source: P.A. 88-17.)
Effective January 1, 2002.

PUBLIC ACT 92-0172
(Senate Bill No. 0325)

AN ACT relating to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 6-18 as follows:
(105 ILCS 5/6-18) (from Ch. 122, par. 6-18)
Sec. 6-18. Meeting dates - Place - Quorum. The regional board of school trustees shall hold a regular meeting in meetings on the first Monday of July, October, January and April; however, in case the first Monday of any of these months falls on a legal holiday the regular meeting shall be held on the next day. With appropriate public notice, the board may cancel its regular quarterly meeting if no issues for action have been presented to the board and it has no pending business.
All regular meetings of the board shall be held at the office of the regional superintendent. Special meetings may be called by the president or by 4 members of the board by giving a 48-hour written notice of the meeting stating the time and place of the meeting and the purpose thereof. Public notice of meetings must also be given as prescribed in Sections 2.02 and 2.03 of the Open Meetings Act.
A majority of the members elected to the board shall constitute a quorum. Unless otherwise provided a majority vote of all the board shall be required to decide a measure.
(Source: P.A. 89-106, eff. 7-7-95.)
Effective January 1, 2002.

PUBLIC ACT 92-0173
(Senate Bill No. 0403)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Passenger Protection Act is amended by changing Section 6 as follows:
(625 ILCS 25/6) (from Ch. 95 1/2, par. 1106)
Sec. 6. A violation of this Act is a petty offense punishable by a fine of not more than $50 $25 waived upon proof of possession of an approved child restraint system as defined under this Act. A subsequent violation of this Act is a petty offense punishable by a fine of not more than $100 $50.
(Source: P.A. 83-8.)
Effective January 1, 2002.

PUBLIC ACT 92-0174

New matter indicated by italics - deletions by strikeout.
AN ACT concerning snowmobile registration and safety.

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

Section 5. The Snowmobile Registration and Safety Act is amended by changing Sections 3-2, 3-5, 3-8, 3-9, 3-11, 5-3, 6-1, and 9-2 as follows:

(625 ILCS 40/3-2) (from Ch. 95 1/2, par. 603-2)

Sec. 3-2. Identification Number Application. The owner of each snowmobile requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the snowmobile and shall be accompanied by a fee of $18. When a snowmobile dealer sells a snowmobile the dealer shall, at the time of sale, require the buyer to complete an application for the registration certificate, collect the required fee and mail the application and fee to the Department no later than 14 days after the date of sale. Combination application-receipt forms shall be provided by the Department and the dealer shall furnish the buyer with the completed receipt showing that application for registration has been made. This completed receipt shall be in the possession of the user of the snowmobile until the registration certificate is received. No snowmobile dealer may charge an additional fee to the buyer for performing this service required under this subsection. However, no purchaser exempted under Section 3-11 of this Act shall be charged any fee or be subject to the other requirements of this Section. The application form shall so state in clear language the requirements of this Section and the penalty for violation near the place on the application form provided for indicating the intention to register in another jurisdiction. Each dealer shall maintain, for one year, a record in a form prescribed by the Department for each snowmobile sold. These records shall be open to inspection by the Department. Upon receipt of the application in approved form the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the snowmobile and the name and address of the owner.

(Source: P.A. 84-151; 84-973.)

(625 ILCS 40/3-5) (from Ch. 95 1/2, par. 603-5)

Sec. 3-5. Transfer of Identification Number. The purchaser of a snowmobile shall, within 15 days after acquiring same, make application to the Department for the transfer to him of the certificate of number issued to the snowmobile, giving his name, his address and the number of the snowmobile. The purchaser shall apply for a transfer-renewal for a fee of $18 for approximately 3 years. All transfers will bear September 30 expiration dates in the calendar year of expiration. Upon receipt of the application and fee, the Department shall transfer the certificate of number issued to the snowmobile to the new owner. Unless the application is made and fee paid within 30 days, the snowmobile shall be deemed to be without certificate of number and it shall be unlawful for any person to operate the snowmobile until the certificate is issued.

(Source: P.A. 87-1109.)

(625 ILCS 40/3-8) (from Ch. 95 1/2, par. 603-8)

Sec. 3-8. Certificate of Number. Every certificate of number awarded under this Act shall continue in full force and effect for approximately 3 years unless sooner terminated or discontinued in accordance with this Act. All new certificates issued will bear September 30 expiration dates in the calendar year 3 years after the issuing date. Provided however, that the Department may, for purposes of implementing this Section, adopt rules for phasing in the issuance of new certificates and provide for 1, 2 or 3 year expiration dates and pro-rated payments or charges for each registration.

All certificates shall be renewed for 3 years from the nearest September 30 for a fee of $18. All certificates will be considered invalid after October 15 of the year of expiration. All certificates expiring in a given year shall be renewed between April 1 and September 30 of that year, in order to allow sufficient time for processing.

The Department shall issue "registration expiration decals" with all new certificates of number, all certificates of number transferred and renewed, and all certificates of number renewed. The decals issued for each year shall be of a different and distinct color from the decals of each year currently displayed. The decals shall be affixed to each side of the cowling of the snowmobile in the manner prescribed by the rules and regulations of the Department. The Department shall fix a day and month of the year on which certificates of number due to expire shall lapse and no longer be of any
force and effect unless renewed pursuant to this Act.

No number or registration expiration decal, except a sticker or number which may be required by a political subdivision, or municipality, or state of this State, other than the registration expiration decal issued to a snowmobile or granted reciprocity pursuant to this Act, shall be painted, attached, or otherwise displayed on either side of the cowling of such snowmobile.

A dealer engaged in the manufacture, sale, or leasing of snowmobiles required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such snowmobiles upon payment of $18 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of snowmobiles by temporary placement of the registration expiration decals assigned by such certificates on the snowmobile so tested or demonstrated.

(See: P.A. 84-151; 84-973.)

Sec. 3-9. Registration List.

A snowmobile registration list may be furnished for official use at no charge only to such federal, state, county and municipal enforcement agencies as may require such data. A snowmobile registration list may be furnished, at the cost of reproduction, to statewide not-for-profit Illinois snowmobile organizations for use only with educational programs.

(See: P.A. 77-1312.)

Sec. 3-11. Exception from numbering provisions of this Act.) A snowmobile shall not be required to be numbered under this Act if it is:

A. Owned and used by the United States, another state, or a political subdivision thereof, but such snowmobiles shall display the name of the owner on the cowling thereof.

B. Covered by a valid registration or license of another state, province or country which is the domicile of the owner of the snowmobile and is not operated within this State on more than 30 consecutive days in any calendar year.

C. Owned and operated on lands owned by the owner or operator or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within the state.

D. Used only on international or national competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State.

E. Owned by persons domiciled in Illinois but used entirely in another jurisdiction when such owner has complied with the provisions of Section 3-2 of this Act.

F. Designed for use by small children primarily as a toy and used only on private property and not on any public use trail.

(See: P.A. 81-702.)

Sec. 5-3. Youthful Operators.

A. No person under 10 years of age may operate a snowmobile, other than machines designed for use by small children primarily as a toy and used only on private property and not on any public use trail.

B. Persons at least 10 and less than 12 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 18 years of age designated by a parent or guardian.

C. Persons at least 12 and less than 16 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 16 years of age designated by a parent or guardian, or such operator is in possession of a certificate issued by the Department authorizing the holder to operate snowmobiles.

D. Any person who operates a snowmobile on a highway as provided in Section 5-2 shall (1) possess a valid motor vehicle driver's license; or (2) possess a safety certificate as provided for in this Section. Any such person less than 16 years of age shall also be under the immediate supervision of a parent or guardian or a person at least 18 years of age designated by the parent or guardian.

E. Violations of this Section done with the knowledge of a parent or guardian shall be deemed
a violation by the parent or guardian and punishable under Article X of this Act.

F. The department shall establish a program of instruction on snowmobile laws, regulations, safety and related subjects. It is unlawful for any person under 16 years of age to operate a snowmobile on a public highway in this State. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Persons satisfactorily completing this program shall receive certification from the department. The department may charge each person who enrolls in the course an instruction fee of $2.50. If a fee is authorized by the department, the department shall authorize instructors conducting such courses meeting standards established by it to retain $1 of the fee to defray expenses incurred locally to operate the program. The remaining $1.50 of the fee shall be retained by the department to defray a part of its expenses incurred to operate the safety and accident reporting program. A person over the age of 12 years but under the age of 16 years who holds a valid certificate issued by another state or province of the Dominion of Canada need not obtain a certificate from the department if the course content of the program in such other state or province substantially meets that established by the department under this section. A certificate issued by the Department, or by another State or a province of the Dominion of Canada, shall not constitute a valid motor vehicle operator's license for the purpose of this Section.

(Source: P.A. 85-293.)

(625 ILCS 40/6-1) (from Ch. 95 1/2, par. 606-1)
Sec. 6-1. Collisions, accidents, and casualties; reports.
A. The operator of a snowmobile involved in a collision, accident, or other casualty, shall render to other persons affected by this collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his snowmobile to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

B. In the case of collision, accident, or other casualty involving the operation of a snowmobile, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of $750, shall file with the Department a full description of the collision, accident, or other casualty, including such information as the Department may, by regulation, require. Reports of such accidents must be filed with the Department on a Department Accident Report form within 5 days.

C. Reports of accidents resulting in personal injury, wherein a person is incapacitated for a period exceeding 72 hours, must be filed with the Department on a Department Accident Report form within 5 days. Accidents which result in loss of life shall be reported to the Department on a Department form within 48 hours.

D. All required accident reports and supplemental reports are without prejudice to the individual so reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.

(Source: P.A. 77-1312.)

(625 ILCS 40/9-2) (from Ch. 95 1/2, par. 609-2)
Sec. 9-2. Special fund. There is created a special fund in the State Treasury to be known as the Snowmobile Trail Establishment Fund. Thirty-three percent of each new, transfer-renewal and renewal registration fee collected under Sections 3-2, 3-5 and 3-8 of this Act shall be deposited in the fund. The fund shall be administered by the Department and shall be used for disbursement, upon written application to and subsequent approval by the Department, to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles, including plans and specifications, engineering surveys and supervision where necessary. The Department shall promulgate such rules or regulations as it
deems necessary for the administration of the fund.
(Source: P.A. 85-153.)

Section 99. Effective date. This Act takes effect upon becoming law.  
Passed in the General Assembly May 1, 2001.  

AN ACT in relation to criminal law.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Criminal Code of 1961 is amended by changing Section 11-20.1A as follows:
(720 ILCS 5/11-20.1A) (from Ch. 38, par. 11-20.1A)
Sec. 11-20.1A. Forfeitures.  
(a) A person who commits the offense of keeping a place of juvenile prostitution, exploitation of a child, or child pornography under Section Sections 11-17.1, 11-19.2, or 11-20.1 of this Code; shall forfeit to the State of Illinois:

(1) Any profits or proceeds and any interest or property he or she has acquired or maintained in violation of Section Sections 11-17.1, 11-19.2, or 11-20.1 of this Code that the sentencing court determines, after a forfeiture hearing, to have been acquired or maintained as a result of keeping a place of juvenile prostitution, exploitation of a child, or child pornography; and

(2) Any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise that which he or she has established, operated, controlled, or conducted in violation of Section Sections 11-17.1, 11-19.2, or 11-20.1 of this Code that the sentencing court determines, after a forfeiture hearing, to have been acquired or maintained as a result of keeping a place of juvenile prostitution, exploitation of a child, or child pornography.

(3) Any computer that contains a depiction of child pornography in any encoded or decoded format in violation of Section 11-20.1 of this Code. For purposes of this paragraph
(3), "computer" has the meaning ascribed to it in Section 16D-2 of this Code.

(b) (1) The court shall, upon petition by the Attorney General or State's Attorney at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the people shall have the burden of establishing, by a preponderance of the evidence, that property or property interests are subject to forfeiture under this Section.

(2) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with keeping a place of juvenile prostitution, exploitation of a child or child pornography shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make such a determination, prior to entering any such order, the court shall conduct a hearing without a jury, wherein the People shall establish that there is: (i) probable cause that the person or persons so charged have committed the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography and (ii) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. Such hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint, or by motion of the People, at any stage in the proceedings. The court may accept a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography or the return of an indictment by a grand jury charging the
offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography as sufficient evidence of probable cause as provided in item (i) above. Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture, as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lienholder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant or an innocent owner or innocent bona fide third party lienholder who neither had knowledge of, nor consented to, the illegal act or omission, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, or prohibition or other action. The court may release such property to the defendant or innocent owner or innocent bona fide third party lienholder who neither had knowledge of, nor consented to, the illegal act or omission for good cause shown and within the sound discretion of the court.

A forfeiture under this Section may be commenced by the Attorney General or a State's Attorney.

(3) Upon conviction of a person of keeping a place of juvenile prostitution, exploitation of a child or child pornography, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this Section upon such terms and conditions as the court shall deem proper.

(4) The Attorney General is authorized to sell all property forfeited and seized pursuant to this Section, unless such property is required by law to be destroyed or is harmful to the public, and, after the deduction of all requisite expenses of administration and sale, shall distribute the proceeds of such sale, along with any moneys forfeited or seized, in accordance with subsection (c) of this Section.

(c) All monies forfeited and the sale proceeds of all other property forfeited and seized under this Section shall be distributed as follows:

(1) One-half shall be divided equally among all State agencies and units of local government whose officers or employees conducted the investigation which resulted in the forfeiture; and

(2) One-half shall be deposited in the Violent Crime Victims Assistance Fund.

(Source: P.A. 91-229, eff. 1-1-00.)

Effective January 1, 2002.
(i) that a prisoner who is serving a term of imprisonment for first degree murder shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999 shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after the effective date of this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after the effective date of this amendatory Act of the 92nd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961.
when the offense is committed on or after January 1, 1999, or (iii) for conviction of one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after the effective date of this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after the effective date of this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except

New matter indicated by italics - deletions by strikeout.
where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department’s decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:
   (A) it lacks an arguable basis either in law or in fact;
   (B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
   (C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
   (D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
   (E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.


(Source: P.A. 90-141, eff. 1-1-98; 90-505, eff. 8-19-97; 90-592, eff. 6-19-98; 90-593, eff. 6-19-98; 90-655, eff. 7-30-98; 90-740, eff. 1-1-99; 91-121, eff. 7-15-99; 91-357, eff. 7-29-99.)

Sec. 5-4-1. Sentencing Hearing.

(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois,
the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place; and
(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

New matter indicated by italics - deletions by strikeout.
The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated arson if the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."
(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

1. the sentence imposed;
2. any statement by the court of the basis for imposing the sentence;
3. any presentence reports;
4. the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;
4.1 any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
5. all statements filed under subsection (d) of this Section;
6. any medical or mental health records or summaries of the defendant;
7. the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
8. all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
9. all additional matters which the court directs the clerk to transmit.

(Source: P.A. 90-592, eff. 6-19-98; 90-593, eff. 6-19-98; 90-740, eff. 1-1-99; 91-357, eff. 7-29-99; 91-899, eff. 1-1-01.)

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

PUBLIC ACT 92-0177
(House Bill No. 1854)

AN ACT concerning wildlife.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Wildlife Code is amended by changing Sections 2.11, 2.26, 3.1 and by adding Section 3.1-3 as follows:

(520 ILCS 5/2.11) (from Ch. 61, par. 2.11)
Sec. 2.11. Before any person may lawfully hunt wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative rule of the Department. The fee for a Resident Wild Turkey Hunting Permit shall not exceed $15. Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged a fee not to exceed $75 for wild turkey hunting permits, except as provided below for non-resident land owners.
Permits shall be issued without charge to:
(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt on their land only,
(b) resident tenants of at least 40 acres of commercial agricultural land, and
(c) shareholders of a corporation which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's land only. One permit shall be issued without

New matter indicated by italics - deletions by strikeout.
charge to one shareholder for each 40 acres of land owned by the corporation in a county; however, the number of permits issued without charge to shareholders of any corporation in any county shall not exceed 15.

The turkey hunting permit issued without fee shall be valid on all lands upon which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued without charge to a shareholder of a corporation, the permit shall be valid on all lands owned by the corporation in the county.

The Department may by administrative rule allocate and issue non-resident Wild Turkey Permits and establish fees for such permits.

The Department may set aside, in accordance with the prescribed regulations set forth in an administrative rule of the Department, a limited number of Wild Turkey Hunting Permits to be available to persons providing evidence of a contractual arrangement to hunt on properties controlled by a bona fide Illinois outfitter. The number of available permits shall be based on a percentage of unfilled permits remaining after the previous year's lottery. Eligible outfitters shall be those having membership in, and accreditation conferred by, a professional association of outfitters approved by the Department. The association shall be responsible for setting professional standards and codes of conduct for its membership, subject to Departmental approval. In addition to the fee normally charged for resident and nonresident permits, a reservation fee not to exceed $200 shall be charged to the outfitter for each permit set aside in accordance with this Act. The reservation fee shall be deposited into the Wildlife and Fish Fund.

It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun.

It shall be unlawful to take, or attempt to take wild turkey except during the time from 1/2 hour before sunrise to 1/2 hour after sunset or during such lesser period of time as may be specified by administrative rule, during those days for which an open season is established.

It shall be unlawful for any person to take, or attempt to take, wild turkey by use of dogs, horses, automobiles, aircraft or other vehicles, or conveyances, or by the use of bait of any kind.

It is unlawful for any person to take in Illinois or have in his possession more than one wild turkey per valid permit.

(Source: P.A. 88-416; 89-715, eff. 2-21-97.)

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $200 except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $225. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) shareholders of a corporation which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's land only. One permit shall be issued without charge to one shareholder for each 40 acres of land owned by the corporation in a county; however, the number of permits issued without charge to shareholders of any corporation in any county shall not exceed 15.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent or lease or shareholders who do not wish to hunt only on the land owned by the corporation shall be charged the same fee as the applicant who is not a landowner, tenant or shareholder. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.
The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a shareholder, the permit shall be valid on all lands owned by the corporation in the county.

The Department may set aside, in accordance with the prescribed regulations set forth in an administrative rule of the Department, a limited number of Deer Hunting Permits to be available to persons providing evidence of a contractual arrangement to hunt on properties controlled by a bona fide Illinois outfitter. The number of available permits shall be based on a percentage of unfilled permits remaining after the previous year’s lottery. Eligible outfitters shall be those having membership in, and accreditation conferred by, a professional association of outfitters approved by the Department. The association shall be responsible for setting professional standards and codes of conduct for its membership, subject to Departmental approval. In addition to the fee normally charged for resident and nonresident permits, a reservation fee not to exceed $200 shall be charged to the outfitter for each permit set aside in accordance with this Act. The reservation fee shall be deposited into the Wildlife and Fish Fund.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

Sec. 3.1. License and stamps required.
(a) Before any person shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established under this Act, he shall first have procured and possess a valid hunting license.

Before any person 16 years of age or older shall take or attempt to take any bird of the species defined as migratory waterfowl by Section 2.2, including coots, he shall first have procured a State Migratory Waterfowl Stemp.

Before any person 16 years of age or older takes, attempts to take, or pursues any species of wildlife protected by this Code, except migratory waterfowl, coots, and hand-reared birds on licensed game breeding and hunting preserve areas and state controlled pheasant hunting areas, he or she shall first obtain a State Habitat Stamp. Disabled veterans and former prisoners of war shall not be required
to obtain State Habitat Stamps. Any person who obtained a lifetime license before January 1, 1993, shall not be required to obtain State Habitat Stamps. Income from the sale of State Furbearer Stamps and State Pheasant Stamps received after the effective date of this amendatory Act of 1992 shall be deposited into the State Furbearer Fund and State Pheasant Fund, respectively.

Before any person 16 years of age or older shall take, attempt to take, or sell the green hide of any mammal of the species defined as fur-bearing mammals by Section 2.2 for which an open season is established under this Act, he shall first have procured a State Habitat Stamp.

(b) Before any person who is a non-resident of the State of Illinois shall take or attempt to take any of the species protected by Section 2.2, except white-tailed deer or wild turkey, for which an open season is established under this Act, he shall, unless specifically exempted by law, first procure a non-resident license as provided by this Act for the taking of any wild game.

Before a nonresident shall take or attempt to take white-tailed deer, he shall first have procured a Deer Hunting Permit as defined in Section 2.26 of this Code.

Before a nonresident shall take or attempt to take wild turkeys, he shall have procured a Wild Turkey Hunting Permit as defined in Section 2.11 of this Code.

(c) The owners residing on, or bona fide tenants of, farm lands and their children, parents, brothers, and sisters actually permanently residing on their lands shall have the right to hunt any of the species protected by Section 2.2 upon their lands and waters without procuring hunting licenses; but the hunting shall be done only during periods of time and with devices and by methods as are permitted by this Act. Any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces a resident of Illinois and who entered the Armed Forces from this State, and who is presently on ordinary leave from the Armed Forces, and any resident of Illinois who is disabled may hunt any of the species protected by Section 2.2 without procuring a hunting license, but the hunting shall be done only during such periods of time and with devices and by methods as are permitted by this Act. For the purpose of this Section a person is disabled when that person has a Type 1 or Type 4, Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person named has a Type 1 or Type 4, Class 2 disability shall be adequate documentation of the disability.

(d) A courtesy non-resident license, permit, or stamp for taking game may be issued at the discretion of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director. The Director may provide to nonresident participants and official gunners at field trials an exemption from licensure while participating in a field trial.

(e) State Migratory Waterfowl Stamps shall be required for those persons qualifying under subsections (c) and (d) who intend to hunt migratory waterfowl, including coots, to the extent that hunting licenses of the various types are authorized and required by this Section for those persons.

(f) Registration in the U.S. Fish and Wildlife Migratory Bird Harvest Information Program shall be required for those persons who are required to have a hunting license before taking or attempting to take any bird of the species defined as migratory game birds by Section 2.2, except that this subsection shall not apply to crows in this State or hand-reared birds on licensed game breeding and hunting preserve areas, for which an open season is established by this Act. Persons registering with the Program must carry proof of registration with them while migratory bird hunting.

The Department shall publish suitable prescribed regulations pertaining to registration by the migratory bird hunter in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program.

(Source: P.A. 89-341, eff. 8-17-95; 90-743, eff. 1-1-99.)

(520 ILCS 5/3.1-3 new)

Sec. 3.1-3. Deer and wild turkey outfitter permit; application and fees. Before any person provides or offers to provide, for compensation, outfitting services for deer or wild turkey hunting, that person must apply for and receive a permit from the Department. The annual fee for resident outfitter permits shall not exceed $1,000. The annual fee for nonresident outfitter permits shall not exceed $2,500. All outfitter permit fees shall be deposited into the Wildlife and Fish Fund. The
criteria, definitions, application process, fees, and standards of outfitting services shall be provided by administrative rule.

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

PUBLIC ACT 92-0178
(House Bill No. 1914)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Sections 16-3 and 16-6.1 as follows:
(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)
Sec. 16-3. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in capital letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several

New matter indicated by italics - deletions by strikeout.
county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

Title of Office ____________________________

( ) Name of Candidate ____________________________

When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985.

(Source: P.A. 84-1308.)

(10 ILCS 5/16-6.1) (from Ch. 46, par. 16-6.1)

Sec. 16-6.1. In elections held pursuant to the provisions of Section 12 of Article VI of the

New matter indicated by italics - deletions by strikeout.
Constitution relating to retention of judges in office, the form of the proposition to be submitted for each candidate shall be as provided in paragraph (1) or (2), as the election authority may choose.

(1) The names of all persons seeking retention in the same office shall be listed, in the order provided in this Section, with one proposition that reads substantially as follows: "Shall each of the persons listed be retained in office as (insert name of office and court)?". To the right of each candidate's name must be places for the voter to mark "Yes" or "No". If the list of candidates for retention in the same office exceeds one page of the ballot, the proposition must appear on each page upon which the list of candidates continues.

(2) The form of the proposition for each candidate shall be substantially as follows:

Shall ........ (insert name of candidate) be retained in office as ..... (insert name of office and Court)? YES NO

The names of all candidates thus submitting their names for retention in office in any particular judicial district or circuit shall appear on the same ballot which shall be separate from all other ballots voted on at the general election.

Propositions on Supreme Court judges, if any are seeking retention, shall appear on the ballot in the first group, for judges of the Appellate Court in the second group immediately under the first, and for circuit judges in the last group. The grouping of candidates for the same office shall be preceded by a heading describing the office and the court. If there are two or more candidates for each office, the names of such candidates in each group shall be listed in the order determined as follows: The name of the person with the greatest length of time served in the specified office of the specified court shall be listed first in each group. The rest of the names shall be listed in the appropriate order based on the same seniority standard. If two or more candidates for each office have served identical periods of time in the specified office, such candidates shall be listed alphabetically at the appropriate place in the order of names based on seniority in the office as described. Circuit judges shall be credited for the purposes of this section with service as associate judges prior to July 1, 1971 and with service on any court the judges of which were made associate judges on January 1, 1964 by virtue of Paragraph 4, subparagraphs (c) and (d) of the Schedule to Article VI of the former Illinois Constitution.

At the top of the ballot on the same side as the propositions on the candidates are listed shall be printed an explanation to read substantially as follows: "Vote on the proposition with respect to all or any of the judges listed on this ballot. No judge listed is running against any other judge. The sole question is whether each judge shall be retained in his present office". Such separate ballot shall be printed on paper of sufficient size so that when folded once it shall be large enough to contain the following words, which shall be printed on the back, "Ballot for judicial candidates seeking retention in office". Such ballot shall be handed to the elector at the same time as the ballot containing the names of other candidates for the general election and shall be returned therewith by the elector to the proper officer in the manner designated by this Act. All provisions of this Act relating to ballots shall apply to such separate ballot, except as otherwise specifically provided in this section. Such separate ballot shall be printed upon paper of a green color. No other ballot at the same election shall be green in color.

In precincts in which voting machines are used, the special ballot containing the propositions on the retention of judges may be placed on the voting machines if such voting machines permit the casting of votes on such propositions.

An electronic voting system authorized by Article 24A may be used in voting and tabulating the judicial retention ballots. When an electronic voting system is used which utilizes a ballot label booklet and ballot card, there shall be used in the label booklet a separate ballot label page or pages as required for such proposition, which page or pages for such proposition shall be of a green color separate and distinct from the ballot label page or pages used for any other proposition or candidates. (Source: P.A. 79-201.)


New matter indicated by italics - deletions by strikeout.
AN ACT concerning underground utilities facilities damage prevention.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Underground Utility Facilities Damage Prevention Act is amended by changing Sections 2, 2.2, 2.3, 4, 5, 6, 7, 8, 10, 11, 13, and 14 and adding Sections 2.6, 2.7, and 2.8 as follows:

Sec. 2. Definitions. As used in this Act, unless the context clearly otherwise requires, the terms specified in Sections 2.1 through 2.8 have the meanings ascribed to them in those Sections.
(Source: P.A. 86-674.)

Sec. 2.2. Underground utility facilities. "Underground utility facilities" or "facilities" means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground by a public utility (as is defined in the Illinois Public Utilities Act, as amended), or by a municipally owned or mutually owned utility providing a similar utility service, except an electric cooperative as defined in the Illinois Public Utilities Act, as amended, or by a pipeline entity transporting gases, crude oil, petroleum products, or other hydrocarbon materials within the State or by a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985, or by a company described in Section 1 of "An Act relating to the powers, duties and property of telephone companies", approved May 16, 1903, as amended, or by a community antenna television system, hereinafter referred to as "CATS", as defined in the Illinois Municipal Code, as amended.
(Source: P.A. 86-674; 86-1195; 87-125.)

Sec. 2.6. Emergency locate request. "Emergency locate request" means a locate request for any condition constituting an imminent danger to life, health, or property, or a utility service outage, and which requires immediate repair or action.

Sec. 2.7. Tolerance zone. "Tolerance zone" means the approximate location of underground utility facilities or CATS facilities defined as a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1-1/2 feet on either side of such facility based upon the markings made by the owner or operator of the facility. Excavation within the tolerance zone requires extra care and precaution including, but not limited to, as set forth in Section 4.

Sec. 2.8. Approximate location. "Approximate location" means a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1.5 feet on either side of the facility.

Sec. 4. Required activities. Every person who engages in nonemergency excavation or
demolition shall:

(a) take reasonable action to inform himself of the location of any underground utility facilities or CATS facilities in and near the area for which such operation is to be conducted;
(b) plan the excavation or demolition to avoid or minimize interference with underground utility facilities or CATS facilities within the tolerance zone by utilizing such precautions that include, 
but are not limited to, hand excavation, vacuum excavation methods, and visually inspecting the 
excavation while in progress until clear of the existing marked facility in and near the construction area;

(c) if practical, use white paint, flags, stakes, or both, to outline the dig site;
(d) provide notice not more than 14 days nor less than 48 hours (exclusive of Saturdays, 
Sundays and holidays) in advance of the start of the excavation or demolition to the owners or 
operators of the underground utility facilities or CATS facilities in and near the excavation or 
demolition area through the State-Wide One-Call Notice System or, in the case of nonemergency 
excavation or demolition within the boundaries of a municipality of at least one million persons which 
operates its own one-call notice system, through the one-call notice system which operates in that 
municipality;

(e) provide, during and following excavation or demolition, such support for existing 
underground utility facilities or CATS facilities in and near the excavation or demolition area as may 
be reasonably necessary for the protection of such facilities unless otherwise agreed to by the owner 
or operator of the underground facility or CATS facility; and
(f) backfill all excavations in such manner and with such materials as may be reasonably 
necessary for the protection of existing underground utility facilities or CATS facilities in and near 
the excavation or demolition area.

At a minimum, the notice required under clause (d) shall provide:

(1) the person's name, address, and (i) phone number at which a person can be 
reached and left, or (ii) fax number;
(2) the start date of the planned excavation or demolition;
(3) the address at which the excavation or demolition will take place; and
(4) the type and extent of the work involved; and:
(5) section/quarter sections when the above information does not allow the State-Wide 
One-Call Notice System to determine the appropriate geographic section/quarter sections. 
This item (5) does not apply to residential property owners.

Nothing in this Section prohibits the use of any method of excavation if conducted in a manner 
that would avoid interference with underground utility facilities or CATS facilities.

(220 ILCS 50/5) (from Ch. 111 2/3, par. 1605)
Sec. 5. Notice of preconstruction conference. When the Illinois Department of Transportation 
notifies an owner or operator of an underground utility facility or CATS facility that the Department 
will conduct a preconstruction conference concerning new construction, reconstruction, or 
maintenance of State highways in and near the area in which such owner or operator has placed 
underground utility facilities, such notification shall, except as otherwise provided in this Section 
constitute compliance by the Department or its contractors with paragraphs (a), (b), and (d) of 
Section 4 of this Act. In instances when notification of a preconstruction conference is provided to 
the owner or operator of an underground utility facility or CATS facility but no specific date is established 
at the preconstruction conference for the new construction, reconstruction or maintenance of State 
highways in and near the area in which the owner or operator has placed underground utility facilities 
or CATS facilities, then the Department or its contractors shall later comply with paragraph (d) of 
Section 4 of this Act.

(220 ILCS 50/6) (from Ch. 111 2/3, par. 1606)
Sec. 6. Emergency excavation or demolition.
(a) Every person who engages in emergency excavation or demolition outside of the 
boundaries of a municipality of at least one million persons which operates its own one-call notice 
system shall take all reasonable precautions to avoid or minimize interference between the emergency 
work and existing underground utility facilities or CATS facilities in and near the excavation or
demolition area, through the State-Wide One-Call Notice System, and shall notify, as far in advance as possible, the owners or operators of such underground utility facilities or CATS facilities in and near the emergency excavation or demolition area, through the State-Wide One-Call Notice System. At a minimum, the notice required under this subsection (a) shall provide:

(1) the person's name, address, and (i) phone number at which a person can be reached and (ii) fax number;
(2) the start date of the planned emergency excavation or demolition;
(3) the address at which the excavation or demolition will take place; and
(4) the type and extent of the work involved.

A 2-hour wait time exists after an emergency locate notification request is made through the State-Wide One-Call Notice System. If the conditions at the site dictate an earlier start than the 2-hour wait time, it is the responsibility of the excavator to demonstrate that site conditions warranted this earlier start time.

(b) Every person who engages in emergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities or CATS facilities in and near the excavation or demolition area, through the municipality's one-call notice system, and shall notify, as far in advance as possible, the owners and operators of underground utility facilities or CATS facilities in and near the emergency excavation or demolition area, through the municipality’s one-call notice system.

(c) The reinstallation of traffic control devices shall be deemed an emergency for purposes of this Section.

(220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)
Sec. 7. Damage or dislocation. In the event of any damage to or dislocation of any underground utility facilities or CATS facilities in connection with any excavation or demolition, emergency or nonemergency, the person responsible for the excavation or demolition operations shall immediately notify the affected utility and the State-Wide One-Call Notice System owner of such facilities.

(220 ILCS 50/8) (from Ch. 111 2/3, par. 1608)
Sec. 8. Liability or financial responsibility.
(a) Nothing in this Act shall be deemed to affect or determine the financial responsibility for any operation under this Act or liability of any person for any damages that occur unless specifically stated otherwise.
(b) Nothing in this Act shall be deemed to provide for liability or financial responsibility of the Department of Transportation, its officers and employees concerning any underground utility facility or CATS facility located on highway right-of-way by permit issued under the provisions of Section 9-113 of the Illinois Highway Code. It is not the intent of this Act to change any remedies in law regarding the duty of providing lateral support.
(c) Neither the State-Wide One-Call Notice System nor any of its officers, agents, or employees shall be liable for damages for injuries or death to persons or damage to property caused by acts or omissions in the receipt, recording, or transmission of locate requests or other information in the performance of its duties as the State-Wide One-Call Notice System, unless the act or omission was the result of willful and wanton misconduct.
(d) Any residential property owner who fails to comply with any provision of this Act and damages underground utility facilities or CATS facilities while engaging in excavation or demolition on such residential property shall not be subject to a penalty under this Act, but shall be liable for the damage caused to the owner or operator of the damaged underground utility facilities or CATS facilities.

(220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)
Sec. 10. Record of notice; marking of facilities. Upon notice by the person engaged in excavation or demolition, the person owning or operating underground utility facilities or CATS facilities in or near the excavation or demolition area shall cause a written record to be made of the

New matter indicated by italics - deletions by strikeout.
notice and shall mark, within 48 hours (excluding Saturdays, Sundays and holidays) of receipt of notice, the approximate locations of such facilities so as to enable the person excavating or demolishing to establish the location of the underground utility facilities or CATS facilities.

All persons subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices. Conditions may exist making it unreasonable to request that locations be marked within 48 hours. It is unreasonable to request owners and operators of underground utility facilities and CATS facilities to locate all of their facilities in an affected area upon short notice in advance of a large or extensive nonemergency project, or to request extensive locates in excess of a reasonable excavation or demolition work schedule, or to request locates under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions. Owners and operators of underground utility facilities and CATS facilities must reasonably anticipate seasonal fluctuations in the number of locate requests and staff accordingly.

Marking need not be accomplished more than 48 hours in advance of the time excavation or demolition of daily segments of the excavation or demolition are scheduled to begin.

If a person owning or operating underground utility facilities or CATS facilities receives a notice under this Section but does not own or operate any underground utility facilities or CATS facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours (excluding Saturdays, Sundays, and holidays) after receipt of the notice, shall so notify the person engaged in excavation or demolition who initiated the notice, unless the person who initiated the notice expressly waives the right to be notified that no facilities are located within the excavation or demolition area. The notification by the owner or operator of underground utility facilities or CATS facilities to the person engaged in excavation or demolition may be provided in any reasonable manner including, but not limited to, notification in any one of the following ways: by face-to-face communication; by phone or phone message; by facsimile; by posting in the excavation or demolition area; or by marking the excavation or demolition area. The owner or operator of those facilities has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone or by facsimile, if the person has supplied a facsimile number, but is unable to do so because the person engaged in the excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call or does not have a facsimile machine in operation to receive the facsimile transmission. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the owner or operator of the obligation to provide notice under this Section.

A person engaged in excavation or demolition may expressly waive the right to notification from the owner or operator of underground utility facilities or CATS facilities that the owner or operator has no facilities located in the proposed excavation or demolition area. Waiver of notice is only permissible in the case of regular or nonemergency locate requests. The waiver must be made at the time of the notice to the State-Wide One-Call Notice System. A waiver made under this Section is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver.

For the purposes of this Act, underground facility operators may utilize a combination of flags, stakes, and paint when possible on non-paved surfaces and when dig site and seasonal conditions warrant. The "approximate location" of underground utility facilities or CATS facilities is defined as a strip of land at least 3 feet wide but not wider than the width of the underground facility or CATS facility plus 1 1/2 feet on either side of such facility. If the approximate location of an underground utility facility or CATS facility is marked with stakes or other physical means, the following color coding shall be employed:

<table>
<thead>
<tr>
<th>Utility or Community Antenna</th>
<th>Identification Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television Systems and Type of Product</td>
<td></td>
</tr>
<tr>
<td>Electric Power, Distribution and Transmission</td>
<td>Safety Red</td>
</tr>
<tr>
<td>Municipal Electric Systems</td>
<td>Safety Red</td>
</tr>
<tr>
<td>Gas Distribution and Transmission</td>
<td>High Visibility</td>
</tr>
<tr>
<td></td>
<td>Safety Yellow</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Oil Distribution and Transmission..... High Visibility
Safety Yellow
Telephone and Telegraph Systems...... Safety Alert Orange
Community Antenna Television Systems.. Safety Alert Orange
Water Systems......................... Safety Precaution Blue
Sewer Systems.......................... Safety Green
Non-potable Water and Slurry Lines.... Safety Purple
Temporary Survey....................... Safety Pink
Proposed Excavation.................... Safety White

(Source: P.A. 86-674; 88-578 (effective date changed to 7-1-95 by P.A. 88-681); 88-681, eff. 7-1-95.)
(220 ILCS 50/11) (from Ch. 111 2/3, par. 1611)

Sec. 11. Penalties; liability; fund.

(a) Every person who, while engaging in excavation or demolition, wilfully fails to comply with the Act by failing to provide the notice to the owners or operators of the underground facilities or CATS facility near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 of this Act and damages any underground utility facilities or CATS facilities, shall be subject to a penalty fine of up to $5,000 no more than $200 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(b) Every person who, while engaging in excavation or demolition and has provided the notice to the owners or operators of the underground utility facilities or CATS facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 of this Act, but otherwise wilfully fails to comply with this Act and damages any underground utility facilities or CATS facilities, shall be subject to a penalty fine of up to $2,500 no more than $100 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(c) Every person who, while engaging in excavation or demolition, and has provided the notice to the owners or operators of the underground utility facilities or CATS facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 of this Act, but otherwise, while acting reasonably, damages any underground utility facilities or CATS facilities, shall not be subject to a penalty, fine but shall be liable for the damage caused to the owners or operators of the facility provided the underground utility facility or CATS facility is properly marked as provided in Section 10 of this Act.

(d) Every person who, while engaging in excavation or demolition, provides notice to the owners or operators of the underground utility facilities or CATS facilities through the State-Wide One-Call Notice System as an emergency locate request and the locate request is not an emergency locate request as defined in Section 2.6 of this Act shall be subject to a penalty of up to $2,500 for each separate offense.

(e) Owners and operators of underground utility facilities or CATS community antenna television systems facilities who wilfully fail to comply with this Act by a failure to mark or to properly mark the location of an underground utility or CATS facility, after being notified of planned excavation or demolition through the State-Wide One-Call Notice System, shall be subject to a penalty fine of up to $5,000 no more than $200 for each separate offense each violation resulting from the failure to mark or properly mark an underground utility facility or CATS facility. No person shall be subject to such fine if the owner or operator of the underground utility facility erred in marking or failed to mark such facilities as provided in Section 10 of this Act and no willful damage has been committed.

(f) As provided in Section 3 of this Act, all owners or operators of underground utility facilities or CATS facilities who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of $100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense. This subsection (f) does not apply to utilities operating facilities or CATS facilities exclusively within the boundaries of a municipality with a population of at least 1,000,000 persons.

(g) No owner or operator of underground utility facilities or CATS community antenna television systems facilities shall be subject to a penalty fine where a delay in marking or a failure to
mark or properly mark the location of an underground utility or CATS facility is caused by conditions
beyond the reasonable control of such owner or operator.

(h) Any person who is neither an agent, employee, or authorized locating contractor of the
owner or operator of the underground utility facility or CATS facility nor an excavator involved in
the excavation activity who removes, alters, or otherwise damages markings, flags, or stakes used to
mark the location of an underground utility or CATS facility other than during the course of the
excavation for which the markings were made or before completion of the project shall be subject to
a penalty up to $1,000 for each separate offense.

(i) The excavator shall exercise due care at all times to protect underground utility facilities
and CATS facilities. If, after proper notification through the State-Wide One-Call Notice System and
upon arrival at the site of a proposed excavation, the excavator observes clear evidence of the
presence of an unmarked utility or CATS facility in the area of the proposed excavation, the excavator
shall not begin excavating until 2 hours after an additional call is made to the State-Wide One-Call
Notice System for the area. The operator of the utility or CATS facility shall respond within 2 hours
of the excavator's call to the State-Wide One-Call Notice System.

(j) The Illinois Commerce Commission shall have the power and jurisdiction to, and shall,
enforce the provisions of this Act. The Illinois Commerce Commission may impose administrative
penalties as provided in this Section. The Illinois Commerce Commission may promulgate rules and
develop enforcement policies in the manner provided by the Public Utilities Act in order to implement
compliance with this Act. When a penalty is warranted, the following criteria shall be used in
determining the magnitude of the penalty:
(1) gravity of noncompliance;
(2) culpability of offender;
(3) history of noncompliance;
(4) ability to pay penalty;
(5) show of good faith of offender;
(6) ability to continue business; and
(7) other special circumstances.

In the event that a person has given proper notice, the owner or operator of the underground
utility facility or CATS facility has marked the approximate location and that person is unable to
physically locate the underground utility facility or CATS facility, where other than an "open cut"
method of locating must be used, within a reasonable time due to conditions beyond his control and
that person has notified the State-Wide One-Call notice system of the owner or operator of the
underground utility facility or CATS facility of the need for additional and more precise markings of
approximate locations and the owner or operator has not further and more precisely marked or located
the underground utility facility or CATS facility within 48 hours of receiving such notice, then the
person excavating or demolishing, exercising reasonable care, shall not be liable for damages to the
facilities. Actions to recover the penalty provided for in this Section shall be brought by the State's
Attorney of the county where the damage occurred, at the request of the owner or operator of the
underground utility facilities or CATS facilities damaged, or at the request of any person when the
owner or operator fails to comply with this Act, or at the request of the Illinois Commerce
Commission in the name of the People of the State of Illinois, in the circuit court for that county, or
for the county in which the person complained of has its principal place of business or resides.

(k) There is hereby created in the State treasury a special fund to be known as the Illinois
Underground Utility Facilities Damage Prevention Fund. All penalties recovered in any action under
this Section shall be paid into the Fund and shall be distributed annually as a grant to the State-Wide
One-Call Notice System to be used in safety and informational programs to reduce the number of
incidents of damage to underground utility facilities and CATS facilities in Illinois. The distribution
shall be made during January of each calendar year based on the balance in the Illinois Underground
Utility Facilities Damage Prevention Fund as of December 31 of the previous calendar year. In all
such actions under this Section, the procedure and rules of evidence shall conform with the Code of
Civil Procedure, and with rules of courts governing civil trials.

(l) The Illinois Commerce Commission shall establish an Advisory Committee consisting of
a representative from each of the following: utility operator, JULIE, excavator, municipality, and the
general public. The Advisory Committee shall serve as a peer review panel for any contested penalties
resulting from the enforcement of this Act.

The members of the Advisory Committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of such Advisory Committee, unless the act or omission was the result of willful and wanton misconduct.

(m) If, after the Advisory Committee has considered a particular contested penalty and performed its review functions under this Act and the Commission’s rules, there remains a dispute as to whether the Commission should impose a penalty under this Act, the matter shall proceed in the manner set forth in Article X of the Public Utilities Act, including the provisions governing judicial review.

Any residential property owner that fails to comply with any provision of this Act and damages underground utility facilities or CATS facilities while engaging in excavation or demolition on land owned by the residential property owner shall not be subject to a fine but shall be liable for the damage caused to the owner or operator of the underground utility facilities or CATS facilities.

(Source: P.A. 86-674.)

(220 ILCS 50/13) (from Ch. 111 2/3, par. 1613)

Sec. 13. Mandamus or injunction. Where public safety or the preservation of uninterrupted, necessary utility service or community antenna television system service is endangered by any person engaging in excavation or demolition in a negligent or unsafe manner which has resulted in or is likely to result in damage to underground utility facilities or CATS facilities; or it is proposing to use procedures for excavation or demolition which are likely to result in damage to underground utility facilities or CATS facilities, or where the owner or operator of underground utility facilities or CATS facilities endangers an excavator by willfully failing to respond to a locate request, the owner or operator of such facilities or the excavator or the State’s Attorney or the Illinois Commerce Commission at the request of the owner or operator of such facilities or the excavator may commence an action, or the State’s Attorney, at the request of the owner or operator of such facilities or the Illinois Commerce Commission, shall commence an action, in the circuit court for the county in which the excavation or demolition is occurring or is to occur, or in which the person complained of has his principal place of business or resides, for the purpose of having such negligent or unsafe excavation or demolition stopped and prevented or to compel the marking of underground utilities facilities or CATS facilities, either by mandamus or injunction.

(Source: P.A. 86-674.)

(220 ILCS 50/14) (from Ch. 111 2/3, par. 1614)

Sec. 14. Home rule. The regulation of underground utility facilities and CATS facilities damage prevention, as provided for in this Act, is an exclusive power and function of the State. All units of local government, including home rule units, must comply with the provisions of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 86-674.)

Section 99. Effective date. This Act takes effect July 1, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0180
(House Bill No. 2540)

AN ACT regarding appraisers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1. GENERAL PROVISIONS

Section 1-1. Short title. This Act may be cited as the Real Estate Appraiser Licensing Act of 2002.

Section 1-5. Legislative intent. The intent of the General Assembly in enacting this Act is to evaluate the competency of persons engaged in the appraisal of real estate in connection with a...
federally related transaction and to license and regulate those persons for the protection of the public. Additionally, it is the intent of the General Assembly for this Act to be consistent with the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Section 1-10. Definitions. As used in this Act, unless the context otherwise requires:

"Applicant" means person who applies to OBRE for a license under this Act.

"Appraisal" means (noun) the act or process of developing an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions.

"Appraisal report" means a written appraisal by an appraiser to a client.

"Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as established by Title XI.

"Appraiser" means a person who performs real estate or real property appraisals.

"AQB" means the Appraisal Qualifications Board of the Appraisal Foundation.

"Associate real estate appraiser" means an entry-level appraiser who holds a license of this classification under this Act and applies to the appraisal of non-complex property having a transaction value less than $1,000,000, but with restrictions as to the scope of practice in accordance with this Act.

"Board" means the Real Estate Appraisal Board.

"Classroom hour" means 50 minutes of instruction out of each 60 minute segment of coursework.

"Client" means a person who utilizes the services of an appraiser or engages an appraiser for an appraisal by employment or contract.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or his or her designee.

"Director" means the Director of the Real Estate Appraisal Division of OBRE or his or her designee.

"Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

"Federally related transaction" means any real estate-related financial transaction in which a federal financial institutions regulatory agency, the Department of Housing and Urban Development, Fannie Mae, Freddie Mae, or the National Credit Union Administration engages in, contracts for, or regulates and requires the services of an appraiser.

"Financial institution" means any bank, savings bank, savings and loan association, credit union, mortgage broker, mortgage banker, licensee under the Consumer Installment Loan Act or the Sales Finance Agency Act, or a corporate fiduciary, subsidiary, affiliate, parent company, or holding company of any such licensee, or any institution involved in real estate financing that is regulated by state or federal law.

"OBRE" means the Office of Banks and Real Estate.

"Real estate" means an identified parcel or tract of land, including any improvements.

"Real estate related financial transaction" means any transaction involving:

(1) the sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(2) the refinancing of real property or interests in real property; and

(3) the use of real property or interest in property as security for a loan or investment, including mortgage backed securities.

"Real property" means the interests, benefits, and rights inherent in the ownership of real estate.

"State certified general real estate appraiser" means an appraiser who holds a license of this classification under this Act and such classification applies to the appraisal of all types of real property without restrictions as to the scope of practice.

"State certified residential real estate appraiser" means an appraiser who holds a license of this classification under this Act and such classification applies to the appraisal of one to 4 units of residential real property without regard to transaction value or complexity, but with restrictions as to the scope of practice in a federally related transaction in accordance with Title XI, the provisions of USPAP, criteria established by the AQB, and further defined by rule.

"State licensed real estate appraiser" means an appraiser who holds a real state appraiser
license issued pursuant to a predecessor Act. A real estate appraiser license authorizes its holder to conduct the appraisal of non-complex one to 4 units of residential real property having a transaction value less than $1,000,000 and complex one to 4 residential units of real property having a value less than $250,000, but with restrictions as to the scope of practice in accordance with Title XI, criteria established by USPAP, by the AQB, by this Act, and by rule. No such initial license shall be issued after the effective date of this Act or renewed after September 30, 2003 under this Act.

"Title XI" means Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"USPAP" means the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board pursuant to Title XI and by rule.

ARTICLE 5. LICENSING PROVISIONS

Section 5-5. Necessity of license; use of title; exemptions.

(a) Beginning July 1, 2002, it is unlawful for a person to act or assume to act as a real estate appraiser, to engage in the business of real estate appraisal, to develop a real estate appraisal, to practice as a real estate appraiser, or to advertise or hold himself or herself out to be a real estate appraiser in connection with a federally related transaction without a real estate appraiser license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor.

(b) Beginning July 1, 2002, it is unlawful for a person, other than a person who holds a valid license issued pursuant to this Act as a State certified general real estate appraiser, a State certified residential real estate appraiser, an associate real estate appraiser, or as a State licensed real estate appraiser issued pursuant to a predecessor Act to use these titles or any other title, designation, or abbreviation likely to create the impression that the person is licensed as a real estate appraiser pursuant to this Act. A person who violates this subsection is guilty of a Class A misdemeanor.

(c) The licensing requirements of this Act do not require a real estate broker or salesperson who holds a valid license pursuant to the Real Estate License Act of 2000, to be licensed as a real estate appraiser under this Act, unless the broker or salesperson is providing or attempting to provide an appraisal report, as defined in Section 1-10 of this Act, in connection with a federally-related transaction.

For the purposes of this subsection, "brokerage service" means the activity of offering, negotiating, buying, listing, selling, or leasing real estate or procuring or referring prospects intended to result in the listing, sale, purchase, lease, or exchange of real estate for another and for compensation.

Section 5-10. Application for State certified general real estate appraiser. Every person who desires to obtain a State certified general real estate appraiser license shall:

(1) apply to OBRE on forms provided by OBRE accompanied by the required fee;
(2) be at least 18 years of age;
(3) provide evidence of having attained a high school diploma or completed an equivalent course of study as determined by an examination conducted or accepted by the Illinois State Board of Education;
(4) personally take and pass an examination authorized by OBRE and endorsed by the AQB;
(5) prior to taking the examination, provide evidence to OBRE that he or she has successfully completed the prerequisite classroom hours of instruction in appraising as established by the AQB and by rule; and
(6) prior to taking the examination, provide evidence to OBRE that he or she has successfully completed the prerequisite experience requirements in appraising as established by AQB and by rule.

Section 5-15. Application for State certified residential real estate appraiser. Every person who desires to obtain a State certified residential real estate appraiser license shall:

(1) apply to OBRE on forms provided by OBRE accompanied by the required fee;
(2) be at least 18 years of age;
(3) provide evidence of having attained a high school diploma or completed an equivalent course of study as determined by an examination conducted or accepted by the Illinois State Board of Education;
(4) personally take and pass an examination authorized by OBRE and endorsed by the AQB;
(5) prior to taking the examination, provide evidence to OBRE that he or she has successfully completed the prerequisite classroom hours of instruction in appraising as established by the AQB and
Section 5-20. Application for associate real estate appraiser.

(a) Every person who desires to obtain an associate real estate appraiser license shall:
   (1) apply to OBRE on forms provided by OBRE accompanied by the required fee;
   (2) be at least 18 years of age;
   (3) provide evidence of having attained a high school diploma or completed an equivalent course of study as determined by an examination conducted or accepted by the Illinois State Board of Education;
   (4) personally take and pass an examination authorized by OBRE and endorsed by the AQB; and
   (5) prior to taking the examination, provide evidence to OBRE that he or she has successfully completed the prerequisite classroom hours of instruction in appraising as established by rule.

(b) A person who holds a valid license as a licensed real estate appraiser, issued pursuant to a predecessor Act, may convert that license to an associate real estate appraiser license by making application to OBRE on forms provided by OBRE accompanied by the required fee.

Section 5-25. Renewal of license.

(a) The expiration date and renewal period for a State certified general real estate appraiser license or a State certified residential real estate appraiser license issued under this Act shall be set by rule. Except as otherwise provided in subsections (b) and (f) of this Section, the holder of a license may renew the license within 90 days preceding the expiration date by:
   (1) completing and submitting to OBRE a renewal application form as provided by OBRE;
   (2) paying the required fees; and
   (3) providing evidence of successful completion of the continuing education requirements through courses approved by OBRE from education providers licensed by OBRE, as established by the AQB and by rule.

(b) A State certified general real estate appraiser or State certified residential real estate appraiser whose license under this Act has expired may renew the license for a period of 2 years following the expiration date by complying with the requirements of paragraphs (1), (2), and (3) of subsection (a) of this Section and paying any late penalties established by rule.

(c) A State licensed real estate appraiser's license issued pursuant to a predecessor Act shall continue in effect until the earlier of its expiration date or September 30, 2003. The holder of such a license may not renew the license for any period after September 30, 2003, but may convert the license to an associate real estate appraiser license under this Act until September 30, 2003 pursuant to subsection (b) of Section 5-20 of this Act.

(d) The expiration date and renewal period for an associate real estate appraiser license issued under this Act shall be set by rule. Except as otherwise provided in subsections (e) and (f) of this Section, the holder of an associate real estate appraiser license may renew the license within 90 days preceding the expiration date by:
   (1) completing and submitting to OBRE a renewal application form as provided by OBRE;
   (2) paying the required fees; and
   (3) providing evidence of successful completion of the continuing education requirements through courses approved by OBRE from education providers approved by OBRE, as established by rule.

(e) Any associate real estate appraiser whose license under this Act has expired may renew the license for a period of 2 years following the expiration date by complying with the requirements of paragraphs (1), (2), and (3) of subsection (d) of this Section and paying any late penalties as established by rule.

(f) Notwithstanding subsections (c) and (e), an appraiser whose license under this Act has expired may renew or convert the license without paying any lapsed renewal fees or late penalties if the license expired while the appraiser was:

New matter indicated by italics - deletions by strikeout.
(1) on active duty with the United States Armed Services;
(2) serving as the Director of Real Estate Appraisal or an employee of OBRE who was required to surrender his or her license during the term of employment.
Application for renewal must be made within 2 years following the termination of the military service or related education, training, or employment. The licensee shall furnish OBRE with an affidavit that he or she was so engaged.

(g) OBRE shall provide reasonable care and due diligence to ensure that each licensee under this Act is provided with a renewal application at least 90 days prior to the expiration date, but each licensee is responsible to timely renew or convert his or her license prior to its expiration date.

Section 5-30. Reciprocity; consent to jurisdiction.
(a) A nonresident who holds a valid appraiser license issued to him or her by the proper licensing authority of a state, territory, possession of the United States, or the District of Columbia that has licensing requirements equal to or substantially equivalent to the requirements of the State of Illinois and otherwise meets the requirements for licensure may obtain a license without examination, provided that:

(1) OBRE has entered into a valid reciprocal agreement with the proper licensing authority of the state, territory, or possession of the United States, or the District of Columbia;
(2) the applicant provides OBRE with a certificate of good standing from the licensing authority of the applicant's place of residence or by an Appraisal Subcommittee registry history report;
(3) the applicant completes and submits an application as provided by OBRE and the applicant pays all applicable fees required under this Act.
(b) A nonresident applicant shall file an irrevocable consent with OBRE authorizing that actions may be commenced against the applicant or nonresident licensee in a court of competent jurisdiction in the State of Illinois by the service of summons, process, or other pleading authorized by law upon the Commissioner. The consent shall stipulate and agree that service of the summons, process, or pleading upon the Commissioner shall be taken and held in all courts to be valid and binding as if actual service had been made upon the nonresident licensee in Illinois. If a summons, process, or other pleading is served upon the Commissioner, it shall be by duplicate copies, one of which shall be retained by OBRE and the other of which shall be immediately forwarded by certified or registered mail to the last known address of the nonresident licensee against whom the summons, process, or other pleading may be directed.

Section 5-35. Pre-license education requirements.
(a) The prerequisite classroom hours necessary for a person to be approved to sit for the examination for licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser shall be in accordance with AQB criteria and established by rule.
(b) The prerequisite classroom hours necessary for a person to sit for the examination for licensure as an associate real estate appraiser shall be established by rule.

Section 5-40. Pre-license experience requirements. The prerequisite experience necessary for a person to be approved to sit for the examination for licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser shall be in accordance with AQB criteria and established by rule.

Section 5-45. Continuing education renewal requirements.
(a) The continuing education requirements for a person to renew a license as a State certified general real estate appraiser or a State certified residential real estate appraiser shall be in accordance with AQB criteria and established by rule.
(b) The continuing education requirements for a person to renew a license as an associate real estate appraiser shall be established by rule.

Section 5-50. Temporary practice permits. A nonresident appraiser who holds a valid appraiser license in another state, territory, possession of the United States, or the District of Columbia may be granted a temporary practice permit to practice as an appraiser in the State of Illinois upon making an application and paying the applicable fees pursuant to Appraisal Subcommittee policy statements and as established by rule.

Section 5-55. Fees. OBRE shall establish rules for fees to be paid by applicants and licensees to cover the reasonable costs of OBRE in administering and enforcing the provisions of this Act.

New matter indicated by italics - deletions by strikeout.
OBRE may also establish rules for general fees to cover the reasonable expenses of carrying out other functions and responsibilities under this Act.

ARTICLE 10. BUSINESS PRACTICE PROVISIONS

Section 10-5. Scope of practice.
(a) This Act does not limit a State certified general real estate appraiser in his or her scope of practice in a federally related transaction. A certified general real estate appraiser may independently provide appraisal services, review, or consulting relating to any type of property for which he or she has experience and is competent. All such appraisal practice must be made in accordance with the provisions of USPAP, criteria established by the AQB, and rules adopted pursuant to this Act.
(b) A State certified residential real estate appraiser is limited in his or her scope of practice in a federally related transaction as provided by Title XI, the provisions of USPAP, criteria established by the AQB, and the rules adopted pursuant to this Act.
(c) A State licensed real estate appraiser is limited in his or her scope of practice in a federally related transaction as provided by Title XI, the provisions of USPAP, criteria established by the AQB, and the rules adopted pursuant to this Act. No State licensed real estate appraiser license shall be issued on or after September 30, 2003 under this Act.
(d) An associate real estate appraiser is limited in his or her scope of practice in all transactions in accordance with USPAP, this Act, and the rules adopted pursuant to this Act. In addition, an associate real estate appraiser shall be required to have a State certified general real estate appraiser or State certified residential real estate appraiser who holds a valid license under this Act to co-sign all appraisal reports.

Section 10-10. Standards of practice. All persons licensed under this Act must comply with standards of professional appraisal practice adopted by OBRE. OBRE must adopt, as part of its rules, the Uniform Standards of Professional Appraisal Practice as published from time to time by the Appraisal Standards Board of the Appraisal Foundation. OBRE shall consider federal laws and regulations regarding the licensure of real estate appraisers prior to adopting its rules for the administration of this Act.

Section 10-15. Identifying client. In addition to any other requirements for disclosure of a client on an appraisal report, a licensee under this Act shall also identify on the appraisal report the individual by name who ordered or originated the appraisal assignment.

Section 10-20. Retention of records. A person licensed under this Act shall retain the original copy of all written contracts engaging his or her services as an appraiser and all appraisal reports, including any supporting data used to develop the appraisal report, for a period of 5 years or 2 years after the final disposition of any judicial proceeding in which testimony was given, whichever is longer. In addition, a person licensed under this Act shall retain contracts, logs, and appraisal reports used in meeting pre-license experience requirements for a period of 5 years.

ARTICLE 15. DISCIPLINARY PROVISIONS

Section 15-5. Unlicensed practice; civil penalty; injunctive relief.
(a) A person who violates Section 5-5 of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to OBRE in an amount not to exceed $10,000 for each violation as determined by the Commissioner. The civil penalty shall be assessed by the Commissioner after a hearing in accordance with the provisions of this Act.
(b) OBRE has the authority to investigate any activity that may violate this Act.
(c) A civil penalty imposed pursuant to subsection (a) shall be paid within 60 days after the effective date of the order imposing the civil penalty. OBRE may petition the circuit court for a judgment to enforce the collection of the penalty. Any civil penalty collected under this Act shall be made payable to the Office of Banks and Real Estate and deposited into the Appraisal Administration Fund. In addition to or in lieu of the imposition of a civil penalty, OBRE may report a violation of this Act or the failure or refusal to comply with an order of OBRE to the Attorney General or to the appropriate State's Attorney.
(d) Practicing as an appraiser without holding a valid license as required under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Commissioner, the Attorney General, or the State's Attorney of any county in the State may maintain an action for injunctive relief in any circuit court to enjoin any person from engaging in such practice.

New matter indicated by italics - deletions by strikeout.
Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that a person has been engaged in the practice of real estate appraisal without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of non-licensure, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further unlawful practice. In all proceedings under this Section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

Section 15-10. Grounds for disciplinary action.
(a) The Office of Banks and Real Estate may suspend, revoke, refuse to issue or renew a license and may reprimand place on probation or administrative supervision, or otherwise discipline a licensee, including imposing conditions limiting the scope, nature, or extent of the real estate appraisal practice of a licensee or reducing the appraisal rank of a licensee, and may impose a civil penalty not to exceed $10,000 upon a licensee for one or any combination of the following:
(1) Procuring or attempting to procure a license by knowingly making a false statement, submitting false information, engaging in any form of fraud or misrepresentation, or refusing to provide complete information in response to a question in an application for licensure.
(2) Failing to meet the minimum qualifications for licensure as an appraiser established by this Act.
(3) Paying money, other than for the fees provided for by this Act, or anything of value to a member or employee of the Board or Office of Banks and Real Estate to procure licensure under this Act.
(4) Being convicted of any crime, an essential element of which is dishonesty, fraud, theft, or embezzlement, or obtaining money, property, or credit by false pretenses, or any other crime that is reasonably related to the practice of real estate appraisal or a conviction in any state or federal court of any felony.
(5) Committing an act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or with intent to substantially injure another person as defined by rule.
(6) Violating a provision or standard for the development or communication of real estate appraisals as provided in Section 10-10 of this Act or as defined by rule.
(7) Failing or refusing without good cause to exercise reasonable diligence in developing, reporting, or communicating an appraisal, as defined by this Act or by rule.
(8) Violating a provision of this Act or the rules adopted pursuant to this Act.
(9) Having been disciplined by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for which a licensee may be disciplined under this Act.
(10) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or when the fee to be paid is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment.
(12) Developing valuation conclusions based on the race, color, religion, sex, national origin, ancestry, age, marital status, family status, physical or mental handicap, or unfavorable military discharge, as defined under the Illinois Human Rights Act, of the prospective or present owners or occupants of the area or property under appraisal.
(13) Violating the confidential nature of government records to which the licensee gained access through employment or engagement as an appraiser by a government agency.
(14) Being adjudicated liable in a civil proceeding on grounds of fraud, misrepresentation, or deceit. In a disciplinary proceeding based upon a finding of civil liability, the appraiser
shall be afforded an opportunity to present mitigating and extenuating circumstances, but may not collaterally attack the civil adjudication.

(15) Being adjudicated liable in a civil proceeding for violation of a state or federal fair housing law.

(16) Engaging in misleading or untruthful advertising or using a trade name or insignia of membership in a real estate appraisal or real estate organization of which the licensee is not a member.

(17) Failing to fully cooperate with an OBRE investigation by knowingly making a false statement, submitting false or misleading information, or refusing to provide complete information in response to written interrogatories or a written request for documentation within 30 days of the request.

(18) Failing to include within the certificate of appraisal for all written appraisal reports the appraiser's license number and licensure title. All appraisers providing significant contribution to the development and reporting of an appraisal must be disclosed in the appraisal report. It is a violation of this Act for an appraiser to sign a report, transmittal letter, or appraisal certification knowing that a person providing a significant contribution to the report has not been disclosed in the appraisal report.

(b) The Office of Banks and Real Estate may reprimand suspend, revoke, or refuse to issue or renew an education provider's license, may reprimand, place on probation, or otherwise discipline an education provider and may suspend or revoke the course approval of any course offered by an education provider and may impose a civil penalty not to exceed $10,000 upon an education provider, for any of the following:

(1) Procuring or attempting to procure licensure by knowingly making a false statement, submitting false information, engaging in any form of fraud or misrepresentation, or refusing to provide complete information in response to a question in an application for licensure.

(2) Failing to comply with the covenants certified to on the application for licensure as an education provider.

(3) Committing an act or omission involving dishonesty, fraud, or misrepresentation or allowing any such act or omission by any employee or contractor under the control of the provider.

(4) Engaging in misleading or untruthful advertising.

(5) Failing to retain competent instructors in accordance with rules adopted under this Act.

(6) Failing to meet the topic or time requirements for course approval as the provider of a pre-license curriculum course or a continuing education course.

(7) Failing to administer an approved course using the course materials, syllabus, and examinations submitted as the basis of the course approval.

(8) Failing to provide an appropriate classroom environment for presentation of courses, with consideration for student comfort, acoustics, lighting, seating, workspace, and visual aid material.

(9) Failing to maintain student records in compliance with the rules adopted under this Act.

(10) Failing to provide a certificate, transcript, or other student record to OBRE or to a student as may be required by rule.

(11) Failing to fully cooperate with an OBRE investigation by knowingly making a false statement, submitting false or misleading information, or refusing to provide complete information in response to written interrogatories or a written request for documentation within 30 days of the request.

(c) In appropriate cases, OBRE may resolve a complaint against a licensee through the issuance of a Consent to Administrative Supervision order. A licensee subject to a Consent to Administrative Supervision order shall be considered by OBRE as an active licensee in good standing. This order shall not be reported or considered by OBRE to be a discipline of the licensee. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by OBRE except as mandated by law. A complainant shall be notified if his or her complaint has been resolved by a Consent to Administrative Supervision order.
Section 15-15. Investigation; notice; hearing.

(a) Upon the motion of the Office of Banks and Real Estate or the Board or upon a complaint in writing of a person setting forth facts that, if proven, would constitute grounds for suspension, revocation, or other disciplinary action against a licensee or applicant for licensure, the Office of Banks and Real Estate shall investigate the actions of the licensee or applicant.

(b) Formal disciplinary proceedings shall commence upon the issuance of a written complaint describing the charges that are the basis of the disciplinary action and delivery of the detailed complaint to the address of record of the licensee or applicant. OBRE shall notify the licensee or applicant to file a verified written answer within 20 days after the service of the notice and complaint. The notification shall inform the licensee or applicant of his or her right to be heard in person or by legal counsel; that the hearing will be afforded not sooner than 30 days after receipt of the answer to the specific charges; that failure to file an answer will result in a default being entered against the licensee or applicant; that the license may be suspended, revoked, or placed on probationary status; and that other disciplinary action may be taken pursuant to this Act, including limiting the scope, nature, or extent of the licensee's practice. If the licensee or applicant fails to file an answer after service of notice, his or her license may, at the discretion of the Office of Banks and Real Estate, be suspended, revoked, or placed on probationary status and the Office of Banks and Real Estate may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing.

(c) At the time and place fixed in the notice, the Board shall conduct hearing of the charges, providing both the accused person and the complainant ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to a defense thereto.

(d) The Board shall present to the Commissioner a written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant, either personally or by certified mail. Within 20 days after the service, the licensee or applicant may present the Commissioner with a motion in writing for either a rehearing, a proposed finding of fact, a conclusion of law, or an alternative sanction, and shall specify the particular grounds for the request. If the accused orders a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. If the Commissioner is not satisfied that substantial justice has been done, the Commissioner may order a rehearing by the Board or other special committee appointed by the Commissioner, may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's recommendation. In all instances under this Act in which the Board has rendered a recommendation to the Commissioner with respect to a particular licensee or applicant, the Commissioner, if he or she disagrees with the recommendation of the Board, shall file with the Board and provide to the licensee or applicant a copy of the Commissioner's specific written reasons for disagreement with the Board. The reasons shall be filed within 60 days of the Board's recommendation to the Commissioner and prior to any contrary action. At the expiration of the time specified for filing a motion for a rehearing, the Commissioner shall have the right to take any of the actions specified in this subsection (d). Upon the suspension or revocation of a license, the licensee shall be required to surrender his or her license to OBRE, and upon failure or refusal to do so, OBRE shall have the right to seize the license.

(e) The Office of Banks and Real Estate has the power to issue subpoenas and subpoenas duces tecum to bring before it any person in this State, to take testimony, or to require production of any records relevant to an inquiry or hearing by the Board in the same manner as prescribed by law in judicial proceedings in the courts of this State. In a case of refusal of a witness to attend, testify, or to produce books or papers concerning a matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of the Office of Banks and Real Estate or any party to the proceeding, may compel obedience by proceedings as for contempt.

(f) Any license that is suspended indefinitely or revoked may not be restored for a minimum period of 2 years, or as otherwise ordered by the Commissioner.

(g) In addition to the provisions of this Section concerning the conduct of hearings and the recommendations for discipline, OBRE has the authority to negotiate disciplinary and non-disciplinary settlement agreements concerning any license issued under this Act. All such agreements shall be

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recorded as Consent Orders or Consent to Administrative Supervision Orders.

(h) The Commissioner shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Office of Banks and Real Estate. The Hearing Officer shall have full authority to conduct the hearing.

(i) OBRE, at its expense, shall preserve a record of all formal hearings of any contested case involving the discipline of a license. At all hearings or pre-hearing conferences, OBRE and the licensee shall be entitled to have the proceedings transcribed by a certified shorthand reporter. A copy of the transcribed proceedings shall be made available to the licensee by the certified shorthand reporter upon payment of the prevailing contract copy rate.

Section 15-20. Administrative Review Law; certification fees; Administrative Procedure Act.

(a) All final administrative decisions of the Commissioner under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" has the meaning ascribed to it in Section 3-101 of the Administrative Review Law.

(b) OBRE shall not be required to certify any record, file any answer or otherwise appear unless the party filing the administrative review complaint pays the certification fee to OBRE as provided by rule. Failure on the part of the plaintiff to make such a deposit shall be grounds for dismissal of the action.

(c) The Administrative Procedures Act is hereby expressly adopted and incorporated herein. In the event of a conflict between this Act and the Administrative Procedures Act, this Act shall control.

Section 15-30. Statute of limitations. No action may be taken under this Act against a person licensed under this Act unless the action is commenced within 5 years after the occurrence of the alleged violation. A continuing violation is deemed to have occurred on the date when the circumstances last existed that gave rise to the alleged continuing violation.

Section 15-35. Signature of the Commissioner. An order of revocation or suspension or a certified copy of the order, bearing the seal of OBRE and purporting to be signed by the Commissioner, shall be prima facie proof that:

1) the signature is the genuine signature of the Commissioner;
2) the Commissioner is duly appointed and qualified; and
3) the Board and the members thereof are qualified.

This proof may be rebutted.

Section 15-40. Violation of tax Acts. OBRE may refuse to issue or renew or may suspend the license of any person who fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of that tax Act are satisfied.

Section 15-45. Disciplinary action for educational loan defaults. OBRE shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, OBRE may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, a license issued by OBRE may be suspended or revoked if the Commissioner, after the opportunity for a hearing under this Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan.

Section 15-50. Nonpayment of child support. In cases where the Department of Public Aid has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to OBRE, OBRE may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Public Aid. Redetermination of the delinquency by OBRE shall not be required. In cases regarding the renewal of a license, OBRE shall not renew any license if the Department of Public Aid has certified the licensee to be more than 30 days delinquent in the payment of child support, unless the licensee has arranged for payment of past and current child support obligations in a manner

New matter indicated by italics - deletions by strikeout.
satisfactory to the Department of Public Aid. OBRE may impose conditions, restrictions, or
disciplinary action upon that renewal.

Section 15-55. Returned checks; penalty; termination. A person who delivers a check or other
payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it was
drawn shall pay to OBRE, in addition to the amount already owed, a penalty of $50. OBRE shall
notify the person, by certified mail return receipt requested, that his or her check or payment was
returned and that the person shall pay to OBRE by certified check or money order the amount of the
returned check plus a $50 penalty within 30 calendar days after the date of the notification. If, after
the expiration of 30 calendar days of the notification, the person has failed to remit the necessary funds
and penalty, OBRE shall automatically terminate the license or deny the application without hearing.
If the returned check or other payment was for issuance of a license under this Act and that person
practices as an appraiser, that person may be subject to discipline for unlicensed practice as provided
in this Act. If, after termination or denial, the person seeks a license, he or she shall petition OBRE
for restoration and he or she may be subject to additional discipline or fines. The Commissioner may
waive the penalties or fines due under this Section in individual cases where the Commissioner finds
that the penalties or fines would be unreasonable or unnecessarily burdensome.

Section 15-60. Cease and desist orders. OBRE may issue cease and desist orders to persons
who engage in activities prohibited by this Act. Any person in violation of a cease and desist order
issued by OBRE is subject to all of the penalties provided by law.

ARTICLE 20. EDUCATION PROVISIONS

Section 20-5. Education providers.
(a) Beginning July 1, 2002, only education providers licensed by OBRE may provide the
pre-license and continuing education courses required for licensure under this Act.
(b) A person or entity seeking to be licensed as an education provider under this Act shall
provide satisfactory evidence of the following:

1. a sound financial base for establishing, promoting, and delivering the necessary
courses;
2. a sufficient number of qualified instructors;
3. adequate support personnel to assist with administrative matters and technical
assistance;
4. a written policy dealing with procedures for management of grievances and fee
refunds;
5. a qualified administrator, who is responsible for the administration of the education
provider, courses, and the actions of the instructors; and
6. any other requirements as provided by rule.
(c) All applicants for an education provider's license shall make initial application to OBRE
on forms provided by OBRE and pay the appropriate fee as provided by rule. The term, expiration
date, and renewal of an education provider's license shall be established by rule.
(d) An education provider shall provide each successful course participant with a certificate
of completion signed by the school administrator. The format and content of the certificate shall be
specified by rule.
(e) All education providers shall provide to OBRE a monthly roster of all successful course
participants as provided by rule.

Section 20-10. Course approval.
(a) Only courses offered by licensed education providers and approved by OBRE shall be
used to meet the requirements of this Act and rules.
(b) An education provider licensed under this Act may submit courses to OBRE for approval.
The criteria, requirements, and fees for courses shall be established by rule in accordance with this
Act, Title XI, and the criteria established by the AQB.
(c) For each course approved, OBRE shall issue a license to the education provider. The term,
expiration date, and renewal of a course approval shall be established by rule.

ARTICLE 25. ADMINISTRATIVE PROVISIONS

Section 25-5. Appraisal Administration Fund; surcharge. The Appraisal Administration Fund
is created as a special fund in the State Treasury. All fees, fines, and penalties received by OBRE
under this Act shall be deposited into the Appraisal Administration Fund. All earnings attributable to
investment of funds in the Appraisal Administration Fund shall be credited to the Appraisal Administration Fund. Subject to appropriation, the moneys in the Appraisal Administration Fund shall be paid to OBRE for the expenses incurred by OBRE and the Board in the administration of this Act. Upon the completion of any audit of OBRE, as prescribed by the Illinois State Auditing Act, which shall include an audit of the Appraisal Administration Fund, OBRE shall make the audit report open to inspection by any interested person.

Section 25-10. Real Estate Appraisal Board; appointment.
(a) There is hereby created the Real Estate Appraisal Board. The Board shall be composed of 10 persons appointed by the Governor, plus the Director of the Real Estate Appraisal Division. Members shall be appointed to the Board subject to the following conditions:

(1) All appointed members shall have been residents and citizens of this State for at least 5 years prior to the date of appointment.
(2) The appointed membership of the Board should reasonably reflect the geographic distribution of the population of the State.
(3) Four appointed members shall have been actively engaged and currently licensed as State certified general real estate appraisers for a period of not less than 5 years.
(4) Two appointed members shall have been actively engaged and currently licensed as State certified residential real estate appraisers for a period of not less than 5 years.
(5) Two appointed members shall hold a valid license as a real estate broker for at least 10 years prior to the date of the appointment and shall hold a valid appraiser license issued under this Act or a predecessor Act for a period of at least 5 years prior to the appointment.
(6) One appointed member shall be a representative of a financial institution, as evidenced by his or her employment with a financial institution.
(7) One appointed member shall represent the interests of the general public. This member or his or her spouse shall not be licensed under this Act nor be employed by or have any interest in an appraisal business, real estate brokerage business, or a financial institution.

In making appointments as provided in paragraphs (3) and (4) of this subsection, the Governor shall give due consideration to recommendations by members and organizations representing the real estate appraisal industry.

In making the appointments as provided in paragraph (5) of this subsection, the Governor shall give due consideration to the recommendations by members and organizations representing the real estate industry.

In making the appointment as provided in paragraph (6) of this subsection, the Governor shall give due consideration to the recommendations by members and organizations representing financial institutions.

(b) The term for members of the Board shall be 4 years, except for the initial appointees. Of the initial appointments, 4 members shall be appointed for terms ending June 30, 2006, 3 members shall be appointed for terms ending June 30, 2005, and 3 members shall be appointed for terms ending June 30, 2004. No member shall serve more than 10 years in a lifetime. Those persons serving on the Board pursuant to the Real Estate Appraiser Licensing Act shall become members of the new Board on July 1, 2002 and shall serve until the Governor has made the new appointments pursuant to this Act.

(c) The Governor may terminate the appointment of a member for cause that, in the opinion of the Governor, reasonably justifies the termination. Cause for termination may include, without limitation, misconduct, incapacity, neglect of duty, or missing 4 Board meetings during any one calendar year.

(d) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

(e) The Board shall meet at least quarterly and may be convened by the Chairperson, Co-Chairperson, or 3 members of the Board upon 10 days written notice.

(f) The Board shall, annually at the first meeting of the fiscal year, elect a Chairperson and Vice-Chairperson from its members. The Chairperson shall preside over the meetings and shall coordinate with the Director in developing and distributing an agenda for each meeting. In the absence of the Chairperson, the Co-Chairperson shall preside over the meeting.

New matter indicated by italics - deletions by strikeout.
(g) The Director of the Real Estate Appraisal Division shall serve as a member of the Board without vote.

(h) The Board shall advise and make recommendations to OBRE on matters of licensing and education. OBRE shall give due consideration to all recommendations presented by the Board.

(i) The Board shall hear and make recommendations to the Commissioner on disciplinary matters that require a formal evidentiary hearing. The Commissioner shall give due consideration to the recommendations of the Board involving discipline and questions involving standards of professional conduct of licensees.

(j) The Board may make recommendations to OBRE consistent with the provisions of this Act and for the administration and enforcement of the rules adopted pursuant to this Act. OBRE shall give due consideration to the recommendations of the Board prior to adopting rules.

(k) The Board shall make recommendations to OBRE on the approval of courses submitted to OBRE pursuant to this Act and the rules adopted pursuant to this Act. OBRE shall give due consideration to the recommendations of the Board prior to approving and licensing courses.

(l) Each voting member of the Board shall receive a per diem stipend in an amount to be determined by the Commissioner. Each member shall be paid his or her necessary expenses while engaged in the performance of his or her duties.

(m) Members of the Board shall be immune from suit in an action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

Section 25-15. Director of the Real Estate Appraisal Division; appointment; duties. The Commissioner shall appoint a Director of the Real Estate Appraisal Division for a term of 4 years. The Director shall hold a valid State certified general real estate appraiser or State certified residential real estate appraiser license, which shall be surrendered to OBRE during the term of his or her appointment. The Director of the Real Estate Appraisal Division shall:

(1) serve as a member of the Real Estate Appraisal Board without vote;

(2) be the direct liaison between OBRE, the profession, and the real estate appraisal industry organizations and associations;

(3) prepare and circulate to licensees such educational and informational material as OBRE deems necessary for providing guidance or assistance to licensees;

(4) appoint necessary committees to assist in the performance of the functions and duties of OBRE under this Act; and

(5) subject to the administrative approval of the Commissioner, supervise the Real Estate Appraisal Division.

In appointing the Director of the Real Estate Appraisal Division, the Commissioner shall give due consideration to members, organizations, and associations of the real estate appraisal industry.

Section 25-20. OBRE; powers and duties. The Office of Banks and Real Estate shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties as are prescribed by this Act for the administration of this Act. OBRE may contract with third parties for services necessary for the proper administration of this Act, including without limitation, investigators with the proper knowledge, training, and skills to properly investigate complaints against real estate appraisers.

OBRE shall maintain and update a registry of the names and addresses of all licensees and a listing of disciplinary orders issued pursuant to this Act and shall transmit the registry, along with any national registry fees that may be required, to the entity specified by, and in a manner consistent with, Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Section 25-25. Rules. OBRE, after considering any recommendations of the Board, shall adopt rules that may be necessary for administration, implementation, and enforcement of the Act.

Section 25-30. Exclusive State powers and functions; municipal powers. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power and function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

ARTICLE 30. TRANSITION PROVISIONS

Section 30-5. Savings provisions.

New matter indicated by italics - deletions by strikeout.
(a) This Act is intended to replace the Real Estate Appraiser Licensing Act in all respects.
(b) Beginning July 1, 2002, the rights, powers, and duties exercised by the Office of Banks and Real Estate under the Real Estate Appraiser Licensing Act shall continue to be vested in, to be the obligation of, and to be exercised by the Office of Banks and Real Estate under the provisions of this Act.

(c) This Act does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding commenced in an administrative, civil, or criminal cause before July 1, 2002 by the Office of Banks and Real Estate under the Real Estate Appraiser Licensing Act. Those actions or proceedings may be prosecuted and continued by the Office of Banks and Real Estate under this Act.

(d) This Act does not affect any license, certificate, permit, or other form of licensure issued by the Office of Banks and Real Estate under the Real Estate Appraiser Licensing Act, except as provided is subsection (c) of Section 5-25. All such licenses, certificates, permits, or other form of licensure shall continue to be valid under the terms and conditions of this Act.

(e) The rules adopted by the Office of Banks and Real Estate relating to the Real Estate Appraiser Licensing Act, unless inconsistent with the provisions of this Act, are not affected by this Act, and on July 1, 2002, those rules become rules under this Act. The Office of Banks and Real Estate shall, as soon as practicable, adopt new or amended rules consistent with the provisions of this Act.

(f) This Act does not affect any discipline, suspension, or termination that has occurred under the Real Estate Appraiser Licensing Act or other predecessor Act. Any action for discipline, suspension, or termination instituted under the Real Estate Appraiser Licensing Act shall be continued under this Act.

Section 30-10. Appraisal Administration Fund.
(a) The Appraisal Administrative Fund, created under the Real Estate License Act of 1983 and continued under Section 40 of the Real Estate Appraiser Licensing Act, is continued under this Act. All fees collected under this Act shall be deposited into the Appraisal Administration Fund, created in the State Treasury under the Real Estate License Act of 1983.
(b) Appropriations to OBRE from the Appraisal Administration Fund for the purpose of administering the Real Estate Appraiser Licensing Act may be used by OBRE for the purpose of administering and enforcing the provisions of this Act.

ARTICLE 950. AMENDATORY PROVISIONS
Section 950-5. The Regulatory Sunset Act is amended by changing Section 4.18 and adding Section 4.22 as follows:

(5 ILCS 80/4.18)
Sec. 4.18. Acts repealed January 1, 2008. The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Real Estate Appraiser Licensing Act.
(Source: P.A. 90-61, eff. 12-30-97; 90-69, eff. 7-8-97; 90-76, eff. 7-8-97; 90-150, eff. 12-30-97; 90-248, eff. 1-1-98; 90-532, eff. 11-14-97; 90-571, eff. 7-1-98; incorporates 90-614, eff. 7-10-98; 90-655, eff 7-30-98; 91-357, eff. 7-29-99.)

(5 ILCS 80/4.22 new)
Sec. 4.22. Act repealed on January 1, 2012. The following Act is repealed on January 1, 2012:
The Real Estate Appraisers Licensing Act of 2002.
(225 ILCS 457/Act rep.)

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0180

Section 950-15. The Real Estate Appraiser Licensing Act is repealed on July 1, 2002.

ARTICLE 999. EFFECTIVE DATE
Section 999-99. Effective date. This Act takes effect July 1, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0181

(An Act concerning the Illinois River Watershed.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois River Watershed Restoration Act is amended by changing Section 20 as follows:
(20 ILCS 3967/20)
Sec. 20. Duties of the Council. The Council shall:
(1) periodically review activities and programs administered by State and federal agencies that directly impact the Illinois River Watershed;
(2) work with local communities and organizations to encourage partnerships that enhance awareness and capabilities to address watershed and water resource concerns and to encourage strategies that protect, restore, and expand critical habitats and soil conservation and water quality practices;
(3) work with State and federal agencies to optimize the expenditure of funds affecting the Illinois River Watershed;
(4) advise and make recommendations to the Governor and State agencies on ways to better coordinate the expenditure of appropriated funds affecting the Illinois River Watershed, including Illinois River 2020;
(5) encourage local communities to develop watershed management plans to address stormwater, erosion, flooding, sedimentation, and pollution problems and shall encourage projects for the natural conveyance and storage of floodwaters, the enhancement of wildlife habitat and outdoor recreation opportunities, the recovery, management, and conservation of the Illinois River and its tributaries, the preservation of farmland, prairies, and forests, and the use of measurable economic development efforts that are compatible with the ecological health of the Watershed and this State; and
(6) help identify possible sources of additional funding for watershed management projects; and
(7) advise and make recommendations to the Governor on funds and the priority of projects.
(Source: P.A. 90-120, eff. 7-16-97.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0182

(An Act relating to insurance.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 370c as follows:
(215 ILCS 5/370c) (from Ch. 73, par. 982c)
Sec. 370c. (1) On and after the effective date of this Section, every insurer which delivers,
issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, or licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, or licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, or licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(Source: P.A. 86-1434.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 1, 2001.

PUBLIC ACT 92-0183
( Senate Bill No. 0660)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly: Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

New matter indicated by italics - deletions by strikeout.
Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

New matter indicated by italics - deletions by strikeout.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.


(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:
(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a
   minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not
   limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim; and
      (v) compliance with any other measures that the court may deem appropriate;

and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent
that the court finds, after considering the defendant's income and assets, that the defendant is
financially capable of paying for such services, if the victim was under 18 years of age at the
time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court
determines at the hearing that the defendant violated a condition of his or her probation restricting
contact with the victim or other family members or commits another offense with the victim or other
family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings
ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property,
to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1,
11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the
defendant has any sexually transmissible disease, including a test for infection with human
immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency
syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical
practitioners and may include an analysis of any bodily fluids as well as an examination of the
defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly
confidential by all medical personnel involved in the testing and must be personally delivered in a
sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection
in camera. Acting in accordance with the best interests of the victim and the public, the judge shall
have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The
court shall notify the defendant of the test results. The court shall also notify the victim if requested
by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal
guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall
provide information on the availability of HIV testing and counseling at Department of Public Health
facilities to all parties to whom the results of the testing are revealed and shall direct the State's
Attorney to provide the information to the victim when possible. A State's Attorney may petition the
court to obtain the results of any HIV test administered under this Section, and the court shall grant
the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal
transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The
court shall order that the cost of any such test shall be paid by the county and may be taxed as costs
against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the
Illinois Department of Public Health including but not limited to tuberculosis, the results of the test
shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge
of the court in which the inmate must appear for the judge's inspection in camera if requested by the
judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the
discretion to determine what if any precautions need to be taken to prevent transmission of the disease
in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic
Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the
defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

New matter indicated by italics - deletions by strikeout.
(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)

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

PUBLIC ACT 92-0184
(Commission Bill No. 1293)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 21-9 as follows:
(105 ILCS 5/21-9) (from Ch. 122, par. 21-9)
Sec. 21-9. Substitute certificates and substitute teaching.
(a) A substitute teacher's certificate may be issued for teaching in all grades of the common schools. Such certificate may be issued upon request of the regional superintendent of schools of any region in which the teacher is to teach. A substitute teacher's certificate is valid for teaching in the public schools of any county. Such certificate may be issued to persons who either (a) hold a certificate valid for teaching in the common schools as shown on the face of the certificate, (b) hold a bachelor of arts degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association or have been graduated from a recognized institution of higher learning with a bachelor's degree, or (c) have had 2 years of teaching experience and meet such other rules and regulations as may be adopted by the State Board of

New matter indicated by italics - deletions by strikeout.
Education in consultation with the State Teacher Certification Board. Such certificate shall expire on June 30 in the fourth year from date of issue. Substitute teacher's certificates are not subject to endorsement as described in Section 21-1b of this Code.

(b) A teacher holding a substitute teacher's certificate may teach only in the place of a certified teacher who is under contract with the employing board and may teach only when no appropriate fully certified teacher is available to teach in a substitute capacity. A teacher holding an early childhood certificate, an elementary certificate, a high school certificate, or a special certificate may also substitute teach in grades K-12 but only in the place of a certified teacher who is under contract with the employing board. A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, for the 2001-2002, 2002-2003, and 2003-2004 school years, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as 5 hours. The teaching limitations imposed by this subsection upon teachers holding substitute certificates shall not apply in any school district operating under Article 34.

(Source: P.A. 91-102, eff. 7-12-99.)

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

PUBLIC ACT 92-0185
(Senate Bill No. 1341)

AN ACT in relation to insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Insurance Law of the Civil Administrative Code of Illinois is amended by adding Section 1405-30 as follows:

(20 ILCS 1405/1405-30)
Sec. 1405-30. Mental health insurance study.
(a) The Department of Insurance shall conduct an analysis and study of costs and benefits derived from the implementation of the coverage requirements for treatment of mental disorders established under Section 370c of the Illinois Insurance Code. The study shall cover the years 2002, 2003, and 2004. The study shall include an analysis of the effect of the coverage requirements on the cost of insurance and health care, the results of the treatments to patients, any improvements in care of patients, and any improvements in the quality of life of patients.

(b) The Department shall report the results of its study to the General Assembly and the Governor on or before March 1, 2005.

Section 10. The Illinois Insurance Code is amended by changing Section 370c as follows:
(215 ILCS 5/370c) (from Ch. 73, par. 982c)
Sec. 370c. Mental and emotional disorders.
(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, or licensed clinical social worker of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches,
licensed clinical psychologist, or licensed clinical social worker up to the limits of coverage, provided
(i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed
psychologist, or licensed clinical social worker is authorized to provide said services under the statutes
of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers, those persons who
may provide services to individuals shall do so after the licensed clinical social worker has informed
the patient of the desirability of the patient conferring with the patient's primary care physician and
the licensed clinical social worker has provided written notification to the patient's primary care
physician, if any, that services are being provided to the patient. That notification may, however, be
waived by the patient on a written form. Those forms shall be retained by the licensed clinical social
worker for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group
policy of accident and health insurance or health care plan amended, delivered, issued, or renewed
after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage
under the policy for treatment of serious mental illness under the same terms and conditions as
coverage for hospital or medical expenses related to other illnesses and diseases. The coverage
required under this Section must provide for same durational limits, amount limits, deductibles, and
co-insurance requirements for serious mental illness as are provided for other illnesses and diseases.
This subsection does not apply to coverage provided to employees by employers who have 50 or fewer
employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most
current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric
Association:

(A) schizophrenia;
(B) paranoid and other psychotic disorders;
(C) bipolar disorders (hypomanic, manic, depressive, and mixed);
(D) major depressive disorders (single episode or recurrent);
(E) schizoaffective disorders (bipolar or depressive);
(F) pervasive developmental disorders;
(G) obsessive-compulsive disorders;
(H) depression in childhood and adolescence; and
(I) panic disorder.

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness
shall furnish medical records or other necessary data that substantiate that initial or continued
treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely
review by a provider holding the same license and practicing in the same specialty as the patient's
provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of
kin or legal representative if the patient is unable to act for himself or herself), the patient's provider,
and the insurer in the event of a dispute between the insurer and patient's provider regarding the
medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines
the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment.
Future contractual or employment actions by the insurer regarding the patient's provider may not be
based on the provider's participation in this procedure. Nothing prevents the insured from agreeing
in writing to continue treatment at his or her expense. When making a determination of the medical
necessity for a treatment modality for serious mental illness, an insurer must make the determination
in a manner that is consistent with the manner used to make that determination with respect to other
diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of
mental illness in each calendar year;
(i) 45 days of inpatient treatment; and
(ii) 35 visits for outpatient treatment including group and individual outpatient
treatment;
(B) may not include a lifetime limit on the number of days of inpatient treatment or the
number of outpatient visits covered under the plan; and

New matter indicated by italics - deletions by strikeout.
(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law;

or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) This subsection (b) is inoperative after December 31, 2005.

(Source: P.A. 86-1434.)

Section 99. Effective date. This Act takes effect January 1, 2002.


Effective January 1, 2002.

PUBLIC ACT 92-0186

(House Bill No. 0181)

AN ACT concerning government employee benefits.

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

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

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

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

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

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14, 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under..."
Article 14 of the Illinois Pension Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

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

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

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

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

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Rural Bond Bank.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes;
no other such person may be enrolled.

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

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

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

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

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

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

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

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

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State
Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

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

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

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

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

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

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

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

1. is not a "member" as defined in this Section; and
2. is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
3. either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

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

New matter indicated by italics - deletions by strikeout.
(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

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

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

(z) "Community college benefit recipient" means a person who:
(1) is not a "member" as defined in this Section; and
(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:
(1) is not a "member" or "dependent" as defined in this Section; and
(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-497, eff. 8-18-97; 90-511, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; revised 10-19-99.)
Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0187
(House Bill No. 0447)

AN ACT concerning guide dogs.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Guide Dog Access Act is amended by changing Section 1 as follows:
(720 ILCS 630/1) (from Ch. 38, par. 65-1)
Sec. 1. When a blind, hearing impaired or physically handicapped person is accompanied by a dog which serves as a guide or leader for such person or when a trainer of a guide or leader dog is accompanied by a guide or leader dog or a dog that is being trained to be a guide or leader dog, neither the blind, hearing impaired or physically handicapped person nor the dog shall be denied the right of entry and use of facilities of any public place of accommodation as defined in Section 5-101 of the "Illinois Human Rights Act", if such dog is wearing a harness and such person presents credentials for inspection issued by a school for training guide dogs.

New matter indicated by italics - deletions by strikeout.
Any violation of this Act is a Class C misdemeanor.
(Source: P.A. 83-93.)

Section 10. The White Cane Law is amended by changing Section 3 as follows:
(775 ILCS 30/3) (from Ch. 23, par. 3363)
Sec. 3. The blind, the visually handicapped, the hearing impaired and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

The blind, the visually handicapped, the hearing impaired and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Every totally or partially blind, hearing impaired or otherwise physically disabled person or a trainer of support dogs, guide dogs, or hearing dogs shall have the right to be accompanied by a support dog or guide dog, especially trained for the purpose, or a dog that is being trained to be a support dog, guide dog, or hearing dog, in any of the places listed in this Section without being required to pay an extra charge for the guide, support or hearing dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.
(Source: P.A. 83-93.)

Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0188
(House Bill No. 0476)

AN ACT in relation to emergency telephone systems.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Emergency Telephone System Act is amended by changing Section 15.6 as follows:
(50 ILCS 750/15.6)
Sec. 15.6. Enhanced 9-1-1 service; business service.
(a) After June 30, 2000, or within 18 months after enhanced 9-1-1 service becomes available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that the system is connected to the public switched network in a manner that calls to 9-1-1 result in automatic number and location identification. For buildings having their own street address and containing workspace of 40,000 square feet or less, location identification shall include the building's street address. For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address and one distinct location identification per 40,000 square feet of workspace. Separate buildings containing workspace of more than 40,000 square feet having their own street address shall have a distinct location identification for each building in addition to the street address.

(b) Exemptions. Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements of subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building. Health care facilities are presumed to meet the requirements of this paragraph if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building's street address.

Buildings containing workspace of more than 40,000 square feet are exempt from subsection (a) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from

New matter indicated by italics - deletions by strikeout.
within the building, and the building is serviced by its own medical, fire and security personnel. Buildings under this exemption are subject to emergency phone system certification by the Illinois Commerce Commission.

Buildings in communities not serviced by enhanced 9-1-1 service are exempt from subsection 2000.

Correctional institutions and facilities, as defined in subsection (d) of Section 3-1-2 of the Unified Code of Corrections, are exempt from subsection (a).

(c) This Act does not apply to any PBX telephone extension that uses radio transmissions to convey electrical signals directly between the telephone extension and the serving PBX.

(d) An entity that violates this Section is guilty of a business offense and shall be fined not less than $1,000 and not more than $5,000.

(e) Nothing in this Section shall be construed to preclude the Attorney General on behalf of the Commission or on his or her own initiative, or any other interested person, from seeking judicial relief, by mandamus, injunction, or otherwise, to compel compliance with this Section.

(f) The Commission shall promulgate rules for the administration of this Section no later than January 1, 2000.

(Source: P.A. 90-819, eff. 3-23-99; 91-518, eff. 8-13-99; revised 10-20-99.)

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


Approved August 1, 2001.

Effective August 1, 2001.

AN ACT concerning county commissioners.

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

Section 5. The Election Code is amended by changing Section 25-11 as follows:

Sec. 25-11. When a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chairman of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code “An Act relating to the composition of an election of county boards in certain counties”, approved October 2, 1969, as amended, the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.

(Source: P.A. 90-672, eff. 7-31-98.)

Section 10. The Counties Code is amended by changing Sections 2-4006 and 2-4006.5 as follows:

(55 ILCS 5/2-4006)

Sec. 2-4006. Terms of commissioners. (a) In every county not under township organization
having 3 commissioners elected at large as described in subsection (b) or (c), the commissioners shall be elected as provided in this Section.

(b) In a county in which one commissioner was elected at the general election in 1992 to serve for a term of 4 years and in which 2 commissioners will be elected at the general election in 1994, the commissioner elected in 1994 and receiving the greatest number of votes shall serve for a term of 6 years. The other commissioner elected in 1994 shall serve for a term of 4 years. At the general election in 1996 and at each general election thereafter, one commissioner shall be elected to serve for a term of 6 years.

(c) In a county in which 2 commissioners were elected at the general election in 1992 to serve for terms of 4 years and in which one commissioner will be elected at the general election in 1994, the commissioner elected in 1994 shall serve for a term of 4 years. The commissioner elected in 1996 and receiving the greatest number of votes shall serve for a term of 6 years. The other commissioner elected in 1996 shall serve for a term of 4 years. At the general election in 1998 and at each general election thereafter, one commissioner shall be elected to serve for a term of 6 years.

(d) The provisions of this Section do not apply to commissioners elected under Section 2-4006.5 of this Code.

(Source: P.A. 88-572, eff. 8-11-94.)

(55 ILCS 5/2-4006.5)

Sec. 2-4006.5. Commissioners in certain counties.

(a) If a county elects 3 commissioners at large under Section 2-4006, registered voters of such county may, by a vote of a majority of those voting on such proposition, determine to change the method of electing the board of county commissioners by electing either 3 or 5 members from single member districts. In order for such question to be placed upon the ballot, such petition must contain the signatures of not fewer than 10% of the registered voters of such county.

Commissioners may not be elected from single member districts until the question of electing either 3 or 5 commissioners from single member districts has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. The commissioners must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The question must be in substantially the following form:

Shall the board of county commissioners of (name of county) consist of (insert either 3 or 5) commissioners elected from single member districts?

The votes must be recorded as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, a 3-member or 5-member board of county commissioners, as the case may be, shall be established to be elected from single member districts.

(b) If the voters of the county decide to elect either 3 or 5 commissioners from single member districts, the board of county commissioners shall on or before August 31 of the year following the 2000 federal decennial census divide the county into either 3 or 5 compact and contiguous county commission districts that are substantially equal in population. On or before May 31 of the year following each federal decennial census thereafter, the board of county commissioners shall reapportion the county commission districts to be compact, contiguous, and substantially equal in population.

(c) The commissioners elected at large at or before the general election in 2000 shall continue to serve until the expiration of their terms. Of those commissioners, the commissioner whose term expires in 2002 shall be assigned to district 1; the commissioner whose term expires in 2004 shall be assigned to district 2; and the commissioner whose term expires in 2006 shall be assigned to district 3.

(d) If the voters of the county decide to elect 5 commissioners from single member districts, at the general election in 2002, one commissioner from and residing in each of districts 1, 4, and 5 shall be elected. At the general election in 2004, one commissioner from and residing in each of districts 1, 2, and 5 shall be elected. At the general election in 2006, one commissioner from and residing in each of districts 2, 3, and 4 shall be elected. At the general election in 2008, one commissioner from and residing in each of districts 1, 3, and 5 shall be elected. At the general election in 2010, one commissioner from each of districts 2 and 4 shall be elected. At the general election in

New matter indicated by italics - deletions by strikeout.
2012, commissioners from and residing in each district shall be elected. Thereafter, commissioners shall be elected at each general election to fill expired terms. Each commissioner must reside in the district that he or she represents from the time that he or she files his or her nomination papers until his or her term expires.

In the year following the decennial census of 2010 and every 10 years thereafter, the commissioners, publicly by lot, shall divide the districts into 2 groups. One group shall serve terms of 4 years, 4 years, and 2 years and one group shall serve terms of 2 years, 4 years, and 4 years.

(Source: P.A. 91-846, eff. 6-22-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 1, 2001.
Effective August 1, 2001.

AN ACT concerning nursing homes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing Home Care Act is amended by adding Section 3-206.04 as follows:

Sec. 3-206.04. Certified Nurse Assistant Career Ladders Program. The Department shall convene a task force to determine the feasibility and curriculum for a Certified Nurse Assistant Career Ladders Program. Any such program shall articulate with licensed practical nurse education. The task force shall be comprised of 2 members from Illinois public community college faculty, one of whom shall be a registered professional nurse, 2 members from the nursing home community, one of whom shall be a registered professional nurse, one member who is a Certified Nurse Assistant Educator, and representatives from the Department. The task force shall report its findings and recommendations to the General Assembly on or before January 1, 2002.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 1, 2001.
Effective August 1, 2001.

AN ACT concerning government audits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Governmental Account Audit Act is amended by changing Sections 1 and 4 as follows:

Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates:
"Governmental unit" or "unit" includes all municipal corporations in and political subdivisions of this State that appropriate more than $5,000 for a fiscal year, with the amount to increase or decrease by the amount of the Consumer Price Index (CPI) as reported on January 1 of each year, except the following:

(1) School districts.
(3) Counties with a population of 1,000,000 or more.
(4) Counties subject to the County Auditing Law.
(5) Any other municipal corporations in or political subdivisions of this State, the accounts of which are required by law to be audited by or under the direction of the Auditor General.
(6) (Blank).

(7) A drainage district, established under the Illinois Drainage Code (70 ILCS 605), that did not receive or expend any moneys during the immediately preceding fiscal year.

(8) Public housing authorities that submit financial reports to the U.S. Department of Housing and Urban Development.

"Governing body" means the board or other body or officers having authority to levy taxes, make appropriations, authorize the expenditure of public funds or approve claims for any governmental unit.

"Comptroller" means the Comptroller of the State of Illinois.

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Licensed public accountant" means the holder of a valid certificate as a public accountant under the Illinois Public Accounting Act.

"Audit report" means the written report of the licensed public accountant and all appended statements and schedules relating to that report, presenting or recording the findings of an examination or audit of the financial transactions, affairs, or conditions of a governmental unit.

"Report" includes both audit reports and reports filed instead of an audit report by a governmental unit appropriating less than $200,000 during any fiscal year to which the reports relate.

(Source: P.A. 90-104, eff. 7-11-97.)

Sec. 4. Overdue report.

(a) If the required report for a governmental unit is not filed with the Comptroller in accordance with Section 2 or Section 3, whichever is applicable, within 6 months after the close of the fiscal year of the governmental unit, the Comptroller shall notify the governing body of that unit in writing that the report is due and may also grant a 60 day extension for the filing of the audit report. If the required report is not filed within the time specified in such written notice, the Comptroller shall cause an audit to be made by a licensed public accountant, and the governmental unit shall pay to the Comptroller actual compensation and expenses to reimburse him for the cost of preparing or completing such report.

(b) The Comptroller may decline to order an audit and the preparation of an audit report (i) if an initial examination of the books and records of the governmental unit indicates that the books and records of the governmental unit are inadequate or unavailable due to the passage of time or the occurrence of a natural disaster or (ii) if the Comptroller determines that the cost of an audit would impose an unreasonable financial burden on the governmental unit.

(Source: P.A. 90-104, eff. 7-11-97.)

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


Approved August 1, 2001.

Effective August 1, 2001.

AN ACT concerning children.

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

Section 5. The Children and Family Services Act is amended by changing Section 7 as follows:

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

Sec. 7. Placement of children; considerations.

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

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

(1) murder;
(1.1) solicitation of murder;
(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery;
(12) aggravated battery with a firearm;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal neglect of an elderly or disabled person;
(20) child abandonment;
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5.

New matter indicated by italics - deletions by strikeout.
of this Act.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met in making a family foster care placement. The Department shall consider the individual needs of the child and the capacity of the prospective foster or adoptive parents to meet the needs of the child. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

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

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

(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0193
(House Bill No. 1954)

AN ACT to amend the Health Care Professional Credentials Data Collection Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Health Care Professional Credentials Data Collection Act is amended by changing Sections 15, 20, and 25 as follows:
(410 ILCS 517/15)
Sec. 15. Development and use of uniform health care and hospital credentials forms.
(a) The Department, in consultation with the council, shall by rule establish:
   (1) a uniform health care credentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of credentialing and shall minimize the need for the collection of additional credentials data;
   (2) a uniform health care recredential form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of recredentialing and shall minimize the need for the collection of additional credentials data;
   (3) a uniform hospital credentials form that shall include the credentials data commonly requested by hospitals for purposes of credentialing and shall minimize the need for the collection of additional credentials data;
   (4) a uniform hospital recredential form that shall include the credentials data commonly requested by hospitals for purposes of recredentialing and shall minimize the need for the collection of additional credentials data; and
   (5) uniform updating forms.
(b) The uniform forms established in subsection (a) shall be coordinated to reduce the need to provide redundant information. Further, the forms shall be made available in both paper and electronic formats.
(c) The Department, in consultation with the council, shall establish by rule a date after which an electronic format may be required by a health care entity, a health care plan, or a hospital, and a health care professional may require acceptance of an electronic format by a health care entity, a health care plan, or a hospital.

New matter indicated by italics - deletions by strikeout.
(d) Beginning January 1, 2002, each health care entity or health care plan that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialled or recredentialled shall for purposes of collecting credentials data only require:

1. the uniform health care credentials form;
2. the uniform health care recredentials form;
3. the uniform updating forms; and
4. any additional credentials data requested.

(e) Beginning January 1, 2002, each hospital that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialled or recredentialled shall for purposes of collecting credentials data only require:

1. the uniform hospital credentials form;
2. the uniform hospital recredentials form;
3. the uniform updating forms; and
4. any additional credentials data requested.

(f) Each health care entity and health care plan shall complete the process of verifying a health care professional's credentials data in a timely fashion and shall complete the process of credentialling or recredentialling of the health care professional within 60 days after submission of all credentials data and completion of verification of the credentials data.

(g) Each health care professional shall provide any corrections, updates, and modifications to his or her credentials data to ensure that all credentials data on the health care professional remains current. Such corrections, updates, and modifications shall be provided within 5 business days for State health care professional license revocation, federal Drug Enforcement Agency license revocation, Medicare or Medicaid sanctions, revocation of hospital privileges, any lapse in professional liability coverage required by a health care entity, health care plan, or hospital, or conviction of a felony, and within 45 days for any other change in the information from the date the health care professional knew of the change. All updates shall be made on the uniform updating forms developed by the Department.

(h) Any credentials data collected or obtained by the health care entity, health care plan, or hospital shall be confidential, as provided by law, and otherwise may not be redisclosed without written consent of the health care professional, except that in any proceeding to challenge credentialling or recredentialling or in any judicial review, the claim of confidentiality shall not be invoked to deny a health care professional, health care entity, health care plan, or hospital access to or use of credentials data. Nothing in this Section prevents a health care entity, health care plan, or hospital from disclosing any credentials data to its officers, directors, employees, agents, subcontractors, medical staff members, any committee of the health care entity, health care plan, or hospital involved in the credentialling process, or accreditation bodies or licensing agencies. However, any redisclosure of credentials data contrary to this Section is prohibited.

(i) Nothing in this Act shall be construed to restrict the right of any health care entity, health care plan or hospital to request additional information necessary for credentialling or recredentialling.

(j) Nothing in this Act shall be construed to restrict in any way the authority of any health care entity, health care plan or hospital to approve, suspend or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(k) Nothing in this Act shall be construed to prohibit delegation of credentialling and recredentialling activities as long as the delegated entity follows the requirements set forth in this Act.

(l) Nothing in this Act shall be construed to require any health care entity or health care plan to credential or survey any health care professional.

(Source: P.A. 91-602, eff. 8-16-99.)

(410 ILCS 517/20)

Sec. 20. Single credentialling cycle.

(a) The Department, in consultation with the council, shall by rule establish a single credentialling cycle. The single credentialling cycle shall be based on a specific variable or variables. To the extent possible the single credentialling cycle shall be established to ensure that the credentials data of all health care professionals in a group or at a single site are collected during the same time.
period. However, nothing in this Act shall be construed to require the single credentialing cycle to be established to ensure that the credentials data of all health care professionals in a group or at a single site are collected during the same time period.

(b) Beginning July 1, 2002, all health care entities and health care plans shall obtain credentials data on all health care professionals according to the established single credentialing cycle.

(c) The Department, in consultation with the council, shall by rule establish a process to exempt a small or unique health care entity or small or unique health care plan from the single credentialing cycle if the health care entity or health care plan demonstrates to the Department that adherence to the single credentialing cycle would be an undue hardship for the health care entity or health care plan.

(d) The requirements of this Section shall not apply when a health care professional submits initial credentials data to a health care entity or health care plan outside of the established single credentialing cycle, when a health care professional's credentials data change substantively, or when a health care entity or health care plan requires recredentialing as a result of patient or quality assurance issues.

(Source: P.A. 91-602, eff. 8-16-99.)

(410 ILCS 517/25)

Sec. 25. Single site survey.

(a) The Department, in consultation with the council, shall by rule establish a uniform site survey instrument taking into account national accreditation standards and State requirements. The uniform site survey instrument shall include all the site survey data requested by health care entities and health care plans.

(b) No later than July 1, 2002, the Department, in consultation with the council, shall publish, in rule, the variable or variables for completing the single site survey. To the extent possible, the single site survey shall be established to ensure that all health care professionals in a group or at a site are reviewed during the same time period.

(c) Beginning January 1, 2003, health care entities and health care plans shall implement the single site survey, if a site survey is required by any of the health care professional's health care entities or health care plans. The site survey shall be completed using the uniform site survey instrument.

(d) The uniform site survey instrument shall be used when a health care professional seeks initial credentialing by a health care entity or health care plan, when a health care professional's credentials data change substantively, or when a health care plan or health care entity requires a site survey as a result of patient or quality assurance issues, if a site survey is required by the health care entity or health care plan.

(e) Nothing in this Section prohibits health care entities and health care plans from choosing the independent party to conduct the single site survey.

(Source: P.A. 91-602, eff. 8-16-99.)


Approved August 1, 2001.

Effective January 1, 2002.
AN ACT concerning sanitary districts.

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

Section 5. The North Shore Sanitary District Act is amended by changing Section 11 as follows:

(70 ILCS 2305/11) (from Ch. 42, par. 287)

Sec. 11. Except as otherwise provided in this Section, all contracts for purchases or sales by the municipality, the expense of which will exceed the mandatory competitive bid threshold, $10,000, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold $10,000 may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold of $10,000 or less may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than $10,000, nor more than $40,000.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each bidder by the district on all bids involving amounts in excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a high degree of professional skill where the ability or fitness of the individual or organization plays an important part, contracts for financial management services undertaken pursuant to "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended, contracts for the purchase or sale of utilities, contracts for materials economically procurable only from a single source of supply, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by an entity other than the district itself, and leases of real property where the sanitary district is the lessee shall not be subject to the competitive bidding requirements of this Section.

In the case of an emergency affecting the public health or safety so declared by the Board of Trustees of the municipality at a meeting thereof duly convened, which declaration shall require the affirmative vote of four of the five Trustees elected, and shall set forth the nature of the danger to the
public health or safety, contracts totaling not more than the emergency contract cap $75,000 may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the "emergency contract cap" is a dollar amount equal to 0.4% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the emergency contract cap dollar amount be less than $40,000, nor more than $100,000. The Resolution or Ordinance in which such declaration is embodied shall fix the date upon which such emergency shall terminate which date may be extended or abridged by the Board of Trustees as in their judgment the circumstances require. A full written account of any such emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the municipality shall submit to the Illinois Environmental Protection Agency the full written account of any such emergency along with a copy of the resolution or ordinance declaring the emergency, in accordance with requirements as may be provided by rule.

To address operating emergencies not affecting the public health or safety, the Board of Trustees shall authorize, in writing, officials or employees of the sanitary district to purchase in the open market and without advertisement any supplies, materials, equipment, or services for immediate delivery to meet the bona fide operating emergency, without filing a requisition or estimate therefor, in an amount not in excess of $40,000; provided that the Board of Trustees must be notified of the operating emergency. A full, written account of each operating emergency and a requisition for the materials, supplies, equipment, and services required to meet the operating emergency must be immediately submitted by the officials or employees authorized to make purchases to the Board of Trustees. The account must be available for public inspection for a period of at least one year after the date of the operating emergency purchase. The exercise of authority with respect to purchases for a bona fide operating emergency is not dependent on a declaration of an operating emergency by the Board of Trustees.

No Trustee shall be interested, directly or indirectly, in any contract, work or business of the municipality, or in the sale of any article, whenever the expense, price or consideration of the contract work, business or sale is paid either from the treasury or by any assessment levied by any Statute or Ordinance. No Trustee shall be interested, directly or indirectly, in the purchase of any property which (1) belongs to the municipality, or (2) is sold for taxes or assessments of the municipality, or (3) is sold by virtue of legal process in the suit of the municipality.

A contract for any work or other public improvement, to be paid for in whole or in part by special assessment or special taxation, in all other respects such contracts shall be entered into and the performance thereof controlled by the provisions of Division 2 of Article 9 of the "Illinois Municipal Code", approved May 29, 1961, as heretofore or hereafter amended, as near as may be. However, contracts may be let for making proper and suitable connections between the mains and outlets of the respective sanitary sewers in the district with any conduit, conduits, main pipe or pipes that may be constructed by such sanitary district.

(Source: P.A. 91-921, eff. 1-1-01.)

Section 10. The Sanitary District Act of 1917 is amended by changing Section 11 as follows:

Sec. 11. Except as otherwise hereinafter provided, all contracts for purchases or sales by a sanitary district organized under this Act, the expense of which will exceed the mandatory competitive bid threshold, $10,000, shall be let to the lowest responsible bidder therefore upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids, and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold $10,000 may, subject to the provisions of this Section, be let by competitive bidding at the
discretion of the district board of trustees.

Cash, a cashier’s check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each bidder by the district on all bids involving amounts in excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold of $10,000 or less may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than $10,000, nor more than $40,000.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a high degree of professional skill where the ability or fitness of the individual or organization plays an important part, contracts for financial management services undertaken pursuant to "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended, contracts for the purchase or sale of utilities, contracts for materials economically procurable only from a single source of supply, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by an entity other than the district itself, and leases of real property where the sanitary district is the lessee shall not be subject to the competitive bidding requirements of this Section.

The competitive bidding requirements of this Section do not apply to contracts for construction of a facility or structure for the sanitary district when the facility or structure will be designed, built, and tested before being conveyed to the sanitary district.

The competitive bidding requirements of this Section do not apply to contracts, including contracts for both materials and services incidental thereto, for the repair or replacement of a sanitary district's treatment plant, sewers, equipment, or facilities damaged or destroyed as the result of a sudden or unexpected occurrence, including, but not limited to, a flood, fire, tornado, earthquake, storm, or other natural or man-made disaster, if the board of trustees determines in writing that the awarding of those contracts without competitive bidding is reasonably necessary for the sanitary district to maintain compliance with a permit issued under the National Pollution Discharge Elimination System (NPDES) or any successor system or with any outstanding order relating to that compliance issued by the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, or the Illinois Pollution Control Board. The authority to issue contracts without competitive bidding pursuant to this paragraph expires 6 months after the date of the writing determining that the awarding of contracts without competitive bidding is reasonably necessary.

Where the board of trustees declares, by a 2/3 vote of all members of the board, that there exists an emergency affecting the public health or safety, contracts totaling not more than the emergency contract cap $40,000 may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the "emergency contract cap" is a dollar amount equal to 0.4% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the emergency contract cap dollar amount be less than $40,000, nor more than $100,000. The ordinance or resolution embodying the emergency declaration shall contain the date upon which such emergency will terminate. The board of trustees may extend the termination date if in its judgment the circumstances so require. A full written account of the emergency, together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the District shall submit to the Illinois Environmental Protection Agency the
full written account of any such emergency along with a copy of the resolution or ordinance declaring
the emergency, in accordance with requirements as may be provided by rule.

A contract for any work or other public improvement, to be paid for in whole or in part by
special assessment or special taxation, shall be entered into and the performance thereof controlled by Division 2 of Article 9 of the "Illinois Municipal Code", approved May 29, 1961, as heretofore and hereafter amended, as near as may be. The contracts may be let for the making proper and suitable connections between the mains and outlets of the respective sewers in the district with any conduit, conduits, main pipe or pipes that may be constructed by such sanitary district.

(Source: P.A. 88-542, eff. 5-27-94; 88-572, eff. 8-11-94; 89-235, eff. 8-4-95; 89-558, eff. 7-26-96.)

Section 15. The Sanitary District Act of 1936 is amended by changing Section 14 as follows:

(70 ILCS 2805/14) (from Ch. 42, par. 425)

Sec. 14. Except as otherwise provided in this Section, all contracts for purchases or sales by
the sanitary district, the expense of which will exceed the mandatory competitive bid threshold,
$10,000, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice
of the terms and conditions upon which the contract is to be let, having been given by publication in
a daily or weekly newspaper published in the district or, if there is no newspaper published in the
district, in a newspaper published in the county and having general circulation in the district, and the
board may reject any and all bids, and readvertise. Contracts for services in excess of the mandatory
competitive bid threshold $10,000 may, subject to the provisions of this Section, be let by competitive
bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will
not exceed the mandatory competitive bid threshold of $10,000 or less may be made in the open
market without publication in a newspaper as above provided, but whenever practical shall be based
on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold"
is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most
recent required audit report. In no event, however, shall the mandatory competitive bid threshold
dollar amount be less than $10,000, nor more than $40,000.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by
the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of
the contract amount, may be required of each bidder by the district on all bids involving amounts in
excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall
so specify.

Contracts which by their nature are not adapted to award by competitive bidding, including,
without limitation, contracts for the services of individuals, groups or firms possessing a high degree
of professional skill where the ability or fitness of the individual or organization plays an important
part, contracts for financial management services undertaken pursuant to the Public Funds Investment
Act, contracts for the purchase or sale of utilities, contracts for materials economically procurable only
from a single source of supply and leases of real property where the sanitary district is the lessee shall
not be subject to the competitive bidding requirements of this Section.

Where the board of trustees declares, by a 2/3 vote of all members of the board, that there
exists an emergency affecting the public health or safety, contracts totaling not more than the
emergency contract cap $40,000 may be let to the extent necessary to resolve such emergency without
public advertisement or competitive bidding. For purposes of this Section, the "emergency contract
cap" is a dollar amount equal to 0.4% of the total general fixed assets of the district as reported in
the most recent required audit report. In no event, however, shall the emergency contract cap dollar
amount be less than $40,000, nor more than $100,000. The ordinance or resolution embodying the
emergency declaration shall contain the date upon which such emergency will terminate. The board
of trustees may extend the termination date if in its judgment the circumstances so require. A full
written account of the emergency, together with a requisition for the materials, supplies, labor or
equipment required therefor shall be submitted immediately upon completion and shall be open to
public inspection for a period of at least one year subsequent to the date of such emergency purchase.
Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the
public health or safety, the District shall submit to the Illinois Environmental Protection Agency the
full written account of any such emergency along with a copy of the resolution or ordinance declaring
the emergency, in accordance with requirements as may be provided by rule.

New matter indicated by italics - deletions by strikeout.
Section 20. The Metropolitan Water Reclamation District Act is amended by changing Sections 11.3, 11.6, 11.7, 11.10, and 11.13 as follows:

Sec. 11.3. Except as provided in Sections 11.4 and 11.5, all purchase orders or contracts involving amounts in excess of the mandatory competitive bid threshold $10,000 and made by or on behalf of the sanitary district for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies, or the granting of any concession, shall be let by free and open competitive bidding after advertisement, to the lowest responsible bidder or to the highest responsible bidder, as the case may be, depending upon whether the sanitary district is to expend or receive money.

All such purchase orders or contracts which shall involve amounts that will not exceed the mandatory competitive bid threshold of $10,000 or less, shall also be let in the manner prescribed above whenever practicable, except that after solicitation of bids, such purchase orders or contracts may be let in the open market, in a manner calculated to insure the best interests of the public. The provisions of this section are subject to any contrary provisions contained in "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as heretofore and hereafter amended. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than $10,000 or more than $40,000.

Notwithstanding the provisions of this Section, the sanitary district is expressly authorized to establish such procedures as it deems appropriate to comply with state or federal regulations as to affirmative action and the utilization of small and minority businesses in construction and procurement contracts.

Sec. 11.6. The head of each department shall notify the purchasing agent of those officers and employees authorized to sign requests for purchases. Requests for purchases shall be void unless executed by an authorized officer or employee and approved by the purchasing agent. Requests for purchases may be executed, approved and signed manually or electronically.

Officials and employees making requests for purchases shall not split or otherwise partition for the purpose of evading the competitive bidding requirements of this Act, any undertaking involving amounts in excess of the mandatory competitive bid threshold of $10,000.

Sec. 11.7. All proposals to award purchase orders or contracts involving amounts in excess of the mandatory competitive bid threshold $10,000 shall be published at least 12 calendar days in advance of the date announced for the receiving of bids, in a secular English language newspaper of general circulation in said sanitary district and shall be posted simultaneously on readily accessible bulletin boards in the principal office of the sanitary district. Nothing contained in this section shall be construed to prohibit the placing of additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail either in the advertisement itself or by reference to plans, specifications or other detail on file at the time of publication of the first announcement, to enable the bidders to know what their obligation will be. The advertisement shall also state the date, time and place assigned for the opening of bids. No bids shall be received at any time subsequent to the time indicated in the announcement; however, an extension of time may be granted for the opening of such bids upon publication in the same newspaper of general circulation in said sanitary district stating the date to which bid opening has been extended. The time of the extended bid opening shall not be less than 5 days after publication, Sundays and legal holidays excluded.

Cash, cashier's check or a certified check payable to the clerk and drawn upon a bank, as a deposit of good faith, in a reasonable amount not in excess of 10% of the contract amount, may be required of each bidder by the purchasing agent on all bids involving amounts in excess of the mandatory competitive bid threshold $10,000. If a deposit is required, the advertisement for bids shall...
so specify. Instead of a deposit, the purchasing agent may allow the use of a bid bond if the bond is issued by a surety company that is listed in the Federal Register and is authorized to do business in the State of Illinois.

(Source: P.A. 89-89, eff. 6-30-95.)

(70 ILCS 2605/11.10) (from Ch. 42, par. 331.10)

Sec. 11.10. Every contract or purchase order involving amounts in excess of the mandatory competitive bid threshold $10,000 shall be signed by the president or other duly authorized officer of the board of commissioners, by the general superintendent, by the clerk and by the purchasing agent. Each bid with the name of the bidder shall be entered upon a record which shall be open to public inspection in the office of the purchasing agent. After the award is made, the bids shall be entered in the official records of the board of commissioners.

All purchase orders or contracts involving amounts that will not exceed the mandatory competitive bid threshold of $10,000 or less shall be let by the purchasing agent. They shall be signed by the purchasing agent and the clerk. All records pertaining to such awards shall be open to public inspection for a period of at least one year subsequent to the date of the award.

An official copy of each awarded purchase order or contract together with all necessary attachments thereto, including assignments and written consent of the purchasing agent shall be retained by the purchasing agent in an appropriate file open to the public for such period of time after termination of contract during which action against the municipality might ensue under applicable laws of limitation. Certified copies of all completed contracts and purchase orders shall be filed with the clerk. After the appropriate period, purchase orders, contracts and attachments in the clerk's possession may be destroyed by direction of the purchasing agent.

The provisions of this Act are not applicable to joint purchases of personal property, supplies and services made by governmental units in accordance with Sections 1 through 5 of "An Act authorizing certain governmental units to purchase personal property, supplies and services jointly," approved August 15, 1961.

(Source: P.A. 83-835.)

(70 ILCS 2605/11.13) (from Ch. 42, par. 331.13)

Sec. 11.13. Bond, with sufficient sureties, in such amount as shall be deemed adequate by the purchasing agent not only to insure performance of the contract in the time and manner specified in said contract but also to save, indemnify and keep harmless the sanitary district against all liabilities, judgments, costs and expenses which may in anywise accrue against said sanitary district in consequence of the granting of the contract or execution thereof shall be required for all contracts relative to construction, rehabilitation or repair of any of the works of the sanitary district and may be required of each bidder upon all other contracts in excess of the mandatory competitive bid threshold $10,000 when, in the opinion of the purchasing agent, the public interest will be better served thereby.

In accordance with the provisions of "An Act in relation to bonds of contractors entering into contracts for public construction", approved June 20, 1931, as amended, all contracts for construction work, to which the sanitary district is a party, shall require that the contractor furnish bond guaranteeing payment for materials and labor utilized in the contract.

(Source: P.A. 83-835.)

Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.
set forth below from the property's value, as equalized or assessed by the Department, is granted for property that is occupied as a residence by a person 65 years of age or older who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as a residence by a person 65 years or older who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. The maximum reduction shall be $2,500 in counties with 3,000,000 or more inhabitants and $2,000 in all other counties. For land improved with an apartment building owned and operated as a cooperative or a building which is a life care facility which shall be considered to be a cooperative, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person 65 years of age or older who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by persons 65 years of age or older, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a contract with the owner or owners of record of the facility, for paying property taxes on the property. In a cooperative or a life care facility where a homestead exemption has been granted, the cooperative association or the its management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor. Under this Section and Section 15-175, "life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act, with which the applicant for the homestead exemption has a life care contract as defined in that Act, which requires the applicant to pay property taxes.

When a homestead exemption has been granted under this Section and the person qualifying subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall continue so long as the residence continues to be occupied by the qualifying person's spouse if the spouse is 65 years of age or older, or if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

A person who will be 65 years of age during the current assessment year shall be eligible to apply for the homestead exemption during that assessment year. Application shall be made during the application period in effect for the county of his residence.

The assessor or chief county assessment officer may determine the eligibility of a life care facility to receive the benefits provided by this Section, by affidavit, application, visual inspection, questionnaire or other reasonable methods in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The assessor may request reasonable proof that the management firm has so credited the exemption.

The chief county assessment officer of each county with less than 3,000,000 inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of $5 to cover administrative costs to the supervisor of assessments, who shall then file the executed designation with the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the chief county assessment officer.

The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance
with guidelines established by the Department.

In counties with less than 3,000,000 inhabitants, the county board may by resolution provide that if a person has been granted a homestead exemption under this Section, the person qualifying need not reapply for the exemption.

In counties with less than 3,000,000 inhabitants, if the assessor or chief county assessment officer requires annual application for verification of eligibility for an exemption once granted under this Section, the application shall be mailed to the taxpayer.

The assessor or chief county assessment officer shall notify each person who qualifies for an exemption under this Section that the person may also qualify for deferral of real estate taxes under the Senior Citizens Real Estate Tax Deferral Act. The notice shall set forth the qualifications needed for deferral of real estate taxes, the address and telephone number of county collector, and a statement that applications for deferral of real estate taxes may be obtained from the county collector.

(Source: P.A. 89-412, eff. 11-17-95; 90-471, eff. 8-17-97.)

Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.

AN ACT concerning taxes.

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

Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-425 as follows:

(20 ILCS 2505/2505-425)

Sec. 2505-425. Public list of delinquent State taxes.

(a) The Director may annually disclose a list of all taxpayers, including but not limited to individuals, trusts, partnerships, corporations, and other taxable entities, that are delinquent in the payment of tax liabilities collected by the Department. The list shall include only those taxpayers with total final liabilities for all taxes collected by the Department (including penalties and interest) in an amount greater than $1,000 (or a greater amount as established by the Department by rule) for a period of 6 months (or a longer period as established by the Department by rule) from the time that the taxes were assessed or became final, as provided in the statute imposing the tax. The list shall contain the name, address, types of taxes, month and year in which each tax liability was assessed or became final, the amount of each tax outstanding of each delinquent taxpayer, and, in the case of a corporate taxpayer, the name of the current president of record of the corporation.

(b) At least 90 days before the disclosure of the name of any delinquent taxpayer prescribed in subsection (a), the Director shall mail a written notice to each delinquent taxpayer by certified mail addressed to the delinquent taxpayer at his or her last or usual place of business or abode detailing the amount and nature of the delinquency and the intended disclosure of the delinquency. If the delinquent tax has not been paid 60 days after the notice was delivered or the Department has been notified that delivery was refused or unclaimed, and the taxpayer has not, since the mailing of the notice, either entered into a written agreement with the Department for payment of the delinquency or corrected a default in an existing agreement to the satisfaction of the Director, the Director may disclose the tax in the list of delinquent taxpayers.

(c) Unpaid taxes shall not be deemed to be delinquent and subject to disclosure if (i) a written agreement for payment exists without default between the taxpayer and the Department or (ii) the tax liability is the subject of an administrative hearing, administrative review, or judicial review.

(d) The list shall be available for public inspection at the Department or by other means of publication, including the Internet.

(e) The Department shall prescribe reasonable rules for the administration and implementation of this Section.

(f) Any disclosure made by the Director in a good faith effort to comply with this Section shall not be considered a violation of any statute prohibiting disclosure of taxpayer information.

(Source: P.A. 90-753, eff. 1-1-99; 91-239, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:
(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)
Sec. 2. Powers and duties. The Department shall have the following powers and duties:
To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:
1. Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;
2. Establish field offices and direct the activities of the personnel assigned to such offices;
3. Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;
4. Conduct informational and training services;
5. Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their dependents;
6. Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;
7. Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;
8. Cooperate with veterans organizations and other governmental agencies;
9. Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act; and
10. Make and publish annual reports to the Governor regarding the administration and general operation of the Department.
11. Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor shall appoint 4 members to represent veterans' organizations, and the Department shall appoint one member. The commission members shall serve without compensation.

The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

New matter indicated by italics - deletions by strikeout.
The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.

(Source: P.A. 90-142, eff. 1-1-98; 90-168, eff. 7-23-97; 90-655, eff. 7-30-98.)

Section 10. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and adding Section 507V as follows:

(35 ILCS 5/507V new)

Sec. 507V. Korean War Veterans National Museum and Library Fund checkoff. Beginning with taxable years ending on or after December 31, 2001, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Korean War Veterans National Museum and Library Fund, as authorized by this amendatory Act of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the Child Abuse Prevention Fund, to the Community Health Center Care Fund, to the Illinois Wildlife Preservation Fund as required by the Illinois Non-Game Wildlife Protection Act, to the Alzheimer's Disease Research Fund as required by the Alzheimer's Disease Research Act, to the Assistance to the Homeless Fund as required by this Act, to the Heritage Preservation Fund as required by the Heritage Preservation Act, to the Child Care Expansion Program Fund as required by the Child Care Expansion Program Act, to the Ryan White AIDS Victims Assistance Fund, to the Assistive Technology for Persons with Disabilities Fund, to the Domestic Violence Shelter and Service Fund, to the United States Olympians Assistance Fund, to the Youth Drug Abuse Prevention Fund, to the Persian Gulf Conflict Veterans Fund, to the Literacy Advancement Fund, to the Ryan White Pediatric and Adult AIDS Fund, to the Illinois Special Olympics Checkoff Fund, to the Penny Severns Breast and Cervical Cancer Research Fund, to the Korean War Memorial Fund, to the Heart Disease Treatment and Prevention Fund, to the Hemophilia Treatment Fund, to the Mental Health Research Fund, to the Children's Cancer Fund, to the American Diabetes Association Fund, to the National World War II Memorial Fund, to the Prostate Cancer Research Fund, to the Korean War Veterans National Museum and Library Fund, and to the Meals on Wheels Fund. Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 90-171, eff. 7-23-97; 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Alzheimer's Disease Research Fund, the Heritage Preservation Fund, the Community Health Center Care Fund, the Assistance to the Homeless Fund, the Ryan White AIDS Victims Assistance Fund, the Pediatric AIDS Fund, the Domestic Violence Shelter and Service Fund, the United States Olympians Assistance Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf Conflict Veterans Fund, the Literacy Advancement Fund, the Ryan White Pediatric and Adult AIDS Fund, the Illinois Special Olympics Checkoff Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the Korean War Memorial Fund, the Heart Disease Treatment and Prevention Fund, the Prostate Cancer Research Fund, the Korean War Veterans National Museum and Library Fund, and the Meals on Wheels Fund; and shall
notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 90-171, eff. 7-23-97; 91-104, eff. 7-13-99; 91-107, eff. 7-13-99; 91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)

Section 15. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Korean War Veterans National Museum and Library Fund.

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

Passed in the General Assembly May 9, 2001.

Approved August 1, 2001.

Effective August 1, 2001.

PUBLIC ACT 92-0199
(Senate Bill No. 0233)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by adding Section 12-7.5 as follows:

(720 ILCS 5/12-7.5 new)

Sec. 12-7.5. Cyberstalking:

(a) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person, or

(2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint.

(b) As used in this Section:

"Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

"Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.

(c) Sentence. Cyberstalking is a Class 4 felony. A second or subsequent conviction for cyberstalking is a Class 3 felony.

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

Passed in the General Assembly May 9, 2001.

Approved August 1, 2001.

Effective August 1, 2001.

PUBLIC ACT 92-0200
(Senate Bill No. 0329)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 10-22.34 as follows:

(105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)

Sec. 10-22.34. Non-certificated personnel.

(a) School Boards may employ non-teaching personnel or utilize volunteer personnel for: (1) non-teaching duties not requiring instructional judgment or evaluation of pupils; and (2) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, and detention and discipline areas, and

New matter indicated by italics - deletions by strikeout.
school-sponsored extracurricular activities.

(b) School boards may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher, holding a valid certificate, directly engaged in teaching subject matter or conducting activities. The teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The State Board of Education, in consultation with the State Teacher Certification Board, shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel. In the determination of qualifications of such personnel, the State Board of Education shall accept coursework earned in a recognized institution or from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association.

(c) School boards may also employ students holding a bachelor's degree from a recognized institution of higher learning as part-time teaching interns when such students are enrolled in a college or university internship program, which has prior approval by the State Board of Education, in consultation with the State Teacher Certification Board, leading to a masters degree.

Regional offices of education have the authority to initiate and collaborate with institutions of higher learning to establish internship programs referenced in this subsection (c). The State Board of Education has 90 days from receiving a written proposal to establish the internship program to seek the State Teacher Certification Board's consultation on the internship program. If the State Board of Education does not consult the State Teacher Certification Board within 90 days, the regional office of education may seek the State Teacher Certification Board's consultation without the State Board of Education's approval.

(d) Nothing in this Section shall require constant supervision of a student teacher enrolled in a student teaching course at a college or university, provided such activity has the prior approval of the representative of the higher education institution and teaching plans have previously been discussed with and approved by the supervising teacher and further provided that such teaching is within guidelines established by the State Board of Education in consultation with the State Teacher Certification Board.

(Source: P.A. 88-89; 89-159, eff. 1-1-96.)

Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0201
(Senate Bill No. 0497)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 20-180 and 20-190 as follows:

(35 ILCS 200/20-180)
Sec. 20-180. Uncollectible delinquent real estate taxes and special assessments. In cases where general taxes levied on real property have been delinquent for a period of 20 30 years, the taxes shall be presumed to be uncollectible. In those cases, the County Clerk and the County Collector shall enter upon the tax records in their respective offices where those taxes appear the word "Uncollectible", and shall adjust the books and records of their respective offices as provided in this Code. In cases where any installments of special assessments or special taxes levied on real property have been delinquent for a period of 30 years, the installments shall be presumed to be uncollectible. In those cases, the Collector of the municipality which levied the special assessment or special tax and the County Clerk and the County Collector shall enter upon the tax records in their respective offices where those assessments or taxes appear the word "Uncollectible" and shall adjust the books and records of their respective offices. When taxes have been designated "uncollectible" under this Section, the municipality may use any money it holds for payment of the special assessments or special taxes for improvements similar to the projects for which the moneys were collected, and for the purchase of real or personal property, in connection with those improvements.

New matter indicated by italics - deletions by strikeout.
Sec. 20-190. Statute of limitation for collection of delinquent real estate taxes and special assessments.
(a) If a taxpayer owes arrearages of taxes for a reason other than administrative error, actions for the collection of any delinquent general tax, or the enforcement or foreclosure of the tax lien shall be commenced within 20 years after the tax became delinquent, and not thereafter. After 20 years the tax lien shall be discharged and released.

Actions for the collection of any delinquent installments of special assessments or special taxes, or the enforcement or foreclosure of the special assessment lien shall be commenced within 30 years after the installments became delinquent. After 30 years the lien for the installments shall be discharged and released.

(b) If a taxpayer owes arrearages of taxes due to an administrative error, the county may not bill, collect, claim a lien for, or sell the arrearages of taxes for tax years earlier than the 2 most recent tax years, including the current tax year.

(c) For purposes of this Section, "administrative error" includes but is not limited to failure to include an extension for a taxing district on the tax bill, an error in the calculations of tax rates or extensions or any other mathematical error by the county clerk, or a defective coding by the county, but does not include a failure by the county to send a tax bill to the taxpayer, the failure by the taxpayer to notify the assessor of a change in the tax-exempt status of property, or any error concerning the assessment of the property.

Section 99. Effective date. This Act takes effect January 1, 2002.
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0202
(Senate Bill No. 0530)

AN ACT concerning emergency telephone systems.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Emergency Telephone System Act is amended by changing Section 15.4 as follows:

Sec. 15.4. Emergency Telephone System Board; powers.
(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) may be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:
(1) Planning a 9-1-1 system.
(2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
(3) Receiving monies from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.
(4) Authorizing all disbursements from the fund.
(5) Hiring any staff necessary for the implementation or upgrade of the system.

(c) All monies received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.
(2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
(3) The repayment of any monies advanced for the implementation of the system.
(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.
(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.
(6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.
(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.
(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data base shall not at any time exceed 1% of the total data base.

(Source: P.A. 89-568, eff. 1-1-97; 90-698, eff. 8-7-98.)
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0203
(Senate Bill No. 0661)

AN ACT in relation to families.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505 as follows:
(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of
marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>25%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court

New matter indicated by italics - deletions by strikeout.
that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;
(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
(A) work; or
(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.
(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.
(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of

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Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue interest at the rate of 9% per annum.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the
order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff. 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective August 1, 2001.

AN ACT concerning State employee health benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 and adding Section 6.14 as follows:
(5 ILCS 375/3) (from Ch. 127, par. 523)
Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.
(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.
(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14, 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires,
or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

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

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

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursement officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

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

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Rural Bond Bank.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2)
age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

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

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

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

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

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

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

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

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any

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person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

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

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

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

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

(s) "Unit of local government" means any county, municipality, township, school district, special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

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

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

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

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

(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article.

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on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:
   (1) is not a "member" or "dependent" as defined in this Section; and
   (2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

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

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

(z) "Community college benefit recipient" means a person who:
   (1) is not a "member" as defined in this Section; and
   (2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
   (3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:
   (1) is not a "member" or "dependent" as defined in this Section; and
   (2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 90-14, eff. 7-1-97; 90-65, eff. 7-7-97; 90-448, eff. 8-16-97; 90-497, eff. 8-18-97; 90-511, eff. 8-22-97; 90-582, eff. 5-27-98; 90-655, eff. 7-30-98; 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; revised 10-19-99.)

(5 ILCS 375/6.14 new)

Sec. 6.14. Organ donor costs. With respect to organ transplants occurring after June 30, 2000 when both a donor and donee are members of the same family and are both covered by the program of health benefits, the program of health benefits shall pay 100% of the donor's expenses without the imposition of any deductible or copayment.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective August 1, 2001.
AN ACT concerning solicitation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Solicitation for Charity Act is amended by changing Section 23 as follows:
(225 ILCS 460/23)
Sec. 23. Charitable Advisory Council. As a part of charitable trust enforcement and public
disclosure, a task force composed of citizens chosen by the Attorney General to be known as the
Attorney General's Charitable Advisory Council shall be and is hereby formed as a permanent body.
Members shall serve at the pleasure of the Attorney General or for such terms as the Attorney General
may designate for a 3-year period. This Advisory Council shall study issues of charitable giving,
volunteerism, and fundraising in this State. The Advisory Council members shall serve without
compensation, and the expenses of the Council may be paid for out of the Illinois Charity Bureau
Fund in an amount not to exceed $10,000 per year and in the discretion of the Attorney General.
(Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99.)
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0206
(Senate Bill No. 1241)

AN ACT in relation to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Educational Labor Relations Act is amended by changing Section 8 as follows:
(115 ILCS 5/8) (from Ch. 48, par. 1708)
Sec. 8. Election - certification. Elections shall be by secret ballot, and conducted in accordance
with rules and regulations established by the Illinois Educational Labor Relations Board. An
incumbent exclusive bargaining representative shall automatically be placed on any ballot with the
petitioner's labor organization. An intervening labor organization may be placed on the ballot when
supported by 15% or more of the employees in the bargaining unit. The Board shall give at least 30
days notice of the time and place of the election to the parties and, upon request, shall provide the
parties with a list of names and addresses of persons eligible to vote in the election at least 15 days
before the election. The ballot must include, as one of the alternatives, the choice of "no
representative". No mail ballots are permitted except where a specific individual would otherwise be
unable to cast a ballot.
The labor organization receiving a majority of the ballots cast shall be certified by the Board
as the exclusive bargaining representative. If the choice of "no representative" receives a majority, the
employer shall not recognize any exclusive bargaining representative for at least 12 months. If none
of the choices on the ballot receives a majority, a run-off shall be conducted between the 2 choices
receiving the largest number of valid votes cast in the election. The Board shall certifi the results of
the election within 6 5 working days after the final tally of votes unless a charge is filed by a party
alleging that improper conduct occurred which affected the outcome of the election. The Board shall
promptly investigate the allegations, and if it finds probable cause that improper conduct occurred and
could have affected the outcome of the election, it shall set a hearing on the matter on a date falling
within 2 weeks of when it received the charge. If it determines, after hearing, that the outcome of the
election was affected by improper conduct, it shall order a new election and shall order corrective
action which it considers necessary to insure the fairness of the new election. If it determines upon
investigation or after hearing that the alleged improper conduct did not take place or that it did not
affect the results of the election, it shall immediately certify the election results.
Any labor organization that is the exclusive bargaining representative in an appropriate unit
on the effective date of this Act shall continue as such until a new one is selected under this Act.
(Source: P.A. 83-1014.)
Passed in the General Assembly May 9, 2001.
Approved August 1, 2001.
Effective January 1, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning economic development.

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

Section 1. Short title. This Act may be cited as the Corporate Headquarters Relocation Act.

Section 5. Purpose. The General Assembly has determined that the relocation of the international headquarters of large, multinational corporations from outside of Illinois to a location within Illinois creates a substantial public benefit and will foster economic growth and development within the State. Specifically, these relocations will foster a positive image of the State of Illinois and its human and natural resources throughout the United States and the world; contribute to a strong residential housing market; directly and indirectly create jobs and additional taxes within the State; encourage the relocation of other similar businesses to the State; and otherwise foster the development of commerce and industry within the State of Illinois. These relocations should be encouraged through the use of incentives that encourage long-term commitments by business and industry to Illinois and that would otherwise not be available through existing incentives programs.

Section 10. Definitions. As used in this Act:

"Corporate headquarters" means the building or buildings that the principal executive officers of an eligible business have designated as their principal offices and that has at least 250 employees who are principally located in that building or those buildings. The principal executive officers may include, by way of example and not of limitation, the chief executive officer, the chief operating officer, and other senior officer-level employees of the eligible business. "Corporate headquarters" may also include ancillary transportation facilities owned or leased by the eligible business whether or not physically adjacent to the principal office building or buildings used by the principal executive officers. The ancillary transportation facilities may include, but are not limited to, airplane hangars, helipads or heliports, fixed base operations, maintenance facilities, and other aviation-related facilities. All employees of the eligible business may count toward the satisfaction of the numeric requirement of this definition, including but not limited to support staff and other personnel who work in or from the office building or buildings or transportation facilities.

"Department" means the Department of Commerce and Community Affairs.

"Director" means the Director of Commerce and Community Affairs.

"Eligible business" means a business that: (i) is engaged in interstate or intrastate commerce; (ii) maintains its corporate headquarters in a state other than Illinois as of the effective date of this Act; (iii) had annual worldwide revenues of at least $25,000,000,000 for the year immediately preceding its application to the Department for the benefits authorized by this Act; and (iv) is prepared to commit contractually to relocating its corporate headquarters to the State of Illinois in consideration of the benefits authorized by this Act.

"Fund" means the Corporate Headquarters Relocation Assistance Fund.

"Qualifying project" means the relocation of the corporate headquarters of an eligible business from a location outside of Illinois to a location within Illinois, whether to an existing structure or otherwise. When the relocation involves an initial interim facility within Illinois and a subsequent further relocation within 5 years after the effective date of this Act to a permanent facility also within Illinois, all those activities collectively constitute a "qualifying project" under this Act.

"Relocation costs" means the expenses incurred by an eligible business for a qualifying project, including, but not limited to, the following: moving costs and related expenses; purchase of new or replacement equipment; outside professional fees and commissions; premiums for property and casualty insurance coverage; capital investment costs; financing costs; property assembly and development costs, including, but not limited to, the purchase, lease, and construction of equipment, buildings, and land, infrastructure improvements and site development costs, leasehold improvements costs, rehabilitation costs, and costs of studies, surveys, development of plans, and professional services costs such as architectural, engineering, legal, financial, planning, or other related services; "relocation costs", however, does not include moving costs associated with the relocation of the personal residences of the employees of the eligible business and does not include any costs that do not directly result from the relocation of the business to a location within Illinois. In determining
whether costs directly result from the relocation of the business, the Department shall consider whether the costs would likely have been incurred by the business if it had not relocated from its original location.

Section 15. Powers of the Department. The Department, in addition to the powers granted under the Civil Administrative Code of Illinois, has all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, the power to:

1. promulgate rules and establish procedures deemed necessary and appropriate for the administration of this Act;
2. negotiate and execute any term, agreement, or other document with any person, entity, or body politic necessary or appropriate to accomplish the purposes of this Act;
3. fix, determine, charge, and collect premiums, fees, charges, costs, and expenses from eligible businesses, including, without limitation, application fees, commitment fees, program fees, financing charges, or publication fees as deemed appropriate to pay expenses necessary or incident to the administration of the Department's activities and duties under this Act, including the preparation and enforcement of any agreement, or for consultation services, legal services, or other costs;
4. require eligible businesses, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a qualifying project; and
5. take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of any agreement entered into pursuant to this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

Section 20. Reimbursement for relocation costs.

(a) The initial application of an eligible business proposing a qualifying project must be filed with the Department no later than July 1, 2004.

(b) Upon receipt and approval of an application from an eligible business proposing a qualifying project, the Department may enter into an agreement with the eligible business wherein the Department agrees to reimburse the eligible business for its relocation costs subject to the following terms, conditions, and limitations:

1. The eligible business must apply to the Department for reimbursement of its relocation costs.
2. The application submitted by the eligible business must identify with specificity the relocation costs for which reimbursement is sought, and the eligible business must provide the Department with all supporting documentation as requested by the Department. The eligible business may amend its application for reimbursement from time to time in order to cover additional relocation costs incurred after the submission of an initial application.
3. The Department reserves the right to approve or disapprove specific items and categories of relocation costs.
4. The eligible business must in fact relocate its corporate headquarters to the State of Illinois within a time frame specified by the Department.
5. The eligible business may receive reimbursement for not greater than 50% of its documented relocation costs.
6. The agreement between the Department and the eligible business must provide that reimbursement will be provided by means of one or more grants that shall be issued annually by the Department for a period not to exceed 10 years or until 50% of the eligible business' relocation costs are reimbursed, whichever occurs first.
7. The amount of the annual grant that may be issued to the eligible business by the Department may not exceed 50% of the total amount withheld from employees of the eligible business employed at the corporate headquarters during the preceding calendar year under Article 7 of the Illinois Income Tax Act.
8. In applying to the Department for reimbursement, the eligible business must certify the total amount withheld during the preceding calendar year under Article 7 of the Illinois Income Tax Act from its employees employed at the corporate headquarters.

New matter indicated by italics - deletions by strikeout.
(9) The Department may issue grants from the Corporate Headquarters Relocation Assistance Fund to eligible businesses for reimbursement of relocation costs as provided by this Act.

Section 25. Review of application for reimbursement. No eligible business is eligible for reimbursement of relocation costs under this Act unless the Department determines at the time of the eligible business' initial application that, if not for that reimbursement, the eligible business would not have determined to relocate its corporate headquarters to Illinois. The eligible business may satisfy this requirement by, among other means, presenting evidence to the Department that the eligible business has or had multi-state location options and could reasonably and efficiently have located its corporate headquarters to a state other than Illinois; by a demonstration that at least one other state is or was being considered for the relocation of its corporate headquarters; or through evidence that receipt of the benefits authorized by this Act is an important factor in the eligible business' decision to locate its corporate headquarters to Illinois, and that without that assistance, the eligible business likely would not establish its corporate headquarters in Illinois.

Section 30. Transfers to Corporate Headquarters Relocation Assistance Fund. Upon receipt of a certification by the eligible business of the aggregate amount withheld from its employees employed at the corporate headquarters during the preceding calendar year under Article 7 of the Illinois Income Tax Act, the Department shall then certify to the State Treasurer that 50% of that amount is eligible to be transferred from the General Revenue Fund to the Corporate Headquarters Relocation Assistance Fund. This amount shall be referred to as the "certified transfer amount". Upon receipt of the certification from the Department, the Treasurer shall transfer the certified transfer amount within 30 days from the General Revenue Fund to the Corporate Headquarters Relocation Assistance Fund.

Section 35. Corporate Headquarters Relocation Assistance Fund; creation. The Corporate Headquarters Relocation Assistance Fund is created as a separate fund within the State treasury. From the Fund and pursuant to the provisions of this Act, the Department may issue grants to reimburse eligible businesses for relocation costs incurred in connection with the relocation of a corporate headquarters to the State of Illinois.

Section 40. Other incentives. Nothing in this Act precludes an eligible business with respect to a qualifying project from applying for or receiving any other federal, State, or local assistance or incentives in connection with the relocation of its corporate headquarters to the State of Illinois.

Section 905. The State Finance Act is amended by adding Section 5.545 as follows:

Sec. 5.545. The Corporate Headquarters Relocation Assistance Fund.

Section 910. The Illinois Income Tax Act is amended by changing Section 211 as follows:

Sec. 211. Economic Development for a Growing Economy Tax Credit. For tax years beginning on or after January 1, 1999, a Taxpayer who has entered into an Agreement under the Economic Development for a Growing Economy Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount to be determined in the Agreement. If the Taxpayer is a partnership or Subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code. The Department, in cooperation with the Department of Commerce and Community Affairs, shall prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit shall be subject to the conditions set forth in the Agreement and the following limitations:

(1) The tax credit shall not exceed the Incremental Income Tax (as defined in Section 5-5 of the Economic Development for a Growing Economy Tax Credit Act) with respect to the project.

(2) The amount of the credit allowed during the tax year plus the sum of all amounts allowed in prior years shall not exceed 100% of the aggregate amount expended by the Taxpayer during all prior tax years on approved costs defined by Agreement.

(3) The amount of the credit shall be determined on an annual basis. Except as applied
in a carryover year pursuant to Section 211(4) of this Act; however, the credit may not be applied against any State income tax liability in more than 10 taxable years; provided, however, that (i) an eligible business certified by the Department of Commerce and Community Affairs under the Corporate Headquarters Relocation Act may not apply the credit against any of its State income tax liability in more than 15 taxable years and (ii) credits allowed to that eligible business are subject to the conditions and requirements set forth in Sections 5-35 and 5-45 of the Economic Development for a Growing Economy Tax Credit Act after the project is first approved and may not extend beyond the expiration of the Agreement.

(4) The credit may not exceed the amount of taxes imposed pursuant to subsections (a) and (b) of Section 201 of this Act. Any credit that is unused in the year the credit is computed may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first.

(5) No credit shall be allowed with respect to any Agreement for any taxable year ending after the Noncompliance Date. Upon receiving notification by the Department of Commerce and Community Affairs of the noncompliance of a Taxpayer with an Agreement, the Department shall notify the Taxpayer that no credit is allowed with respect to that Agreement for any taxable year ending after the Noncompliance Date, as stated in such notification. If any credit has been allowed with respect to an Agreement for a taxable year ending after the Noncompliance Date for that Agreement, any refund paid to the Taxpayer for that taxable year shall, to the extent of that credit allowed, be an erroneous refund within the meaning of Section 912 of this Act.

(6) For purposes of this Section, the terms "Agreement", "Incremental Income Tax", and "Noncompliance Date" have the same meaning as when used in the Economic Development for a Growing Economy Tax Credit Act.

(Source: P.A. 91-476, eff. 8-11-99.)

Section 915. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Sections 5-35 and 5-45 as follows:

(35 ILCS 10/5-35)

Sec. 5-35. Relocation of jobs in Illinois. A taxpayer is not entitled to claim the credit provided by this Act with respect to any jobs that the taxpayer relocates from one site in Illinois to another site in Illinois. A taxpayer with respect to a qualifying project certified under the Corporate Headquarters Relocation Act, however, is not subject to the requirements of this Section but is nevertheless considered an applicant for purposes of this Act. Moreover, any full-time employee of an eligible business relocated to Illinois in connection with that qualifying project is deemed to be a new employee for purposes of this Act. Determinations under this Section shall be made by the Department.

(Source: P.A. 91-476, eff. 8-11-99.)

(35 ILCS 10/5-45)

Sec. 5-45. Amount and duration of the credit.

(a) The Department shall determine the amount and duration of the credit awarded under this Act. The duration of the credit may not exceed 10 taxable years. The credit may be stated as a percentage of the Incremental Income Tax attributable to the applicant's project and may include a fixed dollar limitation.

(b) Notwithstanding subsection (a), and except as the credit may be applied in a carryover year pursuant to Section 211(4) of the Illinois Income Tax Act, the credit may be applied against the State income tax liability in more than 10 taxable years but not in more than 15 taxable years for an eligible business that (i) qualifies under this Act and the Corporate Headquarters Relocation Act and has in fact undertaken a qualifying project within the time frame specified by the Department of Commerce and Community Affairs under that Act, and (ii) applies against its State income tax liability, during the entire 15-year period, no more than 60% of the maximum credit per year that would otherwise be available under this Act.

(Source: P.A. 91-476, eff. 8-11-99.)

Section 920. The Property Tax Code is amended by changing Section 18-165 as follows:
Sec. 18-165. Abatement of taxes.

(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) Commercial and industrial.

(A) The property of any commercial or industrial firm, including but not limited to the property of any firm that is used for collecting, separating, storing, or processing recyclable materials, located within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000; or

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000. The abatement period may be renewed at the option of the taxing districts.

(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that (i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2000, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(7) Recreational facilities. Any property in the taxing district (i) that is used for a municipal airport, (ii) that is subject to a leasehold assessment under Section 9-195 of this Code and (iii) which is sublet from a park district that is leasing the property from a municipality, but only if the property is used exclusively for recreational facilities or for parking lots used exclusively for those facilities. The abatement shall not exceed a period of
10 years.

(8) Relocated corporate headquarters. If approval occurs within 5 years after the effective date of this amendatory Act of the 92nd General Assembly, any property or a portion of any property in a taxing district that is used by an eligible business for a corporate headquarters as defined in the Corporate Headquarters Relocation Act. Instead of an abatement under this paragraph (8), a taxing district may enter into an agreement with an eligible business to make annual payments to that eligible business in an amount not to exceed the property taxes paid directly or indirectly by that eligible business to the taxing district and any other taxing districts for premises occupied pursuant to a written lease and may make those payments without the need for an annual appropriation. No school district, however, may enter into an agreement with, or abate taxes for, an eligible business unless the municipality in which the corporate headquarters is located agrees to provide funding to the school district in an amount equal to the amount abated or paid by the school district as provided in this paragraph (8). Any abatement ordered or agreement entered into under this paragraph (8) may be effective for the entire term specified by the taxing district, except the term of the abatement or annual payments may not exceed 20 years.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.

(Source: P.A. 90-46, eff. 7-3-97; 90-415, eff. 8-15-97; 90-568, eff. 1-1-99; 90-655, eff. 7-30-98; 91-644, eff. 8-20-99; 91-885, eff. 7-6-00.)

Section 999. Effective date. This Act takes effect upon becoming law.
Approved August 1, 2001.
Effective August 1, 2001.

PUBLIC ACT 92-0208
(House Bill No. 0263)

AN ACT in relation to the local governments.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 8.25f and adding Sections 5.545 and 6z-51 as follows:

(30 ILCS 105/5.545 new)
Sec. 5.545. The Statewide Economic Development Fund.
(30 ILCS 105/6z-51 new)
Sec. 6z-51. Statewide Economic Development Fund.
(a) The Statewide Economic Development Fund is created as a special fund in the State treasury. Moneys in the Fund shall be used, subject to appropriation, for the purpose of statewide economic development activities.

(30 ILCS 105/8.25f) (from Ch. 127, par. 144.25f)
Sec. 8.25f. McCormick Place Expansion Project Fund.
(a) Deposits. The following amounts shall be deposited into the McCormick Place Expansion Project Fund in the State Treasury: (i) the moneys required to be deposited into the Fund under Section 9 of the Use Tax Act, Section 9 of the Service Occupation Tax Act, Section 9 of the Service Use Tax Act, and Section 3 of the Retailers' Occupation Tax Act and (ii) the moneys required to be deposited into the Fund under Section 13 of the Metropolitan Pier and Exposition Authority Act. Notwithstanding the foregoing, the maximum amount that may be deposited into the McCormick Place Expansion Project Fund from item (i) shall not exceed the following amounts with respect to the following fiscal years:

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<th>Fiscal Year</th>
<th>Total Deposit</th>
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</table>

Each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Provided that all amounts deposited in the Fund and requested in the Authority's certificate have been paid to the Authority, all amounts remaining in the McCormick Place Expansion Project Fund on the last day of any month shall be transferred to the General Revenue Fund.

(b) Authority certificate. Beginning with fiscal year 1994 and continuing for each fiscal year thereafter, the Chairman of the Metropolitan Pier and Exposition Authority shall annually certify to the State Comptroller and the State Treasurer the amount necessary and required, during the fiscal year with respect to which the certification is made, to pay the debt service requirements (including amounts to be paid with respect to arrangements to provide additional security or liquidity) on all outstanding bonds and notes, including refunding bonds, (collectively referred to as "bonds") in an amount issued by the Authority pursuant to Section 13.2 of the Metropolitan Pier and Exposition Authority Act. The certificate may be amended from time to time as necessary.

(Source: P.A. 90-612, eff. 7-8-98; 91-101, eff. 7-12-99.)

Section 15. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in

New matter indicated by italics - deletions by strikeout.
collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in
the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest

New matter indicated by italics - deletions by strikeout.
on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred
to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax
to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser
from any other use tax which such retailer may be required to pay or remit to the Department, as
shown by such return, if the amount of the tax to be deducted was previously remitted to the
Department by such retailer. If the retailer has not previously remitted the amount of such tax to the
Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax
thereon) the total tax covered by such return upon the selling price of tangible personal property
purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not
collected from the retailer filing such return, and such retailer shall remit the amount of such tax to
the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and
furnish a combination or joint return which will enable retailers, who are required to file returns
hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information
required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate
registration under this Act, such retailer may not file each return that is due as a single return covering
all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local
Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue
realized for the preceding month from the 1% tax on sales of food for human consumption which is
to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food
which has been prepared for immediate consumption) and prescription and nonprescription medicines,
drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass
Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general
rate on the selling price of tangible personal property which is purchased outside Illinois at retail from
a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local
Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the
preceding month from the 6.25% general rate on the selling price of tangible personal property, other
than tangible personal property which is purchased outside Illinois at retail from a retailer and which
is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local
Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate
on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government
Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the
selling price of tangible personal property which is purchased outside Illinois at retail from a retailer
and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75%
thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after
July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any
fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received
by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the
Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act,
and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts"
and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax
Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales
Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the
Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the
Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and
further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount
required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such
month and (2) the amount transferred during such month to the Build Illinois Fund from the State and
Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an

New matter indicated by italics - deletions by strikeout.
amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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New matter indicated by italics - deletions by strikeout.
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2017  199,000,000  
2018  210,000,000  
2019  221,000,000  
2020  233,000,000  
2021  246,000,000  
2022  260,000,000  
2023 and  275,000,000  
145,000,000  

each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
Section 20. The Service Use Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in
the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

If the serviceman is otherwise required to file a monthly return and if the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarterly annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May, and June of a given year being due by July 20 of such year; with the return for July, August, and September of a given year being due by October 20 of such year, and with the return for October, November, and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

New matter indicated by italics - deletions by strikeout.
Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers’ Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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New matter indicated by italics - deletions by strikeout.
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<tr>
<td>2024</td>
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</table>

and thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photo processing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

All remaining moneys received by the Department pursuant to this Act shall be paid into the

New matter indicated by italics - deletions by strikeout.
General Revenue Fund of the State Treasury.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

(Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00.)

Section 25. The Service Occupation Tax Act is amended by changing Section 9 as follows:

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

A serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May

New matter indicated by italics - deletions by strikeout.
and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.
Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers’ Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers’ Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject

New matter indicated by italics - deletions by strikeout.
to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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<th>Fiscal Year</th>
<th>Total Deposit</th>
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| each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund,

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until the full amount requested for the fiscal year, but not in excess of the amount specified above as
"Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place
Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter
enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of
the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net
revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the
selling price of tangible personal property which amount shall, subject to appropriation, be distributed
as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to
this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared
unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion
Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or
in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each
month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the
preceding month from the 6.25% general rate on the selling price of tangible personal property.

Remaining moneys received by the Department pursuant to this Act shall be paid into the
General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to
prepare and file with the Department on a form prescribed by the Department within not less than 60
days after receipt of the notice an annual information return for the tax year specified in the notice.
Such annual return to the Department shall include a statement of gross receipts as shown by the
taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal
income tax return do not agree with the gross receipts reported to the Department of Revenue for the
same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the
2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also
disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and
closing inventories of such goods for such year, cost of goods used from stock or taken from stock and
given away by the taxpayer during such year, payroll information of the taxpayer's business during
such year and any additional reasonable information which the Department deems would be helpful
in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as
hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the
taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of
the tax due from such taxpayer under this Act during the period to be covered by the annual
return for each month or fraction of a month until such return is filed as required, the penalty
to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described
in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the
annual return to certify the accuracy of the information contained therein. Any person who willfully
signs the annual return containing false or inaccurate information shall be guilty of perjury and
punished accordingly. The annual return form prescribed by the Department shall include a warning
that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return
shall not apply to a serviceman who is not required to file an income tax return with the United States
Government.

As soon as possible after the first day of each month, upon certification of the Department of
Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General
Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue
realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no
longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this
Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

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For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00.)

Section 30. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be
disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle

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If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred began on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the

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month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred began on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid

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tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference. If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

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and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
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<tbody>
<tr>
<td>1993</td>
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<tr>
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<tr>
<td>2003</td>
<td>99,000,000 $9,000,000</td>
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New matter indicated by italics - deletions by strikeout.
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<th>Deferred Deposit</th>
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<tr>
<td>2009</td>
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<td>120,000,000</td>
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<tr>
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<tr>
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<tr>
<td>2023</td>
<td>275,000,000</td>
<td>145,000,000</td>
</tr>
</tbody>
</table>

Each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to

New matter indicated by italics - deletions by strikeout.
prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose
this requirement when it finds that there is a significant risk of loss of revenue to the State at such an
exhibition or event. Such a finding shall be based on evidence that a substantial number of
concessionaires or other sellers who are not residents of Illinois will be engaging in the business of
selling tangible personal property at retail at the exhibition or event, or other evidence of a significant
risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers
affected by the imposition of this requirement. In the absence of notification by the Department, the
concessionaires and other sellers shall file their returns as otherwise required in this Section.
(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised.)

Section 35. The Cigarette Tax Act is amended by changing Section 29 as follows:

(35 ILCS 130/29) (from Ch. 120, par. 453.29)

Sec. 29. All moneys received by the Department from the one-half mill tax imposed by the
Sixty-fourth General Assembly and all interest and penalties, received in connection therewith under
the provisions of this Act shall be paid into the Metropolitan Fair and Exposition Authority
Reconstruction Fund. All other moneys received by the Department under this Act shall be paid into
the General Revenue Fund in the State treasury. After there has been paid into the Metropolitan Fair
and Exposition Authority Reconstruction Fund sufficient money to pay in full both principal and
interest, all of the outstanding bonds issued pursuant to the "Fair and Exposition Authority
Reconstruction Act", the State Treasurer and Comptroller shall transfer to the General Revenue Fund
the balance of moneys remaining in the Metropolitan Fair and Exposition Authority Reconstruction
Fund except for $2,500,000 which shall remain in the Metropolitan Fair and Exposition Authority
Reconstruction Fund and which may be appropriated by the General Assembly for the corporate
purposes of the Metropolitan Pier and Exposition Authority. All moneys received by the Department
in fiscal year 1978 and thereafter from the one-half mill tax imposed by the Sixty-fourth General
Assembly, and all interest and penalties received in connection therewith under the provisions of this
Act, shall be paid into the General Revenue Fund, except that the Department shall pay the first
$4,800,000 received in fiscal years year 1979 through 2001 and each fiscal year thereafter from that
one-half mill tax into the Metropolitan Fair and Exposition Authority Reconstruction Fund which
monies may be appropriated by the General Assembly for the corporate purposes of the Metropolitan
Pier and Exposition Authority.

In fiscal year 2002 and each fiscal year thereafter, the first $4,800,000 from the one-half mill
tax shall be paid into the Statewide Economic Development Fund.

(Source: P.A. 87-895.)

Section 40. The Metropolitan Pier and Exposition Authority Act is amended by changing
Sections 5, 10, 13.2, and 23.1 as follows:

(70 ILCS 210/5) (from Ch. 85, par. 1225)

Sec. 5. The Metropolitan Pier and Exposition Authority shall also have the following rights
and powers:

(a) To accept from Chicago Park Fair, a corporation, an assignment of whatever sums of
money it may have received from the Fair and Exposition Fund, allocated by the Department
of Agriculture of the State of Illinois, and Chicago Park Fair is hereby authorized to assign,
set over and transfer any of those funds to the Metropolitan Pier and Exposition Authority.
The Authority has the right and power hereafter to receive sums as may be distributed to it
by the Department of Agriculture of the State of Illinois from the Fair and Exposition Fund
pursuant to the provisions of Sections 5, 6i, and 28 of the State Finance Act. All sums
received by the Authority shall be held in the sole custody of the secretary-treasurer of the
Metropolitan Pier and Exposition Board.

(b) To accept the assignment of, assume and execute any contracts heretofore entered into
by Chicago Park Fair.

(c) To acquire, own, construct, equip, lease, operate and maintain grounds, buildings and
facilities to carry out its corporate purposes and duties, and to carry out or otherwise provide
for the recreational, cultural, commercial or residential development of Navy Pier, and to fix
and collect just, reasonable and nondiscriminatory charges for the use thereof. The charges
so collected shall be made available to defray the reasonable expenses of the Authority and
to pay the principal of and the interest upon any revenue bonds issued by the Authority. The

New matter indicated by italics - deletions by strikeout.
Authority shall be subject to and comply with the Lake Michigan and Chicago Lakefront Protection Ordinance, the Chicago Building Code, the Chicago Zoning Ordinance, and all ordinances and regulations of the City of Chicago contained in the following Titles of the Municipal Code of Chicago: Businesses, Occupations and Consumer Protection; Health and Safety; Fire Prevention; Public Peace, Morals and Welfare; Utilities and Environmental Protection; Streets, Public Ways, Parks, Airports and Harbors; Electrical Equipment and Installation; Housing and Economic Development (only Chapter 5-4 thereof); and Revenue and Finance (only so far as such Title pertains to the Authority's duty to collect taxes on behalf of the City of Chicago).

(d) To enter into contracts treating in any manner with the objects and purposes of this Act.

(e) To lease any buildings to the Adjutant General of the State of Illinois for the use of the Illinois National Guard or the Illinois Naval Militia.

(f) To exercise the right of eminent domain by condemnation proceedings in the manner provided by Article VII of the Code of Civil Procedure, including, with respect to Site B only, the authority to exercise quick take condemnation by immediate vesting of title under Sections 7-103 through 7-112 of the Code of Civil Procedure, to acquire any privately owned real or personal property and, with respect to Site B only, public property used for rail transportation purposes (but no such taking of such public property shall, in the reasonable judgment of the owner, interfere with such rail transportation) for the lawful purposes of the Authority in Site A, at Navy Pier, and at Site B. Just compensation for property taken or acquired under this paragraph shall be paid in money or, notwithstanding any other provision of this Act and with the agreement of the owner of the property to be taken or acquired, the Authority may convey substitute property or interests in property or enter into agreements with the property owner, including leases, licenses, or concessions, with respect to any property owned by the Authority, or may provide for other lawful forms of just compensation to the owner. Any property acquired in condemnation proceedings shall be used only as provided in this Act. Except as otherwise provided by law, the City of Chicago shall have a right of first refusal prior to any sale of any such property by the Authority to a third party other than substitute property. The Authority shall develop and implement a relocation plan for businesses displaced as a result of the Authority's acquisition of property. The relocation plan shall be substantially similar to provisions of the Uniform Relocation Assistance and Real Property Acquisition Act and regulations promulgated under that Act relating to assistance to displaced businesses. To implement the relocation plan the Authority may acquire property by purchase or gift or may exercise the powers authorized in this subsection (f), except the immediate vesting of title under Sections 7-103 through 7-112 of the Code of Civil Procedure, to acquire substitute private property within one mile of Site B for the benefit of displaced businesses located on property being acquired by the Authority. However, no such substitute property may be acquired by the Authority unless the mayor of the municipality in which the property is located certifies in writing that the acquisition is consistent with the municipality's land use and economic development policies and goals. The acquisition of substitute property is declared to be for public use. In exercising the powers authorized in this subsection (f), the Authority shall use its best efforts to relocate businesses within the area of McCormick Place or, failing that, within the City of Chicago.

(g) To enter into contracts relating to construction projects which provide for the delivery by the contractor of a completed project, structure, improvement, or specific portion thereof, for a fixed maximum price, which contract may provide that the delivery of the project, structure, improvement, or specific portion thereof, for the fixed maximum price is insured or guaranteed by a third party capable of completing the construction.

(h) To enter into agreements with any person with respect to the use and occupancy of the grounds, buildings, and facilities of the Authority, including concession, license, and lease agreements on terms and conditions as the Authority determines. Notwithstanding Section 24, agreements with respect to the use and occupancy of the grounds, buildings, and facilities of the Authority for a term of more than one year shall be entered into in accordance with the procurement process provided for in Section 25.1.

New matter indicated by italics - deletions by strikeout.
(i) To enter into agreements with any person with respect to the operation and
management of the grounds, buildings, and facilities of the Authority or the provision of
goods and services on terms and conditions as the Authority determines.

(j) After conducting the procurement process provided for in Section 25.1, to enter into
one or more contracts to provide for the design and construction of all or part of the
Authority's Expansion Project grounds, buildings, and facilities. Any contract for design and
construction of the Expansion Project shall be in the form authorized by subsection (g), shall
be for a fixed maximum price not in excess of the funds that are authorized to be made
available under the provisions of this amendatory Act of 1991 for those purposes during the
term of the contract, and shall be entered into before commencement of construction.

(k) To enter into agreements, including project agreements with labor unions, that the
Authority deems necessary to complete the Expansion Project or any other construction or
improvement project in the most timely and efficient manner and without strikes, picketing,
or other actions that might cause disruption or delay and thereby add to the cost of the project.

Nothing in this Act shall be construed to authorize the Authority to spend the proceeds of any
bonds or notes issued under Section 13.2 or any taxes levied under Section 13 to construct a stadium
to be leased to or used by professional sports teams.

(Source: P.A. 91-101, eff. 7-12-99; 91-357, eff. 7-29-99.)

Sec. 10. The Authority shall have the continuing power to borrow money for the purpose of
carrying out and performing its duties and exercising its powers under this Act.

For the purpose of evidencing the obligation of the Authority to repay any money borrowed
as aforesaid, the Authority may, pursuant to ordinance adopted by the Board, from time to time issue
and dispose of its revenue bonds and notes (herein collectively referred to as bonds), and may also
from time to time issue and dispose of its revenue bonds to refund any bonds at maturity or pursuant
to redemption provisions or at any time before maturity as provided for in Section 10.1. All such
bonds shall be payable solely from any one or more of the following sources: the revenues or income
to be derived from the fairs, expositions, meetings, and conventions and other authorized activities
of the Authority; funds, if any, received and to be received by the Authority from the Fair and
Exposition Fund, as allocated by the Department of Agriculture of this State; from the Metropolitan
Fair and Exposition Authority Reconstruction Fund; from the Metropolitan Fair and Exposition
Authority Improvement Bond Fund pursuant to appropriation by the General Assembly; from the
McCormick Place Expansion Project Fund pursuant to appropriation by the General Assembly; from
any revenues or funds pledged or provided for such purposes by any governmental agency; from any
revenues of the Authority from taxes it is authorized to impose; from the proceeds of refunding bonds
issued for that purpose; or from any other lawful source derived. Such bonds may bear such date or
dates, may mature at such time or times not exceeding 35 years from their respective dates, may
bear interest at such rate or rates payable at such times, may be in such form, may carry such
registration privileges, may be executed in such manner, may be payable at such place or places, may
be made subject to redemption in such manner and upon such terms, with or without premium as is
stated on the face thereof, may be executed in such manner and may contain such terms and covenants,
all as may be provided in the ordinance adopted by the Board providing for such bonds. In case any
officer whose signature appears on any bond ceases (after attaching his signature) to hold office, his
signature shall nevertheless be valid and effective for all purposes. The holder or holders of any bonds
or interest coupons appertaining thereto issued by the Authority or any trustee on behalf of the holders
may bring civil actions to compel the performance and observance by the Authority or any of its
officers, agents or employees of any contract or covenant made by the Authority with the holders of
such bonds or interest coupons and to compel the Authority and any of its officers, agents or
employees to perform any duties required to be performed for the benefit of the holders of such
bonds or interest coupons by the provisions of the ordinance authorizing their issuance and to enjoin
the Authority and any of its officers, agents or employees from taking any action in conflict with any
such contract or covenant.

Notwithstanding the form and tenor of any such bonds and in the absence of any express
recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments
under the Uniform Commercial Code.

New matter indicated by italics - deletions by strikeout.
The bonds shall be sold by the corporate authorities of the Authority in such manner as the corporate authorities shall determine.

From and after the issuance of any bonds as herein provided it shall be the duty of the corporate authorities of the Authority to fix and establish rates, charges, rents and fees for the use of its grounds, buildings, and facilities that will be sufficient at all times, together with other revenues of the Authority available for that purpose, to pay:

(a) The cost of maintaining, repairing, regulating and operating the grounds, buildings, and facilities; and

(b) The bonds and interest thereon as they shall become due, and all sinking fund requirements and other requirements provided by the ordinance authorizing the issuance of the bonds or as provided by any trust agreement executed to secure payment thereof.

The Authority may provide that bonds issued under this Act shall be payable from and secured by an assignment and pledge of and grant of a lien on and a security interest in unexpended bond proceeds, the proceeds of any refunding bonds, reserves or sinking funds and earnings thereon, or all or any part of the moneys, funds, income and revenues of the Authority from any source derived, including, without limitation, any revenues of the Authority from taxes it is authorized to impose, the net revenues of the Authority from its operations, payments from the Metropolitan Fair and Exposition Authority Improvement Bond Fund or from the McCormick Place Expansion Project Fund to the Authority or upon its direction to any trustee or trustees under any trust agreement securing such bonds, payments from any governmental agency, or any combination of the foregoing. In no event shall a lien or security interest upon the physical facilities of the Authority be created by any such lien, pledge or security interest. The Authority may execute and deliver a trust agreement or agreements to secure the payment of such bonds and for the purpose of setting forth covenants and undertakings of the Authority in connection with issuance thereof. Such pledge, assignment and grant of a lien and security interest shall be effective immediately without any further filing or action and shall be effective with respect to all persons regardless of whether any such person shall have notice of such pledge, assignment, lien or security interest.

In connection with the issuance of its bonds, the Authority may enter into arrangements to provide additional security and liquidity for the bonds. These may include, without limitation, municipal bond insurance, letters of credit, lines of credit by which the Authority may borrow funds to pay or redeem its bonds and purchase or remarketing arrangements for assuring the ability of owners of the Authority's bonds to sell or to have redeemed their bonds. The Authority may enter into contracts and may agree to pay fees to persons providing such arrangements, including from bond proceeds. No such arrangement or contract shall be considered a bond or note for purposes of any limitation on the issuance of bonds or notes by the Authority.

The ordinance of the Board authorizing the issuance of its bonds may provide that interest rates may vary from time to time depending upon criteria established by the Board, which may include, without limitation, a variation in interest rates as may be necessary to cause bonds to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a national banking association, bank, trust company, investment banker or other financial institution to serve as a remarketing agent in that connection. The ordinance of the board authorizing the issuance of its bonds may provide that alternative interest rates or provisions will apply during such times as the bonds are held by a person providing a letter of credit or other credit enhancement arrangement for those bonds.

To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds payable from moneys, funds, revenue and income of the Authority to be derived from any source, the Authority may execute and deliver a trust agreement or agreements; provided that no lien upon any real property of the Authority shall be created thereby.

A remedy for any breach or default of the terms of any such trust agreement by the Authority may be by mandamus proceedings in the circuit court to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

In connection with the issuance of its bonds under this Act, the Authority may enter into contracts that it determines necessary or appropriate to permit it to manage payment or interest rate
risk. These contracts may include, but are not limited to, interest rate exchange agreements; contracts providing for payment or receipt of funds based on levels of or changes in interest rates; contracts to exchange cash flows or series of payments; and contracts incorporating interest rate caps, collars, floors, or locks.

(Source: P.A. 87-733.)

(70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

Sec. 13.2. The McCormick Place Expansion Project Fund is created in the State Treasury. All moneys in the McCormick Place Expansion Project Fund are allocated to and shall be appropriated and used only for the purposes authorized by and subject to the limitations and conditions of this Section. Those amounts may be appropriated by law to the Authority for the purposes of paying the debt service requirements on all bonds and notes, including bonds and notes issued to refund or advance refund bonds and notes otherwise issued under this Act, (collectively referred to as "bonds") to be issued by the Authority under this Section in an aggregate original principal amount (excluding the amount of any bonds and notes issued to refund or advance refund bonds or notes issued under this Section) not to exceed $2,107,000,000 for the purposes of carrying out and performing its duties and exercising its powers under this Act. No bonds issued to refund or advance refund bonds issued under this Section may mature later than the longest maturity date of the series of bonds being refunded. After the aggregate original principal amount of bonds authorized in this Section has been issued, the payment of any principal amount of such bonds does not authorize the issuance of additional bonds (except refunding bonds).

On the first day of each month commencing after July 1, 1993, amounts, if any, on deposit in the McCormick Place Expansion Project Fund shall, subject to appropriation, be paid in full to the Authority or, upon its direction, to the trustee or trustees for bondholders of bonds that by their terms are payable from the moneys received from the McCormick Place Expansion Project Fund, until an amount equal to 100% of the aggregate amount of the principal and interest in the fiscal year, including that pursuant to sinking fund requirements, has been so paid and deficiencies in reserves shall have been remedied.

The State of Illinois pledges to and agrees with the holders of the bonds of the Metropolitan Pier and Exposition Authority issued under this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with those holders or in any way impair the rights and remedies of those holders until the bonds, together with interest thereon, interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of those holders are fully met and discharged; provided that any increase in the Tax Act Amounts specified in Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund pursuant to any law hereafter enacted shall not be deemed to impair the rights of such holders so long as the increase does not result in the aggregate debt service payable in the current or any future fiscal year of the State on all bonds issued pursuant to the Build Illinois Bond Act and the Metropolitan Pier and Exposition Authority Act and payable from tax revenues specified in Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act exceeding 33 1/3% of such tax revenues for the most recently completed fiscal year of the State at the time of such increase. In addition, the State pledges to and agrees with the holders of the bonds of the Authority issued under this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act or the use of those funds so as to impair the terms of any such contract; provided that any increase in the Tax Act Amounts specified in Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund pursuant to any law hereafter enacted shall not be deemed to impair the terms of any such contract so long as the increase does not result in the aggregate debt service payable in the current or any future fiscal year of the State on all bonds issued pursuant to the Build Illinois Bond Act and the Metropolitan Pier and Exposition Authority Act and payable from tax revenues specified in Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9
of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act exceeding 33 1/3\% of such tax revenues for the most recently completed fiscal year of the State at the time of such increase. The Authority is authorized to include these pledges and agreements with the State in any contract with the holders of bonds issued under this Section.

The State shall not be liable on bonds of the Authority issued under this Section those bonds shall not be a debt of the State, and this Act shall not be construed as a guarantee by the State of the debts of the Authority. The bonds shall contain a statement to this effect on the face of the bonds.

(Source: P.A. 90-612, eff. 7-8-98; 91-101, eff. 7-12-99.)

(70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

Sec. 23.1. Affirmative action.

(a) The Authority shall, within 90 days after the effective date of this amendatory Act of 1984, establish and maintain an affirmative action program designed to promote equal employment opportunity and eliminate the effects of past discrimination. Such program shall include a plan, including timetables where appropriate, which shall specify goals and methods for increasing participation by women and minorities in employment by the Authority and by parties which contract with the Authority. The Authority shall submit a detailed plan with the General Assembly prior to September 1 of each year. Such program shall also establish procedures and sanctions (including debarment), which the Authority shall enforce to ensure compliance with the plan established pursuant to this Section and with State and federal laws and regulations relating to the employment of women and minorities. A determination by the Authority as to whether a party to a contract with the Authority has achieved the goals or employed the methods for increasing participation by women and minorities shall be determined in accordance with the terms of such contracts or the applicable provisions of rules and regulations of the Authority existing at the time such contract was executed, including any provisions for consideration of good faith efforts at compliance which the Authority may reasonably adopt.

(b) The Authority shall adopt and maintain minority and female owned business enterprise procurement programs under the affirmative action program described in subsection (a) for any and all work undertaken by the Authority. That work shall include, but is not limited to, the purchase of professional services, construction services, supplies, materials, and equipment. The programs shall establish goals of awarding not less than 25\% of the annual dollar value of all contracts, purchase orders, or other agreements (collectively referred to as "contracts") to minority owned businesses and 5\% of the annual dollar value of all contracts to female owned businesses. Without limiting the generality of the foregoing, the programs shall require in connection with the prequalification or consideration of vendors for professional service contracts, construction contracts, and contracts for supplies, materials, equipment, and services that each proposer or bidder submit as part of his or her proposal or bid a commitment detailing how he or she will expend 25\% or more of the dollar value of his or her contracts with one or more minority owned businesses and 5\% or more of the dollar value with one or more female owned businesses. Bids or proposals that do not include such detailed commitments are not responsive and shall be rejected unless the Authority deems it appropriate to grant a waiver of these requirements. In addition the Authority may, in connection with the selection of providers of professional services, reserve the right to select a minority or female owned business or businesses to fulfill the commitment to minority and female business participation. The commitment to minority and female business participation may be met by the contractor or professional service provider's status as a minority or female owned business, by joint venture or by subcontracting a portion of the work with or purchasing materials for the work from one or more such businesses, or by any combination thereof. Each contract shall require the contractor or provider to submit a certified monthly report detailing the status of that contractor or provider's compliance with the Authority's minority and female owned business enterprise procurement program. The Authority, after reviewing the monthly reports of the contractors and providers, shall compile a comprehensive report regarding compliance with this procurement program and file it quarterly with the General Assembly. If, in connection with a particular contract, the Authority determines that it is impracticable or excessively costly to obtain minority or female owned businesses to perform sufficient work to fulfill the commitment required by this subsection, the Authority shall reduce or waive the commitment in the contract, as may be appropriate. The Authority shall establish rules and regulations setting forth the standards to be used in determining whether or not a reduction or waiver is
appropriate. The terms "minority owned business" and "female owned business" have the meanings given to those terms in the Minority and Female Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(c) The Authority shall adopt and maintain an affirmative action program in connection with the hiring of minorities and women on the Expansion Project and on any and all construction projects undertaken by the Authority. The program shall be designed to promote equal employment opportunity and shall specify the goals and methods for increasing the participation of minorities and women in a representative mix of job classifications required to perform the respective contracts awarded by the Authority.

(d) In connection with the Expansion Project, the Authority shall incorporate the following elements into its minority and female owned business procurement programs to the extent feasible: (1) a major contractors program that permits minority owned businesses and female owned businesses to bear significant responsibility and risk for a portion of the project; (2) a mentor/protege program that provides financial, technical, managerial, equipment, and personnel support to minority owned businesses and female owned businesses; (3) an emerging firms program that includes minority owned businesses and female owned businesses that would not otherwise qualify for the project due to inexperience or limited resources; (4) a small projects program that includes participation by smaller minority owned businesses and female owned businesses on jobs where the total dollar value is $5,000,000 or less; and (5) a set-aside program that will identify contracts requiring the expenditure of funds less than $50,000 for bids to be submitted solely by minority owned businesses and female owned businesses.

(e) The Authority is authorized to enter into agreements with contractors' associations, labor unions, and the contractors working on the Expansion Project to establish an Apprenticeship Preparedness Training Program to provide for an increase in the number of minority and female journeymen and apprentices in the building trades and to enter into agreements with Community College District 508 to provide readiness training. The Authority is further authorized to enter into contracts with public and private educational institutions and persons in the hospitality industry to provide training for employment in the hospitality industry.

(f) McCormick Place Advisory Board. There is created a McCormick Place Advisory Board composed as follows: 2 members shall be appointed by the Mayor of Chicago; 2 members shall be appointed by the Governor; 2 members shall be State Senators appointed by the President of the Senate; 2 members shall be State Senators appointed by the Minority Leader of the Senate; 2 members shall be State Representatives appointed by the Speaker of the House of Representatives; and 2 members shall be State Representatives appointed by the Minority Leader of the House of Representatives. 7 members shall be named by the Authority who are residents of the area surrounding the McCormick Place Expansion Project and are either minorities, as defined in this subsection, or women; 7 members shall be State Senators named by the President of the Senate who are residents of the City of Chicago and are either members of minority groups or women; and 7 members shall be State Representatives named by the Speaker of the House who are residents of the City of Chicago and are either members of minority groups or women. The terms of all previously appointed members of the Advisory Board expire on the effective date of this amendatory Act of the 92nd General Assembly. A State Senator or State Representative member may appoint a designee to serve on the McCormick Place Advisory Board in his or her absence.

A "member of a minority group" shall mean a person who is a citizen or lawful permanent resident of the United States and who is

(1) Black (a person having origins in any of the black racial groups in Africa);
(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); or
(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Members of the McCormick Place Advisory Board shall serve 2-year terms and until their successors are appointed, except members who serve as a result of their elected position whose terms shall continue as long as they hold their designated elected positions. Vacancies shall be filled by

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appointment for the unexpired term in the same manner as original appointments are made. The McCormick Place Advisory Board shall elect its own chairperson.

Members of the McCormick Place Advisory Board shall serve without compensation but, at the Authority's discretion, shall be reimbursed for necessary expenses in connection with the performance of their duties.

The McCormick Place Advisory Board shall meet quarterly, or as needed, shall produce any reports it deems necessary, and shall:

(1) Work with the Authority on ways to improve the area physically and economically;
(2) Work with the Authority regarding potential means for providing increased economic opportunities to minorities and women produced indirectly or directly from the construction and operation of the Expansion Project;
(3) Work with the Authority to minimize any potential impact on the area surrounding the McCormick Place Expansion Project, including any impact on minority or female owned businesses, resulting from the construction and operation of the Expansion Project;
(4) Work with the Authority to find candidates for building trades apprenticeships, for employment in the hospitality industry, and to identify job training programs;
(5) Work with the Authority to implement the provisions of subsections (a) through (e) of this Section in the construction of the Expansion Project, including the Authority's goal of awarding not less than 25% and 5% of the annual dollar value of contracts to minority and female owned businesses, the outreach program for minorities and women, and the mentor/protege program for providing assistance to minority and female owned businesses.

(Source: P.A. 91-422, eff. 1-1-00; revised 8-23-99.)

Section 90. Inseverability. The provisions of this Act are mutually dependent and inseverable. If any provision or its application to any person or circumstance is held invalid, than this entire Act is invalid.

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

PUBLIC ACT 92-0209
(House Bill No. 0313)

AN ACT concerning health care facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Nursing Home Care Act is amended by changing Section 3-212 as follows:
(210 ILCS 45/3-212) (from Ch. 111 1/2, par. 4153-212)
Sec. 3-212. Inspection.
(a) The Department, whenever it deems necessary in accordance with subsection (b), shall inspect, survey, and evaluate every facility to determine compliance with applicable licensure requirements and standards. An inspection should occur within 120 days prior to license renewal. The Department may periodically visit a facility for the purpose of consultation. An inspection, survey, or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced. The Department shall provide training to surveyors about the appropriate assessment, care planning, and care of persons with mental illness (other than Alzheimer's disease or related disorders) to enable its surveyors to determine whether a facility is complying with State and federal requirements about the assessment, care planning, and care of those persons.

(a-1) An employee of a State or unit of local government agency charged with inspecting, surveying, and evaluating facilities who directly or indirectly gives prior notice of an inspection, survey, or evaluation, other than an inspection of financial records, to a facility or to an employee of a facility is guilty of a Class A misdemeanor.

An inspector or an employee of the Department who intentionally prenotifies a facility, orally or in writing, of a pending complaint investigation or inspection shall be guilty of a Class A misdemeanor. Superiors of persons who have prenotified a facility shall be subject to the same

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penalties, if they have knowingly allowed the prenotification. A person found guilty of prenotifying a facility shall be subject to disciplinary action by his or her employer.

If the Department has a good faith belief, based upon information that comes to its attention, that a violation of this subsection has occurred, it must file a complaint with the Attorney General or the State's Attorney in the county where the violation took place within 30 days after discovery of the information.

(a-2) An employee of a State or unit of local government agency charged with inspecting, surveying, or evaluating facilities who willfully profits from violating the confidentiality of the inspection, survey, or evaluation process shall be guilty of a Class 4 felony and that conduct shall be deemed unprofessional conduct that may subject a person to loss of his or her professional license. An action to prosecute a person for violating this subsection (a-2) may be brought by either the Attorney General or the State's Attorney in the county where the violation took place.

(b) In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility the Department shall consider one or more of the following: previous inspection reports; the facility's history of compliance with standards, rules and regulations promulgated under this Act and correction of violations, penalties or other enforcement actions; the number and severity of complaints received about the facility; any allegations of resident abuse or neglect; weather conditions; health emergencies; other reasonable belief that deficiencies exist.

(b-1) The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid program under Title XIX of the Social Security Act, and which the Department determines by inspection under this Section or under Section 3-702 of this Act to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of this Act that is less stringent than or duplicates a federal certification requirement. In accordance with subsection (a) of this Section or subsection (d) of Section 3-702, the Department shall determine whether a certified facility is in compliance with requirements of this Act that exceed federal certification requirements. If a certified facility is found to be out of compliance with federal certification requirements, the results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act may be used as the basis for enforcement remedies authorized and commenced under this Act. Enforcement of this Act against a certified facility shall be commenced pursuant to the requirements of this Act, unless enforcement remedies sought pursuant to Title XVIII or XIX of the Social Security Act exceed those authorized by this Act. As used in this subsection, "enforcement remedy" means a sanction for violating a federal certification requirement or this Act.

(c) Upon completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office of the Department. Such report and any recommendations for action by the Department under this Act shall be transmitted to the appropriate offices of the associate director of the Department, together with related comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report. Without affecting the application of subsection (a) of Section 3-303, any documentation or comments of the licensee shall be provided within 10 days of receipt of the copy of the report. Such report shall recommend to the Director appropriate action under this Act with respect to findings against a facility. The Director shall then determine whether the report's findings constitute a violation or violations of which the facility must be given notice. Such determination shall be based upon the severity of the finding, the danger posed to resident health and safety, the comments and documentation provided by the facility, the diligence and efforts to correct deficiencies, correction of the reported deficiencies, the frequency and duration of similar findings in previous reports and the facility's general inspection history. Violations shall be determined under this subsection no later than 60 days after completion of each inspection, survey and evaluation.

(d) The Department shall maintain all inspection, survey and evaluation reports for at least 5 years in a manner accessible to and understandable by the public.

(Source: P.A. 91-799, eff. 6-13-00.)
AN ACT in relation to State soil.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Designations Act is amended by adding Section 75 as follows:
(5 ILCS 460/75 new)
Sec. 75. State soil. The soil known as Drummer silty clay loam is designated the official State soil of the State of Illinois.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

AN ACT in relation to gambling.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Section 26 as follows:
(230 ILCS 5/26) (from Ch. 8, par. 37-26)
Sec. 26. Wagering.
(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country and televised in Illinois in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day of the race wagered upon occurs.
(b) No other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.
(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.
(c) Until January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.
(c-5) Beginning January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.

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guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the monies from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees shall carry the host track simulcast program and accept wagers on all races included as part of the simulcast program upon which wagering is permitted. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to, satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an intertrack wagering licensee other than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an intertrack wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

(2) Between the hours of 6:30 p.m. and 6:30 a.m. an intertrack wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the
integrity of racing. Consent granted under this paragraph (2) to any intertrack wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each intertrack wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the take-out percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host-track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

(A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license as follows:

(A) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, when the interstate simulcast is a standardbred race, the purse share to its standardbred purse account;

(B) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, and the interstate simulcast is a thoroughbred race, the purse share to its interstate simulcast purse pool to be distributed under paragraph (10) of this subsection (g);

(C) Between January 1 and the third Friday in February, inclusive, if live thoroughbred racing is occurring in Illinois, between 6:30 a.m. and 6:30 p.m. the purse share from wagers made during this time period to its thoroughbred purse account and between 6:30 p.m. and 6:30 a.m. the purse share from wagers made during this time period to its standardbred purse accounts;
(D) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 a.m. and 6:30 p.m., the purse share to its thoroughbred purse account;

(E) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 p.m. and 6:30 a.m., the purse share to its standardbred purse account.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders' programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(7.3) If no live standardbred racing is conducted at a racetrack located in Madison County in calendar year 2000 or 2001, an organization licensee who is licensed to conduct horse racing at that racetrack shall, before January 1, 2002, pay all moneys derived from simulcast wagering and inter-track wagering in calendar years 2000 and 2001 and paid into the licensee's standardbred purse account as follows:

(A) Eighty percent to that licensee's thoroughbred purse account to be used for thoroughbred purses; and

(B) Twenty percent to the Illinois Colt Stakes Purse Distribution Fund.

Failure to make the payment to the Illinois Colt Stakes Purse Distribution Fund before January 1, 2002 shall result in the immediate revocation of the licensee's organization license, inter-track wagering license, and inter-track wagering location license.

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Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be used as determined by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with any other moneys paid into that Fund.

(7.4) If live standardbred racing is conducted at a racetrack located in Madison County at any time in calendar year 2001 before the payment required under paragraph (7.3) has been made, the organization licensee who is licensed to conduct racing at that racetrack shall pay all moneys derived by that racetrack from simulcast wagering and inter-track wagering during calendar years 2000 and 2001 that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or 2001 to the standardbred purse account at that racetrack to be used for standardbred purses.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2 organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.

(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts
for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) or at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) at a track located in Madison County that conducted at least 100 days of live racing during the immediately preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may also receive up to 6 inter-track wagering location licenses. In no event shall more than 6 inter-track wagering locations be established for each eligible race track, except that an eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 7 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to $500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of $50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

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(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 5 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations which are either within 90 miles of that race track where the particular organization licensee is licensed to conduct racing, or within 135 miles of that race track where the particular organization licensee is licensed to conduct racing in the case of race tracks in counties of less than 400,000 that were operating on or before June 1, 1986. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 500 feet of an existing church or existing school, nor within 500 feet of the residences of more than 50 registered voters without receiving written permission from a majority of the registered voters at such residences. Such written permission statements shall be filed with the Board. The distance of 500 feet shall be measured to the nearest part of any building used for worship services, education programs, residential purposes, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 500 feet of a church, school or residences of 50 or more registered voters if such church, school or residences have been erected or established, or such voters have been registered, after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the event that an inter-track wagering location licensee is situated in an unincorporated area of a county, such licensee shall pay 2% of the pari-mutuel handle from such location to such county.

(10.2) Notwithstanding any other provision of this Act, with respect to intertrack wagering at a race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River ("the first race track"), or at a facility operated by an

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inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, on races conducted at the first race track or on races conducted at another Illinois race track and simultaneously televised to the first race track or to a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, those moneys shall be allocated as follows:

(A) That portion of all moneys wagered on standardbred racing that is required under this Act to be paid to purses shall be paid to purses for standardbred races.

(B) That portion of all moneys wagered on thoroughbred racing that is required under this Act to be paid to purses shall be paid to purses for thoroughbred races.

(11) (A) After payment of the privilege or pari-mutuel tax, any other applicable taxes, and the costs and expenses in connection with the gathering, transmission, and dissemination of all data necessary to the conduct of inter-track wagering, the remainder of the moneys retained under either Section 26 or Section 26.2 of this Act by the inter-track wagering licensee on inter-track wagering shall be allocated with 50% to be split between the 2 participating licensees and 50% to purses, except that an intertrack wagering licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the Illinois organization licensee that provides the race or races, and an intertrack wagering licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on intertrack wagering at such location on races as purses, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and intertrack wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro-rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed as provided in subparagraphs (D) and (E) of paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on

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inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an inter-track wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by this amendatory Act of 1991, those licensees shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months and thereafter, 6.75%. For additional intertrack wagering location licensees authorized under this amendatory Act of 1995, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location; purses for the second 12 months the licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional intertrack location licensees authorized under this amendatory Act of 1995, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee

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members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund. Monies that were paid into the Horse Racing Tax Allocation Fund before the effective date of this amendatory Act of 1991 by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after the effective date of this amendatory Act of 1991, be allocated and paid to that conservation district as provided in this paragraph. Any park district or municipality not maintaining a museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967.

Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered

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year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from intertrack wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering location licensee, except an intertrack wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees, including, but not limited to the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations for the purpose of administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any licensee's facilities, any person whose conduct or reputation is such that his presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely

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on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to $5,000 against individuals and up to $10,000 against licensees for each violation of any provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.

(20 ILCS 3505/5) (from Ch. 48, par. 850.05)

Sec. 5. All official acts of the Authority shall require the approval of at least 9 members. It shall be the duty of the Authority to promote employment within those areas of the State duly certified from time to time by the Department of Commerce and Community Affairs as areas of critical labor surplus. To this end the Authority shall utilize the powers herein conferred upon it to assist in the development and construction or acquisition of industrial projects within such areas of the State.

The Authority is hereby authorized to utilize its powers with respect to prospective industrial
projects to be located at any given time within any general areas then currently certified by the Department of Commerce and Community Affairs as areas of critical labor surplus. In addition, upon being requested to utilize its powers with respect to a prospective industrial project to be located outside of any areas then currently certified as areas of critical labor surplus, the Authority may refer such request to the Department of Commerce and Community Affairs for its determination as to whether the proposed location is within any specific area of critical labor surplus not hitherto generally certified. If the proposed location is certified by the Department as being within an area of critical labor surplus, the Authority may similarly utilize its powers with respect to such prospective industrial project.

In evaluating the eligibility of any prospective industrial project to be located within any area of critical labor surplus, the Authority shall consider, (1) the financial responsibility of the prospective applicant and user, and (2) the relationship between the amount of funds to be provided by exercise of powers of the Authority and the degree to which the project (A) will contribute to creation or retention of employment, including employment in the construction industry, (B) will contribute to the economic development of the area in which the industrial project is located and (C) will produce goods or services for which there is a need or demand.

(Source: P.A. 84-1023.)

Section 99. Effective date. This Act take effect upon becoming law.

PUBLIC ACT 92-0213
(House Bill No. 1700)

AN ACT in relation to taxes, amending named Acts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Use Tax Act is amended by changing Section 2 as follows:
(35 ILCS 105/2) (from Ch. 120, par. 439.2)
Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of such property in any form as tangible personal property in the regular course of business to the extent that such property is not first subjected to a use for which it was purchased, and does not include the use of such property by its owner for demonstration purposes: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. "Use" does not mean the demonstration use or interim use of tangible personal property by a retailer before he sells that tangible personal property. For watercraft or aircraft, if the period of demonstration use or interim use by the retailer exceeds 18 months, the retailer shall pay on the retailers' original cost price the tax imposed by this Act, and no credit for that tax is permitted if the watercraft or aircraft is subsequently sold by the retailer. "Use" does not mean the physical incorporation of tangible personal property, to the extent not first subjected to a use for which it was purchased, as an ingredient or constituent, into other tangible personal property (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing.
"Watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.
"Purchase at retail" means the acquisition of the ownership of or title to tangible personal property through a sale at retail.
"Purchaser" means anyone who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration.
"Sale at retail" means any transfer of the ownership of or title to tangible personal property

New matter indicated by italics - deletions by strikeout.
to a purchaser, for the purpose of use, and not for the purpose of resale in any form as tangible personal property to the extent not first subjected to a use for which it was purchased, for a valuable consideration: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. For this purpose, slag produced as an incident to manufacturing pig iron or steel and sold is considered to be an intentionally produced by-product of manufacturing. "Sale at retail" includes any such transfer made for resale unless made in compliance with Section 2c of the Retailers' Occupation Tax Act, as incorporated by reference into Section 12 of this Act. Transactions whereby the possession of the property is transferred but the seller retains the title as security for payment of the selling price are sales.

"Sale at retail" shall also be construed to include any Illinois florist's sales transaction in which the purchase order is received in Illinois by a florist and the sale is for use or consumption, but the Illinois florist has a florist in another state deliver the property to the purchaser or the purchaser's donee in such other state.

Nonreusable tangible personal property that is used by persons engaged in the business of operating a restaurant, cafeteria, or drive-in is a sale for resale when it is transferred to customers in the ordinary course of business as part of the sale of food or beverages and is used to deliver, package, or consume food or beverages, regardless of where consumption of the food or beverages occurs. Examples of those items include, but are not limited to nonreusable, paper and plastic cups, plates, baskets, boxes, sleeves, buckets or other containers, utensils, straws, placemats, napkins, doggie bags, and wrapping or packaging materials that are transferred to customers as part of the sale of food or beverages in the ordinary course of business.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of tangible personal property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits, property other than as hereinafter provided, and services, but not including the value of or credit given for traded-in tangible personal property where the item that is traded-in is of like kind and character as that which is being sold, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's tax liability under the "Retailers' Occupation Tax Act", or on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act, or on account of the seller's tax liability under Section 8-11-1 of the Illinois Municipal Code, as heretofore and hereafter amended, or on account of the seller's tax liability under the "County Retailers' Occupation Tax Act". Effective December 1, 1985, "selling price" shall include charges that are added to prices by sellers on account of the seller's tax liability under the Cigarette Tax Act, on account of the seller's duty to collect, from the purchaser, the tax imposed under the Cigarette Use Tax Act, and on account of the seller's duty to collect, from the purchaser, any cigarette tax imposed by a home rule unit.

The phrase "like kind and character" shall be liberally construed (including but not limited to any form of motor vehicle for any form of motor vehicle, or any kind of farm or agricultural implement for any other kind of farm or agricultural implement), while not including a kind of item which, if sold at retail by that retailer, would be exempt from retailers' occupation tax and use tax as an isolated or occasional sale.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section.

A person who holds himself or herself out as being engaged (or who habitually engages) in selling tangible personal property at retail is a retailer hereunder with respect to such sales (and not primarily in a service occupation) notwithstanding the fact that such person designs and produces such tangible personal property on special order for the purchaser and in such a way as to render the

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property of value only to such purchaser, if such tangible personal property so produced on special
order serves substantially the same function as stock or standard items of tangible personal property
that are sold at retail.

A person whose activities are organized and conducted primarily as a not-for-profit service
enterprise, and who engages in selling tangible personal property at retail (whether to the public or
merely to members and their guests) is a retailer with respect to such transactions, excepting only a
person organized and operated exclusively for charitable, religious or educational purposes either (1),
to the extent of sales by such person to its members, students, patients or inmates of tangible personal
property to be used primarily for the purposes of such person, or (2), to the extent of sales by such
person of tangible personal property which is not sold or offered for sale by persons organized for
profit. The selling of school books and school supplies by schools at retail to students is not "primarily
for the purposes of" the school which does such selling. This paragraph does not apply to nor subject
to taxation occasional dinners, social or similar activities of a person organized and operated
exclusively for charitable, religious or educational purposes, whether or not such activities are open
to the public.

A person who is the recipient of a grant or contract under Title VII of the Older Americans
Act of 1965 (P.L. 92-258) and serves meals to participants in the federal Nutrition Program for the
Elderly in return for contributions established in amount by the individual participant pursuant to a
schedule of suggested fees as provided for in the federal Act is not a retailer under this Act with
respect to such transactions.

Persons who engage in the business of transferring tangible personal property upon the
redemption of trading stamps are retailers hereunder when engaged in such business.

The isolated or occasional sale of tangible personal property at retail by a person who does
not hold himself out as being engaged (or who does not habitually engage) in selling such tangible
personal property at retail or a sale through a bulk vending machine does not make such person a
retailer hereunder. However, any person who is engaged in a business which is not subject to the tax
imposed by the "Retailers' Occupation Tax Act" because of involving the sale of or a contract to sell
real estate or a construction contract to improve real estate, but who, in the course of conducting such
business, transfers tangible personal property to users or consumers in the finished form in which it
was purchased, and which does not become real estate, under any provision of a construction contract
or real estate sale or real estate sales agreement entered into with some other person arising out of or
because of such nontaxable business, is a retailer to the extent of the value of the tangible personal
property so transferred. If, in such transaction, a separate charge is made for the tangible personal
property so transferred, the value of such property, for the purposes of this Act, is the amount so
separately charged, but not less than the cost of such property to the transferor; if no separate charge
is made, the value of such property, for the purposes of this Act, is the cost to the transferor of such
tangible personal property.

"Retailer maintaining a place of business in this State", or any like term, means and includes
any of the following retailers:

1. A retailer having or maintaining within this State, directly or by a subsidiary, an office,
distribution house, sales house, warehouse or other place of business, or any agent or other
representative operating within this State under the authority of the retailer or its subsidiary,
is irrespective of whether such place of business or agent or other representative is located here
permanently or temporarily, or whether such retailer or subsidiary is licensed to do business
in this State. However, the ownership of property that is located at the premises of a printer
with which the retailer has contracted for printing and that consists of the final printed
product, property that becomes a part of the final printed product, or copy from which the
printed product is produced shall not result in the retailer being deemed to have or maintain
an office, distribution house, sales house, warehouse, or other place of business within this
State.

2. A retailer soliciting orders for tangible personal property by means of a
telecommunication or television shopping system (which utilizes toll free numbers) which is
intended by the retailer to be broadcast by cable television or other means of broadcasting,
to consumers located in this State.

3. A retailer, pursuant to a contract with a broadcaster or publisher located in this State,
soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions.

4. A retailer soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities.

5. A retailer that is owned or controlled by the same interests that own or control any retailer engaging in business in the same or similar line of business in this State.

6. A retailer having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section.

7. A retailer, pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State.

8. A retailer engaging in activities in Illinois, which activities in the state in which the retail business engaging in such activities is located would constitute maintaining a place of business in that state.

"Bulk vending machine" means a nonelectrically operated vending machine, containing unsorted confections, nuts, toys, or other items designed primarily to be used or played with by children or other merchandise which, when a coin or coins of a denomination not larger than $0.50 are one cent is inserted, are dispensed in equal portions, at random and without selection by the customer.

(Source: P.A. 90-289, eff. 8-1-97.)

Section 10. The Retailers' Occupation Tax Act is amended by changing Section 1 as follows:

(35 ILCS 120/1) (from Ch. 120, par. 440)

Sec. 1. Definitions. "Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use or consumption, and not for the purpose of resale in any form as tangible personal property to the extent not first subjected to a use for which it was purchased, for a valuable consideration: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or byproduct of manufacturing. For this purpose, slag produced as an incident to manufacturing pig iron or steel and sold is considered to be an intentionally produced byproduct of manufacturing. Transactions whereby the possession of the property is transferred but the seller retains the title as security for payment of the selling price shall be deemed to be sales.

"Sale at retail" shall be construed to include any transfer of the ownership of or title to tangible personal property to a purchaser, for use or consumption by any other person to whom such purchaser may transfer the tangible personal property without a valuable consideration, and to include any transfer, whether made for or without a valuable consideration, for resale in any form as tangible personal property unless made in compliance with Section 2c of this Act.

Sales of tangible personal property, which property, to the extent not first subjected to a use for which it was purchased, as an ingredient or constituent, goes into and forms a part of tangible personal property subsequently the subject of a "Sale at retail", are not sales at retail as defined in this Act: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or byproduct of manufacturing.

"Sale at retail" shall be construed to include any Illinois florist's sales transaction in which the purchase order is received in Illinois by a florist and the sale is for use or consumption, but the Illinois florist has a florist in another state deliver the property to the purchaser or the purchaser's donee in such other state.

Nonreusable tangible personal property that is used by persons engaged in the business of operating a restaurant, cafeteria, or drive-in is a sale for resale when it is transferred to customers in the ordinary course of business as part of the sale of food or beverages and is used to deliver, package, or consume food or beverages, regardless of where consumption of the food or beverages occurs. Examples of those items include, but are not limited to nonreusable, paper and plastic cups, plates, baskets, boxes, sleeves, buckets or other containers, utensils, straws, placemats, napkins, doggie bags,
and wrapping or packaging materials that are transferred to customers as part of the sale of food or beverages in the ordinary course of business.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of tangible personal property.

A person whose activities are organized and conducted primarily as a not-for-profit service enterprise, and who engages in selling tangible personal property at retail (whether to the public or merely to members and their guests) is engaged in the business of selling tangible personal property at retail with respect to such transactions, excepting only a person organized and operated exclusively for charitable, religious or educational purposes either (1), to the extent of sales by such person to its members, students, patients or inmates of tangible personal property to be used primarily for the purposes of such person, or (2), to the extent of sales by such person of tangible personal property which is not sold or offered for sale by persons organized for profit. The selling of school books and school supplies by schools at retail to students is not "primarily for the purposes of" the school which does such selling. The provisions of this paragraph shall not apply to nor subject to taxation occasional dinners, socials or similar activities of a person organized and operated exclusively for charitable, religious or educational purposes, whether or not such activities are open to the public.

A person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (P.L. 92-258) and serves meals to participants in the federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the federal Act is not engaged in the business of selling tangible personal property at retail with respect to such transactions.

"Purchaser" means anyone who, through a sale at retail, acquires the ownership of or title to tangible personal property for a valuable consideration.

"Reseller of motor fuel" means any person engaged in the business of selling or delivering or transferring title of motor fuel to another person other than for use or consumption. No person shall act as a reseller of motor fuel within this State without first being registered as a reseller pursuant to Section 2c or a retailer pursuant to Section 2a.

"Selling price" or the "amount of sale" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits, property, other than as hereinafter provided, and services, but not including the value of or credit given for traded-in tangible personal property where the item that is traded-in is of like kind and character as that which is being sold, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include charges that are added to prices by sellers on account of the seller's tax liability under this Act, or on account of the seller's duty to collect, from the purchaser, the tax that is imposed by the Use Tax Act, or on account of the seller's tax liability under Section 8-11-1 of the Illinois Municipal Code, as heretofore and hereafter amended, or on account of the seller's tax liability under the County Retailers' Occupation Tax Act, or on account of the seller's tax liability under the Home Rule Municipal Soft Drink Retailers' Occupation Tax, or on account of the seller's tax liability under the Cigarette Tax Act, on account of the seller's duty to collect, from the purchaser, the tax imposed under the Cigarette Use Tax Act, and on account of the seller's duty to collect, from the purchaser, any cigarette tax imposed by a home rule unit.

The phrase "like kind and character" shall be liberally construed (including but not limited to any form of motor vehicle for any form of motor vehicle, or any kind of farm or agricultural implement for any other kind of farm or agricultural implement), while not including a kind of item which, if sold at retail by that retailer, would be exempt from retailers' occupation tax and use tax as an isolated or occasional sale.

"Gross receipts" from the sales of tangible personal property at retail means the total selling price or the amount of such sales, as hereinafter defined. In the case of charge and time sales, the amount thereof shall be included only as and when payments are received by the seller. Receipts or other consideration derived by a seller from the sale, transfer or assignment of accounts receivable to a wholly owned subsidiary will not be deemed payments prior to the time the purchaser makes
payment on such accounts.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

The isolated or occasional sale of tangible personal property at retail by a person who does not hold himself out as being engaged (or who does not habitually engage) in selling such tangible personal property at retail, or a sale through a bulk vending machine, does not constitute engaging in a business of selling such tangible personal property at retail within the meaning of this Act; provided that any person who is engaged in a business which is not subject to the tax imposed by this Act because of involving the sale of or a contract to sell real estate or a construction contract to improve real estate or a construction contract to engineer, install, and maintain an integrated system of products, but who, in the course of conducting such business, transfers tangible personal property to users or consumers in the finished form in which it was purchased, and which does not become real estate or was not engineered and installed, under any provision of a construction contract or real estate sale or real estate sales agreement entered into with some other person arising out of or because of such nontaxable business, is engaged in the business of selling tangible personal property at retail to the extent of the value of the tangible personal property so transferred. If, in such a transaction, a separate charge is made for the tangible personal property so transferred, the value of such property, for the purpose of this Act, shall be the amount so separately charged, but not less than the cost of such property to the transferor; if no separate charge is made, the value of such property, for the purposes of this Act, is the cost to the transferor of such tangible personal property. Construction contracts for the improvement of real estate consisting of engineering, installation, and maintenance of voice, data, video, security, and all telecommunication systems do not constitute engaging in a business of selling tangible personal property at retail within the meaning of this Act if they are sold at one specified contract price.

A person who holds himself or herself out as being engaged (or who habitually engages) in selling tangible personal property at retail is a person engaged in the business of selling tangible personal property at retail hereunder with respect to such sales (and not primarily in a service occupation) notwithstanding the fact that such person designs and produces such tangible personal property on special order for the purchaser and in such a way as to render the property of value only to such purchaser, if such tangible personal property so produced on special order serves substantially the same function as stock or standard items of tangible personal property that are sold at retail.

Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps are engaged in the business of selling such property at retail and shall be liable for and shall pay the tax imposed by this Act on the basis of the retail value of the property transferred upon redemption of such stamps.

"Bulk vending machine" means a nonelectrically operated vending machine, containing unsorted confections, nuts, toys, or other items designed primarily to be used or played with by children or other merchandise which, when a coin or coins of a denomination not larger than $0.50 are one cent is inserted, are dispensed in equal portions, at random and without selection by the customer.

(Source: P.A. 90-289, eff. 8-1-97.)


PUBLIC ACT 92-0214
(House Bill No. 1776)

AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Utilities Act is amended by changing Section 8-505.1 as follows:
(220 ILCS 5/8-505.1)

New matter indicated by italics - deletions by strikeout.
Sec. 8-505.1. Non-emergency vegetation management activities.

(a) Except as provided in subsections (b), (c), and (d), in conducting its non-emergency vegetation management activities, an electric public utility shall:

(1) Follow the most current tree care and maintenance standard practices guidelines set forth in ANSI A300 published by the American National Standards Institute International Society of Arboriculture and the most current applicable Occupational Safety and Health Administration regulations regarding worker safety or American National Standards Institute standards.

(2) Provide direct notice of vegetation management activities no less than at least 21 days nor more than 90 days before the activities begin.

(A) If the vegetation management activities will occur in an incorporated municipality, the notice must be given to the mayor or his or her designee.

(B) If the vegetation management activities will occur in an unincorporated area, the notice must be given to the chairman of the county board or his or her designee.

(C) Affected customers shall be notified directly.

(D) Affected property owners shall be notified by a published notice in a newspaper or newspapers in general circulation and widely distributed within the entire area in which the vegetation management activities notice will occur.

(E) Circuit maps or a description by common address of the area to be affected by vegetation management activities must accompany any the notice to a mayor or his or her designee or to a chairman of a county board or his or her designee.

Notification may be discontinued upon the request of the governing body of the municipality or county. Requests for the termination of notices shall be in writing.

(3) Directly notify affected customers no fewer than 7 days before the activity is scheduled to begin.

(4) The electric public utility giving the direct and published notices required in subsection (a)(2) shall provide notified customers and property owners with (i) a statement of the vegetation management activities planned, (ii) the address of a website and a toll-free telephone number at which a written disclosure of all dispute resolution opportunities and processes, rights, and remedies provided by the electric public utility may be obtained, (iii) a statement that the customer and the property owner may appeal the planned vegetation management activities through the electric public utility and the Illinois Commerce Commission, (iv) a toll-free telephone number through which communication may be had with a representative of the electric public utility to call regarding the vegetation management activities, and (v) the telephone number of the Consumer Affairs Officer of the Illinois Commerce Commission. The notice shall also include a statement that circuit maps and common addresses of the area to be affected by the vegetation management activities are on file with the office of the mayor of an affected municipality or his or her designee and the office of the county board chairman of an affected county or his or her designee.

The Commission shall have sole authority to investigate, and issue, and hear complaints against the utility under this subsection (a).

(b) A public utility shall not be required to comply with the requirements of subsection (d) or of paragraphs (2); and (3); and (4) of subsection (a) when (i) it is taking actions directly related to an emergency to restore reliable service after interruptions of service.

(c) A public utility shall not be required to comply with the requirements of subsection (a) or (d) if there is a franchise, contract, or written agreement between the public utility and the municipality or county mandating specific vegetation management practices. If the franchise, contract, or written agreement between the public utility and the municipality or county establishes requirements for notice to the municipality, county, customers, and property owners, those notice requirements shall control over the notice requirements of paragraphs (2) and (3) of subsection (a). If the franchise, contract, or written agreement between the public utility and the municipality or county does not establish notice requirements, the notice requirements contained in paragraphs (2) and (3) of subsection (a) shall control; or (iii) there is a mutual agreement between the municipality or county and the public utility to waive the requirements of paragraph (2); (3); or (4) of subsection (a), to the extent of the waiver agreement.

New matter indicated by italics - deletions by strikeout.
(d) (c) If (i) no franchise, contract, or written agreement between a utility and a municipality mandates a specific vegetation management practice, (ii) no applicable tariff governing non-emergency vegetation management practices has been approved by the Commission, and (iii) the municipality enacts an ordinance establishing standards for non-emergency vegetation management practices that are contrary to more restrictive than the standards established by this Section and the vegetation management activities of the electric public utility cost substantially more, as a direct consequence, then the electric public utility may, before vegetation management activities begin, apply to the municipality for an agreement to pay the additional cost recover from the municipality the difference between the costs of complying with the standards established under the municipality’s ordinance and the costs of complying with the standards established by this Section. Before beginning any non-emergency vegetation management activities in a municipality that has enacted an ordinance establishing standards for vegetation management practices that are more restrictive than the standards established by this Section, an electric public utility shall provide to the municipality a good faith estimate of the costs of complying with the more restrictive municipal standards for vegetation management practices. When an application for an agreement is made to the municipality, no vegetation management activities shall begin until the municipality responds to the application by agreement or rejection or dispute resolution proceedings are completed. The application shall be supported by a detailed specification of the difference between the standards established by this Section and the contrary standards established by the municipal ordinances and by a good faith bid or proposal obtained from a utility contractor or contractors quantifying the additional cost for performing the specification. When the municipality receives the specification and the utility contractor's bid or proposal, the municipality shall agree, reject, or initiate dispute resolution proceedings regarding the application within 90 days after the application's receipt. If the municipality does not act within 90 days or informs the utility that it will not agree, the electric public utility may proceed and need not comply with the contrary ordinance standard. When there is a dispute regarding (i) the accuracy of the specification, (ii) whether there is a conflict with the standards established by this Section, or (iii) any aspect of the bid or proposal process, the Illinois Commerce Commission shall hear and resolve the disputed matter or matters, with the electric public utility having the burden of proof. A municipality may have a person trained in tree care and maintenance generally monitor and discuss with the vegetation management supervisory personnel of the electric public utility the performance of the public utility's vegetation management activities without any claim for costs hereunder by the public utility arising therefrom.

The provisions of this Section shall not in any way diminish or replace other civil or administrative remedies available to a customer or class of customers or a property owner or class of property owners under this Act nor invalidate any tariff approved or rule promulgated by the Commission. This Section does not alter the jurisdiction of the Illinois Commerce Commission in any manner except to obligate the Commission to investigate, issue, and hear complaints against an electric public utility as provided in subsection (a)(3) and to hear and resolve disputed matters brought to it as provided in this subsection. Vegetation management activities by an electric public utility shall not alter, trespass upon, or limit the rights of any property owner.

(Source: P.A. 91-902, eff. 7-6-00.)

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

PUBLIC ACT 92-0215
(House Bill No. 2539)

AN ACT concerning pawnbrokers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Pawnbroker Regulation Act is amended by changing Sections 0.05, 5, 6, and 11 as follows:
(205 ILCS 510/0.05)
Sec. 0.05. Administration of Act.

New matter indicated by italics - deletions by strikeout.
(a) This Act shall be administered by the Commissioner of Banks and Real Estate who shall have all of the following powers and duties in administering this Act:

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

(2) To issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(3) To appoint hearing officers and to hire employees or to contract with appropriate persons to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act.

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

(5) To conduct hearings.

(6) To impose civil penalties graduated up to $1,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, or any order of the Commissioner based upon the seriousness of the violation.

(6.5) To initiate, through the Attorney General, injunction proceedings whenever it appears to the Commissioner that any person, whether licensed under this Act or not, is engaged or about to engage in an act or practice that constitutes or will constitute a violation of this Act or any rule prescribed under the authority of this Act. The Commissioner may, in his or her discretion, through the Attorney General, apply for an injunction, and upon a proper showing, any circuit court may enter a permanent or preliminary injunction or a temporary restraining order without bond to enforce this Act in addition to the penalties and other remedies provided for in this Act.

(7) To issue a cease and desist order and, for violations of this Act, any order issued by the Commissioner pursuant to this Act, any rule promulgated in accordance with this Act, or any other applicable law in connection with the operation of a pawnshop, to suspend a license issued under this Act for up to 30 days.

(8) To determine compliance with applicable law and rules related to the operation of pawnshops and to verify the accuracy of reports filed with the Commissioner, the Commissioner, not more than one time every 2 years, may, but is not required to, conduct a routine examination of a pawnshop, and in addition, the Commissioner may examine the affairs of any pawnshop at any time if the Commissioner has reasonable cause to believe that unlawful or fraudulent activity is occurring, or has occurred, therein.

(9) In response to a complaint, to address any inquiries to any pawnshop in relation to its affairs, and it shall be the duty of the pawnshop to promptly reply in writing to such inquiries. The Commissioner may also require reports or information from any pawnshop at any time the Commissioner may deem desirable.

(10) To revoke a license issued under this Act if the Commissioner determines that (a) a licensee has been convicted of a felony in connection with the operations of a pawnshop; (b) a licensee knowingly, recklessly, or continuously violated this Act, a rule promulgated in accordance with this Act, or any order of the Commissioner; (c) a fact or condition exists that, if it had existed or had been known at the time of the original application, would have justified license refusal; or (d) the licensee knowingly submits materially false or misleading documents with the intent to deceive the Commissioner or any other party.

(11) Following license revocation, to take possession and control of a pawnshop for the purpose of examination, reorganization, or liquidation through receivership and to appoint a receiver, which may be the Commissioner, a pawnshop, or another suitable person.

(b) After consultation with local law enforcement officers, the Attorney General, and the industry, the Commissioner may by rule require that pawnbrokers operate video camera surveillance systems to record photographic representations of customers and retain the tapes produced for up to 30 days.
(c) Pursuant to rule, the Commissioner shall issue licenses on an annual or multi-year basis for operating a pawnshop. Any person currently operating or who has operated a pawnshop in this State during the 2 years preceding the effective date of this amendatory Act of 1997 shall be issued a license upon payment of the fee required under this Act. New applicants shall meet standards for a license as established by the Commissioner. Except with the prior written consent of the Commissioner, no individual, either a new applicant or a person currently operating a pawnshop, may be issued a license to operate a pawnshop if the individual has been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operations of a pawnshop. The Commissioner shall establish license fees. The fees shall not exceed the amount reasonably required for administration of this Act. It shall be unlawful to operate a pawnshop without a license issued by the Commissioner.

(d) In addition to license fees, the Commissioner may, by rule, establish fees in connection with a review, approval, or provision of a service, and levy a reasonable charge to recover the cost of the review, approval, or service (such as a change in control, change in location, or renewal of a license). The Commissioner may also levy a reasonable charge to recover the cost of an examination if the Commissioner determines that unlawful or fraudulent activity has occurred. The Commissioner may require payment of the fees and charges provided in this Act by certified check, money order, an electronic transfer of funds, or an automatic debit of an account.

(e) The Pawnbroker Regulation Fund is established as a special fund in the State treasury. Moneys collected under this Act shall be deposited into the Fund and used for the administration of this Act. In the event that General Revenue Funds are appropriated to the Office of the Commissioner of Banks and Real Estate for the initial implementation of this Act, the Governor may direct the repayment from the Pawnbroker Regulation Fund to the General Revenue Fund of such advance in an amount not to exceed $30,000. The Governor may direct this interfund transfer at such time as he deems appropriate by giving appropriate written notice.

(f) The Commissioner may, by rule, require all pawnshops to provide for the expenses that would arise from the administration of the receivership of a pawnshop under this Act through the assessment of fees, the requirement to pledge surety bonds, or such other methods as determined by the Commissioner.

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

(Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)

Sec. 5. Record requirements.

(a) Except in municipalities located in counties having 3,000,000 or more inhabitants, every pawn and loan broker shall keep a standard record book that has been approved by the sheriff of the county in which the pawnbroker does business. In municipalities in counties with 3,000,000 or more inhabitants, the record book shall be approved by the police department of the municipality in which the pawn or loan broker does business. At the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge shall be printed, typed, or written in ink in the record book. Such entry shall include the serial number or identification number of items received which are required to bear such number. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the pawnbroker, every pawnbroker shall also record in his book, an accurate account and description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. No entry in such book shall be erased, mutilated or changed.

(b) Every pawnbroker shall require identification to be shown him by each person pledging or pawning any goods, articles or other things to the pawnbroker. If the identification shown is a driver's license or a State identification card issued by the Secretary of State and contains a photograph.
of the person being identified, only one form of identification must be shown. If the identification shown is not a driver's license or a State identification card issued by the Secretary of State and does not contain a photograph, 2 forms of identification must be shown, and one of the 2 forms of identification must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. In addition, in a municipality with a population of 1,000,000 or more inhabitants, if the customer does not have an identification issued by a governmental entity containing a photograph of the person being identified, the pawnbroker shall photograph the customer in color and record the customer's name, residence address, date of birth, social security number, gender, height, and weight on the reverse side of the photograph. If the customer has no social security number, the pawnbroker shall record this fact.

A county or municipality, including a home rule unit, may regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner that is not less restrictive than the regulation by the State of a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things. A home rule unit may not regulate a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things to the pawnbroker in a manner less restrictive than the regulation by the State of a pawnbroker's identification requirements for persons pledging or pawning goods, articles, or other things. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(c) A pawnbroker may maintain the records required by subsection (a) in computer form if the computer form has been approved by the Commissioner, the sheriff of the county in which the shop is located, and the police department of the municipality in which the shop is located.

(d) Records, including reports to the Commissioner, maintained by pawnbrokers shall be confidential, and no disclosure of pawnbroker records shall be made except disclosures authorized by this Act or ordered by a court of competent jurisdiction. No record transferred to a governmental official shall be improperly disclosed, provided that use of those records as evidence of a felony or misdemeanor shall be a proper purpose.

(e) Pawnbrokers and their associations may lawfully give appropriate governmental agencies computer equipment for the purpose of transferring information pursuant to this Act.

(205 ILCS 510/6) (from Ch. 17, par. 4656)

Sec. 6. Inspection of records.

(a) The book or computer records, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the Commissioner, the sheriff of the county, his deputies, or any members of the police force of any city in the county in which such pawnbroker does business. In addition, the Commissioner shall be authorized to inspect the books or records of any business he or she has reasonable cause to believe is conducting pawn transactions and should be licensed under this Act.

(b) The book or computer records, pawn tickets, or any other records required by the Commissioner under this Act or any rule promulgated in accordance with this Act shall be maintained for a period of 3 years after the date on which the record or ticket was prepared. These records and tickets shall be open to inspection of the Commissioner at all times during the 3-year period.

(205 ILCS 510/11) (from Ch. 17, par. 4661)

Sec. 11. Violations. Every person who knowingly violates the provisions of this Act shall, for the first offense, be guilty of a Class C misdemeanor, and for each subsequent offense shall be guilty of a Class A misdemeanor, except that a person who knowingly violates this Act by operating a pawnshop without a license shall be guilty of a Class B misdemeanor for the first offense and shall be guilty of a Class A misdemeanor for any subsequent offense. This Act shall not be construed as to, in any wise, impair the power of cities or villages in this State to license, tax, regulate except as to fee amounts, suppress, and prohibit pawnbrokers as now provided by law.

(Source: P.A. 90-477, eff. 7-1-98.)
AN ACT to amend the Grade A Pasteurized Milk and Milk Products Act concerning milk trucks.

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

Section 5. The Grade A Pasteurized Milk and Milk Products Act is amended by changing Sections 2, 3, 5, 5.1, 6, 9, 10, 12, 15, and 19 as follows:

(410 ILCS 635/2) (from Ch. 56 1/2, par. 2202)

Sec. 2. The purpose of this Act is to protect, promote, and preserve the public health and general welfare by providing for the establishment and enforcement of minimum standards for cleanliness and safe sanitation practices for all Grade A milk and milk products and to provide for inspection and issuance of permits to operators of dairy farms, milk plants, receiving stations, transfer stations, milk hauler-samplers, milk tank trucks, bulk milk pickup tanks, and certified pasteurizer sealers.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/3) (from Ch. 56 1/2, par. 2203)

Sec. 3. Definitions.

(a) As used in this Act "Grade A" means that milk and milk products are produced and processed in accordance with the latest United States Public Health Service - Food and Drug Administration Grade A Pasteurized Milk Ordinance as may be amended. The term Grade A is applicable to "dairy farm", "milk hauler-sampler", "milk plant", "milk product", "receiving station", "transfer station", "milk tank truck" "bulk milk pickup tank", and "certified pasteurizer sealer" whenever used in this Act.

(b) Unless the context clearly indicates otherwise, terms have the meaning ascribed as follows:

(1) "Dairy farm" means any place or premise where one or more cows or goats are kept, and from which a part or all of the milk or milk products are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

(2) "Milk" means the milk of cows or goats and includes skim milk and cream.

(3) "Milk plant" means any place, premise, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, aseptically processed, bottled, or prepared for distribution.

(4) "Milk product" means any product including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified light cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured lowfat milk or skim milk, cottage cheese, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified lowfat milk or skim milk, low-sodium milk, low-sodium lowfat milk, low-sodium skim milk, lactose-reduced milk, lactose-reduced lowfat milk, lactose-reduced skim milk, aseptically processed and packaged milk and milk products, and milk, lowfat milk or skim milk with added safe and suitable microbial organisms.

(5) "Receiving station" means any place, premise, or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transporting.

(6) "Transfer station" means any place, premise, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

(7) "Department" means the Illinois Department of Public Health.

(8) "Director" means the Director of the Illinois Department of Public Health.
(9) "Embargo or hold for investigation" means a detention or seizure designed to deny the use of milk or milk products which may be unwholesome or to prohibit the use of equipment which may result in contaminated or unwholesome milk or dairy products.

(10) "Imminent hazard to the public health" means any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held.

(11) "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or any political subdivision or department thereof, or any other entity.

(12) "Enforcing agency" means the Illinois Department of Public Health or a unit of local government electing to administer and enforce this Act as provided for in this Act.

(13) "Permit" means a document awarded to a person for compliance with the provisions of and under conditions set forth in this Act.

(14) "Milk hauler-sampler" means a person who is qualified and trained for the grading and sampling of raw milk in accordance with federal and State quality standards and procedures.

(15) "Cleaning and sanitizing facility" means any place, premise or establishment where milk tank trucks are cleaned and sanitized.

(16) "Milk tank truck" includes both a bulk pickup tank and a milk transport tank.

(A) "Bulk milk pickup tank" means the tank, and those appurtenances necessary for its use, used by a milk hauler-sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

(B) "Milk transport tank" means a vehicle, including the truck and tank, used by a milk hauler to transport bulk shipments of milk from a transfer station, receiving station, or milk plant to another transfer station, receiving station, or milk plant.

(17) "Certified pasteurizer sealer" means a person who has satisfactorily completed a course of instruction and has demonstrated the ability to satisfactorily conduct all pasteurization control tests, as required by rules adopted by the Department.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/5) (from Ch. 56 1/2, par. 2205)

Sec. 5. After the effective date of this Act, it shall be unlawful for any person to establish, maintain, conduct, or operate a dairy farm, milk plant, receiving station, or transfer station processing milk or milk products, to establish and operate a cleaning and sanitizing facility or milk tank truck bulk milk pickup tank, to haul or sample milk, or to act as a certified pasteurizer sealer within this State, or to bring into and distribute from out-of-state milk and milk products without first obtaining a permit therefor from the Department.

The Department may prescribe and conduct examinations, a portion of which may be written, to test the knowledge of milk hauler-samplers and certified pasteurizer sealers as a condition for awarding permits.

Permits issued by the Department for certified pasteurizer sealers, cleaning and sanitizing facilities, milk plants, and receiving or transfer stations shall expire on December 31 of each year. Permits issued to milk hauler-samplers shall expire on March 31 of each year. Permits issued for milk tank trucks bulk milk pickup tanks shall remain valid indefinitely unless revoked by the Department for noncompliance with the rules promulgated under this Act or the milk tank truck bulk milk pickup truck is transferred or removed from service. Permits issued for dairy farms shall have no expiration date and shall remain valid indefinitely unless revoked by the Department for noncompliance with the rules promulgated under this Act or discontinuation of the dairy farm operation for which a permit was issued.

Applications for original permits or renewals shall be made on forms furnished by the Department. Each application shall contain: (1) the name and address of the applicant or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, or the names and addresses of all persons having a financial interest therein if the applicant is a group of individuals, association or trust; and (2) the location of the plant,
station, cleaning and sanitizing facility, certified pasteurizer sealer, milk tank truck bulk milk pickup tank, or milk hauler-sampler. A permit shall be valid only in the hands of the person to whom it is issued and shall not be the subject of sale, assignment or other transfer, voluntary or involuntary, nor shall the permit be valid for any premises, milk tank truck bulk milk pickup tank, certified pasteurizer sealer, or milk hauler-sampler other than the one for which originally issued.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/5.1) (from Ch. 56 1/2, par. 2205.1)
Sec. 5.1. (a) The Department shall charge a fee of $100 for each permit issued to a milk plant; $50 for each permit issued to a receiving station, transfer station, or cleaning and sanitizing facility; $25 for each permit issued to a milk hauler-sampler; $25 for each permit issued for a milk tank truck bulk milk pickup tank; and $100 for each certified pasteurizer sealer. In addition to such fees, the Department shall assess a late fee if an application for renewal of a permit is received after the expiration date of the existing permit. The late fee shall be $50 for a permit issued to a milk plant; $25 for a permit issued to a receiving station, transfer station, or cleaning and sanitizing facility; and $15 for a permit issued to a milk hauler-sampler.

(b) All permit fees charged under this Section shall be deposited into the Food and Drug Safety Fund.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/6) (from Ch. 56 1/2, par. 2206)
Sec. 6. If the Department finds that a dairy farm, milk hauler-sampler, milk plant, cleaning and sanitizing facility, receiving station, transfer station, milk tank truck bulk milk pickup tank, or pasteurizer sealer for which a permit is sought is not in compliance with the provisions of this Act or the rules and regulations relating thereto, but that such dairy farm, milk plant, cleaning and sanitizing facility, transfer or receiving station, milk tank truck bulk milk pickup tank, milk hauler-sampler, or pasteurizer sealer may operate without undue prejudice to the public health, the Department may issue a conditional permit setting forth the conditions on which the permit is issued, the manner in which the dairy farm, milk plant, cleaning and sanitizing facility, transfer or receiving station, milk tank truck bulk milk pickup tank, milk hauler-sampler, or pasteurizer sealer fails to comply with the Act and such rules and regulations and shall set forth the time, not to exceed 90 days, within which the applicant must make any changes or corrections necessary in order for such dairy farm, milk plant, cleaning and sanitizing facility, transfer or receiving station, milk tank truck bulk milk pickup tank, milk hauler-sampler, or pasteurizer sealer to fully comply with this Act and the rules and regulations relating thereto.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/9) (from Ch. 56 1/2, par. 2209)
Sec. 9. All permits for farms, plants or stations as provided for in this Act shall be displayed in a conspicuous place for public view within or on the premises. A sticker or decal identifying the permit number must be displayed on the milk tank truck bulk milk pickup tank immediately adjacent to the manufacturer's identification plate. A milk hauler-sampler shall maintain upon his person his permit or renewal at all such times as he is operating a milk tank truck or collecting a sample. A certified pasteurizer sealer shall maintain upon his or her person his or her permit or renewal at all times during which he or she is testing a pasteurizer.

(Source: P.A. 89-526, eff. 7-19-96.)

(410 ILCS 635/10) (from Ch. 56 1/2, par. 2210)
Sec. 10. After proper identification, authorized representatives of the enforcing agency are authorized and shall have the power to enter, at reasonable times, all dairy farms, milk plants, cleaning and sanitizing facilities, receiving stations, transfer stations, or vehicles used to transport milk and milk products under its jurisdiction, for the purpose of inspecting, sampling, and investigating conditions relating to the enforcement of this Act and the rules and regulations promulgated hereunder.

At least 4 times during every 6-month period, representatives of the enforcing agency shall collect samples of milk from each milk plant for testing. The samples shall be tested for salmonella. If a product tests unsatisfactorily, two more samples, each obtained on separate days, shall be tested; if the average of the 3 test results fails to meet the enforcing agency's standards, the milk plant shall be in violation of this Act.

New matter indicated by italics - deletions by strikeout.
Written notice of all violations shall be given to the dairy farm, milk plant, cleaning and sanitizing facility, receiving or transfer station, milk hauler-sampler, milk tank truck bulk milk pickup tank, or certified pasteurizer sealer. (Source: P.A. 89-526, eff. 7-19-96.)

Sec. 12. Whenever the enforcing agency finds that an imminent hazard to the public health exists which requires immediate action to protect the public health, it may, without any administrative procedure to bond, bring an action for immediate injunctive relief to require that such action be taken as the court may deem necessary to meet the emergency, including the closing of the dairy farm, milk plant, receiving or transfer station, cleaning and sanitizing facility, milk hauler-sampler, milk tank truck bulk milk pickup tank, or certified pasteurizer sealer or the suspension or revocation of the permit. Notwithstanding any other provision of this Act, such order shall be effective immediately. The court may issue an ex parte order and shall schedule a hearing on the matter no later than 3 working days from the date of the injunction. Where this Act is being enforced by the State of Illinois, the State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the People of the State of Illinois. When, in the opinion of the enforcing agency, such conditions are abated, it may authorize reopening the plant, cleaning and sanitizing facility or station, and the injunctive order shall be dissolved. (Source: P.A. 89-526, eff. 7-19-96.)

Sec. 15. The Department shall, in accordance with The Illinois Administrative Procedure Act, promulgate, publish and adopt rules, regulations and standards as may be necessary for the proper enforcement of this Act. The rules, regulations and standards shall include but not be limited to requirements for dairy farms, milk hauler-samplers, milk tank trucks bulk milk pickup tanks, milk plants, certified pasteurizer sealers, cleaning and sanitizing facilities, receiving stations and transfer stations. (Source: P.A. 89-526, eff. 7-19-96.)

Sec. 19. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution that the regulation of dairy farms, milk plants, cleaning and sanitizing facilities, receiving stations, transfer stations, milk tank trucks bulk milk pickup tanks, milk hauler-samplers, and certified pasteurizer sealers is an exercise of exclusive State power which may not be exercised concurrently by a home rule unit unless provided otherwise in Section 4 of this Act. (Source: P.A. 89-526, eff. 7-19-96.)


PUBLIC ACT 92-0217
(House Bill No. 2566)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows: (30 ILCS 105/5.545 new)
Sec. 5.545. The Real Estate Audit Fund.
Section 10. The Real Estate License Act of 2000 is amended by changing Sections 1-10, 5-20, 10-10, and 20-60 and by adding Sections 25-14 and 25-37 as follows: (225 ILCS 454/1-10)
Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:
"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.
"Agency" means a relationship in which a real estate broker or licensee, whether directly or

New matter indicated by italics - deletions by strikeout.
through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to OBRE for a valid license as a real estate broker, real estate salesperson, or leasing agent.

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of OBRE.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a real estate salesperson or leasing agent who for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

1. Sells, exchanges, purchases, rents, or leases real estate.
2. Offers to sell, exchange, purchase, rent, or lease real estate.
3. Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.
4. Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.
5. Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.
6. Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.
7. Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.
8. Assists or directs in procuring or referring of prospects, intended to result in the sale, exchange, lease, or rental of real estate.
9. Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.
10. Opens real estate to the public for marketing purposes.
11. Sells, leases, or offers for sale or lease real estate at auction.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Client" means a person who is being represented by a licensee.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

1. Commissions;
2. Referral fees;
3. Bonuses;
4. Prizes;
5. Merchandise;
6. Finder fees;
7. Performance of services;
8. Coupons or gift certificates;
9. Discounts;
10. Rebates;

New matter indicated by italics - deletions by strikeout.
(11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
(12) retainer fee; or
(13) salary.
"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:
(1) the client permits the disclosure of information given by that client by word or conduct;
(2) the disclosure is required by law; or
(3) the information becomes public from a source other than the licensee.
"Confidential information" shall not be considered to include material information about the physical condition of the property.
"Consumer" means a person or entity seeking or receiving licensed activities.
"Continuing education school" means any person licensed by OBRE as a school for continuing education in accordance with Section 30-15 of this Act.
"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by OBRE.
"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.
"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.
"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.
"Director" means the Director of the Real Estate Division, OBRE.
"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.
"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.
"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.
"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.
"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.
"License" means the document issued by OBRE certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.
"Licensed activities" means those activities listed in the definition of "broker" under this Section.
"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"OBRE" means the Office of Banks and Real Estate.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by OBRE to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by OBRE offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of this Act.

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real estate salesperson, or leasing agent named thereon is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; 91-702, eff. 5-12-00.)
Sec. 5-20. Exemptions from broker, salesperson, or leasing agent license requirement. The requirement for holding a license under this Article 5 shall not apply to:

1. Any person, partnership, or corporation that as owner or lessor performs any of the acts described in the definition of "broker" under Section 1-10 of this Act, with respect to property owned or leased by it, or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of or as an incident to the management, sale, or other disposition of such property and the investment therein, provided that such regular employees do not perform any of the acts described in the definition of "broker" under Section 1-10 of this Act in connection with a vocation of selling or leasing any real estate or the improvements thereon not so owned or leased.

2. An attorney in fact acting under a duly executed and recorded power of attorney to convey real estate from the owner or lessor or the services rendered by an attorney at law in the performance of the attorney's duties.

3. Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will or testamentary trust.

4. Any person acting as a resident manager for the owner or any employee acting as the resident manager for a broker managing an apartment building, duplex, or apartment complex, when the resident manager resides on the premises, the premises is his or her primary residence, and the resident manager is engaged in the leasing of the property of which he or she is the resident manager.

5. Any officer or employee of a federal agency in the conduct of official duties.

6. Any officer or employee of the State government or any political subdivision thereof performing official duties.

7. Any multiple listing service or other information exchange that is engaged in the collection and dissemination of information concerning real estate available for sale, purchase, lease, or exchange along with which no other licensed activities are provided.

8. Railroads and other public utilities regulated by the State of Illinois, or the officers or full time employees thereof, unless the performance of any licensed activities is in connection with the sale, purchase, lease, or other disposition of real estate or investment therein not needing the approval of the appropriate State regulatory authority.

9. Any medium of advertising in the routine course of selling or publishing advertising along with which no other licensed activities are provided.

10. Any resident lessee of a residential dwelling unit who refers for compensation to the owner of the dwelling unit, or to the owner's agent, prospective lessees of dwelling units in the same building or complex as the resident lessee's unit, but only if the resident lessee (i) refers no more than 3 prospective lessees in any 12-month period, (ii) receives compensation of no more than $1,000 or the equivalent of one month's rent, whichever is less, in any 12-month period, and (iii) limits his or her activities to referring prospective lessees to the owner, or the owner's agent, and does not show a residential dwelling unit to a prospective lessee, discuss terms or conditions of leasing a dwelling unit with a prospective lessee, or otherwise participate in the negotiation of the leasing of a dwelling unit.

11. An exchange company registered under the Real Estate Timeshare Act of 1999 and the regular employees of that registered exchange company but only when conducting an exchange program as defined in that Act.

12. An existing timeshare owner who, for compensation, refers prospective purchasers, but only if the existing timeshare owner (i) refers no more than 20 prospective purchasers in any calendar year, (ii) receives no more than $1,000, or its equivalent, for referrals in any calendar year and (iii) limits his or her activities to referring prospective purchasers of timeshare interests to the developer or the developer's employees or agents, and does not show a residential dwelling unit to a prospective lessee, discuss terms or conditions of leasing a dwelling unit with a prospective lessee, or otherwise participate in the negotiation of the leasing of a dwelling unit.

13. Any person who is licensed without examination under Section 10-25 of the Auction License Act is exempt from holding a broker's or salesperson's license under this Act for the limited purpose of selling or leasing real estate at auction, so long as:

(A) that person has made application for said exemption by July 1, 2000;

(B) that person verifies to OBRE that he or she has sold real estate at auction for a
period of 5 years prior to licensure as an auctioneer;
(C) the person has had no lapse in his or her license as an auctioneer; and
(D) the license issued under the Auction License Act has not been disciplined for
violation of those provisions of Article 20 of the Auction License Act dealing with or
related to the sale or lease of real estate at auction.

(14) A hotel operator who is registered with the Illinois Department of Revenue and pays
taxes under the Hotel Operators' Occupation Tax Act and rents a room or rooms in a hotel as defined
in the Hotel Operators' Occupation Tax Act for a period of not more than 30 consecutive days and
not more than 60 days in a calendar year.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; revised 10-27-99.)

(225 ILCS 454/10-10)
Sec. 10-10. Disclosure of compensation.
(a) A licensee must disclose to a client the sponsoring broker's compensation and policy with
regard to cooperating with brokers who represent other parties in a transaction.
(b) A licensee must disclose to a client all sources of compensation related to the transaction
received by the licensee from a third party.
(c) If a licensee refers a client to a third party in which the licensee has greater than a 1%
ownership interest or from which the licensee receives or may receive dividends or other profit sharing
distributions, other than a publicly held or traded company, for the purpose of the client obtaining
services related to the transaction, then the licensee shall disclose that fact to the client at the time of
making the referral.
(d) If in any one transaction a sponsoring broker receives compensation from both the buyer
and seller or lessee and lessor of real estate, the sponsoring broker shall disclose in writing to a client
the fact that the compensation is being paid by both buyer and seller or lessee and lessor.
(e) Nothing in the Act shall prohibit the cooperation with or a payment of compensation to
a person not domiciled in this State or country who is licensed as a real estate broker in his or her state
or country of domicile or to a resident of a country that does not require a person to be licensed to
act as a real estate broker if the person complies with the laws of the country in which that person
resides and practices there as a real estate broker.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/20-60)
Sec. 20-60. Hearing; investigation; notice; disciplinary consent order.
(a) OBRE may conduct hearings through the Board or a duly appointed hearing officer on
proceedings to suspend, revoke, or to refuse to issue or renew licenses of persons applying for
licensure or licensed under this Act or to censure, reprimand, or impose a civil fine not to exceed
$25,000 upon any licensee hereunder and may revoke, suspend, or refuse to issue or renew these
licenses or censure, reprimand, or impose a civil fine not to exceed $25,000 upon any licensee
hereunder.
(b) Upon the motion of either OBRE or the Board or upon the verified complaint in writing
of any persons setting forth facts that if proven would constitute grounds for suspension or revocation
under this Act, OBRE, the Board, or its subcommittee shall cause to be investigated the actions of any
person so accused who holds a license or is holding himself or herself out to be a licensee. This person
is hereinafter called the accused.
(c) Prior to initiating any formal disciplinary proceedings resulting from an investigation
conducted pursuant to subsection (b) of this Section, that matter shall be reviewed by a subcommittee
of the Board according to procedures established by rule. The subcommittee shall make a
recommendation to the full Board as to the validity of the complaint and may recommend that the
Board not proceed with formal disciplinary proceedings if the complaint is determined to be frivolous
or without merit.
(d) Except as provided for in Section 20-65 of this Act, OBRE shall, before suspending,
revoking, placing on probationary status, or taking any other disciplinary action as OBRE may deem
proper with regard to any license:
   (1) notify the accused in writing at least 30 days prior to the date set for the hearing of any
charges made and the time and place for the hearing of the charges to be heard before the
Board under oath; and

New matter indicated by italics - deletions by strikeout.
(2) inform the accused that upon failure to file an answer and request a hearing before the date originally set for the hearing, default will be taken against the accused and his or her license may be suspended, revoked, or placed on probationary status, or other disciplinary action, including limiting the scope, nature, or extent of the accused's practice, as OBRE may deem proper, may be taken with regard thereto.

In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of OBRE, be suspended, revoked, or placed on probationary status, or OBRE may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(e) At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board or its hearing officer may continue a hearing date upon its own motion or upon an accused's motion for one period not to exceed 30 days. The Board or its hearing officer may grant further continuances for periods not to exceed 30 days only upon good cause being shown by the moving party. The non-moving party shall have the opportunity to object to a continuance on the record at a hearing upon the motion to continue. All motions for continuances and any denial or grant thereof shall be in writing. All motions shall be submitted not later than 48 hours before the scheduled hearing unless made upon an emergency basis. In determining whether good cause for a continuance is shown, the Board or its hearing officer shall consider such factors as the volume of cases pending, the nature and complexity of legal issues raised, the diligence of the party making the request, the availability of party's legal representative or witnesses, and the number of previous requests for continuance.

(f) Any unlawful act or violation of any of the provisions of this Act upon the part of any licensees employed by a real estate broker or associated by written agreement with the real estate broker, or unlicensed employee of a licensed broker, shall not be cause for the revocation of the license of any such broker, partial or otherwise, unless it appears to the satisfaction of OBRE that the broker had knowledge thereof.

(g) OBRE or the Board has power to subpoena any persons or documents for the purpose of investigation or hearing with the same fees and mileage and in the same manner as prescribed by law for judicial procedure in civil cases in courts of this State. The Commissioner, the Director, any member of the Board, a certified court reporter, or a hearing officer shall each have power to administer oaths to witnesses at any hearing which OBRE is authorized under this Act to conduct.

(h) Any circuit court or any judge thereof, upon the application of the accused person, complainant, OBRE, or the Board, may, by order entered, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension, or revocation of a license, and the court or judge may compel obedience to the court's or the judge's order by proceedings for contempt.

(i) OBRE, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or the revocation, suspension, or other discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of OBRE shall be the record of the proceeding. At all hearings or pre-hearing conferences, OBRE and the accused shall be entitled to have a court reporter in attendance for purposes of transcribing the proceeding or pre-hearing conference at the expense of the party requesting the court reporter's attendance. A copy of the transcribed proceeding shall be available to the other party for the cost of a copy of the transcript.

(j) The Board shall present to the Commissioner its written report of its findings and recommendations. A copy of the report shall be served upon the accused, either personally or by certified mail as provided in this Act for the service of the citation. Within 20 days after the service, the accused may present to the Commissioner a motion in writing for a rehearing that shall specify the particular grounds therefor. If the accused shall order and pay for a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. Whenever the Commissioner is satisfied that substantial
justice has not been done, the Commissioner may order a rehearing by the Board or other special
committee appointed by the Commissioner or may remand the matter to the Board for their
reconsideration of the matter based on the pleadings and evidence presented to the Board. In all
instances, under this Act, in which the Board has rendered a recommendation to the Commissioner
with respect to a particular licensee or applicant, the Commissioner shall, in the event that he or she
disagrees with or takes action contrary to the recommendation of the Board, file with the Board and
the Secretary of State his specific written reasons of disagreement with the Board. The reasons shall
be filed within 60 days of the Board's recommendation to the Commissioner and prior to any contrary
action. At the expiration of the time specified for filing a motion for a rehearing, the Commissioner
shall have the right to take the action recommended by the Board. Upon the suspension or revocation
of a license, the licensee shall be required to surrender his or her license to OBRE, and upon failure
or refusal to do so, OBRE shall have the right to seize the license.

(k) At any time after the suspension, temporary suspension, or revocation of any license, OBRE
may restore it to the accused without examination, upon the written recommendation of the
Board.

(l) An order of revocation or suspension or a certified copy thereof, over the seal of OBRE
and purporting to be signed by the Commissioner, shall be prima facie proof that:

(1) The signature is the genuine signature of the Commissioner.
(2) The Commissioner is duly appointed and qualified.
(3) The Board and the members thereof are qualified.

Such proof may be rebutted.

(m) Notwithstanding any provisions concerning the conduct of hearings and recommendations
for disciplinary actions, OBRE as directed by the Commissioner has the authority to negotiate
agreements with licensees and applicants resulting in disciplinary consent orders. These consent orders
may provide for any of the forms of discipline provided in this Act. These consent orders shall provide
that they were not entered into as a result of any coercion by OBRE. Any such consent order shall be
filed with the Commissioner along with the Board's recommendation and accepted or rejected by the
Commissioner within 60 days of the Board's recommendation.

(225 ILCS 454/25-14 new)
Sec. 25-14. Reliance on advisory letters. Licensees or their representatives may seek an
advisory letter from OBRE as to matters arising under this Act or the rules promulgated pursuant to
this Act. OBRE shall promulgate rules as to the process of seeking and obtaining an advisory letter
and topics and areas on which advisory rules will be issued by OBRE. A licensee is entitled to rely
upon an advisory letter from OBRE and will not be disciplined by OBRE for actions taken in reliance
on the advisory letter.

(225 ILCS 454/25-37 new)
Sec. 25-37. Real Estate Audit Fund; audit of special accounts; audit of fund.
(a) A special fund to be known as the Real Estate Audit Fund is created in the State Treasury.
The State Treasurer shall cause a transfer of $200,000 from the Real Estate License Administration
Fund to the Real Estate Audit Fund on January 1, 2002. If, at any time, the balance in the Real
Estate Audit Fund is less than $25,000, the State Treasurer shall cause a transfer of $200,000 from the
Real Estate License Administration Fund to the Real Estate Audit Fund. The moneys held in the Real
Estate Audit Fund shall be used exclusively by OBRE to conduct audits of special accounts of moneys
belonging to others held by a broker.

(b) Upon receipt of a complaint or evidence by OBRE sufficient to cause OBRE to reasonably
believe that funds required to be maintained in a special account by a broker have been
misappropriated, the broker shall, within 30 days of written notice, submit to an audit of all special
accounts. Such audit shall be performed by a licensed certified public accountant, shall result in a
written report by the accountant, and shall specifically refer to the escrow and record-keeping
requirements of this Act and the rules adopted under this Act. If it is found, pursuant to an order
issued by the Commissioner, that moneys required to be maintained in a special account by a broker
were misappropriated, as further defined by rule, the broker shall reimburse OBRE, in addition to any
other discipline or civil penalty imposed, for the cost of the audit performed pursuant to this Section.
OBRE may file in circuit court for a judgment to enforce the collection of the reimbursement of the

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cost of such audit. Any reimbursement collected by OBRE shall be deposited into the Real Estate Audit Fund.

(c) Moneys in the Real Estate Audit Fund may be invested and reinvested in the same manner as funds in the Real Estate Recovery Fund. All earnings received from such investment shall be deposited in the Real Estate Audit Fund and may be used for the same purpose as other moneys deposited in the Real Estate Audit Fund. Upon completion of any audit of OBRE, prescribed by the Illinois State Auditing Act, which includes an audit of the Real Estate Audit Fund, OBRE shall make the audit open to inspection by any interested person.

(225 ILCS 454/20-70 rep.)

Section 15. The Real Estate License Act of 2000 is amended by repealing Section 20-70.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0218
(House Bill No. 3002)

AN ACT concerning human services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Sections 4.2 and 22 as follows:
(20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)
Sec. 4.2. Facility staff. (a) The Department shall describe and delineate guidelines for each of the facilities it operates regarding the number and qualifications of the staff required to carry out prescribed duties. The guidelines shall be based on consideration of recipient needs as well as professional and programmatic requirements, including those established for purposes of national accreditation and for certification under Titles XVIII and XIX of the federal Social Security Act. The Department shall utilize those guidelines in the preparation of its annual plan and shall include in the plan a report of efforts in management and budgeting at each facility to achieve staffing targets established in relation to the guidelines.

(b) As used in this Section, "direct care position" means any position with the Department in which the job titles which will regularly or temporarily entail contact with recipients in the Department's facilities for persons with a mental illness or a developmental disability.

(c) The Department shall require that each candidate for employment in a direct care position, as a condition of employment, shall submit to a fingerprint-based criminal background investigation to determine whether the candidate for employment in a direct care position has ever been charged with a crime and, if so, the disposition of those charges. This authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director (or, on or after July 1, 1997, the Secretary) shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. The Department of State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed against a candidate for employment in a direct care position upon request of the Department when the request is made in the form and manner required by the Department of State Police.

Information concerning convictions of a candidate for employment in a direct care position investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to the candidate for employment in a direct care position before final action by the Department on the application. Information on convictions of a candidate for employment in a direct care position under this Act shall be provided to the director of the employing unit, and, upon request, to the candidate for employment in a direct care position. Any information concerning criminal charges and the disposition of those charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required in this Act, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application of a candidate for

New matter indicated by italics - deletions by strikeout.
employment in a direct care position. Only information and standards which bear a reasonable and rational relation to the performance of a direct care position shall be used by the Department. Any employee of the Department or the Department of State Police receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of a candidate for employment in a direct care position shall be guilty of a Class A misdemeanor unless release of the information is authorized by this Section.

A Department employing unit may hire, on a probationary basis, any candidate for employment in a direct care position, authorizing a criminal background investigation under this Section, pending the result of the investigation. A candidate for employment in a direct care position shall be notified before he or she is hired that his or her employment may be terminated on the basis of criminal background information obtained by the employing unit.

No person may be employed in a direct care position who refuses to authorize an investigation as required by this subsection (c).

(20 ILCS 1705/22) (from Ch. 91 1/2, par. 100-22)

Sec. 22. To accept and hold in behalf of the State, if for the public interest, a grant, gift or legacy of money or property to the State of Illinois, to the Department, or to any facility of the Department made in trust for the maintenance or support of a recipient at a facility of the Department, or for any other legitimate purpose connected with such facility. The Department shall accept any donation for the board and treatment of any recipient. The Department also may accept and hold a grant, gift, or legacy of money or property made or given to a facility of the Department that is no longer operating or to a facility of the Department that is operating under a different name, provided that if the grant, gift or legacy was made for a particular purpose, the Department shall, to the extent practicable, use the grant, gift or legacy in a manner that carries out that purpose with regard to another facility operated by the Department for the same purpose, or, in the latter case, with regard to that same facility of the Department that is operating under a different name. The Department shall cause each gift, grant or legacy to be kept as a distinct fund, and shall invest the same in the manner provided by the laws of this State as the same now exist, or shall hereafter be enacted, relating to securities in which the deposit in a savings bank may be invested. But the Department may, in its discretion, deposit in a proper trust company or savings bank, during the continuance of the trust, any fund so left in trust for the life of a person, and shall adopt rules and regulations governing the deposit, transfer, or withdrawal of such fund. The Department shall on the expiration of any trust as provided in any instrument creating the same, dispose of the fund thereby created in the manner provided in such instrument. The Department shall include in its annual report a statement showing what funds are so held by it and the condition thereof. Monies found on the recipients at the time of their admission, or accruing to them during their period of facility care, and monies deposited with the facility director by relatives, guardians or friends of recipients for the special comfort and pleasure of such recipients, shall remain in the custody of such facility director who shall act as trustee for disbursement to, in behalf of, or for the benefit of such recipients. All types of retirement and pension benefits from private and public sources may be paid directly to the facility where the recipient is a resident, for deposit to the recipient's trust fund account. Banks, trust companies, savings and loan companies and insurance carriers having in their possession funds of $1,000 or less belonging to a recipient in a facility of the Department shall release such funds to the facility director of the facility where the recipient is a resident, for deposit to the recipient's trust fund account. The facility director shall provide a receipt to any bank, trust company, savings and loan company or insurance carrier for the amount received and such receipt shall constitute a valid and sufficient discharge and release of the obligation of such bank, trust company, savings and loan company or insurance carrier to the recipient for whom such payment was so made, to the extent of the payment made. Each facility director shall keep in a book an itemized account of all receipts and expenditures of funds described in the above proviso, which book shall be open at all times to the inspection of the Department.

(20 ILCS 1705/48 rep.)
(20 ILCS 1705/50 rep.)
(20 ILCS 1705/52 rep.)

Section 10. The Mental Health and Developmental Disabilities Administrative Act is amended
AN ACT concerning sanitary districts.

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

Section 5. The Sanitary District Act of 1936 is amended by changing Section 4 as follows:

Sec. 4. The trustees shall constitute a board of trustees for the sanitary district. The board of trustees is the corporate authority of the sanitary district, and may exercise all the powers and manage and control all the affairs and property of the district. The board of trustees at the beginning of each new term of office shall meet and elect one of their number as president, one of their number as vice-president, and from or outside of their membership a clerk and an assistant clerk. In case of the death, resignation, absence from the state, or other disability of the president, the powers, duties and emoluments of the office of the president shall devolve upon the vice-president, until such disability is removed or until a successor to the president is appointed and chosen in the manner provided in this Act. The board may select a treasurer, engineer and attorney for the district, who shall hold their respective offices during the pleasure of the board, and give such bond as may be required by the board. The board may appoint such other officers and hire such employees to manage and control the operations of the district as it deems necessary. The board may prescribe the duties and fix the compensation of all the officers and employees of the sanitary district. However, no member of the board of trustees shall receive more than $6,000 per year. The board of trustees has full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and the sanitary district, and for carrying into effect the collection and disposal of sewage and the purposes for which the sanitary district was formed. Such ordinances may provide for a fine for each offense of not less than $100 or more than $1,000. Each day's continuance of such violation shall be a separate offense. Fines pursuant to this Section are recoverable by the sanitary district in a civil action. The sanitary district is authorized to apply to the circuit court for injunctive relief or mandamus when, in the opinion of the chief administrative officer, such relief is necessary to protect the sewerage system of the sanitary district. The board of trustees has the sole and exclusive authority for regulation and inspection of drainage lines to determine their adequacy and suitability for connection to the sewage system of the district.

(Source: P.A. 85-1136.)


Effective January 1, 2002.
State or any public or private corporation, person or association for, the formulation of plans, acquisition of rights of way, and the construction, operation and maintenance of any navigation, flood control, drainage, levee, water supply and water storage, including regulation, distribution and use, and other water resource improvements and facilities in connection with the development of the Kaskaskia River watershed, including restriction of use or withdrawal of water from the Kaskaskia River below Carlyle Dam or providing for replenishment of withdrawn water, provided however, the Department shall not charge for the use or withdrawal of water from the Kaskaskia River, except that the Department may recoup from water users an amount required to pay federal operation and maintenance charges incurred as a result of water withdrawal from Lake Shelbyville and Carlyle Lake.

The Department, on behalf of the State of Illinois as local sponsor for federally authorized and developed Kaskaskia River basin projects, shall have jurisdiction and supervision over any and all phases of developments and improvements in such basin, including, but not limited to nonfederal participation requirements in connection therewith, and full authority and control over any and all lands acquired in connection with the development of the Kaskaskia River watershed and may, in the discretion of the Department, grant easements, lease for a period not to exceed 50 years, sell, transfer or convey, exchange, develop, or otherwise utilize such lands in the interest of the State of Illinois insofar as the same is not inconsistent or in conflict with the purpose for which acquired by the Department.

(Source: P.A. 88-565, eff. 8-5-94; 89-445, eff. 2-7-96.)

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

PUBLIC ACT 92-0221
(Senate Bill No. 0164)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Simplified Sales and Use Tax Administration Act.
Section 2. Definitions. As used in this Act:
(b) "Certified Automated System" means software certified jointly by the states that are signatories to the Agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.
(c) "Certified Service Provider" means an agent certified jointly by the states that are signatories to the Agreement to perform all of the seller's sales tax functions.
(d) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.
(e) "Sales Tax" means the tax levied under the Service Occupation Tax Act (35 ILCS 115/) and the Retailers' Occupation Tax Act (35 ILCS 120/). "Sales tax" also means any local sales tax levied under the Home Rule Municipal Retailers' Occupation Tax Act (65 ILCS 5/8-11-1), the Non-Home Rule Municipal Retailers' Occupaition Tax Act (65 ILCS 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation Tax Act (65 ILCS 5/8-11-1.4), the Home Rule Municipal Service Occupation Tax Act (65 ILCS 5/8-11-5), the Home Rule County Retailers' Occupation Tax Law (55 ILCS 5/5-1006), the Special County Occupation Tax for Public Safety Law (55 ILCS 5/5-1006.5), the Home Rule County Service Occupation Tax Law (55 ILCS 5/5-1007), subsection (b) of the Rock Island County Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro East Mass Transit District Retailers' Occupation Tax (70 ILCS 3610/5.01(b)), the Metro East Mass Transit District Service Occupation Tax (70 ILCS 3610/5.01(c)), the Regional Transportation Authority Retailers' Occupation Tax (70 ILCS 3615/4.03(e)), the Regional Transportation Authority Service Occupation Tax (70 ILCS 3615/4.03(f)), the County Water Commission Retailers' Occupation Tax (70 ILCS 3720/4(b)), or the County Water Commission Service Occupation Tax (70 ILCS 3720/4(c)).

New matter indicated by italics - deletions by strikeout.
(f) "Seller" means any person making sales of personal property or services.

(g) "State" means any state of the United States and the District of Columbia.

(h) "Use tax" means the tax levied under the Use Tax Act (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use tax" also means any local use tax levied under the Home Rule Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the State and the municipality have entered into an agreement that provides for administration of the tax by the State.

Section 3. Legislative finding. The General Assembly finds that a simplified sales tax and use tax system will reduce and over time eliminate the burden and cost for all vendors to collect this State's sales and use tax. The General Assembly further finds that this State should participate in multistate discussions to review or amend or both review and amend the terms of the Agreement to simplify and modernize sales tax and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce.

Section 4. Authority to participate in multistate negotiations. For the purposes of reviewing or amending or both reviewing and amending the Agreement embodying the simplification requirements as contained in Section 7 of this Act, the State shall enter into multistate discussions. For purposes of such discussions, the State shall be represented by 4 delegates. One delegate shall be appointed by the President of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives, and one by the Minority Leader of the House of Representatives.

Section 5. Authority to enter agreement. Subject to Section 6, the Department of Revenue is authorized to enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the Agreement, the Department of Revenue is authorized to act jointly with other states that are members of the Agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.

The Department of Revenue is further authorized to take other actions reasonably required to implement the provisions set forth in this Act. Other actions authorized by this Section include, but are not limited to, the adoption of rules and regulations and the joint procurement, with other member states, of goods and services in furtherance of the cooperative agreement.

The Director of Revenue or the Director's designee is authorized to represent this State before the other states that are signatories to the Agreement.

Section 6. Relationship to State law. No provision of the Agreement authorized by this Act in whole or part invalidates or amends any provision of the law of this State. Adoption of the Agreement by this State does not amend or modify any law of this State. Implementation of any condition of the Agreement in this State, whether adopted before, at, or after membership of this State in the Agreement, must be by the action of this State.

Section 7. Agreement requirements. The Department of Revenue shall not enter into the Streamlined Sales and Use Tax Agreement unless the Agreement requires each state to abide by the following requirements:

(a) Simplified state rate. The Agreement must set restrictions to limit over time the number of state rates.

(b) Uniform standards. The Agreement must establish uniform standards for the following:

1. The sourcing of transactions to taxing jurisdictions.
2. The administration of exempt sales.
3. Sales and use tax returns and remittances.

(c) Central registration. The Agreement must provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states.

(d) No nexus attribution. The Agreement must provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax.

(e) Local sales and use taxes. The Agreement must provide for reduction of the burdens of complying with local sales and use taxes, as those terms are defined by each signatory state in the Act by which the state authorizes its entry into the Agreement, through the following:

1. Restricting variances between the State and local tax bases.
(2) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions with regard to these taxes.

(3) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes.

(4) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions.

(f) Monetary allowances. The Agreement must outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The Agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2002.

(g) State compliance. The Agreement must require each state to certify compliance with the terms of the Agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the Agreement while a member.

(h) Consumer privacy. The Agreement must require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information.

(i) Advisory councils. The Agreement must provide for the appointment of an advisory council of private sector representatives and an advisory council of non-member state representatives to consult with in the administration of the Agreement.

(j) Nothing in the Agreement shall require a signatory state to administer a tax levied by a local jurisdiction unless the tax is a sales tax or use tax as defined by the signatory state in the Act by which the state authorizes its entry into the Agreement.

Section 8. Cooperating sovereigns. The Agreement authorized by this Act is an accord among individual cooperating sovereigns in furtherance of their governmental functions. The Agreement provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state.

Section 9. Limited binding and beneficial effect.

(a) The Agreement authorized by this Act binds and inures only to the benefit of this State and the other member states. No person, other than a member state, is an intended beneficiary of the Agreement. Any benefit to a person other than a state is established by the law of this State and the other member states and not by the terms of the Agreement.

(b) Consistent with subsection (a), no person shall have any cause of action or defense under the Agreement or by virtue of this State's approval of the Agreement. No person may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of this State, or any political subdivision of this State on the ground that the action or inaction is inconsistent with the Agreement.

(c) No law of this State, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement.

Section 10. Seller and third party liability.

(a) A certified service provider is the agent of a seller, with whom the certified service provider has contracted, for the collection and remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales and use tax due each member state on all sales transactions it processes for the seller except as set out in this Section.

A seller that contracts with a certified service provider is not liable to the State for sales or use tax due on transactions processed by the certified service provider unless the seller misrepresented the type of items it sells or committed fraud. In the absence of probable cause to believe that the seller has committed fraud or made a material misrepresentation, the seller is not subject to audit on the transactions processed by the certified service provider. A seller is subject to audit for transactions not processed by the certified service provider. The member states acting jointly may perform a system check of the seller and review the seller's procedures to determine if the certified service provider's
system is functioning properly and the extent to which the seller's transactions are being processed by the certified service provider.

(b) A person that provides a certified automated system is responsible for the proper functioning of that system and is liable to the State for underpayments of tax attributable to errors in the functioning of the certified automated system. A seller that uses a certified automated system remains responsible and is liable to the State for reporting and remitting tax.

(c) A seller that has a proprietary system for determining the amount of tax due on transactions and has signed an agreement establishing a performance standard for that system is liable for the failure of the system to meet the performance standard.

Section 905. The Illinois Municipal Code is amended by changing Section 8-11-6 as follows:

(65 ILCS 5/8-11-6) (from Ch. 24, par. 8-11-6)
(a) The corporate authorities of a home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered at a location within the corporate limits of such home rule municipality with an agency of this State's government, at a rate which is an increment of 1/4% and based on the selling price of such tangible personal property, as "selling price" is defined in the Use Tax Act. In home rule municipalities with less than 2,000,000 inhabitants, the tax shall be collected by the municipality imposing the tax from persons whose Illinois address for titling or registration purposes is given as being in such municipality.

(b) In home rule municipalities with 2,000,000 or more inhabitants, the corporate authorities of the municipality may additionally impose a tax beginning July 1, 1991 upon the privilege of using in the municipality, any item of tangible personal property, other than tangible personal property titled or registered with an agency of the State's government, that is purchased at retail from a retailer located outside the corporate limits of the municipality, at a rate that is an increment of 1/4% not to exceed 1% and based on the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. Such tax shall be collected from the purchaser or the retailer either by the municipality imposing such tax or by the Department of Revenue pursuant to an agreement between the Department and the municipality.

To prevent multiple home rule taxation, the use in a home rule municipality of tangible personal property that is acquired outside the municipality and caused to be brought into the municipality by a person who has already paid a home rule municipal tax in another municipality in respect to the sale, purchase, or use of that property, shall be exempt to the extent of the amount of the tax properly due and paid in the other home rule municipality.

(c) If a municipality having 2,000,000 or more inhabitants imposes the tax authorized by subsection (a), then the tax shall be collected by the Illinois Department of Revenue when the property is purchased at retail from a retailer in the county in which the home rule municipality imposing the tax is located, and in all contiguous counties. The tax shall be remitted to the State, or an exemption determination must be obtained from the Department before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and that agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this Section to collect all taxes, penalties and interest due hereunder, to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this Section the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, which are not inconsistent with this Section, as fully as if provisions contained in those Sections of the Use Tax Act were set forth herein.
Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the home rule municipal retailers’ occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties and interest collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named municipalities, the municipality in each instance to be that municipality from which the Department during the second preceding calendar month, collected municipal use tax from any person whose Illinois address for titling or registration purposes is given as being in such municipality. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, less the amount expended during the second preceding month by the Department to be paid from the appropriation to the Department from the Home Rule Municipal Retailers' Occupation Tax Trust Fund. The appropriation to cover the costs incurred by the Department in administering and enforcing this Section shall not exceed 2% of the amount estimated to be deposited into the Home Rule Municipal Retailers' Occupation Tax Trust Fund during the fiscal year for which the appropriation is made. Within 10 days after receipt by the State Comptroller of the disbursement certification to the municipalities provided for in this Section to be given to the State Comptroller by the Department, the State Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in that certification.

Any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following such adoption and filing. Beginning April 1, 1998, any ordinance imposing or discontinuing any tax to be collected and enforced by the Department under this Section shall either (i) be adopted and a certified copy thereof filed with the Department on or before April 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of July 1 next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before October 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the municipalities as of January 1 next following the adoption and filing.

Nothing in this subsection (c) shall prevent a home rule municipality from collecting the tax pursuant to subsection (a) in any situation where such tax is not collected by the Department of Revenue under this subsection (c).

(d) Any unobligated balance remaining in the Municipal Retailers' Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund, for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135, and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

(e) As used in this Section, "Municipal" and "Municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

(f) This Section shall be known and may be cited as the Home Rule Municipal Use Tax Act.

(Source: P.A. 90-562, eff. 12-16-97; 90-689, eff. 7-31-98; 91-51, eff. 6-30-99.)

Section 910. The Regional Transportation Authority Act is amended by changing Section 4.03 as follows:

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)
Sec. 4.03. Taxes.
(a) In order to carry out any of the powers or purposes of the Authority, the Board may by
ordinance adopted with the concurrence of 9 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Act. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 3/4% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 1/4% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

New matter indicated by italics - deletions by strikeout.
Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act that is located in the metropolitan region; (2) 1% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 3/4% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 1/4% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that
servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 3/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 1/4% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be
necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers’ Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the Authority, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. The State Department of Revenue shall also certify to the Authority the amount of taxes collected in each County other than Cook County in the metropolitan region less the amount necessary for the payment of refunds to taxpayers in the County. With regard to the County of Cook, the certification shall specify the amount of taxes collected within the City of Chicago less the amount necessary for the payment of refunds to taxpayers in the City of Chicago and the amount collected in that portion of Cook County outside of Chicago less the amount necessary for the payment of refunds to taxpayers in that portion of Cook County outside of Chicago. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the Authority, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation...
shall be made in an amount equal to the average monthly distribution during the preceding calendar
year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average
monthly distribution from the Regional Transportation Authority Occupation and Use Tax
Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph
and the preceding paragraph shall be reduced by the amount allocated and disbursed under this
paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the
Comptroller the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act
or to adopt a Five-year Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act
shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under
paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use
or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain
in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are
imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the
Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any
tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than
an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional
Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this
Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.
(Source: P.A. 91-51, eff. 6-30-99.)

Section 915. The Water Commission Act of 1985 is amended by changing Section 4 as
follows:

(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)
Sec. 4. (a) The board of commissioners of any county water commission may, by ordinance,
impose throughout the territory of the commission any or all of the taxes provided in this Section for
its corporate purposes. However, no county water commission may impose any such tax unless the
commission certifies the proposition of imposing the tax to the proper election officials, who shall
submit the proposition to the voters residing in the territory at an election in accordance with the
general election law, and the proposition has been approved by a majority of those voting on the
proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the
following form:

| Shall the (insert corporate | YES |
| name of county water commission) | |
| impose (state type of tax or | ------------------------ |
| taxes to be imposed) at the | NO |
| rate of 1/4%? |

Taxes imposed under this Section and civil penalties imposed incident thereto shall be
collected and enforced by the State Department of Revenue. The Department shall have the power to
administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the
taxes.

(b) The board of commissioners may impose a County Water Commission Retailers' Occupa-
tion Tax upon all persons engaged in the business of selling tangible personal property at retail
in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the
course of such business within the territory. The tax imposed under this paragraph and all civil
penalties that may be assessed as an incident thereof shall be collected and enforced by the State
Department of Revenue. The Department shall have full power to administer and enforce this
paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so
collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising
on account of the erroneous payment of tax or penalty hereunder. In the administration of, and
compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

For the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be imposed under subsections (c) and (d) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a County Water Commission Service Occupation Tax shall also be imposed upon all persons engaged, in the territory of the commission, in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property within the territory. The tax rate shall be 1/4% of the selling price of tangible personal property so transferred within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the territory of the commission), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4 (except that the reference to the State shall be to the territory of the

New matter indicated by italics - deletions by strikeout.
Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, and any tax for which servicemen may be liable under subsection (f) of Sec. 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also be imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The tax shall be collected by the Department of Revenue for a county water commission. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the
notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

(Source: P.A. 91-51, eff. 6-30-99.)

Section 999. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.
beneficiary or person claiming by or through him or her within 3 years from the date the final account is furnished.

(c) With respect to trust estates which terminated and were distributed 10 years or less prior to January 1, 1988, the final account furnished to the beneficiaries entitled to distribution of the trust estate shall be binding on the beneficiaries receiving the same and all persons claiming by or through them, unless an action against the trustee is instituted by the beneficiary or person claiming by or through him or her within 5 years from January 1, 1988 or within 10 years from the date the final account was furnished, whichever is longer.

(d) With respect to trust estates which terminated and were distributed more than 10 years prior to January 1, 1988, the final account furnished to the beneficiaries entitled to distribution of the trust estate shall be binding on the beneficiaries receiving the same and all persons claiming by or through them, unless an action against the trustee is instituted by the beneficiary or person claiming by or through him or her within 2 years from January 1, 1988.

(e) If a beneficiary is under a legal disability, the account shall be provided to the representative of the estate of the beneficiary and shall be binding on the beneficiary and the beneficiary's estate unless an action against the trustee is instituted by the representative within 3 years from the date the account is furnished. If no representative for the estate of a beneficiary under legal disability has been appointed, the account shall be provided to a spouse, parent, adult child, or guardian of the person of the beneficiary and shall be binding on the beneficiary unless an action is instituted against the trustee by the spouse, parent, adult child, or guardian of the person to whom the account is furnished within 3 years from the date it is furnished.

(f) If the trustee is guilty of fraudulent concealment, notwithstanding subsection (a), (b), (c), (d) or (e), the beneficiary may bring the action within the time limit set forth in Section 13-215 of the Code of Civil Procedure.

(g) Receipt of an account by a beneficiary (or other person, as provided) is presumed if the trustee has procedures in place requiring the mailing or delivery of an account to the beneficiary (or other person, as provided). This presumption shall apply to the mailing or delivery of an account by electronic means or the provision of access to an account by electronic means so long as the beneficiary has agreed to receive such electronic delivery or access.

(5 ILCS 200/22-40)
Sec. 22-40. Issuance of deed; possession.
(a) If the redemption period expires and the property has not been redeemed and all taxes and special assessments which became due and payable subsequent to the sale have been paid and all forfeitures and sales which occur subsequent to the sale have been redeemed and the notices required by law have been given and all advancements of public funds under the police power made by a city, village or town under Section 22-35 have been paid and the petitioner has complied with all the provisions of law entitling him or her to a deed, the court shall so find and shall enter an order directing the county clerk on the production of the certificate of purchase and a certified copy of the order, to issue to the purchaser or his or her assignee a tax deed. The court shall insist on strict compliance with Section 22-10 through 22-25. Prior to the entry of an order directing the issuance of a tax deed, the petitioner shall furnish the court with a report of proceedings of the evidence received on the application for tax deed and the report of proceedings shall be filed and made a part of the court record.

New matter indicated by italics - deletions by strikeout.
(b) If taxes for years prior to the year or years sold are or become remain delinquent subsequent to the date of sale, the court shall find that the lien of those delinquent taxes has been or will be may be merged into the tax deed grantee's title if the court determines that the tax deed grantee or any prior holder of the certificate of purchase, or any person or entity under common ownership or control with any such grantee or prior holder of the certificate of purchase, was at no time the holder of any certificate of purchase for the years sought to be merged.

all other requirements for receiving an order directing the issuance of the tax deed are fulfilled and makes a further determination under either paragraph (1) or (2):

(1) Incomplete estimate:

(A) The property in question was purchased at an annual sale; and

(B) the statement and estimate of forfeited general taxes furnished by the county clerk pursuant to Section 21-240 failed to include all delinquent taxes as of the date of that estimate's issuance.

(2) Vacating order:

(A) The petitioner furnishes the court with a certified copy of an order vacating a prior sale for the subject property;

(B) the order vacating the sale was entered after the date of purchase for the subject taxes;

(C) the sale in error was granted pursuant to paragraphs (1), (2), or (4) of subsection (b) of Section 21-310 or Section 22-35; and

(D) the tax purchaser who received the sale in error has no affiliation, direct or indirect, with the petitioner in the present proceeding and that petitioner has signed an affidavit attesting to the lack of affiliation.

If delinquent taxes are merged into the tax deed pursuant to this subsection, the court shall enter an order declaring which specific taxes have been or will be merged into the tax deed title and directing the county treasurer and county clerk to reflect that declaration in the warrant and judgment records; provided, that no such order shall be effective until a tax deed has been issued and timely recorded a declaration to that effect shall be included in the order directing issuance of the tax deed. Nothing contained in this Section shall relieve any owner liable for delinquent property taxes under this Code from the payment of the taxes that have been merged into the title upon issuance of the tax deed.

(c) The county clerk is entitled to a fee of $10 in counties of 3,000,000 or more inhabitants and $5 in counties with less than 3,000,000 inhabitants for the issuance of the tax deed. The clerk may not include in a tax deed more than one property as listed, assessed and sold in one description, except in cases where several properties are owned by one person.

Upon application the court shall, enter an order to place the tax deed grantee in possession of the property and may enter orders and grant relief as may be necessary or desirable to maintain the grantee in possession.

(d) The court shall retain jurisdiction to enter orders pursuant to subsections (b) and (c) of this Section. This amendatory Act of the 92nd General Assembly shall be construed as being declarative of existing law and not as a new enactment.

(Source: P.A. 91-564, eff. 8-14-99.)

Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.
or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction
of the court which ordered the property sold that any of the following subsections are applicable, the
court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has
become null and void pursuant to Section 21-95,
(2) the taxes or special assessments had been paid prior to the sale of the property,
(3) there is a double assessment,
(4) the description is void for uncertainty,
(5) the assessor, chief county assessment officer, board of review, board of appeals, or
other county official has made an error (other than an error of judgment as to the value of any
property),
(5.5) the owner of the homestead property had tendered timely and full payment to the
county collector that the owner reasonably believed was due and owing on the homestead
property; provided that this provision applies only to homeowners, not their agents or third-party
payors,
(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the
legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C.
Chapter 7, 11, 12, or 13, or
(7) the property is owned by the State of Illinois, a municipality, or a taxing district. A
municipality has acquired the property (i) through the foreclosure of a lien authorized under
Section 11-31-1 of the Illinois Municipal Code or through a judicial deed issued under that
Section or (ii) through foreclosure of a receivership certificate lien.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the
satisfaction of the court which ordered the property sold that any of the following subsections are
applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11,
12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.
(2) The improvements upon the property sold have been substantially destroyed or
rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior
to the issuance of the tax deed.
(3) There is an interest held by the United States in the property sold which could not be
extinguished by the tax deed.
(4) The real property contains a hazardous substance, hazardous waste, or underground
storage tank that would require cleanup or other removal under any federal, State, or local
law, ordinance, or regulation, only if the tax purchaser purchased the property without actual
knowledge of the hazardous substance, hazardous waste, or underground storage tank. This
paragraph (4) applies only to tax purchases occurring after January 1, 1990 and if the owner
of the certificate of purchase has made application for a sale in error at any time before the
issuance of a tax deed.

If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment,
sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector
shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest
and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far
as it relates to the property. The county collector shall deduct from the accounts of the appropriate
taxing bodies their pro rata amounts paid.

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01.)

(35 ILCS 200/21-315)
Sec. 21-315. Refund of costs; interest on refund.

(a) In those cases which arise solely under grounds set forth in Section 21-310 or 22-35, and
in no other cases; The court which orders a sale in error under Section 21-310, 22-35, or 22-50 shall
also award a refund of interest on the refund of the amount paid for the certificate of purchase,
together with all costs paid by the owner of the certificate of purchase or his or her assignor which
were posted to the tax judgment, sale, redemption and forfeiture record, except as otherwise provided
in this Section. Except as otherwise provided in this Section, interest shall be awarded and paid at the

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rate of 1% per month from the date of sale to the date of payment to the tax purchaser, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the court shall also award interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest on the refund to the owner of the certificate of purchase shall not be paid (i) in any case in which the improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy, (ii) when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or (iii) in any case, after January 1, 1990, in which the real estate contains a hazardous substance, hazardous waste, or underground storage tank that would require a cleanup or other removal under any federal, State, or local law, ordinance or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste or underground storage tank, or (iv) in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the tax purchaser, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the original owner of the certificate of purchase, or to the latest assignee, if known. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.

(Source: P.A. 89-69, eff. 6-30-95; 90-655, eff. 7-30-98.)

(35 ILCS 200/21-320)
Sec. 21-320. Refund of other taxes paid by holder of certificate of purchase. The court which orders a sale in error shall order the refund of all other taxes paid or redeemed by the owner of the certificate of purchase or his or her assignor which were validly posted to the tax judgment, sale redemption and forfeiture record subsequent to the tax sale, together with interest on those other taxes under the same terms as interest is otherwise payable under Section 21-315. The interest under this subsection shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 21-310.

(Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/21-330)
Sec. 21-330. Fund for payment of interest. In counties of under 3,000,000 inhabitants, the county board may impose a fee of up to $60, which shall be paid to the county collector, prior to the issuance of any certificate of purchase. Each person purchasing any property at a sale held under this Code, prior to the issuance of any certificate of purchase. Each person purchasing any property at a sale held under this Code in a county with 3,000,000 or more inhabitants shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of $100 for each item purchased. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 21-355. All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-10009 and 3-11002 of the Counties Code. The fund shall be held to satisfy orders for payment of interest and costs obtained against the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under

New matter indicated by italics - deletions by strikeout.
Section 21-310, 22-35, or 22-50. Any moneys accumulated in the fund by the county treasurer in excess of $500,000 shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county.

(Source: P.A. 88-455; 88-676, eff. 12-14-94; 89-342, eff. 1-1-96.)

(35 ILCS 200/21-335)

Sec. 21-335. Claims for interest and costs. Any person claiming interest or costs under Sections 21-315 through 21-330 shall include the claim in his or her petition for sale in error under Section 21-310, 22-35, or 22-50. Any claim for interest or costs which is not included in the petition is waived, except interest or costs may be awarded to the extent permitted by this Section upon a sale in error petition filed by the county collector, without requiring a separate filing by the claimant. Any order for interest or costs upon the petition for sale in error shall be deemed to be entered against the county treasurer as trustee of the fund created by this Section. The fund shall be the sole source for payment and satisfaction of orders for interest or costs, except as otherwise provided in this subsection. If the court determines that the fund has been depleted and will not be restored in time to pay an award with reasonable promptness, the court may authorize the collector to pay the interest portion of the award pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.

(Source: P.A. 85-287; 85-415; 86-669; 88-455.)

(35 ILCS 200/22-45)

Sec. 22-45. Tax deed incontestable unless order appealed or relief petitioned. Tax deeds issued under Section 22-40 are incontestable except by appeal from the order of the court directing the county clerk to issue the tax deed. However, relief from such order may be had under Section 2-1401 of the Code of Civil Procedure in the same manner and to the same extent as may be had under that Section with respect to final orders and judgments in other proceedings.

The grounds for relief under Section 2-1401 shall be limited to:

(1) proof that the taxes were paid prior to sale;
(2) proof that the property was exempt from taxation;
(3) proof by clear and convincing evidence that the tax deed had been procured by fraud or deception by the tax purchaser or his or her assignee; or
(4) proof by a person or party holding a recorded ownership or other recorded interest in the property that he or she was not named as a party in the publication notice as set forth in Section 22-20, and that the tax purchaser or his or her assignee did not make a diligent inquiry and effort to serve that person or party with the notices required by Sections 22-10 through 22-30.

In cases of the sale of homestead property in counties with 3,000,000 or more inhabitants, a tax deed may also be voided by the court upon petition, filed not more than 3 months after an order for tax deed was entered, if the court finds that the property was owner occupied on the expiration date of the period of redemption and that the order for deed was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 21-295. In those cases of error where the court vacates the tax deed, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund. The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil Procedure may concurrently hear a petition filed under Section 21-295 and may grant relief under either Section.

(Source: P.A. 85-145; 86-669; 87-671; 87-895; 87-1189; 88-455; incorporates 88-451; 88-670, eff. 12-2-94.)

(35 ILCS 200/22-50)

Sec. 22-50. Denial of deed. If the court refuses to enter an order directing the county clerk to execute and deliver the tax deed, because of the failure of the purchaser to fulfill any of the above provisions, and if the purchaser, or his or her assignee has made a bona fide attempt to comply with the statutory requirements for the issuance of the tax deed, then upon application of the owner of the
certificate of purchase the court shall declare the sale to be a sale in error it shall order the return of the purchase price forthwith, as in case of sales in error, except that no interest shall be paid on the purchase price.

(Source: P.A. 86-1158; 86-1431; 86-1475; 87-145; 87-669; 87-671; 87-895; 87-1189; 88-455.)

Section 90. Changes declarative of existing law. Except for the amendment to subsection (a) of Section 21-315, the changes made by this amendatory Act of the 92nd General Assembly are declarative of existing law and shall not be construed as a new enactment.

Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0225
(Senate Bill No. 0544)

AN ACT in relation to property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(765 ILCS 5/38c rep.)
Section 5. The Conveyances Act is amended by repealing Section 38c.
Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

PUBLIC ACT 92-0226
(Senate Bill No. 0573)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by adding Section 27-93 as follows:
(35 ILCS 200/27-93 new)
Sec. 27-93. Refunds; special service area fund. If the corporate authorities determine that excess revenues exist in a special service area fund at the end of the life of the special service area and if the option to abate a portion of the final tax levy for the special service area is no longer available, then the excess funds must be refunded to the taxpayers of record for all parcels within the special service area, as of the date the refund is declared, on a pro rata basis based upon each parcel's proportionate share of the total equalized assessed valuation of all parcels within the special service area. In processing the refund, the county or municipality may deduct not more than 5% of the amount declared to be refunded to cover its costs and expenses relative to declaring and making the refund.
Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0227
(Senate Bill No. 0617)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:
(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:
(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal
property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related
equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use
Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse the lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.
(29) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are
not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.
(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes."
"purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessee shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessee would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessee shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit
service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the

New matter indicated by italics - deletions by strikeout.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not
less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) (24) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) (20) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 20. The Retailers’ Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item
(7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other
person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.
(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 2-70.

(36) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.
(37) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.  
(Source: P.A. 90-14, eff. 7-1-97; 90-519, eff. 6-1-98; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-28-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

PUBLIC ACT 92-0228
(Senate Bill No. 0721)

AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Sections 8-2001, 8-2003, and 8-2004, changing the heading of Part 20 of Article VIII, and adding Sections 8-2005 and 8-2006 as follows:

(735 ILCS 5/Art. 8, Part 20 heading)

Part 20. Inspection of Hospital Records

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)
Sec. 8-2001. Examination of records. Every private and public hospital shall, upon the request of any patient who has been treated in such hospital and after his or her discharge therefrom, permit the patient, his or her physician or authorized attorney to examine the hospital records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her physician or authorized attorney. A request for copies examination of the records shall be in writing and shall be delivered to the administrator of such hospital. The hospital shall be reimbursed by the person requesting copies of records at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred by the hospital in connection with such copying not to exceed a $20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The hospital may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient, for his or her physician, authorized attorney, or own person.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.
(Source: P.A. 84-7.)
(735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)
(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2003. Physician's Records of physicians and other health care practitioners. In this Section, "practitioner" means any health care practitioner other than a physician, clinical psychologist, or clinical social worker.

Every physician and practitioner shall, upon the request of any patient who has been treated...
by such physician or practitioner, permit such patient's physician, practitioner, or authorized attorney to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient. Such request for examining and copying of the records shall be in writing and shall be delivered to such physician or practitioner. Such written request shall be complied with by the physician or practitioner within a reasonable time after receipt by him or her at his or her office or any other place designated by him or her. The physician or practitioner shall be reimbursed by the person requesting such records at the time of such examination or copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the physician or practitioner in connection with such examination or copying not to exceed a $20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The physician or other practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

The requirements of this Section shall be satisfied within 60 days of the receipt of a request by a patient or his or her physician, practitioner, or authorized attorney.

Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 84-7.)

(735 ILCS 5/8-2004) (from Ch. 110, par. 8-2004)
(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 8-2004. Records of clinical psychologists and clinical social workers. Except where the clinical psychologist or clinical social worker consents, records of a clinical psychologist or clinical social worker regulated in this State, relating to psychological services or social work services, shall not be examined or copied by a patient, unless otherwise ordered by the court for good cause shown. For the purpose of obtaining records, the patient or his or her authorized agent may apply to the circuit court of the county in which the patient resides or the county in which the clinical psychologist or clinical social worker resides. The clinical psychologist or clinical social worker shall be reimbursed by the person requesting the records at the time of the examination or copying, for all reasonable expenses, including the costs of independent copy service companies, incurred by the clinical psychologist or clinical social worker in connection with the examination or copying, not to exceed a $20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The clinical psychologist or clinical social worker may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated or a standard commercial photocopy machine such as pictures.

(Source: P.A. 87-530.)

(735 ILCS 5/8-2005 new)

Sec. 8-2005. Attorney's records. This Section applies only if a client and his or her authorized attorney have complied with all applicable legal requirements regarding examination and copying of client files, including but not limited to satisfaction of expenses and attorney retaining liens.

Upon the request of a client, an attorney shall permit the client's authorized attorney to examine and copy the records kept by the attorney in connection with the representation of the client, with the exception of attorney work product. The request for examination and copying of the records shall be in writing and shall be delivered to the attorney. Within a reasonable time after the attorney receives the written request, the attorney shall comply with the written request at his or her office or any other place designated by him or her. At the time of copying, the person requesting the records shall reimburse the attorney for all reasonable expenses, including the costs of independent copy

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service companies, incurred by the attorney in connection with the copying not to exceed a $20 handling charge for processing the request for copies, and 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm), and actual shipping costs. These rates shall be automatically adjusted as set forth in Section 8-2006. The attorney may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as pictures.

An attorney shall satisfy the requirements of this Section within 60 days after he or she receives a request from a client or his or her authorized attorney. An attorney who fails to comply with the time limit requirement of this Section shall be required to pay expenses and reasonable attorney's fees incurred in connection with any court-ordered enforcement of the requirements of this Section.

(735 ILCS 5/8-2006 new)

Sec. 8-2006. Copying fees; adjustment for inflation. Beginning in 2003, every January 20, the copying fee limits established in Sections 8-2001, 8-2003, 8-2004, and 8-2005 shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available to the public on January 20 of every year.

Section 99. Effective date. This Act takes effect 30 days after becoming law.
Effective September 1, 2001.

PUBLIC ACT 92-0229
(Senate Bill No. 0726)

AN ACT in relation to conservation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Conservation Education Act is amended by changing Section 3 as follows:
(105 ILCS 415/3) (from Ch. 122, par. 698.3)
Sec. 3. Advisory Board.

(a) An Advisory Board is hereby established consisting of the Director of Agriculture, the Director of Natural Resources plus a person designated by the Director of Natural Resources, the Director of the Environmental Protection Agency, the State Superintendent of Education, the Director of Commerce and Community Affairs, the Director of Public Health, the Director of Nuclear Safety, the Director of the University of Illinois Cooperative Extension Service, and 4 members to be appointed by the Governor. The appointed members shall consist of: a representative of the colleges and universities of the State of Illinois, a member of a soil conservation district within the State of Illinois, a classroom teacher who has won the Conservation Teacher of the Year Award, and a representative of business and industry. All appointive members shall be appointed for terms of 3 years except when an appointment is made to fill a vacancy, in which case the appointment shall be made by the Governor for the unexpired term of the position vacant. The Advisory Board from time to time shall make recommendations concerning the conservation education program within the State of Illinois. In selecting the appointive members of the Advisory Board, the Governor shall give due consideration to the recommendations of such professional organizations as are concerned with the conservation education program. Members of the Advisory Board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the administration of the Act. Each of the members serving ex officio may designate a person to serve in his or her place.

(b) The Advisory Board shall select its own Chairman, establish rules and procedures not inconsistent with this Act and shall keep a record of matters transpiring at all meetings. The Board shall hold regular meetings at least 4 times each year and special meetings shall be held at the call of the members. New matter indicated by italics - deletions by strikeout.
of the Chairman or any 3 three members of the Board. All matters coming before the Board shall be decided by a majority vote of those present at any meeting.

(c) The Advisory Board from time to time shall make recommendations concerning the conservation education program within the State of Illinois.

(Source: P.A. 89-445, eff. 2-7-96.)

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

PUBLIC ACT 92-0230
(Senate Bill No. 0755)

AN ACT concerning recreational areas.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Park District Code is amended by changing Section 8-10b as follows:

(70 ILCS 1205/8-10b) (from Ch. 105, par. 8-10.2)

Sec. 8-10b. Joint recreational programs for the handicapped. Any 2 or more park districts, or in counties with a population of 300,000 or less, a single park district and another unit of local government, are authorized to take any action jointly relating to recreational programs for the handicapped that could be taken individually and to enter into agreements with other park districts and recreation boards and the corporate authorities of cities, villages and incorporated towns specified in Sections 11-95-2 and 11-95-3 of the "Illinois Municipal Code", approved May 29, 1961, as amended, or any combination thereof, for the purpose of providing for the establishment, maintenance and management of joint recreational programs for the handicapped of all the participating districts and municipal areas, including provisions for transportation of participants, procedures for approval of budgets, authorization of expenditures and sharing of expenses, location of recreational areas in the area of any of the participating districts and municipalities, acquisition of real estate by gift, legacy, grant, or purchase, employment of a director and other professional workers for such program who may be employed by one participating district, municipality or board which shall be reimbursed on a mutually agreed basis by the other districts, municipalities and boards that are parties to the joint agreement, authorization for one municipality, board or district to supply professional workers for a joint program conducted in another municipality or district and to provide other requirements for operation of such joint program as may be desirable.

(Source: P.A. 83-616.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-95-14 as follows:

(65 ILCS 5/11-95-14) (from Ch. 24, par. 11-95-14)

Sec. 11-95-14. The corporate authorities of any 2 or more municipalities specified in Section 11-95-2 and any 2 or more recreation boards specified in Section 11-95-3, or any combination thereof, are authorized to take any action jointly relating to recreational programs for the handicapped that could be taken individually and to enter into agreements with other such recreation boards, corporate authorities and park districts or any combination thereof, for the purpose of providing for the establishment, maintenance and management of joint recreational programs for the handicapped of all the participating districts and municipal areas, including provisions for transportation of participants, procedures for approval of budgets, authorization of expenditures and sharing of expenses, location of recreational areas in the area of any of the participating districts and municipalities, acquisition of real estate by gift, legacy, grant, or purchase, employment of a director and other professional workers for such program who may be employed by one participating district, municipality or board which shall be reimbursed on a mutually agreed basis by the other municipalities, districts and boards that are parties to the joint agreement, authorization for one municipality, board or district to supply professional workers for a joint program conducted in another municipality or district and to provide other requirements for operation of such joint program as may be desirable. The corporate authorities of any municipality that is a party to a joint agreement entered into under this Section may levy and collect a tax, in the manner provided by law for the levy and collection of other municipal taxes in the municipality but in addition to taxes for general purposes

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authorized by Section 8-3-1 or levied as limited by any provision of a special charter under which the municipality is incorporated, at not to exceed .04% of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the municipality for the purpose of funding that municipality's share of the expenses for providing the programs under that joint agreement. However, no tax may be levied pursuant to this Section in any area in which a tax is levied under Section 5-8 of The Park District Code.
(Source: P.A. 85-124.)
Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0231
(Senate Bill No. 0853)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Tobacco Products Tax Act of 1995 is amended by changing Sections 10-5, 10-10, 10-20, and 10-50 as follows:
(35 ILCS 143/10-5)
Sec. 10-5. Definitions. For purposes of this Act:
"Business" means any trade, occupation, activity, or enterprise engaged in, at any location whatsoever, for the purpose of selling tobacco products in this State.
"Cigarette" has the meaning ascribed to the term in Section 1 of the Cigarette Tax Act.
"Correctional Industries program" means a program run by a State penal institution in which residents of the penal institution produce tobacco products for sale to persons incarcerated in penal institutions or resident patients of a State operated mental health facility.
"Department" means the Illinois Department of Revenue.
"Distributor" means any of the following:
(1) Any manufacturer or wholesaler in this State engaged in the business of selling tobacco products who sells, exchanges, or distributes tobacco products to retailers or consumers in this State.
(2) Any manufacturer or wholesaler located outside of Illinois engaged in the business of selling tobacco products from without this State who sells, exchanges, distributes, ships, or transports tobacco products to retailers or consumers located in this State, so long as that manufacturer or wholesaler has or maintains within this State, directly or by subsidiary, an office, sales house, or other place of business, or any agent or other representative operating within this State under the authority of the person or subsidiary, irrespective of whether the place of business or agent or other representative is located here permanently or temporarily.
(3) Any retailer who receives tobacco products on which the tax has not been or will not be paid by another distributor.
"Distributor" does not include any person, wherever resident or located, who makes, manufactures, or fabricates tobacco products as part of a Correctional Industries program for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility.
"Manufacturer" means any person, wherever resident or located, who makes and sells tobacco products, except a person who makes, manufactures, or fabricates tobacco products as a part of a Correctional Industries program for sale to persons incarcerated in penal institutions or resident patients of a State operated mental health facility.
"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, limited liability company, or public or private corporation, however formed, or a receiver, executor, administrator, trustee, conservator, or other representative appointed by order of any court.

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"Place of business" means and includes any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine.

"Retailer" means any person in this State engaged in the business of selling tobacco products to consumers in this State, regardless of quantity or number of sales.

"Sale" means any transfer, exchange, or barter in any manner or by any means whatsoever for a consideration and includes all sales made by persons.

"Tobacco products" means any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette distributors and manufacturers defined in the Cigarette Tax Act and persons who make, manufacture, or fabricate cigarettes as a part of a Correctional Industries program for sale to residents incarcerated in penal institutions or resident patients of a State operated mental health facility.

"Wholesale price" means the established list price for which a manufacturer sells tobacco products to a distributor, before the allowance of any discount, trade allowance, rebate, or other reduction. In the absence of such an established list price, the manufacturer's invoice price at which the manufacturer sells the tobacco product to unaffiliated distributors, before any discounts, trade allowances, rebates, or other reductions, shall be presumed to be the wholesale price.

"Wholesaler" means any person, wherever resident or located, engaged in the business of selling tobacco products to others for the purpose of resale.

(35 ILCS 143/10-10)
Sec. 10-10. Tax imposed. On the first day of the third month after the month in which this Act becomes law, a tax is imposed on any person engaged in business as a distributor of tobacco products, as defined in Section 10-5, at the rate of 18% of the wholesale price of tobacco products sold or otherwise disposed of to retailers or consumers located in this State. The tax is in addition to all other occupation or privilege taxes imposed by the State of Illinois, by any political subdivision thereof, or by any municipal corporation. However, the tax is not imposed upon any activity in that business in interstate commerce or otherwise, to the extent to which that activity may not, under the Constitution and Statutes of the United States, be made the subject of taxation by this State. The tax is also not imposed on sales made to the United States or any entity thereof.

All moneys received by the Department under this Act shall be paid into the Long-Term Care Provider Fund of the State Treasury.

(35 ILCS 143/10-20)
Sec. 10-20. Licenses. It shall be unlawful for any person to engage in business as a distributor of tobacco products within the meaning of this Act without first having obtained a license to do so from the Department. Application for that license shall be made to the Department in a form prescribed and furnished by the Department. Each applicant for a license shall furnish to the Department on a form, signed and verified by the applicant, the following information:

(1) The name of the applicant.

(2) The address of the location at which the applicant proposes to engage in business as a distributor of tobacco products in this State.

(3) Other information the Department may reasonably require.

Except as otherwise provided in this Section, every applicant who is required to procure a distributor's license shall file with his or her application a joint and several bond. The bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. The Department shall fix the amount of the bond for each applicant, taking into consideration the amount of money expected to become due from the applicant under this Act. The amount of bond required by the Department shall be an amount that, in its opinion, will protect the State of Illinois against failure to pay the amount that may become due

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from the applicant under this Act, but the amount of the security required by the Department shall not exceed 3 times the amount of the applicant's average monthly tax liability, or $50,000, whichever amount is lower. The bond, a reissue, or a substitute shall be kept in full force and effect during the entire period covered by the license. A separate application for license shall be made, and bond filed, for each place of business at which a person who is required to procure a distributor's license proposes to engage in business as a distributor in Illinois under this Act.

The Department, upon receipt of an application and bond in proper form, shall issue to the applicant a license, in a form prescribed by the Department, which shall permit the applicant to whom it is issued to engage in business as a distributor at the place shown on his or her application. The license shall be issued by the Department without charge or cost to the applicant. No license issued under this Act is transferable or assignable. The license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois under the license.

The bonding requirement in this Section does not apply to an applicant for a distributor's license who is already bonded under the Cigarette Tax Act or the Cigarette Use Tax Act. Licenses issued by the Department under this Act shall be valid for a period not to exceed one year after issuance unless sooner revoked, canceled, or suspended as provided in this Act.

No license shall be issued to any person who is in default to the State of Illinois for moneys due under this Act or any other tax Act administered by the Department.

The Department may, in its discretion, upon application, authorize the payment of the tax imposed under Section 10-10 by any distributor or manufacturer not otherwise subject to the tax imposed under this Act who, to the satisfaction of the Department, furnishes adequate security to ensure payment of the tax. The distributor or manufacturer shall be issued, without charge, a license to remit the tax. When so authorized, it shall be the duty of the distributor or manufacturer to remit the tax imposed upon the wholesale price of tobacco products sold or otherwise disposed of to retailers or consumers located in this State, in the same manner and subject to the same requirements as any other distributor or manufacturer licensed under this Act operating within this State.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of that decision, protest and request a hearing, whereupon the Department must give notice to that person of the time and place fixed for the hearing and must hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of such a protest within 20 days, the Department's decision becomes final without any further determination being made or notice given.

(35 ILCS 143/10-50)

Sec. 10-50. Violations and penalties. When the amount due is under $300, any distributor who fails to file a return, wilfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or files a fraudulent return, or any officer or agent of a corporation engaged in the business of distributing tobacco products to retailers or consumers located in this State who signs a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class 4 felony.

Any person who violates any provision of Section 10-20 of this Act, fails to keep books and records as required under this Act, or wilfully violates a rule or regulation of the Department for the administration and enforcement of this Act is guilty of a Class 4 felony. A person commits a separate offense on each day that he or she engages in business in violation of Section 10-20 of this Act.

When the amount due is under $300, any person who accepts money that is due to the Department under this Act from a taxpayer for the purpose of acting as the taxpayer's agent to make the payment to the Department, but who fails to remit the payment to the Department when due, is guilty of a Class 4 felony.

When the amount due is $300 or more, any distributor who files, or causes to be filed, a fraudulent return, or any officer or agent of a corporation engaged in the business of distributing tobacco products to retailers and consumers located in this State who files or causes to be filed or signs or causes to be signed a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class 3 felony.
When the amount due is $300 or more, any person engaged in the business of distributing tobacco products to retailers and consumers located in this State who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or accepts money that is due to the Department under this Act from a taxpayer for the purpose of acting as the taxpayer's agent to make payment to the Department but fails to remit such payment to the Department when due is guilty of a Class 3 felony.

Any person whose principal place of business is in this State and who is charged with a violation under this Section shall be tried in the county where his or her principal place of business is located unless he or she asserts a right to be tried in another venue. If the taxpayer does not have his or her principal place of business in this State, however, the hearing must be held in Sangamon County unless the taxpayer asserts a right to be tried in another venue.

Any taxpayer or agent of a taxpayer who with the intent to defraud purports to make a payment due to the Department by issuing or delivering a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository, is guilty of a deceptive practice in violation of Section 17-1 of the Criminal Code of 1961.

A prosecution for a violation described in this Section may be commenced within 3 years after the commission of the act constituting the violation.

(Source: P.A. 89-21, eff. 6-6-95.)

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

PUBLIC ACT 92-0232
(Senate Bill No. 0855)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Motor Fuel Tax Law is amended by changing Sections 2a and 15 as follows:
(35 ILCS 505/2a) (from Ch. 120, par. 418a)
Sec. 2a. Except as hereinafter provided, on and after January 1, 1990 and before January 1, 2013, a tax of three-tenths of a cent per gallon is imposed upon the privilege of being a receiver in this State of fuel for sale or use.
The tax shall be paid by the receiver in this State who first sells or uses fuel. In the case of a sale, the tax shall be stated as a separate item on the invoice.
For the purpose of the tax imposed by this Section, being a receiver of "motor fuel" as defined by Section 1.1 of this Act, and aviation fuels, home heating oil and kerosene, but excluding liquefied petroleum gases, is subject to tax without regard to whether the fuel is intended to be used for operation of motor vehicles on the public highways and waters. However, no such tax shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants for sale to or use by holders of certificates of public convenience and necessity or foreign air carrier permits, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at an airport described above. In addition, no such tax shall be imposed upon the importation or receipt of diesel fuel sold to or used by a rail carrier; registered pursuant to Section 18c-7201 of the Illinois Vehicle Code or otherwise recognized by the Illinois Commerce Commission as a rail carrier, to the extent and used directly in railroad operations. In addition, no such tax shall be imposed when the sale is made with delivery to a purchaser outside this State or when the sale is made to a person holding a valid license as a receiver. In addition, no tax shall be imposed upon diesel fuel consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river. A specific notation thereof shall be made on the invoices or sales slips.

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covering each sale.
(Source: P.A. 88-496; 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 89-468, eff. 1-1-97.)

Sec. 15. 1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act, or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act, shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 of this Act or in the International Fuel Tax Agreement referenced in Section 14a, or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act, or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act or who having transported reportable motor fuel within Section 7b of this Act fails to make the return required by that Section, is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5, or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Motor Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 7, 13, or 13a.3 of this Act or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.
10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e shall pay the following penalty:
   - First occurrence.................................... $ 500
   - Second and each occurrence thereafter.............. $1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f shall pay the following penalty:
   - First occurrence.................................... $ 500
   - Second and each occurrence thereafter.............. $1,000

15. If a licensed motor vehicle is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:
   - First occurrence.................................... $2,500
   - Second and each occurrence thereafter.............. $5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:
   - First occurrence.................................... $ 5,000
   - Second and each occurrence thereafter.............. $10,000

17. Any person who knowingly sells or transports dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

(Source: P.A. 91-173, eff. 1-1-00.)

Section 10. The Environmental Impact Fee Law is amended by changing Section 310 as follows:

(415 ILCS 125/310)

(Section scheduled to be repealed on January 1, 2003)

Sec. 310. Environmental impact fee; imposition. Beginning January 1, 1996, all receivers of fuel are subject to an environmental impact fee of $60 per 7,500 gallons of fuel, or an equivalent amount per fraction thereof, that is sold or used in Illinois. The fee shall be paid by the receiver in this State who first sells or uses the fuel. The environmental impact fee imposed by this Law replaces the fee imposed under the corresponding provisions of Article 3 of Public Act 89-428. Environmental impact fees paid under that Article 3 shall satisfy the receiver's corresponding liability under this Law.

A receiver of fuels is subject to the fee without regard to whether the fuel is intended to be used for operation of motor vehicles on the public highways and waters. However, no fee shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 170,000 operations per year, located in a city of more than 1,000,000 inhabitants, for sale to or use by holders of certificates of public convenience and necessity or foreign air carrier permits, issued by the United States Department of Transportation.
States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at an airport described above. In addition, no fee may be imposed upon the importation or receipt of diesel fuel sold to or used by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code or otherwise recognized by the Illinois Commerce Commission as a rail carrier, to the extent and used directly in railroad operations. In addition, no fee may be imposed when the sale is made with delivery to a purchaser outside this State or when the sale is made to a person holding a valid license as a receiver. In addition, no fee shall be imposed upon diesel fuel consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river. A specific notation thereof shall be made on the invoices or sales slips covering each sale.

(Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 89-468, eff. 1-1-97; 90-14, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

PUBLIC ACT 92-0233
(Senate Bill No. 0879)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Insurance Claims Fraud Prevention Act.
Section 5. Patient and client procurement.
(a) Except as otherwise permitted or authorized by law, it is unlawful to knowingly offer or pay any remuneration directly or indirectly, in cash or in kind, to induce any person to procure clients or patients to obtain services or benefits under a contract of insurance or that will be the basis for a claim against an insured person or the person's insurer. Nothing in this Act shall be construed to affect any contracts or arrangements between or among insuring entities including health maintenance organizations, health care professionals, or health care facilities which are hereby excluded.
(b) A person who violates any provision of this Act or Article 46 of the Criminal Code of 1961 shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not less than $5,000 nor more than $10,000, plus an assessment of not more than 3 times the amount of each claim for compensation under a contract of insurance. The court shall have the power to grant other equitable relief, including temporary injunctive relief, as is necessary to prevent the transfer, concealment, or dissipation of illegal proceeds, or to protect the public. The penalty prescribed in this subsection shall be assessed for each fraudulent claim upon a person in which the defendant participated.
(c) The penalties set forth in subsection (b) are intended to be remedial rather than punitive, and shall not preclude, nor be precluded by, a criminal prosecution for the same conduct. If the court finds, after considering the goals of disgorging unlawful profit, restitution, compensating the State for the costs of investigation and prosecution, and alleviating the social costs of increased insurance rates due to fraud, that such a penalty would be punitive and would preclude, or be precluded by, a criminal prosecution, the court shall reduce that penalty appropriately.
Section 10. Action by State's Attorney or Attorney General. The State's Attorney of the county in which the conduct occurred or Attorney General may bring a civil action under this Act. Before the Attorney General may bring the action, the Attorney General shall present the evidence obtained to the appropriate State's Attorney for possible criminal or civil filing. If the State's Attorney elects not to pursue the matter, then the Attorney General may proceed with the action.
Section 15. Action by interested person.
(a) An interested person, including an insurer, may bring a civil action for a violation of this Act for the person and for the State of Illinois. The action shall be brought in the name of the State. The action may be dismissed only if the court and the State's Attorney or the Attorney General,
whichever is participating, gives written consent to the dismissal stating their reasons for consenting.

(b) A copy of the complaint and a written disclosure of substantially all material evidence and information the person possesses shall be served on the State's Attorney and Attorney General. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The State's Attorney or Attorney General may elect to intervene and proceed with the action within 60 days after he or she receives both the complaint and the material evidence and information. If more than one governmental entity elects to intervene, the State's Attorney shall have precedence.

(c) The State's Attorney or Attorney General may, for good cause shown, move the court for extensions of the time during which the complaint shall remain under seal under subsection (b). The motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this Section until 20 days after the complaint is unsealed and served upon the defendant.

(d) Before the expiration of the 60-day period or any extensions obtained under subsection (c), the State's Attorney or Attorney General shall either:

(1) proceed with the action, in which case the action shall be conducted by the State's Attorney or Attorney General; or

(2) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(e) When a person or governmental agency brings an action under this Act, no person other than the State's Attorney or Attorney General may intervene or bring a related action based on the facts underlying the pending action unless another statute or common law authorizes that action.

Section 20. Role of State's Attorney or Attorney General.

(a) If the State's Attorney or Attorney General proceeds with the action, he or she shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. That person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection (b).

(b) The State's Attorney or Attorney General may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the State's Attorney or Attorney General of the filing of the motion, and the court has provided the person with an opportunity for a hearing on the motion.

The State's Attorney or Attorney General may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, the hearing may be held in camera.

Upon a showing by the State's Attorney or Attorney General that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the State's Attorney's or Attorney General's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, including, but not limited to, the following:

(1) limiting the number of witnesses the person may call;

(2) limiting the length of the testimony of those witnesses;

(3) limiting the person's cross-examination of witnesses; and

(4) otherwise limiting the participation by the person in the litigation.

Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(c) If the State's Attorney or Attorney General elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the State's Attorney or Attorney General so requests, he or she shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts, at the State's Attorney's or Attorney General's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the State's Attorney or Attorney General to intervene at a later date upon a showing of good cause.

New matter indicated by italics - deletions by strikeout.
(d) If at any time both a civil action for penalties and equitable relief pursuant to this Act and a criminal action are pending against a defendant for substantially the same conduct, whether brought by the government or a private party, the civil action shall be stayed until the criminal action has been concluded at the trial court level. The stay shall not preclude the court from granting or enforcing temporary equitable relief while the actions are pending. Whether or not the State's Attorney or Attorney General proceeds with the action, upon a showing by the State's Attorney or Attorney General that certain actions of discovery by the person initiating the action would interfere with a law enforcement or governmental agency investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay discovery for a period of not more than 180 days. A hearing on a request for the stay shall be conducted in camera. The court may extend the 180-day period upon a further showing in camera that the agency has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(e) Notwithstanding Section 15, the State's Attorney or Attorney General may elect to pursue its claim through any alternate remedy available to the State's Attorney or Attorney General.

Section 25. Costs and proceeds of action.

(a) If the State's Attorney or Attorney General proceeds with an action brought by a person under Section 15, that person is entitled to receive an amount that the court determines is reasonable based upon the extent to which the person contributed to the prosecution of the action. Subject to subsection (d), the amount awarded to the person who brought the action shall not be less than 30% of the proceeds of the action or settlement of the claim, and shall be paid from the proceeds.

(b) If the State's Attorney or Attorney General does not proceed with an action brought by a person under Section 15, that person shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. Subject to subsection (d), the amount shall not be less than 40% of the proceeds of the action or settlement, and shall be paid from the proceeds.

(c) If the person bringing the action as a result of a violation of this Act has paid money to the defendant or to an attorney acting on behalf of the defendant in the underlying claim, then he or she shall be entitled to up to double the amount paid to the defendant or the attorney if that amount is greater than 50% of the proceeds.

(d) Where the action is one that the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action under Section 15, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award those sums that it considers appropriate, but in no case more than 10% of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.

(e) Any payment to a person under subsection (a), (b), (c), or (d) shall be made from the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs. All of those expenses, fees, and costs shall be awarded against the defendant.

(f) If a local State's Attorney has proceeded with an action under this Act, the Treasurer of the County where the action was brought shall receive an amount for reasonable expenses that the court finds to have been necessarily incurred by the State's Attorney, including reasonable attorney's fees and costs, plus 50% of the funds not awarded to a private party. Those amounts shall be used to investigate and prosecute insurance fraud, augmenting existing budgets rather than replacing them. All remaining funds shall go to the State and be deposited in the General Revenue Fund and, when appropriated, shall be allocated to appropriate State agencies for enhanced insurance fraud investigation, prosecution, and prevention efforts.

(g) If the Attorney General has proceeded with an action under this Act, all funds not awarded to a private party, shall go to the State and be deposited in the General Revenue Fund and, when appropriated, shall be allocated to appropriate State agencies for enhanced insurance fraud investigation, prosecution, and prevention efforts.

(h) If neither a local State's Attorney or the Attorney General has proceeded with an action under this Act, 50% of the funds not awarded to a private party shall be deposited with the Treasurer of the County where the action was brought and shall be disbursed to the State's Attorney of the

New matter indicated by italics - deletions by strikeout.
County where the action was brought. Those funds shall be used by the State's Attorney solely to investigate, prosecute, and prevent insurance fraud, augmenting existing budgets rather than replacing them. All remaining funds shall go to the State and be deposited in the General Revenue Fund and, when appropriated, shall be allocated to appropriate State agencies for enhanced insurance fraud investigation, prosecution, and prevention efforts.

(i) Whether or not the State's Attorney or Attorney General proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of this Act, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. The dismissal shall not prejudice the right of the State's Attorney or Attorney General to continue the action on behalf of the State.

(j) If the State's Attorney or Attorney General does not proceed with the action, and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney's fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

Section 30. Limitation on bringing actions.

(a) In no event may a person bring an action under Section 15 that is based upon allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the State's Attorney or Attorney General is already a party.

(b) A court may not have jurisdiction over an action under this Act based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, unless the action is brought by the State's Attorney, the Attorney General, or a person who is an original source of the information. For purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the State's Attorney or Attorney General before filing an action under this Act based on the information.

Section 35. Expenses and sanctions.

(a) Except as provided in subsection (b), the State's Attorney or Attorney General is not liable for expenses that a person incurs in bringing an action under this Act.

(b) In civil actions brought under this Act in which the Attorney General or a State's Attorney is a party, the court shall retain discretion to impose sanctions otherwise allowed by law, including the ability to order a party to pay expenses as provided in the Code of Civil Procedure.

Section 40. Retaliatory discharge; remedy. An employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this Act, shall be entitled to all relief necessary to make the employee whole. That relief shall include reinstatement with the same seniority status the employee would have had but for the discrimination, 2 times the amount of backpay, interest on the backpay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An employee may bring an action in the appropriate court for the relief provided in this Section. The remedies under this Section are in addition to any other remedies provided by existing law.

Section 45. Time limitations.

(a) Except as provided in subsection (b), an action pursuant to this Act may not be filed more than 3 years after the discovery of the facts constituting the grounds for commencing the action.

(b) Notwithstanding subsection (a), an action may be filed pursuant to this Act within not more than 8 years after the commission of an act constituting a violation of this Act or a violation of Article 46 of the Criminal Code of 1961.

Section 90. The Illinois Insurance Code is amended by changing Sections 155.23 and 155.24 as follows:

(215 ILCS 5/155.23) (from Ch. 73, par. 767.23)
Sec. 155.23. Fraud Claims reporting.

(1) The Director of Insurance is authorized to promulgate reasonable rules requiring
insurers, as defined in Section 155.24, doing business
in the
State of Illinois to report factual information in their possession that is pertinent to
suspected fraudulent casualty and property insurance claims, fraudulent insurance
applications, or premium fraud
including claims involving the theft of automobiles, after he
has made a determination that such information is necessary to detect fraud or arson.
This Claim information may include:
(a) Dates and description of accident or loss.
(b) Any insurance policy relevant to the accident or loss.
(c) Name of the insurance company claims adjustor and claims adjustor supervisor
processing or reviewing any claim or claims made under any insurance policy relevant to the
accident or loss.
(d) Name of claimant's or insured's attorney.
(e) Name of claimant's or insured's physician, or any person rendering or purporting to
render medical treatment.
(f) Description of alleged injuries, damage or loss.
(g) History of previous claims made by the claimant or insured.
(h) Places of medical treatment.
(i) Policy premium payment record.
(j) Material relating to the investigation of the accident or loss, including statements of
any person, proof of loss, and any other relevant evidence.
(k) any facts evidencing fraud or arson.
The Director shall establish reporting requirements for application and premium fraud
information reporting by rule.
(2) The Director of Insurance may designate one or more data processing organizations or
governmental agencies to assist him in gathering such information and making compilations thereof,
and may by rule establish the form and procedure for gathering and compiling such information. The
rules may 
(name any organization or agency designated by the Director to provide this
service, and may
shall in such case provide for a fee to be paid by the reporting insurers companies
directly to the designated organization or agency to cover any of the costs associated with providing
this service. After determination by the Director of substantial evidence of false or fraudulent claims,
fraudulent applications, or premium fraud, the information shall be forwarded by the Director or the
Director's his designee to the proper law enforcement agency or prosecutor State's Attorney and U.S.
Attorney. Insurers Insurance companies shall have access to, and may use, the claims information
compiled under the provisions of this Section. Insurers Insurance companies shall release information
concerning claims against them to, and shall cooperate with, any law enforcement agency requesting
such information.
In the absence of malice, no insurer insurance company, or person who furnishes information
on its behalf, is liable for damages in a civil action or subject to criminal prosecution for any oral or
written statement made or any other action taken that is necessary to supply information required
pursuant to this Section.
(Source: P.A. 83-851.)
(215 ILCS 5/155.24) (from Ch. 73, par. 767.24)
(a) As used in this Section:
(1) "authorized governmental agency" means the Illinois Department of State Police, a
local governmental police department, a county sheriff's office, a State's Attorney, the
Attorney General, a municipal attorney, a United States district attorney, a duly constituted
criminal investigative agency of the United States government, the Illinois Department of
Insurance, the Illinois Department of Professional Regulation and the office of the Illinois
Secretary of State;
(2) "relevant" means having a tendency to make the existence of any information that is
of consequence to an investigation of motor vehicle theft or insurance fraud investigation or
a determination of such issue more probable or less probable than it would be without such
information; and
(3) information will be "deemed important" if within the sole discretion of the authorized

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governmental agency such information is requested by that authorized governmental agency:

(4) "Illinois authorized governmental agency" means an authorized governmental agency as defined in item (1) that is a part of the government of the State of Illinois or any of the counties or municipalities of this State or any other authorized entity; and

(5) For the purposes of this Section and Section 155.23, "insurer" means insurance companies, insurance support organizations, self-insured entities, and other providers of insurance products and services doing business in the State of Illinois.

(b) Upon written request to an insurer by an authorized governmental agency, an insurer or agent authorized by an insurer to act on its behalf shall release to the requesting authorized governmental agency any or all relevant information deemed important to the authorized governmental agency which the insurer may possess relating to any specific motor vehicle theft or motor vehicle insurance fraud. Relevant information may include, but is not limited to:

(1) Insurance policy information relevant to the motor vehicle theft or motor vehicle insurance fraud under investigation, including any application for such a policy.

(2) Policy premium payment records which are available.

(3) History of previous claims made by the insured.

(4) Information relating to the investigation of the motor vehicle theft or motor vehicle insurance fraud, including statements of any person, proofs of loss and notice of loss.

(c) When an insurer knows or reasonably believes to know the identity of a person whom it has reason to believe committed a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim or has knowledge of such a criminal or fraudulent act which is reasonably believed not to have been reported to an authorized governmental agency, then for the purpose of notification and investigation, the insurer or an agent authorized by an insurer to act on its behalf shall notify an authorized governmental agency of such knowledge or reasonable belief and provide any additional relevant information in accordance with subsection paragraph (b) of this Section. When the motor vehicle theft or motor vehicle claim that gives rise to the suspected criminal or fraudulent act has already generated an incident report to an Illinois authorized governmental agency, the insurer shall report the suspected criminal or fraudulent act to that agency. When no prior incident report has been made, the insurer shall report the suspected criminal or fraudulent act to the Attorney General or State's Attorney in the county or counties where the incident is claimed to have occurred. When the incident that gives rise to the suspected criminal or fraudulent act is claimed to have occurred outside the State of Illinois, but the suspected criminal or fraudulent act occurs within the State of Illinois, the insurer shall make the report to the Attorney General or State's Attorney in the county or counties where the suspected criminal or fraudulent act occurred. When the fraud occurs in multiple counties the report shall also be sent to the Attorney General.

(d) When an insurer provides any of the authorized governmental agencies with notice pursuant to this Section it shall be deemed sufficient notice to all authorized governmental agencies for the purpose of this Act.

(e) The authorized governmental agency provided with information pursuant to this Section may release or provide such information to any other authorized governmental agency.

(f) Any insurer providing information to an authorized governmental agency pursuant to this Section shall have the right to request and receive relevant information from such authorized governmental agency, and receive within a reasonable time after the completion of the investigation, not to exceed 30 days, the information requested.

(g) Any information furnished pursuant to this Section shall be privileged and not a part of any public record. Except as otherwise provided by law, any authorized governmental agency, insurer, or an agent authorized by an insurer to act on its behalf which receives any information furnished pursuant to this Section, shall not release such information to public inspection. Such evidence or information shall not be subject to subpoena duces tecum in a civil or criminal proceeding unless, after reasonable notice to any insurer, agent authorized by an insurer to act on its behalf and authorized governmental agency which has an interest in such information and a hearing, the court determines that the public interest and any ongoing investigation by the authorized governmental agency, insurer, or any agent authorized by an insurer to act on its behalf will not be jeopardized by obedience to such a subpoena duces tecum.

(h) No insurer, or agent authorized by an insurer on its behalf, authorized governmental
agency or their respective employees shall be subject to any civil or criminal liability in a cause of action of any kind for releasing or receiving any information pursuant to this Section. Nothing herein is intended to or does in any way or manner abrogate or lessen the common and statutory law privileges and immunities of an insurer, agent authorized by an insurer to act on its behalf or authorized governmental agency or any of their respective employees.
(Source: P.A. 85-1292.)
Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0234
(Senate Bill No. 0978)
AN ACT concerning business transactions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Uniform Commercial Code is amended by changing Sections 9-301, 9-310, 9-312, 9-314, and 9-322 and adding Sections 9-107.1, 9-306.1, and 9-329.1 as follows:
(810 ILCS 5/9-107.1 new)
Sec. 9-107.1. Control of Beneficial Interest in Illinois Land Trust.
(a) Requirements for Control. A secured party has control of the beneficial interest in an Illinois land trust if:
   (1) the secured party shall have transmitted to the trustee for the trust a record authenticated by the debtor that contains a collateral assignment by the debtor of, or the grant of a security interest in, a beneficial interest in the trust; and
   (2) in an authenticated record, the trustee for the trust has accepted the collateral assignment or security agreement.
(b) Debtor's right to direct disposition and proceeds. A secured party that has satisfied subsection (a) has control, even if the debtor retains, subject to the terms and conditions of the collateral assignment or security agreement, the power of direction of the trustee and the right to receive the rents, income and profits thereof.
(810 ILCS 5/9-301) (from Ch. 26, par. 9-301)
(Text of Section before amendment by P.A. 91-893)
Sec. 9-301. Persons Who Take Priority Over Unperfected Security Interests; Rights of "Lien Creditor".
   (1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of
      (a) persons entitled to priority under Section 9-312;
      (b) a person who becomes a lien creditor before the security interest is perfected;
      (c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business or is a buyer of farm products in ordinary course of business, to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;
      (d) in the case of accounts, general intangibles, and investment property, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected;
provided, however, that an unperfected security interest shall take priority over the rights of a lien creditor if (i) the lien creditor is a trustee or receiver of a state or federally chartered financial institution acting in furtherance of its supervisory authority over the financial institution and (ii) a security interest is granted by the financial institution to secure a deposit of public funds with the financial institution or a repurchase agreement with the financial institution pursuant to the Government Securities Act of 1986, as amended.
   (2) If the secured party files with respect to a purchase money security interest before or within 20 days after the debtor receives possession of the collateral, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches.
and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment.

(4) A person who becomes a lien creditor while a security interest is perfected takes subject to the security interest only to the extent that it secures advances made before he becomes a lien creditor or within 45 days thereafter or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien.

(Source: P.A. 89-364, eff. 1-1-96; 90-696, eff. 8-7-98.)

(810 ILCS 5/9-306.1 new)

Sec. 9-306.1. Law Governing Perfection and Priority of Collateral Assignments of Beneficial Interests in Illinois Land Trusts. The local law of the State of Illinois governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this Section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in paragraph (4), while negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(A) perfection of a security interest in the goods by filing a fixture filing;
(B) perfection of a security interest in timber to be cut; and
(C) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

(Source: P.A. 90-696, eff. 8-7-98; 91-893, eff. 7-1-01.)
(1) that is perfected under Section 9-308(d), (e), (f), or (g);
(2) that is perfected under Section 9-309 when it attaches;
(3) in property subject to a statute, regulation, or treaty described in Section 9-311(a);
(4) in goods in possession of a bailee which is perfected under Section 9-312(d)(1) or (2);
(5) in certificated securities, documents, goods, or instruments which is perfected without filing or possession under Section 9-312(e), (f), or (g);
(6) in collateral in the secured party's possession under Section 9-313;
(7) in a certificated security which is perfected by delivery of the security certificate to the secured party under Section 9-313;
(8) in deposit accounts, electronic chattel paper, investment property, or letter-of-credit rights, or beneficial interests in Illinois land trusts which is perfected by control under Section 9-314;
(9) in proceeds which is perfected under Section 9-315; or
(10) that is perfected under Section 9-316.

(c) Assignment of perfected security interest. If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(Source: P.A. 91-893, eff. 7-1-01.)

(810 ILCS 5/9-312) (from Ch. 26, par. 9-312)
(Text of Section before amendment by P.A. 91-893)

Sec. 9-312. Priorities Among Conflicting Security Interests in the Same Collateral.

(1) The rules of priority stated in other Sections of this Part and in the following Sections shall govern when applicable: Section 4-210 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; Section 9-103 on security interests related to other jurisdictions; Section 9-114 on consignments; Section 9-115 on security interests in investment property.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if
(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and
(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date of the filing made by the purchase money secured party, or (ii) before the beginning of the 21 day period where the purchase money security interest is temporarily perfected without filing or possession (subsection (5) of Section 9-304); and
(c) the holder of the conflicting security interest receives the notification within 5 years before the debtor receives possession of the inventory; and
(d) the notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 20 days thereafter.

(5) In all cases not governed by other rules stated in this Section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this Section), priority between conflicting security interests in the same collateral shall be determined according to the following rules:

New matter indicated by italics - deletions by strikeout.
(a) Conflicting security interests rank according to priority in time of filing or perfection. Priority dates from the time a filing is first made covering the collateral or the time the security interest is first perfected, whichever is earlier, provided that there is no period thereafter when there is neither filing nor perfection.

(b) So long as conflicting security interests are unperfected, the first to attach has priority.

(6) For the purposes of subsection (5) a date of filing or perfection as to collateral is also a date of filing or perfection as to proceeds.

(7) If future advances are made while a security interest is perfected by filing, the taking of possession or under Section 9-115 or 9-116 on investment property, the security interest has the same priority for the purposes of subsection (5) with respect to the future advances as it does with respect to the first advance. If a commitment is made before or while the security interest is so perfected, the security interest has the same priority with respect to advances made pursuant thereto. In other cases a perfected security interest has priority from the date the advance is made.

(Source: P.A. 89-364, eff. 1-1-96.)

(Text of Section after amendment by P.A. 91-893)

Sec. 9-312. Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.

(a) Perfection by filing permitted. A security interest in chattel paper, negotiable documents, instruments, beneficial interests in Illinois land trusts, or investment property may be perfected by filing.

(b) Control or possession of certain collateral. Except as otherwise provided in Section 9-315(c) and (d) for proceeds:

(1) a security interest in a deposit account may be perfected only by control under Section 9-314;

(2) and except as otherwise provided in Section 9-308(d), a security interest in a letter-of-credit right may be perfected only by control under Section 9-314; and

(3) a security interest in money may be perfected only by the secured party's taking possession under Section 9-313.

(c) Goods covered by negotiable document. While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) Goods covered by nonnegotiable document. While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) issuance of a document in the name of the secured party;

(2) the bailee's receipt of notification of the secured party's interest; or

(3) filing as to the goods.

(e) Temporary perfection: new value. A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession for a period of 20 days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) Temporary perfection: goods or documents made available to debtor. A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) ultimate sale or exchange; or

(2) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) Temporary perfection: delivery of security certificate or instrument to debtor. A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:
(1) ultimate sale or exchange; or
(2) presentation, collection, enforcement, renewal, or registration of transfer.

(h) Expiration of temporary perfection. After the 20-day period specified in subsection (e),
(f), or (g) expires, perfection depends upon compliance with this Article.
(Source: P.A. 91-893, eff. 7-1-01.)
(810 ILCS 5/9-314) (from Ch. 26, par. 9-314)
(Text of Section before amendment by P.A. 91-893)
Sec. 9-314. Accessions.
(1) A security interest in goods which attaches before they are installed in or affixed to other
goods takes priority as to the goods installed or affixed (called in this section "accessions") over the
claims of all persons to the whole except as stated in subsection (3) and subject to Section 9--315(1).
(2) A security interest which attaches to goods after they become part of a whole is valid
against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but
is invalid against any person with an interest in the whole at the time the security interest attaches to
the goods who has not in writing consented to the security interest or disclaimed an interest in the
goods as part of the whole.
(3) The security interests described in subsections (1) and (2) do not take priority over
(a) a subsequent purchaser for value of any interest in the whole; or
(b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or
(c) a creditor with a prior perfected security interest in the whole to the extent that he
makes subsequent advances if the subsequent purchase is made, the lien by judicial
proceedings obtained or the subsequent advance under the prior perfected security interest is
made or contracted for without knowledge of the security interest and before it is perfected.
A purchaser of the whole at a foreclosure sale other than the holder of a perfected security
interest purchasing at his own foreclosure sale is a subsequent purchaser within this Section.
(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions
which has priority over the claims of all persons who have interests in the whole, he may on default
subject to the provisions of Part 5 remove his collateral from the whole but he must reimburse any
encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the
cost of repair of any physical injury but not for any diminution in value of the whole caused by the
absence of the goods removed or by any necessity for replacing them. A person entitled to
reimbursement may refuse permission to remove until the secured party gives adequate security for
the performance of this obligation.
(Source: Laws 1961, p. 2101.)
(Text of Section after amendment by P.A. 91-893)
Sec. 9-314. Perfection by control.
(a) Perfection by control. A security interest in investment property, deposit accounts,
electronic chattel paper, letter-of-credit rights, or beneficial interests in Illinois land trusts electronic
chattel paper may be perfected by control of the collateral under Section 9-104, 9-105, 9-106, or
9-107, or 9-107.1.
(b) Specified collateral: time of perfection by control; continuation of perfection. A security
interest in deposit accounts, electronic chattel paper, or letter-of-credit rights, or beneficial interests
in Illinois land trusts is perfected by control under Section 9-104, 9-105, or 9-107, or 9-107.1 when
the secured party obtains control and remains perfected by control only while the secured party retains
control.
(c) Investment property: time of perfection by control; continuation of perfection. A security
interest in investment property is perfected by control under Section 9-106 from the time the secured
party obtains control and remains perfected by control only while the secured party retains
control.
(1) the secured party does not have control; and
(2) one of the following occurs:
(A) if the collateral is a certificated security, the debtor has or acquires possession of
the security certificate;
(B) if the collateral is an uncertificated security, the issuer has registered or registers
the debtor as the registered owner; or
(C) if the collateral is a security entitlement, the debtor is or becomes the entitlement

New matter indicated by italics - deletions by strikeout.
Sec. 9-322. Priorities among conflicting security interests in and agricultural liens on same collateral.

(a) General priority rules. Except as otherwise provided in this Section, priority among conflicting security interests and agricultural liens in the same collateral is determined according to the following rules:

(1) Conflicting perfected security interests and agricultural liens rank according to priority in time of filing or perfection. Priority dates from the earlier of the time a filing covering the collateral is first made or the security interest or agricultural lien is first perfected, if there is no period thereafter when there is neither filing nor perfection.

(2) A perfected security interest or agricultural lien has priority over a conflicting unperfected security interest or agricultural lien.

(3) The first security interest or agricultural lien to attach or become effective has priority if conflicting security interests and agricultural liens are unperfected.

(b) Time of perfection: proceeds and supporting obligations. For the purposes of subsection (a)(1):

(1) the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds; and

(2) the time of filing or perfection as to a security interest in collateral supported by a supporting obligation is also the time of filing or perfection as to a security interest in the supporting obligation.

(c) Special priority rules: proceeds and supporting obligations. Except as otherwise provided in subsection (f), a security interest in collateral which qualifies for priority over a conflicting security interest under Section 9-327, 9-328, 9-329, 9-329.1, 9-330, or 9-331 also has priority over a conflicting security interest in:

(1) any supporting obligation for the collateral; and

(2) proceeds of the collateral if:

(A) the security interest in proceeds is perfected;

(B) the proceeds are cash proceeds or of the same type as the collateral; and

(C) in the case of proceeds that are proceeds of proceeds, all intervening proceeds are cash proceeds, proceeds of the same type as the collateral, or an account relating to the collateral.

(d) First-to-file priority rule for certain collateral. Subject to subsection (e) and except as otherwise provided in subsection (f), if a security interest in chattel paper, deposit accounts, negotiable documents, instruments, investment property, or letter-of-credit rights, or beneficial interests in Illinois land trusts is perfected by a method other than filing, conflicting perfected security interests in proceeds of the collateral rank according to priority in time of filing.

(e) Applicability of subsection (d). Subsection (d) applies only if the proceeds of the collateral are not cash proceeds, chattel paper, negotiable documents, instruments, investment property, beneficial interests in Illinois land trusts, or letter-of-credit rights.

(f) Limitations on subsections (a) through (e). Subsections (a) through (e) are subject to:

(1) subsection (g) and the other provisions of this Part;

(2) Section 4-210 with respect to a security interest of a collecting bank;

(3) Section 5-118 with respect to a security interest of an issuer or nominated person; and

(4) Section 9-110 with respect to a security interest arising under Article 2 or 2A.

(g) Priority under agricultural lien statute. A perfected agricultural lien on collateral has priority over a conflicting security interest in or agricultural lien on the same collateral if the statute creating the agricultural lien so provides.

(810 ILCS 5/9-329.1 new)

Sec. 9-329.1. Priority of Security Interests in Beneficial Interest in an Illinois Land Trust. The following rules govern priority among conflicting security interests in the same beneficial interest in
an Illinois land trust:

(1) A security interest held by a secured party having control of the beneficial interest under Section 9-107.1 has priority to the extent of its control over a conflicting security interest held by a secured party that does not have control.

(2) Security interests perfected by control under Section 9-314 rank according to priority in time of obtaining control.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Passed in the General Assembly May 9, 2001.
Effective January 1, 2002.

AN ACT in relation to taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Section 3-45 as follows:

(35 ILCS 200/3-45)
Sec. 3-45. Election of county assessor; counties of less than 3,000,000. In counties having an elected board of review under Section 6-35, a county assessor shall be elected. To be eligible to file nomination papers or participate as a candidate in any primary or general election for, or be elected to, the office of county assessor, or to enter upon the duties of the office, a person must possess one of the following qualifications as certified by the individual to the county clerk:

(1) a Certified Illinois Assessing Officer certificate from the Illinois Property Assessment Institute; or
(2) a Certified Assessment Evaluator designation from the International Association of Assessing Officers.

In addition elected as county assessor, a person must have at least 2 years experience in the field of property sales, assessments, finance, or appraisals.

The county clerk must determine if candidates for assessor have qualified under this Code prior to certification of their nominating petitions. The election of the county assessor shall be at the same time and in the same manner as other county officials are elected under the general election law. The county assessor shall hold office for a 4 year term and until a successor is elected and qualified. Vacancies shall be filled in the same manner as are vacancies in other county elective offices.

(Source: P.A. 82-783; 88-455.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by adding Section 3-12-16 as follows:

(730 ILCS 5/3-12-16 new)
Sec. 3-12-16. Helping Paws Service Dog Program.
(a) In this Section:
"Disabled person" means a person who suffers from a physical or mental impairment that substantially limits one or more major life activities.
"Program" means the Helping Paws Service Dog Program created by this Section.

New matter indicated by italics - deletions by strikeout.
"Service dog" means a dog trained in obedience and task skills to meet the needs of a disabled person.

"Animal care professional" means a person certified to work in animal care related services, such as grooming, kenneling, and any other related fields.

"Service dog professional" means a person certified to train service dogs by an agency, organization, or school approved by the Department.

(b) The Department may establish the Helping Paws Service Dog Program to train committed persons to be service dog trainers and animal care professionals. The Department shall select committed persons in various correctional institutions and facilities to participate in the Program.

(c) Priority for participation in the Program must be given to committed persons who either have a high school diploma or have passed the high school level Test of General Educational Development (GED).

(d) The Department may contract with service dog professionals to train committed persons to be certified service dog trainers. Service dog professionals shall train committed persons in dog obedience training, service dog training, and animal health care. Upon successful completion of the training, a committed person shall receive certification by an agency, organization, or school approved by the Department.

(e) The Department may designate a non-profit organization to select animals from humane societies and shelters for the purpose of being trained as service dogs and for participation in any program designed to train animal care professionals.

(f) After a dog is trained by the committed person as a service dog, a review committee consisting of an equal number of persons from the Department and the non-profit organization shall select a disabled person to receive the service dog free of charge.

(g) Employees of the Department shall periodically visit disabled persons who have received service dogs from the Department under this Section to determine whether the needs of the disabled persons have been met by the service dogs trained by committed persons.

(h) Employees of the Department shall periodically visit committed persons who have been certified as service dog trainers or animal care professionals and who have been paroled or placed on mandatory supervised release to determine whether the committed persons are using their skills as certified service dog trainers or animal care professionals.

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

Passed in the General Assembly May 9, 2001.


PUBLIC ACT 92-0237

(House Bill No. 0155)

AN ACT regarding the Structural Engineering Board.

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

Section 5. The Structural Engineering Practice Act of 1989 is amended by changing Section 7 as follows:

(225 ILCS 340/7) (from Ch. 111, par. 6607)

Sec. 7. The Director shall appoint a Structural Engineering Board which shall consist of 6 members. Five members shall be Illinois licensed structural engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

Members shall serve 5 year terms and until their successors are appointed and qualified.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations of the structural engineering profession.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

No member shall be reappointed to the Board for a term which would cause his or her

New matter indicated by italics - deletions by strikeout.
continuous service on the Board to be longer than 14 successive years. Service prior to the effective date of this Act shall not be considered in calculating length of service.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms under this Act shall begin upon the expiration of the terms of Committee members appointed under The Illinois Structural Engineering Act.

Persons holding office as members of the Board under this Act on the effective date of this Act shall serve as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified under this Act.

A quorum of the Board shall consist of a majority of Board members appointed. A majority of the quorum is required for Board decisions.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

Whenever the Director is not satisfied that substantial justice has been done in an examination, the Director may order a reexamination by the same or other examiners.

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

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


PUBLIC ACT 92-0238

(October No. 0542)

AN ACT to amend the Firearm Owners Identification Card Act by adding Section 13.3.

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

Section 5. The Firearm Owners Identification Card Act is amended by adding Section 13.3 as follows:

(430 ILCS 65/13.3 new)

Sec. 13.3. Municipal ordinance submission. Within 6 months after the effective date of this amendatory Act of the 92nd General Assembly, every municipality must submit to the Department of State Police a copy of every ordinance adopted by the municipality that regulates the acquisition, possession, sale, or transfer of firearms within the municipality and must submit, 30 days after adoption, every such ordinance adopted after its initial submission of ordinances under this Section. The Department of State Police shall compile these ordinances and publish them in a form available to the public free of charge and shall periodically update this compilation of ordinances in a manner prescribed by the Director of State Police.

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

Passed in the General Assembly May 9, 2001.


PUBLIC ACT 92-0239

(October No. 1805)

AN ACT in relation to home inspectors.

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

New matter indicated by italics - deletions by strikeout.
ARTICLE 1. GENERAL PROVISIONS

Section 1-1. Short title. This Act may be cited as the Home Inspector License Act.
Section 1-5. Legislative intent. The intent of the General Assembly in enacting this Act is to
evaluate the competency of persons, including any entity, engaged in the home inspection business
and to regulate and license those persons engaged in this business for the protection of the public.
Section 1-10. Definitions. As used in this Act, unless the context otherwise requires:
"Applicant" means a person who applies to OBRE for a license under this Act.
"Board" means the Home Inspector Advisory Board.
"Client" means a person who engages or seeks to engage the services of a home inspector for
an inspection assignment.
"Commissioner" means the Commissioner of the Office of Banks and Real Estate or his or
her designee.
"Home inspection" means the examination and evaluation of the exterior and interior
components of residential real property, which includes the inspection of any 2 or more of the
following components of residential real property in connection with or to facilitate the sale, lease,
or other conveyance of, or the proposed sale, lease or other conveyance of, residential real property:
(1) heating, ventilation, and air conditioning system;
(2) plumbing system;
(3) electrical system;
(4) structural composition;
(5) foundation;
(6) roof;
(7) masonry structure; or
(8) any other residential real property component as established by rule.
"Home inspector" means a person who, for another and for compensation either direct or
indirect, performs home inspections.
"Home inspection report" or "inspection report" means a written evaluation prepared and
issued by a home inspector upon completion of a home inspection, which meets the standards of
practice as established by OBRE.
"Inspection assignment" means an engagement for which a home inspector is employed or
retained to conduct a home inspection and prepare a home inspection report.
"OBRE" means the Office of Banks and Real Estate.
"Person" means individuals, entities, corporations, limited liability companies, registered
limited liability partnerships, and partnerships, foreign or domestic, except that when the context
otherwise requires, the term may refer to a single individual or other described entity.
"Residential real property" means real property that is used or intended to be used as a
residence by one or more individuals.
"Standards of practice" means recognized standards and codes to be used in a home
inspection, as determined by OBRE and established by rule.

ARTICLE 5. LICENSING PROVISIONS

Section 5-5. Necessity of license; use of title; exemptions.
(a) Beginning January 1, 2003, it is unlawful for any person, including any entity, to act or
assume to act as a home inspector, to engage in the business of home inspection, to develop a home
inspection report, to practice as a home inspector, or to advertise or hold himself, herself, or itself out
to be a home inspector without a home inspector license issued under this Act. A person who violates
this subsection is guilty of a Class A misdemeanor.
(b) Beginning January 1, 2003, it is unlawful for any person, other than a person who holds
a valid home inspector license issued pursuant to this Act, to use the title "home inspector" or any
other title, designation, or abbreviation likely to create the impression that the person is licensed as
a home inspector pursuant to this Act. A person who violates this subsection is guilty of a Class A
misdemeanor.
(c) The licensing requirements of this Article do not apply to:
(1) any person who is employed as a code enforcement official by the State of Illinois or
any unit of local government, while acting within the scope of that government employment;
(2) any person licensed by the State of Illinois while acting within the scope of his or her

New matter indicated by italics - deletions by strikeout.
license; or
(3) any person engaged by the owner or lessor of residential real property for the purpose of preparing a bid or estimate as to the work necessary or the costs associated with performing home construction, home remodeling, or home repair work on the residential real property, provided such person does not hold himself or herself out, or advertise himself or herself, as being engaged in business as a home inspector.

Section 5-10. Application for Home Inspector license. Every natural person who desires to obtain a home inspector license shall:
(1) apply to OBRE on forms provided by OBRE accompanied by the required fee;
(2) be at least 21 years of age;
(3) provide evidence of having attained a high school diploma or completed an equivalent course of study as determined by an examination conducted by the Illinois State Board of Education;
(4) personally take and pass an examination authorized by OBRE; and
(5) prior to taking the examination, provide evidence to OBRE that he or she has successfully completed the prerequisite classroom hours of instruction in home inspection, as established by rule.

Section 5-12. Application for home inspector license; entity. Every entity that is not a natural person that desires to obtain a home inspector license shall apply to OBRE on forms provided by OBRE and accompanied by the required fee.

Section 5-15. Practice prior to this Act. A person who has actively and lawfully practiced as a home inspector in the State of Illinois prior to the effective date of this Act may take the examination required by subsection (4) of Section 5-10 without having successfully completed the classroom hours required under subsection (5) of Section 5-10, provided that he or she:
(1) is a resident of the State of Illinois;
(2) makes application to OBRE on forms provided by OBRE within 6 months after the effective date of this Act;
(3) verifies that he or she has practiced as a home inspector for a period of at least 2 years prior to the effective date of this Act; and
(4) verifies that he or she has conducted a minimum of 200 home inspections that meet the standards established by rule within the 2 years prior to the effective date of this Act.

Section 5-16. Renewal of license.
(a) The expiration date and renewal period for a home inspector license issued under this Act shall be set by rule. Except as otherwise provided in subsections (b) and (c) of this Section, the holder of a license may renew the license within 90 days preceding the expiration date by:
(1) completing and submitting to OBRE a renewal application form as provided by OBRE;
(2) paying the required fees; and
(3) providing evidence of successful completion of the continuing education requirements through courses approved by OBRE given by education providers licensed by OBRE, as established by rule.
(b) A home inspector whose license under this Act has expired may renew the license for a period of 2 years following the expiration date by complying with the requirements of subparagraphs (1), (2), and (3) of subsection (a) of this Section and paying any late penalties established by rule.
(c) Notwithstanding subsection (b), a home inspector whose license under this Act has expired may renew the license without paying any lapsed renewal fees or late penalties if (i) the license expired while the home inspector was on active duty with the United States Armed Services, (ii) application for renewal is made within 2 years following the termination of the military service or related education, training, or employment, and (iii) the applicant furnishes to OBRE an affidavit that he or she was so engaged.
(d) OBRE shall provide reasonable care and due diligence to ensure that each licensee under this Act is provided a renewal application form at least 90 days prior to the expiration date, but it is the responsibility of each licensee to renew his or her license prior to its expiration date.

Section 5-17. Renewal of home inspector license; entity.
(a) The expiration date and renewal period for a home inspector license for an entity that is...
not a natural person shall be set by rule. The holder of a license may renew the license within 90 days preceding the expiration date by completing and submitting to OBRE a renewal application form as provided by OBRE and paying the required fees.

(b) An entity that is not a natural person whose license under this Act has expired may renew the license for a period of 2 years following the expiration date by complying with the requirements of subsection (a) of this Section and paying any late penalties established by rule.

Section 5-20. Reciprocity; consent to jurisdiction.

(a) A nonresident who holds a valid home inspector license issued to him or her by the proper licensing authority of a state, territory, possession of the United States, or the District of Columbia that has licensing requirements equal to or substantially equivalent to the requirements of the State of Illinois and otherwise meets the requirements for licensure may obtain a license without examination, provided that:

(1) OBRE has entered into a valid reciprocal agreement with the proper licensing authority of the state, territory, or possession of the United States or the District of Columbia;
(2) the applicant provides OBRE with a certificate of good standing from the applicant's licensing authority;
(3) the applicant completes and submits an application provided by OBRE; and
(4) the applicant pays all applicable fees required under this Act.

(b) A nonresident applicant shall file an irrevocable consent form with OBRE authorizing that actions may be commenced against the applicant or nonresident licensee in a court of competent jurisdiction in the State of Illinois by the service of summons, process, or other pleading authorized by law upon the Commissioner. The consent shall stipulate and agree that service of the summons, process, or other pleading upon the Commissioner shall be taken and held in all courts to be valid and binding as if actual service had been made upon the nonresident licensee in Illinois. If a summons, process, or other pleading is served upon the Commissioner, it shall be by duplicate copies, one of which shall be retained by OBRE and the other shall be immediately forwarded by certified or registered mail to the last known address of the nonresident licensee against whom the summons, process, or other pleading is directed.

Section 5-25. Pre-license education requirements. The prerequisite classroom hours necessary for a person to be approved to sit for the examination for a home inspector shall be established by rule.

Section 5-30. Continuing education renewal requirements. The continuing education requirements for a person to renew a license as a home inspector shall be established by rule.

Section 5-45. Fees. OBRE shall establish rules for fees to be paid by applicants and licensees to cover the reasonable costs of OBRE in administering and enforcing the provisions of this Act. OBRE may also establish rules for general fees to cover the reasonable expenses of carrying out other functions and responsibilities under this Act.

ARTICLE 10. BUSINESS PRACTICE PROVISIONS

Section 10-5. Standards of practice. All persons licensed under this Act must comply with standards of professional home inspection adopted by OBRE and established by rule. OBRE shall consider nationally recognized standards and codes prior to adopting the rules for the standards of practice.

Section 10-10. Retention of records. A person licensed under this Act shall retain the original or a true and exact copy of all written contracts engaging his or her services as a home inspector and all home inspection reports, including any supporting data used to develop the home inspection report, for a period of 5 years or 2 years after the final disposition of any judicial proceeding in which testimony was given, whichever is longer.

ARTICLE 15. DISCIPLINARY PROVISIONS

Section 15-5. Unlicensed practice; civil penalty; injunctive relief.

(a) Any person who violates Section 5-5 of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to OBRE in an amount not to exceed $10,000 for each violation as determined by the Commissioner. The civil penalty shall be assessed by the Commissioner after a hearing in accordance with the provisions of this Act.

(b) OBRE has the authority to investigate any activity that may violate this Act or the rules adopted under this Act.

(c) A civil penalty shall be paid within 60 days after the effective date of the order imposing
the civil penalty. The OBRE may petition the circuit court for a judgment to enforce the collection of the penalty. Any civil penalties collected under this Act shall be made payable to the Office of Banks and Real Estate and deposited into the Home Inspector Administration Fund. In addition to or in lieu of the imposition of a civil penalty, OBRE may report a violation of this Act or the failure or refusal to comply with an order of OBRE to the Attorney General or the appropriate State's Attorney.

(d) Practicing as a home inspector without holding a valid license as required under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Commissioner, the Attorney General, or the State's Attorney of any county in the State may maintain an action for injunctive relief in the name of the People of the State of Illinois in any circuit court to enjoin any person from engaging in such practice.

Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that a person has been engaged in the practice of home inspections without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of non-licensure, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. A copy of the verified complaint shall be served upon the defendant and the proceeding shall be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further unlawful practice. In all proceedings under this Section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

Section 15-10. Grounds for disciplinary action.

(a) The Office of Banks and Real Estate may suspend, revoke, or refuse to issue or renew a license, and may reprimand, place on probation or administrative supervision, or otherwise discipline a licensee, including imposing conditions limiting the scope, nature, or extent of the home inspection practice of a licensee and may impose a civil penalty not to exceed $10,000 upon a licensee, for one or any combination of the following:

(1) Procuring or attempting to procure a license by knowingly making a false statement, submitting false information, making any form of fraud or misrepresentation, or refusing to provide complete information in response to a question in an application for licensure.

(2) Failing to meet the minimum qualifications for licensure as a home inspector established by this Act.

(3) Paying money, other than for the fees provided for by this Act, or anything of value to a member of the Board or an employee of the Office of Banks and Real Estate to procure licensure under this Act.

(4) Being convicted of a felony in any state or federal court; of any crime, an essential element of which is dishonesty, fraud, theft, or embezzlement; of obtaining money, property, or credit by false pretenses; or of any other crime that is reasonably related to the practice of home inspection.

(5) Committing an act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or with the intent to substantially injure another person.

(6) Violating a provision or standard for the development or communication of home inspections as provided in Section 10-5 of this Act or as defined in the rules.

(7) Failing or refusing without good cause to exercise reasonable diligence in the development, reporting, or communication of a home inspection report, as defined by this Act or the rules.

(8) Violating a provision of this Act or the rules.

(9) Having been disciplined by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for which a licensee may be disciplined under this Act.

(10) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
(11) Accepting an inspection assignment when the employment itself is contingent upon the home inspector reporting a predetermined analysis or opinion, or when the fee to be paid is contingent upon the analysis, opinion, or conclusion reached or upon the consequences resulting from the home inspection assignment.

(12) Developing home inspection opinions or conclusions based on the race, color, religion, sex, national origin, ancestry, age, marital status, family status, physical or mental handicap, or unfavorable military discharge, as defined under the Illinois Human Rights Act, of the prospective or present owners or occupants of the area or property under home inspection.

(13) Being adjudicated liable in a civil proceeding on grounds of fraud, misrepresentation, or deceit. In a disciplinary proceeding based upon a finding of civil liability, the home inspector shall be afforded an opportunity to present mitigating and extenuating circumstances, but may not collaterally attack the civil adjudication.

(14) Being adjudicated liable in a civil proceeding for violation of a State or federal fair housing law.

(15) Engaging in misleading or untruthful advertising or using a trade name or insignia of membership in a home inspection organization of which the licensee is not a member.

(16) Failing to fully cooperate with an OBRE investigation by knowingly making a false statement, submitting false or misleading information, or refusing to provide complete information in response to written interrogatories or a written request for documentation within 30 days of the request.

(17) Failing to include within the home inspection report the home inspector's license number and the date of expiration of the license. All home inspectors providing significant contribution to the development and reporting of a home inspection must be disclosed in the home inspection report. It is a violation of this Act for a home inspector to sign a home inspection report knowing that a person providing a significant contribution to the report has not been disclosed in the home inspection report.

(18) Advising a client as to whether the client should or should not engage in a transaction regarding the residential real property that is the subject of the home inspection.

(19) Performing a home inspection in a manner that damages or alters the residential real property that is the subject of the home inspection without the consent of the owner.

(20) Performing a home inspection when the home inspector is providing or may also provide other services in connection with the residential real property or transaction, or has an interest in the residential real property, without providing prior written notice of the potential or actual conflict and obtaining the prior consent of the client as provided by rule.

(b) The Office of Banks and Real Estate may suspend, revoke, or refuse to issue or renew an education provider's license, may reprimand, place on probation, or otherwise discipline an education provider licensee, and may suspend or revoke the course approval of any course offered by an education provider, for any of the following:

(1) Procuring or attempting to procure licensure by knowingly making a false statement, submitting false information, making any form of fraud or misrepresentation, or refusing to provide complete information in response to a question in an application for licensure.

(2) Failing to comply with the covenants certified to on the application for licensure as an education provider.

(3) Committing an act or omission involving dishonesty, fraud, or misrepresentation or allowing any such act or omission by any employee or contractor under the control of the education provider.

(4) Engaging in misleading or untruthful advertising.

(5) Failing to retain competent instructors in accordance with rules adopted under this Act.

(6) Failing to meet the topic or time requirements for course approval as the provider of a pre-license curriculum course or a continuing education course.

(7) Failing to administer an approved course using the course materials, syllabus, and examinations submitted as the basis of the course approval.

(8) Failing to provide an appropriate classroom environment for presentation of courses,
with consideration for student comfort, acoustics, lighting, seating, workspace, and visual aid material.

(9) Failing to maintain student records in compliance with the rules adopted under this Act.

(10) Failing to provide a certificate, transcript, or other student record to OBRE or to a student as may be required by rule.

(11) Failing to fully cooperate with an OBRE investigation by knowingly making a false statement, submitting false or misleading information, or refusing to provide complete information in response to written interrogatories or a written request for documentation within 30 days of the request.

(c) In appropriate cases, OBRE may resolve a complaint against a licensee through the issuance of a Consent to Administrative Supervision order. A licensee subject to a Consent to Administrative Supervision order shall be considered by OBRE as an active licensee in good standing. This order shall not be reported as or considered by OBRE to be a discipline of the licensee. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by OBRE except as mandated by law. The complainant shall be notified that his or her complaint has been resolved by a Consent to Administrative Supervision order.

Section 15-15. Investigation; notice; hearing.

(a) Upon the request of the Office of Banks and Real Estate or the Board, or upon a complaint in writing of a person setting forth facts that, if proven, would constitute grounds for suspension, revocation, or other disciplinary action against a licensee or applicant for licensure, the Office of Banks and Real Estate shall investigate the actions of the licensee or applicant so accused.

(b) Formal disciplinary proceedings shall commence upon the issuance of a written complaint detailing the charges that are the basis of the disciplinary action and delivery of the detailed complaint to the address of record of the licensee or applicant. OBRE shall notify the licensee or applicant to file a verified written answer within 20 days after the service of the notice and complaint. The notification shall inform the licensee or applicant that he or she has a right to be heard in person or by legal counsel; that the hearing will be afforded not sooner than 30 days after receipt of the answer to the specific charges; that failure to file an answer will result in a default being entered against the licensee or applicant; and that the license may be suspended, revoked, or placed on probationary status and other disciplinary action may be taken pursuant to this Act, including limiting the scope, nature, or extent of the licensee's practice. If the licensee or applicant fails to file an answer after receiving notice, his or her license may, at the discretion of the Office of Banks and Real Estate, be suspended, revoked, or placed on probationary status and the Office of Banks and Real Estate may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing.

(c) At the time and place fixed in the notice, the Board shall conduct a hearing of the charges, providing both the accused person and the complainant ample opportunity to present in person or by counsel such statements, testimony, evidence, and arguments as may be pertinent to the charges or to any defense thereto.

(d) The Board shall present to the Commissioner a written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant, either personally or by certified mail. Within 20 days after the service, the licensee or applicant may present the Commissioner with a motion in writing for either a rehearing, a proposed finding of fact, a conclusion of law, or an alternative sanction, and shall specify the particular grounds for the request. If the accused shall order and pay for a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. If the Commissioner is not satisfied that substantial justice has been done, the Commissioner may order a rehearing by the Board or other special committee appointed by the Commissioner, may remand the matter to the Board for their reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's recommendation. In all instances, under this Act, in which the Board has rendered a recommendation to the Commissioner with respect to a particular licensee or applicant, the Commissioner, if he or she disagrees with the recommendation of the Board, shall file with the Board
and provide to the licensee or applicant the Commissioner's specific written reasons for disagreement with the Board. The reasons shall be filed within 60 days of the Board's recommendation to the Commissioner and prior to any contrary action. At the expiration of the time specified for filing a motion for a rehearing, the Commissioner shall have the right to take any of the actions specified in this paragraph. Upon the suspension or revocation of a license, the licensee shall be required to surrender his or her license to OBRE, and upon failure or refusal to do so, OBRE shall have the right to seize the license.

(e) The Office of Banks and Real Estate has the power to issue subpoenas and subpoenas duces tecum to bring before it any person in this State, to take testimony, or to require production of any records relevant to an inquiry or hearing by the Board in the same manner as prescribed by law in judicial proceedings in the courts of this State. In a case of refusal of a witness to attend, testify, or to produce books or papers concerning a matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of the Office of Banks and Real Estate or any party to the proceeding, may compel obedience by proceedings as for contempt of court.

(f) Any license that is suspended indefinitely or revoked may not be restored for a minimum period of 2 years. After the 2 year period, OBRE may restore the license without examination, upon the written recommendation of the Board.

Section 15-20. Administrative Review Law; certification fees; Administrative Procedure Act.

(a) All final administrative decisions of the Commissioner under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" has the meaning ascribed to it in Section 3-101 of the Administrative Review Law.

(b) OBRE shall not be required to certify any record, file any answer, or otherwise appear unless the party filing the administrative review complaint pays the certification fee to OBRE as provided by rule. Failure on the part of the plaintiff to make such a deposit shall be grounds for dismissal of the action.

(c) The Administrative Procedure Act is hereby expressly adopted and incorporated herein. In the event of a conflict between this Act and the Administrative Procedure Act, this Act shall control.

Section 15-25. Temporary suspension. The Commissioner may temporarily suspend the license of a licensee without a hearing, while instituting a proceeding for a hearing as provided for in Section 15-15 of this Act, if the Commissioner finds that the evidence indicates that the public interest, safety, or welfare imperatively requires emergency action. In the event that the Commissioner temporarily suspends the license without a hearing before the Board, a hearing shall be held within 30 days after the suspension has occurred. The suspended licensee may seek a continuance of the hearing during which the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay.

Section 15-30. Statute of limitations. No action may be taken under this Act against a person licensed under this Act unless the action is commenced within 5 years after the occurrence of the alleged violation. A continuing violation is deemed to have occurred on the date when the circumstances last existed that gave rise to the alleged continuing violation.

Section 15-35. Signature of the Commissioner. An order of revocation or suspension or a certified copy of the order, bearing the seal of OBRE and purporting to be signed by the Commissioner, shall be prima facie proof that:

(1) the signature is the genuine signature of the Commissioner;
(2) the Commissioner is duly appointed and qualified; and
(3) the Board and its members are qualified.

This proof may be rebutted.

Section 15-40. Violation of tax Acts. OBRE may refuse to issue or renew or may suspend the license of any person who fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of that tax Act are satisfied.

Section 15-45. Disciplinary action for educational loan defaults. OBRE shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship.
provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State. OBRE may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, a license issued by OBRE may be suspended or revoked if the Commissioner, after the opportunity for a hearing under this Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan.

Section 15-50. Nonpayment of child support. In cases where the Department of Public Aid has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to OBRE, OBRE may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Public Aid. Redetermination of the delinquency by OBRE shall not be required. In cases regarding the renewal of a license, OBRE shall not renew any license if the Department of Public Aid has certified the licensee to be more than 30 days delinquent in the payment of child support unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid. OBRE may impose conditions, restrictions, or disciplinary action upon that renewal.

Section 15-55. Returned checks; penalty fee; termination. A person who delivers a check or other payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it was drawn shall pay to OBRE, in addition to the amount already owed, a penalty fee of $50. OBRE shall notify the person, by certified mail return receipt requested, that his or her check or payment was returned and that the person shall pay to OBRE by certified check or money order the amount of the returned check plus a $50 penalty fee within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to remit the necessary funds and penalty, OBRE shall automatically terminate the license or deny the application without hearing. If the returned check or other payment was for issuance of a license under this Act and that person practices as a home inspector, that person may be subject to discipline for unlicensed practice as provided in this Act. If, after termination or denial, the person seeks a license, he or she shall petition OBRE for restoration and he or she may be subject to additional discipline or fines. The Commissioner may waive the penalties or fines due under this Section in individual cases where the Commissioner finds that the penalties or fines would be unreasonable or unnecessarily burdensome.

Section 15-60. Cease and desist orders. OBRE may issue, cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order issued by OBRE is subject to all of the penalties provided by law.

ARTICLE 20. EDUCATION PROVISIONS

Section 20-5. Education provider.
(a) Beginning January 1, 2002, only education providers licensed by OBRE may provide the pre-license and continuing education courses required for licensure under this Act.
(b) A person or entity seeking to be licensed as an education provider under this Act shall provide satisfactory evidence of the following:

(1) a sound financial base for establishing, promoting, and delivering the necessary courses;
(2) a sufficient number of qualified instructors;
(3) adequate support personnel to assist with administrative matters and technical assistance;
(4) a written policy dealing with procedures for management of grievances and fee refunds;
(5) a qualified school administrator, who is responsible for the administration of the school, courses, and the actions of the instructors; and
(6) any other requirements provided by rule.
(c) All applicants for an education provider's license shall make initial application to OBRE on forms provided by OBRE and pay the appropriate fee as provided by rule. The term, expiration date, and renewal of an education provider's license shall be established by rule.
(d) An education provider shall provide each successful course participant with a certificate

New matter indicated by italics - deletions by strikeout.
of completion signed by the school administrator. The format and content of the certificate shall be specified by rule.

(e) All education providers shall provide to OBRE a monthly roster of all successful course participants as provided by rule.

Section 20-10. Course approval.

(a) Only courses that are approved by OBRE and offered by licensed education providers shall be used to meet the requirements of this Act and rules.

(b) An education provider licensed under this Act may submit courses to OBRE for approval. The criteria, requirements, and fees for courses shall be established by rule.

(c) For each course approved, OBRE shall issue a certificate of course approval to the education provider. The term, expiration date, and renewal of a course approval shall be established by rule.

ARTICLE 25. ADMINISTRATIVE PROVISIONS

Section 25-5. Home Inspector Administration Fund; surcharge.

(a) The Home Inspector Administration Fund is created as a special fund in the State Treasury. All fees, fines, and penalties received by OBRE under this Act shall be deposited into the Home Inspector Administration Fund. All earnings attributable to investment of funds in the Home Inspector Administration Fund shall be credited to the Home Inspector Administration Fund. Subject to appropriation, the moneys in the Home Inspector Administration Fund shall be appropriated to OBRE for the expenses incurred by OBRE and the Board in the administration of this Act.

(b) The State Comptroller and State Treasurer shall transfer $150,000 from the Real Estate License Administration Fund to the Home Inspector Administration Fund on July 1, 2002.

The State Treasurer shall transfer $50,000 from the Home Inspector Administration Fund to the Real Estate License Administration Fund on July 1, 2003, July 1, 2004, and July 1, 2005; except that if there is a sufficient fund balance in the Home Inspector Administration Fund, the Commissioner may recommend the acceleration of any of these repayment transfers to the State Comptroller and State Treasurer, who may, in their discretion, accelerate the transfers in accordance with the Commissioner's recommendation.

(c) Until a total of $150,000 has been transferred to the Real Estate License Administration Fund from the Home Inspector Administration Fund under subsection (b), each initial applicant for a license under this Act shall pay to OBRE a surcharge of $150 in addition to the license fees otherwise required under this Act.

(d) Upon the completion of any audit of OBRE, as prescribed by the Illinois State Auditing Act, that includes an audit of the Home Inspector Administration Fund, OBRE shall make the audit report open to inspection by any interested person.

Section 25-10. Home Inspector Advisory Board.

(a) There is hereby created the Home Inspector Advisory Board. The Board shall be composed of 7 voting members appointed by the Commissioner, plus the liaison under Section 25-15, who shall serve ex officio and without vote. Members shall be appointed to the Board subject to the following conditions:

(1) All appointed members shall have been residents and citizens of this State for at least 5 years prior to the date of appointment.

(2) The appointed membership of the Board should reasonably reflect the geographic distribution of the population of the State.

(3) Five appointed members shall be actively engaged and currently licensed as home inspectors, except that the initial appointees may be persons without a license who have been actively engaged as home inspectors for a period of 5 years immediately before the effective date of this Act. Failure of an initial appointee under this item (3) to obtain a license by January 1, 2003 shall constitute resignation from the Board.

(4) One appointed member shall hold a valid license as a real estate broker and shall have been actively engaged as a real estate broker for a period of not less than 5 years.

(5) One appointed member shall represent the interests of the general public. This member and the member's spouse shall not be licensed under this Act, nor be employed by nor have any interest in a home inspection business or a real estate brokerage business.

In making appointments to the Board, the Commissioner shall give due consideration to
recommendations by members and organizations representing the home inspection and real estate industries.

(b) The term for members of the Board shall be 4 years, except for the initial appointees. Of the initial appointees, 4 members shall be appointed for terms ending January 1, 2007 and 3 members shall be appointed for terms ending January 1, 2006. No member shall serve more than 10 years in a lifetime.

(c) The Commissioner may terminate the appointment of any member for cause that, in the opinion of the Commissioner, reasonably justifies the termination. Cause for termination may include, without limitation, misconduct, incapacity, neglect of duty, or missing 4 Board meetings during any one calendar year.

(d) A majority of the voting members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

(e) The Board shall meet at least quarterly and may be convened by the Chairperson or 3 members of the Board upon 10 days' written notice.

(g) The liaison appointed pursuant to Section 25-15 of this Act shall serve, ex officio, as Chairperson of the Board, without vote.

(h) The Board shall advise OBRE on matters of licensing and education and shall make recommendations to OBRE on those matters. OBRE shall give due consideration to all recommendations presented by the Board.

(i) The Board shall hear and make recommendations to the Commissioner on disciplinary matters that require a formal evidentiary hearing. The Commissioner shall give due consideration to the recommendations of the Board involving discipline and questions about the standards of professional conduct of licensees.

(j) The Board may make recommendations to OBRE concerning the consistency of the rules with the provisions of this Act and the administration and enforcement of the rules. OBRE shall give due consideration to the recommendations of the Board prior to promulgating rules.

(k) The Board shall make recommendations to OBRE on the approval of courses submitted to OBRE pursuant to this Act and rules. OBRE shall give due consideration to the recommendations of the Board prior to approving courses.

(l) Each voting member of the Board shall receive a per diem stipend in an amount to be determined by the Commissioner. Each voting member shall be paid his or her necessary expenses while engaged in the performance of his or her duties.

(m) Members of the Board shall be immune from suit in an action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

Section 25-15. Liaison; duties. The Commissioner shall appoint an employee of OBRE to:

(1) serve as a liaison to and as Chairperson of the Home Inspector Advisory Board, without vote;

(2) be the direct liaison between OBRE, the profession, home inspectors, and related industry organizations and associations; and

(3) prepare and circulate to licensees such educational and informational material as OBRE deems necessary for providing guidance or assistance to licensees.

Section 25-20. OBRE; powers and duties. The Office of Banks and Real Estate shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties as are prescribed by this Act for the administration of this Act. OBRE may contract with third parties for services necessary for the proper administration of this Act, including, without limitation, investigators with the proper knowledge, training, and skills to properly investigate complaints against home inspectors.

Section 25-25. Rules. OBRE, after considering any recommendations of the Board, shall adopt any rules that may be necessary for the administration, implementation, and enforcement of this Act.

Section 25-30. Exclusive State powers and functions; municipal powers. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power and function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units.

New matter indicated by italics - deletions by strikeout.
ARTICLE 950. AMENDATORY PROVISIONS
Section 950-5. The Regulatory Sunset Act is amended by adding Section 4.22 as follows:
(5 ILCS 801/4.22 new)
Section 950-10. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Home Inspector Administration Fund.
ARTICLE 999. EFFECTIVE DATE
Section 999-99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0240
(House Bill No. 2011)
AN ACT in relation to identification.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Identification Card Act is amended by changing Section 4 as follows:
(15 ILCS 335/4) (from Ch. 124, par. 24)
Sec. 4. Identification Card.
(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof, or who applies for a standard Illinois Identification Card upon release as a committed person on parole, mandatory supervised release, final discharge, or pardon from the Department of Corrections by submitting an identification card issued by the Department of Corrections under Section 3-14-1 of the Unified Code of Corrections, together with the prescribed fees. The card shall be prepared and supplied by the Secretary of State and shall include a photograph of the applicant. The applicant, upon receipt of a card and prior to its use for any purpose, shall affix his signature thereon in the space provided therefor. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.
(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Disabled Person Identification Card, to any natural person who is a resident of the State of Illinois, who is a disabled person as defined in Section 4A of this Act, who applies for such card, or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph of the applicant, a designation indicating that the card is an Illinois Disabled Person Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. The applicant, upon receipt of such a card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Disabled Person Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.
The Illinois Disabled Person Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability or any other documentation of disability whenever any State law requires that a disabled person provide such documentation of disability, however an Illinois Disabled Person Identification Card shall not qualify the cardholder to participate

New matter indicated by italics - deletions by strikeout.
in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Disabled Person Identification Card, or evidence that the Secretary of State has issued an Illinois Disabled Person Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a disabled person or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

When medical information is contained on an Illinois Disabled Person Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) Beginning January 1, 1986, the Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Disabled Person Identification Card issued to a person under the age of 21, shall be of a distinct nature from those Illinois Identification Cards or Illinois Disabled Person Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Disabled Person Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark. (Source: P.A. 90-191, eff. 1-1-98.)

Section 10. The Unified Code of Corrections is amended by changing Section 3-14-1 as follows:

(730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)
Sec. 3-14-1. Release from the Institution.
(a) Upon release of a person on parole, mandatory release, final discharge or pardon the Department shall return all property held for him, provide him with suitable clothing and procure necessary transportation for him to his designated place of residence and employment. It may provide such person with a grant of money for travel and expenses which may be paid in installments. The amount of the money grant shall be determined by the Department.

The Department of Corrections may establish and maintain, in any institution it administers, revolving funds to be known as "Travel and Allowances Revolving Funds". These revolving funds shall be used for advancing travel and expense allowances to committed, paroled, and discharged prisoners. The moneys paid into such revolving funds shall be from appropriations to the Department for Committed, Paroled, and Discharged Prisoners.

(b) (Blank).

(c) Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification of any release of any person who has been convicted of a felony to the State's Attorney and sheriff of the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be paroled or released. Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification to the proper law enforcement agency for any municipality of any release of any person who has been convicted of a felony if the arrest of the offender or the commission of the offense took place in the municipality, if the offender is to be paroled or released into the municipality, or if the offender resided in the municipality at the time of the commission of the offense. If a person convicted of a felony who is in the custody of the Department of Corrections or on parole or mandatory supervised release informs the Department that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by a public housing agency, the Department must send written notification of that information to the public housing agency that owns, manages, operates, or leases the housing facility. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible.

(c-1) (Blank).

(d) Upon the release of a committed person on parole, mandatory supervised release, final

New matter indicated by italics - deletions by strikeout.
discharge or pardon, the Department shall provide such person with information concerning programs and services of the Illinois Department of Public Health to ascertain whether such person has been exposed to the human immunodeficiency virus (HIV) or any identified causative agent of Acquired Immunodeficiency Syndrome (AIDS).

(e) Upon the release of a committed person on parole, mandatory supervised release, final discharge, or pardon, the Department shall provide the person who has met the criteria established by the Department with an identification card identifying the person as being on parole, mandatory supervised release, final discharge, or pardon, as the case may be. The Department, in consultation with the Office of the Secretary of State, shall prescribe the form of the identification card, which may be similar to the form of the standard Illinois Identification Card. The Department shall inform the committed person that he or she may present the identification card to the Office of the Secretary of State upon application for a standard Illinois Identification Card in accordance with the Illinois Identification Card Act. The Department shall require the committed person to pay a $1 fee for the identification card.

For purposes of a committed person receiving an identification card issued by the Department under this subsection, the Department shall establish criteria that the committed person must meet before the card is issued. It is the sole responsibility of the committed person requesting the identification card issued by the Department to meet the established criteria. The person's failure to meet the criteria is sufficient reason to deny the committed person the identification card. An identification card issued by the Department under this subsection shall be valid for a period of time not to exceed 30 calendar days from the date the card is issued. The Department shall not be held civilly or criminally liable to anyone because of any act of any person utilizing a card issued by the Department under this subsection.

The Department shall adopt rules governing the issuance of identification cards to committed persons being released on parole, mandatory supervised release, final discharge, or pardon.

(Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00.)

Effective January 1, 2002.

PUBLIC ACT 92-0241
(House Bill No. 3209)

AN ACT concerning freedom of information.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:
(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

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

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

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

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

New matter indicated by italics - deletions by strikeout.
(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and

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

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

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

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

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

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

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

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

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

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

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

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

(iii) court records that are public;

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

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

 "Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology

New matter indicated by italics - deletions by strikeout.
Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

(i) Valuable formulae, computer graphic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

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

(k) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

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

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

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

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

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

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

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

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

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

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

(v) Course materials or research materials used by faculty members.
(w) Information related solely to the internal personnel rules and practices of a public body.

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

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

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

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

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

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

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

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

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

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

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift Ban Act.

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

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

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

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

(Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97; 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff. 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

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


PUBLIC ACT 92-0242

(House Bill No. 3246)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-605 as follows:

(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

Sec. 11-605. Special speed limit while passing schools or while traveling through highway construction or maintenance zones.

(a) For the purpose of this Section, "school" means the following entities:

1. A public or private primary or secondary school.
2. A primary or secondary school operated by a religious institution.
3. A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone or a construction or maintenance zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone or a construction or maintenance zone.

(d) For the purpose of this Section, a construction or maintenance zone is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present.

(e) A first violation of this Section is shall be a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(f) When a fine for a violation of subsection (a) is $150 or greater, the person who violates subsection (a) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.

(Source: P.A. 91-531, eff. 1-1-00.)


New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0242
1938

Effective January 1, 2002.

PUBLIC ACT 92-0243
(House Bill No. 3264)

AN ACT concerning nuclear safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(110 ILCS 965/Act rep.)
Section 5. The Nuclear Safety Education Assistance Act is repealed.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0244
(Senate Bill No. 0052)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Income Tax Act is amended by changing Section 203 as follows:
(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.
   (1) In general. In the case of an individual, base income means an amount equal to the
taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).
   (2) Modifications. The adjusted gross income referred to in paragraph (1) shall be
modified by adding thereto the sum of the following amounts:
   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or
dividends during the taxable year to the extent excluded from gross income in the
computation of adjusted gross income, except stock dividends of qualified public utilities
described in Section 305(e) of the Internal Revenue Code;
   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted
from gross income in the computation of adjusted gross income for the taxable year;
   (C) An amount equal to the amount received during the taxable year as a recovery or
refund of real property taxes paid with respect to the taxpayer's principal residence under
the Revenue Act of 1939 and for which a deduction was previously taken under
subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application
date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and
farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the
total taxes for the entire property which is attributable to such principal residence;
   (D) An amount equal to the amount of the capital gain deduction allowable under the
Internal Revenue Code, to the extent deducted from gross income in the computation of
adjusted gross income;
   (D-5) An amount, to the extent not included in adjusted gross income, equal to the
amount of money withdrawn by the taxpayer in the taxable year from a medical care
savings account and the interest earned on the account in the taxable year of a withdrawal
pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or
subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and
   (D-10) For taxable years ending after December 31, 1997, an amount equal to any
eligible remediation costs that the individual deducted in computing adjusted gross
income and for which the individual claims a credit under subsection (l) of Section 201;
and by deducting from the total so obtained the sum of the following amounts:
   (E) For taxable years ending before December 31, 2001, any amount included in
such total in respect of any compensation (including but not limited to any compensation

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paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(f) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

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(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that tax year, other than interest added pursuant to item (D-5) of this paragraph (2); and

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250; and

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons.
by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201; and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the
(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b)(5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan...
attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the

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computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount

New matter indicated by italics - deletions by strikeout.
equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

New matter indicated by italics - deletions by strikeout.
(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss

New matter indicated by italics - deletions by strikeout.
carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

New matter indicated by italics - deletions by strikeout.
(f) Valuation limitation amount.
   (1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:
      (A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus
      (B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).
   (2) Pre-August 1, 1969 appreciation amount.
      (A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.
      (B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.
      (C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.
   (g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.
   (h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98; 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; revised 10-24-00)

Section 99. Effective date. This Act takes effect upon becoming law.
(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
5. A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(e) It is unlawful to violate any part of this Section. A first conviction of a person for a violation of any part of this Section shall result in a mandatory fine of $250; all subsequent convictions of that person for any violation of any part of this Section shall each result in a mandatory fine of $500 or 50 hours of community service.

(f) Corporate Local authorities of municipal corporations regulating operators of shall impose fines as established in subsection (e) for vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

(625 ILCS 5/11-1201.1)
Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, vehicle operator and the vehicle registration plate of a vehicle in violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a 5 year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

New matter indicated by italics - deletions by strikeout.
(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle violator shall be accompanied by a written notice, the contents of which is set forth in subsection (d-1) of this Section, explaining the violator's rights and obligations and how the registered owner of the vehicle violator can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(d-1) The written notice explaining the alleged violator's rights and obligations must include the following text:
"You have been served with the accompanying Uniform Traffic Citation and cited with having violated Section 11-1201 of the Illinois Vehicle Code. You can elect to proceed by:
1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

(d-2) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(e) Evidence.

(i) A certificate alleging that a violation of 11-1201 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system are evidence of the facts contained in the certificate and are admissible in any proceeding alleging a violation under this Section.

(ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense. Photographs or recorded images made by an automatic railroad grade crossing enforcement system shall be confidential, and shall be made available only to the defendant, governmental and law enforcement agencies for the purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

New matter indicated by italics - deletions by strikeout.
(g) The cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation Authority. If the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority's portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission shall issue a report to the General Assembly at the conclusion of the two year pilot program on the effectiveness of the automatic railroad grade crossing enforcement system.

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty.

(i) A violation of this Section is a petty offense for which a fine of $250 shall be imposed for a first violation, and a fine of $500 shall be imposed for a second or subsequent violation.

(ii) For a second or subsequent violation, the Secretary of State may suspend the registration of the motor vehicle for a period of at least 6 months.

(Source: P.A. 89-454, eff. 5-17-96; 90-14, eff. 7-1-97.)

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

PUBLIC ACT 92-0246
(Senate Bill No. 0500)

AN ACT in relation to senior citizens.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Statewide Senior Citizen Victimizer Database Act.

Section 5. Definitions. In this Act:
"Department" means Department of State Police.
"Director" means the Director of State Police.
"Senior citizen" means a person of the age of 60 years or older.
"Senior citizen victimizer" means a person who has been arrested for committing an offense against a senior citizen.
"Statewide Senior Citizen Victimizer Database Terminal" means an interactive computerized communication and processing unit that permits direct on-line communication with the Department of State Police's Statewide Senior Citizen Victimizer Database.

Section 10. Duties of the Department. The Department may:
(a) Provide a uniform reporting format for the entry of pertinent information regarding the report of an arrested senior citizen victimizer into the Senior Citizen Victimizer Database Terminal;
(b) Notify all law enforcement agencies that reports of arrested senior citizen victimizers shall be entered into the database as soon as the minimum level of data of information specified by the Department is available to the reporting agency, and that no waiting period for the entry of that data exists;
(c) Compile and maintain a data repository relating to senior citizen victimizers in order to gather information regarding the various modus operandi used to victimize senior citizens, groups that tend to routinely target senior citizens, areas of the State that senior citizen victimizers tend to frequent, and the type of persons senior citizen victimizers routinely target;
(d) Develop and improve techniques used by law enforcement agencies and prosecutors in the investigation, apprehension, and prosecution of senior citizen victimizers;
(e) Locate all law enforcement agencies that could, in the opinion of the Director, benefit from access to the Statewide Senior Citizen Victimizer Database, and notify them of its existence; and

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(f) Cooperate with all law enforcement agencies wishing to gain access to the Statewide Senior Citizen Victimizer Database system, and to facilitate their entry into the system and to their continued maintenance of access to it.

Section 15. Duties of local law enforcement agencies. Local law enforcement agencies that are members of the Statewide Senior Citizen Victimizer Database system may:

(a) After arresting any person whom they believe to be a senior citizen victimizer, create or update that person's electronic file within the Statewide Senior Citizen Victimizer Database system; and

(b) Notify the prosecutor of an accused of that accused person's history of perpetrating crimes against senior citizens.

Effective January 1, 2002.

PUBLIC ACT 92-0247
(Senate Bill No. 0538)

AN ACT concerning taxes.

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

Section 5. The Property Tax Code is amended by changing Section 18-165 as follows:

(35 ILCS 200/18-165)

Sec. 18-165. Abatement of taxes.

(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) Commercial and industrial.

(A) The property of any commercial or industrial firm, including but not limited to the property of any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000; or

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000. The abatement period may be renewed at the option of the taxing districts.

(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that (i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the
aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2000, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(7) Recreational facilities. Any property in the taxing district (i) that is used for a municipal airport, (ii) that is subject to a leasehold assessment under Section 9-195 of this Code and (iii) which is sublet from a park district that is leasing the property from a municipality, but only if the property is used exclusively for recreational facilities or for parking lots used exclusively for those facilities. The abatement shall not exceed a period of 10 years.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.

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

AN ACT in relation to driving under the influence of alcohol and drugs.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-205, 6-208.1, 6-208.2, and 11-501 as follows:

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.
(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license or permit of any driver upon receiving a report of the driver's conviction of any of the following offenses:
1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor

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vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of the offense of automobile theft as defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:
1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court, may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate
reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. Any person under 21 years of age who has a driver's license revoked for a second or subsequent conviction for driving under the influence, prior to the age of 21, shall not be eligible to submit an application for a full reinstatement of driving privileges or a restricted driving permit until age 21 or one additional year from the date of the latest such revocation, whichever is the longer. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual device requirements when granting driving relief to individuals who have been convicted of or arrested for a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)
Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Six months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration, pursuant to Section 11-501.1; or

2. Three months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, pursuant to Section 11-501.1; or

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Intoxicating Compounds Act.

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, full driving privileges shall be restored unless the person is otherwise disqualified by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may, after at least 30 days from the effective date of the statutory summary suspension, issue a judicial driving permit as provided in Section 6-206.1.

(f) Subsequent to an arrest of a first offender, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may issue a court order directing the Secretary of State to issue a judicial driving permit as provided in Section 6-206.1. However, this JDP shall not be effective prior to the 31st day of the statutory summary suspension.

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500 and such person refused or failed to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1, the Secretary of State may not issue a restricted driving permit if at least 2 years have elapsed since the effective date of the statutory summary suspension.

(h) (Blank).

(625 ILCS 5/6-208.2)

Sec. 6-208.2. Restoration of driving privileges; persons under age 21.

(a) Unless the suspension based upon consumption of alcohol by a minor or refusal to submit to testing has been rescinded by the Secretary of State in accordance with item (c)(3) of Section 6-206 of this Code, a person whose privilege to drive a motor vehicle on the public highways has been suspended under Section 11-501.8 is not eligible for restoration of the privilege until the expiration of:

1. Six months from the effective date of the suspension for a refusal or failure to complete a test or tests to determine the alcohol concentration under Section 11-501.8;

2. Three months from the effective date of the suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration greater than 0.00 under Section 11-501.8;

3. Two years from the effective date of the suspension for a person who has been previously suspended under Section 11-501.8 and who refuses or fails to complete a test or tests to determine the alcohol concentration under Section 11-501.8; or

4. One year from the effective date of the suspension imposed for a person who has been previously suspended under Section 11-501.8 following submission to a chemical test that disclosed an alcohol concentration greater than 0.00 under Section 11-501.8.

(b) Following a suspension of the privilege to drive a motor vehicle under Section 11-501.8, full driving privileges shall be restored unless the person is otherwise disqualified by this Code.

(c) Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record. The Secretary of State may also, as a condition of the reissuance of a driver's license
or permit to an individual under the age of 18 years whose driving privileges have been suspended pursuant to Section 11-501.8, require the applicant to participate in a driver remedial education course and be retested under Section 6-109.

(d) Where a driving privilege has been suspended under Section 11-501.8 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on that suspension shall be credited toward the minimum period of revocation of driving privileges imposed under Section 6-205.

(e) Following a suspension of driving privileges under Section 11-501.8 for a person who has not had his or her driving privileges previously suspended under that Section, the Secretary of State may issue a restricted driving permit after at least 30 days from the effective date of the suspension.

(f) Following a second or subsequent suspension of driving privileges under Section 11-501.8 that is based upon the person having refused or failed to complete a test or tests to determine the alcohol concentration under Section 11-501.8, the Secretary of State may issue a restricted driving permit after at least 12 6 months from the effective date of the suspension.

(g) (Blank). Following a second or subsequent suspension of driving privileges under Section 11-501.8 that is based upon the person having submitted to a chemical test that disclosed an alcohol concentration greater than 0.00 under Section 11-501.8, the Secretary of State may issue a restricted driving permit after at least 90 days from the effective date of the suspension.

(h) Any restricted driving permit considered under this Section is subject to the provisions of item (e) of Section 11-501.8.

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

1. the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
2. under the influence of alcohol;
3. under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
4. under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
5. under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving;
6. there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3) and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days 40 consecutive hours of imprisonment or assigned to a minimum of 30 days 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local
ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be
licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in

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conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if
the damage to the property exceeds $300.
(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the
Firearm Owners Identification Card Act.
(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section
(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(3) A minimum term of imprisonment of not less than 5 days or 48 consecutive hours or 30
days or 100 hours of community service as may be determined by the court shall be imposed for
a second or subsequent violation committed within 5 years of a previous violation of Section
11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of
a third or subsequent violation committed within 5 years of a previous violation of Section
11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum
term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of
community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour
periodic imprisonment or 720 hours of community service, as may be determined by the
court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during
a period in which the defendant's driving privileges are revoked or suspended, where the
revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that
Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense
or a corporation or unincorporated association convicted of any offense to:
(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional
discharge for a Class 1 felony committed while he was serving a term of probation or
conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal
Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2
felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois,
such charges are separately brought and tried and arise out of different series of acts, such
defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1)
the first felony was committed after the effective date of this amendatory Act of 1977; and
(2) the second felony was committed after conviction on the first; and (3) the third felony was
committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child
may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded
to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of
Corrections which may include evidence of the defendant's life, moral character and occupation during
the time since the original sentence was passed. The trial court shall then impose sentence upon the
defendant. The trial court may impose any sentence which could have been imposed at the original
trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse
under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who
was a family member of the victim at the time of the commission of the offense, the court shall
consider the safety and welfare of the victim and may impose a sentence of probation only where:
(1) the court finds (A) or (B) or both are appropriate:
(A) the defendant is willing to undergo a court approved counseling program for a

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minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;
(ii) restricted contact with the victim;
(iii) continued financial support of the family;
(iv) restitution for harm done to the victim; and
(v) compliance with any other measures that the court may deem appropriate;

and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the
results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge’s inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State’s Attorney to provide the information to the victim when possible. A State’s Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State’s Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or
misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's
Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney
General of the United States or his or her designated agent to be deported when:
(1) a final order of deportation has been issued against the defendant pursuant to
proceedings under the Immigration and Nationality Act, and
(2) the deportation of the defendant would not deprecate the seriousness of the
defendant's conduct and would not be inconsistent with the ends of justice.
Otherwise, the defendant shall be sentenced as provided in this Chapter V.
(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or
has been placed on probation under Section 10 of the Cannabis Control Act or Section 410
of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney
to suspend the sentence imposed, commit the defendant to the custody of the Attorney
General of the United States or his or her designated agent when:
(1) a final order of deportation has been issued against the defendant pursuant to
proceedings under the Immigration and Nationality Act, and
(2) the deportation of the defendant would not deprecate the seriousness of the
defendant's conduct and would not be inconsistent with the ends of justice.
(C) This subsection (l) does not apply to offenders who are subject to the provisions of
paragraph (2) of subsection (a) of Section 3-6-3.
(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section
returns to the jurisdiction of the United States, the defendant shall be recommitted to the
custody of the county from which he or she was sentenced. Thereafter, the defendant shall be
brought before the sentencing court, which may impose any sentence that was available under
Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible
for additional good conduct credit for meritorious service as provided under Section 3-6-6.
(m) A person convicted of criminal defacement of property under Section 21-1.3 of the
Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a
school building, shall be ordered to perform community service that may include cleanup, removal,
or painting over the defacement.
(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787,
eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)
Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-500, 6-506, 6-514,
6-524, 11-1201, 18b-105, and 18b-107 as follows:
(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth
elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the
words and phrases listed below shall have the meanings ascribed to them as follows:
Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not
limited to: ethanol; methanol; propanol and isopropanol.
Alcohol concentration. "Alcohol concentration" means:
(a) the number of grams of alcohol per 210 liters of breath; or
(b) the number of grams of alcohol per 100 milliliters of blood; or
(c) the number of grams of alcohol per 67 milliliters of urine.
Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be
considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

New matter indicated by italics - deletions by strikeout.
Commercial Motor Vehicle. "Commercial motor vehicle" means a motor vehicle, except those referred to in paragraph (d), designed to transport passengers or property if:

(a) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

(b) the vehicle is designed to transport 16 or more persons; or

(c) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(d) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial vehicle" does not include:

(i) Recreational vehicles, when operated primarily for personal use;

(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) Firefighting and other emergency equipment with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

Long-term-lease. "Long-term-lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated

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upon rails, except vehicles moved solely by human power and motorized wheel chairs.

Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a State to an individual who is domiciled in a foreign jurisdiction.

Railroad-Highway Grade Crossing Violation. "Railroad-Highway Grade Crossing Violation" means a violation, while operating a commercial motor vehicle, of any of the following:

1. An offense listed in subsection (j) of Section 6-514 of this Code.
2. Section 11-1201 of this Code.
3. Section 11-1201.1 of this Code.
4. Section 11-1202 of this Code.
5. Section 11-1203 of this Code.
7. 92 Illinois Administrative Code 392.11.
8. Any local ordinance that is similar to any of items (1) through (7).

Serious Traffic Violation. "Serious traffic violation" means:

(a) A conviction when operating a commercial motor vehicle of:
   (i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or
   (ii) a violation relating to reckless driving; or
   (iii) a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or
   (iv) a violation of Section 6-501, relating to having multiple driver's licenses; or
   (v) a violation of paragraph (a), of Section 6-507, relating to the requirement to have a valid CDL; or
   (vi) a violation relating to improper or erratic traffic lane changes; or
   (vii) a violation relating to following another vehicle too closely; or
   (b) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by Administrative Rule to be serious.

State. "State" means a State of the United States, the District of Columbia and any Province or Territory of Canada.

(625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)
Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.
(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:
   (1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, while driving a commercial motor

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vehicle; or
(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act as indicated by a police officer's sworn report or other verified evidence; or
(3) Conviction for a first violation of:
   (i) Driving a commercial motor vehicle while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or
   (ii) Knowingly and wilfully leaving the scene of an accident while operating a commercial motor vehicle; or
   (iii) Driving a commercial motor vehicle while committing any felony.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period.

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

   (1) For 6 months upon a first conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code.
   (2) For one year upon a second conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.
   (3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.
   (4) For one year upon a first conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code.

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(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(j) (1) A driver shall be disqualified for the applicable period specified in paragraph (2) for any violation of a federal, State, or local law or regulation pertaining to one of the following offenses at a railroad-highway grade crossing while operating a commercial motor vehicle:

(i) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of an approaching train.

(ii) For drivers who are not always required to stop, failing to stop before reaching the crossing, if the tracks are not clear.

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing.

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) The length of the disqualification shall be:

(i) Not less than 60 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had no convictions for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(ii) Not less than 120 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had one conviction for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(iii) Not less than one year in the case of a conviction for any of the offenses described in paragraph (1) if the person had 2 or more convictions, based on separate incidents, for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(Source: P.A. 89-245, eff. 1-1-96; 90-422, eff. 1-1-98.)

(625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)
Sec. 6-524. Penalties.

(a) Every person convicted of violating any provision of this UCDLA for which another penalty is not provided shall for a first offense be guilty of a petty offense; and for a second conviction for any offense committed within 3 years of any previous offense, shall be guilty of a Class B misdemeanor.

(b) Any person convicted of violating subsection (b) of Section 6-506 of this Code shall be subject to a civil penalty of not more than $10,000.

(Source: P.A. 86-845.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)
Sec. 11-1201. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

New matter indicated by italics - deletions by strikeout.
5. A railroad train is approaching so closely that an immediate hazard is created.
(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.
(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.
(d-5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.
(e) A violation of any part of this Section shall result in a mandatory fine of $500 or 50 hours of community service.
(f) Local authorities shall impose fines as established in subsection (e) for vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train.
(Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)
(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
Sec. 18b-105. Rules and Regulations.
(a) The Department is authorized to make and adopt reasonable rules and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.
(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:
Part 383-Commercial Driver's License Standards, Requirements, and Penalties;
Part 385-Safety Fitness Procedures;
Part 390-Federal Motor Carrier Safety Regulations: General;
Part 391-Qualifications of Drivers;
Part 392-Driving of Motor Vehicles;
Part 393-Parts and Accessories Necessary for Safe Operation;
Part 395-Hours of Service of Drivers; and
Part 396-Inspection, Repair and Maintenance.
(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).
(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.
(2) Section 393.86 of Part 393 for those vehicles which are registered as farm trucks under subsection (c) of Section 3-815 of The Illinois Vehicle Code.
(3) (Blank).
(4) (Blank).
(5) Paragraph (b)(1) of Section 391.11 of Part 391.
(6) All of Part 395 for all agricultural movements as defined in Chapter 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.
(7) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b)(3) and (b)(10) of Section 391.41 with
respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

(625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)
Sec. 18b-107. Violations - Civil penalties.
Except as provided in Section 18b-108, any person who is determined by the Department after reasonable notice and opportunity for a fair and impartial hearing to have committed an act in violation of this Chapter or any rule or regulation issued under this Chapter is liable to the State for a civil penalty. Such person is subject to a civil penalty of not more than $5,000 for such violation, except that a person committing a railroad-highway grade crossing violation is subject to a civil penalty of not more than $10,000, and, if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Department by a written notice. In determining the amount of such penalty, the Department shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to a person found to have committed such violation, the degree of culpability, history or prior offenses, ability to pay, effect on ability to continue to do business and such other matters as justice may require.

Such civil penalty is recoverable in an action brought by the State's Attorney or the Attorney General on behalf of the State in the circuit court or, prior to referral to the State's Attorney or the Attorney General, such civil penalty may be compromised by the Department. The amount of such penalty when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the State to the person charged. All civil penalties collected under this subsection shall be deposited in the Road Fund.

(Source: P.A. 86-611; 86-1236.)
Section 99. Effective date. This Act takes effect January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0250
(Senate Bill No. 0845)
AN ACT concerning technology.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the High Technology School-to-Work Act.
Section 5. Statement of findings. The General Assembly finds that:
(1) Illinois must compete in an increasingly global economy characterized by the use of advanced technologies to create new products and services and increase the efficiency of production;
(2) those new technologies include, but are not limited to, advanced telecommunications and computer technologies; advanced developments in biotechnology relating to health, medical science, and agriculture; advanced manufacturing methods; and advanced materials development;
(3) to successfully compete in the new economy, Illinois needs workers who are highly skilled in scientific, technical, and engineering occupations, including engineers; life and physical scientists; mathematical specialists; engineering and science technicians; computer specialists; and engineering, scientific, and computer managers;

New matter indicated by italics - deletions by strikeout.
(4) workers in these occupations need in-depth knowledge of the theories and principles of science, engineering, and mathematics; and
(5) there is a need to increase the number of secondary and postsecondary students preparing for and entering high technology occupations.

Section 10. Definitions. In this Act:
"Department" means the Department of Commerce and Community Affairs.
"Director" means the Director of Commerce and Community Affairs.
"High technology occupations" mean scientific, technical, and engineering occupations including, but not limited to, the following occupational groups and detailed occupations: engineers; life and physical scientists; mathematical specialists; engineering and science technicians; computer specialists; and engineering, scientific, and computer managers.
"Local partnership" means a cooperative agreement between one or more employers, including employer associations, and one or more secondary or postsecondary schools established to operate a high technology school-to-work project. The partnerships must be employer-led and designed to respond to the high technology skill requirements of participating employers.

Section 15. Purpose. The primary purpose of this Act is to increase the number of students exiting secondary and postsecondary schools who opt to enter occupations requiring advanced skills in the areas of science, mathematics, and advanced technology. A secondary goal is to encourage students exiting secondary schools to pursue advanced educational programs in technical fields and the sciences.

Section 20. Coordination with economic development activities. The Department must coordinate the administration of the High Technology School-to-Work Program, including the targeting of projects, with the Department's technology related planning and economic development initiatives.

Section 25. Program design. Local partnerships must provide students with work experience in high technology occupations combined with related classroom instruction. Employers and educators must cooperatively adopt or develop, or both, skills standards, curricula, and assessment tools. Skills standards must be current with high performance workplaces and technology requirements. Project activities include, but are not limited to:
(1) designing in-school and related work-based curricula;
(2) training teachers;
(3) training work site supervisors and mentors;
(4) developing instructional materials;
(5) coordinating activities among the partners;
(6) outreach and recruitment of students;
(7) developing assessment tools;
(8) providing vocational counseling to student participants;
(9) completing project related administrative activities; and
(10) evaluating the project.

Section 30. Allowable costs. Subject to the limitations in Section 35 of this Act, grant funds may be used for any reasonable and necessary expense related to the successful conduct of a high technology school-to-work project as approved by the Department and specified in a grant agreement with the Department.

Section 35. Limitations. To be an allowable grant cost, expenses must:
(1) be for an extraordinary cost incurred due to the high technology school-to-work project;
(2) not be used for stipends or wages paid to students during the work-based project activities; and
(3) not be used to pay the wages of teachers working in short-term, part-time, internship, or similar work experience arrangements with private employers designed to provide teachers with experience in an industry.

Section 40. Duties. The Department has the following duties:
(1) To establish and coordinate the High Technology School-to-Work Program.
(2) Subject to appropriations, to make grants to local partnerships to administer high technology school-to-work projects.

New matter indicated by italics - deletions by strikeout.
(3) To periodically identify high technology industries and occupations for which training programs may be developed pursuant to the requirements of this Act.
(4) To issue guidelines for submitting grant applications.
(5) To adopt, amend, or repeal any rules that may be necessary to administer this Act.

Section 45. Grant selection. Applications for funding must be reviewed using the criteria in this Section. The Director must make final funding decisions. Review criteria include:
(1) the appropriateness of the targeted industries and occupations;
(2) the appropriateness of the targeted student population;
(3) the efforts to recruit female and minority students into the project;
(4) the strength of the local partnership and private sector involvement;
(5) the related experience and qualifications of the project staff;
(6) the quality of the project work plan;
(7) the proposed project costs in relationship to planned outcomes;
(8) the relationship of the project to the Department's economic development plans and initiatives;
(9) the geographic distribution of grant awards throughout the State; and
(10) the quality of presentations made to the Department, if the Department requests presentations.

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly May 9, 2001.

PUBLIC ACT 92-0251
(Senate Bill No. 0875)

AN ACT concerning Assistant Adjutants General.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Military Code of Illinois is amended by changing Section 16 as follows:
(20 ILCS 1805/16) (from Ch. 129, par. 220.16)
Sec. 16. Qualifications. The Adjutant General and the Assistant Adjutants General shall have had 10 or more years of active commissioned service in a component of the U.S. Armed Forces, the active Illinois Army National Guard, or active Illinois Air National Guard, as appropriate, and have attained at least the grade of or equivalent to Colonel or Lieutenant Colonel, respectively. The Assistant Adjutant General for Air shall have been a rated Air Force aircrew officer.
(Source: P.A. 91-100, eff. 1-1-00.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0252
(Senate Bill No. 0877)

AN ACT concerning military expenditures.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Military Code of Illinois is amended by changing Section 65 as follows:
(20 ILCS 1805/65) (from Ch. 129, par. 220.65)
Sec. 65. Subject to such reasonable regulations as may be promulgated by the Adjutant General, the use and rental of armories may be permitted for any reasonable and legitimate civilian activities so long as the such activities do not interfere with their use for military purposes. Proceeds received from rentals, above the expenses incident to the such use, will be placed in an "Armory Rental Account" by the Adjutant General and used for recruiting, athletic, and recreational activities and other purposes on a per capita basis in the interest and for the benefit of the personnel of the Illinois National Guard. Expenditures of those proceeds must be made on a modified per capita basis

New matter indicated by italics - deletions by strikeout.
with due consideration given to the proportion of each armory's generation of revenue, as determined by the Adjutant General.
(Source: P.A. 85-1241.)

Section 99. Effective date. This Act takes effect on July 1, 2001.
Passed in the General Assembly May 9, 2001.

PUBLIC ACT 92-0253
(Senate Bill No. 0938)

AN ACT in relation to domestic violence.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-3 as follows:
(725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)
Sec. 112A-3. Definitions. For the purposes of this Article, the following terms shall have the following meanings:
(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
(2) "Domestic violence" means abuse as described in paragraph (1).
(3) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons who share or have or have allegedly shared a common dwelling, persons who have or have had a dating or engagement relationship, and persons who have or have had a blood relationship through a child, persons who share or have or have had a dating or engagement relationship, and persons who have or have had a blood relationship through a child, persons who share or have or have had a dating or engagement relationship, and persons who have or have had a blood relationship through a child, persons who share or have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintance nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.
(4) "Harassment" means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
(i) creating a disturbance at petitioner's place of employment or school;
(ii) repeatedly telephoning petitioner's place of employment, home or residence;
(iii) repeatedly following petitioner about in a public place or places;
(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; or
(vi) threatening physical force, confinement or restraint on one or more occasions.
(5) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.
(6) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member.
(7) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Article, which includes any or all of the remedies authorized by Section 112A-14 of
(8) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Article.

(9) "Physical abuse" includes sexual abuse and means any of the following:
   (i) knowing or reckless use of physical force, confinement or restraint;
   (ii) knowing, repeated and unnecessary sleep deprivation; or
   (iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(10) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care and treatment when such dependent person has expressed the intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 87-1186.)

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 103 as follows:

Sec. 103. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

(2) "Adult with disabilities" means an elder adult with disabilities or a high-risk adult with disabilities. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no court proceeding may be initiated or continued on behalf of an adult with disabilities over that adult's objection, unless such proceeding is approved by his or her legal guardian, if any.

(3) "Domestic violence" means abuse as defined in paragraph (1).

(4) "Elder adult with disabilities" means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.

(5) "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

(6) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintance nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
   (i) creating a disturbance at petitioner's place of employment or school;
   (ii) repeatedly telephoning petitioner's place of employment, home or residence;
   (iii) repeatedly following petitioner about in a public place or places;

New matter indicated by italics - deletions by strikeout.
(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or

(vi) threatening physical force, confinement or restraint on one or more occasions.

(8) "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

(11) (A) "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:

(i) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;

(ii) the repeated, careless imposition of unreasonable confinement;

(iii) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;

(iv) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or

(v) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(B) Nothing in this subsection (10) shall be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support to a high-risk adult with disabilities.

(12) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Act, which includes any or all of the remedies authorized by Section 214 of this Act.

(13) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

(14) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;

(ii) knowing, repeated and unnecessary sleep deprivation; or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(15) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 86-542; 87-1186.)


Effective January 1, 2002.

PUBLIC ACT 92-0254

New matter indicated by italics - deletions by strikeout.
AN ACT relating to Governors State University.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 21-25 as follows:
(105 ILCS 5/21-25) (from Ch. 122, par. 21-25)
Sec. 21-25. School service personnel certificate.
(a) Subject to the provisions of Section 21-1a, a school service personnel certificate shall be
issued to those applicants of good character, good health, a citizen of the United States and at least 19
years of age who have a Bachelor's degree with not fewer than 120 semester hours from a regionally
accredited institution of higher learning and who meets the requirements established by the State
Superintendent of Education in consultation with the State Teacher Certification Board. A school
service personnel certificate with a school nurse endorsement may be issued to a person who holds
a bachelor of science degree from an institution of higher learning accredited by the North Central
Association or other comparable regional accrediting association. Persons seeking any other
endorsement on the school service personnel certificate shall be recommended for the endorsement
by a recognized teacher education institution as having completed a program of preparation approved
by the State Superintendent of Education in consultation with the State Teacher Certification Board.
(b) Until August 30, 2002, a school service personnel certificate endorsed for school social
work may be issued to a student who has completed a school social work program that has not been
approved by the State Superintendent of Education, provided that each of the following conditions is
met:
(1) The program was offered by a recognized, public teacher education institution that
first enrolled students in its master's degree program in social work in 1998;
(2) The student applying for the school service personnel certificate was enrolled in the
institution's master's degree program in social work on or after May 11, 1998;
(3) The State Superintendent verifies that the student has completed coursework that is
substantially similar to that required in approved school social work programs, including (i)
not fewer than 600 clock hours of a supervised internship in a school setting or (ii) if the
student has completed part of a supervised internship in a school setting prior to the effective
date of this amendatory Act of the 92nd General Assembly and receives the prior approval
of the State Superintendent, not fewer than 300 additional clock hours of supervised work in
a public school setting under the supervision of a certified school social worker who certifies
that the supervised work was completed in a satisfactory manner; and
(4) The student has passed a test of basic skills and the test of subject matter knowledge
required by Section 21-1a.
This subsection (b) does not apply after August 29, 2002.
(c) A school service personnel certificate shall be endorsed with the area of Service as
determined by the State Superintendent of Education in consultation with the State Teacher
Certification Board.
The holder of such certificate shall be entitled to all of the rights and privileges granted
holders of a valid teaching certificate, including teacher benefits, compensation and working
conditions.
When the holder of such certificate has earned a master's degree, including 8 semester hours
of graduate professional education from a recognized institution of higher learning, and has at least
2 years of successful school experience while holding such certificate, the certificate may be endorsed
for supervision.
(Source: P.A. 91-102, eff. 7-12-99.)
Section 10. The Clinical Social Work and Social Work Practice Act is amended by adding
Section 9.5 as follows:
(225 ILCS 20/9.5 new)
Sec. 9.5. Governors State University graduate; qualifications for licensure.
(a) A person shall be qualified to be licensed as a clinical social worker and the Department
shall issue a license authorizing the independent practice of clinical social work to an applicant
provided:

New matter indicated by italics - deletions by strikeout.
(1) the applicant has applied in writing on the prescribed form;
(2) the applicant is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;
(3) the applicant demonstrates to the satisfaction of the Department that subsequent to securing a master's degree in social work from Governors State University in June 2001 the applicant has successfully completed at least 3,000 hours of satisfactory, supervised clinical professional experience;
(4) the applicant has passed the examination for the practice of clinical social work as authorized by the Department;
(5) Governors State University has become an accredited institution by an accrediting body approved by the Department and the applicant has successfully completed necessary supplemental coursework, which has been identified as a part of that accrediting process, or, after December 31, 2003, the Illinois Social Work Examining and Disciplinary Board determines an applicant's coursework to be satisfactorily completed at an accredited institution; and
(6) the applicant has paid the required fees.

(b) A person shall be qualified to be licensed as a social worker and the Department shall issue a license authorizing the practice of social work provided:
(1) the applicant has applied in writing on the prescribed form;
(2) the applicant is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;
(3) the applicant has a graduate degree in social work from Governors State University;
(4) the applicant has passed the examination for the practice of social work as a licensed social worker as authorized by the Department;
(5) Governors State University has become an accredited institution by an accrediting body approved by the Department and the applicant has successfully completed necessary supplemental coursework, which has been identified as a part of that accrediting process, or, after December 31, 2003, the Illinois Social Work Examining and Disciplinary Board determines an applicant's coursework to be satisfactorily completed at an accredited institution; and
(6) the applicant has paid the required fees.

(c) A person shall be qualified to be licensed as a temporary social worker and the Department shall issue a temporary license authorizing the practice of social work provided:
(1) the applicant has applied in writing on the prescribed form;
(2) the applicant is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;
(3) the applicant has a graduate degree in social work from Governors State University;
(4) the applicant has passed the examination for the practice of social work as a licensed social worker as authorized by the Department; and
(5) the applicant has paid the required fees.

For the purpose of this subsection a temporary license shall:
(1) carry the same stature and privileges of a licensed social worker;
(2) expire on December 31, 2004.

(d) This Section is repealed January 1, 2005.
Effective January 1, 2002.

PUBLIC ACT 92-0255
(Senate Bill No. 1506)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning sanitary sewers.

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

Section 5. The Illinois Municipal Code is amended by adding Section 7-1-18.5 as follows:

(65 ILCS 5/7-1-18.5 new)

Sec. 7-1-18.5. Maintenance of sanitary sewers. A municipality located in a county with a population of 3,000,000 or more to which territory is annexed after the effective date of this amendatory Act of the 92nd General Assembly is responsible for the operation and maintenance of any existing sanitary sewerage system serving the annexed territory, unless the sanitary sewerage system is under the jurisdiction of another unit of local government other than the Metropolitan Water Reclamation District.

Section 10. The Metropolitan Water Reclamation District Act is amended by changing Section 7f as follows:

(70 ILCS 2605/7f) (from Ch. 42, par. 326f)

Sec. 7f. Regulation of connecting sewerage systems.

(a) It shall be unlawful for any person to construct or install any sewerage system that discharges sewage, industrial wastes, or other wastes, directly or indirectly, into the sewerage system of the sanitary district, unless a written permit for the sewerage system has been granted by the sanitary district acting through the general superintendent. The sanitary district shall specify by ordinance the changes, additions, or extensions to an existing sewerage system that will require a permit. No changes, additions, or extensions to any existing sewerage systems discharging sewage, industrial wastes, or other wastes into the sewerage system of the sanitary district, that requires a permit, may be made until plans for the changes, additions, or extensions have been submitted to and a written permit obtained from the sanitary district acting through the general superintendent; provided, however, that this Section is not applicable in any municipality having a population of more than 500,000.

(b) Sewerage systems shall be operated in accordance with the ordinances of the sanitary district. The Board of Commissioners of any sanitary district is authorized to regulate, limit, extend, deny, or otherwise control any new or existing connection, addition, or extension to any sewer or sewerage system which directly or indirectly discharges into the sanitary district sewerage system. The Board shall adopt standards and specifications for construction, operation, and maintenance. This Section shall not apply to sewerage systems under the jurisdiction of any city, village, or incorporated town having a population of 500,000 or more.

(c) The Board of Commissioners of any sanitary district is hereby authorized to pass all necessary ordinances to carry out the aforementioned powers. The ordinances may provide for a civil penalty for each offense of not less than $100 nor more than $1,000. Each day's continuance of the violation shall be a separate offense. Hearings for violations of the ordinances adopted by the Board of Commissioners may be conducted by the Board of Commissioners or its designee.

(d) Plans and specifications for any sewerage system covered by this Act must be submitted to the sanitary district before a written permit may be issued and the construction of any sewerage system must be in accordance with the plans and specifications. In case it is necessary or desirable to make material changes in the plans or specifications, the revised plans or specifications, together with the reasons for the proposed changes, must be submitted to the sanitary district for a supplemental written permit.

(e) The sanitary district, acting through the general superintendent, may require any owner of a sewerage system discharging into the sewerage system of the sanitary district, to file with it complete plans of the whole or of any part of the system and any other information and records concerning the installation and operation of the system.

(f) The sanitary district, acting through the general superintendent, may establish procedures for the review of any plans, specifications, or other data relative to any sewerage system, written permits for which are required by this Act.

(g) The sanitary district, acting through the general superintendent, may adopt and enforce rules and regulations governing the issuance of permits and the method and manner under which plans, specifications, or other data relative thereto must be submitted for the sewerage systems or for additions or changes to or extensions of the systems.

(h) After a hearing on an alleged violation of any such ordinance, the Board may, in addition
to any civil penalty imposed, order any person found to have committed a violation to reimburse the sanitary district for the costs of the hearing, including any expenses incurred for inspection, sampling, analysis, administrative costs, and court reporter's and attorney's fees. The Board of Commissioners may also require a person to achieve compliance with the ordinance within a specified period of time. The Administrative Review Law, and the rules adopted under that Law, shall govern proceedings for the judicial review of final orders of the Board of Commissioners issued under this subsection.

(i) Civil penalties and costs imposed pursuant to this Section are recoverable by the sanitary district in a civil action. The sanitary district is authorized to apply to the circuit court for injunctive relief or mandamus when, in the opinion of the general superintendent, the person has failed to comply with an order of the Board of Commissioners or the relief is necessary to protect the sewerage system of the sanitary district.

(j) The operation and maintenance of any existing sanitary sewerage system serving territory that is annexed by a municipality located in a county with a population of 3,000,000 or more after the effective date of this amendatory Act of the 92nd General Assembly is the responsibility of the municipality to which the territory is annexed, unless the sanitary sewerage system is under the jurisdiction of another unit of local government other than the District.

(Source: P.A. 90-354, eff. 8-8-97.)

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

PUBLIC ACT 92-0256
(House Bill No. 0126)

AN ACT in relation to controlled substances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 9-3.3 and 12-4.7 as follows:

(720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)
Sec. 9-3.3. Drug-induced homicide.
(a) A person who violates subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act by unlawfully delivering a controlled substance to another, and any person dies as a result of the injection, inhalation or ingestion of any amount of that controlled substance, commits the offense of drug-induced homicide.
(b) Sentence. Drug-induced homicide is a Class X felony.
(c) A person who commits drug-induced homicide by violating subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act commits a Class X felony for which the defendant shall in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.
(Source: P.A. 91-357, eff. 7-29-99.)

(720 ILCS 5/12-4.7) (from Ch. 38, par. 12-4.7)
Sec. 12-4.7. Drug induced infliction of great bodily harm.
(a) Any person who violates subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act by unlawfully delivering a controlled substance to another commits the offense of drug induced infliction of great bodily harm if any person experiences great bodily harm or permanent disability as a result of the injection, inhalation or ingestion of any amount of that controlled substance.
(b) Drug induced infliction of great bodily harm is a Class 1 felony.
(Source: P.A. 86-1459; 87-435; 87-1198.)

Section 10. The Illinois Controlled Substances Act is amended by changing Sections 401 and
402 as follows:

Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to: (i) manufacture or deliver, or possess with intent to manufacture or deliver, a controlled or counterfeit substance or controlled substance analog or (ii) possess any methamphetamine manufacturing chemical listed in paragraph (z-1) of Section 102 with the intent to manufacture methamphetamine or the salt of an optical isomer of methamphetamine or an analog thereof. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, echonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

1. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;
2. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;
3. (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;
4. 200 grams or more of any substance containing peyote, or an analog thereof;
5. 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;
6. 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;
6.5 (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or

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more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine, or an analog thereof;
(6.6) (A) not less than 6 years and not more than 30 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 30 grams or more but less than 150 grams of any substance containing methamphetamine, or salt of any optical isomer of methamphetamine, or an analog thereof;
(B) not less than 6 years and not more than 40 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 150 grams or more but less than 500 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;
(C) not less than 6 years and not more than 50 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 500 grams or more but less than 1200 grams of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;
(D) not less than 6 years and not more than 60 years for the possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 1200 grams or more of any substance containing methamphetamine, or salt of an optical isomer of methamphetamine, or an analog thereof;
(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;
(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;
(7.5) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having...
upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof; or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), (6.6), or (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 10 or more grams but less than 15 grams of any substance containing heroin, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an

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analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) 5 grams or more but less than 15 grams of any substance containing methamphetamine or any salt or optical isomer of methamphetamine, or an analog thereof;

(7) (i) 5 grams or more but less than 15 grams of any substance containing a derivative of barbituric acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing a derivative of barbituric acid diethylamide (LSD), or an analog thereof;

(7.5) (i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture 15 grams or more but less than 30 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 1 felony. The fine for violation of this subsection (c-5) shall not be more than $250,000.

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing amphetamine or methamphetamine or any salt or optical isomer of amphetamine or methamphetamine, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) Any person who violates this Section with regard to possession of any methamphetamine manufacturing chemical set forth in paragraph (z-1) of Section 102 with intent to manufacture less than 15 grams of methamphetamine, or salt of an optical isomer of methamphetamine or any analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d-5) shall not be more than $200,000.

(e) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of

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this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(Source: P.A. 90-382, eff. 8-15-97; 90-593, eff. 6-19-98; 90-674, eff. 1-1-99; 91-336, eff. 1-1-00; 91-357, eff. 7-29-99; 91-403, eff. 1-1-00; revised 8-30-99.)

Sec. 402. Except as otherwise authorized by this Act, it is unlawful for any person knowingly to possess a controlled or counterfeit substance. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act.

(a) Any person who violates this Section with respect to the following controlled or counterfeit substances and amounts, notwithstanding any of the provisions of subsections (c) and (d) to the contrary, is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as provided in this subsection (a) and fined as provided in subsection (b):

1. (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing heroin;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing heroin;

2. (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing cocaine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing cocaine;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing cocaine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing cocaine;

3. (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing morphine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing morphine;
   (C) not less than 6 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing morphine;
   (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing morphine;

4. 200 grams or more of any substance containing peyote;

5. 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

6. 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine;

6.5 (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
   (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
   (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of a substance containing methamphetamine or any salt of an optical isomer of methamphetamine;
(D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing methamphetamine or any salt of an optical isomer of methamphetamine;

(7) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 1,500 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
(20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;
(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;
(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;
(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);
(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;
(11) 200 grams or more of any substance containing any substance classified as a narcotic drug in Schedules I or II which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (6.5), or (7) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed $200,000 or the full street value of the controlled or counterfeit substances, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $200,000.

(c) Any person who violates this Section with regard to an amount of a controlled or counterfeit substance not set forth in subsection (a) or (d) is guilty of a Class 4 felony. The fine for a violation punishable under this subsection (c) shall not be more than $25,000.

(d) Any person who violates this Section with regard to any amount of anabolic steroid is guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for a subsequent offense committed within 2 years of a prior conviction.

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.
(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation. These rates shall not be applicable to any service performed by a member as a covered employee which is

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Section 14-110 as follows:
(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.
(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation. These rates shall not be applicable to any service performed by a member as a covered employee which is
not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

1. State policeman;
2. fire fighter in the fire protection service of a department;
3. air pilot;
4. special agent;
5. investigator for the Secretary of State;
6. conservation police officer;
7. investigator for the Department of Revenue;
8. security employee of the Department of Human Services;
9. Central Management Services security police officer;
10. security employee of the Department of Corrections;
11. dangerous drugs investigator;
12. investigator for the Department of State Police;
13. investigator for the Office of the Attorney General;
14. controlled substance inspector;
15. investigator for the Office of the State's Attorneys Appellate Prosecutor;
16. Commerce Commission police officer;
17. arson investigator;

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

1. The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
2. The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.
3. The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.
4. The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.
5. The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(l) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration,
which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who is employed at the Chester Mental Health Center and has daily contact with the residents thereof, or who is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) The term "security employee of the Department of Corrections" means any employee of the Department of Corrections or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates by working within a correctional facility or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A),
(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or

(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or

(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or

(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or

(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or

(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the
Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

New matter indicated by italics - deletions by strikeout.
applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99; 91-760, eff. 1-1-01.)

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

Approved August 6, 2001.
Effective August 6, 2001.

PUBLIC ACT 92-0258
(House Bill No. 0185)

AN ACT concerning public transportation.

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

Section 5. The Downstate Public Transportation Act is amended by changing Sections 2-2.02, 2-2.04, and 2-7 as follows:

(30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)
Sec. 2-2.02. "Participant" means:
(1) a city, village, or incorporated town, or a local mass transit district organized under the Local Mass Transit District Act (a) serving an urbanized area of over 50,000 population on December 28, 1989, (b) receiving State mass transportation operating assistance pursuant to the Downstate Public Transportation Act during Fiscal Year 1979, or (c) serving a nonurbanized area and receiving federal rural public transportation assistance on or before June 30, 2002 on the effective date of this amendatory Act of 1993; or
(2) any Metro-East Transit District established pursuant to Section 3 of the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe, and St. Clair during Fiscal Year 1989, all located outside the boundaries of the Regional Transportation Authority as established pursuant to the Regional Transportation Authority Act.
(Source: P.A. 91-357, eff. 7-29-99.)

(30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)
Sec. 2-2.04. "Eligible operating expenses" means all expenses required for public transportation, including employee wages and benefits, materials, fuels, supplies, rental of facilities, taxes other than income taxes, payment made for debt service (including principal and interest) on publicly owned equipment or facilities, and any other expenditure which is an operating expense according to standard accounting practices for the providing of public transportation. Eligible
operating expenses shall not include allowances: (a) for depreciation whether funded or unfunded; (b) for amortization of any intangible costs; (c) for debt service on capital acquired with the assistance of capital grant funds provided by the State of Illinois; (d) for profits or return on investment; (e) for excessive payment to associated entities; (f) for Comprehensive Employment Training Act expenses; (g) for costs reimbursed under Sections 6 and 8 of the "Urban Mass Transportation Act of 1964", as amended; (h) for entertainment expenses; (i) for charter expenses; (j) for fines and penalties; (k) for charitable donations; (l) for interest expense on long term borrowing and debt retirement other than on publicly owned equipment or facilities; (m) for income taxes; or (n) for such other expenses as the Department may determine consistent with federal Department of Transportation regulations or requirements.

With respect to participants other than any Metro-East Transit District participant and those receiving federal research development and demonstration funds pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980 the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1980 is based.

With respect to participants receiving federal research development and demonstration operating assistance funds for operating assistance pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall not exceed such participant's eligible operating expenses for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980, the maximum eligible operating expenses for any such participant shall be the eligible operating expenses incurred during such fiscal year, or projected operating expenses upon which the appropriation for such participant for the Fiscal Year 1980 is based; whichever is less.

With respect to all participants other than any Metro-East Transit District participant, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1985 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

The 10% maximum increase over the amount appropriated for the preceding year, however, may be exceeded for a participant that received an initial appropriation in Fiscal Year 1994, or Fiscal Year 1998, or Fiscal Year 2002. For any such participant, a 10% maximum increase over the amount appropriated in the preceding year is established in each subsequent year following the Fiscal Year when the amount appropriated is equal to or greater than the maximum allowable under Section 2-7 of this Act.

(Source: P.A. 90-508, eff. 8-22-97; 90-694, eff. 8-7-98.)

(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

Sec. 2-7. Quarterly reports; annual audit.

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the and upon determining that such operating deficits were incurred in conformity with the program of proposed expenditures approved by the Department pursuant to Section 2-11. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6, of the amounts transferred into the Metro-East Public Transportation Fund, and pay to any Metro-East Transit District participant such portion of such operating deficit as funds have been transferred to the Metro-East Transit Public Transportation Fund and allocated to that Metro-East Transit District participant.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days
before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Year 2001 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. Any discrepancy between the grants paid and one-third of the eligible operating expenses or in the case of the Bi-State Metropolitan Development District the approved program amount shall be reconciled by appropriate payment or credit. Beginning in Fiscal Year 1985, for those participants other than a Metro-East Transit District the Bi-State Metropolitan Development District, any discrepancy between the grants paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

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

PUBLIC ACT 92-0259
(House Bill No. 0643)

AN ACT concerning missing children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-480 as follows:
(20 ILCS 2605/2605-480 new)
Sec. 2605-480. Statewide kidnapping alert program. The Department of State Police shall develop a coordinated program for a statewide emergency alert system when a child is missing or kidnapped.

Effective January 1, 2002.

PUBLIC ACT 92-0260
(House Bill No. 0646)

New matter indicated by italics - deletions by strikeout.
AN ACT with regard to schools.

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

Section 5. The School Code is amended by changing Section 10-20.14 as follows:

Sec. 10-20.14. Student discipline policies; Parent-teacher advisory committee.

(a) To establish and maintain a parent-teacher advisory committee to develop with the school board policy guidelines on pupil discipline, including school searches, to furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year, and to require that each school informs its pupils of the contents of its policy. School boards, along with the parent-teacher advisory committee, are encouraged to annually review their pupil discipline policies, the implementation of those policies, and any other factors related to the safety of their schools, pupils, and staff.

(b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students.

(c) The parent-teacher advisory committee, in cooperation with school bus personnel, shall develop, with the school board, policy guideline procedures to establish and maintain school bus safety procedures. These procedures shall be incorporated into the district's pupil discipline policy.

(d) The school board, in consultation with the parent-teacher advisory committee and other community-based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.

(105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)


(121x370)Effective January 1, 2002.

AN ACT concerning wildlife.

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

Section 5. The Wildlife Code is amended by changing Section 2.26 as follows:

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

In this Section, "bona fide equity member" means an individual who (1) (i) became a member upon the formation of the limited liability company or (ii) has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the LLC assets represented by the distributional interest in the LLC and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act and who (2) intends to retain the membership for at least 5 years.

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $100 except as provided below.

New matter indicated by italics - deletions by strikeout.
for non-resident landowners. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,

(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and

(c) **Bona fide equity shareholders of a corporation or bona fide equity members of a limited liability company** which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's or company's land only. One permit shall be issued without charge to one **bona fide equity shareholder or one bona fide equity member** for each 40 acres of land owned by the corporation or company in a county; however, the number of permits issued without charge to **bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company** in any county shall not exceed 15.

Bona fide landowners or tenants who do not wish to hunt only on the land they own, rent or lease or **bona fide equity shareholders or bona fide equity members** who do not wish to hunt only on the land owned by the corporation or limited liability company shall be charged the same fee as the applicant who is not a landowner, tenant, **or bona fide equity shareholder, or bona fide equity member**. Nonresidents of Illinois who own at least 40 acres of land and wish to hunt on their land only shall be charged a fee set by administrative rule. The method for obtaining these permits shall be prescribed by administrative rule.

The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases or rents, except that in the case of a permit issued to a **bona fide equity shareholder or bona fide equity member**, the permit shall be valid on all lands owned by the corporation or limited liability company in the county.

The Department may set aside, in accordance with the prescribed regulations set forth in an administrative rule of the Department, a limited number of Deer Hunting Permits to be available to persons providing evidence of a contractual arrangement to hunt on properties controlled by a bona fide Illinois outfitter. The number of available permits shall be based on a percentage of unfilled permits remaining after the previous year's lottery. Eligible outfitters shall be those having membership in, and accreditation conferred by, a professional association of outfitters approved by the Department. The association shall be responsible for setting professional standards and codes of conduct for its membership, subject to Departmental approval. In addition to the fee normally charged for resident and nonresident permits, a reservation fee not to exceed $200 shall be charged to the outfitter for each permit set aside in accordance with this Act. The reservation fee shall be deposited into the Wildlife and Fish Fund.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his possession any firearm not authorized by administrative rule for a specific hunting season when taking deer.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use of salt or bait of any kind. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to
further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

It shall be legal for handicapped persons, as defined in Section 2.33, to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 89-715, eff. 2-21-97; 90-225, eff. 7-25-97; 90-490, eff. 8-17-97; 90-655, eff. 7-30-98.)

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


PUBLIC ACT 92-0262
(House Bill No. 0752)

AN ACT concerning dental hygiene.

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

Section 5. The Illinois Dental Practice Act is amended by changing Section 13 as follows:

Sec. 13. Qualifications of Applicants for Dental Hygienists. Every person who desires to obtain a license as a dental hygienist shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required examination fee.

The Department shall require that every applicant for a license as a dental hygienist shall:

(1) (Blank).

(2) Be a graduate of high school or its equivalent.

(3) Present satisfactory evidence of having successfully completed received 2 academic years of credit at a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its equivalent in an approved program of dental hygiene.

(4) Submit evidence that he holds a currently valid certification to perform cardiopulmonary resuscitation. The Department shall adopt rules establishing criteria for certification in cardiopulmonary resuscitation. The rules of the Department shall provide for variances only in instances where the applicant is physically disabled and therefore unable to secure such certification.

(5) (Blank).

(6) Pass an examination authorized or given by the Department in the subjects usually taught in approved programs of dental hygiene, which examination shall determine the qualifications of applicants to perform the operative procedures of dental hygiene. The Department may recognize a certificate granted by the National Board of Dental Examiners in lieu of, or subject to, such examination.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-387, eff. 8-20-95.)

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


PUBLIC ACT 92-0263
(House Bill No. 0760)

AN ACT concerning taxation.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 8-11-20, 11-74.4-3, 11-74.4-4.1, 11-74.4-5, 11-74.4-7, and 11-74.4-8a as follows:

(65 ILCS 5/8-11-20)

New matter indicated by italics - deletions by strikeout.
Sec. 8-11-20. Economic incentive agreements. The corporate authorities of a municipality may enter into an economic incentive agreement relating to the development or redevelopment of land within the corporate limits of the municipality. Under this agreement, the municipality may agree to share or rebate a portion of any retailers' occupation taxes received by the municipality that were generated by the development or redevelopment over a finite period of time. Before entering into the agreement authorized by this Section, the corporate authorities shall make the following findings:

(1) If the property subject to the agreement is vacant:
   (A) that the property has remained vacant for at least one year, or
   (B) that any building located on the property was demolished within the last year and that the building would have qualified under finding (2) of this Section;
(2) If the property subject to the agreement is currently developed:
   (A) that the buildings on the property no longer comply with current building codes, or
   (B) that the buildings on the property have remained less than significantly unoccupied or underutilized for a period of at least one year;
(3) That the project is expected to create or retain job opportunities within the municipality;
(4) That the project will serve to further the development of adjacent areas;
(5) That without the agreement, the project would not be possible;
(6) That the developer meets high standards of creditworthiness and financial strength as demonstrated by one or more of the following:
   (A) corporate debenture ratings of BBB or higher by Standard & Poor's Corporation or Baa or higher by Moody's Investors Service, Inc.;
   (B) a letter from a financial institution with assets of $10,000,000 or more attesting to the financial strength of the developer; or
   (C) specific evidence of equity financing for not less than 10% of the total project costs;
(7) That the project will strengthen the commercial sector of the municipality;
(8) That the project will enhance the tax base of the municipality; and
(9) That the agreement is made in the best interest of the municipality.

(Source: P.A. 89-63, eff. 6-30-95.)

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:
   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.
   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.
   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking,
crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

New matter indicated by italics - deletions by strikeout.
(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial
agricultural purposes within 5 years prior to the designation of the redevelopment project area, and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

1. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

2. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

3. Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

4. Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

5. Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

6. Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

7. Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

8. Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

9. Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of
development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers

New matter indicated by italics - deletions by strikeout.
and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not any of their Net State Sales Tax Increment was generated within the State Sales Tax Boundary.
not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated, or the date on which the bonds are retired or the contracts are completed, whichever date occurs first. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence

New matter indicated by italics - deletions by strikeout.
of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.
(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning
commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline,

or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to
35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) On and after November 1, 1999, if the redevelopment plan will not result in displacement of 10 or more residents from inhabited units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that increase in the number of units to be removed shall be deemed to be a change in the nature of the redevelopment plan as to require compliance with the procedures in this Act pertaining to the initial approval of a redevelopment plan.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the
municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita
tuition cost as defined in Section 10-20.12a of the School Code less any increase in
general State aid as defined in Section 18-8.05 of the School Code attributable to these
added new students subject to the following annual limitations:
   (i) for unit school districts with a district average 1995-96 Per Capita Tuition
       Charge of less than $5,900, no more than 25% of the total amount of property tax
       increment revenue produced by those housing units that have received tax increment
       finance assistance under this Act;
   (ii) for elementary school districts with a district average 1995-96 Per Capita
       Tuition Charge of less than $5,900, no more than 17% of the total amount of property
       tax increment revenue produced by those housing units that have received tax
       increment finance assistance under this Act; and
   (iii) for secondary school districts with a district average 1995-96 Per Capita
       Tuition Charge of less than $5,900, no more than 8% of the total amount of property
       tax increment revenue produced by those housing units that have received tax
       increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a
district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900,
excluding any school district with a population in excess of 1,000,000, by multiplying the
district's increase in attendance resulting from the net increase in new students enrolled
in that school district who reside in housing units within the redevelopment project area
that have received financial assistance through an agreement with the municipality or
because the municipality incurs the cost of necessary infrastructure improvements within
the boundaries of the housing sites necessary for the completion of that housing as
authorized by this Act since the designation of the redevelopment project area by the most
recently available per capita tuition cost as defined in Section 10-20.12a of the School
Code less any increase in general state aid as defined in Section 18-8.05 of the School
Code attributable to these added new students subject to the following annual limitations:
   (i) for unit school districts, no more than 40% of the total amount of property
       tax increment revenue produced by those housing units that have received tax
       increment finance assistance under this Act;
   (ii) for elementary school districts, no more than 27% of the total amount of
       property tax increment revenue produced by those housing units that have received
       tax increment finance assistance under this Act; and
   (iii) for secondary school districts, no more than 13% of the total amount of
       property tax increment revenue produced by those housing units that have received
       tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000,
the following restrictions shall apply to the reimbursement of increased costs under this
paragraph (7.5):
   (i) no increased costs shall be reimbursed unless the school district certifies
       that each of the schools affected by the assisted housing project is at or over its
       student capacity;
   (ii) the amount reimbursable shall be reduced by the value of any land
       donated to the school district by the municipality or developer, and by the value of
       any physical improvements made to the schools by the municipality or developer;
       and
   (iii) the amount reimbursed may not affect amounts otherwise obligated by
       the terms of any bonds, notes, or other funding instruments, or the terms of any
       redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and
before September 30 of each year, provide the municipality with reasonable evidence to
support its claim for reimbursement before the municipality shall be required to approve or
make the payment to the school district. If the school district fails to provide the information
during this period in any year, it shall forfeit any claim to reimbursement for that year. School
districts may adopt a resolution waiving the right to all or a portion of the reimbursement

New matter indicated by italics - deletions by strikeout.
otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very
low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local
Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion.
thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 90-379, eff. 8-14-97; 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff. 6-9-00)

Sec. 11-74.4-4.1. Feasibility study.
(a) If a municipality by its corporate authorities, or as it may determine by any commission designated under subsection (k) of Section 11-74.4-4, adopts an ordinance or resolution providing for a feasibility study on the designation of an area as a redevelopment project area, a copy of the ordinance or resolution shall immediately be sent to all taxing districts that would be affected by the designation.

On and after the effective date of this amendatory Act of the 91st General Assembly, the ordinance or resolution shall include:

(1) The boundaries of the area to be studied for possible designation as a redevelopment project area.
(2) The purpose or purposes of the proposed redevelopment plan and project.
(3) A general description of tax increment allocation financing under this Act.
(4) The name, phone number, and address of the municipal officer who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the redevelopment of the area to be studied.

(b) If one of the purposes of the planned redevelopment project area should reasonably be expected to result in the displacement of residents from 10 or more inhabited residential units, the municipality shall adopt a resolution or ordinance providing for the feasibility study described in subsection (a). The ordinance or resolution shall also require that the feasibility study include the preparation of the housing impact study set forth in paragraph (5) of subsection (n) of Section 11-74.4-3. If the redevelopment plan will not result in displacement of 10 or more residents from inhabited units, and the municipality certifies in the plan that such displacement will not result from the plan, then a resolution or ordinance need not be adopted.

(Source: P.A. 91-478, eff. 11-1-99.)

Sec. 11-74.4-5. (a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under this Section or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under Section 11-74.4-4; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

Prior to the adoption of an ordinance proposing the designation of a redevelopment project area, or approving a redevelopment plan or redevelopment project, the municipality by its corporate authorities, or as it may determine by any commission designated under subsection (k) of Section 11-74.4-4 shall adopt an ordinance or resolution fixing a time and place for public hearing. At least 10 days prior to the adoption of the ordinance or resolution establishing the time and place for the public hearing, the municipality shall make available for public inspection a redevelopment plan or a separate report that provides in reasonable detail the basis for the eligibility of the redevelopment project area. The report along with the name of a person to contact for further information shall be sent
within a reasonable time after the adoption of such ordinance or resolution to the affected taxing districts by certified mail. On and after the effective date of this amendatory Act of the 91st General Assembly, the municipality shall print in a newspaper of general circulation within the municipality a notice that interested persons may register with the municipality in order to receive information on the proposed designation of a redevelopment project area or the approval of a redevelopment plan. The notice shall state the place of registration and the operating hours of that place. The municipality shall have adopted reasonable rules to implement this registration process under Section 11-74.4-4.2. The municipality shall provide notice of the availability of the redevelopment plan and eligibility report, including how to obtain this information, by mail within a reasonable time after the adoption of the ordinance or resolution, to all residential addresses that, after a good faith effort, the municipality determines are located within 750 feet of the boundaries of the proposed redevelopment project area. This requirement is subject to the limitation that in a municipality with a population of over 100,000, if the total number of residential addresses within 750 feet of the boundaries of the proposed redevelopment project area exceeds 750, the municipality shall be required to provide the notice to only the 750 residential addresses that, after a good faith effort, the municipality determines are closest to the boundaries of the proposed redevelopment project area. The notice shall also be provided by the municipality, regardless of its population, to those organizations and residents that have registered with the municipality for that information in accordance with the registration guidelines established by the municipality under Section 11-74.4-4.2. Notice of the availability of the redevelopment plan and eligibility report, including how to obtain this information, shall also be sent by mail within a reasonable time after the adoption of the ordinance or resolution to all residents within the postal zip code area or areas contained in whole or in part within the proposed redevelopment project area or organizations that operate in the municipality that have registered with the municipality for that information in accordance with the registration guidelines established by the municipality under Section 11-74.4-4.2.

At the public hearing any interested person or affected taxing district may file with the municipal clerk written objections to and may be heard orally in respect to any issues embodied in the notice. The municipality shall hear and determine all protests and objections at the hearing and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. At the public hearing or at any time prior to the adoption by the municipality of an ordinance approving a redevelopment plan, the municipality may make changes in the redevelopment plan. Changes which (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10, shall be made only after the municipality gives notice, convenes a joint review board, and conducts a public hearing pursuant to the procedures set forth in this Section and in Section 11-74.4-6 of this Act. Changes which do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project, or (4) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10, may be made without further hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested parties registry, provided for under Section 11-74.4-4.2, and by publication in a newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes. Hearings with regard to a redevelopment project area, project or plan may be held simultaneously.

(b) Prior to holding a public hearing to approve or amend a redevelopment plan or to designate or add additional parcels of property to a redevelopment project area, the municipality shall convene a joint review board. The board shall consist of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district, and county that will have the

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authority to directly levy taxes on the property within the proposed redevelopment project area at the
time that the proposed redevelopment project area is approved, a representative selected by the
municipality and a public member. The public member shall first be selected and then the board's
chairperson shall be selected by a majority of the board members present and voting.

For redevelopment project areas with redevelopment plans or proposed redevelopment plans
that would result in the displacement of residents from 10 or more inhabited residential units or that
include 75 or more inhabited residential units, the public member shall be a person who resides in the
redevelopment project area. If, as determined by the housing impact study provided for in paragraph
(5) of subsection (n) of Section 11-74.4-3, or if no housing impact study is required then based on
other reasonable data, the majority of residential units are occupied by very low, low, or moderate
income households, as defined in Section 3 of the Illinois Affordable Housing Act, the public member
shall be a person who resides in very low, low, or moderate income housing within the redevelopment
project area. Municipalities with fewer than 15,000 residents shall not be required to select a person
who lives in very low, low, or moderate income housing within the redevelopment project area,
provided that the redevelopment plan or project will not result in displacement of residents from 10
or more inhabited units, and the municipality so certifies in the plan. If no person satisfying these
requirements is available or if no qualified person will serve as the public member, then the joint
review board is relieved of this paragraph's selection requirements for the public member.

Within 90 days of the effective date of this amendatory Act of the 91st General Assembly,
each municipality that designated a redevelopment project area for which it was not required to
convene a joint review board under this Section shall convene a joint review board to perform the
duties specified under paragraph (c) of this Section.

All board members shall be appointed and the first board meeting shall be held following at
least 14 days but not more than 28 days after the mailing of notice by the municipality to all the taxing
districts as required by Section 11-74.4-6(c). Notwithstanding the preceding sentence, a municipality
that adopted either a public hearing resolution or a feasibility resolution between July 1, 1999 and
July 1, 2000 that called for the meeting of the joint review board within 14 days of notice of public
hearing to affected taxing districts is deemed to be in compliance with the notice, meeting, and public
hearing provisions of the Act. Such notice shall also advise the taxing bodies represented on the joint
review board of the time and place of the first meeting of the board. Additional meetings of the board
shall be held upon the call of any member. The municipality seeking designation of the redevelopment
project area shall provide administrative support to the board.

The board shall review (i) the public record, planning documents and proposed ordinances
approving the redevelopment plan and project and (ii) proposed amendments to the redevelopment
plan or additions of parcels of property to the redevelopment project area to be adopted by the
municipality. As part of its deliberations, the board may hold additional hearings on the proposal. A
board's recommendation shall be an advisory, non-binding recommendation. The recommendation
shall be adopted by a majority of those members present and voting. The recommendations shall be
submitted to the municipality within 30 days after convening of the board. Failure of the board to
submit its report on a timely basis shall not be cause to delay the public hearing or any other step in
the process of designating or amending the redevelopment project area but shall be deemed to
constitute approval by the joint review board of the matters before it.

The board shall base its recommendation to approve or disapprove the redevelopment plan
and the designation of the redevelopment project area or the amendment of the redevelopment plan
or addition of parcels of property to the redevelopment project area to be adopted by the municipality
on the basis of the redevelopment project area and redevelopment plan satisfying the plan requirements,
the eligibility criteria defined in Section 11-74.4-3, and the objectives of this Act.

The board shall issue a written report describing why the redevelopment plan and project area
or the amendment thereof meets or fails to meet one or more of the objectives of this Act and both the
plan requirements and the eligibility criteria defined in Section 11-74.4-3. In the event the Board does
not file a report it shall be presumed that these taxing bodies find the redevelopment project area
and redevelopment plan satisfy the objectives of this Act and the plan requirements and eligibility criteria.

If the board recommends rejection of the matters before it, the municipality will have 30 days
within which to resubmit the plan or amendment. During this period, the municipality will meet and
confer with the board and attempt to resolve those issues set forth in the board's written report that led
lead to the rejection of the plan or amendment.

Notwithstanding the resubmission set forth above, the municipality may commence the scheduled public hearing and either adjourn the public hearing or continue the public hearing until a date certain. Prior to continuing any public hearing to a date certain, the municipality shall announce during the public hearing the time, date, and location for the reconvening of the public hearing. Any changes to the redevelopment plan necessary to satisfy the issues set forth in the joint review board report shall be the subject of a public hearing before the hearing is adjourned if the changes would (1) substantially affect the general land uses proposed in the redevelopment plan, (2) substantially change the nature of or extend the life of the redevelopment project, or (3) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10. Changes to the redevelopment plan necessary to satisfy the issues set forth in the joint review board report shall not require any further notice or convening of a joint review board meeting, except that any changes to the redevelopment plan that would add additional parcels of property to the proposed redevelopment project area shall be subject to the notice, public hearing, and joint review board meeting requirements established for such changes by subsection (a) of Section 11-74.4-5.

In the event that the municipality and the board are unable to resolve these differences, or in the event that the resubmitted plan or amendment is rejected by the board, the municipality may proceed with the plan or amendment, but only upon a three-fifths vote of the corporate authority responsible for approval of the plan or amendment, excluding positions of members that are vacant and those members that are ineligible to vote because of conflicts of interest.

(c) After a municipality has by ordinance approved a redevelopment plan and designated a redevelopment project area, the plan may be amended and additional properties may be added to the redevelopment project area only as herein provided. Amendments which (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10, shall be made only after the municipality gives notice, convenes a joint review board, and conducts a public hearing pursuant to the procedures set forth in this Section and in Section 11-74.4-6 of this Act. Changes which do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project cost set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan, or (6) increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of the households will exceed 10, may be made without further hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested parties registry, provided for under Section 11-74.4-4.2, and by publication in a newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(d) After the effective date of this amendatory Act of the 91st General Assembly, a municipality shall submit the following information for each redevelopment project area (i) to the State Comptroller under Section 8-8-3.5 of the Illinois Municipal Code and (ii) to all taxing districts overlapping the redevelopment project area no later than 180 days after the close of each municipal fiscal year or as soon thereafter as the audited financial statements become available and, in any case, shall be submitted before the annual meeting of the Joint Review Board to each of the taxing districts that overlap the redevelopment project area:

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(1) Any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary.
(1.5) A list of the redevelopment project areas administered by the municipality and, if applicable, the date each redevelopment project area was designated or terminated by the municipality.
(2) Audited financial statements of the special tax allocation fund once a cumulative total of $100,000 has been deposited in the fund.
(3) Certification of the Chief Executive Officer of the municipality that the municipality has complied with all of the requirements of this Act during the preceding fiscal year.
(4) An opinion of legal counsel that the municipality is in compliance with this Act.
(5) An analysis of the special tax allocation fund which sets forth:
   (A) the balance in the special tax allocation fund at the beginning of the fiscal year;
   (B) all amounts deposited in the special tax allocation fund by source;
   (C) an itemized list of all expenditures from the special tax allocation fund by category of permissible redevelopment project cost; and
   (D) the balance in the special tax allocation fund at the end of the fiscal year including a breakdown of that balance by source and a breakdown of that balance identifying any portion of the balance that is required, pledged, earmarked, or otherwise designated for payment of or securing of obligations and anticipated redevelopment project costs. Any portion of such ending balance that has not been identified or is not identified as being required, pledged, earmarked, or otherwise designated for payment of or securing of obligations or anticipated redevelopment projects costs shall be designated as surplus as set forth in Section 11-74.4-7 hereof.
(6) A description of all property purchased by the municipality within the redevelopment project area including:
   (A) Street address.
   (B) Approximate size or description of property.
   (C) Purchase price.
   (D) Seller of property.
(7) A statement setting forth all activities undertaken in furtherance of the objectives of the redevelopment plan, including:
   (A) Any project implemented in the preceding fiscal year.
   (B) A description of the redevelopment activities undertaken.
   (C) A description of any agreements entered into by the municipality with regard to the disposition or redevelopment of any property within the redevelopment project area or the area within the State Sales Tax Boundary.
   (D) Additional information on the use of all funds received under this Division and steps taken by the municipality to achieve the objectives of the redevelopment plan.
   (E) Information regarding contracts that the municipality's tax increment advisors or consultants have entered into with entities or persons that have received, or are receiving, payments financed by tax increment revenues produced by the same redevelopment project area.
   (F) Any reports submitted to the municipality by the joint review board.
   (G) A review of public and, to the extent possible, private investment actually undertaken to date after the effective date of this amendatory Act of the 91st General Assembly and estimated to be undertaken during the following year. This review shall, on a project-by-project basis, set forth the estimated amounts of public and private investment incurred after the effective date of this amendatory Act of the 91st General Assembly and provide the ratio of private investment to public investment to the date of the report and as estimated to the completion of the redevelopment project.
(8) With regard to any obligations issued by the municipality:
   (A) copies of any official statements; and
   (B) an analysis prepared by financial advisor or underwriter setting forth: (i) nature and term of obligation; and (ii) projected debt service including required reserves and debt coverage.

New matter indicated by italics - deletions by strikeout.
(9) For special tax allocation funds that have experienced cumulative deposits of incremental tax revenues of $100,000 or more, a certified audit report reviewing compliance with this Act performed by an independent public accountant certified and licensed by the authority of the State of Illinois. The financial portion of the audit must be conducted in accordance with Standards for Audits of Governmental Organizations, Programs, Activities, and Functions adopted by the Comptroller General of the United States (1981), as amended, or the standards specified by Section 8-8-5 of the Illinois Municipal Auditing Law of the Illinois Municipal Code. The audit report shall contain a letter from the independent certified public accountant indicating compliance or noncompliance with the requirements of subsection (q) of Section 11-74.4-3. For redevelopment plans or projects that would result in the displacement of residents from 10 or more inhabited residential units or that contain 75 or more inhabited residential units, notice of the availability of the information, including how to obtain the report, required in this subsection shall also be sent by mail to all residents or organizations that operate in the municipality that register with the municipality for that information according to registration procedures adopted under Section 11-74.4-4.2. All municipalities are subject to this provision.

(d-1) Prior to the effective date of this amendatory Act of the 91st General Assembly, municipalities with populations of over 1,000,000 shall, after adoption of a redevelopment plan or project, make available upon request to any taxing district in which the redevelopment project area is located the following information:

(1) Any amendments to the redevelopment plan, the redevelopment project area, or the State Sales Tax Boundary; and

(2) In connection with any redevelopment project area for which the municipality has outstanding obligations issued to provide for redevelopment project costs pursuant to Section 11-74.4-7, audited financial statements of the special tax allocation fund.

(e) The joint review board shall meet annually 180 days after the close of the municipal fiscal year or as soon as the redevelopment project audit for that fiscal year becomes available to review the effectiveness and status of the redevelopment project area up to that date.

(f) (Blank).

(g) In the event that a municipality has held a public hearing under this Section prior to March 14, 1994 (the effective date of Public Act 88-537), the requirements imposed by Public Act 88-537 relating to the method of fixing the time and place for public hearing, the materials and information required to be made available for public inspection, and the information required to be sent after adoption of an ordinance or resolution fixing a time and place for public hearing shall not be applicable.

(Source: P.A. 91-357, eff. 7-29-99; 91-478, eff. 11-1-99; 91-900, eff. 7-6-00.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the

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Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the
municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 90-379, eff. 8-14-97; 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff. 6-9-00.)

(65 ILCS 5/11-74.4-8a) (from Ch. 24, par. 11-74.4-8a)

Sec. 11-74.4-8a. (1) Until June 1, 1988, a municipality which has adopted tax increment allocation financing prior to January 1, 1987, may by ordinance (1) authorize the Department of Revenue, subject to appropriation, to annually certify and cause to be paid from the Illinois Tax Increment Fund to such municipality for deposit in the municipality's special tax allocation fund an
amount equal to the Net State Sales Tax Increment and (2) authorize the Department of Revenue to annually notify the municipality of the amount of the Municipal Sales Tax Increment which shall be deposited by the municipality in the municipality's special tax allocation fund. Provided that for purposes of this Section no amendments adding additional area to the redevelopment project area which has been certified as the State Sales Tax Boundary shall be taken into account if such amendments are adopted by the municipality after January 1, 1987. If an amendment is adopted which decreases the area of a State Sales Tax Boundary, the municipality shall update the list required by subsection (3)(a) of this Section. The Retailers' Occupation Tax liability, Use Tax liability, Service Occupation Tax liability and Service Use Tax liability for retailers and servicemen located within the disconnected area shall be excluded from the base from which tax increments are calculated and the revenue from any such retailer or serviceman shall not be included in calculating incremental revenue payable to the municipality. A municipality adopting an ordinance under this subsection (1) of this Section for a redevelopment project area which is certified as a State Sales Tax Boundary shall not be entitled to payments of State taxes authorized under subsection (2) of this Section for the same redevelopment project area. Nothing herein shall be construed to prevent a municipality from receiving payment of State taxes authorized under subsection (2) of this Section for a separate redevelopment project area that does not overlap in any way with the State Sales Tax Boundary receiving payments of State taxes pursuant to subsection (1) of this Section.

A certified copy of such ordinance shall be submitted by the municipality to the Department of Commerce and Community Affairs and the Department of Revenue not later than 30 days after the effective date of the ordinance. Upon submission of the ordinances, and the information required pursuant to subsection 3 of this Section, the Department of Revenue shall promptly determine the amount of such taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in the redevelopment project area during the base year, and shall certify all the foregoing "initial sales tax amounts" to the municipality within 60 days of submission of the list required of subsection (3)(a) of this Section.

If a retailer or serviceman with a place of business located within a redevelopment project area also has one or more other places of business within the municipality but outside the redevelopment project area, the retailer or serviceman shall, upon request of the Department of Revenue, certify to the Department of Revenue the amount of taxes paid pursuant to the Retailers' Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Municipal Service Occupation Tax Act at each place of business which is located within the redevelopment project area in the manner and for the periods of time requested by the Department of Revenue.

When the municipality determines that a portion of an increase in the aggregate amount of taxes paid by retailers and servicemen under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, or the Service Occupation Tax Act is the result of a retailer or serviceman initiating retail or service operations in the redevelopment project area by such retailer or serviceman with a resulting termination of retail or service operations by such retailer or serviceman at another location in Illinois in the standard metropolitan statistical area of such municipality, the Department of Revenue shall be notified that the retailers occupation tax liability, use tax liability, service occupation tax liability, or service use tax liability from such retailer's or serviceman's terminated operation shall be included in the base Initial Sales Tax Amounts from which the State Sales Tax Increment is calculated for purposes of State payments to the affected municipality; provided, however, for purposes of this paragraph "termination" shall mean a closing of a retail or service operation which is directly related to the opening of the same retail or service operation in a redevelopment project area which is included within a State Sales Tax Boundary, but it shall not include retail or service operations closed for reasons beyond the control of the retailer or serviceman, as determined by the Department.

If the municipality makes the determination referred to in the prior paragraph and notifies the Department and if the relocation is from a location within the municipality, the Department, at the request of the municipality, shall adjust the certified aggregate amount of taxes that constitute the Municipal Sales Tax Increment paid by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year using the same procedures as are employed to make the adjustment referred to in the prior paragraph. The adjusted Municipal Sales Tax...
Increment calculated by the Department shall be sufficient to satisfy the requirements of subsection (1) of this Section.

When a municipality which has adopted tax increment allocation financing in 1986 determines that a portion of the aggregate amount of taxes paid by retailers and servicemen under the Retailers Occupation Tax Act, Use Tax Act, Service Use Tax Act, or Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act, includes revenue of a retailer or serviceman which terminated retailer or service operations in 1986, prior to the adoption of tax increment allocation financing, the Department of Revenue shall be notified by such municipality that the retailers' occupation tax liability, use tax liability, service occupation tax liability or service use tax liability, from such retailer's or serviceman's terminated operations shall be excluded from the Initial Sales Tax Amounts for such taxes. The revenue from any such retailer or serviceman which is excluded from the base year under this paragraph, shall not be included in calculating incremental revenues if such retailer or serviceman reestabishes such business in the redevelopment project area.

For State fiscal year 1992, the Department of Revenue shall budget, and the Illinois General Assembly shall appropriate from the Illinois Tax Increment Fund in the State treasury, an amount not to exceed $18,000,000 to pay to each eligible municipality the Net State Sales Tax Increment to which such municipality is entitled.

Beginning on January 1, 1993, each municipality's proportional share of the Illinois Tax Increment Fund shall be determined by adding the annual Net State Sales Tax Increment and the annual Net Utility Tax Increment to determine the Annual Total Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

Beginning in October, 1993, and each January, April, July and October thereafter, the Department of Revenue shall certify to the Treasurer and the Comptroller the amounts payable quarterly during the fiscal year to each municipality under this Section. The Comptroller shall promptly then draw warrants, ordering the State Treasurer to pay such amounts from the Illinois Tax Increment Fund in the State treasury.

The Department of Revenue shall utilize the same periods established for determining State Sales Tax Increment to determine the Municipal Sales Tax Increment for the area within a State Sales Tax Boundary and certify such amounts to such municipal treasurer who shall transfer such amounts to the special tax allocation fund.

The provisions of this subsection (1) do not apply to additional municipal retailers' occupation or service occupation taxes imposed by municipalities using their home rule powers or imposed pursuant to Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act. A municipality shall not receive from the State any share of the Illinois Tax Increment Fund unless such municipality deposits all its Municipal Sales Tax Increment and the local incremental real property tax revenues, as provided herein, into the appropriate special tax allocation fund. If, however, a municipality has extended the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs by municipal ordinance to December 31, 2013 under subsection (n) of Section 11-74.4-3, then that municipality shall continue to receive from the State a share of the Illinois Tax Increment Fund so long as the municipality deposits, from any funds available, excluding funds in the special tax allocation fund, an amount equal to the municipal share of the real property tax increment revenues into the special tax allocation fund during the extension period. The amount to be deposited by the municipality in each of the tax years affected by the extension to December 31, 2013 shall be equal to the municipal share of the property tax increment deposited into the special tax allocation fund by the municipality for the most recent year that the property tax increment was distributed. A municipality located within an economic development project area created under the County Economic Development Project Area Property Tax Allocation Act which has abated any portion of its property taxes which otherwise would have been deposited in its special tax allocation fund shall not receive from the State the Net Sales Tax Increment.

(2) A municipality which has adopted tax increment allocation financing with regard to an industrial park or industrial park conservation area, prior to January 1, 1988, may by ordinance authorize the Department of Revenue to annually certify and pay from the Illinois Tax Increment Fund...
to such municipality for deposit in the municipality's special tax allocation fund an amount equal to the Net State Utility Tax Increment. Provided that for purposes of this Section no amendments adding additional area to the redevelopment project area shall be taken into account if such amendments are adopted by the municipality after January 1, 1988. Municipalities adopting an ordinance under this subsection (2) of this Section for a redevelopment project area shall not be entitled to payment of State taxes authorized under subsection (1) of this Section for the same redevelopment project area which is within a State Sales Tax Boundary. Nothing herein shall be construed to prevent a municipality from receiving payment of State taxes authorized under subsection (1) of this Section for a separate redevelopment project area within a State Sales Tax Boundary that does not overlap in any way with the redevelopment project area receiving payments of State taxes pursuant to subsection (2) of this Section.

A certified copy of such ordinance shall be submitted to the Department of Commerce and Community Affairs and the Department of Revenue not later than 30 days after the effective date of the ordinance.

When a municipality determines that a portion of an increase in the aggregate amount of taxes paid by industrial or commercial facilities under the Public Utilities Act, is the result of an industrial or commercial facility initiating operations in the redevelopment project area with a resulting termination of such operations by such industrial or commercial facility at another location in Illinois, the Department of Revenue shall be notified by such municipality that such industrial or commercial facility's liability under the Public Utility Tax Act shall be included in the base from which tax increments are calculated for purposes of State payments to the affected municipality.

After receipt of the calculations by the public utility as required by subsection (4) of this Section, the Department of Revenue shall annually budget and the Illinois General Assembly shall annually appropriate from the General Revenue Fund through State Fiscal Year 1989, and thereafter from the Illinois Tax Increment Fund, an amount sufficient to pay to each eligible municipality the amount of incremental revenue attributable to State electric and gas taxes as reflected by the charges imposed on persons in the project area to which such municipality is entitled by comparing the preceding calendar year with the base year as determined by this Section. Beginning on January 1, 1993, each municipality's proportional share of the Illinois Tax Increment Fund shall be determined by adding the annual Net State Utility Tax Increment and the annual Net Utility Tax Increment to determine the Annual Total Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

A municipality shall not receive any share of the Illinois Tax Increment Fund from the State unless such municipality imposes the maximum municipal charges authorized pursuant to Section 9-221 of the Public Utilities Act and deposits all municipal utility tax incremental revenues as certified by the public utilities, and all local real estate tax increments into such municipality's special tax allocation fund.

(3) Within 30 days after the adoption of the ordinance required by either subsection (1) or subsection (2) of this Section, the municipality shall transmit to the Department of Commerce and Community Affairs and the Department of Revenue the following:

(a) if applicable, a certified copy of the ordinance required by subsection (1) accompanied by a complete list of street names and the range of street numbers of each street located within the redevelopment project area for which payments are to be made under this Section in both the base year and in the year preceding the payment year; and the addresses of persons registered with the Department of Revenue; and, the name under which each such retailer or serviceman conducts business at that address, if different from the corporate name; and the Illinois Business Tax Number of each such person (The municipality shall update this list in the event of a revision of the redevelopment project area, or the opening or closing or name change of any street or part thereof in the redevelopment project area, or if the Department of Revenue informs the municipality of an addition or deletion pursuant to the monthly updates given by the Department.);

(b) if applicable, a certified copy of the ordinance required by subsection (2) accompanied by a complete list of street names and range of street numbers of each street located within
the redevelopment project area, the utility customers in the project area, and the utilities
serving the redevelopment project areas;
(c) certified copies of the ordinances approving the redevelopment plan and designating
the redevelopment project area;
(d) a copy of the redevelopment plan as approved by the municipality;
(e) an opinion of legal counsel that the municipality had complied with the requirements
of this Act; and
(f) a certification by the chief executive officer of the municipality that with regard to a
redevelopment project area: (1) the municipality has committed all of the municipal tax
increment created pursuant to this Act for deposit in the special tax allocation fund, (2) the
redevelopment projects described in the redevelopment plan would not be completed without
the use of State incremental revenues pursuant to this Act, (3) the municipality will pursue
the implementation of the redevelopment plan in an expeditious manner, (4) the incremental
revenues created pursuant to this Section will be exclusively utilized for the development of
the redevelopment project area, and (5) the increased revenue created pursuant to this Section
shall be used exclusively to pay redevelopment project costs as defined in this Act.
(4) The Department of Revenue upon receipt of the information set forth in paragraph (b) of
subsection (3) shall immediately forward such information to each public utility furnishing natural gas
or electricity to buildings within the redevelopment project area. Upon receipt of such information,
each public utility shall promptly:
(a) provide to the Department of Revenue and the municipality separate lists of the names
and addresses of persons within the redevelopment project area receiving natural gas or
electricity from such public utility. Such list shall be updated as necessary by the public
utility. Each month thereafter the public utility shall furnish the Department of Revenue and
the municipality with an itemized listing of charges imposed pursuant to Sections 9-221 and
9-222 of the Public Utilities Act on persons within the redevelopment project area.
(b) determine the amount of charges imposed pursuant to Sections 9-221 and 9-222 of the
Public Utilities Act on persons in the redevelopment project area during the base year, both
as a result of municipal taxes on electricity and gas and as a result of State taxes on electricity
and gas and certify such amounts both to the municipality and the Department of Revenue;
and
(c) determine the amount of charges imposed pursuant to Sections 9-221 and 9-222 of the
Public Utilities Act on persons in the redevelopment project area on a monthly basis during
the base year, both as a result of State and municipal taxes on electricity and gas and certify
such separate amounts both to the municipality and the Department of Revenue.
After the determinations are made in paragraphs (b) and (c), the public utility shall monthly
during the existence of the redevelopment project area notify the Department of Revenue and the
municipality of any increase in charges over the base year determinations made pursuant to paragraphs
(b) and (c).
(5) The payments authorized under this Section shall be deposited by the municipal treasurer
in the special tax allocation fund of the municipality, which for accounting purposes shall identify the
sources of each payment as: municipal receipts from the State retailers occupation, service occupation,
use and service use taxes; and municipal public utility taxes charged to customers under the Public
Utilities Act and State public utility taxes charged to customers under the Public Utilities Act.
(6) Before the effective date of this amendatory Act of the 91st General Assembly, any
municipality receiving payments authorized under this Section for any redevelopment project area or
area within a State Sales Tax Boundary within the municipality shall submit to the Department of
Revenue and to the taxing districts which are sent the notice required by Section 6 of this Act annually
within 180 days after the close of each municipal fiscal year the following information for the
immediately preceding fiscal year:
(a) Any amendments to the redevelopment plan, the redevelopment project area, or the
State Sales Tax Boundary.
(b) Audited financial statements of the special tax allocation fund.
(c) Certification of the Chief Executive Officer of the municipality that the municipality
has complied with all of the requirements of this Act during the preceding fiscal year.

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(d) An opinion of legal counsel that the municipality is in compliance with this Act.
(e) An analysis of the special tax allocation fund which sets forth:
   (1) the balance in the special tax allocation fund at the beginning of the fiscal year;
   (2) all amounts deposited in the special tax allocation fund by source;
   (3) all expenditures from the special tax allocation fund by category of permissible
      redevelopment project cost; and
   (4) the balance in the special tax allocation fund at the end of the fiscal year including
      a breakdown of that balance by source. Such ending balance shall be designated as
      surplus if it is not required for anticipated redevelopment project costs or to pay debt
      service on bonds issued to finance redevelopment project costs, as set forth in Section
      11-74.4-7 hereof.
(f) A description of all property purchased by the municipality within the redevelopment
   project area including:
   1. Street address
   2. Approximate size or description of property
   3. Purchase price
   4. Seller of property.
(g) A statement setting forth all activities undertaken in furtherance of the objectives of
   the redevelopment plan, including:
   1. Any project implemented in the preceding fiscal year
   2. A description of the redevelopment activities undertaken
   3. A description of any agreements entered into by the municipality with regard to
      the disposition or redevelopment of any property within the redevelopment project area
      or the area within the State Sales Tax Boundary.
(h) With regard to any obligations issued by the municipality:
   1. copies of bond ordinances or resolutions
   2. copies of any official statements
   3. an analysis prepared by financial advisor or underwriter setting forth: (a) nature
      and term of obligation; and (b) projected debt service including required reserves and
      debt coverage.
(i) A certified audit report reviewing compliance with this statute performed by an
   independent public accountant certified and licensed by the authority of the State of Illinois.
   The financial portion of the audit must be conducted in accordance with Standards for Audits
   of Governmental Organizations, Programs, Activities, and Functions adopted by the
   Comptroller General of the United States (1981), as amended. The audit report shall contain
   a letter from the independent certified public accountant indicating compliance or
   noncompliance with the requirements of subsection (q) of Section 11-74.4-3. If the audit
   indicates that expenditures are not in compliance with the law, the Department of Revenue
   shall withhold State sales and utility tax increment payments to the municipality until
   compliance has been reached, and an amount equal to the ineligible expenditures has been
   returned to the Special Tax Allocation Fund.
(6.1) After July 29, 1988 and before the effective date of this amendatory Act of the 91st
   General Assembly, any funds which have not been designated for use in a specific development
   project in the annual report shall be designated as surplus. No funds may be held in the Special Tax
   Allocation Fund for more than 36 months from the date of receipt unless the money is required for
   payment of contractual obligations for specific development project costs. If held for more than 36
   months in violation of the preceding sentence, such funds shall be designated as surplus. Any funds
   designated as surplus must first be used for early redemption of any bond obligations. Any funds
   designated as surplus which are not disposed of as otherwise provided in this paragraph, shall be
   distributed as surplus as provided in Section 11-74.4-7.
(7) Any appropriation made pursuant to this Section for the 1987 State fiscal year shall not
   exceed the amount of $7 million and for the 1988 State fiscal year the amount of $10 million. The
   amount which shall be distributed to each municipality shall be the incremental revenue to which each
   municipality is entitled as calculated by the Department of Revenue, unless the requests of the
   municipality exceed the appropriation, then the amount to which each municipality shall be entitled

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shall be prorated among the municipalities in the same proportion as the increment to which the municipality would be entitled bears to the total increment which all municipalities would receive in the absence of this limitation, provided that no municipality may receive an amount in excess of 15% of the appropriation. For the 1987 Net State Sales Tax Increment payable in Fiscal Year 1989, no municipality shall receive more than 7.5% of the total appropriation; provided, however, that any of the appropriation remaining after such distribution shall be prorated among municipalities on the basis of their pro rata share of the total increment. Beginning on January 1, 1993, each municipality's proportional share of the Illinois Tax Increment Fund shall be determined by adding the annual Net State Sales Tax Increment and the annual Net Utility Tax Increment to determine the Annual Total Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(7.1) No distribution of Net State Sales Tax Increment to a municipality for an area within a State Sales Tax Boundary shall exceed in any State Fiscal Year an amount equal to 3 times the sum of the Municipal Sales Tax Increment, the real property tax increment and deposits of funds from other sources, excluding state and federal funds, as certified by the city treasurer to the Department of Revenue for an area within a State Sales Tax Boundary. After July 29, 1988, for those municipalities which issue bonds between June 1, 1988 and 3 years from July 29, 1988 to finance redevelopment projects within the area in a State Sales Tax Boundary, the distribution of Net State Sales Tax Increment during the 16th through 20th years from the date of issuance of the bonds shall not exceed in any State Fiscal Year an amount equal to 2 times the sum of the Municipal Sales Tax Increment, the real property tax increment and deposits of funds from other sources, excluding State and federal funds.

(8) Any person who knowingly files or causes to be filed false information for the purpose of increasing the amount of any State tax incremental revenue commits a Class A misdemeanor.

(9) The following procedures shall be followed to determine whether municipalities have complied with the Act for the purpose of receiving distributions after July 1, 1989 pursuant to subsection (1) of this Section 11-74.4-8a.

(a) The Department of Revenue shall conduct a preliminary review of the redevelopment project areas and redevelopment plans pertaining to those municipalities receiving payments from the State pursuant to subsection (1) of Section 8a of this Act for the purpose of determining compliance with the following standards:

(1) For any municipality with a population of more than 12,000 as determined by the 1980 U.S. Census: (a) the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, each such area, must be contiguous and the total of all such areas shall not comprise more than 25% of the area within the municipal boundaries nor more than 20% of the equalized assessed value of the municipality; (b) the aggregate amount of 1985 taxes in the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, the total of all such areas, shall be not more than 25% of the total base year taxes paid by retailers and servicemen on transactions at places of business located within the municipality under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act. Redevelopment project areas created prior to 1986 are not subject to the above standards if their boundaries were not amended in 1986.

(2) For any municipality with a population of 12,000 or less as determined by the 1980 U.S. Census: (a) the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, each such area, must be contiguous and the total of all such areas shall not comprise more than 35% of the area within the municipal boundaries nor more than 30% of the equalized assessed value of the municipality; (b) the aggregate amount of 1985 taxes in the redevelopment project area, or in the case of a municipality which has more than one redevelopment project area, the total of all such areas, shall be not more than 35% of the total base year taxes paid by retailers and servicemen on transactions at places of business located within the municipality under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act. Redevelopment project areas created prior to 1986 are not subject to the above standards if their boundaries were not amended in 1986.
Tax Act, and the Service Occupation Tax Act. Redevelopment project areas created prior to 1986 are not subject to the above standards if their boundaries were not amended in 1986.

(3) Such preliminary review of the redevelopment project areas applying the above standards shall be completed by November 1, 1988, and on or before November 1, 1988, the Department shall notify each municipality by certified mail, return receipt requested that either (1) the Department requires additional time in which to complete its preliminary review; or (2) the Department is issuing either (a) a Certificate of Eligibility or (b) a Notice of Review. If the Department notifies a municipality that it requires additional time to complete its preliminary investigation, it shall complete its preliminary investigation no later than February 1, 1989, and by February 1, 1989 shall issue to each municipality either (a) a Certificate of Eligibility or (b) a Notice of Review. A redevelopment project area for which a Certificate of Eligibility has been issued shall be deemed a "State Sales Tax Boundary."

(4) The Department of Revenue shall also issue a Notice of Review if the Department has received a request by November 1, 1988 to conduct such a review from taxpayers in the municipality, local taxing districts located in the municipality or the State of Illinois, or if the redevelopment project area has more than 5 retailers and has had growth in State sales tax revenue of more than 15% from calendar year 1985 to 1986.

(b) For those municipalities receiving a Notice of Review, the Department will conduct a secondary review consisting of: (i) application of the above standards contained in subsection (9)(a)(1)(a) and (b) or (9)(a)(2)(a) and (b), and (ii) the definitions of blighted and conservation area provided for in Section 11-74.4-3. Such secondary review shall be completed by July 1, 1989.

Upon completion of the secondary review, the Department will issue (a) a Certificate of Eligibility or (b) a Preliminary Notice of Deficiency. Any municipality receiving a Preliminary Notice of Deficiency may amend its redevelopment project area to meet the standards and definitions set forth in this paragraph (b). This amended redevelopment project area shall become the "State Sales Tax Boundary" for purposes of determining the State Sales Tax Increment.

(c) If the municipality advises the Department of its intent to comply with the requirements of paragraph (b) of this subsection outlined in the Preliminary Notice of Deficiency, within 120 days of receiving such notice from the Department, the municipality shall submit documentation to the Department of the actions it has taken to cure any deficiencies. Thereafter, within 30 days of the receipt of the documentation, the Department shall either issue a Certificate of Eligibility or a Final Notice of Deficiency. If the municipality fails to advise the Department of its intent to comply or fails to submit adequate documentation of such cure of deficiencies the Department shall issue a Final Notice of Deficiency that provides that the municipality is ineligible for payment of the Net State Sales Tax Increment.

(d) If the Department issues a final determination of ineligibility, the municipality shall have 30 days from the receipt of determination to protest and request a hearing. Such hearing shall be conducted in accordance with Sections 10-25, 10-35, 10-40, and 10-50 of the Illinois Administrative Procedure Act. The decision following the hearing shall be subject to review under the Administrative Review Law.

(e) Any Certificate of Eligibility issued pursuant to this subsection 9 shall be binding only on the State for the purposes of establishing municipal eligibility to receive revenue pursuant to subsection (1) of this Section 11-74.4-8a.

(f) It is the intent of this subsection that the periods of time to cure deficiencies shall be in addition to all other periods of time permitted by this Section, regardless of the date by which plans were originally required to be adopted. To cure said deficiencies, however, the municipality shall be required to follow the procedures and requirements pertaining to amendments, as provided in Sections 11-74.4-5 and 11-74.4-6 of this Act.

(10) If a municipality adopts a State Sales Tax Boundary in accordance with the provisions of subsection (9) of this Section, such boundaries shall subsequently be utilized to determine Revised

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Initial Sales Tax Amounts and the Net State Sales Tax Increment; provided, however, that such revised State Sales Tax Boundary shall not have any effect upon the boundary of the redevelopment project area established for the purposes of determining the ad valorem taxes on real property pursuant to Sections 11-74.4-7 and 11-74.4-8 of this Act nor upon the municipality's authority to implement the redevelopment plan for that redevelopment project area. For any redevelopment project area with a smaller State Sales Tax Boundary within its area, the municipality may annually elect to deposit the Municipal Sales Tax Increment for the redevelopment project area in the special tax allocation fund and shall certify the amount to the Department prior to receipt of the Net State Sales Tax Increment. Any municipality required by subsection (9) to establish a State Sales Tax Boundary for one or more of its redevelopment project areas shall submit all necessary information required by the Department concerning such boundary and the retailers therein, by October 1, 1989, after complying with the procedures for amendment set forth in Sections 11-74.4-5 and 11-74.4-6 of this Act. Net State Sales Tax Increment produced within the State Sales Tax Boundary shall be spent only within that area. However expenditures of all municipal property tax increment and municipal sales tax increment in a redevelopment project area are not required to be spent within the smaller State Sales Tax Boundary within such redevelopment project area.

(11) The Department of Revenue shall have the authority to issue rules and regulations for purposes of this Section. and regulations for purposes of this Section.

(12) If, under Section 5.4.1 of the Illinois Enterprise Zone Act, a municipality determines that property that lies within a State Sales Tax Boundary has an improvement, rehabilitation, or renovation that is entitled to a property tax abatement, then that property along with any improvements, rehabilitation, or renovations shall be immediately removed from any State Sales Tax Boundary. The municipality that made the determination shall notify the Department of Revenue within 30 days after the determination. Once a property is removed from the State Sales Tax Boundary because of the existence of a property tax abatement resulting from an enterprise zone, then that property shall not be permitted to be amended into a State Sales Tax Boundary.

(Source: P.A. 90-258, eff. 7-30-97; 91-51, eff. 6-30-99; 91-478, eff. 11-1-99.)

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

AN ACT to create the Carbon Sequestration Study Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Carbon Sequestration Study Act.
Section 5. Carbon Sequestration Advisory Committee; duties.
(a) The Carbon Sequestration Advisory Committee is created within the Department of Agriculture.
(b) The Advisory Committee shall study and investigate the potential for carbon sequestration in Illinois, focusing on air quality and the preservation of agricultural resources.
(c) The Director of Agriculture shall appoint the members of the Advisory Committee. The membership of the Advisory Committee shall include representatives of the following: the Department of Agriculture, the Department of Natural Resources, the United States Department of Agriculture's Natural Resources Conservation Service, and the University of Illinois. The Director of Agriculture may appoint any other members deemed necessary. The Director of Agriculture shall designate one of the Advisory Committee members to serve as the chairperson of the Advisory Committee and shall provide staffing support for the Committee. All Advisory Committee members shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties.

Section 10. Report. The Committee shall report to the General Assembly not later than February 1, 2002, setting out its findings and recommendations and proposing how best to proceed with the study of carbon sequestration, including various trading options and alternatives, considering

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air quality and the preservation of agricultural resources.

Section 90. Repeal. This Act is repealed on June 1, 2002.

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


PUBLIC ACT 92-0265
(House Bill No. 0889)

AN ACT in relation to civil procedure.

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

Section 5. The Code of Civil Procedure is amended by changing Section 13-222 as follows:

(735 ILCS 5/13-222) (from Ch. 110, par. 13-222)

Sec. 13-222. Action against land surveyor.

(a) Registered land surveyor. No action may be brought against a Registered Land Surveyor to recover damages for negligence, errors or omissions in the making of any survey nor for contribution or indemnity related to such negligence, errors or omissions more than 4 years after the person claiming such damages actually knows or should have known of such negligence, errors or omissions. This Section applies to surveys completed after July 26, 1967. This subsection (a) applies only to causes of action accruing before the effective date of this amendatory Act of the 92nd General Assembly.

(b) Professional land surveyor. No action may be brought against a professional land surveyor to recover damages for negligence, errors, omissions, torts, breaches of contract, or otherwise in the making of any survey, nor contribution or indemnity, more than 4 years after the person claiming the damages actually knows or should have known of the negligence, errors, omissions, torts, breaches of contract, or other action.

In no event may such an action be brought if 10 years have elapsed from the time of the act or omission. Any person who discovers the act or omission before expiration of the 10-year period, however, may in no event have less than 4 years to bring an action. Contract actions against a surety on a payment or performance bond must be commenced within the same time limitation applicable to the bond principal.

If the person entitled to bring the action is under the age of 18 or under a legal disability, the period of limitation does not begin to run until the person reaches 18 years of age or the disability is removed.

This subsection (b) applies to causes of action accruing on or after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 82-280.)


Effective January 1, 2002.

PUBLIC ACT 92-0266
(House Bill No. 0978)

AN ACT in relation to criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

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(2) the defendant received compensation for committing the offense;
(3) the defendant has a history of prior delinquency or criminal activity;
(4) the defendant, by the duties of his office or by his position, was obliged to prevent the
particular offense committed or to bring the offenders committing it to justice;
(5) the defendant held public office at the time of the offense, and the offense related to
the conduct of that office;
(6) the defendant utilized his professional reputation or position in the community to
commit the offense, or to afford him an easier means of committing it;
(7) the sentence is necessary to deter others from committing the same crime;
(8) the defendant committed the offense against a person 60 years of age or older or such
person's property;
(9) the defendant committed the offense against a person who is physically handicapped
or such person's property;
(10) by reason of another individual's actual or perceived race, color, creed, religion,
anxiety, gender, sexual orientation, physical or mental disability, or national origin, the
defendant committed the offense against (i) the person or property of that individual; (ii) the
person or property of a person who has an association with, is married to, or has a friendship
with the other individual; or (iii) the person or property of a relative (by blood or marriage)
of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation"
means heterosexuality, homosexuality, or bisexuality;
(11) the offense took place in a place of worship or on the grounds of a place of worship,
immediately prior to, during or immediately following worship services. For purposes of this
subparagraph, "place of worship" shall mean any church, synagogue or other building,
structure or place used primarily for religious worship;
(12) the defendant was convicted of a felony committed while he was released on bail or
his own recognizance pending trial for a prior felony and was convicted of such prior felony,
or the defendant was convicted of a felony committed while he was serving a period of
probation, conditional discharge, or mandatory supervised release under subsection (d) of
Section 5-8-1 for a prior felony;
(13) the defendant committed or attempted to commit a felony while he was wearing a
bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device
which is designed for the purpose of protecting the wearer from bullets, shot or other lethal
projectiles;
(14) the defendant held a position of trust or supervision such as, but not limited to,
family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout
leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the
defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1,
that victim;
(15) the defendant committed an offense related to the activities of an organized gang. For
the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of
the Streetgang Terrorism Omnibus Prevention Act;
(16) the defendant committed an offense in violation of one of the following Sections
while in a school, regardless of the time of day or time of year; on any conveyance owned,
leased, or contracted by a school to transport students to or from school or a school related
activity; on the real property of a school; or on a public way within 1,000 feet of the real
property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18-2, or 33A-2 of the Criminal Code of 1961;
(16.5) the defendant committed an offense in violation of one of the following Sections
while in a day care center, regardless of the time of day or time of year; on the real property
of a day care center, regardless of the time of day or time of year; or on a public way within
1,000 feet of the real property comprising any day care center, regardless of the time of day
or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2,
12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or

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33A-2 of the Criminal Code of 1961;
(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;
(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act; or
(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm.
For the purposes of this Section:
"School" is defined as a public or private elementary or secondary school, community college, college, or university.
"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.
(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:
(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or
(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or
(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or
(4) When a defendant is convicted of any felony committed against:
(i) a person under 12 years of age at the time of the offense or such person's property;
(ii) a person 60 years of age or older at the time of the offense or such person's property; or
(iii) a person physically handicapped at the time of the offense or such person's property; or
(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or
(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
(i) the brutalizing or torturing of humans or animals;
(ii) the theft of human corpses;
(iii) the kidnapping of humans;
(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
(v) ritualized abuse of a child; or
(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such
conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or:

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(35 ILCS 200/21-165)

New matter indicated by italics - deletions by strikeout.
Sec. 21-165. Payment of delinquent tax before sale. Any person owning or claiming properties upon which application for judgment is applied for and any lienholder of record may, in person or by agent, pay the taxes, and costs due, or in counties with 3,000,000 or more inhabitants, the taxes, special assessments, interest and costs due, to the county collector at any time before sale.
(Source: P.A. 76-2254; 88-455.)

(35 ILCS 200/22-10)

Sec. 22-10. Notice of expiration of period of redemption. A purchaser or assignee shall not be entitled to a tax deed to the property sold unless, not less than 3 months nor more than 5 months prior to the expiration of the period of redemption, he or she gives notice of the sale and the date of expiration of the period of redemption to the owners, occupants, and parties interested in the property, including any mortgagee of record, as provided below.

The Notice to be given to the parties shall be in at least 10 point type in the following form completely filled in:

TAX DEED NO. ................. FILED .................

TAKE NOTICE

County of ..............................................
Date Premises Sold ....................................
Certificate No. ........................................
Sold for General Taxes of (year) ......................
Sold for Special Assessment of (Municipality) .......
and special assessment number ......................
Warrant No. ............... Inst. No. ............... THIS PROPERTY HAS BEEN SOLD FOR
DELINQUENT TAXES

Property located at ....................................
Legal Description or Property Index No. ..............
............................................................
............................................................

This notice is to advise you that the above property has been sold for delinquent taxes and that the period of redemption from the sale will expire on ..............

The amount to redeem is subject to increase at 6 month intervals from the date of sale and may be further increased if the purchaser at the tax sale or his or her assignee pays any subsequently accruing taxes or special assessments to redeem the property from subsequent forfeitures or tax sales. Check with the county clerk as to the exact amount you owe before redeeming.

This notice is also to advise you that a petition has been filed for a tax deed which will transfer title and the right to possession of this property if redemption is not made on or before ..............

This matter is set for hearing in the Circuit Court of this county in ...., Illinois on .....

You may be present at this hearing but your right to redeem will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of ...., County, Illinois at the County Court House in ...., Illinois.

For further information contact the County Clerk.

..................................................

Purchaser or Assignee.

In counties with 3,000,000 or more inhabitants, the notice shall also state the address, room number and time at which the matter is set for hearing.

This amendatory Act of 1996 applies only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of 1996.
(Source: P.A. 91-357, eff. 7-29-99.)

Section 99. Effective date. This Act takes effect on January 1, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to highways.

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

Section 5. The Illinois Highway Code is amended by changing Sections 6-201.7 and 6-508 as follows:

(605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

Sec. 6-201.7. Construct, maintain and repair and be responsible for the construction, maintenance and repair of roads within the district, let contracts, employ labor and purchase material and machinery therefor, subject to the limitations provided in this Code. No contract shall be let for the construction or repair of any road or part thereof in excess of the amount of $10,000, nor shall any material, machinery or other appliances to be used in road construction or maintenance of roads in excess of such amount be purchased, nor shall several contracts each for an amount of $10,000 or less be let for the construction or repair of any road or part thereof when such construction or repair is in reality part of one project costing more than $10,000, nor shall any material, machinery or other appliance to be used therein be purchased under several contracts each for an amount of $10,000 or less, if such purchases are essentially one transaction amounting to more than $10,000, without the written approval of the county superintendent of highways in the case of road districts other than consolidated township road districts or without the written approval of the highway board of auditors in the case of consolidated township road districts.

Except for professional services, when the cost of construction, materials, supplies, new machinery or equipment exceeds $5,000, or $10,000 in case of a district having a population of 10,000 or more, the contract for such construction, materials, supplies, machinery or equipment shall be let, after the above written approval is obtained, to the lowest responsible bidder after advertising for bids at least once, and at least 10 days prior to the time set for the opening of such bids, in a newspaper published within the township or road district, or, if no newspaper is published within the township or road district then in one published within the county, or, if no newspaper is published within the county then in a newspaper having general circulation within the township or road district, but, in case of an emergency, such contract may be let without advertising for bids upon the approval of the County Superintendent of Highways expressing in writing the existence of such emergency and, in the case of consolidated township road districts, upon the approval of the highway board of auditors. For purposes of this Section "new machinery or equipment" shall be defined as that which has been previously untitled or that which shows fewer than 200 hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

(Source: P.A. 86-1179; 86-1368; 86-1475.)

(605 ILCS 5/6-508) (from Ch. 121, par. 6-508)

Sec. 6-508. (a) For the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in Section 5-501 of this Code, there may be included in the annual tax levies provided for in Section 6-501 of this Code a tax of not to exceed .05% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue, which tax shall be in addition to and may be in excess of the maximum levy and may be extended at a rate in addition to and in excess of the tax rate for road purposes authorized under Section 6-501 of this Code.

Such tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be expended for the construction or repair of bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. The highway commissioner shall separately specify in the certificate required by Section 6-501 the amount necessary to be raised by taxation for the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. Upon the approval by the county board of the amount so

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certified as provided in Section 6-501 of this Code, the county clerk shall extend the same against the taxable property of the road district, provided the amount thus approved shall not be extended at a rate in excess of .05% of value, as equalized or assessed by the Department of Revenue.

When any improvement project for which a tax may be levied under this Section has been ordered as provided in Section 5-501 and the estimated cost of such project to the road district is in excess of the amount that will be realized from the annual tax levy authorized by this Section when extended and collected, then the road district may accumulate the proceeds of such tax for such number of years as may be necessary to acquire the funds necessary to pay the district's share of the cost of such project. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the required rate, a road district may retain its eligibility if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. It shall not be a valid objection to any subsequent tax levy made under this Section that there remains unexpended money arising from a preceding levy of a prior year because of the accumulation provided for in this Section.

The rate limitation imposed by this Section may be increased for a 10 year period to up to 0.25% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue if the proposition for the increased tax rate is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(b) All surplus funds remaining in the hands of the treasurer of the road district after the completion of any construction or repairing of bridges, culverts, drainage structures or grade separations, including approaches thereto, under this Section, shall be turned over at the request of the highway commissioner, with the written consent of the county superintendent, to the regular road fund of the road district. Upon such request, no further levy under this Section is to be extended by the county clerk unless the proposition authorizing such further levy is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(c) The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation. If the project size is over $5,000, the road district commissioner shall also obtain the permission of the county engineer.

(Source: P.A. 90-110, eff. 7-14-97.)

Effective January 1, 2002.

**PUBLIC ACT 92-0269**

(Doctor Act No. 1712)

AN ACT concerning school funding.

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

Section 5. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis

New matter indicated by italics - deletions by strikeout.
to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid...
aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is $4,425 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school
district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to
0.05 times the Foundation Level for a school district with Available Local Resources equal to the
product of 1.75 times the Foundation Level. The allocation of general State aid for school districts
subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the
Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds
the product of 1.75 times the Foundation Level, the general State aid for the school district shall be
calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school
year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an
amount equal to the general State aid that would have been received by the district for the 1998-1999
school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in
paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This
amount shall be deemed a one time increase, and shall not affect any future general State aid
allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education,
on forms prescribed by the State Board of Education, attendance figures for the school year that began
in the preceding calendar year. The attendance information so transmitted shall identify the average
daily attendance figures for each month of the school year, except that any days of attendance in
August shall be added to the month of September and any days of attendance in June shall be added
to the month of May.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted
only for sessions of not less than 5 clock hours of school work per day under direct supervision of:
(i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching
duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph
10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition
to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the
following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be
 counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more
 attended pursuant to such enrollment.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the
 school term, and upon the first day of pupil attendance, if preceded by a day or days utilized
 as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon
 certification by the regional superintendent, and approved by the State Superintendent of
 Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when
 the remainder of the school day or at least 2 hours in the evening of that day is utilized for an
 in-service training program for teachers, up to a maximum of 5 days per school year of which
 a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided
 a district conducts an in-service training program for teachers which has been approved by
 the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in
 which event each such day may be counted as a day of attendance; and (2) when days in
 addition to those provided in item (1) are scheduled by a school pursuant to its school
 improvement plan adopted under Article 34 or its revised or amended school improvement
 plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are
 scheduled to occur at regular intervals, (ii) the remainder of the school days in which such
 sessions occur are utilized for in-service training programs or other staff development
 activities for teachers, and (iii) a sufficient number of minutes of school work under the direct
 supervision of teachers are added to the school days between such regularly scheduled
 sessions to accumulate not less than the number of minutes by which such sessions of 3 or
more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted
by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, and if the Available Local Resources of that school district as calculated pursuant to subsection (D) using the Base Tax Year are less than the product of 1.75 times the Foundation Level for the Budget Year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid, the district's Extension Limitation Ratio, and the district's Extension Limitation Equalized Assessed Valuation and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid
allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. For purposes of this subsection, the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H).

(2) Supplemental general State aid pursuant to this subsection shall be provided as follows:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to

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receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall, within 45 days of receipt of that notification, inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any
district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this

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subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor,
by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies. The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

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


PUBLIC ACT 92-0270
(House Bill No. 1904)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to highways.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Highway Code is amended by adding Section 4-104 as follows:
(605 ILCS 5/4-104 new)

Sec. 4-104. Subcontractors' trust agreements. This Section applies to subcontractors' retainage amounts expected to be equal to or greater than $20,000. Upon the contractor's receipt of the first partial or progress payment from the Department, at the request of the subcontractor and with the approval of the contractor, the retainage of the subcontract shall be deposited under a trust agreement with an Illinois financial institution, whose deposits are insured by an agency or instrumentality of the federal government, of the subcontractor's choice and subject to the approval of the contractor. The subcontractor shall receive any interest on the amount deposited.

Upon application by the subcontractor, a trust agreement by the financial institution and the contractor must contain, at a minimum, the following provisions:

1. The amount to be deposited subject to the trust.
2. The terms and conditions of payment in case of default of the subcontractor.
3. The termination of the trust agreement upon completion of the subcontract.

The subcontractor is responsible for obtaining the written consent of the financial institution trustee. Any costs or service fees must be borne by the subcontractor. The trust agreement may, at the discretion of the contractor and upon request of the subcontractor, become operative at the time of the first partial payment in accordance with existing statutes and Department procedures. Subcontractors' trust agreements are voluntary and supersede any prohibition regarding retainage that may be adopted by any transportation agency.

This Section applies to all subcontracts in effect on and after the effective date of this amendatory Act of the 92nd General Assembly.

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


PUBLIC ACT 92-0271
(House Bill No. 2282)

AN ACT concerning currency exchanges.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Currency Exchange Act is amended by changing Section 6 as follows:
(205 ILCS 405/6) (from Ch. 17, par. 4813)

Sec. 6. Insurance against loss. Every applicant for a license hereunder shall, after his application for a license has been approved, file with and have approved by the Director, a policy or policies of insurance issued by an insurance company or indemnity company authorized to do business under the law of this State, which shall insure the applicant against loss by theft, burglary, robbery or forgery in a principal sum as hereinafter provided; if the average amount of cash and liquid funds to be kept on hand in the office of the community currency exchange during the year will not be in excess of $10,000 the policy or policies shall be in the principal sum of $10,000. If such average amount will be in excess of $10,000, the policy or policies shall be for an additional principal sum of $500 for each $1,000 or fraction thereof of such excess over the original $10,000. From time to time, the Director may determine the amount of cash and liquid funds on hand in the office of any community currency exchange and shall require the licensee to submit additional policies if the same are determined to be necessary in accordance with the requirements of this Section.

Any such policy or policies, with respect to forgery, may carry a condition that the community currency exchange assumes the first $1,000 of each claim thereunder.

Before an ambulatory currency exchange shall sell or issue money orders, it shall file with and have approved by the Director, a policy or policies of insurance issued by an insurance company or indemnity company authorized to do business under the laws of this State, which shall insure such ambulatory currency exchange against loss by theft, burglary, robbery, forgery or embezzlement in the principal sum of not less than $500,000. If the average amount of cash and liquid funds to be kept

New matter indicated by italics - deletions by strikeout.
on hand during the year will exceed $500,000, the policy or policies shall be for an additional principal sum of $500 for each $1,000 or fraction thereof in excess of $500,000. From time to time the Director may determine the amount of cash and liquid funds kept on hand by an ambulatory currency exchange and shall require it to submit such additional policies as are determined to be required within the limits of this Section. No ambulatory currency exchange subject to this Section shall be required to furnish more than one policy of insurance if the policy furnished insures it against the foregoing losses at all locations served by it.

Any such policy may contain a condition that the insured assumes a portion of the loss, provided the insured shall file with such policy a sworn financial statement indicating its ability to act as self-insurer in the amount of such deductible portion of the policy without prejudice to the safety of any funds belonging to its customers. If the Director is not satisfied as to the financial ability of the ambulatory currency exchange, he may require it to deposit cash or United States Government Bonds in the amount of part or all of the deductible portion of the policy.

(Source: P.A. 86-432.)

Section 10. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 11 as follows:

(765 ILCS 1025/11) (from Ch. 141, par. 111)

Sec. 11. (a) Except as otherwise provided in subsection (c) of Section 4, every person holding funds or other property, tangible or intangible, presumed abandoned under this Act shall report and remit all abandoned property specified in the report to the State Treasurer with respect to the property as hereinafter provided. The State Treasurer may exempt any businesses from the reporting requirement if he deems such businesses unlikely to be holding unclaimed property.

(b) The information shall be obtained in one or more reports as required by the State Treasurer. The information shall be verified and shall include:

(1) The name, social security or federal tax identification number, if known, and last known address, including zip code, of each person appearing from the records of the holder to be the owner of any property of the value of $25 or more presumed abandoned under this Act;

(2) In case of unclaimed funds of life insurance corporations the full name of the insured and any beneficiary or annuitant and the last known address according to the life insurance corporation's records;

(3) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(4) Other information which the State Treasurer prescribes by rule as necessary for the administration of this Act.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report and remittance of the property specified in the report shall be filed by banking organizations, financial organizations, insurance companies other than life insurance corporations, and governmental entities before November 1 of each year as of June 30 next preceding. The report and remittance of the property specified in the report shall be filed by business associations, utilities, and life insurance corporations before May 1 of each year as of December 31 next preceding. The Director may postpone the reporting date upon written request by any person required to file a report.

(d-5) Notwithstanding the foregoing, currency exchanges shall be required to report and remit property specified in the report within 30 days after the conclusion of its annual examination by the Department of Financial Institutions. As part of the examination of a currency exchange, the Department of Financial Institutions shall instruct the currency exchange to submit a complete unclaimed property report using the State Treasurer's formatted diskette reporting program or an alternative reporting format approved by the State Treasurer. The Department of Financial Institutions shall provide the State Treasurer with an accounting of the money orders located in the course of the annual examination including, where available, the amount of service fees deducted and the date of the conclusion of the examination.

(e) Before filing the annual report, the holder of property presumed abandoned under this Act

New matter indicated by italics - deletions by strikeout.
shall communicate with the owner at his last known address if any address is known to the holder, setting forth the provisions hereof necessary to occur in order to prevent abandonment from being presumed. If the holder has not communicated with the owner at his last known address at least 120 days before the deadline for filing the annual report, the holder shall mail, at least 60 days before that deadline, a letter by first class mail to the owner at his last known address unless any address is shown to be inaccurate, setting forth the provisions hereof necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property, may report and deliver it prior to the date required for such reporting in accordance with this Section and is then relieved of responsibility as provided in Section 14.

(h) (1) Records pertaining to presumptively abandoned property held by a trust division or trust department or by a trust company, or affiliate of any of the foregoing that provides nondealer corporate custodial services for securities or securities transactions, organized under the laws of this or another state or the United States shall be retained until the property is delivered to the State Treasurer.

As of January 1, 1998, this subdivision (h)(1) shall not be applicable unless the Department of Financial Institutions has commenced, but not finalized, an examination of the holder as of that date and the property is included in a final examination report for the period covered by the examination.

(2) In the case of all other holders commencing on the effective date of this amendatory Act of 1993, property records for the period required for presumptive abandonment plus the 9 years immediately preceding the beginning of that period shall be retained for 5 years after the property was reportable.

(i) The State Treasurer may promulgate rules establishing the format and media to be used by a holder in submitting reports required under this Act.

(815 ILCS 710/12) (from Ch. 121 1/2, par. 762)

Sec. 12. Arbitration; administrative proceedings; civil actions; determining good cause.

(a) The franchiser and franchisee may agree to submit a dispute involving Section 4, 5, 6, 7, 9, 10.1, or 11 cancellation, modification, termination, or refusal to extend or renew an existing franchise or selling agreement, or refusal to honor succession to ownership or refusal to allow a sale or transfer, or the granting of an additional franchise of the same line make or the relocating of an existing motor vehicle dealership within or into a relevant market area where the same line make is then represented, or the proposed arrangement to establish any additional motor vehicle dealership or other facility limited to the sale of factory repurchase vehicles or late model vehicles, to arbitration. Any such proceeding shall be conducted under the provisions of the Uniform Arbitration Act by a 3 member panel composed of one member appointed by the franchisee and one member appointed by the franchiser who together shall choose the third member.

An arbitration proceeding hereunder for a remedy under paragraph (6) of subsection (d) or paragraph (6), (8), (10) or (11) of subsection (e) of Section 4 of this Act shall be commenced by

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written notice to the franchisor by the objecting franchisee within 30 days from the date the dealer
received notice to cancel, terminate, modify or not extend or renew an existing franchise or selling
agreement or refusal to honor succession to ownership or refusal to honor a sale or transfer or to grant
or enter into the additional franchise or selling agreement, or to relocate an existing motor vehicle
dealer; or within 60 days of the date the franchisee received notice in writing by the franchiser of its
determination under any provision of Section 4 (other than paragraph (6) of subsection (d) or
paragraph (6), (8), (10) or (11) of subsection (e) of Section 4), 5, 6, 7, 9, 10.1, or 11 of this Act;
however, if notice of the provision under which the determination has been made is not given by the
franchiser, then the proceeding shall be commenced as provided by Section 14 of this Act.

The franchiser and the franchisee shall appoint their respective arbitrators and they shall select
the third arbitrator within 14 days of receipt of such notice by the franchiser. The arbitrators shall
commence hearings within 60 days after all the arbitrators have been appointed and a decision shall
be rendered within 30 days after completion of the hearing.

During the pendency of the arbitration, any party may apply to a court of competent
jurisdiction which shall have power to modify or stay the effective date of a proposed additional
franchise or selling agreement, or the effective date of a proposed motor vehicle dealership
relocation or the effective date of a cancellation, termination or modification or refusal to honor succession or
refusal to allow a sale or transfer or extend the expiration date of a franchise or selling agreement
pending a final determination of the issues raised in the arbitration hearing upon such terms as the
court may determine. Any such modification or stay shall not be effective for more than 60 days
unless extended by the court for good cause or unless the arbitration hearing is then in progress.

(b) If the franchiser and the franchisee have not agreed to submit a dispute; involving Section
4, 5, 6, 7, 9, 10.1, or 11 of this Act to arbitration under subsection (a), then a proceeding before the
Motor Vehicle Review Board as prescribed by subsection (c) or (d) of Section 12 and Section 29 of
this Act for a remedy other than damages under paragraph (6) of subsection (d) or paragraph (6), (8),
(10), or (11) of subsection (e) of Section 4 of this Act shall be commenced upon receipt by the Motor
Vehicle Review Board of a timely notice of protest or within 60 days of the date the franchisee
received notice in writing by the franchiser of its determination under any provision of those Sections
other than paragraph (6) of subsection (d) or paragraph (6), (8), (10), or (11) of subsection (e) of
Section 4 of this Act; however, if notice of the provision under which the determination has been made
is not given by the franchiser, then the proceeding shall be commenced as provided by Section 14 of
this Act, cancellation, modification, termination, or refusal to extend or renew an existing franchise
or selling agreement or refusal to honor succession to ownership or refusal to allow a sale or transfer
or the granting of an additional franchise of the same line make or the relocating of an existing motor
vehicle dealership, or the proposed arrangement to establish any additional motor vehicle dealership
or other facility limited to the sale of factory repurchase vehicles or late model vehicles, to arbitration
under (a), a proceeding for a remedy other than damages shall be commenced upon receipt of a timely
notice of protest under paragraph (6) of subsection (d) or paragraph (6), (8), or (10) of subsection (e)
of Section 4 of this Act, before the Motor Vehicle Review Board as prescribed by Sections 12 and 29
of this Act.

During the pendency of a proceeding under this Section, a party may apply to a court of
competent jurisdiction that shall have power to modify or stay the effective date of a proposed
additional franchise or selling agreement, or the effective date of a proposed motor vehicle dealership
relocation, or the effective date of a cancellation, termination, or modification, or extend the expiration
date of a franchise or selling agreement or refusal to honor succession or refusal to approve a sale or transfer pending a final determination of the issues raised in the hearing upon such
terms as the court may determine. Any modification or stay shall not be effective for more than 60
days unless extended by the court for good cause or unless the hearing is then in progress.

(c) In proceedings under (a) or (b), when determining whether good cause has been
established for granting such proposed additional franchise or selling agreement, or for relocating an
existing motor vehicle dealership, the arbitrators or Board shall consider all relevant circumstances
in accordance with subsection (v) of Section 2 of this Act, including but not limited to:

(1) whether the establishment of such additional franchise or the relocation of such motor
vehicle dealership is warranted by economic and marketing conditions including anticipated
future changes;
(2) the retail sales and service business transacted by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or the relocated motor vehicle dealership during the 5 year period immediately preceding such notice as compared to the business available to them;

(3) the investment necessarily made and obligations incurred by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or the relocated motor vehicle dealership to perform their obligations under existing franchises or selling agreements; and, the manufacturer shall give reasonable credit for sales of factory repurchase vehicles purchased by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with the place of business in the relevant market area to be served by the additional franchise or the relocated motor vehicle dealership, or the additional motor vehicle dealership or other facility limited to the sale of factory repurchase or late model vehicles, at manufacturer authorized or sponsored auctions in determining performance of obligations under existing franchises or selling agreements relating to total new vehicle sales;

(4) the permanency of the investment of the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or the relocated motor vehicle dealership;

(5) whether it is beneficial or injurious to the public welfare for an additional franchise or relocated motor vehicle dealership to be established;

(6) whether the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchisee or relocated motor vehicle dealership are providing adequate competition and convenient consumer care for the motor vehicles of the same line make owned or operated in the area to be served by the additional franchise or relocated motor vehicle dealership;

(7) whether the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchisee or relocated motor vehicle dealership have adequate motor vehicle sales and service facilities, equipment, vehicle parts and qualified personnel to reasonably provide for the needs of the customer; provided, however, that good cause shall not be shown solely by a desire for further market penetration;

(8) whether the establishment of an additional franchise or the relocation of a motor vehicle dealership would be in the public interest;

(9) whether there has been a material breach by a motor vehicle dealer of the existing franchise agreement which creates a substantially detrimental effect upon the distribution of the franchiser's motor vehicles in the affected motor vehicle dealer's relevant market area or fraudulent claims for warranty work, insolvency or inability to pay debts as they mature;

(10) the effect of an additional franchise or relocated motor vehicle dealership upon the existing motor vehicle dealers of the same line make in the relevant market area to be served by the additional franchisee or relocated motor vehicle dealership; and

(11) whether the manufacturer has given reasonable credit to the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area to be served by the additional franchise or relocated motor vehicle dealership or additional motor vehicle dealership or other facility limited to the sale of factory repurchase or late model vehicles, for retail sales of factory repurchase vehicles purchased by the motor vehicle dealer or dealers at manufacturer authorized or sponsored auctions.

(d) In proceedings under subsection (a) or (b), when determining whether good cause has been established for cancelling, terminating, refusing to extend or renew, or changing or modifying the obligations of the motor vehicle dealer as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement, the arbitrators or Board shall consider all relevant circumstances in accordance with subsection (v) of Section 2 of this Act, including but not limited to:

New matter indicated by italics - deletions by strikeout.
(1) The amount of retail sales transacted by the franchisee during a 5-year period immediately before the date of the notice of proposed action as compared to the business available to the franchisee.

(2) The investment necessarily made and obligations incurred by the franchisee to perform its part of the franchise.

(3) The permanency of the franchisee's investment.

(4) Whether it is injurious to the public interest for the franchise to be cancelled or terminated or not extended or modified, or the business of the franchise disrupted.

(5) Whether the franchisee has adequate motor vehicle sales and service facilities, equipment, vehicle parts, and service personnel to reasonably provide for the need of the customers for the same line make of motor vehicles handled by the franchise.

(6) Whether the franchisee fails to fulfill the warranty obligations of the manufacturer required to be performed by the franchise.

(7) The extent and materiality of the franchisee's failure to comply with the terms of the franchise and the reasonableness and fairness of those terms.

(8) Whether the owners of the franchise had actual knowledge of the facts and circumstances upon which cancellation or termination, failure to extend or renew, or changing or modification of the obligations of the franchisee as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement.

(e) If the franchiser and the franchisee have not agreed to submit a dispute to arbitration, and the dispute did not arise under paragraph (6) of subsection (d) or paragraph (6), (8), or (10), or (11) of subsection (e) of Section 4 of this Act, then a proceeding for a remedy other than damages may be commenced by the objecting franchisee in the circuit court of the county in which the objecting franchisee has its principal place of business, within 60 days of the date the franchisee received notice in writing by the franchiser of its determination under any provision of this Act other than paragraph (6) of subsection (d) or paragraph (6), (8), (10), or (11) of subsection (e) of Section 4 of this Act; however, if notice of the provision under which the determination has been made is not given by the franchiser, then the proceeding shall be commenced as provided by Section 14 of this Act.

(f) The changes to this Section made by this amendatory Act of the 92nd General Assembly (i) apply only to causes of action accruing on or after its effective date and (ii) are intended to provide only an additional venue for dispute resolution without changing any substantive rights under this Act.

(Source: P.A. 89-145, eff. 7-14-95.)

Sec. 13. Damages; equitable relief. Any franchisee or motor vehicle dealer who suffers any loss of money or property, real or personal, as a result of the use or employment by a manufacturer, wholesaler, distributor, distributor branch or division, factory branch or division, wholesale branch or division, or any agent, servant or employee thereof, of an unfair method of competition or an unfair or deceptive act or practice declared unlawful by this Act, or any action in violation of this Act, may bring an action for damages and equitable relief, including injunctive relief, in the circuit court of the county in which the objecting franchisee has its principal place of business or, if the parties have so agreed, in arbitration. If the misconduct is willful or wanton, treble damages may be awarded. Where the misconduct is willful or wanton, the court may award treble damages. A motor vehicle dealer, if it has not suffered any loss of money or property, may obtain permanent equitable relief if it can be shown that the unfair act or practice may have the effect of causing such loss of money or property. Where the franchisee or dealer substantially prevails the court or arbitration panel or Motor Vehicle Review Board shall award attorney's fees and assess costs, including expert witness fees and other expenses incurred by the dealer in the litigation, so long as such fees and costs are reasonable, against the opposing party. Moreover, for the purposes of the award of attorney's fees, expert witness fees, and costs whenever the franchisee or dealer is seeking injunctive or other relief, the franchisee or dealer may be considered to have prevailed when a judgment is entered in its favor, when a final administrative decision is entered in its favor and affirmed, if subject to judicial review, when a consent order is entered into, or when the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division, or any officer, agent or other representative thereof ceases the conduct, act or practice which is alleged to be in violation of any
Section of this Act.

The changes to this Section made by this amendatory Act of the 92nd General Assembly (i) apply only to causes of action accruing on or after its effective date and (ii) are intended to provide only an additional venue for dispute resolution without changing any substantive rights under this Act.

(Source: P.A. 91-485, eff. 1-1-00; 91-533, eff. 8-13-99.)

(815 ILCS 710/18)

Sec. 18. Board; powers. The Board shall have the following powers:

(a) To conduct hearings, by or through its duly authorized administrative hearing officer, on protests filed under Sections 4, 5, 6, 7, 9, 10.1, 11, and 12 of this Act.

(b) To make reasonable regulations that are necessary to carry out and effect its official duties and such further rules as necessary relating to the time, place, and manner of conducting hearings as provided for in this Act.

(c) To advise the Secretary of State upon appointments.

(d) To advise the Secretary of State on legislation proposed to amend this Act or any related Act.

The changes to this Section made by this amendatory Act of the 92nd General Assembly (i) apply only to causes of action accruing on or after its effective date and (ii) are intended to provide only an additional venue for dispute resolution without changing any substantive rights under this Act.

(Source: P.A. 89-145, eff. 7-14-95; 89-433, eff. 12-15-95.)

(815 ILCS 710/29)

Sec. 29. Procedures for hearing on protest. Upon receipt of a timely notice of protest filed with the Motor Vehicle Review Board under paragraph (e) of subsection (d) or paragraph (6), (8), or (10) of subsection (c) of Section 4, 5, 6, 7, 9, 10.1, 11, or and Section 12 of this Act, the Motor Vehicle Review Board shall enter an order fixing a date (within 60 days of the date of the order), time, the place of a hearing and send by certified mail, return receipt requested, a copy of the order to the manufacturer and the objecting dealer or dealers. Subject to Section 10-20 of the Illinois Administrative Procedure Act, the Board shall designate a hearing officer who shall conduct the hearing. All administrative hearing officers shall be attorneys licensed to practice law in this State.

At the time and place fixed in the Board's order, the Board or its duly authorized agent, the hearing officer, shall proceed to hear the protest, and all parties to the protest shall be afforded an opportunity to present in person or by counsel, statements, testimony, evidence, and argument as may be pertinent to the issues. The hearing officer may continue the hearing date by agreement of the parties, or upon a finding of good cause, but in no event shall the hearing be rescheduled more than 90 days after the Board's initial order.

Upon any hearing, the Board or its duly authorized agent, the hearing officer, may administer oaths to witnesses and issue subpoenas for the attendance of witnesses or other persons and the production of relevant documents, records, and other evidence and may require examination thereon. For purposes of discovery, the Board or its designated hearing officer may, if deemed appropriate and proper under the circumstances, authorize the parties to engage in such discovery procedures as are provided for in civil actions in Section 2-1003 of the Code of Civil Procedure. Discovery shall be completed no later than 15 days prior to commencement of the proceeding or hearing. Enforcement of discovery procedures shall be as provided in the regulations. Subpoenas issued shall be served in the same manner as subpoenas issued out of the circuit courts. The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance, provided the witness is subpoenaed at the instance of the Board or an agent authorized by the Board; and payment of fees shall be made and audited in the same manner as other expenses of the Board. Whenever a subpoena is issued at the request of a party to a proceeding, complainant, or respondent, as the case may be, the Board may require that the cost of service of the subpoena and the fee of same shall be borne by the party at whose instance the witness is summoned, and the Board shall have power, in its discretion, to require a deposit to cover the cost of service and witness fees and the payment of the legal witness fee and mileage to the witness served with the subpoena. In any protest before the Board, the Board or its designated hearing officer may order a mandatory settlement conference. The failure of a party to appear, to be prepared, or to have authority to settle the matter may result in any or all of the following:

New matter indicated by italics - deletions by strikeout.
(a) The Board or its designated hearing officer may suspend all proceedings before the Board in the matter until compliance.

(b) The Board or its designated hearing officer may dismiss the proceedings or any part thereof before the Board with or without prejudice.

(c) The Board or its designated hearing officer may require all of the Board's costs to be paid by the party at fault.

Any circuit court of this State, upon application of the Board, or an officer or agent designated by the Board for the purpose of conducting any hearing, may, in its discretion, compel the attendance of witnesses, the production of books, papers, accounts, or documents, and giving of testimony before the Board or before any officer or agent designated for the purpose of conducting the hearing. Failure to obey the order may be punished by the circuit court as contempt.

A party may conduct cross-examination required for a full and fair disclosure of the facts.

Within 20 days of the date of the hearing, the hearing officer shall issue his or her proposed decision to the Board and shall, by certified mail, return receipt requested, serve the proposed decision upon the parties, with an opportunity afforded to each party to file exceptions and present a brief to the Board within 10 days of their receipt of the proposed decision. The proposed decision shall contain a statement of the reasons for the decision and each issue of fact or law necessary to the proposed decision. The Board shall then issue its final order which, if applicable, shall include the award of attorney's fees, expert witness fees, and an assessment of costs, including other expenses incurred in the litigation, if permitted under this Act, so long as such fees and costs are reasonable.

In a hearing on a protest filed under paragraph (6) of subsection (d) or paragraph (6), (8), or (10), or (11) of Section 4 or Section 12 of this Act, the manufacturer shall have the burden of proof to establish that there is good cause for the franchiser to: grant or establish an additional franchise or relocate an existing franchise; cancel, terminate, refuse to extend or renew a franchise or selling agreement; or change or modify the obligations of the motor vehicle dealer as a condition to offering a renewal, replacement, or succeeding franchise or selling agreement or refuse to honor succession to ownership or refuse to approve a proposed transfer or sale. The determination whether good cause exists shall be made under Section 12 of this Act.

The Board shall record the testimony and preserve a record of all proceedings at the hearing by proper means of recordation. The notice required to be given by the manufacturer and notice of protest by the dealer or other party, the notice of hearing, and all other documents in the nature of pleadings, motions, and rulings, all evidence, offers of proof, objections, and rulings thereon, the transcript of testimony, the report of findings or proposed decision of the hearing officer, and the orders of the Board shall constitute the record of the proceedings. The Board shall furnish a transcript of the record to any person interested in the hearing upon payment of the actual cost thereof.

The changes to this Section made by this amending Act of the 92nd General Assembly (i) apply only to causes of action accruing on or after its effective date and (ii) are intended to provide only an additional venue for dispute resolution without changing any substantive rights under this Act.

(Source: P.A. 91-485, eff. 1-1-00.)

Effective January 1, 2002.

AN ACT concerning radiation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Radiation Protection Act of 1990 is amended by adding Section 25.2 as follows:

(420 ILCS 40/25.2 new)

Sec. 25.2. Installation and servicing of radiation machines.

(a) Beginning January 1, 2002, a service provider who installs or services radiation machines in the State of Illinois must register with the Department. An operator of a radiation installation that is registered under Section 24.7 is not required to register under this Section to service the radiation

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machines that it owns or leases.

(b) A service provider who installs a radiation machine in the State of Illinois must report the installation to the Department.

(c) A service provider who services a radiation machine in a radiation installation in the State of Illinois that is not registered under Section 24.7 must report the service to the Department.

(d) The Department is authorized to adopt rules to implement this Section, including rules assessing application and annual registration fees. Application and registration fees are not refundable.

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

PUBLIC ACT 92-0274
(House Bill No. 3065)

AN ACT regarding vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-113 and 6-115 as follows:

(625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)
Sec. 6-113. Restricted licenses and permits.
(a) The Secretary of State upon issuing a drivers license or permit shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Secretary of State may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The Secretary of State may either issue a special restricted license or permit or may set forth such restrictions upon the usual license or permit form.

(c) The Secretary of State may issue a probationary license to a person whose driving privileges have been suspended pursuant to subsection (d) of this Section or subsections (a)(2), (a)(19) and (a)(20) of Section 6-206 of this Code. The Secretary of State shall promulgate rules pursuant to The Illinois Administrative Procedure Act, setting forth the conditions and criteria for the issuance and cancellation of probationary licenses.

(d) The Secretary of State may upon receiving satisfactory evidence of any violation of the restrictions of such license or permit suspend, revoke or cancel the same without preliminary hearing, but the licensee or permittee shall be entitled to a hearing as in the case of a suspension or revocation.

(e) It is unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license or permit issued to him.

(f) Whenever the holder of a restricted driving permit is issued a citation for any of the following offenses including similar local ordinances, the restricted driving permit is immediately invalidated:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Act relating to the operation of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs;
3. Violation of Section 11-401 of this Act relating to the offense of leaving the scene of a traffic accident involving death or injury; or
4. Violation of Section 11-504 of this Act relating to the offense of drag racing;

The police officer issuing the citation shall confiscate the restricted driving permit and forward it, along with the citation, to the Clerk of the Circuit Court of the county in which the citation was issued.

(g) The Secretary of State may issue a special restricted license for a period of 12 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle during nighttime hours. The Secretary of State shall adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted license. At a minimum, all drivers must meet the following requirements:

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1. Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 12 months using vision aid arrangements other than standard eyeglasses or contact lenses.

2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

3. Successfully complete a road test administered during nighttime hours.

At a minimum, all drivers renewing this license must meet the following requirements:

1. Successfully complete a road test administered during nighttime hours.

2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

(h) Any driver issued a special restricted license as defined in subsection (g) whose privilege to drive during nighttime hours has been suspended due to an accident occurring during nighttime hours may request a hearing as provided in Section 2-118 of this Code to contest that suspension. If it is determined that the accident for which the driver was at fault was not influenced by the driver's use of vision aid arrangements other than standard eyeglasses or contact lenses, the Secretary may reinstate that driver's privilege to drive during nighttime hours.

(Source: P.A. 86-549.)

(625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

Sec. 6-115. Expiration of driver's license.

(a) Except as provided elsewhere in this Section, every driver's license issued under the provisions of this Code shall expire 4 years from the date of its issuance, or at such later date, as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months; in the event that an applicant for renewal of a driver's license fails to apply prior to the expiration date of the previous driver's license, the renewal driver's license shall expire 4 years from the expiration date of the previous driver's license, or at such later date as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months.

The Secretary of State may, however, issue to a person not previously licensed as a driver in Illinois a driver's license which will expire not less than 4 years nor more than 5 years from date of issuance, except as provided elsewhere in this Section.

The Secretary of State is authorized to issue driver's licenses during the years 1984 through 1987 which shall expire not less than 3 years nor more than 5 years from the date of issuance, except as provided elsewhere in this Section, for the purpose of converting all driver's licenses issued under this Code to a 4 year expiration. Provided that all original driver's licenses, except as provided elsewhere in this Section, shall expire not less than 4 years nor more than 5 years from the date of issuance.

(b) Before the expiration of a driver's license, except those licenses expiring on the individual's 21st birthday, or 3 months after the individual's 21st birthday, the holder thereof may apply for a renewal thereof, subject to all the provisions of Section 6-103, and the Secretary of State may require an examination of the applicant. A licensee whose driver's license expires on his 21st birthday, or 3 months after his 21st birthday, may not apply for a renewal of his driving privileges until he reaches the age of 21.

(c) The Secretary of State shall, 30 days prior to the expiration of a driver's license, forward to each person whose license is to expire a notification of the expiration of said license which may be presented at the time of renewal of said license.

There may be included with such notification information explaining the anatomical gift and Emergency Medical Information Card provisions of Section 6-110. The format and text of such information shall be prescribed by the Secretary.

There shall be included with such notification, for a period of 4 years beginning January 1, 2000 information regarding the Illinois Adoption Registry and Medical Information Exchange established in Section 18.1 of the Adoption Act.

(d) The Secretary may defer the expiration of the driver's license of a licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside of the State of Illinois, and 45 days thereafter, upon such terms and

New matter indicated by italics - deletions by strikeout.
conditions as the Secretary may prescribe.

(e) The Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under this Code and is not paid upon reasonable notice and demand.

(f) The Secretary shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall expire 3 months after the licensee's 21st birthday. Persons whose current driver's licenses expire on their 21st birthday on or after January 1, 1986 shall not renew their driver's license before their 21st birthday, and their current driver's license will be extended for an additional term of 3 months beyond their 21st birthday. Thereafter, the expiration and term of the driver's license shall be governed by subsection (a) hereof.

(g) The Secretary shall provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. The Secretary shall also provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months.

(h) The Secretary shall provide that each special restricted driver's license issued under subsection (g) of Section 6-113 of this Code shall expire 12 months from the date of issuance. The Secretary shall adopt rules defining renewal requirements.

(Source: P.A. 91-417, eff. 1-1-00.)

Effective January 1, 2002.

PUBLIC ACT 92-0275
(House Bill No. 3126)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(305 ILCS 5/5-18 rep.)
Section 5. The Illinois Public Aid Code is amended by repealing Section 5-18.
Section 10. The Communicable Disease Prevention Act is amended by adding Section 2d as follows:

(410 ILCS 315/2d new)
Sec. 2d. The Illinois Department of Public Health may pay for health insurance coverage with funds appropriated for this purpose on behalf of persons who are infected with the human immunodeficiency virus (HIV) and are eligible for "continuation coverage" as provided by the federal Consolidated Omnibus Budget Reconciliation Act of 1985 or group health insurance policies. The Illinois Department of Public Health shall adopt rules to establish income eligibility requirements for participation in this health insurance coverage program. The Illinois Department of Public Health shall also adopt rules and regulations to administer this program that are in compliance with the requirements of the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

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

PUBLIC ACT 92-0276
(House Bill No. 3347)

AN ACT concerning radioactive waste storage.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Low-Level Radioactive Waste Management Act is amended by changing Sections 13 and 14 as follows:

(420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

New matter indicated by italics - deletions by strikeout.
Sec. 13. Waste fees.

(a) The Department shall collect a fee from each generator of low-level radioactive wastes in this State. Except as provided in subsections (b), (c), and (d), the amount of the fee shall be $50.00 or the following amount, whichever is greater:

1. $1 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurred prior to September 7, 1984;
2. $2 per cubic foot of waste stored for shipment if storage of the waste occurs on or after September 7, 1984, but prior to October 1, 1985;
3. $3 per cubic foot of waste stored for shipment if storage of the waste occurs on or after October 1, 1985;
4. $2 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after September 7, 1984 but prior to October 1, 1985, provided that no fee has been collected previously for storage of the waste;
5. $3 per cubic foot of waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after October 1, 1985, provided that no fees have been collected previously for storage of the waste.

Such fees shall be collected annually or as determined by the Department and shall be deposited in the low-level radioactive waste funds as provided in Section 14 of this Act. Notwithstanding any other provision of this Act, no fee under this Section shall be collected from a generator for waste generated incident to manufacturing before December 31, 1980, and shipped for disposal outside of this State before December 31, 1992, as part of a site reclamation leading to license termination.

(b) Each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall not be subject to the fee required by subsection (a) with respect to (1) waste stored for shipment if storage of the waste occurs on or after January 1, 1986; and (2) waste shipped for storage, treatment or disposal if storage of the waste for shipment occurs on or after January 1, 1986. In lieu of the fee, each reactor shall be required to pay an annual fee as provided in this subsection of $90,000 for the treatment, storage and disposal of low-level radioactive waste. Beginning with State fiscal year 1986 and through State fiscal year 1997, fees shall be due and payable on January 1st of each year. For State fiscal year 1998 and all subsequent State fiscal years, fees shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1997 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1997, whichever is later.

After September 15, 1987, for each nuclear power reactor for which an operating license is issued after January 1, the owner of each such reactor shall be required to pay for the year in which the operating license is issued a prorated fee equal to $246.57 multiplied by the number of days in the year during which the nuclear power reactor will be licensed. The prorated fee shall be due and payable 30 days after the operating license is issued.

The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall continue to pay an annual fee of $90,000 for the treatment, storage, and disposal of low-level radioactive waste through State fiscal year 2002. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Department is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission. The additional annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.

(c) In each of State fiscal years 1988, 1989 and 1990, in addition to the fee imposed in subsections (b) and (d), the owner of each nuclear power reactor in this State for which an operating license has been issued by the Nuclear Regulatory Commission shall pay a fee of $408,000. If an operating license is issued during one of those 3 fiscal years, the owner shall pay a prorated amount of the fee equal to $1,117.80 multiplied by the number of days in the fiscal year during which the nuclear power reactor was licensed.

New matter indicated by italics - deletions by strikeout.
The fee shall be due and payable as follows: in fiscal year 1988, $204,000 shall be paid on October 1, 1987 and $102,000 shall be paid on each of January 1, 1988 and April 1, 1988; in fiscal year 1989, $102,000 shall be paid on each of July 1, 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and in fiscal year 1990, $102,000 shall be paid on each of July 1, 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If the operating license is issued during one of the 3 fiscal years, the owner shall be subject to those payment dates, and their corresponding amounts, on which the owner possesses an operating license and, on June 30 of the fiscal year of issuance of the license, whatever amount of the prorated fee remains outstanding.

All of the amounts collected by the Department under this subsection (c) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

(d) In addition to the fees imposed in subsections (b) and (c), the owners of nuclear power reactors in this State for which operating licenses have been issued by the Nuclear Regulatory Commission shall pay the following fees for each such nuclear power reactor: for State fiscal year 1989, $325,000 payable on October 1, 1988, $162,500 payable on January 1, 1989, and $162,500 payable on April 1, 1989; for State fiscal year 1990, $162,500 payable on July 1, $300,000 payable on October 1, $300,000 payable on January 1 and $300,000 payable on April 1; for State fiscal year 1991, either (1) $150,000 payable on July 1, $650,000 payable on September 1, $675,000 payable on January 1, and $275,000 payable on April 1, or (2) $150,000 on July 1, $130,000 on the first day of each month from August through December, $225,000 on the first day of each month from January through March and $92,000 on the first day of each month from April through June; for State fiscal year 1992, $260,000 payable on July 1, $900,000 payable on September 1, $300,000 payable on October 1, $150,000 payable on January 1, and $100,000 payable on April 1; for State fiscal year 1993, $100,000 payable on July 1, $230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and $355,000 payable on October 1; for State fiscal year 1994, $100,000 payable on July 1, $75,000 payable on October 1 and $75,000 payable on April 1; for State fiscal year 1995, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1, for State fiscal year 1996, $100,000 payable on July 1, $75,000 payable on October 1, and $75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of $30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of $30,000 per reactor, provided that the fee shall not apply to a nuclear power reactor with regard to which the owner notified the Nuclear Regulatory Commission during State fiscal year 1998 that the nuclear power reactor permanently ceased operations. The fee shall be due and payable on July 1 of each fiscal year. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective date of this amendatory Act of 1998, whichever is later. The fee due on July 1, 1997 shall be payable on that date or within 10 days after the effective date of this amendatory Act of 1997, whichever is later. If the payments under this subsection for fiscal year 1993 due on January 1, 1993, or on April 1, 1993, or both, were due before the effective date of this amendatory Act of the 87th General Assembly, then those payments are waived and need not be made.

All of the amounts collected by the Department under this subsection (d) shall be deposited into the Low-Level Radioactive Waste Facility Development and Operation Fund created pursuant to subsection (a) of Section 14 of this Act and expended, subject to appropriation, for the purposes provided in that subsection.

All payments made by licensees under this subsection (d) for fiscal year 1992 that are not appropriated and obligated by the Department above $1,750,000 per reactor in fiscal year 1992, shall be credited to the licensees making the payments to reduce the per reactor fees required under this subsection (d) for fiscal year 1993.

(e) The Department shall promulgate rules and regulations establishing standards for the collection of the fees authorized by this Section. The regulations shall include, but need not be limited to:

(1) the records necessary to identify the amounts of low-level radioactive wastes
produced;
(2) the form and submission of reports to accompany the payment of fees to the Department; and
(3) the time and manner of payment of fees to the Department, which payments shall not be more frequent than quarterly.

(f) Any operating agreement entered into under subsection (b) of Section 5 of this Act between the Department and any disposal facility contractor shall, subject to the provisions of this Act, authorize the contractor to impose upon and collect from persons using the disposal facility fees designed and set at levels reasonably calculated to produce sufficient revenues (1) to pay all costs and expenses properly incurred or accrued in connection with, and properly allocated to, performance of the contractor's obligations under the operating agreement, and (2) to provide reasonable and appropriate compensation or profit to the contractor under the operating agreement. For purposes of this subsection (f), the term "costs and expenses" may include, without limitation, (i) direct and indirect costs and expenses for labor, services, equipment, materials, insurance and other risk management costs, interest and other financing charges, and taxes or fees in lieu of taxes; (ii) payments to or required by the United States, the State of Illinois or any agency or department thereof, the Central Midwest Interstate Low-Level Radioactive Waste Compact, and subject to the provisions of this Act, any unit of local government; (iii) amortization of capitalized costs with respect to the disposal facility and its development, including any capitalized reserves; and (iv) payments with respect to reserves, accounts, escrows or trust funds required by law or otherwise provided for under the operating agreement.

(g) (Blank).
(h) (Blank).
(i) (Blank).
(j) (Blank).
(j-5) Prior to commencement of facility operations, the Department shall adopt rules providing for the establishment and collection of fees and charges with respect to the use of the disposal facility as provided in subsection (f) of this Section.

(k) The regional disposal facility shall be subject to ad valorem real estate taxes lawfully imposed by units of local government and school districts with jurisdiction over the facility. No other local government tax, surtax, fee or other charge on activities at the regional disposal facility shall be allowed except as authorized by the Department.

(l) The Department shall have the power, in the event that acceptance of waste for disposal at the regional disposal facility is suspended, delayed or interrupted, to impose emergency fees on the generators of low-level radioactive waste. Generators shall pay emergency fees within 30 days of receipt of notice of the emergency fees. The Department shall deposit all of the receipts of any fees collected under this subsection into the Low-Level Radioactive Waste Facility Development and Operation Fund created under subsection (b) of Section 14. Emergency fees may be used to mitigate the impacts of the suspension or interruption of acceptance of waste for disposal. The requirements for rulemaking in the Illinois Administrative Procedure Act shall not apply to the imposition of emergency fees under this subsection.

(m) The Department shall promulgate any other rules and regulations as may be necessary to implement this Section.

(Source: P.A. 90-29, eff. 6-26-97; 90-601, eff. 6-26-98; 90-655, eff. 7-30-98.)

(420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14) Sec. 14. Waste management funds.

(a) There is hereby created in the State Treasury a special fund to be known as the "Low-Level Radioactive Waste Facility Development and Operation Fund". All monies within the Low-Level Radioactive Waste Facility Development and Operation Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Low-Level Radioactive Waste Facility Development and Operation Fund. Except as otherwise provided in this subsection, the Department shall deposit 80% of all receipts from the fees required under subsections (a) and (b) of Section 13 in the State Treasury to the credit of this Fund. Beginning July 1, 1997, and until December 31 of the year in which the Task Group approves a proposed site under Section 10.3, the Department shall deposit all fees collected under subsections (a)
and (b) of Section 13 of this Act into the Fund. Subject to appropriation, the Department is authorized to expend all moneys in the Fund in amounts it deems necessary for:

1. hiring personnel and any other operating and contingent expenses necessary for the proper administration of this Act;
2. contracting with any firm for the purpose of carrying out the purposes of this Act;
3. grants to the Central Midwest Interstate Low-Level Radioactive Waste Commission (blank);
4. hiring personnel, contracting with any person, and meeting any other expenses incurred by the Department in fulfilling its responsibilities under the Radioactive Waste Compact Enforcement Act;
5. activities under Sections 10, 10.2 and 10.3;
6. payment of fees in lieu of taxes to a local government having within its boundaries a regional disposal facility;
7. payment of grants to counties or municipalities under Section 12.1; and
8. fulfillment of obligations under a community agreement under Section 12.1.

In spending monies pursuant to such appropriations, the Department shall to the extent practicable avoid duplicating expenditures made by any firm pursuant to a contract awarded under this Section. On or before March 1, 1989 and on or before October 1 of 1989, 1990, 1991, 1992, and 1993, the Department shall deliver to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and each of the generators that have contributed during the preceding State fiscal year to the Low-Level Radioactive Waste Facility Development and Operation Fund a financial statement, certified and verified by the Director, which details all receipts and expenditures from the fund during the preceding State fiscal year; provided that the report due on or before March 1, 1989 shall detail all receipts and expenditures from the fund during the period from July 1, 1988 through January 31, 1989. The financial statements shall identify all sources of income to the fund and all recipients of expenditures from the fund, and shall indicate the amounts of all the income and expenditures, and shall indicate the purpose for all expenditures.

(b) There is hereby created in the State Treasury a special fund to be known as the "Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund". All monies within the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund shall be invested by the State Treasurer in accordance with established investment practices. Interest earned by such investment shall be returned to the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund. The Department shall deposit 20% of all receipts from the fees required under subsections (a) and (b) of Section 13 of this Act in the State Treasury to the credit of this Fund, except that, pursuant to subsection (a) of Section 14 of this Act, there shall be no such deposit into this Fund between July 1, 1997 and December 31 of the year in which the Task Group approves a proposed site pursuant to Section 10.3 of this Act. All deposits into this Fund shall be held by the State Treasurer separate and apart from all public money or funds of this State. Subject to appropriation, the Department is authorized to expend any moneys in this Fund in amounts it deems necessary for:

1. decommissioning and other procedures required for the proper closure of the regional disposal facility;
2. monitoring, inspecting, and other procedures required for the proper closure, decommissioning, and post-closure care of the regional disposal facility;
3. taking any remedial actions necessary to protect human health and the environment from releases or threatened releases of wastes from the regional disposal facility;
4. the purchase of facility and third-party liability insurance necessary during the institutional control period of the regional disposal facility;
5. mitigating the impacts of the suspension or interruption of the acceptance of waste for disposal;
6. compensating any person suffering any damages or losses to a person or property caused by a release from the regional disposal facility as provided for in Section 15; and
7. fulfillment of obligations under a community agreement under Section 12.1.

On or before March 1 of each year, the Department shall deliver to the Governor, the
President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and each of the generators that have contributed during the preceding State fiscal year to the Fund a financial statement, certified and verified by the Director, which details all receipts and expenditures from the Fund during the preceding State fiscal year. The financial statements shall identify all sources of income to the Fund and all recipients of expenditures from the Fund, shall specify the amounts of all the income and expenditures, and shall indicate the amounts of all the income and expenditures, and shall indicate the purpose for all expenditures.

(c) (Blank). Monies in the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund shall be invested by the State Treasurer in the manner required by law of other State monies, provided that any interest accruing as a result of the investment shall accrue to this special Fund:

(d) The Department may accept for any of its purposes and functions any donations, grants of money, equipment, supplies, materials, and services from any state or the United States, or from any institution, person, firm or corporation. Any donation or grant of money received after January 1, 1986 shall be deposited in either the Low-Level Radioactive Waste Facility Development and Operation Fund or the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund, in accordance with the purpose of the grant.

(Source: P.A. 90-29, eff. 6-26-97.)

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

PUBLIC ACT 92-0277
(Senate Bill No. 0170)

AN ACT in relation to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 3A-6 as follows:
(105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)
Sec. 3A-6. Election of Superintendent for consolidated region - Bond - Vacancies in any educational service region.

(a) The regional superintendent to be elected under Section 3A-5 shall be elected at the time provided in the general election law and must possess the qualifications described in Section 3-1 of this Act.

(b) The bond required under Section 3-2 shall be filed in the office of the county clerk in the county where the regional office is situated, and a certified copy of that bond shall be filed in the office of the county clerk in each of the other counties in the region.

(c) When a vacancy occurs in the office of regional superintendent of schools of any educational service region which is not located in a county which is a home rule unit, such vacancy shall be filled within 60 days (i) by appointment of the chairman of the county board, with the advice and consent of the county board, when such vacancy occurs in a single county educational service region; or (ii) by appointment of a committee composed of the chairmen of the county boards of those counties comprising the affected educational service region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote for each vote that was received in the county represented by such committeeman on the committee by the regional superintendent of schools whose office is vacant at the last election at which a regional superintendent was elected to such office, and the person receiving the highest number of affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the appointee succeeds was at the time such regional superintendent of schools last was elected. The appointee shall serve for the remainder of the term. However, if more than 28 months
remain in that term, the appointment shall be until the next general election, at which time the vacated office shall be filled by election for the remainder of the term. Nominations shall be made and any vacancy in nomination shall be filled as follows:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.

(2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 91 days nor less than 85 days prior to the date of the primary.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be deemed to have occurred and the county central committee of each established political party (if the vacancy occurs in a single county educational service region) or the multi-county educational service region committee of each established political party (if the vacancy occurs in a multi-county educational service region) shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each member of the county central committee or the multi-county educational service region committee, whichever applies, shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Sections 10-8 through 10-10.1 of the Election Code relating to objections to nomination papers, hearings on objections, and judicial review shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section. Unless otherwise specified in this Section, the nomination and election provided for in this Section is governed by the general election law. until the next general election when a successor shall be elected in accordance with the general election law for the unexpired term or for a full term, as the case may require.

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

Until July 1, 1994, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, that vacancy shall be filled by the county board of that home rule county unless otherwise provided by applicable county ordinance or by law. On and after July 1, 1994, the provisions of this Section shall have no application in any educational service region that is located in any county, including a county that is a home rule unit, if that educational service region has a population of 2,000,000 or more inhabitants.

New matter indicated by italics - deletions by strikeout.
Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected to the position of regional superintendent of schools, and shall obtain a certificate of eligibility from the State Superintendent of Education and file same with the county clerk of the county in which the regional superintendent's office is located.

If the regional superintendent of schools is called into the active military service of the United States, his office shall not be deemed to be vacant, but a temporary appointment shall be made as in the case of a vacancy. The appointee shall perform all the duties of the regional superintendent of schools during the time the regional superintendent of schools is in the active military service of the United States, and shall be paid the same compensation apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the regional superintendent of schools from such active military service. The appointee shall give the same bond as is required of a regularly elected regional superintendent of schools.

(Source: P.A. 87-654; 87-1251.)

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


PUBLIC ACT 92-0278
(Senate Bill No. 0298)

AN ACT concerning taxation.

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

Section 5. The Property Tax Code is amended by adding Division 4 to Article 11 and by adding Sections 11-130, 11-135, 11-140, 11-145, 11-150, 11-155, 11-160, 11-165, and 11-170 as follows:

(35 ILCS 200/Art. 11, Div. 4 heading new)

DIVISION 4. REGIONAL WATER TREATMENT FACILITIES

(35 ILCS 200/11-130 new)

Sec. 11-130. Legislative findings. The General Assembly finds that it is the policy of this State to ensure and encourage the availability of safe potable water for our cities, villages, towns, and rural residents and that it has become increasingly difficult and cost prohibitive for smaller cities, towns, and villages to construct, maintain, or operate, to current standards, water treatment facilities. It is the further finding of the General Assembly that regional treatment facilities capable of supplying several cities, villages, towns, public water districts, public water commissions, and rural water companies with treated water offer a viable economic solution to this concern and it should be the policy of the State to encourage the construction and operation of regional water treatment facilities capable of providing treated, potable water to cities, villages, towns, public water districts, public water commissions, and rural water companies, thereby relieving the burden on those entities and their citizens from constructing and maintaining their own individual treatment facilities.

(35 ILCS 200/11-135 new)

Sec. 11-135. Definitions. For purposes of this Division 4:
"Department" means the Illinois Department of Revenue.
"Not for profit corporation" means an Illinois corporation organized and existing under the General Not For Profit Corporation Act of 1986 in good standing with the State and having been granted status as an exempt organization under Section 501(c) of the Internal Revenue Code, or any successor or similar provision of the Internal Revenue Code.
"Public water district" means a water district organized and existing under the Public Water District Act.
"Qualifying water treatment facility" means a water treatment facility that is owned by a not for profit corporation whose members consist exclusively of one or more incorporated city, village, or town of this State, and any number of public water districts, any number of public water
commissions, or any number of rural water companies and that sells potable water to the corporation’s members on a mutual or cooperative and not for profit basis.

"Rural water company" means a not for profit corporation whose primary purpose is to own, maintain, and operate a potable water distribution system distributing water to residences, farms, or businesses exclusively in the State of Illinois and not otherwise served by any city, village, town, public water district, or public water commission.

"Water treatment facility" means a plant or facility whose primary function is to treat raw water and to produce potable water for distribution, together with all other real and personal property reasonably necessary to collect, treat, or distribute the water.

(35 ILCS 200/11-140 new)
Sec. 11-140. Valuation policy. Qualifying water treatment facilities shall be valued for purposes of computing the assessed valuation on the basis of 33 1/3% of the fair cash value.

(35 ILCS 200/11-145 new)
Sec. 11-145. Method of valuation for qualifying water treatment facilities. To determine 33 1/3% of the fair cash value of any qualifying water treatment facility in assessing the facility, the Department shall take into consideration the probable net value that could be realized by the owner if the facility were removed and sold at a fair, voluntary sale, giving due account to the expense of removal, site restoration, and transportation. The net value shall be considered to be 33 1/3% of fair cash value.

(35 ILCS 200/11-150 new)
Sec. 11-150. Exclusion of for-profit water treatment facilities. In no event shall the valuation set forth in this Division 4 be available to a water treatment facility that sells water "for profit".

(35 ILCS 200/11-155 new)
Sec. 11-155. Certification and assessment authority. For tax purposes, a qualifying water treatment facility shall be certified as such by the Director of Natural Resources and shall be assessed by the Department of Revenue.

(35 ILCS 200/11-160 new)
Sec. 11-160. Approval procedure. Application for approval as a qualifying water treatment facility shall be filed with the Department of Natural Resources in the manner and form prescribed by the Director of National Resources. The application shall contain appropriate and available descriptive information concerning anything claimed to be entitled to tax treatment as defined in this Division 4. If it is found that the facility meets the definition, the Director of Natural Resources, or his or her duly authorized designee, shall enter a finding and issue a certificate that requires tax treatment as a qualifying water treatment facility. The effective date of a certificate shall be on January 1 preceding the date of certification or preceding the date construction or installation of the facility commences, whichever is later.

(35 ILCS 200/11-165 new)
Sec. 11-165. Judicial review; qualifying water treatment facilities. Any applicant or holder aggrieved by the issuance, refusal to issue, denial, revocation, modification, or restriction of a qualifying water treatment facility certificate may appeal the finding and order of the Department of Natural Resources under the Administrative Review Law.

(35 ILCS 200/11-170 new)
Sec. 11-170. Procedures for assessment; qualifying water treatment facilities. Proceedings for assessment or reassessment of property certified to be a qualifying water treatment facility shall be conducted in accordance with procedural rules adopted by the Department, in conformity with this Code.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0279
(Senate Bill No. 0372)

AN ACT concerning environmental protection.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Section 9.9 and adding
Section 9.10 as follows:
(415 ILCS 5/9.9)
Sec. 9.9. Nitrogen oxides trading system.
(a) The General Assembly finds:
(1) That USEPA has issued a Final Rule published in the Federal Register on October 27,
1998, entitled “Finding of Significant Contribution and Rulemaking for Certain States in the
Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of
Ozone”, hereinafter referred to as the "NOx SIP Call", compliance with which will require
reducing emissions of nitrogen oxides ("NOx");
(2) That reducing emissions of NOx in the State helps the State to meet the national
ambient air quality standard for ozone;
(3) That emissions trading is a cost-effective means of obtaining reductions of NOx
emissions.
(b) The Agency shall propose and the Board shall adopt regulations to implement an interstate
NOx trading program (hereinafter referred to as the "NOx Trading Program") as provided for in 40
CFR Part 96, including incorporation by reference of appropriate provisions of 40 CFR Part 96 and
regulations to address 40 CFR Section 96.4(b), Section 96.55(c), Subpart E, and Subpart I. In addition,
the Agency shall propose and the Board shall adopt regulations to implement NOx emission reduction
programs for cement kilns and stationary internal combustion engines.
(c) Allocations of NOx allowances to large electric generating units ("EGUs") and large
non-electric generating units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall not exceed the
State's trading budget for those source categories to be included in the State Implementation Plan for
NOx.
(d) In adopting regulations to implement the NOx Trading Program, the Board shall:
(1) assure that the economic impact and technical feasibility of NOx emissions reductions
under the NOx Trading Program are considered relative to the traditional regulatory control
requirements in the State for EGUs and non-EGUs;
(2) provide that emission units, as defined in Section 39.5(1) of this Act, may opt into the
NOx Trading Program;
(3) provide for voluntary reductions of NOx emissions from emission units, as defined
in Section 39.5(1) of this Act, not otherwise included under paragraph (c) or (d)(2) of this
Section to provide additional allowances to EGUs and non-EGUs to be allocated by the
Agency. The regulations shall further provide that such voluntary reductions are verifiable,
quantifiable, permanent, and federally enforceable;
(4) provide that the Agency allocate to non-EGUs allowances that are designated in the
rule, unless the Agency has been directed to transfer the allocations to another unit subject to
the requirements of the NOx Trading Program, and that upon shutdown of a non-EGU, the
unit may transfer or sell the NOx allowances that are allocated to such unit; and
(5) provide that the Agency shall set aside annually a number of allowances, not to exceed
5% of the total EGU trading budget, to be made available to new EGUs.
(A) Those EGUs that commence commercial operation, as defined in 40 CFR Section
96.2, at a time that is more than half way through the control period in 2003 shall
return to the Agency any allowances that were issued to it by the Agency and were not
used for compliance in 2004.
(B) The Agency may charge EGUs that commence commercial operation, as defined
in 40 CFR Section 96.2, on or after January 1, 2003, for the allowances it issues to them.
(e) The Agency may adopt procedural rules, as necessary, to implement the regulations
promulgated by the Board pursuant to subsections (b) and (d) and to implement subsection (i) of this
Section.
(f) Notwithstanding any provisions in subparts T, U, and W of Section 217 of Title 35 of the
Illinois Administrative Code to the contrary, compliance with the regulations promulgated by the
Board pursuant to subsections (b) and (d) of this Section is required by May 31, 2004. The regulations
promulgated by the Board pursuant to subsections (b) and (d) of this Section shall not be enforced

New matter indicated by italics - deletions by strikeout.
until the later of May 1, 2003, or the first day of the control season subsequent to the calendar year
in which all of the other states subject to the provisions of the NOx SIP Call that are located in USEPA
Region V or that are contiguous to Illinois have adopted regulations to implement NOx trading
programs and other required reductions of NOx emissions pursuant to the NOx SIP Call, and such
regulations have received final approval by USEPA as part of the respective states' SIPs for ozone;
or a final FIP for ozone promulgated by USEPA is effective for such other states.

(g) To the extent that a court of competent jurisdiction finds a provision of 40 CFR Part 96
invalid, the corresponding Illinois provision shall be stayed until such provision of 40 CFR Part 96
is found to be valid or is re-promulgated. To the extent that USEPA or any court of competent
jurisdiction stays the applicability of any provision of the NOx SIP Call to any person or circumstance
relating to Illinois, during the period of that stay, the effectiveness of the corresponding Illinois
provision shall be stayed. To the extent that the invalidity of the particular requirement or application
does not affect other provisions or applications of the NOx SIP Call pursuant to 40 CFR 51.121 or the
NOx trading program pursuant to 40 CFR Part 96 or 40 CFR Part 97, this Section, and rules or
regulations promulgated hereunder, will be given effect without the invalid provisions or applications.

(h) Notwithstanding any other provision of this Act, any source or other authorized person
that participates in the NOx Trading Program shall be eligible to exchange NOx allowances with other
sources in accordance with this Section and with regulations promulgated by the Board or the Agency.

(i) There is hereby created within the State Treasury an interest-bearing special fund to be
known as the NOx Trading System Fund, which shall be used and administered by the Agency for the
purposes stated below:

1. To accept funds from persons who purchase NOx allowances from the Agency;
2. To disburse the proceeds of the NOx allowances sales pro-rata to the owners or
operators of the EGUs that received allowances from the Agency but not from the Agency's
set-aside, in accordance with regulations that may be promulgated by the Agency; and
3. To finance the reasonable costs incurred by the Agency in the administration of the
NOx Trading System.

(Source: P.A. 91-631, eff. 8-19-99.)

415 ILCS 5/9.10 new
Sec. 9.10. Fossil fuel-fired electric generating plants.
(a) The General Assembly finds and declares that:

1. fossil fuel-fired electric generating plants are a significant source of air emissions in
this State and have become the subject of a number of important new studies of their effects
on the public health;
2. existing state and federal policies, that allow older plants that meet federal standards
to operate without meeting the more stringent requirements applicable to new plants, are
being questioned on the basis of their environmental impacts and the economic distortions
such policies cause in a deregulated energy market;
3. fossil fuel-fired electric generating plants are, or may be, affected by a number of
regulatory programs, some of which are under review or development on the state and
national levels, and to a certain extent the international level, including the federal acid rain
program, tropospheric ozone, mercury and other hazardous pollutant control requirements,
regional haze, and global warming;
4. scientific uncertainty regarding the formation of certain components of regional haze
and the air quality modeling that predict impacts of control measures requires careful
consideration of the timing of the control of some of the pollutants from these facilities,
particularly sulfur dioxides and nitrogen oxides that each interact with ammonia and other
substances in the atmosphere;
5. the development of energy policies to promote a safe, sufficient, reliable, and
affordable energy supply on the state and national levels is being affected by the on-going
deregulation of the power generation industry and the evolving energy markets;
6. the Governor's formation of an Energy Cabinet and the development of a State energy
policy calls for actions by the Agency and the Board that are in harmony with the energy
needs and policy of the State, while protecting the public health and the environment;
7. Illinois coal is an abundant resource and an important component of Illinois' economy

New matter indicated by italics - deletions by strikeout.
whose use should be encouraged to the greatest extent possible consistent with protecting the public health and the environment;

(8) renewable forms of energy should be promoted as an important element of the energy and environmental policies of the State and that it is a goal of the State that at least 5% of the State's energy production and use be derived from renewable forms of energy by 2010 and at least 15% from renewable forms of energy by 2020;

(9) efforts on the state and federal levels are underway to consider the multiple environmental regulations affecting electric generating plants in order to improve the ability of government and the affected industry to engage in effective planning through the use of multi-pollutant strategies; and

(10) these issues, taken together, call for a comprehensive review of the impact of these facilities on the public health, considering also the energy supply, reliability, and costs, the role of renewable forms of energy, and the developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(b) Taking into account the findings and declarations of the General Assembly contained in subsection (a) of this Section, the Agency shall, before September 30, 2004, but not before September 30, 2003, issue to the House and Senate Committees on Environment and Energy findings that address the potential need for the control or reduction of emissions from fossil fuel-fired electric generating plants, including the following provisions:

(1) reduction of nitrogen oxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

(2) reduction of sulfur dioxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

(3) incentives to promote renewable sources of energy consistent with item (8) of subsection (a) of this Section;

(4) reduction of mercury as appropriate, consideration of the availability of control technology, industry practice requirements, or incentive programs, or some combination of these approaches that are sufficient to prevent unacceptable local impacts from individual facilities and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois; and

(5) establishment of a banking system, consistent with the United States Department of Energy's voluntary reporting system, for certifying credits for voluntary offsets of emissions of greenhouse gases, as identified by the United States Environmental Protection Agency, or other voluntary reductions of greenhouse gases. Such reduction efforts may include, but are not limited to, carbon sequestration, technology-based control measures, energy efficiency measures, and the use of renewable energy sources.

The Agency shall consider the impact on the public health, considering also energy supply, reliability and costs, the role of renewable forms of energy, and developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(c) Nothing in this Section is intended to or should be interpreted in a manner to limit or restrict the authority of the Illinois Environmental Protection Agency to propose, or the Illinois Pollution Control Board to adopt, any regulations applicable or that may become applicable to the facilities covered by this Section that are required by federal law.

(d) The Agency may file proposed rules with the Board to effectuate its findings provided to the Senate Committee on Environment and Energy and the House Committee on Environment and Energy in accordance with subsection (b) of this Section. Any such proposal shall not be submitted sooner than 90 days after the issuance of the findings provided for in subsection (b) of this Section. The Board shall take action on any such proposal within one year of the Agency's filing of the proposed rules.

(e) This Section shall apply only to those electrical generating units that are subject to the provisions of Subpart W of Part 217 of Title 35 of the Illinois Administrative Code, as promulgated...
by the Illinois Pollution Control Board on December 21, 2000.

Section 99. Effective date. This Act takes effect July 1, 2001.

PUBLIC ACT 92-0280
(Senate Bill No. 0447)

AN ACT to amend the Illinois Dental Practice Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 8.1, 11, and 45 and by adding Section 44.1 as follows:

Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Illinois Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Dentistry established by Section 6 of this Act.
(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
(e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.
(f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.
(g) "Dental laboratory" means a person, firm or corporation which:
   (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and
   (ii) utilizes or employs a dental technician to provide such services; and
   (iii) performs such functions only for a dentist or dentists.
(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.
(i) "General supervision" means supervision of a dental hygienist requiring that a dentist authorize the procedures which are being carried out, but not requiring that a dentist be present when the authorized procedures are being performed. The authorized procedures may also be performed at a place other than the dentist's usual place of practice. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.
(j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.
(k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.
(l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, and prosthodontics, and oral and maxillofacial radiology.
(m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).
(n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and

New matter indicated by italics - deletions by strikeout.
other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

(o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

(p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nursing and Advanced Practice Nursing Act.

(Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01.)

Sec. 8.1. No licensed dentist shall administer general anesthesia or parenteral conscious sedation without first applying for and obtaining a permit for such purpose from the Department. The Department shall issue such permit only after ascertaining that the applicant possesses the minimum qualifications necessary to protect public safety. A person with a dental degree who administers anesthesia or parenteral conscious sedation in an approved hospital training program under the supervision of either a licensed dentist holding such permit or a physician licensed to practice medicine in all its branches shall not be required to obtain such permit.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

Sec. 11. Types of Dental Licenses. The Department shall have the authority to issue the following types of licenses:

(a) General licenses. The Department shall issue a license authorizing practice as a dentist to any person who qualifies for a license under this Act.

(b) Specialty licenses. The Department shall issue a license authorizing practice as a specialist in any particular branch of dentistry to any dentist who has complied with the requirements established for that particular branch of dentistry at the time of making application. The Department shall establish additional requirements of any dentist who announces or holds himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry.

No dentist shall announce or hold himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry unless he or she is licensed to practice in that specialty of dentistry.

The fact that any dentist shall announce by card, letterhead or any other form of communication using terms as "Specialist," "Practice Limited To" or "Limited to Specialty of" with the name of the branch of dentistry practiced as a specialty, or shall use equivalent words or phrases to announce the same, shall be prima facie evidence that the dentist is holding himself or herself out to the public as a specialist.

(c) Temporary training licenses. Persons who wish to pursue specialty or other advanced clinical educational programs in an approved dental school or a hospital situated in this State, or persons who wish to pursue programs of specialty training in dental public health in public agencies in this State, may receive without examination, in the discretion of the Department, a temporary training license. In order to receive a temporary training license under this subsection, an applicant shall furnish satisfactory proof to the Department that:

(1) The applicant is at least 21 years of age and is of good moral character. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as bar to licensure;

(2) The applicant has been accepted or appointed for specialty or residency training by an approved hospital situated in this State, by an approved dental school situated in this State, or by a public health agency in this State the training programs of which are recognized and approved by the Department. The applicant shall indicate the beginning and ending dates of the period for which he or she has been accepted or appointed;

(3) The applicant is a graduate of a dental school or college approved and in good standing in the judgment of the Department. The Department may consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits.
awarded to determine if an applicant has graduated from a dental school or college approved and in good standing. The Department may also consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits awarded in determining whether a dental school or college is approved and in good standing.

Temporary training licenses issued under this Section shall be valid only for the duration of the period of residency or specialty training and may be extended or renewed as prescribed by rule. The holder of a valid temporary training license shall be entitled thereby to perform acts as may be prescribed by and incidental to his or her program of residency or specialty training; but he or she shall not be entitled to engage in the practice of dentistry in this State.

A temporary training license may be revoked by the Department upon proof that the holder has engaged in the practice of dentistry in this State outside of his or her program of residency or specialty training, or if the holder shall fail to supply the Department, within 10 days of its request, with information as to his or her current status and activities in his or her specialty training program.

(d) Restricted faculty licenses. Persons who have received full-time appointments to teach dentistry at an approved dental school or hospital situated in this State may receive without examination, in the discretion of the Department, a restricted faculty license. In order to receive a restricted faculty license an applicant shall furnish satisfactory proof to the Department that:
(1) The applicant is at least 21 years of age, is of good moral character and is licensed to practice dentistry in another state or country; and
(2) The applicant has a full-time appointment to teach dentistry at an approved dental school or hospital situated in this State.

Restricted faculty licenses issued under this Section shall be valid only for a period of 2 5 years and may not be extended or renewed. The holder of a valid restricted faculty license may perform acts as may be required prescribed by his or her teaching of dentistry, but may not otherwise engage in the practice of dentistry in this State. In addition, the holder of a restricted faculty license may practice general dentistry or in his or her area of speciality, but only in a clinic or office affiliated with the dental school. Any restricted faculty license issued to a faculty member under this Section shall terminate immediately and automatically, without any further action by the Department, if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

The Department may revoke a restricted faculty license for a violation of this Act or its rules or regulations.

A restricted faculty license may be revoked by the Department upon proof that the holder thereof has engaged in the practice of dentistry in this State outside of his teaching of dentistry, or if the holder fails to supply the Department, within 10 days of its request, with information as to his current status and activities in his teaching program.

(e) Inactive status. Any person who holds one of the licenses under subsection (a) or (b) of Section 11 or under Section 12 of this Act may elect, upon payment of the required fee, to place his or her license on an inactive status and shall, subject to the rules of the Department, be excused from the payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee and upon payment the Department shall be required to restore his or her license, as provided in Section 16 of this Act.

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(f) Certificates of Identification. In addition to the licenses authorized by this Section, the Department shall deliver to each dentist a certificate of identification in a form specified by the Department.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

(225 ILCS 25/44.1 new)

Sec. 44.1. Nurses; dental care. Nurses may be employed by a dentist and may perform those duties permitted by their licenses.

(225 ILCS 25/45) (from Ch. 111, par. 2345)

Sec. 45. Advertising. The purpose of this Section is to authorize and regulate the advertisement by dentists of information which is intended to provide the public with a sufficient basis upon which to make an informed selection of dentists while protecting the public from false or misleading advertisements which would detract from the fair and rational selection process.

New matter indicated by italics - deletions by strikeout.
Any dentist may advertise the availability of dental services in the public media or on the
premises where such dental services are rendered. Such advertising shall be limited to the following
information:
(a) The dental services available;
(b) Publication of the dentist's name, title, office hours, address and telephone;
(c) Information pertaining to his or her area of specialization, including appropriate board
certification or limitation of professional practice;
(d) Information on usual and customary fees for routine dental services offered, which
information shall include notification that fees may be adjusted due to complications or unforeseen
circumstances;
(e) Announcement of the opening of, change of, absence from, or return to business;
(f) Announcement of additions to or deletions from professional dental staff;
(g) The issuance of business or appointment cards;
(h) Other information about the dentist, dentist's practice or the types of dental services which
the dentist offers to perform which a reasonable person might regard as relevant in determining
whether to seek the dentist's services. However, any advertisement which announces the availability
of endodontics, pediatric dentistry, periodontics, prosthodontics, orthodontics and dentofacial
orthopedics, oral and maxillofacial surgery, or oral and maxillofacial radiology by a general dentist
or by a licensed specialist who is not licensed in that specialty shall include a disclaimer stating that
the dentist does not hold a license in that specialty.

It is unlawful for any dentist licensed under this Act:
(1) To use testimonials or claims of superior quality of care to entice the public;
(2) To advertise in any way to practice dentistry without causing pain;
(3) To pay a fee to any dental referral service or other third party who advertises a dental
referral service, unless all advertising of the dental referral service makes it clear that dentists
are paying a fee for that referral service; or
(4) To advertise or offer gifts as an inducement to secure dental patronage. Dentists may
advertise or offer free examinations or free dental services; it shall be unlawful, however, for
any dentist to charge a fee to any new patient for any dental service provided at the time that
such free examination or free dental services are provided.

This Act does not authorize the advertising of dental services when the offeror of such
services is not a dentist. Nor shall the dentist use statements which contain false, fraudulent, deceptive
or misleading material or guarantees of success, statements which play upon the vanity or fears of the
public, or statements which promote or produce unfair competition.
A dentist shall be required to keep a copy of all advertisements for a period of 3 years. All
advertisements in the dentist's possession shall indicate the accurate date and place of publication.
The Department shall adopt rules to carry out the intent of this Section.
(Source: P.A. 88-635, eff. 1-1-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)
Effective January 1, 2002.
of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

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

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

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

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

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

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

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

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

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

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

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

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

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

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

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

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

(iii) court records that are public;

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

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

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.
(e) Records that relate to or affect the security of correctional institutions and detention facilities.

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

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

(i) Valuable formulae, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

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

(k) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift
Ban Act.

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

(jj) Information contained in a local emergency energy plan submitted to a municipality
in accordance with a local emergency energy plan ordinance that is adopted under Section

(kk) Information and data concerning the distribution of surcharge moneys collected

New matter indicated by italics - deletions by strikeout.
and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

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

(Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97; 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff. 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

Section 10. The Bi-State Transit Safety Act is amended by changing Sections 10, 15, 25, and 30 as follows:

(45 ILCS 111/10)

Sec. 10. Powers. In further effectuation of the Bi-State Development Compact Act creating the Bi-State Development Agency, the State of Illinois hereby authorizes the State to exercise the following powers:

(1) To regulate the safety of rail fixed guideway systems and the personal security of the passengers and employees of the Bi-State Development Agency located and operated within the boundaries of the State of Illinois, in a manner consistent with "Rail Fixed Guideway Systems; State Safety Oversight", 49 CFR Part 659.

(2) To develop, adopt, and implement a system safety program standard meeting the compliance requirements prescribed in Sections 659.31 and 659.33 of "Rail Fixed Guideway Systems; State Safety Oversight".

(3) To require the Bi-State Development Agency to report accidents and unacceptable hazardous conditions to the St. Clair County Transit District as required by Section 659.39 of "Rail Fixed Guideway Systems; State Safety Oversight".

(4) To establish procedures to investigate accidents and unacceptable hazardous conditions as required by Section 659.41 of "Rail Fixed Guideway Systems; State Safety Oversight".

(5) To direct the Bi-State Development Agency to minimize, control, correct, or eliminate any investigated hazardous condition within a period of time specified by the District as required by Section 659.43 of "Rail Fixed Guideway Systems; State Safety Oversight".

(6) To perform all other necessary and incidental functions related to its effectuation of this Act and as mandated by "Rail Fixed Guideway Systems; State Safety Oversight". The powers and obligations given to the State of Missouri shall also include mandatory notification to the Illinois Department of Transportation of the adoption of standards and plans, completion of investigations, reports, audits, and recommendations given pursuant to this Act and copies of such standards and plans, investigations, reports and audits and recommendations to the Illinois Department of Transportation, upon request.

(Source: P.A. 90-273, eff. 7-30-97.)

(45 ILCS 111/15)

Sec. 15. Confidentiality of investigation reports. The security portion of the system safety program plan, investigation reports, surveys, schedules, lists, or data compiled, collected, or prepared by the Bi-State Development Agency or the District as required by Section 659.43 of "Rail Fixed Guideway Systems; State Safety Oversight".

(6) To perform all other necessary and incidental functions related to its effectuation of this Act and as mandated by "Rail Fixed Guideway Systems; State Safety Oversight". The powers and obligations given to the State of Missouri shall also include mandatory notification to the Illinois Department of Transportation of the adoption of standards and plans, completion of investigations, reports, audits, and recommendations given pursuant to this Act and copies of such standards and plans, investigations, reports and audits and recommendations to the Illinois Department of Transportation, upon request.

(Source: P.A. 90-273, eff. 7-30-97.)

(45 ILCS 111/25)

Sec. 25. Right to contract for safety consultation. The St. Clair County Transit District, State of Missouri, may contract with the Bi-State Development Agency for safety consultation under the District's duties created by this Act. The District may assess the Bi-State Development Agency for its expenses in administering the Act.

(Source: P.A. 90-273, eff. 7-30-97.)

New matter indicated by italics - deletions by strikeout.
(45 ILCS 111/30)
(Section scheduled to be repealed on July 1, 2001)
Sec. 30. Jurisdiction. The jurisdiction of the St. Clair County Transit District State of Missouri under this Act shall be exclusive, except to the extent that its jurisdiction is preempted by federal statute, regulation, or order.
(Source: P.A. 90-273, eff. 7-30-97.)
(45 ILCS 111/31 rep.)
Section 15. The Bi-State Transit Safety Act is amended by repealing Section 31.
Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:
(30 ILCS 805/8.25 new)
Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0282
(Senate Bill No. 1097)
AN ACT in relation to minors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 5-615 and 5-715 as follows:
(705 ILCS 405/5-615)
Sec. 5-615. Continuance under supervision.
(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.
(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.
(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.
(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.
(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:
   (a) not violate any criminal statute of any jurisdiction;
   (b) make a report to and appear in person before any person or agency as directed by the court;
   (c) work or pursue a course of study or vocational training;
   (d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
   (e) attend or reside in a facility established for the instruction or residence of persons on
probation;
(f) support his or her dependents, if any;
(g) pay costs;
(h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(i) permit the probation officer to visit him or her at his or her home or elsewhere;
(j) reside with his or her parents or in a foster home;
(k) attend school;
(k-5) with the consent of the superintendent of the facility, attend an educational program
at a facility other than the school in which the offense was committed if he or she committed
a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a
school, on the real property comprising a school, or within 1,000 feet of the real property
comprising a school;
(l) attend a non-residential program for youth;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) make restitution to the victim, in the same manner and under the same conditions as
provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to
in that Section shall be the adjudicatory hearing for purposes of this Section;
(p) comply with curfew requirements as designated by the court;
(q) refrain from entering into a designated geographic area except upon terms as the court
finds appropriate. The terms may include consideration of the purpose of the entry, the time
of day, other persons accompanying the minor, and advance approval by a probation officer;
(r) refrain from having any contact, directly or indirectly, with certain specified persons
or particular types of persons, including but not limited to members of street gangs and drug
users or dealers;
(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a
street gang removed from his or her body;
(s) refrain from having in his or her body the presence of any illicit drug prohibited by
the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a
physician, and submit samples of his or her blood or urine or both for tests to determine the
presence of any illicit drug; or
(t) comply with any other conditions as may be ordered by the court.
(6) A minor whose case is continued under supervision under subsection (5) shall be given
a certificate setting forth the conditions imposed by the court. Those conditions may be reduced,
enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of
the State's Attorney, or, at the request of the minor after notice and hearing.
(7) If a petition is filed charging a violation of a condition of the continuance under
supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not
been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a
petition for violation of a condition of the continuance under supervision shall toll the period of
continuance under supervision until the final determination of the charge, and the term of the
continuance under supervision shall not run until the hearing and disposition of the petition for
violation; provided where the petition alleges conduct that does not constitute a criminal offense, the
hearing must be held within 30 days of the filing of the petition unless a delay shall continue the
tolling of the period of continuance under supervision for the period of the delay.
(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a
violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court
shall, as a condition of the continuance under supervision, require the minor to perform community
service for not less than 30 and not more than 120 hours, if community service is available in the
jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair
of the damage that was caused by the alleged violation or similar damage to property located in the
municipality or county in which the alleged violation occurred. The condition may be in addition to
any other condition.
(9) When a hearing in which a minor is alleged to be a delinquent is continued under this
Section, the court, before continuing the case, shall make a finding whether the offense alleged to have

New matter indicated by italics - deletions by strikeout.
been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; revised 10-7-99.)

Sec. 5-715. Probation.

(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(h) permit the probation officer to visit him or her at his or her home or elsewhere;
(i) reside with his or her parents or in a foster home;
(j) attend school;
(j-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(k) attend a non-residential program for youth;
(l) make restitution under the terms of subsection (4) of Section 5-710;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) participate with community corrections programs including unified delinquency
intervention services administered by the Department of Human Services subject to Section
5 of the Children and Family Services Act;
(p) pay costs;
(q) serve a term of home confinement. In addition to any other applicable condition of
probation or conditional discharge, the conditions of home confinement shall be that the
minor:
   (i) remain within the interior premises of the place designated for his or her
   confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the minor's place of
   confinement at any time for purposes of verifying the minor's compliance with the
   conditions of his or her confinement; and
   (iii) use an approved electronic monitoring device if ordered by the court subject to
   Article 8A of Chapter V of the Unified Code of Corrections;
(r) refrain from entering into a designated geographic area except upon terms as the court
finds appropriate. The terms may include consideration of the purpose of the entry, the time
of day, other persons accompanying the minor, and advance approval by a probation officer,
if the minor has been placed on probation, or advance approval by the court, if the minor has
been placed on conditional discharge;
(s) refrain from having any contact, directly or indirectly, with certain specified persons
or particular types of persons, including but not limited to members of street gangs and drug
users or dealers;
(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a
street gang removed from his or her body;
(t) refrain from having in his or her body the presence of any illicit drug prohibited by the
Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a
physician, and shall submit samples of his or her blood or urine or both for tests to determine
the presence of any illicit drug; or
(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor
found guilty on any alcohol, cannabis, or controlled substance violation, refrain from acquiring a
driver's license during the period of probation or conditional discharge. If the minor is in possession
of a permit or license, the court may require that the minor refrain from driving or operating any motor
vehicle during the period of probation or conditional discharge, except as may be necessary in the
course of the minor's lawful employment.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the
conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a
condition of the probation or conditional discharge, a fee of $25 for each month of probation or
conditional discharge supervision ordered by the court, unless after determining the inability of the
minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount.
The court may not impose the fee on a minor who is made a ward of the State under this Act while
the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by
the probation and court services department. The court may order the parent, guardian, or legal
custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system
must compel compliance with the conditions of probation by responding to violations with swift,
certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt
a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence
of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or
supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions
adopted by the chief judge of the circuit court for violations of the terms and conditions of the
sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720

New matter indicated by italics - deletions by strikeout.
Section 10. The Unified Code of Corrections is amended by changing Sections 5-6-3 and 5-6-3.1 as follows:

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court;

(3) refrain from possessing a firearm or other dangerous weapon;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapacitated of completing the educational or vocational program; and

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug
addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants
on probation;
(6) support his dependents;
(7) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home;
   (v) with the consent of the superintendent of the facility, attend an educational
       program at a facility other than the school in which the offense was committed if he or
       she is convicted of a crime of violence as defined in Section 2 of the Crime Victims
       Compensation Act committed in a school, on the real property comprising a school, or
       within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of
     probation or conditional discharge, the conditions of home confinement shall be that the
     offender:
        (i) remain within the interior premises of the place designated for his confinement
during the hours designated by the court;
        (ii) admit any person or agent designated by the court into the offender's place of
confinement at any time for purposes of verifying the offender's compliance with the
conditions of his confinement; and
        (iii) if further deemed necessary by the court or the Probation or Court Services
Department, be placed on an approved electronic monitoring device, subject to Article
8A of Chapter V;
        (iv) for persons convicted of any alcohol, cannabis or controlled substance violation
who are placed on an approved monitoring device as a condition of probation or
conditional discharge, the court shall impose a reasonable fee for each day of the use of
the device, as established by the county board in subsection (g) of this Section, unless
after determining the inability of the offender to pay the fee, the court assesses a lesser
fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed
under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the
circuit court. The clerk of the circuit court shall pay all monies collected from this fee to
the county treasurer for deposit in the substance abuse services fund under Section
5-1086.1 of the Counties Code; and
        (v) for persons convicted of offenses other than those referenced in clause (iv) above
and who are placed on an approved monitoring device as a condition of probation or
conditional discharge, the court shall impose a reasonable fee for each day of the use of
the device, as established by the county board in subsection (g) of this Section, unless
after determining the inability of the defendant to pay the fee, the court assesses a lesser
fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed
under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the
circuit court. The clerk of the circuit court shall pay all monies collected from this fee to
the county treasurer who shall use the monies collected to defray the costs of corrections.
The county treasurer shall deposit the fee collected in the county working cash fund under
Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.
(11) comply with the terms and conditions of an order of protection issued by the court
pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an
order of protection issued by the court of another state, tribe, or United States territory. A
copy of the order of protection shall be transmitted to the probation officer or agency having
responsibility for the case;

New matter indicated by italics - deletions by strikeout.
(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) The court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.
(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or
to conditional discharge after January 1, 1992, as a condition of such probation or conditional
discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by
the court, unless after determining the inability of the person sentenced to probation or conditional
discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor
who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement.
The fee shall be imposed only upon an offender who is actively supervised by the probation and court
services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit
court shall pay all monies collected from this fee to the county treasurer for deposit in the probation
and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and
11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the
Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and
disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.
(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98;
91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)
(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.
(a) When a defendant is placed on supervision, the court shall enter an order for supervision
specifying the period of such supervision, and shall defer further proceedings in the case until the
completion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case,
but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by
Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act,
in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the
defendant to perform no less than 30 hours of community service and not more than 120 hours of
community service, if community service is available in the jurisdiction and is funded and approved
by the county board where the offense was committed, when the offense (1) was related to or in
furtherance of the criminal activities of an organized gang or was motivated by the defendant's
membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24
of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1
of this Code. The community service shall include, but not be limited to, the cleanup and repair of any
damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to
property located within the municipality or county in which the violation occurred. Where possible
and reasonable, the community service should be performed in the offender's neighborhood.
For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section
(c) The court may in addition to other reasonable conditions relating to the nature of the
offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion
of the court require that the person:
(1) make a report to and appear in person before or participate with the court or such
courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug
addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants
on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home; or and

New matter indicated by italics - deletions by strikeout.
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be deemed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.
(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992, as a condition of supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the person placed on supervision to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who willfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The court shall require a defendant placed on supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance, as a condition of supervision, to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the defendant in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The Secretary of State shall
suspend the driver's license of any person determined by the Secretary to be in violation of this
subsection.
(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98;
90-784, eff. 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0283
(House Bill No. 0180)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-206 and 11-907 as
follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.
(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any
person without preliminary hearing upon a showing of the person's records or other sufficient evidence
that the person:
   1. Has committed an offense for which mandatory revocation of a driver's license or
      permit is required upon conviction;
   2. Has been convicted of not less than 3 offenses against traffic regulations governing the
      movement of vehicles committed within any 12 month period. No revocation or suspension
      shall be entered more than 6 months after the date of last conviction;
   3. Has been repeatedly involved as a driver in motor vehicle collisions or has been
      repeatedly convicted of offenses against laws and ordinances regulating the movement of
      traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the
      safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other
      persons upon the highway;
   4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident
      resulting in death or injury requiring immediate professional treatment in a medical facility
      or doctor's office to any person, except that any suspension or revocation imposed by the
      Secretary of State under the provisions of this subsection shall start no later than 6 months
      after being convicted of violating a law or ordinance regulating the movement of traffic,
      which violation is related to the accident, or shall start not more than one year after the date
      of the accident, whichever date occurs later;
   5. Has permitted an unlawful or fraudulent use of a driver's license, identification card,
      or permit;
   6. Has been convicted of an offense or offenses in another state, including the
      authorization contained in Section 6-203.1, which if committed within this State would be
      grounds for suspension or revocation;
   7. Has refused or failed to submit to an examination provided for by Section 6-207 or has
      failed to pass the examination;
   8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
   9. Has made a false statement or knowingly concealed a material fact or has used false
      information or identification in any application for a license, identification card, or permit;
   10. Has possessed, displayed, or attempted to fraudulently use any license, identification
       card, or permit not issued to the person;
   11. Has operated a motor vehicle upon a highway of this State when the person's driving
       privilege or privilege to obtain a driver's license or permit was revoked or suspended unless
       the operation was authorized by a judicial driving permit, probationary license to drive, or a
       restricted driving permit issued under this Code;
   12. Has submitted to any portion of the application process for another person or has

New matter indicated by italics - deletions by strikeout.
obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses

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named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act or a controlled substance as listed in the Illinois Controlled Substances Act in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; or

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; or:

37. Has committed a violation of subsection (c) of Section 11-907 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of

New matter indicated by italics - deletions by strikeout.
perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant under the age of 18 years whose driver's license or permit has been suspended pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff. 1-1-98; 90-655, eff. 7-30-98.)

625 ILCS 5/11-907 (from Ch. 95 1/2, par. 11-907)
Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal,

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a
lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or
(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not more than $10,000. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:
(1) suspend the person's driving privileges for the mandatory period; or
(2) extend the period of an existing suspension by the appropriate mandatory period.

(Source: P.A. 83-781.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance,
whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.
(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.
(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.
(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.
(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours.
of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

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(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim; and
      (v) compliance with any other measures that the court may deem appropriate;

and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the
defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

New matter indicated by italics - deletions by strikeout.
(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Original Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)


Approved August 9, 2001.

Effective January 1, 2002.

PUBLIC ACT 92-0284

(Original Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)


Approved August 9, 2001.

Effective January 1, 2002.

AN ACT to amend the Illinois Vehicle Code by changing Section 18c-7402 and adding Section 18c-7402.1.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 18c-7402 and adding Section 18c-7402.1 as follows:

(625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

Sec. 18c-7402. Safety Requirements for Railroad Operations.

(1) Obstruction of Crossings.

(a) Obstruction of Emergency Vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at crossings shall immediately take action, consistent with safe operating procedure, necessary to remove the obstruction.

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any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of Highway at Grade Crossing Prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control.

In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section.

However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for Obstruction of Grade Crossing. Any rail carrier violating paragraph (b) of this subsection shall be guilty of a petty offense and fined not less than $200 nor more than $500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be $500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be $700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be $900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be $1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be $1,000 plus an additional $500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other Operational Requirements.

(a) Bell and Whistle-Crossings. Every rail carrier shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of a least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph.

(a-5) The requirements of paragraph (a) of this subsection (2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed Limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances effecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail.

The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special Speed Limit; Pilot Project. The Commission and the Board of the Commuter Rail Division of the Regional Transportation Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus accident at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the
Commission is directed to set the maximum train speed limit for Regional Transportation Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Regional Transportation Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Regional Transportation Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(3) Report and Investigation of Rail Accidents.

(a) Reports. Every rail carrier shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers, and shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act, as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission.

(Source: P.A. 90-187, eff. 1-1-98; 91-675, eff. 6-1-00.)

(625 ILCS 5/18c-7402.1 new)

Sec. 18c-7402.1. Pilot projects; automated audible warning devices.

(a) The General Assembly finds and declares that, for the communities of the State that are traversed by railroads, there is a growing need to mitigate train horn noise without compromising the safety of the public. Therefore, after applications are filed and approved by the Commission, the Commission shall authorize pilot projects in the counties of Cook, DuPage, Lake, and Will to test the utility and safety of stationary automated audible warning devices as an alternative to trains having to sound their horns as they approach highway-rail crossings.

(b) In light of the pending proposed ruling by the Federal Railroad Administration on the use of locomotive horns at all highway-rail crossings across the nation, it is in the best interest of the State for the Commission to expedite the pilot projects in order to contribute data to the federal rulemaking process regarding the possible inclusion of stationary automated warning devices in the counties of Cook, DuPage, Lake, and Will as a safety measure option to the proposed federal rule.

(c) The Commission shall adopt rules for implementing the pilot projects in the counties of Cook, DuPage, Lake, and Will.

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

Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0285
(House Bill No. 1051)

AN ACT concerning payable on death accounts.

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

Section 5. The Illinois Trust and Payable on Death Accounts Act is amended by changing Sections 2 and 4 as follows:

(205 ILCS 625/2) (from Ch. 17, par. 2132)

Sec. 2. Definitions. As used in this Act, the following words have the meanings ascribed to them as set forth herein:

(a) "Institution" includes any bank as defined in Section 2 of the "Illinois Banking Act", approved May 11, 1955, as amended, any association as defined in Section 1-10.03 of the "Illinois
Savings and Loan Act\(^2\), approved July 5, 1955, as amended, any insured savings bank as defined in Section 1007.75 of the Savings Bank Act, or any credit union as defined in Section 1.1 of the Illinois Credit Union Act\(^3\), approved August 30, 1979, as amended, and similar federal institutions.

(b) "Account" includes any account, deposit, certificate of deposit, withdrawable capital account or credit union share in any institution.

(Source: P.A. 84-461.)

(205 ILCS 625/4) (from Ch. 17, par. 2134)

Sec. 4. Payable on Death Account Incidents. If one or more persons a person opening or holding an account signs an agreement with the institution providing that on the death of the last surviving person designated as holder the account shall be paid to or held by another person or persons, the account, and any balance therein which exists from time to time, shall be held as a payment on death account and unless otherwise agreed in writing between the person or persons opening or holding the account and the institution:

(a) Any The holder during his or her lifetime may change any of the designated persons to own the account at the death of the last surviving holder without the knowledge or consent of any other holder or the designated persons by a written instrument accepted by the institution;

(b) Any The holder may make additional deposits to and withdraw any part or all of the account at any time without the knowledge or consent of any other holder or the designated person or persons to own the account at the death of the last surviving holder, subject to the bylaws and regulations of the institution, and all withdrawals shall constitute a revocation of the agreement as to the amount withdrawn; and

(c) Upon the death of the last surviving holder of the account, the person so designated to be the owner of the account who is then living shall be the sole owner of the account, unless more than one person is so designated and then living in which case those said persons shall hold the account in equal shares as tenants in common with no right of survivorship as between those persons. If no person designated as the owner of the account on the death of the last surviving holder is then living, the proceeds shall vest in the estate of the last surviving holder of the account.

(Source: P.A. 84-461.)

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0286
(House Bill No. 1814)

AN ACT concerning crime victims.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Court of Claims Act is amended by changing Section 16 as follows:

(705 ILCS 505/16) (from Ch. 37, par. 439.16)

Sec. 16. Concurrence of judges. Concurrence of 4 judges is necessary to the decision of any case; provided, however, the court in its discretion may assign any case to a commissioner for hearing and final decision, subject to whatever right of review the court by rule may choose to exercise. In matters involving the award of emergency funds under the Crime Victims Compensation Act, the decision of one judge is necessary to award emergency funds.

(Source: P.A. 84-1240.)

Section 10. The Violent Crime Victims Assistance Act is amended by changing Sections 4 and 5 as follows:

(725 ILCS 240/4) (from Ch. 70, par. 504)

Sec. 4. Advisory Commission created. There is created a Violent Crimes Advisory Commission, hereinafter called the Advisory Commission, consisting of 16 members: the Attorney General, or his or her designee who shall serve as Chairperson; the Illinois Secretary of State or his or her designee; the Chief Justice of the Court of Claims or his or her designee; the Director of Children and Family Services; 2 members of the House of Representatives, 1 to be appointed by the Speaker of the House and 1 to be appointed by the Minority Leader of the House; 2 members of the Senate, 1 to be appointed by the President of the Senate and 1 to be appointed by the Minority Leader

New matter indicated by italics - deletions by strikeout.
of the Senate; and the following to be appointed by the Attorney General: 1 police officer; 1 State's Attorney from a county in Illinois; 1 health services professional possessing experience and expertise in dealing with the victims of violent crime; one person who is employed as an administrator at a public or private institution of higher education; one person who is enrolled as a student at a public or private institution of higher education; and 5 members of the public, one of whom shall be a senior citizen age 60 or over, possessing experience and expertise in dealing with victims of violent crime, including experience with victims of domestic and sexual violence. The members of the Advisory Commission shall be appointed biennially for terms expiring on July 1 of each succeeding odd-numbered year and shall serve until their respective successors are appointed or until termination of their legislative service, whichever first occurs. The members of the Commission shall receive no compensation for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. Vacancies occurring because of death or resignation shall be filled by the appointing authority for the group in which the vacancy occurs.

Nine Eight members of the Advisory Commission shall constitute a quorum for the transaction of business, and the concurrence of at least 9 8 members shall be necessary to render a determination, decision or recommendation by the Advisory Committee. In addition to the Attorney General, who shall serve as Chairperson, the Advisory Commission may select such other officers as it deems necessary.

(Source: P.A. 90-762, eff. 8-14-98.)

(725 ILCS 240/5) (from Ch. 70, par. 505)

Sec. 5. Advisory Commission - General responsibilities.
(a) The Advisory Commission shall have the following responsibilities:
(1) To study the operation of all Illinois laws, practices, agencies and organizations which affect victims of crime including but not limited to the Crime Victims Compensation Act;
(2) To promote and conduct studies, research, analysis and investigation of matters affecting the interests of crime victims;
(3) To recommend legislation to develop and improve policies which promote the recognition of the legitimate rights, needs and interests of crime victims;
(4) To serve as a clearinghouse for public information relating to crime victims' problems and programs;
(5) To coordinate, monitor and evaluate the activities of programs operating under this Act;
(6) To make any necessary outreach efforts to encourage the development and maintenance of services throughout the State, with special attention to the regions and neighborhoods with the greatest need for victim assistance services;
(7) To perform other activities, in cooperation with the Attorney General, which the Advisory Commission considers useful to the furtherance of the stated legislative intent;
(8) To make an annual report to the General Assembly.
(b) The Advisory Committee may also perform any of the functions enumerated in subparagraph (a) of this section relative to witnesses to crime.
(Source: P.A. 83-908.)

Section 15. The Criminal Code of 1961 is amended by adding Section 17-5.5 as follows:
(720 ILCS 5/17-5.5 new)

Sec. 17-5.5. Unlawful attempt to collect compensated debt against a crime victim.
(a) As used in this Section, "crime victim" means a victim of a violent crime or applicant as defined in the Crime Victims Compensation Act.
"Compensated debt" means a debt incurred by or on behalf of a crime victim and approved for payment by the Court of Claims under the Crime Victims Compensation Act.
(b) A person or a vendor commits the offense of unlawful attempt to collect a compensated debt against a crime victim when, with intent to collect funds for a debt incurred by or on behalf of a crime victim, which debt has been approved for payment by the Court of Claims under the Crime Victims Compensation Act, but the funds are involuntarily withheld from the person or vendor by the Comptroller by virtue of an outstanding obligation owed by the person or vendor to the State under the Uncollected State Claims Act, the person or vendor:
(1) communicates with, harasses, or intimidates the crime victim for payment;
(2) contacts or distributes information to affect the compensated crime victim's credit

New matter indicated by italics - deletions by strikeout.
rating as a result of the compensated debt; or
(3) takes any other action adverse to the crime victim or his or her family on account of the compensated debt.
(c) Unlawful attempt to collect a compensated debt against a crime victim is a Class A misdemeanor.
(d) Nothing in this Act prevents the attempt to collect an uncompensated debt or an uncompensated portion of a compensated debt incurred by or on behalf of a crime victim and not covered under the Crime Victims Compensation Act.

Section 20. The Crime Victims Compensation Act is amended by changing Sections 6.1, 17, and 18, and adding Section 10.2 as follows:

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)
Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:
(a) Within 2 years after the occurrence of the crime upon which the claim is based, he files an application, under oath, with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or becomes legally disabled as a result of the occurrence, he may file the application required by this subsection within 2 years after he attains the age of 18 years or the disability is removed, as the case may be. Upon good cause shown, the Court of Claims may extend the time for filing the application for a period not exceeding one year. The Court of Claims may by general orders provide for the extensions of time to file applications.
(b) The appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.
(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant.
(d) The applicant is not the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.
(e) The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.
(Source: P.A. 86-1009; 86-1221.)
(740 ILCS 45/10.2 new)
Sec. 10.2. Emergency awards.
(a) If it appears, prior to taking action on an application, that the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the Attorney General may recommend and the Court may make an emergency award of compensation to the applicant, pending a final decision in the case, provided the amount of emergency compensation does not exceed $2,000. The amount of emergency compensation for funeral and burial expenses may not exceed $1,000. The amount of emergency compensation shall be deducted from any final award made as a result of the claim. The full amount of the emergency award if no final award is made shall be repaid by the applicant to the State of Illinois.
(b) Emergency award applicants must satisfy all requirements under Section 6.1 of this Act.
(740 ILCS 45/17) (from Ch. 70, par. 87)
Sec. 17. (a) Subrogation. The Court of Claims may award compensation on the condition that the applicant subrogate to the State his rights to collect damages from the assailant or any third party who may be liable in damages to the applicant. In such a case the Attorney General may, on behalf of the State, bring an action against an assailant or third party for money damages, but must first notify the applicant and give him an opportunity to participate in the prosecution of the action. The excess of the amount recovered in such action over the amount of the compensation offered and accepted or awarded under this Act plus costs of the action and attorneys' fees actually incurred shall be paid to the applicant.
(b) Nothing in this Act affects the right of the applicant to seek civil damages from the assailant and any other party, but that applicant must give written notice to the Attorney General of the making of a claim or the filing of an action for such damages. Failure to notify the Attorney
General of such claims and actions at the time they are instituted or at the time an application is filed is a willful omission of fact and the applicant thereby becomes subject to the provisions of Section 20 of this Act.

(c) The State has a charge for the amount of compensation paid under this Act upon all claims or causes of action against an assailant and any other party to recover for the injuries or death of a victim which were the basis for that payment of compensation. At the time compensation is ordered to be paid under this Act, the Court of Claims shall give written notice of this charge to the applicant. The charge attaches to any verdict or judgment entered and to any money or property which is recovered on account of the claim or cause of action against the assailant or any other party after the notice is given. On petition filed by the Attorney General on behalf of the State or by the applicant, the circuit court, on written notice to all interested parties, shall adjudicate the right of the parties and enforce the charge. This subsection does not affect the priority of a lien under "AN ACT creating attorney's lien and for enforcement of same", filed June 16, 1909, as amended.

(d) Where compensation is awarded under this Act and the person receiving same also receives any sum required to be, and that has not been deducted under Section 10.1, he shall refund to the State the amount of compensation paid to him which would have been deducted at the time the award was made.

(e) An amount not to exceed 25% of all money recovered under subsections (b) or (c) of this Section shall be placed in the Violent Crime Victims Assistance Fund to assist with costs related to recovery efforts. "Recovery efforts" means those activities that are directly attributable to obtaining restitution, civil suit recoveries, and other reimbursements.

(740 ILCS 45/18) (from Ch. 70, par. 88)
Sec. 18. Claims against awards.

(a) An award is not subject to enforcement, attachment, garnishment, or other process, except that an award is not exempt from a claim of a creditor to the extent that he or she provided products, services, or accommodations the costs of which are included in the award.

(b) An assignment or agreement to assign a right to compensation for loss accruing in the future is unenforceable, except:

(1) an assignment of a right to compensation for work loss to secure payment of maintenance or child support; or

(2) an assignment of a right to compensation to the extent of the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

(c) The court may order that all or a portion of an award be paid jointly to the applicant and another person or solely and directly to another person to the extent that such other person has provided products, services or accommodations, the costs of which are included in the award. The provisions of this amendatory Act of 1994 apply to all pending claims in existence on the effective date of this amendatory Act of 1994.

(d) If an award under subsection (c) of this Section is offset by the Comptroller, pursuant to the Uncollected State Claims Act, the intended individual or entity must credit the applicant's or victim's account for the amount ordered by the Court of Claims, and the intended individual or entity is prohibited from pursuing payment from the applicant or victim for any portion that is offset. The Comptroller shall provide notice as provided in Section 10.05 of the State Comptroller Act.

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(c) The court may order that all or a portion of an award be paid jointly to the applicant and another person or solely and directly to another person to the extent that such other person has provided products, services or accommodations, the costs of which are included in the award. The provisions of this amendatory Act of 1994 apply to all pending claims in existence on the effective date of this amendatory Act of 1994.
Section 5. Definitions. For the purposes of this Act, unless the context indicates otherwise:

"Companion animal" or "animal" means a deceased animal that had a companion or pet relationship with an owner at the time of the animal's death.

"Provider of companion animal cremation services" or "provider" means a person, company, or other entity engaging in the business of cremating deceased companion animals in Illinois.

"Cremation remains" means the material remaining after the cremation of an animal, which may include ashes, skeletal remains, and other residue resulting from the incineration process, and may be pulverized or otherwise processed by the provider of cremation services.

"Individually partitioned cremation" means a cremation process in which either (i) only one companion animal at a time is cremated in the incinerator or (ii) more than one companion animal is cremated in the incinerator at the same time, but each of the animals is completely separated from the others by partitions during the cremation process; and in which the commingling of significant amounts of cremation remains from different animals is unlikely to occur.

"Communal cremation" means a cremation process in which companion animals are cremated together without effective partitions or separation during the cremation process, and in which the commingling of significant amounts of cremation remains from different animals is likely or certain to occur.

"Commingling of significant amounts of cremation remains from different animals" means that specific cremation remains cannot be attributed to a particular animal, or that the cremation remains attributed to one companion animal contain more than 1% by weight of cremation remains from one or more other companion animals. The presence, in the cremation remains of a companion animal, of the remains of any creature that was contained within the body of that animal at the time of cremation (including parasites, insects, and food or creatures eaten by that companion animal) does not constitute "commingling" for the purposes of this Act.

A person or business entity is deemed to refer animal owners or bring business to a provider "on a regular basis" if the person or entity (i) has an ongoing contractual or agency relationship with the provider relating to the cremation of companion animals, (ii) receives any compensation or consideration from the provider or animal owners relating to the cremation of companion animals by the provider, or (iii) refers or brings to the provider the business of more than 5 animal owners in an average month.

Section 10. Written explanation of services.

(a) A provider of companion animal cremation services must prepare a written explanation of the services offered, which may but need not be in the form of a brochure.

The written explanation of services must include a detailed explanation of each service offered. For each type or level of cremation service offered, the written explanation of services shall disclose the specific services to be provided.

If any part of the deceased companion animal will be removed, used, or sold by the provider before or after the cremation, the written explanation of services must disclose that fact.

(b) The written explanation of services must not include any false or misleading information.

A written explanation of services is misleading if:

(1) it fails to include a detailed explanation of the cremation services offered or fails to include, for each type or level of cremation service offered, any of the disclosures required under subsection (a);

(2) it uses the term "private" or "individual" with respect to any communal cremation procedure or with respect to an individually partitioned cremation procedure that will cremate more than one companion animal at the same time;

(3) it uses the term "individually partitioned" or "separate" with respect to a communal cremation process; or

(4) it includes any text, picture, illustration, or combination thereof, or uses any layout, typography, or color scheme, in a way that is likely to lead a person of normal intelligence to misunderstand the nature of the services to be provided or to fail to read or understand certain parts of the written explanation of services.

(c) A provider of companion animal cremation services shall provide the written explanation of services, without charge:

(1) to the owner of each deceased animal with whom the provider agrees to provide
cremation services, or the person making cremation arrangements on the owner's behalf;

(2) to all veterinarians, pet shops, and other persons or entities known to the provider who refer animal owners or bring deceased animals to the provider on a regular basis, in quantities sufficient for distribution by those persons or entities to the animal owners whose business is being referred or brought to the provider;

(3) to the Office of the Attorney General, at least annually; and

(4) to any other person upon request.

(d) The preparation or distribution by a provider of a written explanation of services that the provider knows or should know to be false or misleading constitutes a business offense, punishable by a fine of at least $1,001 but not more than $1,500 for a first offense and at least $2,000 but not more than $2,500 for each subsequent offense.

A knowing failure to prepare or distribute a written explanation of services as required by this Section constitutes a business offense, punishable by a fine of at least $1,001 but not more than $1,500 for a first offense and at least $2,000 but not more than $2,500 for each subsequent offense.

Section 15. Persons referring or bringing business to a provider.

(a) A veterinarian, pet shop, or other person or business entity that refers owners of deceased animals, or persons making arrangements on an owner's behalf, to a provider on a regular basis shall make available a copy of the provider's written explanation of services to the animal owner, or person making arrangements on the owner's behalf, at the time of the referral.

(b) A veterinarian, pet shop, or other person or business entity that accepts deceased companion animals for cremation through services obtained from a provider on a regular basis shall make available a copy of the provider's written explanation of services to each animal owner, or person making arrangements on the owner's behalf, from whom a deceased companion animal is accepted.

(c) It is sufficient for compliance with this Section that a copy of the written explanation of services is given to the animal owner, or the person making arrangements on the owner's behalf, at the time the services are offered.

(d) Publishing or otherwise disseminating advertising for a provider of companion animal cremation services does not, in itself, constitute referring or bringing business to that provider for the purposes of this Section.

Section 20. Certification; penalty for false certification.

(a) Whenever a provider of companion animal cremation services undertakes to provide services that include the return of the cremation remains of the cremated animal, the provider shall include a certification along with the returned cremation remains, declaring to the best of the provider's knowledge and belief that, except as otherwise specifically indicated in the certificate, the cremation and any other services specified were provided in accordance with the representations of the provider in the applicable portions of the provider's written explanation of services.

(b) To knowingly make a false certification under subsection (a) is a business offense, punishable by a fine of at least $1,001 but not more than $1,500 for a first offense and at least $2,000 but not more than $2,500 for each subsequent offense.

Section 95. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2KK as follows:

(815 ILCS 505/2KK new)

Sec. 2KK. Animal cremation services. It is an unlawful practice within the meaning of this Act for a provider of companion animal cremation services (1) to fail to prepare or distribute a written explanation of services as required by the Companion Animal Cremation Act; (2) to prepare or distribute a written explanation of services under that Act that the provider knows or should know to be false or misleading; or (3) to knowingly make a false certification under Section 20 of that Act.


Approved August 9, 2001.

Effective January 1, 2002.
AN ACT concerning rights and remedies.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Wrongful Death Act is amended by changing Section 2.1 as follows:
(740 ILCS 180/2.1) (from Ch. 70, par. 2.1)
Sec. 2.1. In the event that the only asset of the deceased estate is a cause of action arising under this Act, and no petition for letters of office for his or her estate has been filed, the court, upon motion of any person who would be entitled to a recovery under this Act, and after such notice to the party’s heirs or legatees as the court directs, and without opening of an estate, may appoint a special administrator for the deceased party for the purpose of prosecuting or defending the action. If there is more than one special administrator appointed and one of the administrators is a corporation qualified to act as a representative of the estate of a decedent and if the compensation of the attorney or attorneys representing the special administrators is solely determined under a contingent fee arrangement, then upon petition and approval by the court, the special administrator which is a corporation shall not participate in or have any duty to review the prosecution of the action, to participate in or review the appropriateness of any settlement of the action, or to participate in or review any determination of the appropriateness of any fees awarded to the attorney or attorneys employed in the prosecution of the action.
If a judgment is entered or the action is settled in favor of the special administrator, he or she shall distribute the proceeds as provided by law, except that if proceeds in excess of $5,000 are distributable to a minor or person under legal disability, the court shall allow disbursements and fees to the special administrator and his or her attorney and the balance shall be administered and distributed under the supervision of the probate division of the court if the circuit court has a probate division.
(Source: P.A. 87-435; 87-1260.)
Section 10. The Probate Act of 1975 is amended by adding Section 19-14 as follows:
(755 ILCS 5/19-14 new)
Sec. 19-14. Administrator or executor; legal proceeding; participation. If there is more than one administrator or executor of a decedent’s estate and one of the administrators or executors is a corporation qualified to act as a representative of the estate of a decedent and if the administrators or executors of the decedent’s estate appear for and represent the estate in a legal proceeding in which the compensation of the attorney or attorneys representing the administrators or executors is solely determined under a contingent fee arrangement, then upon petition and approval by the court, the administrator or executor of the decedent’s estate which is a corporation shall not participate in or have any duty to review the prosecution of the action, to participate in or review the appropriateness of any settlement of the action, or to participate in or review any determination of the appropriateness of any fees awarded to the attorney or attorneys employed in the prosecution of the action.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0289
(House Bill No. 2301)

AN ACT in relation to families.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 510 as follows:
(750 ILCS 5/510) (from Ch. 40, par. 510)
Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.
(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (d), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing

New matter indicated by italics - deletions by strikeout.
of the motion for modification and, with respect to maintenance, only upon a showing of a substantial
change in circumstances. An order for child support may be modified as follows:
(1) upon a showing of a substantial change in circumstances; and
(2) without the necessity of showing a substantial change in circumstances, as follows:
   (A) upon a showing of an inconsistency of at least 20%, but no less than $10 per
       month, between the amount of the existing order and the amount of child support that
       results from application of the guidelines specified in Section 505 of this Act unless the
       inconsistency is due to the fact that the amount of the existing order resulted from a
       deviation from the guideline amount and there has not been a change in the circumstances
       that resulted in that deviation; or
   (B) Upon a showing of a need to provide for the health care needs of the child under
       the order through health insurance or other means. In no event shall the eligibility for or
       receipt of medical assistance be considered to meet the need to provide for the child's
       health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is
receiving child and spouse support services from the Illinois Department of Public Aid under Article
X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for
child support was entered or last modified.

(b) The provisions as to property disposition may not be revoked or modified, unless the court
finds the existence of conditions that justify the reopening of a judgment under the laws of this State.
(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or
otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death
of either party, or the remarriage of the party receiving maintenance, or if the party receiving
maintenance cohabits with another person on a resident, continuing conjugal basis.
(d) Unless otherwise agreed in writing or expressly provided in a judgment, provisions for the
support of a child are terminated by emancipation of the child, except as otherwise provided herein,
but not by the death of a parent obligated to support or educate the child. An existing obligation to pay
for support or educational expenses, or both, is not terminated by the death of a parent. When a parent
obligated to pay support or educational expenses, or both, dies, the amount of support or educational
expenses, or both, may be enforced, modified, revoked or commuted to a lump sum payment, as equity
may require, and that determination may be provided for at the time of the dissolution of the marriage
or thereafter.
(e) The right to petition for support or educational expenses, or both, under Sections 505 and
513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent's death,
the court may award sums of money out of the decedent's estate for the child's support or educational
expenses, or both, as equity may require. The time within which a claim may be filed against the estate
of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed
by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.
(f) A petition to modify or terminate child support, custody, or visitation shall not delay any
child support enforcement litigation or supplementary proceeding on behalf of the obligee, including,
but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining
order.

(Source: P.A. 87-714; 88-42; 88-307; 88-670, eff. 12-2-94.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0290
(House Bill No. 2426)

AN ACT concerning emergency telephone services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Emergency Telephone System Act is amended by adding Section 2.20 as
follows:

New matter indicated by italics - deletions by strikeout.
(50 ILCS 750/2.20 new)
Sec. 2.20. Private branch exchange. "Private branch exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0291
(House Bill No. 2575)

AN ACT in relation to environmental safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Impact Fee Law is amended by changing Section 390 as follows:
(415 ILCS 125/390)
Sec. 390. Repeal. This Article is repealed on January 1, 2003.
(Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0292
(House Bill No. 2847)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 3-6-2 as follows:
(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
Sec. 3-6-2. Institutions and Facility Administration.
(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.
(b) The chief administrative officer shall have such assistants as the Department may assign.
(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.
(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located

New matter indicated by italics - deletions by strikeout.
in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

1. that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and
2. that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Juvenile Division, as set forth in subsection (b) of Section 3-2-5 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

1. family advocacy counseling;
2. parent self-help group;
3. parenting skills training;
4. parent and child overnight program;
5. parent and child reunification counseling, either separately or together, preceding the inmate's release; and
6. a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested
in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0293
(House Bill No. 3008)

AN ACT concerning credit unions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Credit Union Act is amended by changing Sections 10, 12, 51, 59, and 70 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)
Sec. 10. Credit union records; member financial records.
(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.
(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.
(3) (a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.
(b) This Section does not prohibit:
(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit;
(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent;
(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account;
(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954;
(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code;
(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union;

New matter indicated by italics - deletions by strikeout.
(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime;
(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act;
(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia; or
(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.
(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant or administrative order, lien, or levy.
(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the credit union suspects that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term:
(i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.
(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:
(A) servicing or processing a financial product or service requested or authorized by the member;
(B) maintaining or servicing a member's account with the credit union; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.
Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.
(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly authorized agent, any financial records relating to that member of the credit union unless:
(1) the member has authorized disclosure to the person;
(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order that meets the requirements of subparagraph (d) of this Section; or

New matter indicated by italics - deletions by strikeout.
(3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2) of this Section pursuant to a lawful subpoena, summons, warrant or court order only after the credit union mails a copy of the subpoena, summons, warrant or court order to the person establishing the relationship with the credit union, if living, and otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid unless the credit union is specifically prohibited from notifying the person by order of court or by applicable State or federal law. In the case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person would constitute a violation of the federal Right to Financial Privacy Act of 1978.

(e)(1) Any officer or employee of a credit union who knowingly and wilfully furnishes financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a credit union to disclose financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(f) A credit union shall be reimbursed for costs which are reasonably necessary and which have been directly incurred in searching for, reproducing or transporting books, papers, records or other data of a member required or requested to be produced pursuant to a lawful subpoena, summons, warrant or court order. The Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

Sec. 12. Regulatory fees for examination and administration.

(1) A credit union regulated by the Department shall pay a regulatory fee to the Department based upon its total assets as shown by its Year-end Call Report at the following rates:

<table>
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<tr>
<th>TOTAL ASSETS</th>
<th>REGULATORY FEE</th>
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<tr>
<td>$25,000 or less</td>
<td>$100</td>
</tr>
<tr>
<td>Over $25,000 and not over $100,000</td>
<td>$100 plus $4 per $1,000 of assets in excess of $25,000</td>
</tr>
<tr>
<td>Over $100,000 and not over $200,000</td>
<td>$400 plus $3 per $1,000 of assets in excess of $100,000</td>
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<tr>
<td>Over $200,000 and not over $500,000</td>
<td>$700 plus $2 per $1,000 of assets in excess of $200,000</td>
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<tr>
<td>Over $500,000 and not over $1,000,000</td>
<td>$1,300 plus $1.40 per $1,000 of assets in excess of $500,000</td>
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<tr>
<td>Over $1,000,000 and not over $5,000,000</td>
<td>$2,000 plus $0.50 per $1,000 of assets in excess of $1,000,000</td>
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<tr>
<td>Over $5,000,000 and not over $30,000,000</td>
<td>$4,000 plus $0.35 per $1,000 of assets in excess of $5,000,000</td>
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<tr>
<td>Over $30,000,000 and not over $100,000,000</td>
<td>$12,750 plus $0.30 per $1,000 of assets in</td>
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excess of $30,000,000
Over $100,000,000 and not over $500,000,000 ........ $33,750 plus $0.15 per $1,000 of assets in excess of $100,000,000
Over $500,000,000 ........ $93,750 plus $0.05 per $1,000 of assets in excess of $500,000,000

(2) The Director shall review the regulatory fee schedule in subsection (1) and the projected earnings on those fees on an annual basis and adjust the fee schedule no more than 5% annually if necessary to defray the estimated administrative and operational expenses of the Department as defined in subsection (5). The Director shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) Not later than March 1 of each calendar year, a credit union shall pay to the Department, for the preceding calendar year, a regulatory fee in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding year. The regulatory fee shall not be less than $100 or more than $125,000, provided that the regulatory fee cap of $125,000 shall be adjusted to incorporate the same percentage increase as the Director makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year.

(4) The aggregate of all fees collected by the Department under this Act shall be paid promptly after they are received, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from time to time deposited in the Credit Union Fund and shall be used to offset the ordinary administrative and operational expenses of the Department under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that Fund.

(5) The administrative and operational expenses for any calendar year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are directly incidental to such examination or administration.

(6) When the aggregate of all fees collected by the Department under this Act and all earnings thereon for any calendar year exceeds 150% of the total administrative and operational expenses under this Act for that year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent year. The amount credited to a credit union shall be in the same proportion as the fee paid by such credit union for the calendar year in which the excess is produced bears to the aggregate of the fees collected by the Department under this Act for the same year.

(7) Examination fees for the year 2000 statutory examinations paid pursuant to the examination fee schedule in effect at that time shall be credited toward the regulatory fee to be assessed the credit union in calendar year 2001.

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act.

(Source: P.A. 91-755, eff. 1-1-01.)

(205 ILCS 305/51) (from Ch. 17, par. 4452)
Sec. 51. Other Loan Programs.

(1) Subject to such rules and regulations as the Director may promulgate, a credit union may participate in loans to credit union members jointly with other credit unions, corporations, or financial institutions. An originating credit union may originate loans only to its own members. A participating credit union that is not the originating lender may participate in loans made to its own members or to members of another participating credit union. "Originating lender" means the participating credit union with which the member contracts. A master participation agreement must be properly executed, and the agreement must include provisions for identifying, either through documents incorporated by

New matter indicated by italics - deletions by strikeout.
reference or directly in the agreement, the participation loan or loans prior to their sale.

(2) Any credit union with assets of $500,000 or more may loan to its members under the State Scholarships Law or other scholarship programs which are subject to a federal or state law providing 100% repayment guarantee.

(3) A credit union may purchase the conditional sales contracts, notes and similar instruments which evidence an indebtedness of its members.

(4) With approval of the Board of Directors, a credit union may make loans, either on its own or jointly with other credit unions, corporations or financial institutions, to credit union organizations; provided, that the aggregate amount of all such loans outstanding shall not at any time exceed 1% of the paid-in and unimpaired capital and surplus of the credit union.

(Source: P.A. 81-329.)

(205 ILCS 305/59) (from Ch. 17, par. 4460)
Sec. 59. Investment of Funds. Funds not used in loans to members may be invested, pursuant to subsection (7) of Section 30 of this Act, and subject to Departmental rules and regulations:

(1) In securities, obligations or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

(2) In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof; however, a credit union may not invest more than 10% of its unimpaired capital and surplus in the obligations of one issuer, exclusive of general obligations of the issuer, and investments in municipal securities must be limited to securities rated in one of the 4 highest rating categories by a nationally recognized statistical rating organization;

(3) In certificates of deposit or passbook type accounts issued by a state or national bank, mutual savings bank or savings and loan association; provided that such institutions have their accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; but provided, further, that a credit union's investment in an account in any one institution may exceed the insured limit on accounts;

(4) In shares, classes of shares or share certificates of other credit unions, including, but not limited to corporate credit unions; provided that such credit unions have their members' accounts insured by the NCUA or other approved insurers, and that if the members' accounts are so insured, a credit union's investment may exceed the insured limit on accounts;

(5) In shares of a cooperative society organized under the laws of this State or the laws of the United States in the total amount not exceeding 10% of the unimpaired capital and surplus of the credit union; provided that such investment shall first be approved by the Department;

(6) In obligations of the State of Israel, or obligations fully guaranteed by the State of Israel as to payment of principal and interest;

(7) In shares, stocks or obligations of other financial institutions in the total amount not exceeding 5% of the unimpaired capital and surplus of the credit union;

(8) In federal funds and bankers' acceptances;

(9) In shares or stocks of Credit Union Service Organizations in the total amount not exceeding 1% of the unimpaired capital and surplus of the credit union.

As used in this Section, "political subdivision" includes, but is not limited to, counties, townships, cities, villages, incorporated towns, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, park districts, and any agency, corporation, or instrumentality of a state or its political subdivisions, whether now or hereafter created and whether herein specifically mentioned or not.

(Source: P.A. 86-432.)

(205 ILCS 305/70) (from Ch. 17, par. 4471)
Sec. 70. Use of name, sentence. No person, firm, association, partnership, or corporation, except corporations organized under this Act, the credit union acts of other states, or under the Federal Credit Union Act, or associations of such corporations, or subsidiaries of such associations, may use any name or title which contains the words "credit union" or any abbreviation thereof, and such use is a Class A Misdemeanor.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning land disclosure.

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

Section 1. Short title. This Act may be cited as the Airport and Correctional Facility Land Disclosure Act.

Section 5. Disclosure required. Neither the State nor any unit of local government may enter into any agreement or understanding for the use or acquisition of land that is intended to be used or acquired for airport purposes or for a correctional facility unless full disclosure of all beneficial interests in the land is made under this Act.

Section 10. Beneficial interests. Each holder of any beneficial interest in the land, including without limitation beneficial interests in a land trust, must be disclosed, including both individuals and other entities. If any beneficial interest is held by an entity, other than an entity whose shares are publicly traded, and not by an individual, then all the holders of any beneficial interest in that entity must be disclosed. This requirement continues at each level of holders of beneficial interests until all beneficial interests of all individuals in all entities, other than entities whose shares are publicly traded, have been disclosed.

Section 15. Written statement. Disclosure must be made by a written statement filed with the appropriate State agency or unit of local government contemporaneously with the execution of the agreement or understanding. Each individual and entity must be disclosed by name and address and by a description of the interest held, including the percentage interest in the land held by the individual or entity. The statement must be verified, subject to penalty of perjury, by the individual who holds the greatest percentage of beneficial interest in the land.

Section 20. Recordation. The State agency or unit of local government must file the statement of record with the recorder of each county in which any part of the land is located within 3 business days after the statement is filed with the State agency or unit of local government.

Section 25. Agreements and understandings void. Any agreement or understanding in violation of this Act is void.

Section 30. Other disclosure requirements. The disclosure required under this Act is in addition to, and not in lieu of, any other disclosure required by law.

Approved August 9, 2001.
Effective August 9, 2001.
maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.
(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child Reporting Act. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(Source: P.A. 90-590, eff. 1-1-00.)

Section 10. The Abused and Neglected Child Reporting Act is amended by changing Section 7.9 and adding Section 8.6 as follows:

(325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)
Sec. 7.9. The Department shall prepare, print, and distribute initial, preliminary, and final reporting forms to each Child Protective Service Unit. Initial written reports from the reporting source shall contain the following information to the extent known at the time the report is made: (1) the names and addresses of the child and his parents or other persons responsible for his welfare; (1.5) the name and address of the school that the child attends (or the school that the child last attended, if the report is written during the summer when school is not in session), and the name of the school district in which the school is located, if applicable; (2) the child's age, sex, and race; (3) the nature and extent of the child's abuse or neglect, including any evidence of prior injuries, abuse, or neglect of the child or his siblings; (4) the names of the persons apparently responsible for the abuse or neglect; (5) family composition, including names, ages, sexes, and races of other children in the home; (6) the name of the person making the report, his occupation, and where he can be reached; (7) the actions taken by the reporting source, including the taking of photographs and x-rays, placing the child in temporary protective custody, or notifying the medical examiner or coroner; (8) and any other information the person making the report believes might be helpful in the furtherance of the purposes of this Act.
(Source: P.A. 84-611.)

(325 ILCS 5/8.6 new)
Sec. 8.6. Reports to a child's school. Within 10 days after completing an investigation of alleged physical or sexual abuse under this Act, if the report is indicated, the Child Protective Service
Unit shall send a copy of its final finding report to the school that the child who is the indicated victim of the report attends. If the final finding report is sent during the summer when the school is not in session, the report shall be sent to the last school that the child attended. The final finding report shall be sent as "confidential", and the school shall be responsible for ensuring that the report remains confidential in accordance with the Illinois School Student Records Act. If an indicated finding is overturned in an appeal or hearing, or if the Department has made a determination that the child is no longer at risk of physical or sexual harm, the Department shall request that the final finding report be purged from the student's record, and the school shall purge the final finding report from the student's record and return the report to the Department. If an indicated report is expunged from the central register, and that report has been sent to a child's school, the Department shall request that the final finding report be purged from the student's record, and the school shall purge the final finding report from the student's record and return the report to the Department.

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0296
(House Bill No. 3179)

AN ACT concerning consumer fraud.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2B.3 as follows:

Sec. 2B.3. Deceptive sale or promotion of health-related cash discount cards. It is an unlawful practice for any person to sell, market, promote, advertise, or otherwise distribute any card or other purchasing mechanism or device that purports to offer discounts or access to discounts from health care providers in health related purchases if:

(1) the card or other purchasing mechanism or device does not expressly provide in bold and prominent type that the discounts are not insurance;
(2) the discounts are not specifically authorized by a contract with each health care provider listed in conjunction with the card or other purchasing mechanism or device; or
(3) the discounts or access to discounts offered or the range of discounts or access to the range of discounts offered are misleading, deceptive or fraudulent, regardless of the literal wording used.

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0297
(House Bill No. 3194)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Occupational Therapy Practice Act is amended by changing Section 2 and adding Sections 3.1, 3.2, and 11.1 as follows:

Sec. 2. Definitions. In this Act:
(1) "Department" means the Department of Professional Regulation.
(2) "Director" means the Director of Professional Regulation.
(3) "Board" means the Illinois Occupational Therapy Board appointed by the Director.
(4) "Registered occupational therapist" means a person licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.
(5) "Certified occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of a registered occupational therapist, and to implement

New matter indicated by italics - deletions by strikeout.
the occupational therapy treatment program as established by the registered occupational therapist. Such program may include training in activities of daily living, the use of therapeutic activity including task oriented activity to enhance functional performance, and guidance in the selection and use of adaptive equipment.

(6) "Occupational therapy" means the therapeutic use of purposeful and meaningful occupations or goal-directed activities to evaluate and provide interventions for individuals and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles and to promote health and wellness. Occupational therapy intervention may include any of the following:

(a) remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;
(b) adaptation of task, process, or the environment or the teaching of compensatory techniques in order to enhance performance;
(c) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and
(d) health promotion strategies and practices that enhance performance abilities.

The registered occupational therapist or certified occupational therapy assistant may assume a variety of roles in his or her career including, but not limited to, practitioner, supervisor of professional students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, and educator of consumers, peers, and family.

(7) "Occupational therapy services" means services that may be provided to individuals and populations including, without limitation, the following:

(a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work, or productive activities, including instrumental living and play and leisure activities;
(b) evaluating, developing, improving, or restoring sensory motor, cognitive, or psychosocial components of performance;
(c) designing, fabricating, applying, or training in the use of assistive technology or temporary, orthoses and training in the use of orthoses and prostheses;
(d) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;
(e) for occupational therapists possessing advanced training, skill, and competency as demonstrated through examinations that shall be determined by the Department, applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;
(f) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;
(g) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions; and
(h) consulting with groups, programs, organizations, or communities to provide population-based services.

(8) "An aide in occupational therapy" means an individual who provides supportive services to occupational therapy practitioners but who is not certified by a nationally recognized occupational therapy certifying or licensing body. The evaluation of functional performance ability of persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process, and the analysis, selection and application of occupations or goal-directed activities, for the treatment or prevention of these disabilities to achieve optimum functioning. Occupational therapy services include, but are not limited to activities of daily living (ADL); the design fabrication and application or splints, administration and interpretation of standardized tests to identify dysfunctions, sensory-integrative and perceptual motor activities, the use of task oriented activities, guidance in the selection and use of assistive devices, goal oriented activities directed toward enhancing functional performance, pre-vocational evaluation and vocational training, and consultation in the adaptation of physical environments for the handicapped. These services are provided to individuals or groups through medical, health, educational, and social systems. An occupational therapist may evaluate a person but shall obtain a referral by a physician before treatment is administered by the occupational therapist. An occupational therapist shall refer to a licensed
physician, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

(Source: P.A. 88-424.)

(225 ILCS 75/3.1 new)

Sec. 3.1. Referrals. A registered occupational therapist or certified occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatrist, or optometrist.

An occupational therapist shall refer to a licensed physician, dentist, optometrist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

(225 ILCS 75/3.2 new)

Sec. 3.2. Practice of optometry. No rules shall be adopted under this Act that allows an occupational therapist to perform an act, task, or function primarily performed in the lawful practice of optometry under the Illinois Optometric Practice Act of 1987.

(225 ILCS 75/3.3 new)

Sec. 3.3. Rules. The Department shall promulgate rules to define and regulate the activities of occupational therapy aides.

(225 ILCS 75/11.1 new)

Sec. 11.1. Continuing education requirement. All renewal applicants shall provide proof of having met the continuing competency requirements set forth in the rules of the Department. At a minimum, the rules shall require a renewal applicant to provide proof of completing at least 12 units of continuing competency activities during the 2-year licensing cycle for which he or she is currently licensed. The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing competency requirements. The continuing competency requirements may be waived in cases of extreme hardship as defined by rule.

The Department shall establish by rule a means for verifying the completion of the continuing competency required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing competency certificates with the Department, or by any other means established by the Department.

Section 99. Effective date. This Act takes effect on January 1, 2002.

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0298
(House Bill No. 3203)

AN ACT concerning the Department of Commerce and Community Affairs.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-420 and 605-510 as follows:

(20 ILCS 605/605-420) (was 20 ILCS 605/46.75)

(a) The Department may accept gifts, grants, awards, matching contributions, interest income, appropriations, and cost sharings from individuals, businesses, governments, and other third-party sources, on terms that the Director deems advisable, for any or all of the following purposes:

(1) Blank to assist recipients, including recipients under the Temporary Assistance to Needy Families (TANF) program, to obtain and retain employment and become economically self-sufficient;
(2) to assist economically disadvantaged and other youth to make a successful transition from school to work; and
(3) to assist other individuals targeted for services through education, training, and workforce development programs to obtain employment-related skills and obtain

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employment;

(4) to identify, develop, commercialize, or promote technology within the State; and
(5) to promote economic development within the State.

(b) The Federal Workforce, Technology, and Economic Development Fund is created as a special fund in the State Treasury. On September 1, 2000, or as soon thereafter as may be reasonably practicable, the State Comptroller shall transfer from the Federal Workforce Development Fund into the Title III Social Security and Employment Fund all moneys that were received for the purposes of Section 403(a)(5) of the federal Social Security Act and remain unobligated on that date. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, all moneys received under this Section for the purposes of Section 403(a)(5) of the federal Social Security Act, except moneys that may be necessary to pay liabilities outstanding as of June 30, 2000, shall be deposited into the Title III Social Security and Employment Fund, and all other moneys received under this Section shall be deposited into the Federal Workforce, Technology, and Economic Development Fund.

Moneys received under this Section may be expended for purposes consistent with the conditions under which those moneys are received, subject to appropriations made by the General Assembly for those purposes.

(Source: P.A. 91-34, eff. 7-1-99; 91-704, eff. 7-1-00.)

Sec. 605-510. Study of laws affecting small business. To study the effect of laws affecting small business to determine whether those laws impede the creation of small businesses or create economic damages for any small business group that may jeopardize the small business group’s continuation in the marketplace or its valuable contribution to the economic growth of this State. The study may shall be conducted in cooperation with the department or agency administering the law whose effect is the subject of the study. A general study of the laws affecting the creation of small businesses in this State may shall be undertaken by the Department and the results shall be reported to the Governor and the General Assembly by January 1, 1996.

An economic impact review may shall be made at least every 2 years, and pertinent information shall be gathered from the business segment affected to determine whether the laws need amendment to relieve business losses while retaining the substance of the legislation, or whether the original purpose has been accomplished and the laws should be repealed. The review shall be reported to the Governor, the General Assembly, and the administering State agency, as well as to the business associations most directly representing the business group involved.

The Director may shall appoint a task force to assist the Department in conducting the studies and reviews required under this Section. The task force will shall consist of persons representing small business and persons representing the affected State departments and agencies. Members of the task force shall serve without compensation but may be reimbursed for necessary expenses in connection with their duties out of money available to the Department for that purpose.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The State Finance Act is amended by renumbering and changing Section 5.490, added by Public Act 91-34, as follows:

(30 ILCS 105/5.493)

Sec. 5.493. The Federal Workforce, Technology, and Economic Development Fund.

(Sources: P.A. 91-34, eff. 7-1-99; revised 11-12-99.)

Sec. 5.490. The Federal Workforce, Technology, and Economic Development Fund.

(Public Act 91-34, eff. 7-1-99; revised 11-12-99.)

(Public Act 91-34, eff. 1-1-00.)

Section 15. The State Finance Act is amended by repealing Section 5.203.

(30 ILCS 130/Act rep.)

Section 20. The Exxon Overcharge Fund Act is repealed.

(305 ILCS 45/Act rep.)

Section 25. The Work Opportunity and Earnfare Act is repealed.

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

Approved August 9, 2001.
Effective August 9, 2001.
AN ACT concerning property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(765 ILCS 90/Act rep.)
Section 5. The Responsible Property Transfer Act of 1988 is repealed.
Section 10. Notwithstanding the repeal of the Responsible Property Transfer Act of 1988 by
this Act, any action that accrued under the Responsible Property Transfer Act of 1988 before the
effective date of this Act may be maintained in accordance with the provisions of the Responsible
Property Transfer Act of 1988 as it existed before its repeal.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0300
(House Bill No. 3262)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 24-8 as follows:
(720 ILCS 5/24-8)
Sec. 24-8. Firearm tracing.
(a) Upon recovering a firearm from the possession of anyone who is not permitted by federal
or State law to possess a firearm, a local law enforcement agency shall use the best available
information, including a firearms trace when necessary, to determine how and from whom the person
 gained possession of the firearm. Upon recovering a firearm that was used in the commission of any
offense classified as a felony or upon recovering a firearm that appears to have been lost, mislaid,
stolen, or otherwise unclaimed, a local law enforcement agency shall use the best available
information, including a firearms trace when necessary, to determine prior ownership of the firearm.
(b) Local law enforcement shall, when appropriate, use the National Tracing Center of the
Federal Bureau of Alcohol, Tobacco and Firearms in complying with subsection (a) of this Section.
(c) Local law enforcement agencies shall use the Illinois Department of State Police Law
Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered
firearms as prescribed by LEADS regulations and policies.
(Source: P.A. 90-137, eff. 1-1-98; 91-364, eff. 1-1-00.)
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0301
(House Bill No. 3292)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 8-55, 10-110, and 10-135
as follows:
(35 ILCS 200/8-55)
Sec. 8-55. Office of appraisals. Within the Department, an Office of Appraisals shall assist
local government assessment officials, in counties of less than 3,000,000 inhabitants, with appraisal
of commercial and industrial properties having an assessment, prior to equalization by the Department,
of $350,000 or more. The Office of Appraisals shall be staffed by 10 or more professional appraisers
qualified by experience and education as required by the Department.
The Office shall provide assistance to assessors and Supervisors of Assessments having a
complaint or appeal relating to the property to be appraised pending before the Board of Review or

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the State Property Tax Appeal Board. Such assistance shall be provided upon request, pursuant to a
written agreement between the Department and the assessing official making the request, specifying
the project involved, the time frame for making the appraisal, the purpose of the appraisal and the
responsibilities of the parties, including agreement by the local assessing official that the appraisal will
be accepted and utilized in the pending complaint or appeal.
(Source: P.A. 84-1454; 88-455.)

Sec. 10-110. Farmland. The equalized assessed value of a farm, as defined in Section 1-60 and
if used as a farm for the 2 preceding years, except tracts subject to assessment under Section 10-145,
shall be determined as described in Sections 10-115 through 10-140. To assure proper implementation
of Sections 10-110 through 10-140, the Department may withhold non-farm multipliers for any county
other than a county with more than 3,000,000 inhabitants that classifies property for tax purposes.
(Source: P.A. 86-954; 88-455.)

Sec. 10-135. Farmland not subject to equalization. The assessed valuation of farmland
assessed under Sections 10-110 through 10-130 shall not be subject to equalization by means of State
equalization factors. Equalization factors applied by a chief county assessment officer or a Board of
Review under Sections 9-205 and 16-60 shall be applied to assessments of farmland only to achieve
assessments as required by Sections 10-110 through 10-130. To assure proper implementation of this
Section, the Department may withhold non-farm multipliers to any county, other than a county with
more than 3,000,000 inhabitants which classifies property for tax purposes.
(Source: P.A. 86-954; 88-455.)

Approved August 9, 2001.
Effective January 1, 2002.

AN ACT concerning state facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Central Management Services Law of the Civil Administrative
Code of Illinois is amended by changing Section 405-315 as follows:

Sec. 405-315. Management of State buildings; security force; fees.
(a) To manage, operate, maintain, and preserve from waste the State buildings listed below.
The Department may rent portions of these and other State buildings when in the judgment of the
Director those leases will be in the best interests of the State. The leases shall not exceed 5 years
unless a greater term is specifically authorized.

a. Peoria Regional Office Building
   5415 North University
   Peoria, Illinois  61614
b. Springfield Regional Office Building
   4500 South 6th Street
   Springfield, Illinois  62703
c. Champaign Regional Office Building
   2125 South 1st Street
   Champaign, Illinois  61820
d. Illinois State Armory Building
   124 East Adams
   Springfield, Illinois  62706
e. Marion Regional Office Building
   2209 West Main Street
   Marion, Illinois  62959
f. Kenneth Hall Regional State Office

New matter indicated by italics - deletions by strikeout.
Building
#10 Collinsville Avenue
East St. Louis, Illinois  62201
g. Rockford Regional Office Building
4402 North Main Street
P.O. Box 915
Rockford, Illinois  61105
h. State of Illinois Building
160 North LaSalle
Chicago, Illinois  60601
i. Office and Laboratory Building
2121 West Taylor Street
Chicago, Illinois  60602
j. Central Computer Facility
201 West Adams
Springfield, Illinois  62706
k. Elgin Office Building
595 South State Street
Elgin, Illinois  60120
l. James R. Thompson Center
   Bounded by Lake, Clark, Randolph and
   LaSalle Streets
   Chicago, Illinois
m. The following buildings located within the Chicago
   Medical Center District:
   1. Lawndale Day Care Center
      2929 West 19th Street
   2. Edwards Center
      2020 Roosevelt Road
   3. Illinois Center for
      Rehabilitation and Education
      1950 West Roosevelt Road and 1151 South Wood Street
   4. Department of Children and
      Family Services District Office
      1026 South Damen
   5. The William Heally School
      1731 West Taylor
   6. Administrative Office Building
      1100 South Paulina Street
   7. Metro Children and Adolescents Center
      1601 West Taylor Street
n. E.J. "Zeke" Giorgi Center
   200 Wyman Street
   Rockford, Illinois
o. Suburban North Facility
   9511 Harrison
   Des Plaines, Illinois
p. The following buildings located within the Revenue
   Center in Springfield:
   1. State Property Control Warehouse
      11th & Ash
   2. Illinois State Museum Research & Collections
      Center
      1011 East Ash Street
q. Effingham Regional Office Building

New matter indicated by italics - deletions by strikeout.
Portions or all of the basement and ground floor of the State of Illinois Building 160 North LaSalle Chicago, Illinois 60601 may be leased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years when in the judgment of the Director those leases will be in the best interests of the State.

Portions or all of the commercial space, which includes the sub-basement, storage mezzanine, concourse, and ground and second floors of the James R. Thompson Center Bounded by Lake, Clark, Randolph and LaSalle Streets Chicago, Illinois may be leased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years subject to renewals when in the judgment of the Director those leases will be in the best interests of the State.

The Director is authorized to rent portions of the above described facilities to persons, firms, partnerships, associations, or individuals for terms not to interfere with State usage of the facility. This authority is meant to supplement and shall not in any way be interpreted to restrict the Director's ability to make portions of the State of Illinois Building and the James R. Thompson Center available for long-term commercial leases.

Provided however, that all rentals or fees charged to persons, firms, partnerships, associations, or individuals for any lease or use of space in the above described facilities made for terms not to exceed 30 days in length shall be deposited in a special fund in the State treasury to be known as the Special Events Revolving Fund.

Notwithstanding the provisions above, the Department of Children and Family Services and the Department of Human Services (as successor to the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall determine the allocation of space for direct recipient care in their respective facilities. The Department of Central Management Services shall consult with the affected agency in the allocation and lease of surplus space in these facilities. Potential lease arrangements shall not endanger the direct recipient care responsibilities in these facilities.

(b) To appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the security force shall be peace officers when performing duties pursuant to this Section and as such shall have all of the powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or issue citations for violations of State statutes or city or county ordinances, except that in counties of more than 1,000,000 population, any powers created by this subsection shall be exercised only (i) when necessary to protect the property, personnel, or interests of the Department or any State agency for whom the Department manages, operates, or maintains property or (ii) when specifically requested by appropriate State or local law enforcement officials, and except that within counties of 1,000,000 or less population, these powers shall be exercised only when necessary to protect the property, personnel, or interests of the State of Illinois and only while on property managed, operated, or maintained by the Department.

Nothing in this subsection shall be construed so as to make it conflict with any provisions of, or rules promulgated under, the Personnel Code.

(c) To charge reasonable fees to all State agencies utilizing facilities operated by the Department for occupancy related fees and charges. All fees collected under this subsection shall be deposited in a special fund in the State treasury known as the Facilities Management Revolving Fund. As used in this subsection, the term "State agencies" means all departments, officers, commissions, institutions, boards, and bodies politic and corporate of the State.

(Source: P.A. 91-239, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to developmental disabilities. 
Be it enacted by the People of the State of Illinois, represented in the General Assembly: 
Section 5. The Developmental Disability and Mental Disability Services Act is amended by adding Article 10 as follows: 

(405 ILCS 80/Art. 10 heading new)

Article 10. 
Workforce Task Force for Persons with Disabilities

Sec. 10-5. Task force created. A workforce task force for persons with disabilities is created, consisting of 16 members. The task force shall consist of the following members:

(1) Two members of the Senate, appointed one each by the President of the Senate and the Minority Leader of the Senate.

(2) Two members of the House of Representatives, appointed one each by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(3) Three members appointed by the Secretary of Human Services or his or her designee, one each representing the Office of Developmental Disabilities, the Office of Rehabilitation Services, and the Office of Mental Health within the Department.

(4) One member representing the Illinois Council on Developmental Disabilities, selected by the Council.

(5) One member appointed by the Director of Aging or his or her designee.

(6) One member appointed by the Director of Employment Security or his or her designee.

(7) One member appointed by the Director of Commerce and Community Affairs or his or her designee.

(8) Two members representing private businesses, one of the 2 representing the Business Leaders Network, appointed by the Secretary of Human Services.

(9) One member representing the Illinois Network of Centers for Independent Living, selected by the Network.

(10) One member representing the Coalition of Citizens with Disabilities in Illinois, selected by the Coalition.

(11) One member representing People First of Illinois, selected by that organization.

(405 ILCS 80/10-10 new)
Sec. 10-10. Task force's duties.

(a) The task force shall review, assess, and develop recommendations and an implementation plan to address the following issues:

(1) Identification of State-specific barriers that prevent persons with disabilities from enjoying the same employment level as persons without those disabilities.

(2) Identification of strategies that create parity in the unemployment rate between persons with disabilities and persons without those disabilities.

(3) Identification of issues that impede the training, hiring, and retention of personal care assistants to help persons with disabilities remain in their own homes and obtain employment both in and outside their homes.

(4) Identification of models or strategies that foster shared arrangements between persons with disabilities in terms of personal care assistance and shared housing.

(b) In identifying the issues set forth in subsection (a), especially concerning the retention of personal care assistants and direct care workers for individuals with developmental disabilities, the task force shall employ methods that include a review of other states' practices and experiences in
developing financial and non-financial incentives that would reduce Illinois' high employment turnover rate of personal assistants for persons with disabilities. These incentives may include, but need not be limited to, forgiveness of student loans, implementation of a benefits program, and the offering of community-college-level courses.

(c) The task force shall report its findings and recommendations to the Governor and the General Assembly 6 months after the date that the task force is formed.

(405 ILCS 80/10-15 new)
Sec. 10-15. High school students; transition study.
(a) The task force shall do the following:
(1) Conduct a longitudinal study of the outcomes that secondary education programs have for students with disabilities after exiting the secondary school environment.
(2) Identify gaps in services that may exist for students with disabilities transitioning out of their secondary education.
(3) Identify strategies to narrow any gaps in services that may exist.
(b) The task force shall designate the staff who are to conduct the study under subdivision (a)(1).

Article 99. Effective Date.
Section 99-99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0304
(Senate Bill No. 0021)

AN ACT concerning county sheriffs.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The County Jail Act is amended by adding Section 19.5 as follows:
(730 ILCS 125/19.5 new)
Sec. 19.5. Release of prisoners to law enforcement personnel or State's Attorney. The sheriff may adopt and implement a written policy that provides for the release of a person who is in the custody of the sheriff for any criminal or supposed criminal matter to sworn law enforcement personnel or to the State's Attorney for the purpose of furthering investigations into criminal matters that are unrelated to the criminal matter for which the person is held in custody. The written policy must, at a minimum, require that there be a written request, signed by an authorized agent of the law enforcement agency or State's Attorney office, to take custody of the prisoner and that the written request shall include the name of the individual authorized to take custody of the prisoner, the purpose and scope of the criminal matter under investigation, and a statement of the fact that the individual taking custody and agency they are employed by understand the limitation of the sheriff's liability as described in this Act. Upon the release of a person to law enforcement personnel or the State's Attorney under written policy of the sheriff, the sheriff shall not be liable for any injury of any kind, including but not limited to death, to either the person released or to any third party that occurs during the time period that the person is in custody of other law enforcement personnel or the State's Attorney unless the sheriff or a deputy sheriff, correctional guard, lockup keeper, or county employee is guilty of willful and wanton conduct that proximately caused the injury.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0305
(Senate Bill No. 0174)

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to gambling.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 15. The Bingo License and Tax Act is amended by changing Section 2 as follows:
(230 ILCS 25/2) (from Ch. 120, par. 1102)
Sec. 2. The conducting of bingo is subject to the following restrictions:
(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful
purposes of the organization permitted to conduct that game.
(2) No person except a bona fide member of the sponsoring organization or a bona
fide member of an auxiliary organization, substantially all of whose members are spouses of members
of the sponsoring organization may participate in the management or operation of the game.
(3) No person may receive any remuneration or profit for participating in the management or
operation of the game, except that if an organization licensed under this Act is associated with a school
or other educational institution, that school or institution may reduce tuition or fees for a designated
pupil based on participation in the management or operation of the game by any member of the
organization. The extent to which tuition and fees are reduced shall relate proportionately to the
amount of time volunteered by the member, as determined by the school or other educational
institution.
(4) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo
may not exceed $2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each,
and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of
not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and
within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2
additional bingo games may be conducted after the $2,250 limit has been reached. The prize awarded
for any one game, including any game conducted after reaching the $2,250 limit as authorized in this
paragraph (4), may not exceed $500 cash or its equivalent.
(5) The number of games may not exceed 25 in any one day including regular and special
games, except that this restriction on the number of games shall not apply to bingo conducted at the
Illinois State Fair or any county fair held in Illinois.
(6) The price paid for a single card under the license may not exceed $1 and such card is valid
for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo
day, except that this restriction on the number of special games shall not apply to bingo conducted at
the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may
not exceed 50 cents.
(7) The number of bingo days conducted by a licensee under this Act is limited to one per
week, except as follows:
(i) Bingo may be conducted in accordance with the terms of a special operator's permit
or limited license issued under subdivision (3) of Section 1.
(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois
under subdivision (3) of Section 1.
(iii) A licensee which cancels a day of bingo because of inclement weather or because the
day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct
bingo on an additional date which falls on a day of the week other than the day authorized
under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed
in Section 17 of the Promissory Note and Bank Holiday Act.
(8) A licensee may rent a premises on which to conduct bingo only from an organization
which is licensed as a provider of premises or exempt from license requirements under this Act. If the
organization providing the premises is a metropolitan exposition, auditorium, and office building
authority created by State law, a licensee may enter into a rental agreement with the organization
authorizing the licensee and the organization to share the gross proceeds of bingo games; however,
the organization shall not receive more than 50% of the gross proceeds.
(9) No person under the age of 18 years may play or participate in the conducting of bingo.
Any person under the age of 18 years may be within the area where bingo is being played only when
accompanied by his parent or guardian.
(10) The promoter of bingo games must have a proprietary interest in the game promoted.
(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the

New matter indicated by italics - deletions by strikeout.
premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days, during each day of which the number of games may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed $150.

(Source: P.A. 87-220; 87-1175; 88-53.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0306
(Senate Bill No. 0433)

AN ACT concerning family law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 503 as follows:

(750 ILCS 5/503) (from Ch. 40, par. 503)
Sec. 503. Disposition of property.
(a) For purposes of this Act, "marital property" means all property acquired by either spouse subsequent to the marriage, except the following, which is known as "non-marital property":
(1) property acquired by gift, legacy or descent;
(2) property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, legacy or descent;
(3) property acquired by a spouse after a judgment of legal separation;
(4) property excluded by valid agreement of the parties;
(5) any judgment or property obtained by judgment awarded to a spouse from the other spouse;
(6) property acquired before the marriage;
(7) the increase in value of property acquired by a method listed in paragraphs (1) through (6) of this subsection, irrespective of whether the increase results from a contribution of marital property, non-marital property, the personal effort of a spouse, or otherwise, subject to the right of reimbursement provided in subsection (c) of this Section; and
(8) income from property acquired by a method listed in paragraphs (1) through (7) of this subsection if the income is not attributable to the personal effort of a spouse.
(b)(1) For purposes of distribution of property pursuant to this Section, all property acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, including non-marital property transferred into some form of co-ownership between the spouses, is presumed to be marital property, regardless of whether title is held individually or by the spouses in some form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in subsection (a) of this Section.
(2) For purposes of distribution of property pursuant to this Section, all pension benefits (including pension benefits under the Illinois Pension Code) acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of the marriage are presumed to be marital property, regardless of which spouse participates in the pension plan. The presumption that these pension benefits are marital property is overcome by a showing that the pension benefits were acquired by a method listed in subsection (a) of this Section. The right to a
division of pension benefits in just proportions under this Section is enforceable under Section 1-119 of the Illinois Pension Code.

The value of pension benefits in a retirement system subject to the Illinois Pension Code shall be determined in accordance with the valuation procedures established by the retirement system.

The recognition of pension benefits as marital property and the division of those benefits pursuant to a Qualified Illinois Domestic Relations Order shall not be deemed to be a diminishment, alienation, or impairment of those benefits. The division of pension benefits is an allocation of property in which each spouse has a species of common ownership.

(3) For purposes of distribution of property under this Section, all stock options granted to either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, whether vested or non-vested or whether their value is ascertainable, are presumed to be marital property. This presumption of marital property is overcome by a showing that the stock options were acquired by a method listed in subsection (a) of this Section. The court shall allocate stock options between the parties at the time of the judgment of dissolution of marriage or declaration of invalidity of marriage recognizing that the value of the stock options may not be then determinable and that the actual division of the options may not occur until a future date. In making the allocation between the parties, the court shall consider, in addition to the factors set forth in subsection (d) of this Section, the following:

(i) All circumstances underlying the grant of the stock option including but not limited to whether the grant was for past, present, or future efforts, or any combination thereof.

(ii) The length of time from the grant of the option to the time the option is exercisable.

(c) Commingled marital and non-marital property shall be treated in the following manner, unless otherwise agreed by the spouses:

(1) When marital and non-marital property are commingled by contributing one estate of property into another resulting in a loss of identity of the contributed property, the classification of the contributed property is transmuted to the estate receiving the contribution, subject to the provisions of paragraph (2) of this subsection; provided that if marital and non-marital property are commingled into newly acquired property resulting in a loss of identity of the contributing estates, the commingled property shall be deemed transmuted to marital property, subject to the provisions of paragraph (2) of this subsection.

(2) When one estate of property makes a contribution to another estate of property, or when a spouse contributes personal effort to non-marital property, the contributing estate shall be reimbursed from the estate receiving the contribution notwithstanding any transmutation; provided, that no such reimbursement shall be made with respect to a contribution which is not retraceable by clear and convincing evidence, or was a gift, or, in the case of a contribution of personal effort of a spouse to non-marital property, unless the effort is significant and results in substantial appreciation of the non-marital property. Personal effort of a spouse shall be deemed a contribution by the marital estate. The court may provide for reimbursement out of the marital property to be divided or by imposing a lien against the non-marital property which received the contribution.

(d) In a proceeding for dissolution of marriage or declaration of invalidity of marriage, or in a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall assign each spouse's non-marital property to that spouse. It also shall divide the marital property without regard to marital misconduct in just proportions considering all relevant factors, including:

(1) the contribution of each party to the acquisition, preservation, or increase or decrease in value of the marital or non-marital property, including the contribution of a spouse as a homemaker or to the family unit;

(2) the dissipation by each party of the marital or non-marital property;

(3) the value of the property assigned to each spouse;

(4) the duration of the marriage;

(5) the relevant economic circumstances of each spouse when the division of property is to become effective, including the desirability of awarding the family home, or the right to live therein for reasonable periods, to the spouse having custody of the children;

(6) any obligations and rights arising from a prior marriage of either party;

New matter indicated by italics - deletions by strikeout.
(7) any antenuptial agreement of the parties;
(8) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties;
(9) the custodial provisions for any children;
(10) whether the apportionment is in lieu of or in addition to maintenance;
(11) the reasonable opportunity of each spouse for future acquisition of capital assets and income; and
(12) the tax consequences of the property division upon the respective economic circumstances of the parties.

(e) Each spouse has a species of common ownership in the marital property which vests at the time dissolution proceedings are commenced and continues only during the pendency of the action. Any such interest in marital property shall not encumber that property so as to restrict its transfer, assignment or conveyance by the title holder unless such title holder is specifically enjoined from making such transfer, assignment or conveyance.

(f) In a proceeding for dissolution of marriage or declaration of invalidity of marriage or in a proceeding for disposition of property following dissolution of marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court, in determining the value of the marital and non-marital property for purposes of dividing the property, shall value the property as of the date of trial or some other date as close to the date of trial as is practicable.

(g) The court if necessary to protect and promote the best interests of the children may set aside a portion of the jointly or separately held estates of the parties in a separate fund or trust for the support, maintenance, education, and general welfare of any minor, dependent, or incompetent child of the parties. In making a determination under this subsection, the court may consider, among other things, the conviction of a party of any of the offenses set forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a child of one or both of the parties, and there is a need for, and cost of, care, healing and counseling for the child who is the victim of the crime.

(h) Unless specifically directed by a reviewing court, or upon good cause shown, the court shall not on remand consider any increase or decrease in the value of any "marital" or "non-marital" property occurring since the assessment of such property at the original trial or hearing, but shall use only that assessment made at the original trial or hearing.

(i) The court may make such judgments affecting the marital property as may be just and may enforce such judgments by ordering a sale of marital property, with proceeds therefrom to be applied as determined by the court.

(j) After proofs have closed in the final hearing on all other issues between the parties (or in conjunction with the final hearing, if all parties so stipulate) and before judgment is entered, a party's petition for contribution to fees and costs incurred in the proceeding shall be heard and decided, in accordance with the following provisions:

(1) A petition for contribution, if not filed before the final hearing on other issues between the parties, shall be filed no later than 30 days after the closing of proofs in the final hearing or within such other period as the court orders.

(2) Any award of contribution to one party from the other party shall be based on the criteria for division of marital property under this Section 503 and, if maintenance has been awarded, on the criteria for an award of maintenance under Section 504.

(3) The filing of a petition for contribution shall not be deemed to constitute a waiver of the attorney-client privilege between the petitioning party and current or former counsel; and such a waiver shall not constitute a prerequisite to a hearing for contribution. If either party's presentation on contribution, however, includes evidence within the scope of the attorney-client privilege, the disclosure or disclosures shall be narrowly construed and shall not be deemed by the court to constitute a general waiver of the privilege as to matters beyond the scope of the presentation.

(4) No finding on which a contribution award is based or denied shall be asserted against counsel or former counsel for purposes of any hearing under subsection (c) or (e) of Section 508.

New matter indicated by italics - deletions by strikeout.
(5) A contribution award (payable to either the petitioning party or the party's counsel, or jointly, as the court determines) may be in the form of either a set dollar amount or a percentage of fees and costs (or a portion of fees and costs) to be subsequently agreed upon by the petitioning party and counsel or, alternatively, thereafter determined in a hearing pursuant to subsection (c) of Section 508 or previously or thereafter determined in an independent proceeding under subsection (e) of Section 508.

(6) The changes to this Section 503 made by this amendatory Act of 1996 apply to cases pending on or after June 1, 1997, except as otherwise provided in Section 508.

(Source: P.A. 90-731, eff. 7-1-99; 91-445, eff. 1-1-00.)
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0307
(Senate Bill No. 0461)

AN ACT in relation to children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Early Intervention Services System Act is amended by changing Sections 3, 4, 5, 11, 13, and 15 and adding Sections 13.5, 13.10, 13.15, 13.20, 13.25, 13.30, 13.32, and 13.50 as follows:
(325 ILCS 20/3) (from Ch. 23, par. 4153)
Sec. 3. Definitions. As used in this Act:
(a) "Eligible infants and toddlers" means infants and toddlers under 36 months of age with any of the following conditions:
   (1) Developmental delays as defined by the Department by rule.
   (2) A physical or mental condition which typically results in developmental delay.
   (3) Being at risk of having substantial developmental delays based on informed clinical judgment.
   (4) Either (A) having entered the program under any of the circumstances listed in paragraphs (1) through (3) of this subsection but no longer meeting the current eligibility criteria under those paragraphs, and continuing to have any measurable delay, or (B) not having attained a level of development in each area, including (i) cognitive, (ii) physical (including vision and hearing), (iii) language, speech, and communication, (iv) psycho-social, or (v) self-help skills, that is at least at the mean of the child's age equivalent peers; and, in addition to either item (A) or item (B), (C) having been determined by the multidisciplinary individualized family service plan team to require the continuation of early intervention services in order to support continuing developmental progress, pursuant to the child's needs and provided in an appropriate developmental manner. The type, frequency, and intensity of services shall differ from the initial individualized family services plan because of the child's developmental progress, and may consist of only service coordination, evaluation, and assessments.
(b) "Developmental delay" means a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills.
(c) "Physical or mental condition which typically results in developmental delay" means:
   (1) a diagnosed medical disorder bearing a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities; or
   (2) a history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history.
(d) "Informed clinical judgment" means both clinical observations and parental participation to determine eligibility by a consensus of a multidisciplinary team of 2 or more members based on

New matter indicated by italics - deletions by strikeout.
their professional experience and expertise.

(e) "Early intervention services" means services which:
(1) are designed to meet the developmental needs of each child eligible under this Act and the needs of his or her family;
(2) are selected in collaboration with the child's family;
(3) are provided under public supervision;
(4) are provided at no cost except where a schedule of sliding scale fees or other system of payments by families has been adopted in accordance with State and federal law;
(5) are designed to meet an infant's or toddler's developmental needs in any of the following areas:
   (A) physical development, including vision and hearing,
   (B) cognitive development,
   (C) communication development,
   (D) social or emotional development, or
   (E) adaptive development;
(6) meet the standards of the State, including the requirements of this Act;
(7) include one or more of the following:
   (A) family training,
   (B) social work services, including counseling, and home visits,
   (C) special instruction,
   (D) speech, language pathology and audiology,
   (E) occupational therapy,
   (F) physical therapy,
   (G) psychological services,
   (H) service coordination services,
   (I) medical services only for diagnostic or evaluation purposes,
   (J) early identification, screening, and assessment services,
   (K) health services specified by the lead agency as necessary to enable the infant or toddler to benefit from the other early intervention services,
   (L) vision services,
   (M) transportation, and
   (N) assistive technology devices and services;
(8) are provided by qualified personnel, including but not limited to:
   (A) child development specialists or special educators,
   (B) speech and language pathologists and audiologists,
   (C) occupational therapists,
   (D) physical therapists,
   (E) social workers,
   (F) nurses,
   (G) nutritionists,
   (H) optometrists,
   (I) psychologists, and
   (J) physicians;
(9) are provided in conformity with an Individualized Family Service Plan;
(10) are provided throughout the year; and
(11) are provided in natural environments, including the home and community settings in which infants and toddlers without disabilities would participate to the extent determined by the multidisciplinary Individualized Family Service Plan.

(f) "Individualized Family Service Plan" or "Plan" means a written plan for providing early intervention services to a child eligible under this Act and the child's family, as set forth in Section 11.

(g) "Local interagency agreement" means an agreement entered into by local community and State and regional agencies receiving early intervention funds directly from the State and made in accordance with State interagency agreements providing for the delivery of early intervention services within a local community area.

New matter indicated by italics - deletions by strikeout.
(h) "Council" means the Illinois Interagency Council on Early Intervention established under Section 4.

(i) "Lead agency" means the State agency responsible for administering this Act and receiving and disbursing public funds received in accordance with State and federal law and rules.

(i-5) "Central billing office" means the central billing office created by the lead agency under Section 13.

(j) "Child find" means a service which identifies eligible infants and toddlers.

(k) "Regional intake entity" means the lead agency's designated entity responsible for implementation of the Early Intervention Services System within its designated geographic area.

(l) "Early intervention provider" means an individual who is qualified, as defined by the lead agency, to provide one or more types of early intervention services, and who has enrolled as a provider in the early intervention program.

(m) "Fully credentialed early intervention provider" means an individual who has met the standards in the State applicable to the relevant profession, and has met such other qualifications as the lead agency has determined are suitable for personnel providing early intervention services, including pediatric experience, education, and continuing education. The lead agency shall establish these qualifications by rule filed no later than 180 days after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 90-158, eff. 1-1-98; 91-538, eff. 8-13-99.)

(325 ILCS 20/4) (from Ch. 23, par. 4154)

Sec. 4. Illinois Interagency Council on Early Intervention.

(a) There is established the Illinois Interagency Council on Early Intervention. The Council shall be composed of at least 15 but not more than 25 members. The members of the Council and the designated chairperson of the Council shall be appointed by the Governor. The Council member representing the lead agency may not serve as chairperson of the Council. The Council shall be composed of the following members:

1. The Secretary of Human Services (or his or her designee) and 2 additional representatives of the Department of Human Services designated by the Secretary, plus the Directors (or their designees) of the following State agencies involved in the provision of or payment for early intervention services to eligible infants and toddlers and their families:
   (A) Illinois State Board of Education;
   (B) (Blank);
   (C) (Blank);
   (D) Illinois Department of Children and Family Services;
   (E) University of Illinois Division of Specialized Care for Children;
   (F) Illinois Department of Public Aid;
   (G) Illinois Department of Public Health;
   (H) (Blank);
   (I) Illinois Planning Council on Developmental Disabilities; and
   (J) Illinois Department of Insurance.

2. Other members as follows:
   (A) At least 20% of the members of the Council shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger;
   (B) At least 20% of the members of the Council shall be public or private providers of early intervention services;
   (C) One member shall be a representative of the General Assembly; and
   (D) One member shall be involved in the preparation of professional personnel to serve infants and toddlers similar to those eligible for services under this Act.

The Council shall meet at least quarterly and in such places as it deems necessary. Terms of the initial members appointed under paragraph (2) shall be determined by lot at the first Council meeting as follows: of the persons appointed under subparagraphs (A) and (B), one-third shall serve one year terms, one-third shall serve 2 year terms, and one-third shall serve 3 year terms; and of the
persons appointed under subparagraphs (C) and (D), one shall serve a 2 year term and one shall serve a 3 year term. Thereafter, successors appointed under paragraph (2) shall serve 3 year terms. Once appointed, members shall continue to serve until their successors are appointed. No member shall be appointed to serve more than 2 consecutive terms.

Council members shall serve without compensation but shall be reimbursed for reasonable costs incurred in the performance of their duties, including costs related to child care, and parents may be paid a stipend in accordance with applicable requirements.

The Council shall prepare and approve a budget using funds appropriated for the purpose to hire staff, and obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act. This funding support and staff shall be directed by the lead agency.

(b) The Council shall:
(1) advise and assist the lead agency in the performance of its responsibilities including but not limited to the identification of sources of fiscal and other support services for early intervention programs, and the promotion of interagency agreements which assign financial responsibility to the appropriate agencies;
(2) advise and assist the lead agency in the preparation of applications and amendments to applications;
(3) review and advise on relevant regulations and standards proposed by the related State agencies;
(4) advise and assist the lead agency in the development, implementation and evaluation of the comprehensive early intervention services system; and
(5) prepare and submit an annual report to the Governor and to the General Assembly on the status of early intervention programs for eligible infants and toddlers and their families in Illinois. The annual report shall include (i) the estimated number of eligible infants and toddlers in this State, (ii) the number of eligible infants and toddlers who have received services under this Act and the cost of providing those services, and (iii) the estimated cost of providing services under this Act to all eligible infants and toddlers in this State, and (iv) data and other information as is requested to be included by the Legislative Advisory Committee established under Section 13.50 of this Act. The report shall be posted by the lead agency on the early intervention website as required under paragraph (f) of Section 5 of this Act.

No member of the Council shall cast a vote on or participate substantially in any matter which would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law. All provisions and reporting requirements of the Illinois Governmental Ethics Act shall apply to Council members.

(Source: P.A. 91-357; eff. 7-29-99.)

(325 ILCS 20/5) (from Ch. 23, par. 4155)
Sec. 5. Lead Agency. The Department of Human Services is designated the lead agency and shall provide leadership in establishing and implementing the coordinated, comprehensive, interagency and interdisciplinary system of early intervention services. The lead agency shall not have the sole responsibility for providing these services. Each participating State agency shall continue to coordinate those early intervention services relating to health, social service and education provided under this authority.

The lead agency is responsible for carrying out the following:
(a) The general administration, supervision, and monitoring of programs and activities receiving assistance under Section 673 of the Individuals with Disabilities Education Act (20 United States Code 1473);
(b) The identification and coordination of all available resources within the State from federal, State, local and private sources;
(c) The development of procedures to ensure that services are provided to eligible infants and toddlers and their families in a timely manner pending the resolution of any disputes among public agencies or service providers;
(d) The resolution of intra-agency and interagency regulatory and procedural disputes.

New matter indicated by italics - deletions by strikeout.
(e) The development and implementation of formal interagency agreements, and the entry into such agreements, between the lead agency and (i) the Department of Public Aid, (ii) the University of Illinois Division of Specialized Care for Children, and (iii) other relevant State agencies that:

1) define the financial responsibility of each agency for paying for early intervention services (consistent with existing State and federal law and rules, including the requirement that early intervention funds be used as the payor of last resort), a hierarchical order of payment as among the agencies for early intervention services that are covered under or may be paid by programs in other agencies, and procedures for direct billing, collecting reimbursements for payments made, and resolving service and payment disputes; and

2) include all additional components necessary to ensure meaningful cooperation and coordination.

Interagency agreements under this paragraph (e) must be reviewed and revised to implement the purposes of this amendatory Act of the 92nd General Assembly no later than 60 days after the effective date of this amendatory Act of the 92nd General Assembly.

(f) The maintenance of an early intervention website. Within 30 days after the effective date of this amendatory Act of the 92nd General Assembly, the lead agency shall post and keep posted on this website the following: (i) the current annual report required under subdivision (b)(5) of Section 4 of this Act, and the annual reports of the prior 3 years, (ii) the most recent Illinois application for funds prepared under Section 637 of the Individuals with Disabilities Education Act filed with the United States Department of Education, (iii) proposed modifications of the application prepared for public comment, (iv) notice of Council meetings, Council agendas, and minutes of its proceedings for at least the previous year, (v) proposed and final early intervention rules, (vi) requests for proposals, and (vii) all reports created for dissemination to the public that are related to the early intervention program, including reports prepared at the request of the Council, the General Assembly, and the Legislative Advisory Committee established under Section 13.50 of this Act. Each such document shall be posted on the website within 3 working days after the document's completion.

(Source: P.A. 90-158, eff. 1-1-98.)

(325 ILCS 20/11) (from Ch. 23, par. 4161)

Sec. 11. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

1) (a) timely, comprehensive, multidisciplinary assessment of the unique needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify services to meet those needs; and

2) (b) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team shall consult the lead agency's therapy guidelines and its designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs.

(c) The evaluation and initial assessment and initial Plan meeting must be held within 45 days
after the initial contact with the early intervention services system. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

(d) Parents must be informed that, at their discretion, early intervention services shall be provided to each eligible infant and toddler in the natural environment, which may include the home or other community settings. Parents shall make the final decision to accept or decline early intervention services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

1. That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

2. That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

3. That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25.

4. That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

5. That families will be responsible for payments of family fees, which will be based on a sliding scale according to income, and that these fees are payable to the central billing office, and that if the family encounters a catastrophic circumstance, as defined under subsection (f) of Section 13 of this Act, making it unable to pay the fees, the lead agency may, upon proof of inability to pay, waive the fees.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

1. The name, address, and telephone number of the insurance carrier.

2. The contract number and policy number of the insurance plan.

3. The name, address, and social security number of the primary insured.

4. The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(Source: P.A. 91-538, eff. 8-13-99.)

(325 ILCS 20/13) (from Ch. 23, par. 4163)

Sec. 13. Funding and Fiscal Responsibility.

(a) The lead agency and every other participating State agency may receive and expend funds appropriated by the General Assembly to implement the early intervention services system as required by this Act.

(b) The lead agency and each participating State agency shall identify and report on an annual basis to the Council the State agency funds utilized for the provision of early intervention services to eligible infants and toddlers.

(c) Funds provided under Section 633 of the Individuals with Disabilities Education Act (20 United States Code 1433) and State funds designated or appropriated for early intervention services or programs may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this Act, except whenever considered necessary to prevent delay in receiving appropriate early intervention services by the eligible infant or toddler or family in a timely manner. Funds provided under Section 633 of the Individuals with Disabilities Education Act and State funds designated or appropriated for early intervention services or programs may be used by the lead agency to pay the provider of services (A) pending reimbursement from the appropriate State agency or (B) if (i) the claim for payment is denied in whole or in part by a public or private source, or would be denied under the written terms of the public program or plan or private plan, or (ii) use of private insurance for the service has been
exempted under Section 13.25. Payment under item (B)(i) may be made based on a pre-determination telephone inquiry supported by written documentation of the denial supplied thereafter by the insurance carrier.

(d) Nothing in this Act shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under Title V and Title XIX of the Social Security Act relating to the Maternal Child Health Program and Medicaid for eligible infants and toddlers in this State.

(e) The lead agency shall create a central billing office to receive and dispense all relevant State and federal resources, as well as local government or independent resources available, for early intervention services. This office shall assure that maximum federal resources are utilized and that providers receive funds with minimal duplications or interagency reporting and with consolidated audit procedures.

(f) The lead agency shall, by rule, may also create a system of payments by families, including a schedule of fees. No fees, however, may be charged for: implementing child find, evaluation and assessment, service coordination, administrative and coordination activities related to the development, review, and evaluation of Individualized Family Service Plans, or the implementation of procedural safeguards and other administrative components of the statewide early intervention system.

The system of payments, called family fees, shall be structured on a sliding scale based on family income. The family's coverage or lack of coverage under a public or private insurance plan or policy shall not be a factor in determining the amount of the family fees.

Each family's fee obligation shall be established annually, and shall be paid by families to the central billing office in installments. At the written request of the family, the fee obligation shall be adjusted prospectively at any point during the year upon proof of a change in family income or family size. The inability of the parents of an eligible child to pay family fees due to catastrophic circumstances or extraordinary expenses shall not result in the denial of services to the child or the child's family. A family must document its extraordinary expenses or other catastrophic circumstances by showing one of the following: (i) out-of-pocket medical expenses in excess of 15% of gross income; (ii) a fire, flood, or other disaster causing a direct out-of-pocket loss in excess of 15% of gross income; or (iii) other catastrophic circumstances causing out-of-pocket losses in excess of 15% of gross income. The family must present proof of loss to its service coordinator, who shall document it, and the lead agency shall determine whether the fees shall be reduced, forgiven, or suspended within 10 business days after the family's request.

(g) To ensure that early intervention funds are used as the payor of last resort for early intervention services, the lead agency shall determine at the point of early intervention intake, and again at any periodic review of eligibility thereafter or upon a change in family circumstances, whether the family is eligible for or enrolled in any program for which payment is made directly or through public or private insurance for any or all of the early intervention services made available under this Act. The lead agency shall establish procedures to ensure that payments are made either directly from these public and private sources instead of from State or federal early intervention funds, or as reimbursement for payments previously made from State or federal early intervention funds.

(Source: P.A. 91-538, eff. 8-13-99.)

(325 ILCS 20/13.5 new)

Sec. 13.5. Other programs.

(a) When an application or a review of eligibility for early intervention services is made, and at any eligibility redetermination thereafter, the family shall be asked if it is currently enrolled in Medicaid, KidCare, or the Title V program administered by the University of Illinois Division of Specialized Care for Children. If the family is enrolled in any of these programs, that information shall be put on the individualized family service plan and entered into the computerized case management system, and shall require that the individualized family services plan of a child who has been found eligible for services through the Division of Specialized Care for Children state that the child is enrolled in that program. For those programs in which the family is not enrolled, a preliminary eligibility screen shall be conducted simultaneously for (i) medical assistance (Medicaid) under Article V of the Illinois Public Aid Code, (ii) children's health insurance program (Medicaid) benefits under the Children's Health Insurance Program Act, and (iii) Title V maternal and child

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health services provided through the Division of Specialized Care for Children of the University of Illinois.

(b) For purposes of determining family fees under subsection (f) of Section 13 and determining eligibility for the other programs and services specified in items (i) through (iii) of subsection (a), the lead agency shall develop and use, within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, with the cooperation of the Department of Public Aid and the Division of Specialized Care for Children of the University of Illinois, a screening device that provides sufficient information for the early intervention regional intake entities or other agencies to establish eligibility for those other programs and shall, in cooperation with the Illinois Department of Public Aid and the Division of Specialized Care for Children, train the regional intake entities on using the screening device.

(c) When a child is determined eligible for and enrolled in the early intervention program and has been found to at least meet the threshold income eligibility requirements for Medicaid or KidCare, the regional intake entity shall complete a KidCare/Medicaid application with the family and forward it to the Illinois Department of Public Aid's KidCare Unit for a determination of eligibility.

(d) With the cooperation of the Department of Public Aid, the lead agency shall establish procedures that ensure the timely and maximum allowable recovery of payments for all early intervention services and allowable administrative costs under Article V of the Illinois Public Aid Code and the Children's Health Insurance Program Act and shall include those procedures in the interagency agreement required under subsection (e) of Section 5 of this Act.

(e) For purposes of making referrals for final determinations of eligibility for KidCare benefits under the Children's Health Insurance Program Act and for medical assistance under Article V of the Illinois Public Aid Code, the lead agency shall require each early intervention regional intake entity to enroll as a "KidCare agent" in order for the entity to complete the KidCare application as authorized under Section 22 of the Children's Health Insurance Program Act.

(f) For purposes of early intervention services that may be provided by the Division of Specialized Care for Children of the University of Illinois (DSCC), the lead agency shall establish procedures whereby the early intervention regional intake entities may determine whether children enrolled in the early intervention program may also be eligible for those services, and shall develop, within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, (i) the inter-agency agreement required under subsection (e) of Section 5 of this Act, establishing that early intervention funds are to be used as the payor of last resort when services required under an individualized family services plan may be provided to an eligible child through the DSCC, and (ii) training guidelines for the regional intake entities and providers that explain eligibility and billing procedures for services through DSCC.

(g) The lead agency shall require that an individual applying for or renewing enrollment as a provider of services in the early intervention program state whether or not he or she is also enrolled as a DSCC provider. This information shall be noted next to the name of the provider on the computerized roster of Illinois early intervention providers, and regional intake entities shall make every effort to refer families eligible for DSCC services to these providers.

Sec. 13.10. Private health insurance; assignment. The lead agency shall determine, at the point of new applications for early intervention services, and for all children enrolled in the early intervention program, at the regional intake offices, whether the child is insured under a private health insurance plan or policy. An application for early intervention services shall serve as a right to assignment of the right of recovery against a private health insurance plan or policy for any covered early intervention services that may be billed to the family's insurance carrier and that are provided to a child covered under the plan or policy.

Sec. 13.15. Billing of insurance carrier.

(a) Subject to the restrictions against private insurance use on the basis of material risk of loss of coverage, as determined under Section 13.25, each enrolled provider who is providing a family with early intervention services shall bill the child's insurance carrier for each unit of early intervention service for which coverage may be available. The lead agency may exempt from the requirement of this paragraph any early intervention service that it has deemed not to be covered by.
insurance plans. When the service is not exempted, providers who receive a denial of payment on the basis that the service is not covered under any circumstance under the plan are not required to bill that carrier for that service again until the following insurance benefit year. That explanation of benefits denying the claim, once submitted to the central billing office, shall be sufficient to meet the requirements of this paragraph as to subsequent services billed under the same billing code provided to that child during that insurance benefit year. Any time limit on a provider's filing of a claim for payment with the central billing office that is imposed through a policy, procedure, or rule of the lead agency shall be suspended until the provider receives an explanation of benefits or other final determination of the claim it files with the child's insurance carrier.

(b) In all instances when an insurance carrier has been billed for early intervention services, whether paid in full, paid in part, or denied by the carrier, the provider must provide the central billing office, within 90 days after receipt, with a copy of the explanation of benefits form and other information in the manner prescribed by the lead agency.

(c) When the insurance carrier has denied the claim or paid an amount for the early intervention service billed that is less than the current State rate for early intervention services, the provider shall submit the explanation of benefits with a claim for payment, and the lead agency shall pay the provider the difference between the sum actually paid by the insurance carrier for each unit of service provided under the individualized family service plan and the current State rate for early intervention services. The State shall also pay the family's co-payment or co-insurance under its plan, but only to the extent that those payments plus the balance of the claim do not exceed the current State rate for early intervention services. The provider may under no circumstances bill the family for the difference between its charge for services and that which has been paid by the insurance carrier or by the State.

(325 ILCS 20/13.20 new)
Sec. 13.20. Families with insurance coverage.

(a) Families of children with insurance coverage, whether public or private, shall incur no greater or less direct out-of-pocket expenses for early intervention services than families who are not insured.

(b) Managed care plans.

(1) Use of managed care network providers. When a family's insurance coverage is through a managed care arrangement with a network of providers that includes one or more types of early intervention specialists who provide the services set forth in the family's individualized family service plan, the regional intake entity shall require the family to use those network providers, but only to the extent that:

(A) the network provider is immediately available to receive the referral and to begin providing services to the child;

(B) the network provider is enrolled as a provider in the Illinois early intervention system and fully credentialed under the current policy or rule of the lead agency;

(C) the network provider can provide the services to the child in the manner required in the individualized service plan;

(D) the family would not have to travel more than an additional 15 miles or an additional 30 minutes to the network provider than it would have to travel to a non-network provider who is available to provide the same service; and

(E) the family's managed care plan does not allow for billing (even at a reduced rate or reduced percentage of the claim) for early intervention services provided by non-network providers.

(2) Transfers from non-network to network providers. If a child has been receiving services from a non-network provider and the regional intake entity determines, at the time of enrollment in the early intervention program or at any point thereafter, that the family is enrolled in a managed care plan, the regional intake entity shall require the family to transfer to a network provider within 45 days after that determination, but within no more than 60 days after the effective date of this amendatory Act of the 92nd General Assembly, if:

(A) all the requirements of subdivision (b)(1) of this Section have been met; and

(B) the child is less than 26 months of age.

(3) Waivers. The lead agency may fully or partially waive the network enrollment

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requirements of subdivision (b)(1) of this Section and the transfer requirements of subdivision (b)(2) of this Section as to a particular region, or narrower geographic area, if it finds that the managed care plans in that area are not allowing further enrollment of early intervention providers and it finds that referrals or transfers to network providers could cause an overall shortage of early intervention providers in that region of the State or could cause delays in families securing the early intervention services set forth in individualized family services plans.

(4) The lead agency, in conjunction with any entities with which it may have contracted for the training and credentialing of providers, the local interagency council for early intervention, the regional intake entity, and the enrolled providers in each region who wish to participate, shall cooperate in developing a matrix and action plan that (A) identifies both (i) which early intervention providers and which fully credentialed early intervention providers are members of the managed care plans that are used in the region by families with children in the early intervention program, and (ii) which early intervention services, with what restrictions, if any, are covered under those plans, (B) identifies which credentialed specialists are members of which managed care plans in the region, and (C) identifies the various managed care plans to early intervention providers, encourages their enrollment in the area plans, and provides them with information on how to enroll. These matrices shall be complete no later than 7 months after the effective date of this amendatory Act of the 92nd General Assembly, and shall be provided to the Early Intervention Legislative Advisory Committee at that time. The lead agency shall work with networks that may have closed enrollment to additional providers to encourage their admission of early intervention providers, and shall report to the Early Intervention Legislative Advisory Committee on the initial results of these efforts no later than February 1, 2002.

(325 ILCS 20/13.25 new)
Sec. 13.25. Private insurance; exemption.
(a) The lead agency shall establish procedures for a family, whose child is eligible to receive early intervention services, to apply for an exemption restricting the use of its private insurance plan or policy based on material risk of loss of coverage as authorized under subsection (c) of this Section.

(b) The lead agency shall make a final determination on a request for an exemption within 10 business days after its receipt of a written request for an exemption at the regional intake entity. During that 10 days, no claims may be filed against the insurance plan or policy. If the exemption is granted, it shall be noted on the individualized family service plan, and the family and the providers serving the family shall be notified in writing of the exemption.

(c) An exemption may be granted on the basis of material risk of loss of coverage only if the family submits documentation with its request for an exemption that establishes (i) that the insurance plan or policy covering the child is an individually purchased plan or policy and has been purchased by a head of a household that is not eligible for a group medical insurance plan, (ii) that the policy or plan has a lifetime cap that applies to one or more specific types of early intervention services specified in the family's individualized family service plan, and that coverage could be exhausted during the period covered by the individualized family service plan, or (iii) proof of another risk that the lead agency, in its discretion, may have additionally established and defined as a ground for exemption by rule.

(d) An exemption under this Section based on material risk of loss of coverage may apply to all early intervention services and all plans or policies insuring the child, may be limited to one or more plans or policies, or may be limited to one or more types of early intervention services in the child’s individualized family services plan.

(325 ILCS 20/13.30 new)
Sec. 13.30. System of personnel development. The lead agency shall provide training to early intervention providers and may enter into contracts to meet this requirement. If such contracts are let, they shall be bid under a public request for proposals that shall be posted on the lead agency's early intervention website for no less than 30 days. This training shall include, at minimum, the following types of instruction:

(a) Courses in birth-to-3 evaluation and treatment of children with developmental disabilities and delays (1) that are taught by fully credentialed early intervention providers or educators with

New matter indicated by italics - deletions by strikeout.
substantial experience in evaluation and treatment of children from birth to age 3 with developmental
disabilities and delays, (2) that cover these topics within each of the disciplines of audiology,
occupational therapy, physical therapy, speech and language pathology, and developmental therapy,
including the social-emotional domain of development, (3) that are held no less than twice per year,
(4) that offer no fewer than 20 contact hours per year of course work, (5) that are held in no fewer
than 5 separate locales throughout the State, and (6) that give enrollment priority to early intervention
providers who do not meet the experience, education, or continuing education requirements necessary
to be fully credentialed early intervention providers; and
(b) Courses held no less than twice per year for no fewer than 4 hours each in no fewer than
5 separate locales throughout the State each on the following topics:
(1) Practice and procedures of private insurance billing.
(2) The role of the regional intake entities; service coordination; program eligibility
determinations; family fees; Medicaid, KidCare, and Division of Specialized Care
applications, referrals, and coordination with Early Intervention; and procedural safeguards.
(3) Introduction to the early intervention program, including provider enrollment and
credentialing, overview of Early Intervention program policies and regulations, and billing
requirements.
(4) Evaluation and assessment of birth-to-3 children; individualized family service plan
development, monitoring, and review; best practices; service guidelines; and quality
assurance.
(325 ILCS 20/13.32 new)
Sec. 13.32. Contracting. The lead agency may enter into contracts for some or all of its
responsibilities under this Act, including but not limited to, credentialing and enrolling providers;
training under Section 13.30; maintaining a central billing office; data collection and analysis;
establishing and maintaining a computerized case management system accessible to local referral
offices and providers; creating and maintaining a system for provider credentialing and enrollment;
creating and maintaining the central directory required under subsection (g) of Section 7 of this Act;
and program operations. If contracted, the contract shall be subject to a public request for proposals
as described in the Illinois Procurement Code, notwithstanding any exemptions or alternative
processes that may be allowed for such a contract under that Code, and, in addition to the posting
requirements under that Code, shall be posted on the early intervention website maintained by the
lead agency during the entire bid period. Any of these listed responsibilities currently under contract
or grant that have not met these requirements shall be subject to public bid under this request for
proposal process no later than July 1, 2002 or the date of termination of any contract in place.
(325 ILCS 20/13.50 new)
Sec. 13.50. Early Intervention Legislative Advisory Committee. No later than 60 days after
the effective date of this amendatory Act of 92nd General Assembly, there shall be convened the Early
Intervention Legislative Advisory Committee. The majority and minority leaders of the General
Assembly shall each appoint 2 members to the Committee. The Committee's term is for a period of 2
years, and the Committee shall publicly convene no less than 4 times per year. The Committee's
responsibilities shall include, but not be limited to, providing guidance to the lead agency regarding
programmatic and fiscal management and accountability, provider development and accountability,
contracting, and program outcome measures. During the life of the Committee, on a quarterly basis,
or more often as the Committee may request, the lead agency shall provide to the Committee, and
simultaneously to the public, through postings on the lead agency's early intervention website,
quarterly reports containing monthly data and other early intervention program information that the
Committee requests. The first data report must be supplied no later than September 21, 2001, and
must include the previous 2 quarters of data.
(325 ILCS 20/15) (from Ch. 23, par. 4165)
Sec. 15. The Auditor General of the State shall conduct a follow-up evaluation of the
system established under this Act, in order to evaluate the effectiveness of the system in providing
services that enhance the capacities of families throughout Illinois to meet the special needs of their
eligible infants and toddlers, and provide a report of the evaluation to the Governor and the General
Assembly no later than April 30, 2002. Upon receipt by the lead agency, this report shall be posted on the early intervention website.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning business transactions.

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

Section 5. The Illinois Securities Law of 1953 is amended by changing Sections 2.1, 8, 11,
and 14 as follows:

(815 ILCS 5/2.1) (from Ch. 121 1/2, par. 137.2-1)
of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust
certificate, preorganization certificate or subscription, transferable share, investment contract,
investment fund share, face-amount certificate, voting-trust certificate, certificate of deposit, certificate
of deposit for a security, fractional undivided interest in oil, gas or other mineral lease, right or royalty,
any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of
securities (including any interest therein or based on the value thereof), or any put, call, straddle,
option, or privilege entered into, on a national securities exchange relating to foreign currency, or, in
general, any interest or instrument commonly known as a "security", or any certificate of interest or
participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to
subscribe to or purchase, any of the foregoing. "Security" does not mean a mineral investment contract
or a mineral deferred delivery contract; provided, however, the Department shall have the authority
to regulate these contracts as hereinafter provided.

(Source: P.A. 87-463.)

(815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)
Sec. 8. Registration of dealers, limited Canadian dealers, salespersons, investment advisers,
and investment adviser representatives.

A. Except as otherwise provided in this subsection A, every dealer, limited Canadian dealer,
salesperson, investment adviser, and investment adviser representative shall be registered as such with
the Secretary of State. No dealer or salesperson need be registered as such when offering or selling
securities in transactions believed in good faith to be exempted by subsection A, B, C, D, E, G, H, I,
J, K, M, O, P, Q, R or S of Section 4 of this Act, provided that such dealer or salesperson is not
regularly engaged in the business of offering or selling securities in reliance upon the exemption set
forth in subsection G or M of Section 4 of this Act. No dealer, issuer or controlling person shall
employ a salesperson unless such salesperson is registered as such with the Secretary of State or is
employed for the purpose of offering or selling securities solely in transactions believed in good faith
to be exempted by subsection A, B, C, D, E, G, H, I, J, K, L, M, O, P, Q, R or S of Section 4 of this
Act; provided that such salesperson need not be registered when effecting transactions in this State
limited to those transactions described in Section 15(h)(2) of the Federal 1934 Act or engaging in the
offer or sale of securities in respect of which he or she has beneficial ownership and is a controlling
person. The Secretary of State may, by rule, regulation or order and subject to such terms, conditions,
and fees as may be prescribed in such rule, regulation or order, exempt from the registration
requirements of this Section 8 any investment adviser, if the Secretary of State shall find that such
registration is not necessary in the public interest by reason of the small number of clients or otherwise
limited character of operation of such investment adviser.

B. An application for registration as a dealer or limited Canadian dealer, executed, verified,
or authenticated by or on behalf of the applicant, shall be filed with the Secretary of State, in such
form as the Secretary of State may by rule, regulation or order prescribe, setting forth or accompanied
by:

(1) The name and address of the applicant, the location of its principal business office and
all branch offices, if any, and the date of its organization;

New matter indicated by italics - deletions by strikeout.
(2) A statement of any other Federal or state licenses or registrations which have been granted the applicant and whether any such licenses or registrations have ever been refused, cancelled, suspended, revoked or withdrawn;

(3) The assets and all liabilities, including contingent liabilities of the applicant, as of a date not more than 60 days prior to the filing of the application;

(4) (a) A brief description of any civil or criminal proceeding of which fraud is an essential element pending against the applicant and whether the applicant has ever been convicted of a felony, or of any misdemeanor of which fraud is an essential element;

(b) A list setting forth the name, residence and business address and a 10 year occupational statement of each principal of the applicant and a statement describing briefly any civil or criminal proceedings of which fraud is an essential element pending against any such principal and the facts concerning any conviction of any such principal of a felony, or of any misdemeanor of which fraud is an essential element;

(5) If the applicant is a corporation: a list of its officers and directors setting forth the residence and business address of each; a 10-year occupational statement of each such officer or director; and a statement describing briefly any civil or criminal proceedings of which fraud is an essential element pending against each such officer or director and the facts concerning any conviction of any officer or director of a felony, or of any misdemeanor of which fraud is an essential element;

(6) If the applicant is a sole proprietorship, a partnership, limited liability company, an unincorporated association or any similar form of business organization: the name, residence and business address of the proprietor or of each partner, member, officer, director, trustee or manager; the limitations, if any, of the liability of each such individual; a 10-year occupational statement of each such individual; a statement describing briefly any civil or criminal proceedings of which fraud is an essential element pending against each such individual and the facts concerning any conviction of any such individual of a felony, or of any misdemeanor of which fraud is an essential element;

(7) Such additional information as the Secretary of State may by rule or regulation prescribe as necessary to determine the applicant's financial responsibility, business repute and qualification to act as a dealer.

(8) (a) No applicant shall be registered or re-registered as a dealer or limited Canadian dealer under this Section unless and until each principal of the dealer has passed an examination conducted by the Secretary of State or a self-regulatory organization of securities dealers or similar person, which examination has been designated by the Secretary of State by rule, regulation or order to be satisfactory for purposes of determining whether the applicant has sufficient knowledge of the securities business and laws relating thereto to act as a registered dealer. Any dealer who was registered on September 30, 1963, and has continued to be so registered; and any principal of any registered dealer, who was acting in such capacity on and continuously since September 30, 1963; and any individual who has previously passed a securities dealer examination administered by the Secretary of State or any examination designated by the Secretary of State to be satisfactory for purposes of determining whether the applicant has sufficient knowledge of the securities business and laws relating thereto to act as a registered dealer by rule, regulation or order, shall not be required to pass an examination in order to continue to act in such capacity. The Secretary of State may by order waive the examination requirement for any principal of an applicant for registration under this subsection B who has had such experience or education relating to the securities business as may be determined by the Secretary of State to be the equivalent of such examination. Any request for such a waiver shall be filed with the Secretary of State in such form as may be prescribed by rule or regulation.

(b) Unless an applicant is a member of the body corporate known as the Securities Investor Protection Corporation established pursuant to the Act of Congress of the United States known as the Securities Investor Protection Act of 1970, as amended, a member of an association of dealers registered as a national securities association pursuant to Section 15A of the Federal 1934 Act, or a member of a self-regulatory organization or stock exchange in Canada which the Secretary of State has designated by rule or order, an applicant shall not
be registered or re-registered unless and until there is filed with the Secretary of State
evidence that such applicant has in effect insurance or other equivalent protection for each
client's cash or securities held by such applicant, and an undertaking that such applicant will
continually maintain such insurance or other protection during the period of registration or
re-registration. Such insurance or other protection shall be in a form and amount reasonably
prescribed by the Secretary of State by rule or regulation.

(9) The application for the registration of a dealer or limited Canadian dealer shall be
accompanied by a filing fee and a fee for each branch office in this State, in each case in the
amount established pursuant to Section 11a of this Act, which fees shall not be returnable in
any event.

(10) The Secretary of State shall notify the dealer or limited Canadian dealer by written
notice (which may be by electronic or facsimile transmission) of the effectiveness of the
registration as a dealer in this State.

(11) Any change which renders no longer accurate any information contained in any
application for registration or re-registration of a dealer or limited Canadian dealer shall be
reported to the Secretary of State within 10 business days after the occurrence of such change;
but in respect to assets and liabilities only materially adverse changes need be reported.

C. Any registered dealer, limited Canadian dealer, issuer, or controlling person desiring to
register a salesperson shall file an application with the Secretary of State, in such form as the Secretary
of State may by rule or regulation prescribe, which the salesperson is required by this Section to
provide to the dealer, issuer, or controlling person, executed, verified, or authenticated by the
salesperson setting forth or accompanied by:

(1) the name, residence and business address of the salesperson;
(2) whether any federal or State license or registration as dealer, limited Canadian dealer,
or salesperson has ever been refused the salesperson or cancelled, suspended, revoked, or
withdrawn, barred, limited, or otherwise adversely affected in a similar manner or whether
the salesperson has ever been censured or expelled;
(3) the nature of employment with, and names and addresses of, employers of the
salesperson for the 10 years immediately preceding the date of application;
(4) a brief description of any civil or criminal proceedings of which fraud is an essential
element pending against the salesperson, and whether the salesperson has ever been convicted
of a felony, or of any misdemeanor of which fraud is an essential element;
(5) such additional information as the Secretary of State may by rule, regulation or order
prescribe as necessary to determine the salesperson's business repute and qualification to act
as a salesperson; and
(6) no individual shall be registered or re-registered as a salesperson under this Section
unless and until such individual has passed an examination conducted by the Secretary of
State or a self-regulatory organization of securities dealers or similar person, which
examination has been designated by the Secretary of State by rule, regulation or order to be
satisfactory for purposes of determining whether the applicant has sufficient knowledge of
the securities business and laws relating thereto to act as a registered salesperson.

Any salesperson who was registered prior to September 30, 1963, and has continued to
be so registered, and any individual who has passed a securities salesperson examination
administered by the Secretary of State or an examination designated by the Secretary of State
by rule, regulation or order to be satisfactory for purposes of determining whether the
applicant has sufficient knowledge of the securities business and laws relating thereto to act
as a registered salesperson, shall not be required to pass an examination in order to continue
to act as a salesperson. The Secretary of State may by order waive the examination
requirement for any applicant for registration under this subsection C who has had such
experience or education relating to the securities business as may be determined by the
Secretary of State to be the equivalent of such examination. Any request for such a waiver
shall be filed with the Secretary of State in such form as may be prescribed by rule, regulation
or order.

(7) The application for registration of a salesperson shall be accompanied by a filing fee
and a Securities Audit and Enforcement Fund fee, each in the amount established pursuant

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to Section 11a of this Act, which shall not be returnable in any event.

(8) Any change which renders no longer accurate any information contained in any application for registration or re-registration as a salesperson shall be reported to the Secretary of State within 10 business days after the occurrence of such change. If the activities are terminated which rendered an individual a salesperson for the dealer, issuer or controlling person, the dealer, issuer or controlling person, as the case may be, shall notify the Secretary of State, in writing, within 30 days of the salesperson's cessation of activities, using the appropriate termination notice form.

(9) A registered salesperson may transfer his or her registration under this Section 8 for the unexpired term thereof from one registered dealer or limited Canadian dealer to another by the giving of notice of the transfer by the new registered dealer or limited Canadian dealer to the Secretary of State in such form and subject to such conditions as the Secretary of State shall by rule or regulation prescribe. The new registered dealer or limited Canadian dealer shall promptly file an application for registration of such salesperson as provided in this subsection C, accompanied by the filing fee prescribed by paragraph (7) of this subsection C.

C-5. Except with respect to federal covered investment advisers whose only clients are investment companies as defined in the Federal 1940 Act, other investment advisers, federal covered investment advisers, or any similar person which the Secretary of State may prescribe by rule or order, a federal covered investment adviser shall file with the Secretary of State, prior to acting as a federal covered investment adviser in this State, such documents as have been filed with the Securities and Exchange Commission as the Secretary of State by rule or order may prescribe. The notification of a federal covered investment adviser shall be accompanied by a notification filing fee established pursuant to Section 11a of this Act, which shall not be returnable in any event. Every person acting as a federal covered investment adviser in this State shall file a notification filing and pay an annual notification filing fee established pursuant to Section 11a of this Act, which is not returnable in any event. The failure to file any such notification shall constitute a violation of subsection D of Section 12 of this Act, subject to the penalties enumerated in Section 14 of this Act. Until October 10, 1999 or other date as may be legally permissible, a federal covered investment adviser who fails to file the notification or refuses to pay the fees as required by this subsection shall register as an investment adviser with the Secretary of State under Section 8 of this Act. The civil remedies provided for in subsection A of Section 13 of this Act and the civil remedies of rescission and appointment of receiver, conservator, ancillary receiver, or ancillary conservator provided for in subsection F of Section 13 of this Act shall not be available against any person by reason of the failure to file any such notification or to pay the notification fee or on account of the contents of any such notification.

D. An application for registration as an investment adviser, executed, verified, or authenticated by or on behalf of the applicant, shall be filed with the Secretary of State, in such form as the Secretary of State may by rule or regulation prescribe, setting forth or accompanied by:

(1) The name and form of organization under which the investment adviser engages or intends to engage in business; the state or country and date of its organization; the location of the adviser's principal business office and branch offices, if any; the names and addresses of the adviser's principal, partners, officers, directors, and persons performing similar functions or, if the investment adviser is an individual, of the individual; and the number of the adviser's employees who perform investment advisory functions;

(2) The education, the business affiliations for the past 10 years, and the present business affiliations of the investment adviser and of the adviser's principal, partners, officers, directors, and persons performing similar functions and of any person controlling the investment adviser;

(3) The nature of the business of the investment adviser, including the manner of giving advice and rendering analyses or reports;

(4) The nature and scope of the authority of the investment adviser with respect to clients' funds and accounts;

(5) The basis or bases upon which the investment adviser is compensated;

(6) Whether the investment adviser or any principal, partner, officer, director, person performing similar functions or person controlling the investment adviser (i) within 10 years of the filing of the application has been convicted of a felony, or of any misdemeanor of

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which fraud is an essential element, or (ii) is permanently or temporarily enjoined by order or judgment from acting as an investment adviser, underwriter, dealer, principal or salesperson, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, and in each case the facts relating to the conviction, order or judgment;

(7) (a) A statement as to whether the investment adviser is engaged or is to engage primarily in the business of rendering investment supervisory services; and
(b) A statement that the investment adviser will furnish his, her, or its clients with such information as the Secretary of State deems necessary in the form prescribed by the Secretary of State by rule or regulation;

(8) Such additional information as the Secretary of State may, by rule, regulation or order prescribe as necessary to determine the applicant's financial responsibility, business repute and qualification to act as an investment adviser.

(9) No applicant shall be registered or re-registered as an investment adviser under this Section unless and until each principal of the applicant who is actively engaged in the conduct and management of the applicant's advisory business in this State has passed an examination or completed an educational program conducted by the Secretary of State or an association of investment advisers or similar person, which examination or educational program has been designated by the Secretary of State by rule, regulation or order to be satisfactory for purposes of determining whether the applicant has sufficient knowledge of the securities business and laws relating thereto to conduct the business of a registered investment adviser.

Any person who was a registered investment adviser prior to September 30, 1963, and has continued to be so registered, and any individual who has passed an investment adviser examination administered by the Secretary of State, or passed an examination or completed an educational program designated by the Secretary of State by rule, regulation or order to be satisfactory for purposes of determining whether the applicant has sufficient knowledge of the securities business and laws relating thereto to conduct the business of a registered investment adviser, shall not be required to pass an examination or complete an educational program in order to continue to act as an investment adviser. The Secretary of State may by order waive the examination or educational program requirement for any applicant for registration under this subsection D if the principal of the applicant who is actively engaged in the conduct and management of the applicant's advisory business in this State has had such experience or education relating to the securities business as may be determined by the Secretary of State to be the equivalent of the examination or educational program. Any request for a waiver shall be filed with the Secretary of State in such form as may be prescribed by rule or regulation.

(10) No applicant shall be registered or re-registered as an investment adviser under this Section 8 unless the application for registration or re-registration is accompanied by an application for registration or re-registration for each person acting as an investment adviser representative on behalf of the adviser and a Securities Audit and Enforcement Fund fee that shall not be returnable in any event is paid with respect to each investment adviser representative.

(11) The application for registration of an investment adviser shall be accompanied by a filing fee and a fee for each branch office in this State, in each case in the amount established pursuant to Section 11a of this Act, which fees shall not be returnable in any event.

(12) The Secretary of State shall notify the investment adviser by written notice (which may be by electronic or facsimile transmission) of the effectiveness of the registration as an investment adviser in this State.

(13) Any change which renders no longer accurate any information contained in any application for registration or re-registration of an investment adviser shall be reported to the Secretary of State within 10 business days after the occurrence of the change. In respect to assets and liabilities of an investment adviser that retains custody of clients' cash or securities or accepts pre-payment of fees in excess of $500 per client and six or more months in advance only materially adverse changes need be reported by written notice (which may be by

New matter indicated by italics - deletions by strikeout.
(14) Each application for registration as an investment adviser shall become effective automatically on the 45th day following the filing of the application, required documents or information, and payment of the required fee unless (i) the Secretary of State has registered the investment adviser prior to that date or (ii) an action with respect to the applicant is pending under Section 11 of this Act.

D-5. A registered investment adviser or federal covered investment adviser desiring to register an investment adviser representative shall file an application with the Secretary of State, in the form as the Secretary of State may by rule or order prescribe, which the investment adviser representative is required by this Section to provide to the investment adviser, executed, verified, or authenticated by the investment adviser representative and setting forth or accompanied by:

1. The name, residence, and business address of the investment adviser representative;
2. A statement whether any federal or state license or registration as a dealer, salesperson, investment adviser, or investment adviser representative has ever been refused, canceled, suspended, revoked or withdrawn;
3. The nature of employment with, and names and addresses of, employers of the investment adviser representative for the 10 years immediately preceding the date of application;
4. A brief description of any civil or criminal proceedings, of which fraud is an essential element, pending against the investment adviser representative and whether the investment adviser representative has ever been convicted of a felony or of any misdemeanor of which fraud is an essential element;
5. Such additional information as the Secretary of State may by rule or order prescribe as necessary to determine the investment adviser representative's business repute or qualification to act as an investment adviser representative;
6. Documentation that the individual has passed an examination conducted by the Secretary of State, an organization of investment advisers, or similar person, which examination has been designated by the Secretary of State by rule or order to be satisfactory for purposes of determining whether the applicant has sufficient knowledge of the investment advisory or securities business and laws relating to that business to act as a registered investment adviser representative; and
7. A Securities Audit and Enforcement Fund fee established under Section 11a of this Act, which shall not be returnable in any event.

A change that renders no longer accurate any information contained in any application for registration or re-registration as an investment adviser representative must be reported to the Secretary of State within 10 business days after the occurrence of the change. If the activities that rendered an individual an investment adviser representative for the investment adviser are terminated, the investment adviser shall notify the Secretary of State in writing (which may be by electronic or facsimile transmission), within 30 days of the investment adviser representative's termination, using the appropriate termination notice form as the Secretary of State may prescribe by rule or order.

A registered investment adviser representative may transfer his or her registration under this Section 8 for the unexpired term of the registration from one registered investment adviser to another by the giving of notice of the transfer by the new investment adviser to the Secretary of State in the form and subject to the conditions as the Secretary of State shall prescribe. The new registered investment adviser representative shall promptly file an application for registration of the investment adviser representative as provided in this subsection, accompanied by the Securities Audit and Enforcement Fund fee prescribed by paragraph (7) of this subsection D-5.

E. (1) Subject to the provisions of subsection F of Section 11 of this Act, the registration of a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser
representative may be denied, suspended or revoked if the Secretary of State finds that the dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative or any principal officer, director, partner, member, trustee, manager or any person who performs a similar function of the dealer, limited Canadian dealer, or investment adviser:

(a) has been convicted of any felony during the 10 year period preceding the date of filing of any application for registration or at any time thereafter, or of any misdemeanor of which fraud is an essential element;

(b) has engaged in any unethical practice in the offer or sale of securities or in any fraudulent business practice;

(c) has failed to account for any money or property, or has failed to deliver any security, to any person entitled thereto when due or within a reasonable time thereafter;

(d) in the case of a dealer, limited Canadian dealer, or investment adviser, is insolvent;

(e) in the case of a dealer, limited Canadian dealer, salesperson, or registered principal of a dealer or limited Canadian dealer (i) has failed reasonably to supervise the securities activities of any of its salespersons and the failure has permitted or facilitated a violation of Section 12 of this Act or (ii) is offering or selling or has offered or sold securities in this State through a salesperson other than a registered salesperson, or, in the case of a salesperson, is selling or has sold securities in this State for a dealer, limited Canadian dealer, issuer or controlling person with knowledge that the dealer, limited Canadian dealer, issuer or controlling person has not complied with the provisions of this Act or (iii) has failed reasonably to supervise the implementation of compliance measures following notice by the Secretary of State of noncompliance with the Act or with the regulations promulgated thereunder or both or (iv) has failed to maintain and enforce written procedures to supervise the types of business in which it engages and to supervise the activities of its salespersons that are reasonably designed to achieve compliance with applicable securities laws and regulations;

(f) in the case of an investment adviser, has failed reasonably to supervise the advisory activities of any of its investment adviser representatives or employees and the failure has permitted or facilitated a violation of Section 12 of this Act;

(g) has violated any of the provisions of this Act;

(h) has made any material misrepresentation to the Secretary of State in connection with any information deemed necessary by the Secretary of State to determine a dealer's, limited Canadian dealer's, or investment adviser's financial responsibility or a dealer's, limited Canadian dealer's, investment adviser's, salesperson's, or investment adviser representative's business repute or qualifications, or has refused to furnish any such information requested by the Secretary of State;

(i) has had a license or registration under any Federal or State law regulating the offer or sale of securities or commodity futures contracts, refused, cancelled, suspended, or withdrawn, revoked, or otherwise adversely affected in a similar manner;

(j) has been suspended or expelled from, or refused had membership in or association with, or limited in any capacity by, any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act suspended, revoked, refused, expelled, cancelled, barred, limited in any capacity, or otherwise adversely affected in a similar manner arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization;

(k) has had any order entered against it after notice and opportunity for hearing by a securities agency of any state, any foreign government or agency thereof, the Securities and Exchange Commission, or the Federal Commodities Futures Trading Commission arising from any fraudulent or deceptive act or a practice in violation of any statute, rule or regulation administered or promulgated by the agency or commission;

(l) in the case of a dealer or limited Canadian dealer, fails to maintain a minimum net capital in an amount which the Secretary of State may by rule or regulation require;

(m) has conducted a continuing course of dealing of such nature as to demonstrate an inability to properly conduct the business of the dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative;

New matter indicated by italics - deletions by strikeout.
(n) has had, after notice and opportunity for hearing, any injunction or order entered against it or license or registration refused, cancelled, suspended, revoked, withdrawn, or limited, or otherwise adversely affected in a similar manner by any state or federal body, agency or commission regulating banking, insurance, finance or small loan companies, real estate or mortgage brokers or companies, if the action resulted from any act found by the body, agency or commission to be a fraudulent or deceptive act or practice in violation of any statute, rule or regulation administered or promulgated by the body, agency or commission;

(o) has failed to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of that tax Act are satisfied;

(p) in the case of a natural person who is a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative, has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission, until the natural person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission;

(q) has failed to maintain the books and records required under this Act or rules or regulations promulgated under this Act within a reasonable time after receiving notice of any deficiency;

(r) has refused to allow or otherwise impeded designees of the Secretary of State from conducting an audit, examination, inspection, or investigation provided for under Section 8 or 11 of this Act;

(s) has failed to maintain any minimum net capital or bond requirement set forth in this Act or any rule or regulation promulgated under this Act;

(t) has refused the Secretary of State or his or her designee access to any office or location within an office to conduct an investigation, audit, examination, or inspection;

(u) has advised or caused a public pension fund or retirement system established under the Illinois Pension Code to make an investment or engage in a transaction not authorized by that Code;

(v) if a corporation, limited liability company, or limited liability partnership has been suspended, canceled, revoked, or has failed to register as a foreign corporation, limited liability company, or limited liability partnership with the Secretary of State;

(w) is permanently or temporarily enjoined by any court of competent jurisdiction, including any state, federal, or foreign government, from engaging in or continuing any conduct or practice involving any aspect of the securities or commodities business or in any other business where the conduct or practice enjoined involved investments, franchises, insurance, banking, or finance;

(2) If the Secretary of State finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative, or is subject to an adjudication as a person under legal disability or to the control of a guardian, or cannot be located after reasonable search, or has failed after written notice to pay to the Secretary of State any additional fee prescribed by this Section or specified by rule or regulation, or if a natural person, has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission, the Secretary of State may by order cancel the registration or application.

(3) Withdrawal of an application for registration or withdrawal from registration as a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative becomes effective 30 days after receipt of an application to withdraw or within such shorter period of time as the Secretary of State may determine, unless any proceeding is pending under Section 11 of this Act when the application is filed or a proceeding is instituted within 30 days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the Secretary of State by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the Secretary of State may nevertheless institute a revocation or suspension proceeding within 2 years after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

New matter indicated by italics - deletions by strikeout.
F. The Secretary of State shall make available upon request the date that each dealer, investment adviser, salesperson, or investment adviser representative was granted registration, together with the name and address of the dealer, limited Canadian dealer, or issuer on whose behalf the salesperson is registered, and all orders of the Secretary of State denying or abandoning an application, or suspending or revoking registration, or censuring the persons. The Secretary of State may designate by rule, regulation or order the statements, information or reports submitted to or filed with him or her pursuant to this Section 8 which the Secretary of State determines are of a sensitive nature and therefore should be exempt from public disclosure. Any such statement, information or report shall be deemed confidential and shall not be disclosed to the public except upon the consent of the person filing or submitting the statement, information or report or by order of court or in court proceedings.

G. The registration or re-registration of a dealer or limited Canadian dealer and of all salespersons registered upon application of the dealer or limited Canadian dealer shall expire on the next succeeding anniversary date of the registration or re-registration of the dealer; and the registration or re-registration of an investment adviser and of all investment adviser representatives registered upon application of the investment adviser shall expire on the next succeeding anniversary date of the registration of the investment adviser; provided, that the Secretary of State may by rule or regulation prescribe an alternate date which any dealer registered under the Federal 1934 Act or a member of any self-regulatory association approved pursuant thereto, a member of a self-regulatory organization or stock exchange in Canada, or any investment adviser may elect as the expiration date of its dealer or limited Canadian dealer and salesperson registrations, or the expiration date of its investment adviser registration, as the case may be. A registration of a salesperson registered upon application of an issuer or controlling person shall expire on the next succeeding anniversary date of the registration, or upon termination or expiration of the registration of the securities, if any, designated in the application for his or her registration or the alternative date as the Secretary may prescribe by rule or regulation. Subject to paragraph (9) of subsection C of this Section 8, a salesperson's registration also shall terminate upon cessation of his or her employment, or termination of his or her appointment or authorization, in each case by the person who applied for the salesperson's registration, provided that the Secretary of State may by rule or regulation prescribe an alternate date for the expiration of the registration.

H. Applications for re-registration of dealers, limited Canadian dealers, salespersons, investment advisers, and investment adviser representatives shall be filed with the Secretary of State prior to the expiration of the then current registration and shall contain such information as may be required by the Secretary of State upon initial application with such omission therefrom or addition thereto as the Secretary of State may authorize or prescribe. Each application for re-registration of a dealer, limited Canadian dealer, or investment adviser shall be accompanied by a filing fee, each application for re-registration as a salesperson shall be accompanied by a filing fee and a Securities Audit and Enforcement Fund fee established pursuant to Section 11a of this Act, and each application for re-registration as an investment adviser representative shall be accompanied by a Securities Audit and Enforcement Fund fee established under Section 11a of this Act, which shall not be returnable in any event. Notwithstanding the foregoing, applications for re-registration of dealers, limited Canadian dealers, and investment advisers may be filed within 30 days following the expiration of the registration provided that the applicant pays the annual registration fee together with an additional amount equal to the annual registration fee and files any other information or documents that the Secretary of State may prescribe by rule or regulation or order. Any application filed within 30 days following the expiration of the registration shall be automatically effective as of the time of the earlier expiration provided that the proper fee has been paid to the Secretary of State.

Each registered dealer, limited Canadian dealer, or investment adviser shall continue to be registered if the registrant changes his, her, or its form of organization provided that the dealer or investment adviser files an amendment to his, her, or its application not later than 30 days following the occurrence of the change and pays the Secretary of State a fee in the amount established under Section 11a of this Act.

I. (1) Every registered dealer, limited Canadian dealer, and investment adviser shall make and keep for such periods, such accounts, correspondence, memoranda, papers, books and records as the Secretary of State may by rule or regulation prescribe. All records so required shall be preserved for 3 years unless the Secretary of State by rule, regulation or order prescribes otherwise for particular
types of records.

(2) Every registered dealer, limited Canadian dealer, and investment adviser shall file such financial reports as the Secretary of State may by rule or regulation prescribe.

(3) All the books and records referred to in paragraph (1) of this subsection I are subject at any time or from time to time to such reasonable periodic, special or other audits, examinations, or inspections by representatives of the Secretary of State, within or without this State, as the Secretary of State deems necessary or appropriate in the public interest or for the protection of investors.

(4) At the time of an audit, examination, or inspection, the Secretary of State, by his or her designees, may conduct an interview of any person employed or appointed by or affiliated with a registered dealer, limited Canadian dealer, or investment advisor, provided that the dealer, limited Canadian dealer, or investment advisor shall be given reasonable notice of the time and place for the interview. At the option of the dealer, limited Canadian dealer, or investment advisor, a representative of the dealer or investment advisor with supervisory responsibility over the individual being interviewed may be present at the interview.

J. The Secretary of State may require by rule or regulation the payment of an additional fee for the filing of information or documents required to be filed by this Section which have not been filed in a timely manner. The Secretary of State may also require by rule or regulation the payment of an examination fee for administering any examination which it may conduct pursuant to subsection B, C, D, or D-5 of this Section 8.

K. The Secretary of State may declare any application for registration or limited registration under this Section 8 abandoned by order if the applicant fails to pay any fee or file any information or document required under this Section 8 or by rule or regulation for more than 30 days after the required payment or filing date. The applicant may petition the Secretary of State for a hearing within 15 days after the applicant's receipt of the order of abandonment, provided that the petition sets forth the grounds upon which the applicant seeks a hearing.

L. Any document being filed pursuant to this Section 8 shall be deemed filed, and any fee being paid pursuant to this Section 8 shall be deemed paid, upon the date of actual receipt thereof by the Secretary of State or his or her designee.

M. The Secretary of State shall provide to the Illinois Student Assistance Commission annually or at mutually agreed periodic intervals the names and social security numbers of natural persons registered under subsections B, C, D, and D-5 of this Section 8. The Illinois Student Assistance Commission shall determine if any student loan defaulter is registered as a dealer, limited Canadian dealer, salesperson, or investment adviser under this Act and report its determination to the Secretary of State or his or her designee.

(Source: P.A. 90-70, eff. 7-8-97; 90-507, eff. 8-22-97; 90-655, eff. 7-30-98; 91-809, eff. 1-1-01.)

(815 ILCS 5/11) (from Ch. 121 1/2, par. 137.11)

Sec. 11. Duties and powers of the Secretary of State.

A. (1) The administration of this Act is vested in the Secretary of State, who may from time to time make, amend and rescind such rules and regulations as may be necessary to carry out this Act, including rules and regulations governing procedures of registration, statements, applications and reports for various classes of securities, persons and matters within his or her jurisdiction and defining any terms, whether or not used in this Act, insofar as the definitions are not inconsistent with this Act. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in the Illinois Administrative Procedure Act.

(2) Among other things, the Secretary of State shall have authority, for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth, accounting practices, the items or details to be shown in balance sheets and earning statements, and the methods to be followed in the preparation of accounts, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and non-recurring income, in the differentiation of investment and operating income, and in the preparation of consolidated balance sheets or income accounts of any person, directly or indirectly, controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.

(3) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Secretary of State under this Act, notwithstanding that the rule or regulation may, after the act or omission, be amended or rescinded.
or be determined by judicial or other authority to be invalid for any reason.

(4) The Securities Department of the Office of the Secretary of State shall be deemed a
criminal justice agency for purposes of all federal and state laws and regulations and, in that capacity,
shall be entitled to access to any information available to criminal justice agencies.

(5) The Secretary of State, by rule, may conditionally or unconditionally exempt any person,
security, or transaction, or any class or classes of persons, securities, or transactions from any
provision of Section 5, 6, 7, 8, 8a, or 9 of this Act or of any rule promulgated under these Sections,
to the extent that such exemption is necessary or appropriate in the public interest, and is consistent
with the protection of investors.

B. The Secretary of State may, anything in this Act to the contrary notwithstanding, require
financial statements and reports of the issuer, dealer, salesperson, or investment adviser as often as
circumstances may warrant. In addition, the Secretary of State may secure information or books and
records from or through others and may make or cause to be made investigations respecting the
business, affairs, and property of the issuer of securities, any person involved in the sale or offer for
sale, purchase or offer to purchase of any mineral investment contract, mineral deferred delivery
contract, or security and of dealers, salespersons, and investment advisers that are registered or are the
subject of an application for registration under this Act. The costs of an investigation shall be borne
by the registrant or the applicant, provided that the registrant or applicant shall not be obligated to pay
the costs without his, her or its consent in advance.

C. Whenever it shall appear to the Secretary of State, either upon complaint or otherwise, that
this Act, or any rule or regulation prescribed under authority thereof, has been or is about to be
violated, he or she may, in his or her discretion, do one or both of the following:

(1) require or permit the person to file with the Secretary of State a statement in writing
under oath, or otherwise, as to all the facts and circumstances concerning the subject matter
which the Secretary of State believes to be in the public interest to investigate, audit, examine,
or inspect; and

(2) conduct an investigation, audit, examination, or inspection as necessary or advisable
for the protection of the interests of the public.

D. (1) For the purpose of all investigations, audits, examinations, or inspections which in the
opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the
Secretary of State or a person designated by him or her is empowered to administer oaths and
affirmations, subpoena witnesses, take evidence, and require, by subpoena or other lawful means
provided by this Act or the rules adopted by the Secretary of State, the production of any books and
records, papers, or other documents which the Secretary of State or a person designated by him or her
deems relevant or material to the inquiry.

(2) The Secretary of State or a person designated by him or her is further empowered to
administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of
any books and records, papers, or other documents in this State at the request of a securities agency
of another state, if the activities constituting the alleged violation for which the information is sought
would be in violation of Section 12 of this Act if the activities had occurred in this State.

(3) The Circuit Court of any County of this State, upon application of the Secretary of State
or a person designated by him or her may order the attendance of witnesses, the production of books
and records, papers, accounts and documents and the giving of testimony before the Secretary of State
or a person designated by him or her; and any failure to obey the order may be punished by the Circuit
Court as a contempt thereof.

(4) The fees of subpoenaed witnesses under this Act for attendance and travel shall be the
same as fees of witnesses before the Circuit Courts of this State, to be paid when the witness is
excused from further attendance, provided, the witness is subpoenaed at the instance of the Secretary
of State; and payment of the fees shall be made and audited in the same manner as other expenses of
the Secretary of State.

(5) Whenever a subpoena is issued at the request of a complainant or respondent as the case
may be, the Secretary of State may require that the cost of service and the fee of the witness shall be
borne by the party at whose instance the witness is summoned.

(6) The Secretary of State shall have power at his or her discretion, to require a deposit to
cover the cost of the service and witness fees and the payment of the legal witness fee and mileage to

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the witness served with subpoena.

(7) A subpoena issued under this Act shall be served in the same manner as a subpoena issued out of a circuit court.

(8) The Secretary of State may in any investigation, audits, examinations, or inspections cause the taking of depositions of persons residing within or without this State in the manner provided in civil actions under the laws of this State.

E. Anything in this Act to the contrary notwithstanding:

(1) If the Secretary of State shall find that the offer or sale or proposed offer or sale or method of offer or sale of any securities by any person, whether exempt or not, in this State, is fraudulent, or would work or tend to work a fraud or deceit, or is being offered or sold in violation of Section 12, or there has been a failure or refusal to submit any notification filing or fee required under this Act, the Secretary of State may by written order prohibit or suspend the offer or sale of securities by that person or deny or revoke the registration of the securities or the exemption from registration for the securities.

(2) If the Secretary of State shall find that any person has violated subsection C, D, E, F, G, H, I, J, or K of Section 12 of this Act, the Secretary of State may by written order temporarily or permanently prohibit or suspend the person from offering or selling any securities, any mineral investment contract, or any mineral deferred delivery contract in this State, provided that any person who is the subject of an order of permanent prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the order of permanent prohibition.

(3) If the Secretary of State shall find that any person is engaging or has engaged in the business of selling or offering for sale securities as a dealer or salesman or is acting or has acted as an investment adviser, investment adviser representative, or federal covered investment adviser, without prior thereto and at the time thereof having complied with the registration or notice filing requirements of this Act, the Secretary of State may by written order prohibit or suspend the person from engaging in the business of selling or offering for sale securities, or acting as an investment adviser, investment adviser representative, or federal covered investment adviser, in this State.

(4) In addition to any other sanction or remedy contained in this subsection E, the Secretary of State, after finding that any provision of this Act has been violated, may impose a fine as provided by rule, regulation or order not to exceed $10,000 for each violation of this Act, and may issue an order of public censure against the violator, and may charge as costs of investigation all reasonable expenses, including attorney's fees and witness fees.

F. (1) The Secretary of State shall not deny, suspend or revoke the registration of securities, suspend or revoke the registration of a dealer, salesperson or investment adviser, prohibit or suspend the offer or sale of any securities, prohibit or suspend any person from offering or selling any securities in this State, prohibit or suspend a dealer or salesperson from engaging in the business of selling or offering for sale securities, prohibit or suspend a person from acting as an investment adviser or federal covered investment adviser, impose any fine for violation of this Act, or enter into an agreed settlement except after an opportunity for hearing upon not less than 10 days notice given by personal service or registered mail or certified mail, return receipt requested, to the person or persons concerned. Such notice shall state the date and time and place of the hearing and shall contain a brief statement of the proposed action of the Secretary of State and the grounds for the proposed action. A failure to appear at the hearing or otherwise respond to the allegations set forth in the notice of hearing shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to enter an order.

(2) Anything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, the offer or sale or registration of securities, the registration of a dealer, salesperson, investment adviser, or investment adviser representative, or the offer or sale of securities by any person, or the business of rendering investment advice, without the notice and prior hearing in this subsection prescribed, if the Secretary of State shall in his or her opinion, based on credible evidence, deem it necessary to prevent an imminent violation of this Act or to prevent losses to investors which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act.

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Immediately after taking action without such notice and hearing, the Secretary of State shall deliver a copy of the temporary order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The temporary order shall set forth the grounds for the action and shall advise that the respondent may request a hearing as soon as reasonably practicable, that the request for a hearing will not stop the effectiveness of the temporary order and that respondent's failure to request a hearing within 30 days after the date of the entry of the temporary order shall constitute an admission of any facts alleged therein and shall constitute sufficient basis to make the temporary order final. Any provision of this paragraph (2) to the contrary notwithstanding, the Secretary of State may not pursuant to the provisions of this paragraph (2) suspend the registration of a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative based upon sub-paragraph (n) of paragraph (l) of subsection E of Section 8 of this Act or revoke the registration of securities or revoke the registration of any dealer, salesperson, investment adviser representative, or investment adviser.

(3) The Secretary of State may issue a temporary order suspending or delaying the effectiveness of any registration of securities under subsection A or B of Section 5, 6 or 7 of this Act subsequent to and upon the basis of the issuance of any stop, suspension or similar order by the Securities and Exchange Commission with respect to the securities which are the subject of the registration under subsection A or B of Section 5, 6 or 7 of this Act, and the order shall become effective as of the date and time of effectiveness of the Securities and Exchange Commission order and shall be vacated automatically at such time as the order of the Securities and Exchange Commission is no longer in effect.

(4) When the Secretary of State finds that an application for registration as a dealer, salesperson or investment adviser should be denied, the Secretary of State may enter an order denying the registration. Immediately after taking such action, the Secretary of State shall deliver a copy of the order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The order shall state the grounds for the action and that the matter will be set for hearing upon written request filed with the Secretary of State within 30 days after the receipt of the request by the respondent. The respondent's failure to request a hearing within 30 days after receipt of the order shall constitute an admission of any facts alleged therein and shall make the order final. If a hearing is held, the Secretary of State shall affirm, vacate, or modify the order.

(5) The findings and decision of the Secretary of State upon the conclusion of each final hearing held pursuant to this subsection shall be set forth in a written order signed on behalf of the Secretary of State by his or her designee and shall be filed as a public record. All hearings shall be held before a person designated by the Secretary of State, and appropriate records thereof shall be kept.

(6) Notwithstanding the foregoing, the Secretary of State, after notice and opportunity for hearing, may at his or her discretion enter into an agreed settlement, stipulation or consent order with a respondent in accordance with the provisions of the Illinois Administrative Procedure Act. The provisions of the agreed settlement, stipulation or consent order shall have the full force and effect of an order issued by the Secretary of State.

(7) Anything in this Act to the contrary notwithstanding, whenever the Secretary of State finds that a person is currently expelled from, refused membership in or association with, or limited in any material capacity by a self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act because of a fraudulent or deceptive act or a practice in violation of a rule, regulation, or standard duly promulgated by the self-regulatory organization, the Secretary of State may, at his or her discretion, enter a Summary Order of Prohibition, which shall prohibit the offer or sale of any securities, mineral investment contract, or mineral deferred delivery contract by the person in this State. The order shall take effect immediately upon its entry. Immediately after taking the action the Secretary of State shall deliver a copy of the order to the named Respondent by personal service or registered mail or certified mail, return receipt requested. A person who is the subject of an Order of Prohibition may petition the Secretary of State for a hearing to present evidence of rehabilitation or change in circumstances justifying the amendment or termination of the Order of Prohibition.

G. No administrative action shall be brought by the Secretary of State for relief under this Act or upon or because of any of the matters for which relief is granted by this Act after the earlier to
occur of (i) 3 years from the date upon which the Secretary of State had notice of facts which in the exercise of reasonable diligence would lead to actual knowledge of the alleged violation of the Act, or (ii) 5 years from the date on which the alleged violation occurred.

H. The action of the Secretary of State in denying, suspending, or revoking the registration of a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative, in prohibiting any person from engaging in the business of offering or selling securities as a dealer, limited Canadian dealer, or salesperson, in prohibiting or suspending the offer or sale of securities by any person, in prohibiting a person from acting as an investment adviser, federal covered investment adviser, or investment adviser representative, in denying, suspending, or revoking the registration of securities, in prohibiting or suspending the offer or sale or proposed offer or sale of securities, in imposing any fine for violation of this Act, or in issuing any order shall be subject to judicial review in the Circuit Courts Court of Cook or Sangamon any Counties county in this State. The Administrative Review Law shall apply to and govern every action for the judicial review of final actions or decisions of the Secretary of State under this Act.

I. Notwithstanding any other provisions of this Act to the contrary, whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this Act or of any rule or regulation prescribed under authority of this Act, the Secretary of State may at his or her discretion, through the Attorney General:

1. file a complaint and apply for a temporary restraining order without notice, and upon a proper showing the court may enter a temporary restraining order without bond, to enforce this Act; and

2. file a complaint and apply for a preliminary or permanent injunction, and, after notice and a hearing and upon a proper showing, the court may grant a preliminary or permanent injunction and may order the defendant to make an offer of rescission with respect to any sales or purchases of securities, mineral investment contracts, or mineral deferred delivery contracts determined by the court to be unlawful under this Act.

The court shall further have jurisdiction and authority, in addition to the penalties and other remedies in this Act provided, to enter an order for the appointment of the court or a person as a receiver, conservator, ancillary receiver or ancillary conservator for the defendant or the defendant's assets located in this State, or to require restitution, damages or disgorgement of profits on behalf of the person or persons injured by the act or practice constituting the subject matter of the action, and may assess costs against the defendant for the use of the State; provided, however, that the civil remedies of rescission and appointment of a receiver, conservator, ancillary receiver or ancillary conservator shall not be available against any person by reason of the failure to file with the Secretary of State, or on account of the contents of, any report of sale provided for in subsection G or P of Section 4, paragraph (2) of subsection D of Sections 5 and 6, or paragraph (2) of subsection F of Section 7 of this Act. Appeals may be taken as in other civil cases.

J. In no case shall the Secretary of State, or any of his or her employees or agents, in the administration of this Act, incur any official or personal liability by instituting an injunction or other proceeding or by denying, suspending or revoking the registration of a dealer or salesperson, or by denying, suspending or revoking the registration of securities or prohibiting the offer or sale of securities, or by suspending or prohibiting any person from acting as a dealer, limited Canadian dealer, salesperson, investment adviser, or investment adviser representative or from offering or selling securities.

K. No provision of this Act shall be construed to require or to authorize the Secretary of State to require any investment adviser or federal covered investment adviser engaged in rendering investment supervisory services to disclose the identity, investments, or affairs of any client of the investment adviser or federal covered investment adviser, except insofar as the disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of this Act.

L. Whenever, after an examination, investigation or hearing, the Secretary of State deems it of public interest or advantage, he or she may certify a record to the State's Attorney of the county in which the act complained of, examined or investigated occurred. The State's Attorney of that county within 90 days after receipt of the record shall file a written statement at the Office of the Secretary of State, which statement shall set forth the action taken upon the record, or if no action has been taken

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upon the record that fact, together with the reasons therefor, shall be stated.

M. The Secretary of State may initiate, take, pursue, or prosecute any action authorized or permitted under Section 6d of the Federal 1974 Act.

N. (1) Notwithstanding any provision of this Act to the contrary, to encourage uniform interpretation, administration, and enforcement of the provisions of this Act, the Secretary of State may cooperate with the securities agencies or administrators of one or more states, Canadian provinces or territories, or another country, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Securities Investor Protection Corporation, any self-regulatory organization, and any governmental law enforcement or regulatory agency.

(2) The cooperation authorized by paragraph (1) of this subsection includes, but is not limited to, the following:

(a) establishing or participating in a central depository or depositories for registration under this Act and for documents or records required under this Act;
(b) making a joint audit, inspection, examination, or investigation;
(c) holding a joint administrative hearing;
(d) filing and prosecuting a joint civil or criminal proceeding;
(e) sharing and exchanging personnel;
(f) sharing and exchanging information and documents; or
(g) issuing any joint statement or policy.

(Source: P.A. 90-70, eff. 7-8-97; 91-809, eff. 1-1-01.)

(815 ILCS 5/14) (from Ch. 121 1/2, par. 137.14)

Sec. 14. Sentence.
A. Any person who violates any of the provisions of subsection A, B, C, or D of Section 12 or paragraph (3) of subsection K of Section 12 of this Act shall be guilty of a Class 4 felony. A misdemeanor, provided that if such person commits such offense with knowledge of the existence, meaning or application of the respective subsection as provided in Section 4-3(c) of the Criminal Code of 1961, or, in the case of a failure to comply with the terms of any order of the Secretary of State as provided under subsection D of Section 12 of this Act, with knowledge of the existence of such order, such person shall be guilty of a Class 4 felony.

B. Any person who violates any of the provisions of subsection E, F, G, H, I, or J, or paragraph (1) or (2) of subsection K of Section 12 of this Act shall be guilty of a Class 3 felony.

B-5. A person who violates a provision of subsection E, F, G, H, I, or J or paragraph (1) or (2) of subsection K of Section 12 of this Act by use of a plan, program, or campaign that is conducted using one or more telephones for the purpose of inducing the purchase or sale of securities is guilty of a Class 2 felony.

B-10. A person who in the course of violating a provision of subsection E, F, G, H, I, or J or paragraph (1) or (2) of subsection K of Section 12 of this Act induces a person 60 years of age or older to purchase or sell securities is guilty of a Class 2 felony.

C. No prosecution for violation of any provision of this Act shall bar or be barred by any prosecution for the violation of any other provision of this Act or of any other statute; but all prosecutions under this Act or based upon any provision of this Act must be commenced within 3 years after the violation upon which such prosecution is based; provided however, that if the accused has intentionally concealed evidence of a violation of subsection E, F, G, H, I, J, or K of Section 12 of this Act, the period of limitation prescribed herein shall be extended up to an additional 2 years after the proper prosecuting officer becomes aware of the offense but in no such event shall the period of limitation so extended be more than 2 years beyond the expiration of the period otherwise applicable.

D. For the purposes of this Act all persons who shall sell or offer for sale, or who shall purchase or offer to purchase, securities in violation of the provisions of this Act, or who shall in any manner knowingly authorize, aid or assist in any unlawful sale or offering for sale or unlawful purchase or offer to purchase shall be deemed equally guilty, and may be tried and punished in the county in which said unlawful sale or offering for sale or unlawful purchase or offer to purchase was made, or in the county in which the securities so sold or offered for sale or so purchased or offered to be purchased were delivered or proposed to be delivered to the purchaser thereof or by the seller thereof, as the case may be.

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E. Any person who shall be convicted of a second or any subsequent offense specified in subsection A, B, C, D, or paragraph (3) of subsection K of Section 12 of this Act shall be guilty of a Class 3 felony, and any person who shall be convicted of a second or any subsequent offense specified in subsection E, F, G, H, I, J, or paragraph (1) or (2) of subsection K of Section 12 of this Act shall be guilty of a Class 2 felony.

F. If any person referred to in this Section is not a natural person, it may upon conviction of a first offense be fined up to $25,000, and if convicted of a second and subsequent offense, may be fined up to $50,000, in addition to any other sentence authorized by law.

G. This Act shall not be construed to repeal or affect any law now in force relating to the organization of corporations in this State or the admission of any foreign corporation to do business in this State.

H. For the purposes of this Act, all persons who sell or offer for sale, or who purchase or offer to purchase any mineral investment contract or mineral deferred delivery contract in violation of the provisions of this Act or who, in any manner, knowingly authorize, aid, or assist in any unlawful sale or offer for sale or unlawful purchase or offer to purchase any mineral investment contract or mineral deferred delivery contract shall be deemed equally guilty and may be tried and punished in the county in which the unlawful sale or offer for sale or unlawful purchase or offer to purchase any mineral investment contract or mineral deferred delivery contract was made or in the county in which the mineral investment contract or mineral deferred delivery contract so sold or offered for sale or so purchased or offered to be purchased was delivered or proposed to be delivered to the purchaser thereof or by the seller thereof, as the case may be, or in Sangamon County.

(Source: P.A. 90-667, eff. 7-30-98.)

Section 10. The Illinois Loan Brokers Act of 1995 is amended by changing Sections 15-5.15, 15-5.20, 15-20, 15-25, 15-45, 15-50, 15-85 and by adding Section 15-95 as follows:

(815 ILCS 175/15-5.15)
Sec. 15-5.15. Loan broker.
(a) "Loan Broker" means any person who, in return for a fee, commission, or other compensation from any person, promises to procure a loan for any person or assist any person in procuring a loan from any third party, or who promises to consider whether or not to make a loan to any person.

(b) Loan broker does not include any of the following:
   (1) Any bank, savings bank, trust company, savings and loan association, credit union or any other financial institution regulated by any agency of the United States or authorized to do business in this State.
   (2) Any person authorized to sell and service loans for the federal National Mortgage Association or the federal Home Loan Mortgage Corporation, issue securities backed by the Government National Mortgage Association, make loans insured by the federal Department of Housing and Urban Development, make loans guaranteed by the federal Veterans Administration, or act as a correspondent of loans insured by the federal Department of Housing and Urban Development or guaranteed by the federal Veterans Administration.
   (3) Any insurance producer or company authorized to do business in this State.
   (4) Any person arranging financing for the sale of the person's product.
   (6) Any person authorized to conduct business in this State and regulated by the Department of Financial Institutions or the Office of Banks and Real Estate.

(815 ILCS 175/15-5.20)
Sec. 15-5.20. Person. "Person" means an individual, a corporation, trust, limited liability company, partnership, a joint stock company, limited liability partnership, incorporated or unincorporated association, or any other entity.

(815 ILCS 175/15-20)
Sec. 15-20. Renewal of registration.
(a) A loan broker may not continue engaging in the business of loan brokering unless the
broker's registration is renewed annually. A loan broker shall renew the registration by filing with the Secretary of State, at least 30 days before the expiration of the registration, an application containing any information the Secretary of State may require by rule or regulation or order to indicate any material change from the information contained in the applicant's original application or any previous application.

(b) An application for renewal must be accompanied by a filing fee in the amount specified in subsection (a) of Section 15-25 of this Act. The application and fee is not returnable in any event.

(c) Notwithstanding the foregoing, applications for renewal of registration of loan brokers may be filed within 30 days following the expiration of the registration provided that the applicant pays the annual registration fee together with an additional amount equal to the annual registration fee and files any other information or documents that the Secretary of State may prescribe by rule or order. Any application filed within 30 days following the expiration of the registration shall be automatically effective as of the time of the earlier expiration provided that the proper fee has been paid to the Secretary of State.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 175/15-25)
Sec. 15-25. Fees and funds; accounting and deposit in Securities Audit and Enforcement Fund.
(a) the Secretary of State shall by rule or regulation impose and shall collect fees necessary for the administration of this Act including, but not limited to, fees for the following purposes:

(1) filing an application pursuant to Section 15-15 of this Act;
(2) examining an application pursuant to Section 15-15 or Section 15-20 of this Act;
(3) registering a loan broker pursuant to Section 15-15 of this Act;
(4) renewing registration of a loan broker pursuant to Section 15-20 of this Act; or
(5) failure to file or file timely any document or information required under this Act;
(6) acceptance of service of process pursuant to Section 15-95;
(7) issuance of certification pursuant to Section 15-50; or
(8) late registration fee pursuant to Section 15-20(c).

(b) The Secretary of State may, by rule or regulation, raise or lower any fee imposed by this Act, and which he or she is authorized by law to collect under this Act.

(c) All fees and funds accruing for the administration of this Act shall be accounted for by the Secretary of State and shall be deposited with the State Treasurer who shall deposit them in the Securities Audit and Enforcement Fund.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 175/15-45)
Sec. 15-45. Powers of Secretary of State; privilege against self-incrimination; admissibility into evidence.
(a) The Secretary of State may do the following:

(1) Adopt rules and regulations to implement this Act.
(2) Make investigations and examinations:
   (A) in connection with any application for registration of any loan broker or any registration already granted; or
   (B) whenever it appears to the Secretary of State, upon the basis of a complaint or information, that reasonable grounds exist for the belief that an investigation or examination is necessary or advisable for the more complete protection of the interests of the public.
(3) Charge as costs of investigation or examination all reasonable expenses, including a per diem prorated upon the salary of any employee and actual traveling and hotel expenses. All reasonable expenses are to be paid by the party or parties under investigation or examination.
(4) Issue notices and orders, including cease and desist notices and orders, after making an investigation or examination under item (2) of subsection (a) of this Section. The Secretary of State may also bring an action to prohibit a person from violating this Act. The Secretary of State shall notify the person that an order or notice has been issued, the reasons for it and that a hearing will be set in accordance with the provisions of the Illinois Administrative Procedure Act after the Secretary of State receives a written request from the person

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(5) Sign all orders, official certifications, documents or papers issued under this Act or delegate the authority to sign any of those items to his or her designee.

(6) Hold and conduct hearings.

(7) Hear evidence.

(8) Conduct inquiries with or without hearings. Inquiries shall include oral and written requests for information. A failure to respond to a written request for information may be deemed a violation of this Act and the Secretary of State may issue notices and orders, including cease and desist notices and orders, against the violators.

(9) Receive reports of investigators or other officers or employees of the State of Illinois or any municipal corporation or governmental subdivision within the State.

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Order depositions to be taken of any witness residing within or without the State. The depositions shall be taken in the manner prescribed by law for depositions in civil actions and made returnable to the Secretary of State.

(14) For the purpose of all investigations, audits, examinations, or inspections that, in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State or a person designated by him or her is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena or other lawful means provided by this Act or the rules adopted by the Secretary of State the production of any books and records, papers, or other documents that the Secretary of State or a person designated by him or her deems relevant or material to the inquiry.

(b) If any person refuses to obey a subpoena issued under this Act, the Secretary of State may make application to any court of competent jurisdiction to order the person to appear before the Secretary of State and produce documentary evidence or give evidence as directed in the subpoena. The failure to obey the order of the court shall be subject to punishment by the court as contempt of court.

(c) No person shall be excused from complying with a subpoena on the ground that the testimony or evidence required may tend to incriminate the person or subject the person to a penalty or forfeiture. No individual may be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing which the individual is compelled to testify or produce evidence, after claiming the privilege against self-incrimination. However, the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) In any prosecution, action, suit or proceeding based upon or arising out of this Act, the Secretary of State may sign a certificate showing compliance or non-compliance with this Act by any loan broker. This shall constitute prima facie evidence of compliance or non-compliance with this Act and shall be admissible in evidence in any court.

(e) Whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this Act, or of any rule or regulation prescribed under authority of this Act, the Secretary of State may at his or her discretion, through the Attorney General:

(1) File a complaint and apply for a temporary restraining order without notice, and upon a proper showing the court may enter a temporary restraining order without a bond, to enforce this Act.

(2) File a complaint and apply for a preliminary or permanent injunction, and, after notice and hearing and upon a proper showing, the court may grant a preliminary or permanent injunction and may order the defendant to make an offer of rescission with respect to any contract for loan brokerage services determined by the court to be unlawful under this Act.

(f) The court shall further have jurisdiction and authority, in addition to the penalties and other remedies in this Act provided, to enter an order for the appointment of the court or a person as a receiver, conservator, ancillary receiver or ancillary conservator for the defendant or the defendant's assets located in this State, or to require restitution, damages or disgorgement of profits on behalf of the person or persons injured by the act or practice constituting the subject matter of the action, and

New matter indicated by italics - deletions by strikeout.
may assess costs and attorneys fees against the defendant for the use of the State.
(Source: P.A. 90-70, eff. 7-8-97; 91-357, eff. 7-29-99.)

(815 ILCS 175/15-50)
Sec. 15-50. Evidentiary matters.
(a) Certified copies of documents or records admissible in actions or proceedings under this Act. Copies of any statement or document filed with the Secretary of State, and copies of any records of the Secretary of State, certified to by the Secretary of State are admissible in any prosecution, action, suit or proceeding based upon, or arising out of or under, the provisions of this Act to the same effect as the original of the statement, document or record would be if actually produced.
(b) In any action, administrative, civil, or criminal, a certificate under the seal of the State of Illinois, signed by the Secretary of State, attesting to the filing of or the absence of the filing of any document or record with the Secretary of State under this Act, shall constitute prima facie evidence of the filing or of the absence of the filing, and shall be admissible in evidence in any administrative, criminal, or civil action.
(c) Any certificate pursuant to subsection (a) or (b) of this Section shall be furnished by the Secretary of State upon application therefor in the form and in the manner prescribed by the Secretary of State by rule, and shall be accompanied by payment of a non-refundable certification fee in the amount specified by rule or order of the Secretary of State.
(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 175/15-85)
Sec. 15-85. Fraudulent and prohibited acts.
(a) A loan broker shall not, in connection with a contract for the services of a loan broker, either directly or indirectly, do any of the following:
(1) Employ any device, scheme or article to defraud.
(2) Make any untrue statements of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of circumstances under which they are made, not misleading.
(3) Engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.
(b) A loan broker shall not either directly or indirectly do any of the following:
(1) act as a loan broker without registration under this Act unless exempt under the Act;
(2) fail to file with the Secretary of State any application, report, document, or answer required to be filed under the provisions of this Act or any rule made by the Secretary of State pursuant to this Act, or fail to comply with the terms of any order issued pursuant to this Act or any rules made by the Secretary of State;
(3) fail to keep or maintain any records as required under the provisions of this Act or any rule made by the Secretary of State pursuant to this Act.
(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 175/15-95 new)
Sec. 15-95. Service of process.
(a) A person acting as a loan broker, unless exempt from registration under this Act, shall constitute an appointment of the Secretary of State, or his or her successors in Office, by the person to be the true and lawful attorney for the person upon whom may be served all lawful process in any action or proceeding against the person, arising out of his or her activities as a loan broker.
(b) Service of process under this Section shall be made by serving a copy upon the Secretary of State or any employee in his or her Office designated by the Secretary of State to accept such service for him or her, provided notice and a copy of the process are, within 10 days of receipt, sent by registered mail or certified mail, return receipt requested, by the plaintiff to the defendant, at the last known address of the defendant. The filing fee for service of process under this Section is non-refundable and is the amount established in Section 15-25 of this Act. The Secretary of State shall keep a record of all such processes that shall show the day of the service.

Section 15. The Illinois Business Brokers Act of 1995 is amended by changing Sections 10-5.20, 10-20, 10-25, 10-40, 10-45, 10-50, 10-55, 10-85 and by adding Section 10-125 as follows:

(815 ILCS 307/10-5.20)
Sec. 10-5.20. Person. "Person" means an individual, a corporation, a partnership, an
association, a joint stock company, a limited liability company, a limited liability partnership, a trust, or any unincorporated organization, or any other entity.
(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 307/10-20)
Sec. 10-20. Renewal of registration.
(a) A business broker may not continue engaging in the business of business brokering unless the broker's registration is renewed annually. A business broker shall renew the registration by filing with the Secretary of State, at least 30 days before the expiration of the registration, an application containing any information the Secretary of State may require to indicate any material change from the information contained in the applicant's original application or any previous application.
(b) An application for renewal must be accompanied by a filing fee in the amount specified in subsection (a) of Section 10-25 of this Act, and shall not be returnable in any event.
(c) Notwithstanding the foregoing, applications for renewal of registration of business brokers may be filed within 30 days following the expiration of the registration provided that the applicant pays the annual registration fee together with an additional amount equal to the annual registration fee and files any other information or documents that the Secretary of State may prescribe by rule or order. Any application filed within 30 days following the expiration of the registration shall be automatically effective as of the time of the earlier expiration provided that the proper fee has been paid to the Secretary of State.
(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 307/10-25)
Sec. 10-25. Fees and funds. All fees and funds accruing for the administration of this Act shall be accounted for by the Secretary of State and shall be deposited with the State Treasurer who shall deposit them in the Securities Audit and Enforcement Fund.
(a) The Secretary of State shall, by rule or regulation, impose and collect fees necessary for the administration of this Act, including but not limited to, fees for the following purposes:
(1) filing an application pursuant to Section 10-10 of this Act;
(2) examining an application pursuant to Sections 10-10 and 10-20 of this Act;
(3) registering a business broker under Section 10-10 of this Act;
(4) renewing registration of a business broker pursuant to Section 10-20 of this Act;
(5) failure to file or file timely any document or information required under this Act;
(6) (Blank);
(7) acceptance of service of process pursuant to Section 10-125;
(8) issuance of certification pursuant to Section 10-50; and
(9) late registration fee pursuant to Section 10-20(c).
(b) The Secretary of State may, by rule or regulation, raise or lower any fee imposed by, and which he or she is authorized by law to collect under, this Act.
(Source: P.A. 90-70, eff. 7-8-97; 91-194, eff. 7-20-99; 91-809, eff. 1-1-01.)

(815 ILCS 307/10-40)
Sec. 10-40. Denial, suspension or revocation of registration; orders and hearing.
(a) The Secretary of State may deny, suspend or revoke the registration of a business broker if the business broker:
(1) Is insolvent.
(2) Has violated any provision of this Act.
(3) Has filed with the Secretary of State any document or statement containing any false representation of a material fact or omitting to state a material fact.
(4) Has been convicted, within 10 years before the date of the application, renewal or review, of any crime involving fraud or deceit.
(5) Has been found by any court or agency, within 10 years before the date of the application, renewal, or review, to have engaged in any activity involving fraud or deceit.
(b) The Secretary of State may not enter a final order denying, suspending, or revoking the registration of a business broker without prior notice to all interested parties, opportunity for a hearing and written findings of fact and conclusions of law. The Secretary of State may by summary order deny, suspend, or revoke a registration pending final determination of any proceeding under this Section. Upon the entry of a summary order, the Secretary of State shall promptly notify all interested

New matter indicated by italics - deletions by strikeout.
parties that it has been entered, of the reasons for the summary order and, that upon receipt by the Secretary of State of a written request from a party, the matter will be set for hearing which shall be conducted in accordance with the provisions of the Illinois Administrative Procedure Act. If no hearing is requested within 30 days of the date of entry of the order and none is ordered by the Secretary of State, the respondent's failure to request a hearing shall constitute an admission of any facts alleged therein and shall constitute a sufficient basis to make the order final and it shall remain in effect until it is modified or vacated by the Secretary of State. If a hearing is requested or ordered, the Secretary of State, after notice of the hearing has been given to all interested persons and the hearing has been held, may modify or vacate the order or extend it until final determination.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 307/10-45)

Sec. 10-45. Powers of Secretary of State; privilege against self-incrimination; admissibility into evidence.

(a) The Secretary of State may do the following:

(1) Adopt rules and regulations to implement this Act.

(2) Conduct investigations and examinations:

(A) In connection with any application for registration of any business broker or any registration already granted; or

(B) Whenever it appears to the Secretary of State, upon the basis of a complaint or information, that reasonable grounds exist for the belief that an investigation or examination is necessary or advisable for the more complete protection of the interests of the public.

(3) Charge as costs of investigation or examination all reasonable expenses, including a per diem prorated upon the salary of any employee and actual traveling and hotel expenses. All reasonable expenses are to be paid by the party or parties under investigation or examination.

(4) Issue notices and orders, including cease and desist notices and orders, after making an investigation or examination under paragraph (2) of subsection (a) of this Section. The Secretary of State may also bring an action to prohibit a person from violating this Act. The Secretary of State shall notify the person that an order or notice has been issued, the reasons for it and that a hearing will be set in accordance with the provisions of the Illinois Administrative Procedure Act after the Secretary of State receives a written request from the person requesting a hearing.

(5) Sign all orders, official certifications, documents or papers issued under this Act or delegate the authority to sign any of those items to his or her designee.

(6) Hold and conduct hearings.

(7) Hear evidence.

(8) Conduct inquiries with or without hearings.

(9) Receive reports of investigators or other officers or employees of the State of Illinois or any municipal corporation or governmental subdivision within the State.

(10) (Blank). Administer oaths or cause them to be administered.

(11) (Blank). Subpoena witnesses and compel them to attend and testify.

(12) (Blank). Compel the production of books, records and other documents.

(13) Order depositions to be taken of any witness residing within or without the State. The depositions shall be taken in the manner prescribed by law for depositions in civil actions and made returnable to the Secretary of State.

(14) For the purposes of all investigations, audits, examinations, or inspections which in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State or a person designated by him or her is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require by subpoena or other lawful means provided by this law or such rules and regulations adopted by the Secretary of State the production of any books and records, papers, or other documents that the Secretary of State or a person designated by him or her deems relevant or material to the injury.

(b) If any person refuses to obey a subpoena issued under this Act, the Secretary of State may make application to any court of competent jurisdiction to order the person to appear before the
Secretary of State and produce documentary evidence or give evidence as directed in the subpoena. The failure to obey the order of the court shall be subject to punishment by the court as contempt of court.

(c) No person shall be excused from complying with a subpoena on the ground that the testimony or evidence required may tend to incriminate the person or subject the person to a penalty or forfeiture. No individual may be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing which the individual is compelled to testify or produce evidence, after claiming the privilege against self-incrimination. However, the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) In any prosecution, action, suit or proceeding based upon or arising out of this Act, the Secretary of State may sign a certificate showing compliance or non-compliance with this Act by any business broker. This shall constitute prima facie evidence of compliance or non-compliance with this Act and shall be admissible in evidence in any court to enforce this Act.

(e) Whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of this Act, or of any rule or regulation prescribed under authority of this Act, the Secretary of State may at his or her discretion, through the Attorney General:

1. File a complaint and apply for a temporary restraining order without notice, and upon a proper showing the court may enter a temporary restraining order without a bond, to enforce this Act.
2. File a complaint and apply for a preliminary or permanent injunction, and, after notice and hearing and upon a proper showing, the court may grant a preliminary or permanent injunction and may order the defendant to make an offer of rescission with respect to any contract for business brokerage services determined by the court to be unlawful under this Act.

(f) The court shall further have jurisdiction and authority, in addition to the penalties and other remedies in this Act provided, to enter an order for the appointment of the court or a person as a receiver, conservator, ancillary receiver or ancillary conservator for the defendant or the defendant's assets located in this State, or to require restitution or damages on behalf of the person or persons injured by the act or practice constituting the subject matter of the action, and may assess costs against the defendant for the use of the State.

(g) No provision of this Act imposing liability shall apply to any act done or omitted in good faith in conformity with any rule of the Secretary of State under this Act, notwithstanding that such rule may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 307/10-50)
Sec. 10-50. Certified copies of documents or records admissible in actions or proceedings under this Act.

(a) Copies of any statement or document filed with the Secretary of State, and copies of any records of the Secretary of State, certified to by the Secretary of State are admissible in any prosecution, action, suit or proceeding based upon, or arising out of or under, the provisions of this Act to the same effect as the original of the statement, document or record would be if actually produced.

(b) In any action, administrative, civil, or criminal, a certificate under the seal of the State of Illinois, signed by the Secretary of State, attesting to the filing of or the absence of any filing of any document or record with the Secretary of State under this Act, shall constitute prima facie evidence of such filing or of the absence of the filing, and shall be admissible in evidence in any administrative, criminal, or civil action.

(c) Any certificate pursuant to subsection (a) or (b) of this Section shall be furnished by the Secretary of State upon an application therefor in the form and manner prescribed by the Secretary of State by rule, and shall be accompanied by payment of a non-refundable certification fee in the amount specified by rule or by order of the Secretary of State.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 307/10-55)
Sec. 10-55. Violations; administrative fines; enforcement.

(a) If the Secretary of State determines, after notice and opportunity for a hearing, that a person has violated this Act, the Secretary of State may in addition to all other remedies, impose an administrative fine upon the person in an amount not to exceed $10,000 for each violation.

(b) The Secretary of State may bring an action in the circuit court of Sangamon or Cook county to enforce payment of fines imposed under this Section.

(c) If the Secretary of State shall find that any person has violated any provision of this Act, the Secretary of State may, by written order temporarily or permanently prohibit or suspend such person from acting as a business broker.

(d) If the Secretary of State shall find, after notice and opportunity for hearing, that any person is acting or has acted as a business broker as defined in Section 10-5.10 of this Act, without prior thereto or at the time thereof having complied with the registration requirements of this Act, the Secretary of State may by written order prohibit or suspend such person from acting as a business broker in this State.

(e) Anything herein contained to the contrary notwithstanding, the Secretary of State may temporarily prohibit or suspend, for a maximum period of 90 days, by an order effective immediately, the registration of a business broker or the business of providing business brokerage services, without notice and prior hearing, if the Secretary of State shall in his or her opinion, based upon credible evidence, deem it necessary to prevent an imminent violation of this Act or to prevent losses to clients which the Secretary of State reasonably believes will occur as a result of a prior violation of this Act. Immediately after taking action without such notice and hearing, the Secretary of State shall deliver a copy of the temporary order to the respondent named therein by personal service or registered mail or certified mail, return receipt requested. The temporary order shall set forth the grounds for the action and shall advise that the respondent may request a hearing as soon as reasonably practicable, that the request for a hearing will not stop the effectiveness of the temporary order and that respondent's failure to request a hearing within 30 days after the date of the entry of the temporary order, shall constitute an admission of any facts alleged therein and shall make the temporary order final. A business broker whose registration has been suspended pursuant to this Section may request the Secretary of State permission to continue to receive payment for any executory contracts at the time of any suspension and to continue to perform its obligation thereunder. The decision to grant or deny permission to receive payment for any executory contracts or perform any obligation thereunder shall be at the sole discretion of the Secretary of State and shall not be subject to review under the Administrative Review Law.

(f) The Secretary of State may issue a temporary order suspending or delaying the effectiveness of any registration of a business broker under this Act subsequent to and upon the basis of the issuance of any stop, suspension or similar order by any agency of the United States regulating business brokers or any state or federal courts with respect to the person who is the subject of the registration under this Act, and such order shall become effective as of the date and time of effectiveness of the agency or court order and shall be vacated automatically at such time as the order of the agency or court order is no longer in effect.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 307/10-85)
Sec. 10-85. Fraudulent and prohibited acts.

(a) A business broker shall not, in connection with a contract for the services of a business broker, either directly or indirectly, do any of the following:

(1) Employ any device, scheme or article to defraud.

(2) Make any untrue statements of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of circumstances under which they are made, not misleading, unless the statement is made in reasonable reliance on information provided by the client.

(3) Engage in any act, practice or course of business that operates or would operate as a fraud or deceit upon any person.

(b) A business broker shall not either directly or indirectly do the following:

(1) Engage in the business of acting as a business broker without registration under this Act unless exempt under the Act.

New matter indicated by italics - deletions by strikeout.
(2) Fail to file with the Secretary of State any application, report, document, or answer required to be filed under the provisions of this Act or any rule made by the Secretary of State pursuant to this Act or fail to comply with the terms of any order issued pursuant to this Act or rule made by the Secretary of State.

(3) Fail to maintain any records as required under the provisions of this Act or any rule made by Secretary of State pursuant to this Act.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

Sec. 10-125. Service of process.

(a) Any person acting as a business broker, unless exempt from registration under this Act, shall constitute an appointment of the Secretary of State, or his or her successors in Office, by the person to be the true and lawful attorney for the person upon whom may be served all lawful process in any action or proceeding against the person, arising out of his or her activities as a business broker.

(b) Service of process under this Section shall be made by serving a copy upon the Secretary of State or any employee in his or her Office designated by the Secretary of State to accept such service for him or her, provided notice of such and a copy of the process are, within 10 days of receipt, sent by registered mail or certified mail, return receipt requested, by the plaintiff to the defendant, at the last known address of the defendant. The filing fee for service of process under this Section is non-refundable and is the amount established in Section 10-25 of this Act. The Secretary of State shall keep a record of all such processes that shall show the day of the service.

Section 20. The Business Opportunity Sales Law of 1995 is amended by changing Sections 5-5.05, 5-5.10, 5-5.15, 5-30, 5-35, 5-60, 5-65, 5-95, and by adding Section 5-145 as follows:

(815 ILCS 602/5-5.05)

Sec. 5-5.05. Advertising. "Advertising" means any circular, prospectus, advertisement or other material or any electronic communication including, but not limited to, by radio, television, pictures or similar means used in connection with an offer or sale of any business opportunity.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 602/5-5.10)

Sec. 5-5.10. Business opportunity.

(a) "Business opportunity" means a contract or agreement, between a seller and purchaser, express or implied, orally or in writing, wherein it is agreed that the seller or a person recommended by the seller shall provide to the purchaser any product, equipment, supplies or services enabling the purchaser to start a business when the purchaser is required to make a payment to the seller or a person recommended by the seller and the seller represents directly or indirectly, orally or in writing, any of the following, that:

(1) the seller or a person recommended by the seller will provide or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases or other similar devices, on premises neither owned nor leased by the purchaser or seller;

(2) the seller or a person recommended by the seller will provide or assist the purchaser in finding outlets or accounts for the purchaser's products or services;

(3) the seller or a person specified by the seller will purchase any or all products made, produced, fabricated, grown, bred or modified by the purchaser;

(4) the seller guarantees that the purchaser will derive income from the business which exceeds the price paid to the seller;

(5) the seller will refund all or part of the price paid to the seller, or repurchase any of the products, equipment or supplies provided by the seller or a person recommended by the seller, if the purchaser is dissatisfied with the business; or

(6) the seller will provide a marketing plan, provided that this Law shall not apply to the sale of a marketing plan made in conjunction with the licensing of a federally registered trademark or federally registered service mark.

(b) "Business opportunity" does not include:

(1) any offer or sale of an ongoing business operated by the seller and to be sold in its entirety;

New matter indicated by italics - deletions by strikeout.
(2) any offer or sale of a business opportunity to an ongoing business where the seller will provide products, equipment, supplies or services which are substantially similar to the products, equipment, supplies or services sold by the purchaser in connection with the purchaser's ongoing business;

(3) any offer or sale of a business opportunity which is a franchise as defined by the Franchise Disclosure Act of 1987;

(4) any offer or sale of a business opportunity which is registered pursuant to the Illinois Securities Law of 1953;

(5) (blank);

(6) any offer or sale of a business opportunity by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator or a judicial offer or sale, of a business opportunity; or

(7) cash payments made by a purchaser not exceeding $500 and the payment is made for the not-for-profit sale of sales demonstration equipment, material or samples, or the payment is made for product inventory sold to the purchaser at a bona fide wholesale price.

(Source: P.A. 90-70, eff. 7-8-97; 91-357, eff. 7-29-99; 91-809, eff. 1-1-01.)

(815 ILCS 602/5-5.15)

Sec. 5-5.15. Marketing plan. "Marketing plan" means advice or training, provided to the purchaser by the seller or a person recommended by the seller, pertaining specifically to the sale of any enterprise, product, equipment, supplies or services and the advice or training includes, without limitation but is not limited to, preparing or providing:

(1) Promotional literature, brochures, pamphlets, or advertising materials;

(2) Training, regarding the promotion, operation or management of the business opportunity;

or

(3) Operational, managerial, technical or financial guidelines or assistance or continuing technical support.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 602/5-5.30)

Sec. 5-5.30. Person. "Person" means an individual, corporation, trust, partnership, a joint stock company, limited liability partnership, limited liability company, incorporated or unincorporated association or any other entity.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 602/5-20)

Sec. 5-20. Burden of proof and evidentiary matters.

(a) In any administrative, civil, or criminal proceeding related to this Law, the burden of proving an exemption, an exception from a definition or an exclusion from this Law is upon the person claiming it.

(b) In any action, administrative, civil, or criminal, a certificate under the seal of the State of Illinois, signed by the Secretary of State, attesting to the filing of or the absence of any filing of any document or record with the Secretary of State under this Act, shall constitute prima facie evidence of such filing or of the absence of the filing, and shall be admissible in evidence in any administrative, criminal, or civil action.

(c) In any administrative, civil, or criminal action, the Secretary of State may issue a certificate under the seal of the State of Illinois, signed by the Secretary of State, showing that any document or record is a true and exact copy, photocopy or otherwise, of the record or document on file with the Secretary of State under this Act; and such certified document or record shall be admissible in evidence with the same effect as the original document or record would have if actually produced.

(d) Any certificate pursuant to subsection (b) or (c) of this Section shall be furnished by the Secretary of State upon an application therefor in the form and manner prescribed by the Secretary of State by rule, and shall be accompanied by payment of a non-refundable certification fee in the amount specified by rule or by order of the Secretary of State.

(Source: P.A. 89-209, eff. 1-1-96.)

(815 ILCS 602/5-30)

Sec. 5-30. Registration.

New matter indicated by italics - deletions by strikeout.
(a) In order to register a business opportunity, the seller shall file with the Secretary of State one of the following disclosure documents with the appropriate cover sheet as required by subsection (b) of Section 5-35 of this Law, a consent to service of process as specified in subsection (b) of this Section, and the appropriate fee as required by subsection (c) of this Section which is not returnable in any event:

(1) The Franchise Offering Circular which the Secretary of State may prescribe by rule or regulation; or
(2) A disclosure document prepared pursuant to the Federal Trade Commission rule entitled Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Venture, 16 C.F.R. Sec. 436 (1979). The Secretary of State may by rule or regulation adopt any amendment to the disclosure document prepared pursuant to 16 C.F.R. Sec. 436 (1979), that has been adopted by the Federal Trade Commission; or
(3) A disclosure document prepared pursuant to subsection (b) of Section 5-35 of this Law.

(b) Every seller shall file, in the form as the Secretary of State may prescribe, an irrevocable consent appointing the Secretary of State or the successor in office to be the seller's attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against the seller or the seller's successor, executor or administrator which arises under this Law after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service may be made by delivering a copy of the process in the office of the Secretary of State, but is not effective unless the plaintiff or petitioner in a suit, action or proceeding, forthwith sends notice of the service and a copy of the process by registered or certified mail, return receipt requested, to the defendant's or respondent's most current address on file with the Secretary of State, and the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return date of the process, if any, or within such further time as the court allows.

(c)(1) The Secretary of State shall by rule or regulation impose and shall collect fees necessary for the administration of this Law including, but not limited to, fees for the following purposes:
(A) filing a disclosure document and renewal fee;
(B) interpretive opinion fee;
(C) acceptance of service of process pursuant to subsection (b) of Section 5-145;
(D) issuance of certification pursuant to Section 5-20; or
(E) late registration fee pursuant to Section 5-30(g).
(2) The Secretary of State may, by rule or regulation, raise or lower any fee imposed by, and which he or she is authorized by law to collect under this Law.

(d) A registration automatically becomes effective upon the expiration of the 10th full business day after a complete filing, provided that no order has been issued or proceeding pending under Section 5-45 of this Law. The Secretary of State may by order waive or reduce the time period prior to effectiveness, provided that a complete filing has been made. The Secretary of State may by order defer the effective date until the expiration of the 10th full business day after the filing of any amendment.

(e) The registration is effective for one year commencing on the date of effectiveness and may be renewed annually upon the filing of a current disclosure document accompanied by any documents or information that the Secretary of State may by rule or regulation or order require. The annual renewal fee shall be in the same amount as the initial registration fee as established under subsection (c) of Section 5-30 of this Law which shall not be returnable in any event. Failure to renew upon the close of the one year period of effectiveness will result in expiration of the registration. The Secretary of State may by rule or regulation or order require the filing of a sales report.

(f) The Secretary of State may by rule or regulation or order require the filing of all proposed literature or advertising prior to its use.

(g) Notwithstanding the foregoing, applications for renewal of registration of business opportunities may be filed within 30 days following the expiration of the registration provided that the applicant pays the annual registration fee together with an additional amount equal to the annual registration fee and files any other information or documents that the Secretary of State may prescribe by rule or order. Any application filed within 30 days following the expiration of the registration shall

New matter indicated by italics - deletions by strikeout.
be automatically effective as of the time of the earlier expiration provided that the proper fee has been paid to the Secretary of State.
(Source: P.A. 89-209, eff. 1-1-96.)
(815 ILCS 602/5-35)
Sec. 5-35. Disclosure requirements.
(a) It shall be unlawful for any person to offer or, sell any business opportunity required to be registered under this Law unless a written disclosure document as filed under subsection (a) of Section 5-30 of this Law is delivered to each purchaser at least 10 business days prior to the execution by a purchaser of any contract or agreement imposing a binding legal obligation on the purchaser or the payment by a purchaser of any consideration in connection with the offer or sale of the business opportunity.
(b) The disclosure document shall have a cover sheet which is entitled, in at least 10-point bold type, "DISCLOSURE REQUIRED BY THE STATE OF ILLINOIS." Under the title shall appear the statement in at least 10-point bold type that "THE REGISTRATION OF THIS BUSINESS OPPORTUNITY DOES NOT CONSTITUTE APPROVAL, RECOMMENDATION OR ENDORSEMENT BY THE STATE OF ILLINOIS. THE INFORMATION CONTAINED IN THIS DISCLOSURE DOCUMENT HAS NOT BEEN VERIFIED BY THIS STATE. IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT THIS INVESTMENT, SEEK PROFESSIONAL ADVICE BEFORE YOU SIGN A CONTRACT OR MAKE ANY PAYMENT. YOU ARE TO BE PROVIDED 10 BUSINESS DAYS TO REVIEW THIS DOCUMENT BEFORE SIGNING ANY CONTRACT OR AGREEMENT OR MAKING ANY PAYMENT TO THE SELLER OR THE SELLER'S REPRESENTATIVE". The seller's name and principal business address, along with the date of the disclosure document shall also be provided on the cover sheet. No other information shall appear on the cover sheet. The disclosure document shall contain the following information unless the seller uses a disclosure document as provided in paragraph (1) or (2) of subsection (a) of Section 5-30 of this Law:

1. The names and residential addresses of those salespersons who will engage in the offer or sale of the business opportunity in this State.
2. The name of the seller, whether the seller is doing business as an individual, partnership or corporation; the names under which the seller has conducted, is conducting or intends to conduct business; and the name of any parent or affiliated company that will engage in business transactions with purchasers or which will take responsibility for statements made by the seller.
3. The names, addresses and titles of the seller's officers, directors, trustees, general managers, principal executives, agents, and any other persons charged with responsibility for the seller's business activities relating to the sale of the business opportunity.
4. Prior business experience of the seller relating to business opportunities including:
   A. The name, address, and a description of any business opportunity previously offered by the seller;
   B. The length of time the seller has conducted the business opportunity currently being offered to the purchaser.
5. With respect to persons identified in item (3) of this subsection:
   A. A description of the persons' business experience for the 10 year period preceding the filing date of this disclosure document. The description of business experience shall list principal occupations and employers; and
   B. A listing of the persons' educational and professional backgrounds including, the names of schools attended and degrees received, and any other information that will demonstrate sufficient knowledge and experience to perform the services proposed.
6. Whether the seller or any person identified in item (3) of this subsection:
   A. Has been convicted of any felony, or pleaded nolo contendere to a felony charge, or has been the subject of any criminal, civil or administrative proceedings alleging the violation of any business opportunity law, securities law, commodities law, franchise law, fraud or deceit, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices, misappropriation of property or comparable allegations;

New matter indicated by italics - deletions by strikeout.
(B) Has filed in bankruptcy, been adjudged bankrupt, been reorganized due to insolvency, or was an owner, principal officer or general partner or any other person that has so filed or was so adjudged or reorganized during or within the last 7 years.

(7) The name of the person identified in item (6) of this subsection, nature of and parties to the action or proceeding, court or other forum, date of the institution of the action, docket references to the action, current status of the action or proceeding, terms and conditions or any order or decree, the penalties or damages assessed and terms of settlement.

(8) The initial payment required, or when the exact amount cannot be determined, a detailed estimate of the amount of the initial payment to be made to the seller.

(9) A detailed description of the actual services the seller agrees to perform for the purchaser.

(10) A detailed description of any training the seller agrees to provide for the purchaser.

(11) A detailed description of services the seller agrees to perform in connection with the placement of equipment, products or supplies at a location, as well as any agreement necessary in order to locate or operate equipment, products or supplies on a premises neither owned nor leased by the purchaser or seller.

(12) A detailed description of any license or permit that will be necessary in order for the purchaser to engage in or operate the business opportunity.

(13) The business opportunity seller that is required to secure a bond under Section 5-50 of this Law, shall state in the disclosure document "As required by the State of Illinois, the seller has secured a bond issued by (insert name and address of surety company), a surety company, authorized to do business in this State. Before signing a contract or agreement to purchase this business opportunity, you should check with the surety company to determine the bond's current status."

(14) Any representations made by the seller to the purchaser concerning sales or earnings that may be made from this business opportunity, including, but not limited to:

(A) The bases or assumptions for any actual, average, projected or forecasted sales, profits, income or earnings;

(B) The total number of purchasers who, within a period of 3 years of the date of the disclosure document, purchased a business opportunity involving the product, equipment, supplies or services being offered to the purchaser; and

(C) The total number of purchasers who, within 3 years of the date of the disclosure document, purchased a business opportunity involving the product, equipment, supplies or services being offered to the purchaser who, to the seller's knowledge, have actually received earnings in the amount or range specified.

(15) Any seller who makes a guarantee to a purchaser shall give a detailed description of the elements of the guarantee. Such description shall include, but shall not be limited to, the duration, terms, scope, conditions and limitations of the guarantee.

(16) A statement of:

(A) The total number of business opportunities that are the same or similar in nature to those that have been sold or organized by the seller;

(B) The names and addresses of purchasers who have requested a refund or rescission from the seller within the last 12 months and the number of those who have received the refund or rescission; and

(C) The total number of business opportunities the seller intends to sell in this State within the next 12 months.

(17) A statement describing any contractual restrictions, prohibitions or limitations on the purchaser's conduct. Attach a copy of all business opportunity and other contracts or agreements proposed for use or in use in this State including, without limitation, all lease agreements, option agreements, and purchase agreements.

(18) The rights and obligations of the seller and the purchaser regarding termination of the business opportunity contract or agreement.

(19) A statement accurately describing the grounds upon which the purchaser may initiate legal action to terminate the business opportunity contract or agreement.

(20) A copy of the most recent audited financial statement of the seller, prepared within
13 months of the first offer in this State, together with a statement of any material changes in the financial condition of the seller from that date. The Secretary of State may accept the filing of a reviewed financial statement in lieu of an audited financial statement allow the seller to submit a limited review in order to satisfy the requirements of this subsection.

(21) A list of the states in which this business opportunity is registered.

(22) A list of the states in which this disclosure document is on file.

(23) A list of the states which have denied, suspended or revoked the registration of this business opportunity.

(24) A section entitled "Risk Factors" containing a series of short concise statements summarizing the principal factors which make this business opportunity a high risk or one of a speculative nature. Each statement shall include a cross-reference to the page on which further information regarding that risk factor can be found in the disclosure document.

(25) Any additional information as the Secretary of State may require by rule, regulation, or order.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 602/5-60)
Sec. 5-60. Investigations and subpoenas.
(a) The Secretary of State:

(1) may make such public or private investigations within or outside of this State as the Secretary of State deems necessary to determine whether any person has violated or is about to violate any provision of this Law or any rule, regulation, or order under this Law, or to aid in the enforcement of this Law or in the prescribing of rules and forms under this Law;

(2) may require or permit any person to file a statement, under oath or otherwise as the Secretary of State determines, as to all the facts and circumstances concerning the matter to be investigated; and

(3) may publish information concerning any violation of this Law or any rule, regulation, or order under this Law.

(b) For the purpose of any investigation or proceeding under this Law, the Secretary of State or his or her designee may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require, by subpoena or other lawful means provided by this Act or the rules adopted by the Secretary of State, the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Secretary of State deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to any person, through the Office of the Attorney General may bring an appropriate action in any circuit court of the State of Illinois for the purpose of enforcing the subpoena.

(d) It shall be a violation of the provisions of this Law for any person to fail to file with the Secretary of State any report, document, or statement required to be filed under the provisions of this Section or to fail to comply with the terms of any order of the Secretary of State issued pursuant to this Law.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 602/5-65)
Sec. 5-65. Remedies. Whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this Law or any rule, regulation, or order under this Law, the Secretary of State may:

(1) Issue an order, anything contained in this Law to the contrary notwithstanding, directing the person to cease and desist from continuing the act or practice. Any person named in a cease and desist order issued by the Secretary of State may, within 30 days after the date of the entry of the order, file a written request for a hearing with the Secretary of State. If the Secretary of State does not receive a written request for a hearing within the time specified, the cease and desist order will be permanent and the person named in the order will be deemed to have waived all rights to a hearing. If a hearing is requested, the order will remain in force until it is modified, vacated, rescinded or expunged by the Secretary of State.

(1.5) Prohibit or suspend the offer or sale of any business opportunity, prohibit or suspend any person from offering or selling any business opportunities, impose any fine for violation
of this Law, issue an order of public censure, or enter into an agreed settlement or stipulation. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law.

(2) Bring an action in the circuit court of any county to enjoin the acts or practices and to enforce compliance with this Law or any rule, regulation, or order under this Law. Upon a proper showing of a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets or the court may order rescission, which shall include restitution plus the legal interest rate, for any sales of business opportunities determined to be unlawful under this Law or any rule, regulation, or order under this Law. The court shall not require the Secretary of State to post a bond.

(3) The Secretary of State may refer such evidence as may be available concerning violations of this Law or any rule, regulation, or order under this Law to the Attorney General or the appropriate State's Attorney, who may, with or without such a reference, institute the appropriate proceedings under this Section.

(4) In addition to any other sanction or remedy contained in this Section, the Secretary of State, after finding that any provision of this Law has been violated, may impose a fine as provided by rule or order against the violator not to exceed $10,000 per violation, and may issue an order of public censure against the violator, and charge as costs of the investigation all reasonable expenses, including attorney's fees and witness fees.

(5) Notwithstanding the foregoing, the Secretary of State, after notice and opportunity for hearing, may at his or her discretion enter into an agreed settlement, stipulation, or consent order with a respondent in accordance with the provisions of the Illinois Administrative Procedure Act. The provisions of the agreed settlement, stipulation, or consent order shall have the full force and effect of an order issued by the Secretary of State.

(6) The action of the Secretary of State in denying, suspending, or revoking the registration of a business opportunity, in prohibiting or suspending a person from offering or selling business opportunities, in prohibiting or suspending the offer or sale of business opportunities, in imposing any fine for violation of this Law, or in issuing any order shall be subject to judicial review under the Administrative Review Law which shall apply to and govern every action for the judicial review of final actions or decisions of the Secretary of State under this Law.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)

(815 ILCS 602/5-95)
Sec. 5-95. Fraudulent and prohibited practices.
(a) It is unlawful for any person, in connection with the offer or sale of any business opportunity in this State or any offer or sale pursuant to the exemptions granted under subdivisions 5-10(a), (c), (d), or (h), directly or indirectly:

(1) To employ any device, scheme or artifice to defraud;
(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or
(3) To engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

(b) No person shall, either directly or indirectly, do any of the following:

(1) offer or sell any business opportunity without registration under this Act unless the person offering or selling the opportunity is exempt under the Act;
(2) fail to file with the Secretary of State any application, report, document, or answer required to be filed under the provisions of this Act or any rule made by the Secretary of State pursuant to this Act or fail to comply with the terms of any order issued pursuant to this Act or any rules adopted by the Secretary of State; or
(3) fail to keep or maintain any records as is required under the provisions of this Act or any rule adopted by the Secretary of State pursuant to this Act.

(Source: P.A. 89-209, eff. 1-1-96; 90-70, eff. 7-8-97.)
(815 ILCS 602/5-145 new)
Sec. 5-145. Service of process.
(a) The offer or sale of business opportunities in this State by any person, unless exempt from registration under this Act, shall constitute an appointment of the Secretary of State, or his or her successors in office, by the person to be the true and lawful attorney for the person upon whom may be served all lawful process in any action or proceeding against the person, arising out of the offer or sale of the securities.

(b) Service of process under this Section shall be made by serving a copy upon the Secretary of State or any employee in his or her office designated by the Secretary of State to accept such service for him or her, provided notice and a copy of the process are, within 10 days after receiving the notice and process, sent by registered mail or certified mail, return receipt requested, by the plaintiff to the defendant, at the last known address of the defendant. The filing fee for service of process under this Section shall be as established pursuant to Section 5-30 of this Act, and shall not be returnable in any event. The Secretary of State shall keep a record of all processes each of which shall show the day of the service.

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Statutes amended in order of appearance

815 ILCS 5/2.1 from Ch. 121 1/2, par. 137.2-1
815 ILCS 5/8 from Ch. 121 1/2, par. 137.8
815 ILCS 5/11 from Ch. 121 1/2, par. 137.11
815 ILCS 5/14 from Ch. 121 1/2, par. 137.14
815 ILCS 175/15-15 new
815 ILCS 175/15-20
815 ILCS 175/15-25
815 ILCS 175/15-45
815 ILCS 175/15-50
815 ILCS 175/15-85
815 ILCS 175/15-95 new
815 ILCS 307/10-5.20
815 ILCS 307/10-20
815 ILCS 307/10-25
815 ILCS 307/10-40
815 ILCS 307/10-45
815 ILCS 307/10-50
815 ILCS 307/10-55
815 ILCS 307/10-85
815 ILCS 307/10-125 new
815 ILCS 602/5-5.05
815 ILCS 602/5-5.10
815 ILCS 602/5-5.15
815 ILCS 602/5-5.30
815 ILCS 602/5-20
815 ILCS 602/5-30
815 ILCS 602/5-35
815 ILCS 602/5-60
815 ILCS 602/5-65
815 ILCS 602/5-95
815 ILCS 602/5-145 new

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0309
(Senate Bill No. 0677)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning county officers.

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

Section 5. The Counties Code is amended by changing Section 4-2001 as follows:

(55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

Sec. 4-2001. State's attorney salaries.

(a) There shall be allowed to the several state's attorneys in this State, except the state's attorney of Cook County, the following annual salary:

(1) Subject to paragraph (5), to each state's attorney in counties containing less than 10,000 inhabitants, $40,500 until December 31, 1988, $45,500 until June 30, 1994, and $55,500 thereafter or as set by the Compensation Review Board, whichever is greater.

(2) Subject to paragraph (5), to each state's attorney in counties containing 10,000 or more inhabitants but less than 20,000 inhabitants, $46,500 until December 31, 1988, $61,500 until June 30, 1994, and $71,500 thereafter or as set by the Compensation Review Board, whichever is greater.

(3) Subject to paragraph (5), to each state's attorney in counties containing 20,000 or more but less than 30,000 inhabitants, $51,000 until December 31, 1988, $65,000 until June 30, 1994, and $75,000 thereafter or as set by the Compensation Review Board, whichever is greater.

(4) To each state's attorney in counties of 30,000 or more inhabitants, $65,500 until December 31, 1988, $80,000 until June 30, 1994, and $96,837 thereafter or as set by the Compensation Review Board, whichever is greater.

(5) Effective December 1, 2000, to each state's attorney in counties containing fewer than 30,000 inhabitants, the same salary plus any cost of living adjustments as authorized by the Compensation Review Board to take effect after January 1, 1999, for state's attorneys in counties containing 20,000 or more but fewer than 30,000 inhabitants, or as set by the Compensation Review Board whichever is greater.

The State shall furnish 66 2/3% of the total annual compensation to be paid to each state's attorney in Illinois based on the salary in effect on December 31, 1988, and 100% of the increases in salary taking effect after December 31, 1988.

Said amounts furnished by the State shall be payable monthly from the state treasury to the county in which each state's attorney is elected.

Each county shall be required to furnish 33 1/3% of the total annual compensation to be paid to each state's attorney in Illinois based on the salary in effect on December 31, 1988.

(b) Effective December 1, 2000, no state's attorney may engage in the private practice of law. However, until November 30, 2000, (i) the state's attorneys in counties containing fewer than 10,000 inhabitants may engage in the practice of law, and (ii) in any county between 10,000 and 30,000 inhabitants or in any county containing 30,000 or more inhabitants which reached that population between 1970 and December 31, 1981, the state's attorney may declare his or her intention to engage in the private practice of law, and may do so through no later than November 30, 2000, by filing a written declaration of intent to engage in the private practice of law with the county clerk. The declaration of intention shall be irrevocable during the remainder of the term of office. The declaration shall be filed with the county clerk within 30 days of certification of election or appointment, or within 60 days of March 15, 1989, whichever is later. In that event the annual salary of such state's attorney shall be as follows:

(1) In counties containing 10,000 or more inhabitants but less than 20,000 inhabitants, $46,500 until December 31, 1988, $51,500 until June 30, 1994, and $61,500 thereafter or as set by the Compensation Review Board, whichever is greater. The State shall furnish 100% of the increases taking effect after December 31, 1988.

(2) In counties containing 20,000 or more inhabitants but less than 30,000 inhabitants, and in counties containing 30,000 or more inhabitants which reached said population between 1970 and December 31, 1981, $51,500 until December 31, 1988, $56,000 until June 30, 1994, and $65,000 thereafter or as set by the Compensation Review Board, whichever is greater. The State shall furnish 100% of the increases taking effect after December 31, 1988.

(c) In counties where a state mental health institution, as hereinafter defined, is located, one assistant state's attorney shall receive for his services, payable monthly from the state treasury to the
county in which he is appointed, the following:

(1) To each assistant state's attorney in counties containing less than 10,000 inhabitants, the sum of $2,500 per annum;
(2) To each assistant state's attorney in counties containing not less than 10,000 inhabitants and not more than 20,000 inhabitants, the sum of $3,500 per annum;
(3) To each assistant state's attorney in counties containing not less than 20,000 inhabitants and not more than 30,000 inhabitants, the sum of $4,000 per annum;
(4) To each assistant state's attorney in counties containing not less than 30,000 inhabitants and not more than 40,000 inhabitants, the sum of $4,500 per annum;
(5) To each assistant state's attorney in counties containing not less than 40,000 inhabitants and not more than 70,000 inhabitants, the sum of $5,000 per annum;
(6) To each assistant state's attorney in counties containing not less than 70,000 inhabitants and not more than 1,000,000 inhabitants, the sum of $6,000 per annum.

(d) The population of all counties for the purpose of fixing salaries as herein provided shall be based upon the last Federal census immediately previous to the appointment of an assistant state's attorney in each county.

(e) At the request of the county governing authority, in counties where one or more state correctional institutions, as hereinafter defined, are located, one or more assistant state's attorneys shall receive for their services, provided that such services are performed in connection with the state correctional institution, payable monthly from the state treasury to the county in which they are appointed, the following:

(1) $22,000 for each assistant state's attorney in counties with one or more State correctional institutions with a total average daily inmate population in excess of 2,000, on the basis of 2 assistant state's attorneys when the total average daily inmate population exceeds 2,000 but is less than 4,000; and 3 assistant state's attorneys when such population exceeds 4,000; with reimbursement to be based on actual services rendered.
(2) $15,000 per year for one assistant state's attorney in counties having one or more correctional institutions with a total average daily inmate population of between 750 and 2,000 inmates, with reimbursement to be based on actual services rendered.
(3) A maximum of $12,000 per year for one assistant state's attorney in counties having less than 750 inmates, with reimbursement to be based on actual services rendered.

Upon application of the county governing authority and certification of the State's Attorney, the Director of Corrections may, in his discretion and subject to appropriation, increase the amount of salary reimbursement to a county in the event special circumstances require the county to incur extraordinary salary expenditures as a result of services performed in connection with State correctional institutions in that county.

In determining whether or not to increase the amount of salary reimbursement, the Director shall consider, among other matters:

(1) the nature of the services rendered;
(2) the results or dispositions obtained;
(3) whether or not the county was required to employ additional attorney personnel as a direct result of the services actually rendered in connection with a particular service to a State correctional institution.

(f) In counties where a State senior institution of higher education is located, the assistant state's attorneys specified by this Section shall receive for their services, payable monthly from the State treasury to the county in which appointed, the following:

(1) $14,000 per year each for employment on a full time basis for 2 assistant state's attorneys in counties having a State university or State universities with combined full time enrollment of more than 15,000 students.
(2) $7,200 per year for one assistant state's attorney with no limitation on other practice in counties having a State university or State universities with combined full time enrollment of 10,000 to 15,000 students.
(3) $4,000 per year for one assistant state's attorney with no limitation on other practice in counties having a State university or State universities with combined full time enrollment of less than 10,000 students.

New matter indicated by italics - deletions by strikeout.
Such salaries shall be paid to the state's attorney and the assistant state's attorney in equal monthly installments by such county out of the county treasury provided that the State of Illinois shall reimburse each county monthly from the state treasury the amount of such salary. This Section shall not prevent the payment of such additional compensation to the state's attorney or assistant state's attorney of any county, out of the treasury of that county as may be provided by law.

(g) For purposes of this Section, "State mental health institution" means any institution under the jurisdiction of the Department of Human Services that is listed in Section 4 of the Mental Health and Developmental Disabilities Administrative Act.

For purposes of this Section, "State correctional institution" means any facility of the Department of Corrections including adult facilities, juvenile facilities, pre-release centers, community correction centers, and work camps.

For purposes of this Section, "State university" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and any public community college which has established a program of interinstitutional cooperation with one of the foregoing institutions whereby a student, after earning an associate degree from the community college, pursues a course of study at the community college campus leading to a baccalaureate degree from the foregoing institution (also known as a "2 Plus 2" degree program).

(h) A number of assistant state's attorneys shall be appointed in each county that chooses to participate, as provided in this subsection, for the prosecution of alcohol-related traffic offenses. Each county shall receive monthly a subsidy for payment of the salaries and benefits of these assistant state's attorneys from State funds appropriated to the county for that purpose. The amounts of subsidies provided by this subsection shall be adjusted for inflation each July 1 using the Consumer Price Index of the Bureau of Labor Statistics of the U.S. Department of Labor.

When a county chooses to participate in the subsidy program described in this subsection (h), the number of assistant state's attorneys who are prosecuting alcohol-related traffic offenses must increase according to the subsidy provided in this subsection. These appointed assistant state's attorneys shall be in addition to any other assistant state's attorneys assigned to those cases on the effective date of this amendatory Act of the 91st General Assembly, and may not replace those assistant state's attorneys. In counties where the state's attorney is the sole prosecutor, this subsidy shall be used to provide an assistant state's attorney to prosecute alcohol-related traffic offenses along with the state's attorney. In counties where the state's attorney is the sole prosecutor, and in counties where a judge presides over cases involving a variety of misdemeanors, including alcohol-related traffic matters, assistant state's attorneys appointed and subsidized by this subsection (h) may also prosecute the different misdemeanor cases at the direction of the state's attorney.

Assistant state's attorneys shall be appointed under this subsection in the following number and counties shall receive the following annual subsidies:

1. In counties with fewer than 30,000 inhabitants, one at $35,000.
2. In counties with 30,000 or more but fewer than 100,000 inhabitants, one at $45,000.
3. In counties with 100,000 or more but fewer than 300,000 inhabitants, 2 at $45,000 each.
4. In counties, other than Cook County, with 300,000 or more inhabitants, 4 at $50,000 each.

The amounts appropriated under this Section must be segregated by population classification and disbursed monthly.

If in any year the amount appropriated for the purposes of this subsection (h) is insufficient to pay all of the subsidies specified in this subsection, the amount appropriated shall first be prorated by the population classifications of this subsection (h) and then among the counties choosing to participate within each of those classifications. If any of the appropriated moneys for each population classification remain at the end of a fiscal year, the remainder of the moneys may be allocated to participating counties that were not fully funded during the course of the year. Nothing in this subsection prohibits 2 or more State's attorneys from combining their subsidies to appoint a joint assistant State's attorney to prosecute alcohol-related traffic offenses in multiple counties. Nothing in this subsection prohibits a State's attorney from appointing an assistant State's attorney by contract.
or otherwise.
(Source: P.A. 90-14, eff. 7-1-97; 90-375, eff. 8-14-97; 91-273, eff. 1-1-00; 91-440, eff. 8-6-99;
91-704, eff. 7-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0310
(Senate Bill No. 0761)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Electricity Excise Tax Law is amended by changing Section 2-3 as follows:
(35 ILCS 640/2-3)
Sec. 2-3. Definitions. As used in this Law, unless the context clearly requires otherwise:
(a) "Department" means the Department of Revenue of the State of Illinois.
(b) "Director" means the Director of the Department of Revenue of the State of Illinois.
(c) "Person" means any natural individual, firm, trust, estate, partnership, association, joint
stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian,
or other representative appointed by order of any court, or any city, town, village, county, or other
political subdivision of this State.
(d) "Purchase price" means the consideration paid for the distribution, supply, furnishing, sale,
transmission or delivery of electricity to a person for non-residential use or consumption (and for both
residential and non-residential use or consumption in the case of electricity purchased from a
municipal system or electric cooperative described in subsection (b) of Section 2-4) and not for resale,
and for all services directly related to the production, transmission or distribution of electricity
distributed, supplied, furnished, sold, transmitted or delivered for non-residential use or consumption,
and includes transition charges imposed in accordance with Article XVI of the Public Utilities Act and
instrument funding charges imposed in accordance with Article XVIII of the Public Utilities Act, as
well as cash, services and property of every kind or nature, and shall be determined without any
deduction on account of the cost of the service, product or commodity supplied, the cost of materials
used, labor or service costs, or any other expense whatsoever. However, "purchase price" shall not
include consideration paid for:
(i) any charge for a dishonored check;
(ii) any finance or credit charge, penalty or charge for delayed payment, or discount for
prompt payment;
(iii) any charge for reconection of service or for replacement or relocation of facilities;
(iv) any advance or contribution in aid of construction;
(v) repair, inspection or servicing of equipment located on customer premises;
(vi) leasing or rental of equipment, the leasing or rental of which is not necessary to
furnishing, supplying or selling electricity;
(vii) any purchase by a purchaser if the supplier is prohibited by federal or State
constitution, treaty, convention, statute or court decision from recovering the related tax
liability from such purchaser; and
(viii) any amounts added to purchasers' bills because of charges made pursuant to the tax
imposed by this Law.
In case credit is extended, the amount thereof shall be included only as and when payments
are made.
"Purchase price" shall not include consideration received from business enterprises certified
under Section 9-222.1 or 9-222.1A of the Public Utilities Act, as amended, to the extent of such
exemption and during the period of time specified by the Department of Commerce and Community
Affairs.
(e) "Purchaser" means any person who acquires electricity for use or consumption and not for
resale, for a valuable consideration.

New matter indicated by italics - deletions by strikeout.
(f) "Non-residential electric use" means any use or consumption of electricity which is not residential electric use.

(g) "Residential electric use" means electricity used or consumed at a dwelling of 2 or fewer units, or electricity for household purposes used or consumed at a building with multiple dwelling units where the electricity is registered by a separate meter for each dwelling unit.

(h) "Self-assessing purchaser" means a purchaser for non-residential electric use who elects to register with and to pay tax directly to the Department in accordance with Sections 2-10 and 2-11 of this Law.

(i) "Delivering supplier" means any person engaged in the business of delivering electricity to persons for use or consumption and not for resale, but not an entity engaged in the practice of resale and redistribution of electricity within a building prior to January 2, 1957, and who, in any case where more than one person participates in the delivery of electricity to a specific purchaser, is the last of the suppliers engaged in delivering the electricity prior to its receipt by the purchaser.

(j) "Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, generation facility, transmission facility, distribution facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of such delivering supplier or such delivering supplier’s subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier’s subsidiary is licensed to do business in this State.

(k) "Use" means the exercise by any person of any right or power over electricity incident to the ownership of that electricity, except that it does not include the generation, production, transmission, distribution, delivery or sale of electricity in the regular course of business or the use of electricity for such purposes.

(765 ILCS 225/2) (from Ch. 133, par. 102)
Sec. 2. The system of plane coordinates which has been established by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of Illinois is hereinafter to be known and designated as the "Illinois Coordinate System".

(765 ILCS 225/5) (from Ch. 133, par. 105)
Sec. 5. The plane coordinates of a point on the earth's surface, used in expressing the position or location of that point in the appropriate zone of this system, consists of 2 distances, expressed in units of U.S. survey feet and decimals of a foot. One of these distances, known as the "x-coordinate", gives the position in an east-and-west direction; the other, known as the "y-coordinate", gives the position in a north-and-south direction. These coordinates depend upon and conform to the coordinates, on the Illinois Coordinate System, of the monumented survey triangulation and traverse stations of the United States National Geodetic Survey within the State of Illinois, as those coordinates have been determined by that survey.

(765 ILCS 225/7) (from Ch. 133, par. 107)
Sec. 7. For purposes of more precisely defining the Illinois Coordinate System the following definitions by the United States National Geodetic Ocean Survey are adopted:

The Illinois Coordinate System, East Zone, is based on the transverse Mercator projection of the North American Datum of 1983 (NAD 83) or the Clarke spheroid of 1866 (North American Datum of 1927) (NAD 27), having a central meridian of eighty-eight degrees and twenty minutes West (88° -20'W.) of Greenwich on which meridian the scale is set at one part in 40,000 too small. The origin of coordinates is at the intersection of the meridian eighty-eight degrees and twenty minutes West (88° -20'W.) of Greenwich and thirty-six degrees and forty minutes North (36° -40'N.) latitude. The origin is given the coordinates \(x = 300,000\) meters (984,250.000 feet) and \(y = 0\) meters for NAD 83 and \(x = 500,000\) feet and \(y = 0\) feet for the NAD 27.

The Illinois Coordinate System, West Zone, is based on the transverse Mercator projection of the North American Datum of 1983 (NAD 83) or the Clarke spheroid of 1866 North American Datum of 1927 (NAD 27), having a central meridian of ninety degrees and ten minutes West (90° -10'W.) of Greenwich, on which meridian the scale is set at one part in 17,000 too small. The origin of coordinates is at the intersection of the meridian ninety degrees and ten minutes West (90° -10'W.) of Greenwich and thirty-six degrees and forty minutes North (36° -40'N.) latitude. The origin is given the coordinates \(x = 700,000\) meters (2,296,583.333 feet) and \(y = 0\) meters for NAD 83 and \(x = 500,000\) feet and \(y = 0\) feet for the NAD 27.

The position of the Illinois Coordinate System is as marked on the ground by monumented survey triangulation or traverse stations established in conformity with standards adopted by the United States National Geodetic Ocean Survey for second and higher order first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American Datum (NAD 1927 or NAD 1983, or both), and whose coordinates have been computed on the system herein defined. Any such stations may be used for establishing a survey connection with the Illinois Coordinate System.

(Source: P.A. 83-742.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0312
(Senate Bill No. 0829)

AN ACT to amend the Unified Code of Corrections by changing Section 5-9-1.4.

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-9-1.4 as follows:

(730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

Sec. 5-9-1.4. (a) "Crime laboratory" means any not-for-profit laboratory registered with the Drug Enforcement Administration of the United States Department of Justice, substantially funded by a unit or combination of units of local government or the State of Illinois, which regularly employs at least one person engaged in the analysis of controlled substances, cannabis or steroids for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

(b) When a person has been adjudged guilty of an offense in violation of the Cannabis Control Act, the Illinois Controlled Substances Act or the Steroid Control Act, in addition to any other disposition, penalty or fine imposed, a criminal laboratory analysis fee of $100 for each offense for which he was convicted shall be levied by the court. Any person placed on probation pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act or Section 10 of the Steroid Control Act or placed on supervision for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act or the Steroid Control Act shall be assessed a criminal laboratory analysis fee of $100 for each offense for which he was charged. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(c) In addition to any other disposition made pursuant to the provisions of the Juvenile Court

New matter indicated by italics - deletions by strikeout.
Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of the Cannabis Control Act, the Illinois Controlled Substances Act or the Steroid Control Act shall be assessed a criminal laboratory analysis fee of $100 $50 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee. The parent, guardian or legal custodian of the minor may pay some or all of such fee on the minor's behalf.

(d) All criminal laboratory analysis fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory fund as provided in subsection (f).

(e) Crime laboratory funds shall be established as follows:

(1) Any unit of local government which maintains a crime laboratory may establish a crime laboratory fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government which maintains a crime laboratory may establish a crime laboratory fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Crime Laboratory Fund is hereby created as a special fund in the State Treasury.

(f) The analysis fee provided for in subsections (b) and (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory fund, or to the State Crime Laboratory Fund if the analysis was performed by a laboratory operated by the Illinois State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis fee shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory fund, then the analysis fee shall be forwarded to the State Crime Laboratory Fund. The clerk of the circuit court may retain the amount of $10 $5 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(g) Fees deposited into a crime laboratory fund created pursuant to paragraphs (1) or (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing analysis for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training and professional development of forensic scientists regularly employed by these laboratories.

(h) Fees deposited in the State Crime Laboratory Fund created pursuant to paragraph (3) of subsection (d) of this Section shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section.

(Source: P.A. 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect on January 1, 2002.
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0313
(Senate Bill No. 0830)

AN ACT concerning State Police.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Police Act is amended by changing Section 9 as follows:
(20 ILCS 2610/9) (from Ch. 121, par. 307.9)

New matter indicated by italics - deletions by strikeout.
Sec. 9. Appointment; qualifications.
(a) Except as otherwise provided in this Section, the appointment of Department of State Police officers shall be made from those applicants who have been certified by the Board as being qualified for appointment. All persons so appointed shall, at the time of their appointment, be not less than 21 years of age, or 20 years of age and have successfully completed 2 years of law enforcement studies at an accredited college or university. Any person appointed subsequent to successful completion of 2 years of such law enforcement studies shall not have power of arrest, nor shall he be permitted to carry firearms, until he reaches 21 years of age. In addition, all persons so certified for appointment shall be of sound mind and body, be of good moral character, be citizens of the United States, have no criminal records, possess such prerequisites of training, education and experience as the Board may from time to time prescribe, and shall be required to pass successfully such mental and physical tests and examinations as may be prescribed by the Board. Preference shall be given in such appointments to persons who have honorably served in the military or naval services of the United States. All appointees shall serve a probationary period of 12 months from the date of appointment and during that period may be discharged at the will of the Director. However, the Director may in his or her sole discretion extend the probationary period of an officer up to an additional 6 months when to do so is deemed in the best interest of the Department.

(b) Notwithstanding the other provisions of this Act, after July 1, 1977 and before July 1, 1980, the Director of State Police may appoint and promote not more than 20 persons having special qualifications as special agents as he deems necessary to carry out the Department's objectives. Any such appointment or promotion shall be ratified by the Board.

(c) During the 90 days following the effective date of this amendatory Act of 1995, the Director of State Police may appoint up to 25 persons as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (c) and any additional criteria that may be established by the Director, but are not subject to any other requirements of this Act. The Director may specify the initial rank for each person appointed under this subsection.

All appointments under this subsection (c) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the Illinois Commerce Commission on November 30, 1994 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code.

Persons appointed under this subsection (c) shall thereafter be subject to the same requirements and procedures as other State police officers. A person appointed under this subsection must serve a probationary period of 12 months from the date of appointment, during which he or she may be discharged at the will of the Director.

This subsection (c) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.
(Source: P.A. 88-461; 89-9, eff. 3-31-95.)

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0314
(Senate Bill No. 0831)

AN ACT concerning the Department of Agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by adding Section 205-445 as follows:

(20 ILCS 205/205-445 new)

Sec. 205-445. Indirect cost reimbursements. Indirect cost reimbursements applied for by the Department of Agriculture may be allocated as State matching funds. Any indirect cost reimbursement applied for and received by the Department shall be deposited into the same fund as the direct cost reimbursement and may be expended, subject to appropriation, for support of programs administered

New matter indicated by italics - deletions by strikeout.
by the Department of Agriculture.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0315
(Senate Bill No. 0835)

AN ACT concerning state finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 12-2 as follows:
(30 ILCS 105/12-2) (from Ch. 127, par. 148-2)
Sec. 12-2. (a) The chairmen of the travel control boards established by Section 12-1, or their
designees, shall together comprise the Travel Regulation Council. The Travel Regulation Council shall
be chaired by the Director of Central Management Services, who shall be a nonvoting member of the
Council, unless he is otherwise qualified to vote by virtue of being the designee of a voting member.
No later than March 1, 1986, and at least biennially thereafter, the Council shall adopt State Travel
Regulations and Reimbursement Rates which shall be applicable to all personnel subject to the
jurisdiction of the travel control boards established by Section 12-1. An affirmative vote of a majority
of the members of the Council shall be required to adopt regulations and reimbursement rates. If the
Council fails to adopt regulations by March 1 of any odd-numbered year, the Director of Central
Management Services shall adopt emergency regulations and reimbursement rates pursuant to the
Illinois Administrative Procedure Act.
(b) Mileage for automobile travel shall be reimbursed at the allowance rate in effect under
regulations promulgated pursuant to 5 U.S.C. 5707(b)(2). However, in the event the rate set under
federal regulations changes during the course of the State's fiscal year, the effective date of the new
rate shall be the July 1 immediately following the change in the federal rate.
(c) Rates for reimbursement of expenses other than mileage shall not exceed the actual cost
of travel as determined by the United States Internal Revenue Service.
(d) Reimbursements to travelers shall be made pursuant to the rates and regulations applicable
to the respective State agency as of the effective date of this amendatory Act, until the State Travel
Regulations and Reimbursement Rates established by this Section are adopted and effective.
(e) Lodging in Cook County, Illinois and the District of Columbia shall be reimbursed at the
maximum lodging rate in effect under regulations promulgated pursuant to 5 U.S.C. 5701-5709. For
purposes of this subsection (e), the District of Columbia shall include the cities and counties included
in the per diem locality of the District of Columbia, as defined by the regulations in effect promulgated
pursuant to 5 U.S.C. 5701-5709. Individual travel control boards may set a lodging reimbursement
rate more restrictive than the rate set forth in the federal regulations.
(Source: P.A. 91-357, eff. 7-29-99.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0316
(Senate Bill No. 0836)

AN ACT to amend the State Finance Act by changing Section 6p-2.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing Section 6p-2 as follows:
(30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)
Sec. 6p-2. The Communications Revolving Fund shall be initially financed by a transfer of
funds from the General Revenue Fund. Thereafter, all fees and other monies received by the
Department of Central Management Services in payment for communications

New matter indicated by italics - deletions by strikeout.
services rendered pursuant to Section 405-270 of the Department of Central Management Services Law (20 ILCS 405/405-270) or sale of surplus State communications equipment shall be paid into the Communications Revolving Fund. The money in this fund shall be used by the Department of Central Management Services as reimbursement for expenditures incurred in relation to communications services.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0317
(Senate Bill No. 0837)

AN ACT to amend the Sick Leave Bank Act by changing Section 10.

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

Section 5. The Sick Leave Bank Act is amended by changing Section 10 as follows:

(5 ILCS 400/10) (from Ch. 127, par. 4260)

Sec. 10. Administration of Act. The Department shall establish a plan allowing participating employees in each Agency to bank a designated amount or portion of their accrued sick leave in a sick leave bank to be used by any participating employee in the Agency who has exhausted his or her accrued vacation time, personal days, sick leave and compensatory time. The Department shall promulgate rules governing the operation of the plan subject, however, to the following restrictions and limitations:

(a) Participation in the sick leave bank shall, at all times, be voluntary on the part of any employee.

(b) A participating employee may deposit into the sick leave bank as much accrued sick leave as desired provided that the participating employee shall retain in his or her own account at least 5 sick days.

(c) Any sick leave in the sick leave bank used by a participating employee shall be only for that employee's personal catastrophic illness or injury.

(d) A participating employee shall not use sick leave accumulated in the sick leave bank until all of his or her accrued vacation time, personal days, sick leave and compensatory time have been used.

(e) Injuries and illnesses that are compensable under the Workers' Compensation Act or Workers' Occupational Diseases Act shall not be eligible for sick leave bank use.

(f) Participating employees who transfer from one Agency to another may transfer their participation in the sick leave bank.

(g) An employee who cancels his or her participation in the sick leave bank shall not be eligible to withdraw the sick leave time he or she has contributed to the pool.

(h) Any abuse of the use of the sick leave bank shall be investigated by the Agency and the Department and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days drawn from the sick leave bank and shall be subject to other disciplinary action.

(i) Provisions for appeal of adverse decisions affecting a participating employee's use of the sick leave bank shall be made by rule adopted by the Department.

(j) Accumulation of sick leave in the sick leave bank shall be on an Agency by Agency basis but procedures adopted by rule for the operation of the sick leave bank shall be uniform among all Agencies.

(k) Upon termination, retirement, or death, neither a participating employee nor the participating employee's estate shall be entitled to payment for unused sick leave acquired from the sick leave bank.

(Source: P.A. 87-822.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT in relation to child care.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Child Care Act of 1969 is amended by changing Section 2.17 as follows:

Sec. 2.17. "Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause and only to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.
(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.
(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children.
(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.
(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.
(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(Source: P.A. 89-21, eff. 7-1-95.)

Sec. 2.23. "Adoption-only home" means a family home that receives only children whose parents' parental rights have been terminated or surrendered for the purpose of adoption only.

Approved August 9, 2001.
Effective January 1, 2002.
PUBLIC ACT 92-0319
(Senate Bill No. 0839)

AN ACT in relation to children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 11.2 and adding Section 11.2a as follows:
(325 ILCS 5/11.2) (from Ch. 23, par. 2061.2)
Sec. 11.2. Disclosure to mandated reporting source. Upon request, a mandated reporting source as provided in Section 4 of this Act may receive appropriate information about the findings and actions taken by the Child Protective Service Unit in response to its report. The information shall include the actions taken by the Child Protective Service Unit to ensure a child's safety.
(Source: P.A. 81-1077.)
(325 ILCS 5/11.2a new)
Sec. 11.2a. Disclosure to extended family member. Upon request, an extended family member interviewed for relevant information in the course of an investigation by the Child Protective Service Unit may receive appropriate information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation.
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0320
(Senate Bill No. 0840)

AN ACT concerning minors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-28 as follows:
(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)
Sec. 2-28. Court review.
(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.
(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's
determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare; and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15½ will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

The court shall set a permanency goal that is in the best interest of the child. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence.
(3) Current placement of the child and the intent of the family regarding adoption.
(4) Emotional, physical, and mental status or condition of the child.
(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.
(6) Availability of services currently needed and whether the services exist.
(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

Any order entered pursuant to this subsection (3) shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking
private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

Section 10. The Adoption Act is amended by changing Section 10 as follows:

(750 ILCS 50/10) (from Ch. 40, par. 1512)

Sec. 10. Forms of consent and surrender; execution and acknowledgment thereof.

A. The form of consent required for the adoption of a born child shall be substantially as follows:

**FINAL AND IRREVOCABLE CONSENT TO ADOPTION**

I, ...., (relationship, e.g., mother, father, relative, guardian) of ...., a ..male child, state:

That such child was born on .... at ....

That I reside at ...., County of .... and State of ....

That I am of the age of .... years.

That I hereby enter my appearance in this proceeding and waive service of summons on me.

That I do hereby consent and agree to the adoption of such child.

New matter indicated by italics - deletions by strikeout.
That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child.
That I understand such child will be placed for adoption and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child. That I have read and understand the above and I am signing it as my free and voluntary act.
Dated (insert date).

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent.

B. The form of consent required for the adoption of an unborn child shall be substantially as follows:

CONSENT TO ADOPTION OF UNBORN CHILD

I, ...., state:
That I am the father of a child expected to be born on or about .... to .... (name of mother).
That I reside at .... County of ...., and State of ..... 
That I am of the age of .... years.
That I hereby enter my appearance in such adoption proceeding and waive service of summons on me.
That I do hereby consent and agree to the adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.
That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice of my revocation not later than 72 hours after the birth of the child.
That I understand such child will be placed for adoption and that, except as hereinabove provided, I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child.
That I have read and understand the above and I am signing it as my free and voluntary act.
Dated (insert date).

B-5. (1) The parent of a child may execute a consent to standby adoption by a specified person or persons. A consent under this subsection B-5 shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section. The form of consent required for the standby adoption of a born child effective at a future date when the terminally ill parent of the child dies or requests that a final judgment of adoption be entered shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ...., (relationship, e.g. mother or father) of ...., a ..male child, state:
That the child was born on .... at ..... 
That I reside at ...., County of ...., and State of ..... 
That I am of the age of .... years. 
That I hereby enter my appearance in this proceeding and waive service of summons on me in this action only.
That I do hereby consent and agree to the standby adoption of the child, and that I have not previously executed a consent or surrender with respect to the child.
That (I am terminally ill) (the child's other parent is terminally ill).
That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to the child, effective upon (my death) (the child's other parent's death) or upon (my) (the terminally ill parent's) request for the entry of a final judgment for adoption if ..... (specified person or persons) adopt my child.
That I understand that until (I die) (the child's other parent dies), I retain all legal rights and obligations concerning the child, but at that time, I irrevocably give all custody and other parental rights to .... (specified person or persons).
I understand my child will be adopted by ....... (specified person or persons) only and that I
cannot, under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ..... (specified person or persons) adopt my child.

I understand that this consent to standby adoption is valid only if the petition for standby adoption is filed and that if ...... (specified person or persons), for any reason, cannot or will not file a petition for standby adoption or if his, her, or their petition for standby adoption is denied, then this consent is void. I have the right to notice of any other proceeding that could affect my parental rights.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent. A separate consent shall be executed for each child.

(2) If the parent consents to a standby adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

If .... (specified persons) obtain a judgment of dissolution of marriage before the judgment for adoption is entered, then ..... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if ..... (specified persons) obtain a judgment of dissolution of marriage and ..... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent if ..... (specified persons) obtain a judgment of dissolution of marriage after the adoption is final. I understand that if either ..... (specified persons) dies before the petition to adopt my child is granted, then the surviving person may adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if the surviving person adopts my child.

A consent to standby adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved before the adoption is final.

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Standby Adoption shall be substantially as follows:

STATE OF .....)

) SS.

COUNTY OF ....)

I, ...... (name of Judge or other person) ..... (official title, name, and address), certify that ......., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be void. I have fully explained that if the specified person or persons adopt the child, by signing this consent (she) (he) is irrevocably and permanently relinquishing all parental rights to the child, and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature...........................................

(4) If a consent to standby adoption is executed in this form, the consent shall be valid only if the specified person or persons adopt the child. The consent shall be void if:

(a) the specified person or persons do not file a petition for standby adoption of the child; or

(b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or persons does not occur, notwithstanding the provisions of Section 11 of this Act.

C. The form of surrender to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts
and statements as the particular agency shall require.

**FINAL AND IRREVOCABLE SURRENDER**

**FOR PURPOSES OF ADOPTION**

I, ... (relationship, e.g., mother, father, relative, guardian) of ..., a ... male child, state:

That such child was born on ..., at ....

That I reside at ..., County of ..., and State of ....

That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act. Dated (insert date).

.........................

D. The form of surrender to an agency given by a parent of an unborn child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

**SURRENDER OF UNBORN CHILD FOR PURPOSES OF ADOPTION**

I, ..., (father), state:

That I am the father of a child expected to be born on or about .... to .... (name of mother).

That I reside at ...., County of ...., and State of ..... 

That I am of the age of .... years.

That I do hereby surrender and entrust the entire custody and control of such child to the .... (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of ...., County of .... and State of ...., for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child, except that I have the right to revoke this surrender by giving written notice of my revocation not later than 72 hours after the birth of such child.

That I have read and understand the above and I am signing it as my free and voluntary act. Dated (insert date).

.........................

E. The form of consent required from the parents for the adoption of an adult, when such adult elects to obtain such consent, shall be substantially as follows:

**CONSENT**

New matter indicated by italics - deletions by strikeout.
I, ...., (father) (mother) of ...., an adult, state:
That I reside at ...., County of .... and State of ..... That I do hereby consent and agree to the adoption of such adult by .... and ..... Dated (insert date).

F. The form of consent required for the adoption of a child of the age of 14 years or upwards, or of an adult, to be given by such person, shall be substantially as follows:

CONSENT

I, ...., state:
That I reside at ...., County of .... and State of ..... That I am of the age of .... years. That I consent and agree to my adoption by .... and ..... Dated (insert date).

G. The form of consent given by an agency to the adoption by specified persons of a child previously surrendered to it shall set forth that the agency has the authority to execute such consent. The form of consent given by a guardian of the person of a child sought to be adopted, appointed by a court of competent jurisdiction, shall set forth the facts of such appointment and the authority of the guardian to execute such consent.

H. A consent (other than that given by an agency, or guardian of the person of the child sought to be adopted appointed by a court of competent jurisdiction) shall be acknowledged by a parent before the presiding judge of the court in which the petition for adoption has been, or is to be filed or before any other judge or hearing officer designated or subsequently approved by the court, or the circuit clerk if so authorized by the presiding judge or, except as otherwise provided in this Act, before a representative of the Department of Children and Family Services or a licensed child welfare agency, or before social service personnel under the jurisdiction of a court of competent jurisdiction, or before social service personnel of the Cook County Department of Supportive Services designated by the presiding judge.

I. A surrender, or any other document equivalent to a surrender, by which a child is surrendered to an agency shall be acknowledged by the person signing such surrender, or other document, before a judge or hearing officer or the clerk of any court of record, either in this State or any other state of the United States, or before a representative of an agency or before any other person designated or approved by the presiding judge of the court in which the petition for adoption has been, or is to be, filed.

J. The form of the certificate of acknowledgment for a consent, a surrender, or any other document equivalent to a surrender, shall be substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ...

I, .... (Name of judge or other person), .... (official title, name and location of court or status or position of other person), certify that ...., personally known to me to be the same person whose name is subscribed to the foregoing (consent) (surrender), appeared before me this day in person and acknowledged that (she) (he) signed and delivered such (consent) (surrender) as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).
Signature ...................

K. When the execution of a consent or a surrender is acknowledged before someone other than a judge or the clerk of a court of record, such other person shall have his signature on the certificate acknowledged before a notary public, in form substantially as follows:

STATE OF ....)
) SS.
COUNTY OF ...

I, a Notary Public, in and for the County of ......., in the State of ......., certify that ...., personally
known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgment, appeared before me in person and acknowledged that (she) (he) signed such certificate as (her) (his) free and voluntary act and that the statements made in the certificate are true. Dated (insert date).

Signature ............................ Notary Public

(official seal)

There shall be attached a certificate of magistracy, or other comparable proof of office of the notary public satisfactory to the court, to a consent signed and acknowledged in another state.

L. A surrender or consent executed and acknowledged outside of this State, either in accordance with the law of this State or in accordance with the law of the place where executed, is valid.

M. Where a consent or a surrender is signed in a foreign country, the execution of such consent shall be acknowledged or affirmed in a manner conformable to the law and procedure of such country.

N. If the person signing a consent or surrender is in the military service of the United States, the execution of such consent or surrender may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated representative of the Department of Children and Family Services, execute a consent to adoption by a specified person or persons:

(a) in whose physical custody the child has resided for at least 6 months one year, or
(b) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least 6 months one year, and the child who is the subject of this consent is currently residing in this foster home; or
(c) in whose physical custody a child under one year of age has resided for at least 3 months.

A consent under this subsection O shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section.

(2) The consent to adoption by a specified person or persons shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY A SPECIFIED PERSON OR PERSONS

I, .............................., the ........................... (mother or father) of a ....male child, state:

1. My child ............................ (name of child) was born on (insert date) at ....................

Hospital in ................ County, State of ...............

2. I reside at ......................, County of ............. and State of ..............

3. I, ..........................., am .... years old.

4. I enter my appearance in this action to adopt my child by the person or persons specified herein by me and waive service of summons on me in this action only.

5. I consent to the adoption of my child by ............................. (specified person or persons) only.

6. I wish to sign this consent and I understand that by signing this consent I irrevocably and permanently give up all parental rights I have to my child if my child is adopted by ............................. (specified person or persons).

7. I understand my child will be adopted by ............................. (specified person or persons) only and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if ............................. (specified person or persons) adopt my child.

8. I understand that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that I sign it and that if ............................. (specified person or persons), for any reason, cannot or will not file a petition to adopt my child within that one year period or if their adoption petition is denied, then this consent will be voidable after one year upon the timely filing of my motion. If I file this motion before the filing of the petition

New matter indicated by italics - deletions by strikeout.
for adoption, I understand that the court shall revoke this specific consent void. I have the right to notice of any other proceeding that could affect my parental rights, except for the proceeding for .......... (specified person or persons) to adopt my child.

9. I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

Signature of parent

(3) If the parent consents to an adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

10. If ............... (specified persons) get a divorce before the petition to adopt my child is granted, then ............... (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if .......... (specified persons) divorce and ............... (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if .......... (specified persons) divorce after the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if they divorce after the adoption is final.

11. I understand that if either ............... (specified persons) dies before the petition to adopt my child is granted, then the surviving person can adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if the surviving person adopts my child.

A consent to adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved after the adoption is final.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons shall be substantially as follows:

STATE OF..............)
COUNTY OF.............)

I, .................... (Name of Judge or other person), ..................... (official title, name, and address), certify that ............., personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that it is signed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be voidable after one year upon the timely filing of a motion by the parent to revoke the consent. I explained that if this motion is filed before the filing of the petition for adoption, the court shall revoke this specific consent void. I have fully explained that if the specified person or persons adopt the child, by signing this consent this parent (she)(he) is irrevocably and permanently relinquishing all parental rights to the child, and this parent (she)(he) has stated that such is (her)(his) intention and desire.

Dated (insert date).

Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only if that specified person or persons adopt the child. The consent shall be voidable after one year void if:

(a) the specified person or persons do not file a petition to adopt the child within one year after the consent is signed and the parent files a timely motion to revoke this consent. If this motion is filed before the filing of the petition for adoption the court shall revoke this consent; or

(b) a court denies the adoption petition; or

(c) the Department of Children and Family Services Guardianship Administrator determines that the specified person or persons will not or cannot complete the adoption, or

New matter indicated by italics - deletions by strikeout.
in the best interests of the child should not adopt the child.
Within 30 days of the consent becoming void, the Department of Children and Family Services Guardianship Administrator shall make good faith attempts to notify the parent in writing and shall give written notice to the court and all additional parties in writing that the adoption has not occurred or will not occur and that the consent is void. If the adoption by a specified person or persons does not occur, no proceeding for termination of parental rights shall be brought unless the biological parent who executed the consent to adoption by a specified person or persons has been notified of the proceeding pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987. The parent shall not need to take further action to revoke the consent if the specified adoption does not occur, notwithstanding the provisions of Section 11 of this Act.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) The Department shall collect and maintain data concerning the efficacy of specific consents. This data shall include the number of specific consents executed and their outcomes, including but not limited to the number of children adopted pursuant to the consents, the number of children for whom adoptions are not completed, and the reason or reasons why the adoptions are not completed.

(Source: P.A. 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-572, eff. 1-1-00.)
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0321
(Senate Bill No. 0842)

AN ACT concerning children and family services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Section 22.2 as follows:

(20 ILCS 505/22.2) (from Ch. 23, par. 5022.2)
Sec. 22.2. To provide training programs for the provision of foster care and adoptive care services. Training provided to foster parents shall include training and information on their right to be heard, to bring a mandamus action, and to intervene in juvenile court as set forth under subsection (2) of Section 1-5 of the Juvenile Court Act of 1987 and the availability of the hotline established under Section 35.6 of this Act, that foster parents may use to report incidents of misconduct or violation of rules by Department employees, service providers, or contractors. Monies for such training programs shall be derived from the Department of Children and Family Services Training Fund, hereby created in the State Treasury. Deposits to this fund shall consist of federal financial participation in foster care and adoption care training programs, public and unsolicited private grants and fees for such training. and royalties earned from the publication of materials owned by or licensed to the Department. In addition, with the approval of the Governor, the Department may transfer amounts not exceeding $2,000,000 in each fiscal year from the DCFS Children's Services Fund to the Department of Children and Family Services Training Fund. Disbursements from the Department of Children and Family Services Training Fund shall be made by the Department for foster care and adoptive care training services in accordance with federal standards.
(Source: P.A. 91-712, eff. 7-1-00.)
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0322
(Senate Bill No. 0856)

AN ACT in relation to taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Cigarette Tax Act is amended by changing Sections 3, 4, 5, 9, 9a, 9b, and 24 and by adding Section 18c as follows:

(35 ILCS 130/3) (from Ch. 120, par. 453.3)

Sec. 3. Affixing tax stamp; remitting tax to the Department. Payment of the taxes imposed by Section 2 of this Act shall (except as hereinafter provided) be evidenced by revenue tax stamps affixed to each original package of cigarettes. Each distributor of cigarettes, before delivering or causing to be delivered any original package of cigarettes in this State to a purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper, as hereinafter provided.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

The Department, or any person authorized by the Department, shall sell such stamps only to persons holding valid licenses as distributors under this Act. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

New matter indicated by italics - deletions by strikeout.
Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) Such taxpayer becomes a prior continuous compliance taxpayer; or
(2) Such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

The Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify and are accepted by the Department as distributors under Section 4b of this Act, shall pay the taxes imposed by this Act by remitting the amount thereof to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinted language shall acknowledge the manufacturer's payment of or liability for the tax imposed by this Act with respect to the distribution of such cigarettes.
Sec. 4. Distributor's license. No person may engage in business as a distributor of cigarettes in this State within the meaning of the first 2 definitions of distributor in Section 1 of this Act without first having obtained a license therefor from the Department. Application for license shall be made to the Department in form as furnished and prescribed by the Department. Each applicant for a license under this Section shall furnish to the Department on the form signed and verified by the applicant the following information:

(a) The name and address of the applicant;

(b) The address of the location at which the applicant proposes to engage in business as a distributor of cigarettes in this State;

(c) Such other additional information as the Department may lawfully require by its rules and regulations.

The annual license fee payable to the Department for each distributor's license shall be $250. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. Each applicant for license shall pay such fee to the Department at the time of submitting his application for license to the Department.

Every applicant who is required to procure a distributor's license shall file with his application a joint and several bond. Such bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, in the amount of $2,500, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. Such bond, or a reissue thereof, or a substitute therefor, shall be kept in effect during the entire period covered by the license. A separate application for license shall be made, a separate annual license fee paid, and a separate bond filed, for each place of business at which a person who is required to procure a distributor's license under this Section proposes to engage in business as a distributor in Illinois under this Act.

The following are ineligible to receive a distributor's license under this Act:

(1) a person who is not of good character and reputation in the community in which he resides;

(2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

(3) a corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this Act for any reason.

The Department, upon receipt of an application, license fee and bond in proper form, from a person who is eligible to receive a distributor's license under this Act, shall issue to such applicant a license in form as prescribed by the Department, which license shall permit the applicant to which it is issued to engage in business as a distributor at the place shown in his application. All licenses issued by the Department under this Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as provided in this Act. No license issued under this Act is transferable or assignable. Such license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois under such license.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

Sec. 5. Printing tax stamps. The Department shall adopt the design or designs of the tax stamps or alternative tax indicia and shall procure the printing of such stamps or alternative tax indicia in such amounts and denominations as it deems necessary to provide for the affixation of the
proper amount of tax stamps or alternative tax indicia to each original package of cigarettes. (Source: Laws 1943, vol. 1, p. 1063.)
(35 ILCS 130/9) (from Ch. 120, par. 453.9)
Sec. 9. Returns; remittance. Every distributor who is required to procure a license under this Act, but who is not a manufacturer of cigarettes in original packages which are contained in a sealed transparent wrapper, shall, on or before the 15th day of each calendar month, file a return with the Department, showing the quantity of cigarettes manufactured during the preceding calendar month, the quantity of cigarettes brought into this State or caused to be brought into this State from outside this State during the preceding calendar month without authorized evidence on the original packages of such cigarettes underneath the sealed transparent wrapper thereof that the tax liability imposed by this Act has been assumed by the out-of-State seller of such cigarettes, the quantity of cigarettes purchased tax-paid during the preceding calendar month either within or outside this State, and the quantity of cigarettes sold or otherwise disposed of during the preceding calendar month. Such return shall be filed upon forms furnished and prescribed by the Department and shall contain such other information as the Department may reasonably require. The Department may promulgate rules to require that the distributor's return be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a distributor.

Illinois manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper shall file a return by the 5th day of each month covering the preceding calendar month. Each such return shall be accompanied by the appropriate remittance for tax as provided in the last paragraph of Section 3 of this Act. Each such return shall show the quantity of such cigarettes manufactured during the period covered by the return, the quantity of cigarettes sold or otherwise disposed of during the period covered by the return and such other information as the Department may lawfully require. Such returns shall be filed on forms prescribed and furnished by the Department. Each such return shall be accompanied by a copy of each invoice rendered by such manufacturer to any purchaser to whom such manufacturer delivered cigarettes (or caused cigarettes to be delivered) during the period covered by the return. The Department may promulgate rules to require that the manufacturer's return be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a manufacturer. (Source: Laws 1953, p. 255.)
(35 ILCS 130/9a) (from Ch. 120, par. 453.9a)
Sec. 9a. Examination and correction of returns.
(1) As soon as practicable after any return is filed, the Department shall examine such return and shall correct such return according to its best judgment and information, which return so corrected by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown therein. Instead of requiring the distributor to file an amended return, the Department may simply notify the distributor of the correction or corrections it has made. Proof of such correction by the Department may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. If the Department finds that any amount of tax is due from the distributor, the Department shall issue the distributor a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If, in administering the provisions of this Act, comparison of a return or returns of a distributor with the books, records and inventories of such distributor discloses a deficiency which cannot be allocated by the Department to a particular month or months, the Department shall issue the distributor a notice of tax liability for the amount of tax claimed by the Department to be due for a given period, but without any obligation upon the Department to allocate such deficiency to any particular month or months, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, under which circumstances the aforesaid notice of tax liability shall be prima facie correct and shall be prima facie evidence of the

New matter indicated by italics - deletions by strikeout.
correctness of the amount of tax due, as shown therein; and proof of such correctness may be made in accordance with, and the admissibility of a reproduced copy of such notice of tax liability shall be governed by, all the provisions of this Act applicable to corrected returns. If any distributor filing any return dies or becomes a person under legal disability at any time before the Department issues its notice of tax liability, such notice shall be issued to the administrator, executor or other legal representative, as such, of such distributor.

(2) If, within 60 days after such notice of tax liability, the distributor or his or her legal representative files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give notice to such distributor or legal representative of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such distributor or legal representative for the amount found to be due as a result of such hearing. If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment.

(3) In case of failure to pay the tax, or any portion thereof, or any penalty provided for in this Act, when due, the Department may bring suit to recover the amount of such tax, or portion thereof, or penalty; or, if the taxpayer dies or becomes incompetent, by filing claim thereof against his estate; provided that no such action with respect to any tax, or portion thereof, or penalty, shall be instituted more than 2 years after the cause of action accrues, except with the consent of the person from whom such tax or penalty is due.

After the expiration of the period within which the person assessed may file an action for judicial review under the Administrative Review Law without such an action being filed, a certified copy of the final assessment or revised final assessment of the Department may be filed with the Circuit Court of the county in which the taxpayer has his or her principal place of business, or of Sangamon County in those cases in which the taxpayer does not have his principal place of business in this State. The certified copy of the final assessment or revised final assessment shall be accompanied by a certification which recites facts that are sufficient to show that the Department complied with the jurisdictional requirements of the Law in arriving at its final assessment or its revised final assessment and that the taxpayer had his or her opportunity for an administrative hearing and for judicial review, whether he availed himself or herself of either or both of these opportunities or not. If the court is satisfied that the Department complied with the jurisdictional requirements of the Law in arriving at its final assessment or its revised final assessment and that the taxpayer had his or her opportunity for an administrative hearing and for judicial review, whether he or she availed himself or herself of either or both of these opportunities or not, the court shall enter judgment in favor of the Department and against the taxpayer for the amount shown to be due by the final assessment or the revised final assessment, and such judgment shall be filed of record in the court. Such judgment shall bear the rate of interest set in the Uniform Penalty and Interest Act, but otherwise shall have the same effect as other judgments. The judgment may be enforced, and all laws applicable to sales for the enforcement of a judgment shall be applicable to sales made under such judgments. The Department shall file the certified copy of its assessment, as herein provided, with the Circuit Court within 2 years after such assessment becomes final except when the taxpayer consents in writing to an extension of such filing period.

If, when the cause of action for a proceeding in court accrues against a person, he or she is out of the State, the action may be commenced within the times herein limited, after his or her coming into or return to the State; and if, after the cause of action accrues, he or she departs from and remains out of the State, the time of his or her absence is no part of the time limited for the commencement of the action; but the foregoing provisions concerning absence from the State shall not apply to any case in which, at the time the cause of action accrues, the party against whom the cause of action accrues is not a resident of this State. The time within which a court action is to be commenced by the Department hereunder shall not run while the taxpayer is a debtor in any proceeding under the Federal Bankruptcy Act nor thereafter until 90 days after the Department is notified by such debtor of being discharged in bankruptcy.

No claim shall be filed against the estate of any deceased person or a person under legal disability for any tax or penalty or part of either except in the manner prescribed and within the time
limited by the Probate Act of 1975, as amended.

The remedies provided for herein shall not be exclusive, but all remedies available to creditors for the collection of debts shall be available for the collection of any tax or penalty due hereunder. The collection of tax or penalty by any means provided for herein shall not be a bar to any prosecution under this Act.

The certificate of the Director of the Department to the effect that a tax or amount required to be paid by this Act has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this Act, shall be prima facie evidence thereof.

All of the provisions of Sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i and 5j of the Retailers' Occupation Tax Act, which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein. References in such incorporated Sections of the "Retailers' Occupation Tax Act" to retailers, to sellers or to persons engaged in the business of selling tangible personal property shall mean distributors when used in this Act.

(Source: P.A. 87-205.)

(35 ILCS 130/9b) (from Ch. 120, par. 453.9b)

Sec. 9b. Failure to file return; penalty; protest. In case any person who is required to file a return under this Act fails to file such return, the Department shall determine the amount of tax due from him according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination. Proof of such determination by the Department may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. The Department shall issue such person a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If such person or the legal representative of such person, within 60 days after such notice, files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give notice to such person or the legal representative of such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such person or to the legal representative of such person for the amount found to be due as a result of such hearing. If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment.

(Source: P.A. 87-205.)

(35 ILCS 130/18c new)

Sec. 18c. Possession of not less than 10 and not more than 100 original packages not tax stamped or improperly tax stamped; penalty. With the exception of licensed distributors, anyone possessing not less than 10 and not more than 100 packages of cigarettes contained in original packages that are not tax stamped as required by this Act, or that are improperly tax stamped, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of $10 for each such package of cigarettes, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department.

(35 ILCS 130/24) (from Ch. 120, par. 453.24)

Sec. 24. Punishment for sale or possession of unstamped packages.

(a) Any person other than a licensed distributor who sells, offers for sale, or has in his possession with intent to sell or offer for sale, more than 100 original packages, not tax stamped or tax imprinted underneath the sealed transparent wrapper of such original package in accordance with this Act, shall be guilty of a Class 4 felony.

(a-5) Any person other than a licensed distributor who sells, offers for sale, or has in his possession with intent to sell or offer for sale, 100 or fewer original packages, not tax stamped or tax
imprinted underneath the sealed transparent wrapper of the original package in accordance with this Act, is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense.

(b) Any distributor who sells an original package of cigarettes, not tax stamped or tax imprinted underneath the sealed transparent wrapper of such original package in accordance with this Act, except when the sale is made under such circumstances that the tax imposed by this Act may not legally be levied because of the Constitution or laws of the United States, shall be guilty of a Class 3 felony.

(Source: P.A. 83-1528.)

Section 10. The Cigarette Use Tax Act is amended by changing Sections 3, 4, 11, 12, 13, 13a, and 30 and by adding Section 25b as follows:

(35 ILCS 135/3) (from Ch. 120, par. 453.33)

Sec. 3. Stamp payment. The tax hereby imposed shall be collected by a distributor maintaining a place of business in this State or a distributor authorized by the Department pursuant to Section 7 hereof to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes or by an authorized substitute for such stamp imprinted on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, except as hereinafter provided. Each distributor who is required or authorized to collect the tax herein imposed, before delivering or causing to be delivered any original packages of cigarettes in this State to any purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper as hereinafter provided. Such stamp or stamps need not be affixed to the original package of any cigarettes with respect to which the distributor is required or authorized to employ a like tax imprint by virtue of the Cigarette Tax Act, however, and no tax imprint need be placed underneath the sealed transparent wrapper of an original package of cigarettes with respect to which the distributor is required or authorized to employ a like tax imprint by virtue of the Cigarette Tax Act.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

Stamps, when required hereunder, shall be purchased from the Department, or any person authorized by the Department, by distributors. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

New matter indicated by italics - deletions by strikeout.
On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer:

Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer.

Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

1. Such Taxpayer becomes a prior continuous compliance taxpayer; or
2. Such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

At the time of purchasing such stamps from the Department when purchase is required by this Act, or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department when that method of remitting the tax that has been collected is required or authorized by this Act, the distributor shall be allowed a discount during
any year commencing July 1 and ending the following June 30 in accordance with the schedule set out hereinbelow, from the amount to be paid by him to the Department for such stamps, or to be paid by him to the Department on the basis of monthly remittances (as the case may be), to cover the cost, to such distributor, of collecting the tax herein imposed by affixing such stamps to the original packages of cigarettes sold by such distributor or by placing tax imprints underneath the sealed transparent wrapper of original packages of cigarettes sold by such distributor (as the case may be): (1) Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1-1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year or (2) On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year.

Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

Cigarette manufacturers who are distributors under this Act, and who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, shall be required to remit the tax which they are required to collect under this Act to the Department by remitting the amount thereof to the Department by the 5th day of each month, covering cigarettes shipped or otherwise delivered to points in Illinois to purchasers during the preceding calendar month, but a distributor need not remit to the Department the tax so collected by him from purchasers under this Act to the extent to which such distributor is required to remit the tax imposed by the Cigarette Tax Act to the Department with respect to the same cigarettes. All taxes upon cigarettes under this Act are a direct tax upon the retail consumer and shall conclusively be presumed to be precollected for the purpose of convenience and facility only. Distributors who are manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to collect and remit the tax due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may prescribe; provided (as stated hereinbefore) that this requirement does not apply when such distributor is required or authorized by the Cigarette Tax Act to place the tax imprint provided for in the last paragraph of Section 3 of that Act underneath the sealed transparent wrapper of such original package of cigarettes. Such imprinted language shall acknowledge the manufacturer's collection and payment of or liability for the tax imposed by this Act with respect to such cigarettes.

The Department shall adopt the design or designs of the tax stamps and shall procure the printing of such stamps in such amounts and denominations as it deems necessary to provide for the affixation of the proper amount of tax stamps to each original package of cigarettes.

Where tax stamps are required, the Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

The tax hereby imposed and not paid pursuant to this Section shall be paid to the Department directly by any person using such cigarettes within this State, pursuant to Section 12 hereof.

(Source: P.A. 91-246, eff. 7-22-99.)

(35 ILCS 135/4) (from Ch. 120, par. 453.34)
Sec. 4. Distributor's license. A distributor maintaining a place of business in this State, if required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act, need not obtain an additional license or permit under this Act, but shall be deemed to be sufficiently licensed or registered by virtue of his being licensed or registered under the Cigarette Tax Act.

Every distributor maintaining a place of business in this State, if not required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act, shall make a verified application to the Department (upon a form prescribed and furnished by the Department) for a license to act as a distributor under this Act. In completing such application, the applicant shall furnish such information as the Department may reasonably require.

The annual license fee payable to the Department for each distributor's license shall be $250. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. The applicant for license shall pay such fee to the Department at the time of submitting the application for license to the Department.

Such applicant shall file, with his application, a joint and several bond. Such bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, in the amount of $2,500, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. Such bond, or a reissue thereof, or a substitute thereof, shall be kept in effect during the entire period covered by the license. A separate application for license shall be made, a separate annual license fee paid, and a separate bond filed, for each place of business at or from which the applicant proposes to act as a distributor under this Act and for which the applicant is not required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act.

The following are ineligible to receive a distributor's license under this Act:

(1) a person who is not of good character and reputation in the community in which he resides;

(2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

(3) a corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

Upon approval of such application and bond and payment of the required annual license fee, the Department shall issue a license to the applicant. Such license shall permit the applicant to engage in business as a distributor at or from the place shown in his application. All licenses issued by the Department under this Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in this Act provided. No license issued under this Act is transferable or assignable. Such license shall be conspicuously displayed at the place of business for which it is issued.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: P.A. 91-901, eff. 1-1-01.)

(35 ILCS 135/11) (from Ch. 120, par. 453.41)

Sec. 11. Return by distributor or manufacturer. Every distributor, who is required or authorized to collect tax under this Act, but who is not a manufacturer of cigarettes in original packages which are contained in a sealed transparent wrapper, shall, on or before the 15th day of each calendar month, file a return with the Department, showing such information as the Department may reasonably require. The Department may promulgate rules to require that the distributor's return be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a distributor.
Illinois manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper shall file a return by the 5th day of each month covering the preceding calendar month. Each such return shall be accompanied by the appropriate remittance for tax as provided in Section 3 of this Act. Each such return shall disclose such information as the Department may lawfully require. Each such return shall be accompanied by a copy of each invoice rendered by such manufacturer to any purchaser to whom such manufacturer delivered cigarettes (or caused cigarettes to be delivered) during the period covered by the return. The Department may promulgate rules to require that the manufacturer's return be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a manufacturer.

No distributor shall be required to return information to the extent to which the reporting of such information would be a duplication of such distributor's reporting of information in any return which he is required to file with the Department under the Cigarette Tax Act. Returns shall be filed on forms prescribed by the Department.

(Source: Laws 1953, p. 265.)

(35 ILCS 135/12) (from Ch. 120, par. 453.42)
Sec. 12. Declaration of possession of cigarettes on which tax not paid.
(a) When cigarettes are acquired for use in this State by a person (including a distributor as well as any other person), who did not pay the tax herein imposed to a distributor, the such person, within 30 days after acquiring the such cigarettes, shall file with the Department a return declaring the possession of the such cigarettes and shall transmit with the return to the Department the tax imposed by this Act.
(b) On receipt of the return and payment of the tax as required by paragraph (a), the Department may issue a receipt to the person paying the tax and shall furnish the such person with a suitable tax stamp to be affixed to the package of cigarettes upon which the tax has been paid if the Department determines that the cigarettes still exist.
(c) The return and receipt referred to in paragraph paragraphs (a) and (b) shall contain the name and address of the person possessing the cigarettes involved, the location of the such cigarettes and the quantity, brand name, place, and date of the acquisition of the such cigarettes.

(Source: Laws 1957, p. 1196.)

(35 ILCS 135/13) (from Ch. 120, par. 453.43)
Sec. 13. Examination and correction of return. As soon as practicable after any return is filed, the Department shall examine such return and shall correct such return according to its best judgment and information, which return so corrected by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown therein. Proof of such correction by the Department may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. If the tax as fixed by the Department is greater than the amount of the tax due under the return as filed, the Department shall issue the person filing such return a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If, in administering the provisions of this Act, comparison of a return or returns of a distributor with the books, records and inventories of such distributor discloses a deficiency which cannot be allocated by the Department to a particular month or months, the Department shall issue the distributor a notice of tax liability for the amount of tax claimed by the Department to be due for a given period, but without any obligation upon the Department to allocate such deficiency to any particular month or months, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, under which circumstances the aforesaid notice of tax liability shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown therein; and proof of such correctness may be made in accordance with, and the admissibility of a reproduced copy of such notice of tax liability shall be governed by, all the provisions of this Act applicable to corrected returns.
If any person filing any return dies or becomes a person under legal disability at any time before the Department issues its notice of tax liability, such notice shall be issued to the administrator, executor or other legal representative, as such, of such person.

If within 60 days after such notice of tax liability, the person to whom such notice is issued or his legal representative files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give notice to such person or legal representative of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such person or legal representative for the amount found to be due as a result of such hearing. If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment.

(Source: P.A. 87-205.)

(35 ILCS 135/13a) (formerly 35 ILCS 135/13) (from Ch. 120, par. 453.43a)

Sec. 13a. Failure to file return. In case any person who is required to file a return under this Act fails to file such return, the Department shall determine the amount of tax due from him according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination. Proof of such determination by the Department may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. The Department shall issue such person a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty in an amount determined in accordance with Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If such person or the legal representative of such person, within 60 days after such notice, files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give notice to such person or the legal representative of such person of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such person or to the legal representative of such person for the amount found to be due as a result of such hearing. If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment.

(Source: P.A. 87-205.)

(35 ILCS 135/25b new)

Sec. 25b. Possession of not less than 10 and not more than 100 original packages not tax stamped or improperly tax stamped; penalty. With the exception of licensed distributors, anyone possessing not less than 10 and not more than 100 packages of cigarettes contained in original packages that are not tax stamped as required by this Act, or that are improperly tax stamped, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of $10 for each such package of cigarettes, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department.

(35 ILCS 135/30) (formerly 35 ILCS 135/30) (from Ch. 120, par. 453.60)

Sec. 30. Punishment for sale or possession of unstamped packages. Any person other than a licensed distributor who sells, offers for sale, or has in his possession with intent to sell or offer for sale, more than 100 original packages of cigarettes, not tax stamped or tax imprinted underneath the sealed transparent wrapper of such original package in accordance with this Act, shall be guilty of a Class 4 felony.

Any person other than a licensed distributor who sells, offers for sale, or has in his possession with intent to sell or offer for sale, 100 or fewer original packages, not tax stamped or tax imprinted underneath the sealed transparent wrapper of the original package in accordance with this Act, is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense.

Any distributor who sells an original package of cigarettes, not tax stamped or tax imprinted
underneath the sealed transparent wrapper of such original package in accordance with this Act, except when the sale is made under such circumstances that the tax imposed by this Act may not legally be levied because of the Constitution or laws of the United States, shall be guilty of a Class 3 felony. (Source: P.A. 83-1528.)

Section 99. Effective date. This Act takes effect on January 1, 2002.

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Statutes amended in order of appearance

35 ILCS 130/3 from Ch. 120, par. 453.3
35 ILCS 130/4 from Ch. 120, par. 453.4
35 ILCS 130/5 from Ch. 120, par. 453.5
35 ILCS 130/9 from Ch. 120, par. 453.9
35 ILCS 130/9a from Ch. 120, par. 453.9a
35 ILCS 130/9b from Ch. 120, par. 453.9b
35 ILCS 130/18c new
35 ILCS 130/24 from Ch. 120, par. 453.24
35 ILCS 135/3 from Ch. 120, par. 453.33
35 ILCS 135/4 from Ch. 120, par. 453.34
35 ILCS 135/11 from Ch. 120, par. 453.41
35 ILCS 135/12 from Ch. 120, par. 453.42
35 ILCS 135/13 from Ch. 120, par. 453.43
35 ILCS 135/13a from Ch. 120, par. 453.43a
35 ILCS 135/25b new
35 ILCS 135/30 from Ch. 120, par. 453.60

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0323
(Senate Bill No. 0857)

AN ACT to repeal the Non-Resident Contractor Bond Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly: (815 ILCS 660/Act rep.)
Section 5. The Non-Resident Contractor Bond Act is repealed.
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0324
(Senate Bill No. 0868)

AN ACT in relation to workers' compensation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Workers' Compensation Act is amended by changing Section 4 as follows: (820 ILCS 305/4) (from Ch. 48, par. 138.4)
Sec. 4. (a) Any employer, including but not limited to general contractors and their subcontractors, who shall come within the provisions of Section 3 of this Act, and any other employer who shall elect to provide and pay the compensation provided for in this Act shall:
   (1) File with the Commission annually an application for approval as a self-insurer which shall include a current financial statement, and annually, thereafter, an application for renewal of self-insurance, which shall include a current financial statement. Said application and financial statement shall be signed and sworn to by the president or vice president and secretary or assistant secretary of the employer if it be a corporation, or by all of the partners, if it be a copartnership, or by the owner if it be neither a copartnership nor a corporation. All initial applications and all applications for renewal of self-insurance must be submitted at
least 60 days prior to the requested effective date of self-insurance. An employer may elect to provide and pay compensation as provided for in this Act as a member of a group workers' compensation pool under Article V 3/4 of the Illinois Insurance Code. If an employer becomes a member of a group workers' compensation pool, the employer shall not be relieved of any obligations imposed by this Act.

If the sworn application and financial statement of any such employer does not satisfy the Commission of the financial ability of the employer who has filed it, the Commission shall require such employer to,

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, provided that any such employer whose application and financial statement shall not have satisfied the commission of his or her financial ability and who shall have secured his liability in part by excess liability insurance shall be required to furnish to the Commission security, indemnity or bond guaranteeing his or her payment up to the effective limits of the excess coverage, or

(3) Insure his entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in this State. Every policy of an insurance carrier, insuring the payment of compensation under this Act shall cover all the employees and the entire compensation liability of the insured: Provided, however, that any employer may insure his or her compensation liability with 2 or more insurance carriers or may insure a part and qualify under subsection 1, 2, or 4 for the remainder of his or her liability to pay such compensation, subject to the following two provisions:

Firstly, the entire compensation liability of the employer to employees working at or from one location shall be insured in one such insurance carrier or shall be self-insured, and

Secondly, the employer shall submit evidence satisfactorily to the Commission that his or her entire liability for the compensation provided for in this Act will be secured. Any provisions in any policy, or in any endorsement attached thereto, attempting to limit or modify in any way, the liability of the insurance carriers issuing the same except as otherwise provided herein shall be wholly void.

Nothing herein contained shall apply to policies of excess liability carriage secured by employers who have been approved by the Commission as self-insurers, or

(4) Make some other provision, satisfactory to the Commission, for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the Commission may in writing demand, file with the Commission in form prescribed by it evidence of his or her compliance with the provision of this Section.

(a-1) Regardless of its state of domicile or its principal place of business, an employer shall make payments to its insurance carrier or group self-insurance fund, where applicable, based upon the premium rates of the situs where the work or project is located in Illinois if:

(A) the employer is engaged primarily in the building and construction industry; and

(B) subdivision (a)(3) of this Section applies to the employer or the employer is a member of a group self-insurance plan as defined in subsection (1) of Section 4a.

The Industrial Commission shall impose a penalty upon an employer for violation of this subsection (a-1) if:

(i) the employer is given an opportunity at a hearing to present evidence of its compliance with this subsection (a-1); and

(ii) after the hearing, the Commission finds that the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois.

The penalty shall not exceed $1,000 for each day of work for which the employer failed to make payments upon the premium rates of the situs where the work or project is located in Illinois, but the total penalty shall not exceed $50,000 for each project or each contract under which the work was performed.

Any penalty under this subsection (a-1) must be imposed not later than one year after the expiration of the applicable limitation period specified in subsection (d) of Section 6 of this Act. Penalties imposed under this subsection (a-1) shall be deposited into the Industrial Commission...
Operations Fund, a special fund that is created in the State treasury. Subject to appropriation, moneys in the Fund shall be used solely for the operations of the Industrial Commission.

(b) The sworn application and financial statement, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the Commission.

Deposits under escrow agreements shall be cash, negotiable United States government bonds or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or National Bank or Trust Company having trust authority in the State of Illinois.

Upon the approval of the sworn application and financial statement, security, indemnity or bond or amount of insurance, filed, furnished or carried, as the case may be, the Commission shall send to the employer written notice of its approval thereof. The certificate of compliance by the employer with the provisions of subparagraphs (2) and (3) of paragraph (a) of this Section shall be delivered by the insurance carrier to the Industrial Commission within five days after the effective date of the policy so certified. The insurance so certified shall cover all compensation liability occurring during the time that the insurance is in effect and no further certificate need be filed in case such insurance is renewed, extended or otherwise continued by such carrier. The insurance so certified shall not be cancelled or in the event that such insurance is not renewed, extended or otherwise continued, such insurance shall not be terminated until at least 10 days after receipt by the Industrial Commission of notice of the cancellation or termination of said insurance; provided, however, that if the employer has secured insurance from another insurance carrier, or has otherwise secured the payment of compensation in accordance with this Section, and such insurance or other security becomes effective prior to the expiration of the 10 days, cancellation or termination may, at the option of the insurance carrier indicated in such notice, be effective as of the effective date of such other insurance or security.

(c) Whenever the Commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or other insurer effecting workers' compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workers' compensation insurance in this State. Subject to such modification of the order as the Commission may later make on review of the order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer to effect any workers' compensation insurance in this State. A copy of the order shall be served upon the Director of Insurance by registered mail. Whenever the Commission finds that any service or adjustment company used or employed by a self-insured employer or by an insurance carrier to process, adjust, investigate, compromise or otherwise handle claims under this Act, has practiced or is practicing a policy of delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may after reasonable notice and hearing order and direct that such service or adjustment company shall from and after a date fixed in such order be prohibited from processing, adjusting, investigating, compromising or otherwise handling claims under this Act.

Whenever the Commission finds that any self-insured employer has practiced or is practicing delay or unfairness toward employees in the adjustment, settlement or payment of benefits due such employees, the Commission may, after reasonable notice and hearing, order and direct that after a date fixed in the order such self-insured employer shall be disqualified to operate as a self-insurer and shall be required to insure his entire liability to pay compensation in some insurance carrier authorized, licensed and permitted to do such insurance business in this State, as provided in subparagraph 3 of paragraph (a) of this Section.

All orders made by the Commission under this Section shall be subject to review by the courts, said review to be taken in the same manner and within the same time as provided by Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed

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and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking said review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law. The penalty hereinafter provided for in this paragraph shall not attach and shall not begin to run until the final determination of the order of the Commission.

(d) Upon a finding by the Commission, after reasonable notice and hearing, of the knowing and willful failure or refusal of an employer to comply with any of the provisions of paragraph (a) of this Section or the failure or refusal of an employer, service or adjustment company, or an insurance carrier to comply with any order of the Industrial Commission pursuant to paragraph (c) of this Section disqualifying him or her to operate as a self insurer and requiring him or her liability, the Commission may assess a civil penalty of up to $500 per day for each day of such failure or refusal after the effective date of this amendatory Act of 1989. The minimum penalty under this Section shall be the sum of $10,000. Each day of such failure or refusal shall constitute a separate offense. The Commission may assess the civil penalty personally and individually against the corporate officers and directors of a corporate employer, the partners of an employer partnership, and the members of an employer limited liability company, after a finding of a knowing and willful refusal or failure of each such named corporate officer, director, partner, or member to comply with this Section. The liability for the assessed penalty shall be against the named employer first, and if the named employer fails or refuses to pay the penalty to the Commission within 30 days after the final order of the Commission, then the named corporate officers, directors, partners, or members who have been found to have knowingly and willfully refused or failed to comply with this Section shall be liable for the unpaid penalty or any unpaid portion of the penalty. All penalties collected under this Section shall be deposited in the Industrial Commission Operations Fund.

Upon the failure or refusal of any employer, service or adjustment company or insurance carrier to comply with the provisions of this Section and with the orders of the Commission under this Section, or the order of the court on review after final adjudication, the Commission may bring a civil action to recover the amount of the penalty in Cook County or in Sangamon County in which litigation the Commission shall be represented by the Attorney General. The Commission shall send notice of its finding of non-compliance and assessment of the civil penalty to the Attorney General. It shall be the duty of the Attorney General within 30 days after receipt of the notice, to institute prosecutions and promptly prosecute all reported violations of this Section.

(e) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him or her. Provided, the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(f) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(g) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void. Any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a Class B misdemeanor.

In the event the employer does not pay the compensation for which he or she is liable, then an insurance company, association or insurer which may have insured such employer against such

New matter indicated by italics - deletions by strikeout.
liability shall become primarily liable to pay to the employee, his or her personal representative or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings in which the employer is a party and an award may be entered jointly against the employer and the insurance carrier.

(h) It shall be unlawful for any employer, insurance company or service or adjustment company to interfere with, restrain or coerce an employee in any manner whatsoever in the exercise of the rights or remedies granted to him or her by this Act or to discriminate, attempt to discriminate, or threaten to discriminate against an employee in any way because of his or her exercise of the rights or remedies granted to him or her by this Act.

It shall be unlawful for any employer, individually or through any insurance company or service or adjustment company, to discharge or to threaten to discharge, or to refuse to rehire or recall to active service in a suitable capacity an employee because of the exercise of his or her rights or remedies granted to him or her by this Act.

(i) If an employer elects to obtain a life insurance policy on his employees, he may also elect to apply such benefits in satisfaction of all or a portion of the death benefits payable under this Act, in which case, the employer's compensation premium shall be reduced accordingly.

(j) Within 45 days of receipt of an initial application or application to renew self-insurance privileges the Self-Insurers Advisory Board shall review and submit for approval by the Chairman of the Commission recommendations of disposition of all initial applications to self-insure and all applications to renew self-insurance privileges filed by private self-insurers pursuant to the provisions of this Section and Section 4a-9 of this Act. Each private self-insurer shall submit with its initial and renewal applications the application fee required by Section 4a-4 of this Act.

The Chairman of the Commission shall promptly act upon all initial applications and applications for renewal in full accordance with the recommendations of the Board or, should the Chairman disagree with any recommendation of disposition of the Self-Insurer's Advisory Board, he shall within 30 days of receipt of such recommendation provide to the Board in writing the reasons supporting his decision. The Chairman shall also promptly notify the employer of his decision within 15 days of receipt of the recommendation of the Board.

If an employer is denied a renewal of self-insurance privileges pursuant to application it shall retain said privilege for 120 days after receipt of a notice of cancellation of the privilege from the Chairman of the Commission.

All orders made by the Chairman under this Section shall be subject to review by the courts, such review to be taken in the same manner and within the same time as provided by subsection (f) of Section 19 of this Act for review of awards and decisions of the Commission, upon the party seeking the review filing with the clerk of the court to which such review is taken a bond in an amount to be fixed and approved by the court to which the review is taken, conditioned upon the payment of all compensation awarded against the person taking such review pending a decision thereof and further conditioned upon such other obligations as the court may impose. Upon the review the Circuit Court shall have power to review all questions of fact as well as of law.

(Source: P.A. 90-109, eff. 1-1-98; 91-375, eff. 1-1-00; 91-757, eff. 1-1-01.)

AN ACT concerning hunting.

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

Section 5. The Wildlife Code is amended by changing Section 2.33 as follows:

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

New matter indicated by italics - deletions by strikeout.
(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gags, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to such vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act, however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway and except that striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

New matter indicated by italics - deletions by strikeout.
It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

It is unlawful for any person to trap or hunt, or allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not have permission of the owner or tenant if the person is unable to demonstrate to the law enforcement officer in the field that permission had been obtained. This provision may only be rebutted by testimony of the owner or tenant that permission had been given. Before enforcing this Section the law enforcement officer must have received notice from the owner or tenant of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.

It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer.

It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

It is unlawful to hunt wild game protected by this Act between half hour after sunset and half hour before sunrise except that hunting hours between half hour after sunset and half hour before sunrise may be established by administrative rule for fur-bearing mammals.

It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into or possess alive in this State, any species of wildlife taken outside of this State without obtaining permission to do so from the Director.

It is unlawful for any person to have in their possession any freshly killed species protected by this Act during the season closed for taking.

It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such
articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

Nothing contained in this Section shall prohibit the use of bow and arrow, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule persons physically unable to walk, to shoot or hunt from a standing vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 90-743, eff. 1-1-99; 91-654, eff. 12-15-99.)

Section 10. The Criminal Code of 1961 is amended by changing Section 24-2 as follows:

(720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

Sec. 24-2. Exemptions.

(a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, and Private Security Act of 1983, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under
this subdivision (a)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, and Private Security Act of 1983, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission
who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Licensed Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

New matter indicated by italics - deletions by strikeout.
(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:
(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
(2) Bonafide collectors of antique or surplus military ordinance.
(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.
(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

(Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0326
(Senate Bill No. 0881)

AN ACT concerning natural resources.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Natural Resources Act is amended by changing Section 1-15 as follows:

(20 ILCS 801/1-15)
Sec. 1-15. General powers and duties.
(a) It shall be the duty of the Department to investigate practical problems, implement studies, conduct research and provide assistance, information and data relating to the technology and administration of the natural history, entomology, zoology, and botany of this State; the geology and natural resources of this State; the water and atmospheric resources of this State; and the archeological and cultural history of this State.
(b) The Department (i) shall obtain, store, and process relevant data; recommend technological, administrative, and legislative changes and developments; cooperate with other federal, state, and local governmental research agencies, facilities, or institutes in the selection of projects for study; cooperate with the Board of Higher Education and with the public and private colleges and universities in this State in developing relevant interdisciplinary approaches to problems; and evaluate curricula at all levels of education and provide assistance to instructors; and (ii) may sponsor an annual conference of leaders in government, industry, health, and education to evaluate the state of this State's environment and natural resources.
(c) The Director, in accordance with the Personnel Code, shall employ such personnel, provide such facilities, and contract for such outside services as may be necessary to carry out the
purposes of the Department. Maximum use shall be made of existing federal and state agencies, facilities, and personnel in conducting research under this Act.

(d) In addition to its other powers, the Department has the following powers:

(1) To obtain, store, process, and provide data and information related to the powers and duties of the Department under this Act. This subdivision (d)(1) does not give authority to the Department to require reports from nongovernmental sources or entities.

(2) To cooperate with and support the Illinois Science and Technology Advisory Committee and the Illinois Coalition for the purpose of facilitating the effective operations and activities of such entities. Support may include, but need not be limited to, providing space for the operations of the Committee and the Illinois Coalition.

(e) The Department is authorized to make grants to local not-for-profit organizations for the purposes of development, maintenance and study of wetland areas.

(f) The Department has the authority to accept, receive and administer on behalf of the State any gifts, bequests, donations, income from property rental and endowments. Any such funds received by the Department shall be deposited into the Natural Resources Fund, a special fund which is hereby created in the State treasury, and used for the purposes of this Act or, when appropriate, for such purposes and under such restrictions, terms and conditions as are predetermined by the donor or grantor of such funds or property. Any accrued interest from money deposited into the Natural Resources Fund shall be reinvested into the Fund and used in the same manner as the principal. The Director shall maintain records which account for and assure that restricted funds or property are disbursed or used pursuant to the restrictions, terms or conditions of the donor.

(g) The Department shall recognize, preserve, and promote our special heritage of recreational hunting and trapping by providing opportunities to hunt and trap in accordance with the Wildlife Code.

(Source: P.A. 91-357, eff. 7-29-99; 91-582, eff. 8-14-99.)

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

Approved August 9, 2001.
Effective August 9, 2001.

PUBLIC ACT 92-0327
(Senate Bill No. 0882)

AN ACT in relation to public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.25 as follows:

Sec. 12-4.25. Medical assistance program; vendor participation.
(A) The Illinois Department may deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, if after reasonable notice and opportunity for a hearing the Illinois Department finds:

(a) Such vendor is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its vendor agreement, which document shall be developed by the Department as a result of negotiations with each vendor category, including physicians, hospitals, long term care facilities, pharmacists, optometrists, podiatrists and dentists setting forth the terms and conditions applicable to the participation of each vendor group in the program; or

(b) Such vendor has failed to keep or make available for inspection, audit or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed for providing services. This section does not require vendors to make available patient records of patients for whom services are not reimbursed under this Code; or

(c) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services; or

New matter indicated by italics - deletions by strikeout.
(d) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or

(e) Such vendor has furnished goods or services to a recipient which are (1) in excess of his or her needs, (2) harmful to the recipient, or (3) of grossly inferior quality, all of such determinations to be based upon competent medical judgment and evaluations; or

(f) The vendor, a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) was previously terminated from participation in the Illinois medical assistance program, or was terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

(2) was a person with management responsibility for a previously terminated vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or

(3) an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a previously terminated corporate vendor previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or

(4) was an owner of a sole proprietorship or partner of a partnership which was previously terminated from participation in the Illinois medical assistance program, or terminated from participation in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination from participation in the medical assistance program; or

(g) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) has engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(2) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program; or

(4) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation relating to the medical assistance program.

(h) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

New matter indicated by italics - deletions by strikeout.
(A-5) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that the vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship that is a vendor; or a partner in a partnership that is a vendor has been convicted of a felony offense based on fraud or willful misrepresentation related to any of the following:

1. The medical assistance program under Article V of this Code.
2. A medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code.
3. The Medicare program under Title XVIII of the Social Security Act.
4. The provision of health care services.

(B) The Illinois Department shall deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V:

1. if such vendor is not properly licensed;
2. within 30 days of the date when such vendor's professional license, certification or other authorization has been refused renewal or has been revoked, suspended or otherwise terminated; or
3. if such vendor has been convicted of a violation of this Code, as provided in Article VIII.

(C) Upon termination of a vendor of goods or services from participation in the medical assistance program authorized by this Article, a person with management responsibility for such vendor during the time of any conduct which served as the basis for that vendor's termination is barred from participation in the medical assistance program.

Upon termination of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a terminated corporate vendor may not transfer his or her ownership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Upon termination of a sole proprietorship or partnership, the owner or partners during the time of any conduct which served as the basis for that vendor's termination are barred from participation in the medical assistance program. The owner of a terminated vendor that is a sole proprietorship, and a partner in a terminated vendor that is a partnership, may not transfer his or her ownership or partnership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Rules adopted by the Illinois Department to implement these provisions shall specifically include a definition of the term "management responsibility" as used in this Section. Such definition shall include, but not be limited to, typical job titles, and duties and descriptions which will be considered as within the definition of individuals with management responsibility for a provider.

(D) If a vendor has been suspended from the medical assistance program under Article V of the Code, the Director may require that such vendor correct any deficiencies which served as the basis for the suspension. The Director shall specify in the suspension order a specific period of time, which shall not exceed one year from the date of the order, during which a suspended vendor shall not be eligible to participate. At the conclusion of the period of suspension the Director shall reinstate such vendor, unless he finds that such vendor has not corrected deficiencies upon which the suspension was based.

If a vendor has been terminated from the medical assistance program under Article V, such vendor shall be barred from participation for at least one year. At the end of one year a vendor who has been terminated may apply for reinstatement to the program. Upon proper application to be reinstated such vendor may be deemed eligible by the Director providing that such vendor meets the
requirements for eligibility under this Code. If such vendor is deemed not eligible for reinstatement, he shall be barred from again applying for reinstatement for one year from the date his application for reinstatement is denied.

A vendor whose termination from participation in the Illinois medical assistance program under Article V was based solely on an action by a governmental entity other than the Illinois Department may, upon reinstatement by that governmental entity or upon reversal of the termination, apply for rescission of the termination from participation in the Illinois medical assistance program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under this Code.

If a vendor has been terminated and reinstated to the medical assistance program under Article V and the vendor is terminated a second or subsequent time from the medical assistance program, the vendor shall be barred from participation for at least 2 years. At the end of 2 years, a vendor who has been terminated may apply for reinstatement to the program. Upon application to be reinstated, the vendor may be deemed eligible if the vendor meets the requirements for eligibility under this Code. If the vendor is deemed not eligible for reinstatement, the vendor shall be barred from again applying for reinstatement for 2 years from the date the vendor's application for reinstatement is denied.

(E) The Illinois Department may recover money improperly or erroneously paid, or overpayments, either by setoff, crediting against future billings or by requiring direct repayment to the Illinois Department.

(F) The Illinois Department may withhold payments to any vendor during the pendency of any proceeding under this Section except that if a final administrative decision has not been issued within 120 days of the initiation of such proceedings, unless delay has been caused by the vendor, payments can no longer be withheld, provided, however, that the 120 day limit may be extended if said extension is mutually agreed to by the Illinois Department and the vendor. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be withheld during the pendency of any proceeding under this Section. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding where the final administrative decision is to terminate eligibility to participate in the medical assistance program. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be denied for such bills.

(F-5) The Illinois Department may temporarily withhold payments to a vendor if any of the following individuals have been indicted or otherwise charged under a law of the United States or this or any other state with a felony offense that is based on alleged fraud or willful misrepresentation on the part of the individual related to (i) the medical assistance program under Article V of this Code, (ii) a medical assistance program provided in another state which is of the kind provided under Article V of this Code, (iii) the Medicare program under Title XVIII of the Social Security Act, or (iv) the provision of health care services:

(1) If the vendor is a corporation: an officer of the corporation or an individual who owns, either directly or indirectly, 5% or more of the shares of stock or other evidence of ownership of the corporation.

(2) If the vendor is a sole proprietorship: the owner of the sole proprietorship.

(3) If the vendor is a partnership: a partner in the partnership.

(4) If the vendor is any other business entity authorized by law to transact business in this State: an officer of the entity or an individual who owns, either directly or indirectly, 5% or more of the evidences of ownership of the entity.

If the Illinois Department withholds payments to a vendor under this subsection, the Department shall not release those payments to the vendor while any criminal proceeding related to the indictment or charge is pending unless the Department determines that there is good cause to release the payments before completion of the proceeding. If the indictment or charge results in the individual's conviction, the Illinois Department shall retain all withheld payments, which shall be considered forfeited to the Department. If the indictment or charge does not result in the individual's conviction, the Illinois Department shall release to the vendor all withheld payments.

(G) The provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Illinois Department under this Section. The term "administrative
decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(H) Nothing contained in this Code shall in any way limit or otherwise impair the authority or power of any State agency responsible for licensing of vendors.

(I) Based on a finding of noncompliance on the part of a nursing home with any requirement for certification under Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department may impose one or more of the following remedies after notice to the facility:

1. Termination of the provider agreement.
2. Temporary management.
3. Denial of payment for new admissions.
4. Civil money penalties.
5. Closure of the facility in emergency situations or transfer of residents, or both.
7. Denial of all payments when the Health Care Finance Administration has imposed this sanction.

The Illinois Department shall by rule establish criteria governing continued payments to a nursing facility subsequent to termination of the facility's provider agreement if, in the sole discretion of the Illinois Department, circumstances affecting the health, safety, and welfare of the facility's residents require those continued payments. The Illinois Department may condition those continued payments on the appointment of temporary management, sale of the facility to new owners or operators, or other arrangements that the Illinois Department determines best serve the needs of the facility's residents.

Except in the case of a facility that has a right to a hearing on the finding of noncompliance before an agency of the federal government, a facility may request a hearing before a State agency on any finding of noncompliance within 60 days after the notice of the intent to impose a remedy. Except in the case of civil money penalties, a request for a hearing shall not delay imposition of the penalty. The choice of remedies is not appealable at a hearing. The level of noncompliance may be challenged only in the case of a civil money penalty. The Illinois Department shall provide by rule for the State agency that will conduct the evidentiary hearings.

The Illinois Department may collect interest on unpaid civil money penalties.

The Illinois Department may adopt all rules necessary to implement this subsection (I).

(Source: P.A. 89-21, eff. 1-1-96; 90-725, eff. 8-7-98.)

Section 99. Effective date. This Act takes effect on January 1, 2002.


Approved August 9, 2001.

Effective January 1, 2002.

PUBLIC ACT 92-0328
(Senate Bill No. 0940)

AN ACT in relation to criminal law.

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

Section 5. The Children and Family Services Act is amended by changing Section 7 as follows:

(20 ILCS 505/7) (from Ch. 23, par. 5007)
Sec. 7. Placement of children; considerations.
(a) In placing any child under this Act, the Department shall place such child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

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

(1) murder;
(1.1) solicitation of murder;
(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery;
(12) aggravated battery with a firearm;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal abuse or neglect of an elderly or disabled person;
(20) child abandonment;
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met in making a family foster care placement. The Department shall consider the individual needs of the child and the capacity of the prospective foster or adoptive parents to meet
the needs of the child. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

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

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

(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

Section 10. The Child Care Act of 1969 is amended by changing Section 4.2 as follows:

Sec. 4.2. (a) No applicant may receive a license from the Department and no person may be employed by a licensed child care facility who refuses to authorize an investigation as required by Section 4.1.

(b) No applicant may receive a license from the Department and no person may be employed by a child care facility licensed by the Department who has been declared a sexually dangerous person under "An Act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision", approved July 6, 1938, as amended, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961:

1. murder;
2. solicitation of murder;
3. solicitation of murder for hire;
4. intentional homicide of an unborn child;
5. voluntary manslaughter of an unborn child;
6. involuntary manslaughter;
7. reckless homicide;
8. concealment of a homicidal death;
9. involuntary manslaughter of an unborn child;
10. reckless homicide of an unborn child;
11. drug-induced homicide;
12. a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;
13. kidnapping;
14. aggravated unlawful restraint;
15. forcible detention;
16. harboring a runaway;
17. aiding and abetting child abduction;
18. aggravated kidnapping;
19. child abduction;
20. aggravated battery of a child;
21. criminal sexual assault;
22. aggravated criminal sexual assault;
23. predatory criminal sexual assault of a child;
24. criminal sexual abuse;
25. aggravated sexual abuse;
26. heinous battery;
27. aggravated battery with a firearm;
28. tampering with food, drugs, or cosmetics;

New matter indicated by italics - deletions by strikeout.
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(14) drug induced infliction of great bodily harm;
(15) hate crime;
(16) stalking;
(17) aggravated stalking;
(18) threatening public officials;
(19) home invasion;
(20) vehicular invasion;
(21) criminal transmission of HIV;
(22) criminal abuse or neglect of an elderly or disabled person;
(23) child abandonment;
(24) endangering the life or health of a child;
(25) ritual mutilation;
(26) ritualized abuse of a child;
(27) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(c) In addition to the provisions set forth in subsection (b), no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961, the Cannabis Control Act, and the Illinois Controlled Substances Act:

(I) OFFENSES DIRECTED AGAINST THE PERSON
(A) KIDNAPPING AND RELATED OFFENSES
   (1) Unlawful restraint.
(B) BODILY HARM
   (2) Felony aggravated assault.
   (3) Vehicular endangerment.
   (4) Felony domestic battery.
   (5) Aggravated battery.
   (6) Heinous battery.
   (7) Aggravated battery with a firearm.
   (8) Aggravated battery of an unborn child.
   (9) Aggravated battery of a senior citizen.
   (10) Intimidation.
   (11) Compelling organization membership of persons.
   (12) Abuse and gross neglect of a long term care facility resident.
   (13) Felony violation of an order of protection.

(II) OFFENSES DIRECTED AGAINST PROPERTY
(14) Felony theft.
(15) Robbery.
(16) Armed robbery.
(17) Aggravated robbery.
(18) Vehicular hijacking.
(19) Aggravated vehicular hijacking.
(20) Burglary.
(21) Possession of burglary tools.
(22) Residential burglary.
(23) Criminal fortification of a residence or building.
(24) Arson.
(25) Aggravated arson.
(26) Possession of explosive or explosive incendiary devices.

(III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY
(27) Felony unlawful use of weapons.
(28) Aggravated discharge of a firearm.
(29) Reckless discharge of a firearm.
(30) Unlawful use of metal piercing bullets.

New matter indicated by italics - deletions by strikeout.
(31) Unlawful sale or delivery of firearms on the premises of any school.
(32) Disarming a police officer.
(33) Obstructing justice.
(34) Concealing or aiding a fugitive.
(35) Armed violence.
(36) Felony contributing to the criminal delinquency of a juvenile.

(IV) DRUG OFFENSES

(37) Possession of more than 30 grams of cannabis.
(38) Manufacture of more than 10 grams of cannabis.
(39) Cannabis trafficking.
(40) Delivery of cannabis on school grounds.
(41) Unauthorized production of more than 5 cannabis sativa plants.
(42) Calculated criminal cannabis conspiracy.
(43) Unauthorized manufacture or delivery of controlled substances.
(44) Controlled substance trafficking.
(45) Manufacture, distribution, or advertisement of look-alike substances.
(46) Calculated criminal drug conspiracy.
(46.5) Streetgang criminal drug conspiracy.
(47) Permitting unlawful use of a building.
(48) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.
(49) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.
(50) Delivery of controlled substances.
(51) Sale or delivery of drug paraphernalia.
(52) Felony possession, sale, or exchange of instruments adapted for use of a controlled substance or cannabis by subcutaneous injection.

(d) Notwithstanding subsection (c), the Department may issue a new foster family home license or may renew an existing foster family home license of an applicant who was convicted of an offense described in subsection (c), provided all of the following requirements are met:

(1) The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.
(2) The applicant had previously disclosed the conviction or convictions to the Department for purposes of a background check.
(3) After the disclosure, the Department either placed a child in the home or the foster family home license was issued.
(4) During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.
(5) The applicant meets all other requirements and qualifications to be licensed as a foster family home under this Act and the Department's administrative rules.
(6) The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment.

(Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 91-357, eff. 7-29-99.)

Section 15. The Criminal Code of 1961 is amended by changing Section 12-21 as follows:

(720 ILCS 5/12-21) (from Ch. 38, par. 12-21)

Sec. 12-21. Criminal abuse or neglect of an elderly or disabled person.

(a) A person commits the offense of criminal abuse or neglect of an elderly or disabled person when he or she is a caregiver and he or she knowingly:

(1) performs acts that which cause the elderly or disabled person's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate; or
(2) fails to perform acts that which he or she knows or reasonably should know are necessary to maintain or preserve the life or health of the elderly or disabled person and such failure causes the elderly or disabled person's life to be endangered, health to be injured or pre-existing physical or mental condition to deteriorate; or
(3) abandons the elderly or disabled person; or:

New matter indicated by italics - deletions by strikeout.
(4) physically abuses, harasses, intimidates, or interferes with the personal liberty of the elderly or disabled person or exposes the elderly or disabled person to willful deprivation. Criminal abuse or neglect of an elderly or disabled person is a Class 3 felony.

(b) For purposes of this Section:

1) "Elderly person" means a person 60 years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of adequately providing for his own health and personal care.

2) "Disabled person" means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of adequately providing for his own health and personal care.

3) "Caregiver" means a person who has a duty to provide for an elderly or disabled person's health and personal care, at such person's place of residence, including but not limited to, food and nutrition, shelter, hygiene, prescribed medication and medical care and treatment.

"Caregiver" shall include:

(A) a parent, spouse, adult child or other relative by blood or marriage who resides with or resides in the same building with and regularly visits the elderly or disabled person, knows or reasonably should know of such person's physical or mental impairment and knows or reasonably should know that such person is unable to adequately provide for his own health and personal care;

(B) a person who is employed by the elderly or disabled person or by another to reside with or regularly visit the elderly or disabled person and provide for such person's health and personal care;

(C) a person who has agreed for consideration to reside with or regularly visit the elderly or disabled person and provide for such person's health and personal care; and

(D) a person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the elderly or disabled person's health and personal care.

"Caregiver" shall not include a long-term care facility licensed or certified under the Nursing Home Care Act or any administrative, medical or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his profession.

4) "Abandon" means to desert or knowingly forsake an elderly or disabled person under circumstances in which a reasonable person would continue to provide care and custody.

5) "Willful deprivation" has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

(c) Nothing in this Section shall be construed to limit the remedies available to the victim under the Illinois Domestic Violence Act.

(d) Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to provide for the health and personal care of an elderly or disabled person, but through no fault of his own has been unable to provide such care.

(e) Nothing in this Section shall be construed as prohibiting a person from providing treatment by spiritual means through prayer alone and care consistent therewith in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the elderly or disabled person is a member.

(f) It is not a defense to criminal abuse or neglect of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

(Source: P.A. 90-14, eff. 7-1-97.)


Approved August 9, 2001.

Effective January 1, 2002.

PUBLIC ACT 92-0329

(Senate Bill No. 1058)
AN ACT in relation to probation and pretrial services fees.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 3-21, 3-24, 4-18, 4-21, and 5-305 as follows:

(705 ILCS 405/3-21) (from Ch. 37, par. 803-21)
Sec. 3-21. Continuance under supervision. (1) The court may enter an order of continuance under supervision (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to findings and adjudication, or after hearing the evidence at the adjudicatory hearing but before noting in the minutes of proceedings a finding of whether or not the minor is a person requiring authoritative intervention; and (b) in the absence of objection made in open court by the minor, his parent, guardian, custodian, responsible relative, defense attorney or the State's Attorney.

(2) If the minor, his parent, guardian, custodian, responsible relative, defense attorney or State's Attorney, objects in open court to any such continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a minor requiring authoritative intervention is continued pursuant to this Section, the court may permit the minor to remain in his home subject to such conditions concerning his conduct and supervision as the court may require by order.

(5) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that such condition of supervision has not been fulfilled the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 15 days of the filing of the petition unless a delay in such hearing has been occasioned by the minor, in which case the delay shall continue the tolling of the period of continuance under supervision for the period of such delay.

(6) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article III, as a condition of the order, a fee of $25 for each month or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all monies collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.
(Source: P.A. 85-601.)

(705 ILCS 405/3-24) (from Ch. 37, par. 803-24)
Sec. 3-24. Kinds of dispositional orders.

(1) The following kinds of orders of disposition may be made in respect to wards of the court:
A minor found to be requiring authoritative intervention under Section 3-3 may be (a) committed to the Department of Children and Family Services, subject to Section 5 of the Children and Family Services Act; (b) placed under supervision and released to his or her parents, guardian or legal custodian; (c) placed in accordance with Section 3-28 with or without also being placed under supervision. Conditions of supervision may be modified or terminated by the court if it deems that the best interests of the minor and the public will be served thereby; (d) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act; or (e) subject to having his or her driver's license or driving privilege suspended for such time as determined by the Court but only until he or she attains 18 years of age.

(2) Any order of disposition may provide for protective supervision under Section 3-25 and may include an order of protection under Section 3-26.
(3) Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 3-32.

(4) In addition to any other order of disposition, the court may order any person found to be a minor requiring authoritative intervention under Section 3-3 to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is committed or placed in accordance with Section 3-28 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article III, as a condition of the order, a fee of $25 for each month or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all moneys collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 13.1 of the Probation and Probation Officers Act.

(Source: P.A. 89-235, eff. 8-4-95; 90-590, eff. 1-1-99.)

(705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

Sec. 4-18. Continuance under supervision. (1) The court may enter an order of continuance under supervision (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to findings and adjudication, or after hearing the evidence at the adjudicatory hearing but before noting in the minutes of the proceeding a finding of whether or not the minor is an addict, and (b) in the absence of objection made in open court by the minor, his parent, guardian, custodian, responsible relative, defense attorney or the State's Attorney.

(2) If the minor, his parent, guardian, custodian, responsible relative, defense attorney or State's Attorney, objects in open court to any such continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing is continued pursuant to this Section, the court may permit the minor to remain in his home subject to such conditions concerning his conduct and supervision as the court may require by order.

(5) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that such condition of supervision has not been fulfilled the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 15 days of the filing of the petition unless a delay in such hearing has been occasioned by the minor, in which case the delay shall continue the tolling of the period of continuance under supervision for the period of such delay.

(6) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article IV, as a condition of the order, a fee of $25 for each month
or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all monies collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act. (Source: P.A. 89-202, eff. 7-21-95; 89-235, eff. 8-4-95; 89-626, eff. 8-9-96; 90-590, eff. 1-1-99.)

(705 ILCS 405/5-305)  
Sec. 5-305. Probation adjustment.

(1) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article IV, as a condition of the order, a fee of $25 for each month or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all monies collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act. (Source: P.A. 89-202, eff. 7-21-95; 89-235, eff. 8-4-95; 89-626, eff. 8-9-96; 90-590, eff. 1-1-99.)

(705 ILCS 405/5-305)  
Sec. 5-305. Probation adjustment.

(1) The court may authorize the probation officer to confer in a preliminary conference with a minor who is alleged to have committed an offense, his or her parent, guardian or legal custodian,
the victim, the juvenile police officer, the State's Attorney, and other interested persons concerning
the advisability of filing a petition under Section 5-520, with a view to adjusting suitable cases without
the filing of a petition as provided for in this Article, the probation officer should schedule a
conference promptly except when the State's Attorney insists on court action or when the minor has
indicated that he or she will demand a judicial hearing and will not comply with a probation
adjustment.

(1-b) In any case of a minor who is in custody, the holding of a probation adjustment
conference does not operate to prolong temporary custody beyond the period permitted by Section
5-415.

(2) This Section does not authorize any probation officer to compel any person to appear at
any conference, produce any papers, or visit any place.

(3) No statement made during a preliminary conference in regard to the offense that is the
subject of the conference may be admitted into evidence at an adjudicatory hearing or at any
proceeding against the minor under the criminal laws of this State prior to his or her conviction under
those laws.

(4) When a probation adjustment is appropriate, the probation officer shall promptly formulate
a written, non-judicial adjustment plan following the initial conference.

(5) Non-judicial probation adjustment plans include but are not limited to the following:
   (a) up to 6 months informal supervision within the family;
   (b) up to 12 months informal supervision with a probation officer involved which may
       include any conditions of probation provided in Section 5-713;
   (c) up to 6 months informal supervision with release to a person other than a parent;
   (d) referral to special educational, counseling, or other rehabilitative social or educational
       programs;
   (e) referral to residential treatment programs;
   (f) participation in a public or community service program or activity; and
   (g) any other appropriate action with the consent of the minor and a parent.

(6) The factors to be considered by the probation officer in formulating a non-judicial
probation adjustment plan shall be the same as those limited in subsection (4) of Section 5-405.

(7) Beginning January 1, 2000, the probation officer who imposes a probation adjustment plan
shall assure that information about an offense which would constitute a felony if committed by an
adult, and may assure that information about a misdemeanor offense, is transmitted to the Department
of State Police.

(Source: P.A. 90-590, eff. 1-1-99.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 110-10
as follows:

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)
Sec. 110-10. Conditions of bail bond.
(a) If a person is released prior to conviction, either upon payment of bail security or on his
or her own recognizance, the conditions of the bail bond shall be that he or she will:
   (1) Appear to answer the charge in the court having jurisdiction on a day certain and
       thereafter as ordered by the court until discharged or final order of the court;
   (2) Submit himself or herself to the orders and process of the court;
   (3) Not depart this State without leave of the court;
   (4) Not violate any criminal statute of any jurisdiction;
   (5) At a time and place designated by the court, surrender all firearms in his or her
       possession to a law enforcement officer designated by the court to take custody of and
       impound the firearms when the offense the person has been charged with is a forcible felony,
       stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled
       Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony,
       or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however,
       forgo the imposition of this condition when the circumstances of the case clearly do not
       warrant it or when its imposition would be impractical; all legally possessed firearms shall
       be returned to the person upon that person completing a sentence for a conviction on a
       misdemeanor domestic battery, upon the charges being dismissed, or if the person is found

New matter indicated by italics - deletions by strikeout.
not guilty, unless the finding of not guilty is by reason of insanity; and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

(1) Report to or appear in person before such person or agency as the court may direct;
(2) Refrain from possessing a firearm or other dangerous weapon;
(3) Refrain from approaching or communicating with particular persons or classes of persons;
(4) Refrain from going to certain described geographical areas or premises;
(5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;
(6) Undergo treatment for drug addiction or alcoholism;
(7) Undergo medical or psychiatric treatment;
(8) Work or pursue a course of study or vocational training;
(9) Attend or reside in a facility designated by the court;
(10) Support his or her dependents;
(11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;
(12) Observe any curfew ordered by the court;
(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;
(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;
(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all
monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

(1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

(1) Duly prosecute his appeal;
(2) Appear at such time and place as the court may direct;
(3) Not depart this State without leave of the court;
(4) Comply with such other reasonable conditions as the court may impose; and,
(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

New matter indicated by italics - deletions by strikeout.
Section 15. The Probation and Probation Officers Act is amended by changing Section 15.1 as follows:

(730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)
Sec. 15.1. Probation and Court Services Fund.
(a) The county treasurer in each county shall establish a probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) of Section 5-6-3.1 of the Unified Code of Corrections, and subsection (10) of Section 5-615 and subsection (5) of Section 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of subsection (b) of Section 110-10 of the Code of Criminal Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the circuit court in such circuit where the county is located. The county treasurer of each county shall, on or before January 10 of each year, submit an annual report to the Supreme Court.

(b) Monies in the probation and court services fund shall be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with policies and guidelines approved by the Supreme Court for the costs of operating the probation and court services department or departments; however, monies in the probation and court services fund shall not be used for the payment of salaries of probation and court services personnel.

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.

(d) Interest earned on monies deposited in a probation and court services fund may be used by the county for its ordinary and contingent expenditures.

(e) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support programs that are part of the continuum of juvenile delinquency intervention programs which are or may be developed within the county. The grants from the probation and court services fund shall be for no more than one year and may be used for any expenses attributable to the program including administration and oversight of the program by the probation department.

(Source: P.A. 89-198, eff. 7-21-95; 90-590, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 9, 2001.
Effective August 9, 2001.

AN ACT concerning access to data.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-40 as follows:
(5 ILCS 100/5-40) (from Ch. 127, par. 1005-40)
Sec. 5-40. General rulemaking.
(a) In all rulemaking to which Sections 5-45 and 5-50 do not apply, each agency shall comply with this Section.

(b) Each agency shall give at least 45 days' notice of its intended action to the general public. This first notice period shall commence on the first day the notice appears in the Illinois Register. The first notice shall include all the following:
(1) The text of the proposed rule, the old and new materials of a proposed amendment, or the text of the provision to be repealed.

(2) The specific statutory citation upon which the proposed rule, the proposed amendment to a rule, or the proposed repeal of a rule is based and by which it is authorized.

(3) A complete description of the subjects and issues involved.

(3.5) A descriptive title or other description of any published study or research report

New matter indicated by italics - deletions by strikeout.
used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act.

(4) For all proposed rules and proposed amendments to rules, an initial regulatory flexibility analysis containing a description of the types of small businesses subject to the rule; a brief description of the proposed reporting, bookkeeping, and other procedures required for compliance with the rule; and a description of the types of professional skills necessary for compliance.

(5) The time, place, and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

During the first notice period, the agency shall accept from any interested persons data, views, arguments, or comments. These may, in the discretion of the agency, be submitted either orally or in writing or both. The notice published in the Illinois Register shall indicate the manner selected by the agency for the submissions. The agency shall consider all submissions received.

The agency shall hold a public hearing on the proposed rulemaking during the first notice period if (i) during the first notice period, the agency finds that a public hearing would facilitate the submission of views and comments that might not otherwise be submitted or (ii) the agency receives a request for a public hearing, within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register, from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected. At the public hearing, the agency shall allow interested persons to present views and comments on the proposed rulemaking. A public hearing in response to a request for a hearing may not be held less than 20 days after the publication of the notice of proposed rulemaking in the Illinois Register unless notice of the public hearing is included in the notice of proposed rulemaking. A public hearing on proposed rulemaking may not be held less than 5 days before submission of the notice required under subsection (c) of this Section to the Joint Committee on Administrative Rules. Each agency may prescribe reasonable rules for the conduct of public hearings on proposed rulemaking to prevent undue repetition at the hearings. The hearings must be open to the public and recorded by stenographic or mechanical means. At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency’s proposal and the rulemaking process.

(c) Each agency shall provide additional notice of the proposed rulemaking to the Joint Committee on Administrative Rules. The period commencing on the day written notice is received by the Joint Committee shall be known as the second notice period and shall expire 45 days thereafter unless before that time the agency and the Joint Committee have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or unless the agency has received a statement of objection from the Joint Committee that no objection will be issued. The written notice to the Joint Committee shall include (i) the text and location of any changes made to the proposed rulemaking during the first notice period in a form prescribed by the Joint Committee; (ii) for all proposed rules and proposed amendments to rules, a final regulatory flexibility analysis containing a summary of issues raised by small businesses during the first notice period and a description of actions taken on any alternatives to the proposed rule suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized; and (iii) if a written request has been made by the Joint Committee within 30 days after initial notice appears in the Illinois Register under subsection (b) of this Section, an analysis of the economic and budgetary effects of the proposed rulemaking. After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee. The agency shall also send a copy of the final regulatory flexibility analysis to each small business that has presented views or comments on the proposed rulemaking during the first notice period and to any other interested person who requests a copy. The agency may charge a reasonable fee for providing the copies to cover postage and handling costs.

New matter indicated by italics - deletions by strikeout.
(d) After the expiration of the second notice period, after notification from the Joint Committee that no objection will be issued, or after a response by the agency to a statement of objections issued by the Joint Committee, whichever is applicable, the agency shall file, under Section 5-65, a certified copy of each rule, modification, or repeal of any rule adopted by it. The copy shall be published in the Illinois Register. Each rule hereafter adopted under this Section is effective upon filing unless a later effective date is required by statute or is specified in the rulemaking.

(e) No rule or modification or repeal of any rule may be adopted, or filed with the Secretary of State, more than one year after the date the first notice period for the rulemaking under subsection (b) commenced. Any period during which the rulemaking is prohibited from being filed under Section 5-115 shall not be considered in calculating this one-year time period.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0331
(Senate Bill No. 1505)

AN ACT relating to the uninsured.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Insurance Law of the Civil Administrative Code of Illinois is amended by adding Section 1405-25 as follows:
(20 ILCS 1405/1405-25 new)
Sec. 1405-25. Uninsured Ombudsman Program.
(a) The Department of Insurance shall establish and operate an Ombudsman Program for uninsured individuals to provide assistance and education to those individuals regarding health insurance benefits options and rights under State and federal law. The program may include, but is not limited to, counseling for uninsured individuals in the discovery, evaluation, and comparison of options for obtaining health insurance coverage.
(b) The Department may recruit and train volunteers to assist in the Ombudsman Program. The volunteers may provide one-on-one counseling on health insurance availability matters and provide education to uninsured individuals through public forums.
(c) The Department may issue reasonable rules necessary to implement this Section.
Section 99. Effective date. This Act takes effect on January 1, 2002.
Approved August 9, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0332
(House Bill No. 0231)

AN ACT in relation to firearms.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-555 as follows:
(20 ILCS 2605/2605-555 new)
Sec. 2605-555. Pilot program; Project Exile.
(a) The Department shall establish a Project Exile pilot program to combat gun violence.
(b) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent possible, encourage the prosecution in federal court of all persons who illegally use, attempt to use, or threaten to use firearms against the person or property of another, of all persons who use or possess a firearm in connection with a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, all

New matter indicated by italics - deletions by strikeout.
persons who have been convicted of a felony under the laws of this State or any other jurisdiction who
possess any weapon prohibited under Section 24-1 of the Criminal Code of 1961 or any firearm or
any firearm ammunition, and of all persons who use or possess a firearm in connection with a
violation of an order of protection issued under the Illinois Domestic Violence Act of 1986 or Article
112A of the Code of Criminal Procedure of 1963 or in connection with the offense of domestic battery.
The program shall also encourage public outreach by law enforcement agencies.

(c) There is created the Project Exile Fund, a special fund in the State treasury. Moneys
appropriated for the purposes of Project Exile and moneys from any other private or public source,
including without limitation grants from the Department of Commerce and Community Affairs, shall
be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the
Department of State Police to develop and administer the Project Exile pilot program.

(d) The Department shall report to the General Assembly by March 1, 2003 regarding the
implementation and effects of the Project Exile pilot program and shall by that date make
recommendations to the General Assembly for changes in the program that the Department deems
appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of
the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, with
the President, the Minority Leader, and the Secretary of the Senate, and with the Legislative Research
Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional
copies with the State Government Report Distribution Center for the General Assembly as is required
under paragraph (t) of Section 7 of the State Library Act.

Section 10. The State Finance Act is amended by adding Section 5.546 as follows:

(30 ILCS 105/5.546 new)
Sec. 5.546. The Project Exile Fund.

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

PUBLIC ACT 92-0333
(House Bill No. 0280)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 15-5, 15-10, and 15-40
as follows:

(35 ILCS 200/15-5)
Sec. 15-5. Creation of exemptions. Any person wishing to claim an exemption for the first
time, other than a homestead exemption under Sections 15-165 through 15-180, shall file an
application with the county board of review or board of appeals, following the procedures of Section
16-70 or 16-130. In addition, in counties with a population of 3,000,000 or more, the board of review
shall transmit to the county assessor's office, within 14 days of receipt, a copy of any application that
requests exempt status under Section 15-40.
(Source: P.A. 88-455.)
(35 ILCS 200/15-10)
Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption
by the Department pursuant to the requirements of Section 15-5 and described in the Sections
following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from
taxation. In order to maintain that exempt status, however, it is the duty of the titleholder or the owner
of the beneficial interest of any property that is exempt must, except property exempted under Section
15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit
organization, exempted under Section 15-50 (United States property), and except as is otherwise
provided in Sections 15-170 and 15-175 (senior and general homesteads), to file with the chief county
assessment officer, on or before January 31 of each year (May 31 in the case of property exempted
by Section 15-170), an affidavit stating whether there has been any change in the ownership or use

New matter indicated by italics - deletions by strikeout.
of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. In counties of less than 3,000,000 inhabitants, the titleholder or the owner of the beneficial interest of property owned by a not-for-profit organization and exempt under Section 15-45 is not required to file an affidavit after January 31, 1998. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

1. Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.
2. Section 15-40.
3. Section 15-50 (United States property).
4. As is otherwise provided in Sections 15-170 and 15-175 (senior and general homestead exemptions).

If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

(Source: P.A. 90-323, eff. 1-1-98.)

(35 ILCS 200/15-40)
Sec. 15-40. Religious purposes, orphanages, or school and religious purposes.

(a) All property used exclusively for:

(1) religious purposes, or used exclusively for
(2) school and religious purposes, or for
(3) orphanages qualifies for exemption as long as it is not and not leased or otherwise
used with a view to profit.

(b) Property that is owned by

(1) churches or
(2) religious institutions or
(3) religious denominations and that is used in conjunction therewith as housing facilities
provided for ministers (including bishops, district superintendents and similar church officials
whose ministerial duties are not limited to a single congregation), their spouses, children and
domestic workers, performing the duties of their vocation as ministers at such churches or
religious institutions or for such religious denominations, and
including the convents and
monasteries where persons engaged in religious activities reside also qualifies for exemption.
A parsonage, convent or monastery or other housing facility shall be considered under this
Section to be exclusively used for religious purposes when the church, religious institution, or
denomination requires that the above listed persons who perform religious related activities shall, as
a condition of their employment or association, reside in the facility.

(c) In Cook County, whenever any interest in a property exempt under this Section is
transferred, notice of that transfer must be filed with the county recorder. The chief county assessment
officer shall prepare and make available a form notice for this purpose. Whenever a notice is filed,
the county recorder shall transmit a copy of that recorded notice to the chief county assessment officer
within 14 days after receipt.

(Source: P.A. 84-551: 88-455.)

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

PUBLIC ACT 92-0334

New matter indicated by italics - deletions by strikeout.
(House Bill No. 0638)

AN ACT concerning the Department of Children and Family Services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Sections 7, 7.3, and
35.6 and adding Section 5d as follows:
(20 ILCS 505/5d new)
Sec. 5d. Advocacy Office for Children and Families. The Department of Children and Family
Services shall establish and maintain an Advocacy Office for Children and Families that shall, in
addition to other duties assigned by the Director, receive and respond to complaints that may be filed
by children, parents, caretakers, and relatives of children receiving child welfare services from the
Department of Children and Family Services or its agents. The Department shall promulgate policies
and procedures for filing, processing, investigating, and resolving the complaints. The Department
shall make a final report to the complainant of its findings. If a final report is not completed, the
Department shall report on its disposition every 30 days. The Advocacy Office shall include a
statewide toll-free telephone number that may be used to file complaints, or to obtain information
about the delivery of child welfare services by the Department or its agents. This telephone number
shall be included in all appropriate notices and handbooks regarding services available through the
Department.
(20 ILCS 505/7) (from Ch. 23, par. 5007)
Sec. 7. Placement of children; considerations.
(a) In placing any child under this Act, the Department shall place such child, as far as
possible, in the care and custody of some individual holding the same religious belief as the parents
of the child, or with some child care facility which is operated by persons of like religious faith as the
parents of such child.
(b) In placing a child under this Act, the Department may place a child with a relative if the
Department has reason to believe that the relative will be able to adequately provide for the child's
safety and welfare. The Department may not place a child with a relative, with the exception of certain
circumstances which may be waived as defined by the Department in rules, if the results of a check
of the Law Enforcement Agency Data System (LEADS) identifies a prior criminal conviction of the
relative or any adult member of the relative's household for any of the following offenses under the
Criminal Code of 1961:
(1) murder;
(1.1) solicitation of murder;
(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8,
11-12, and 11-13;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;

New matter indicated by italics - deletions by strikeout.
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery;
(12) aggravated battery with a firearm;
(13) tampering with food, drugs, or cosmetics;
(14) drug-induced infliction of great bodily harm;
(15) aggravated stalking;
(16) home invasion;
(17) vehicular invasion;
(18) criminal transmission of HIV;
(19) criminal neglect of an elderly or disabled person;
(20) child abandonment;
(21) endangering the life or health of a child;
(22) ritual mutilation;
(23) ritualized abuse of a child;
(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

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

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

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

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

(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

(20 ILCS 505/7.3)

Sec. 7.3. Placement plan. The Department shall develop and implement a written plan for placing children. The plan shall include at least the following features:

(1) A plan for recruiting minority adoptive and foster families. The plan shall include
strategies for using existing resources in minority communities, use of minority outreach staff whenever possible, use of minority foster homes for placements after birth and before adoption, and other techniques as appropriate.

(2) A plan for training adoptive and foster families of minority children.

(3) A plan for employing social workers in adoption and foster care. The plan shall include staffing goals and objectives.

(4) A plan for ensuring that adoption and foster care workers attend training offered or approved by the Department regarding the State's goal of encouraging cultural diversity and the needs of special needs children.

(5) A plan that includes policies and procedures for determining for each child requiring placement outside of his or her home, and who cannot be immediately returned to his or her parents or guardian, the placement needs of that child. In the rare instance when an individualized assessment identifies, documents, and substantiates that race, color, or national origin is a factor that needs to be considered in advancing a particular child's best interests, it shall be considered in making a placement.

(Source: P.A. 89-422.)

Sec. 35.6. State-wide Foster parent state-wide toll-free telephone number.

(a) There shall be a State-wide, toll-free telephone number for any person foster parents, whether or not mandated by law, to report to the Inspector General of the Department, suspected misconduct, malfeasance, misfeasance, or violations of rules, procedures, or laws by Department employees, service providers, or contractors that is detrimental to the best interest of children receiving care, services, or training from or who were committed to the Department as allowed under Section 5 of this Act. Immediately upon receipt of a telephone call regarding suspected abuse or neglect of children, the Inspector General shall refer the call to the Child Abuse and Neglect Hotline or to the State Police as mandated by the Abused and Neglected Child Reporting Act and Section 35.5 of this Act. A mandated reporter shall not be relieved of his or her duty to report incidents to the Child Abuse and Neglect Hotline referred to in this subsection. The Inspector General shall also establish rules and procedures for evaluating reports of suspected misconduct and violation of rules and for conducting an investigation of such reports.

(b) The Inspector General shall prepare and maintain written records from the reporting source that shall contain the following information to the extent known at the time the report is made: (1) the names and addresses of the child and the person responsible for the child's welfare; (2) the nature of the misconduct and the detriment cause to the child's best interest; (3) the names of the persons or agencies responsible for the alleged misconduct. Any investigation conducted by the Inspector General pursuant to such information shall not duplicate and shall be separate from the investigation mandated by the Abused and Neglected Child Reporting Act. However, the Inspector General may include the results of such investigation in reports compiled under this Section. At the request of the reporting agent, the Inspector General shall keep the identity of the reporting agent strictly confidential from the operation of the Department, until the Inspector General shall determine what recommendations shall be made with regard to discipline or sanction of the Department employee, service provider, or contractor, with the exception of suspected child abuse or neglect which shall be handled consistent with the Abused and Neglected Child Reporting Act and Section 35.5 of this Act. The Department shall take whatever steps are necessary to assure that a person making a report in good faith under this Section is not adversely affected solely on the basis of having made such report.

(Source: P.A. 88-7; 88-491.)

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

PUBLIC ACT 92-0335
(House Bill No. 1029)

AN ACT concerning the media.

New matter indicated by italics - deletions by strikeout.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Freedom of Information Act is amended by changing Section 2 as follows:

5 ILCS 140/2 (from Ch. 116, par. 202)

(Text of Section before amendment by P.A. 91-935)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Sections 30-9, 30-10, and 30-11 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code and (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97; 90-670, eff. 7-31-98.)

(Text of Section after amendment by P.A. 91-935)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this
State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent contractors or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98; 91-935, eff. 6-1-01.)

Section 10. The State Records Act is amended by changing Section 4a as follows:

(5 ILCS 160/4a)

Sec. 4a. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address, and photograph, when and if available.
(2) Information detailing any charges relating to the arrest.
(3) The time and location of the arrest.
(4) The name of the investigating or arresting law enforcement agency.
(5) If the individual is incarcerated, the amount of any bail or bond.
(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.
(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:
(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or
(3) compromise the security of any correctional facility.
(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.
(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.
(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.
(Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)
Section 15. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 55a as follows:
(20 ILCS 2605/55a) (from Ch. 127, par. 55a)
Sec. 55a. Powers and duties.
(A) The Department of State Police shall have the following powers and duties, and those set forth in Sections 55a-1 through 55c:
1. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Act.
2. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Radio Act.
3. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Criminal Identification Act.
4. To (a) investigate the origins, activities, personnel and incidents of crime and the ways and means to redress the victims of crimes, and study the impact, if any, of legislation relative to the effusion of crime and growing crime rates, and enforce the criminal laws of this State related thereto, (b) enforce all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, delivering, distributing, or use of controlled substances and cannabis, (c) employ skilled experts, scientists, technicians, investigators or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the State, (d) cooperate with the police of cities, villages and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests and recovering property, (e) apprehend and deliver up any person charged in this State or any other State of the United States with treason, felony, or other crime, who has fled from justice and is found in this State, and (f) conduct such other investigations as may be provided by law. Persons exercising these powers within the Department are conservators of the peace and as such have all the powers possessed by policemen in cities and sheriffs, except that they may exercise such powers anywhere in the State in cooperation with and after contact with the local law enforcement officials. Such persons may use false or fictitious names in the performance of their
duties under this paragraph, upon approval of the Director, and shall not be subject to prosecution under the criminal laws for such use.

5. To: (a) be a central repository and custodian of criminal statistics for the State, (b) be a central repository for criminal history record information, (c) procure and file for record such information as is necessary and helpful to plan programs of crime prevention, law enforcement and criminal justice, (d) procure and file for record such copies of fingerprints, as may be required by law, (e) establish general and field crime laboratories, (f) register and file for record such information as may be required by law for the issuance of firearm owner's identification cards, (g) employ polygraph operators, laboratory technicians and other specially qualified persons to aid in the identification of criminal activity, and (h) undertake such other identification, information, laboratory, statistical or registration activities as may be required by law.

5.5. Provide, when an individual is arrested, that the following information must be made available to the news media for inspection and copying:

(a) Information that identifies the person, including the name, age, address, and photograph, when and if available.

(b) Information detailing any charges relating to the arrest.

(c) The time and location of the arrest.

(d) The name of the investigating or arresting law enforcement agency.

(e) If incarcerated, the amount of any bail or bond.

(f) If incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(1) The information required by this paragraph must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in subparagraphs (e), (d), (e), and (f) of this paragraph, however, may be withheld if it is determined that disclosure would (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(2) For the purposes of this paragraph, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(3) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(4) The provisions of this paragraph do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act.

6. To (a) acquire and operate one or more radio broadcasting stations in the State to be used for police purposes, (b) operate a statewide communications network to gather and disseminate information for law enforcement agencies, (c) operate an electronic data processing and computer center for the storage and retrieval of data pertaining to criminal activity, and (d) undertake such other communication activities as may be required by law.

7. To provide, as may be required by law, assistance to local law enforcement agencies through (a) training, management and consultant services for local law enforcement agencies, and (b) the pursuit of research and the publication of studies pertaining to local law enforcement activities.

8. To exercise the rights, powers and duties which have been vested in the Department of State Police and the Director of the Department of State Police by the Narcotic Control Division Abolition Act.

9. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Illinois Vehicle Code.

10. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Firearm Owners Identification Card Act.

New matter indicated by italics - deletions by strikeout.
11. To enforce and administer such other laws in relation to law enforcement as may be vested in the Department.

12. To transfer jurisdiction of any realty title to which is held by the State of Illinois under the control of the Department to any other department of the State government or to the State Employees Housing Commission, or to acquire or accept Federal land, when such transfer, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

13. With the written approval of the Governor, to enter into agreements with other departments created by this Act, for the furlough of inmates of the penitentiary to such other departments for their use in research programs being conducted by them.

For the purpose of participating in such research projects, the Department may extend the limits of any inmate's place of confinement, when there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions, to leave the confines of the place unaccompanied by a custodial agent of the Department. The Department shall make rules governing the transfer of the inmate to the requesting other department having the approved research project, and the return of such inmate to the unextended confines of the penitentiary. Such transfer shall be made only with the consent of the inmate.

The willful failure of a prisoner to remain within the extended limits of his or her confinement or to return within the time or manner prescribed to the place of confinement designated by the Department in granting such extension shall be deemed an escape from custody of the Department and punishable as provided in Section 3-6-4 of the Unified Code of Corrections.

14. To provide investigative services, with all of the powers possessed by policemen in cities and sheriffs, in and around all race tracks subject to the Horse Racing Act of 1975.

15. To expend such sums as the Director deems necessary from Contractual Services appropriations for the Division of Criminal Investigation for the purchase of evidence and for the employment of persons to obtain evidence. Such sums shall be advanced to agents authorized by the Director to expend funds, on vouchers signed by the Director.

16. To assist victims and witnesses in gang crime prosecutions through the administration of funds appropriated from the Gang Violence Victims and Witnesses Fund to the Department. Such funds shall be appropriated to the Department and shall only be used to assist victims and witnesses in gang crime prosecutions and such assistance may include any of the following:

(a) temporary living costs;
(b) moving expenses;
(c) closing costs on the sale of private residence;
(d) first month's rent;
(e) security deposits;
(f) apartment location assistance;
(g) other expenses which the Department considers appropriate; and
(h) compensation for any loss of or injury to real or personal property resulting from a gang crime to a maximum of $5,000, subject to the following provisions:

(1) in the case of loss of property, the amount of compensation shall be measured by the replacement cost of similar or like property which has been incurred by and which is substantiated by the property owner,

(2) in the case of injury to property, the amount of compensation shall be measured by the cost of repair incurred and which can be substantiated by the property owner,

(3) compensation under this provision is a secondary source of compensation and shall be reduced by any amount the property owner receives from any other source as compensation for the loss or injury, including, but not limited to, personal insurance coverage,

(4) no compensation may be awarded if the property owner was an offender or an accomplice of the offender, or if the award would unjustly benefit the offender or offenders, or an accomplice of the offender or offenders.

No victim or witness may receive such assistance if he or she is not a part of or fails to fully cooperate in the prosecution of gang crime members by law enforcement authorities.

The Department shall promulgate any rules necessary for the implementation of this amendatory Act of 1985.
17. To conduct arson investigations.
18. To develop a separate statewide statistical police contact record keeping system for the study of juvenile delinquency. The records of this police contact system shall be limited to statistical information. No individually identifiable information shall be maintained in the police contact statistical record system.
19. To develop a separate statewide central juvenile records system for persons arrested prior to the age of 17 under Section 5-401 of the Juvenile Court Act of 1987 or adjudicated delinquent minors and to make information available to local law enforcement officers so that law enforcement officers will be able to obtain rapid access to the background of the minor from other jurisdictions to the end that the juvenile police officers can make appropriate decisions which will best serve the interest of the child and the community. The Department shall submit a quarterly report to the General Assembly and Governor which shall contain the number of juvenile records that the Department has received in that quarter and a list, by category, of offenses that minors were arrested for or convicted of by age, race and gender.
20. To develop rules which guarantee the confidentiality of such individually identifiable juvenile records except to juvenile authorities who request information concerning the minor and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section, “juvenile authorities” means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual or public or private agency having custody of the child pursuant to court order; (v) any individual or public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court; (xi) the Illinois General Assembly or any committee or commission thereof.
21. To develop administrative rules and administrative hearing procedures which allow a minor, his or her attorney, and his or her parents or guardian access to individually identifiable juvenile records for the purpose of determining or challenging the accuracy of the records. Final administrative decisions shall be subject to the provisions of the Administrative Review Law.
22. To charge, collect, and receive fees or moneys equivalent to the cost of providing Department of State Police personnel, equipment, and services to local governmental agencies when explicitly requested by a local governmental agency and pursuant to an intergovernmental agreement as provided by this Section, other State agencies, and federal agencies, including but not limited to fees or moneys equivalent to the cost of providing dispatching services, radio and radar repair, and training to local governmental agencies on such terms and conditions as in the judgment of the Director are in the best interest of the State; and to establish, charge, collect and receive fees or moneys based on the cost of providing responses to requests for criminal history record information pursuant to positive identification and any Illinois or federal law authorizing access to some aspect of such information and to prescribe the form and manner for requesting and furnishing such information to the requestor on such terms and conditions as in the judgment of the Director are in the best interest of the State, and to establish, charge, collect and receive fees or moneys equivalent to the cost of providing electronic data processing lines or related telecommunication services to local governments, but only when such services can be provided by the Department at a cost less than that experienced by said local governments through other means. All services provided by the Department shall be conducted pursuant to contracts in accordance with the Intergovernmental Cooperation Act, and all telecommunication services shall be provided pursuant to the provisions of Section 67.18 of this Code. All fees received by the Department of State Police under this Act or the Illinois Uniform Conviction Information Act shall be deposited in a special fund in the State Treasury to be known as the State Police Services Fund. The money deposited in the State Police Services Fund shall be
appropriated to the Department of State Police for expenses of the Department of State Police.

Upon the completion of any audit of the Department of State Police as prescribed by the Illinois State Auditing Act, which audit includes an audit of the State Police Services Fund, the Department of State Police shall make the audit open to inspection by any interested person.

23. To exercise the powers and perform the duties which have been vested in the Department of State Police by the Intergovernmental Missing Child Recovery Act of 1984, and to establish reasonable rules and regulations necessitated thereby.

24. (a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors. The Department shall implement an automatic data exchange system to compile, to maintain and to make available to other law enforcement agencies for immediate dissemination data which can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this subsection, the Department shall:

(1) provide a uniform reporting format for the entry of pertinent information regarding the report of a missing person into LEADS;

(2) develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance;

(3) notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency, and that no waiting period for the entry of such data exists;

(4) compile and retain information regarding lost, abducted, missing or runaway minors in a separate data file, in a manner that allows such information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. Such information shall include the disposition of all reported lost, abducted, missing or runaway minor cases;

(5) compile and maintain an historic data repository relating to lost, abducted, missing or runaway minors and other missing persons in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons; and

(6) create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS and performance audits of all entering agencies.

25. On request of a school board or regional superintendent of schools, to conduct an inquiry pursuant to Section 10-21.9 or 34-18.5 of the School Code to ascertain if an applicant for employment in a school district has been convicted of any criminal or drug offenses enumerated in Section 10-21.9 or 34-18.5 of the School Code. The Department shall furnish such conviction information to the President of the school board of the school district which has requested the information, or if the information was requested by the regional superintendent to that regional superintendent.

26. To promulgate rules and regulations necessary for the administration and enforcement of its powers and duties, wherever granted and imposed, pursuant to the Illinois Administrative Procedure Act.

27. To (a) promulgate rules pertaining to the certification, revocation of certification and training of law enforcement officers as electronic criminal surveillance officers, (b) provide training and technical assistance to State's Attorneys and local law enforcement agencies pertaining to the interception of private oral communications, (c) promulgate rules necessary for the administration of Article 108B of the Code of Criminal Procedure of 1963, including but not limited to standards for recording and minimization of electronic criminal surveillance intercepts, documentation required to be maintained during an intercept, procedures in relation to evidence developed by an intercept, and (d) charge a reasonable fee to each law enforcement agency that sends officers to receive training as electronic criminal surveillance officers.
28. Upon the request of any private organization which devotes a major portion of its time to the provision of recreational, social, educational or child safety services to children, to conduct, pursuant to positive identification, criminal background investigations of all of that organization's current employees, current volunteers, prospective employees or prospective volunteers charged with the care and custody of children during the provision of the organization's services, and to report to the requesting organization any record of convictions maintained in the Department's files about such persons. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection. Information received by the organization from the Department concerning an individual shall be provided to such individual. Any such information obtained by the organization shall be confidential and may not be transmitted outside the organization and may not be transmitted to anyone within the organization except as needed for the purpose of evaluating the individual. Only information and standards which bear a reasonable and rational relation to the performance of child care shall be used by the organization. Any employee of the Department or any member, employee or volunteer of the organization receiving confidential information under this subsection who gives or causes to be given any confidential information concerning any criminal convictions of an individual shall be guilty of a Class A misdemeanor unless release of such information is authorized by this subsection.

29. Upon the request of the Department of Children and Family Services, to investigate reports of child abuse or neglect.

30. To obtain registration of a fictitious vital record pursuant to Section 15.1 of the Vital Records Act.

31. To collect and disseminate information relating to "hate crimes" as defined under Section 12-7.1 of the Criminal Code of 1961 contingent upon the availability of State or Federal funds to revise and upgrade the Illinois Uniform Crime Reporting System. All law enforcement agencies shall report monthly to the Department of State Police concerning such offenses in such form and in such manner as may be prescribed by rules and regulations adopted by the Department of State Police. Such information shall be compiled by the Department and be disseminated upon request to any local law enforcement agency, unit of local government, or state agency. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law. The Department of State Police shall provide training for State Police officers in identifying, responding to, and reporting all hate crimes. The Illinois Law Enforcement Training Standards Board shall develop and certify a course of such training to be made available to local law enforcement officers.

32. Upon the request of a private carrier company that provides transportation under Section 28b of the Metropolitan Transit Authority Act, to ascertain if an applicant for a driver position has been convicted of any criminal or drug offense enumerated in Section 28b of the Metropolitan Transit Authority Act. The Department shall furnish the conviction information to the private carrier company that requested the information.

33. To apply for grants or contracts, receive, expend, allocate, or disburse funds and moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning. All funds received by the Department from these sources shall be deposited into the appropriate fund in the State Treasury to be appropriated to the Department for purposes as indicated by the grantor or contractor or, in the case of funds or moneys bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director in administering the responsibilities of the Department.

34. Upon the request of the Department of Children and Family Services, the Department of State Police shall provide properly designated employees of the Department of Children and Family Services with criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the Statewide Central Juvenile record system as defined in subdivision (A)19 of this Section if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The request shall be in the form and manner specified by the Department of State Police.
35. The Illinois Department of Public Aid is an authorized entity under this Section for the purpose of exchanging information, in the form and manner required by the Department of State Police, to facilitate the location of individuals for establishing paternity, and establishing, modifying, and enforcing child support obligations, pursuant to the Illinois Public Aid Code and Title IV, Part D of the Social Security Act.

36. Upon request of the Department of Human Services, to conduct an assessment and evaluation of sexually violent persons as mandated by the Sexually Violent Persons Commitment Act, the Department shall furnish criminal history information maintained on the requested person. The request shall be in the form and manner specified by the Department.

(B) The Department of State Police may establish and maintain, within the Department of State Police, a Statewide Organized Criminal Gang Database (SWORD) for the purpose of tracking organized criminal gangs and their memberships. Information in the database may include, but not be limited to, the name, last known address, birth date, physical descriptions (such as scars, marks, or tattoos), officer safety information, organized gang affiliation, and entering agency identifier. The Department may develop, in consultation with the Criminal Justice Information Authority, and in a form and manner prescribed by the Department, an automated data exchange system to compile, to maintain, and to make this information electronically available to prosecutors and to other law enforcement agencies. The information may be used by authorized agencies to combat the operations of organized criminal gangs statewide.

(C) The Department of State Police may ascertain the number of bilingual police officers and other personnel needed to provide services in a language other than English and may establish, under applicable personnel rules and Department guidelines or through a collective bargaining agreement, a bilingual pay supplement program.

(Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-309, eff. 7-29-99.)

Sec. 55a. Powers and duties.

(A) The Department of State Police shall have the following powers and duties, and those set forth in Sections 55a-1 through 55c:

1. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Act.

2. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Radio Act.

3. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Criminal Identification Act.

4. To (a) investigate the origins, activities, personnel and incidents of crime and the ways and means to redress the victims of crimes, and study the impact, if any, of legislation relative to the effusion of crime and growing crime rates, and enforce the criminal laws of this State related thereto, (b) enforce all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, delivering, distributing, or use of controlled substances and cannabis, (c) employ skilled experts, scientists, technicians, investigators or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the State, (d) cooperate with the police of cities, villages and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests and recovering property, (e) apprehend and deliver up any person charged in this State or any other State of the United States with treason, felony, or other crime, who has fled from justice and is found in this State, and (f) conduct such other investigations as may be provided by law. Persons exercising these powers within the Department are conservators of the peace and as such have all the powers possessed by policemen in cities and sheriffs, except that they may exercise such powers anywhere in the State in cooperation with and after contact with the local law enforcement officials. Such persons may use false or fictitious names in the performance of their duties under this paragraph, upon approval of the Director, and shall not be subject to prosecution under the criminal laws for such use.

5. To: (a) be a central repository and custodian of criminal statistics for the State, (b) be a central repository for criminal history record information, (c) procure and file for record such
information as is necessary and helpful to plan programs of crime prevention, law enforcement and
criminal justice, (d) procure and file for record such copies of fingerprints, as may be required by law,
(e) establish general and field crime laboratories, (f) register and file for record such information as
may be required by law for the issuance of firearm owner's identification cards, (g) employ polygraph
operators, laboratory technicians and other specially qualified persons to aid in the identification of
criminal activity, and (h) undertake such other identification, information, laboratory, statistical or
registration activities as may be required by law.

6. To (a) acquire and operate one or more radio broadcasting stations in the State to be used
for police purposes, (b) operate a statewide communications network to gather and disseminate
information for law enforcement agencies, (c) operate an electronic data processing and computer
center for the storage and retrieval of data pertaining to criminal activity, and (d) undertake such other
communication activities as may be required by law.

7. To provide, as may be required by law, assistance to local law enforcement agencies
through (a) training, management and consultant services for local law enforcement agencies, and (b)
the pursuit of research and the publication of studies pertaining to local law enforcement activities.

8. To exercise the rights, powers and duties which have been vested in the Department of State
Police and the Director of the Department of State Police by the Narcotic Control Division Abolition
Act.

9. To exercise the rights, powers and duties which have been vested in the Department of

10. To exercise the rights, powers and duties which have been vested in the Department of
Public Safety by the Firearm Owners Identification Card Act.

11. To enforce and administer such other laws in relation to law enforcement as may be vested
in the Department.

12. To transfer jurisdiction of any realty title to which is held by the State of Illinois under the
control of the Department to any other department of the State government or to the State Employees
Housing Commission, or to acquire or accept Federal land, when such transfer, acquisition or
acceptance is advantageous to the State and is approved in writing by the Governor.

13. With the written approval of the Governor, to enter into agreements with other
departments created by this Act, for the furlough of inmates of the penitentiary to such other
departments for their use in research programs being conducted by them.

For the purpose of participating in such research projects, the Department may extend
the limits of any inmate's place of confinement, when there is reasonable cause to believe that the inmate
will honor his or her trust by authorizing the inmate, under prescribed conditions, to leave the confines
of the place unaccompanied by a custodial agent of the Department. The Department shall make rules
governing the transfer of the inmate to the requesting other department having the approved research
project, and the return of such inmate to the unextended confines of the penitentiary. Such transfer
shall be made only with the consent of the inmate.

The willful failure of a prisoner to remain within the extended limits of his or her confinement
or to return within the time or manner prescribed to the place of confinement designated by the
Department in granting such extension shall be deemed an escape from custody of the Department and
punishable as provided in Section 3-6-4 of the Unified Code of Corrections.

14. To provide investigative services, with all of the powers possessed by policemen in cities
and sheriffs, in and around all race tracks subject to the Horse Racing Act of 1975.

15. To expend such sums as the Director deems necessary from Contractual Services
appropriations for the Division of Criminal Investigation for the purchase of evidence and for the
employment of persons to obtain evidence. Such sums shall be advanced to agents authorized by the
Director to expend funds, on vouchers signed by the Director.

16. To assist victims and witnesses in gang crime prosecutions through the administration of
funds appropriated from the Gang Violence Victims and Witnesses Fund to the Department. Such
funds shall be appropriated to the Department and shall only be used to assist victims and witnesses
in gang crime prosecutions and such assistance may include any of the following:

(a) temporary living costs;
(b) moving expenses;
(c) closing costs on the sale of private residence;

New matter indicated by italics - deletions by strikeout.
(d) first month's rent;
(e) security deposits;
(f) apartment location assistance;
(g) other expenses which the Department considers appropriate; and
(h) compensation for any loss of or injury to real or personal property resulting from a gang crime to a maximum of $5,000, subject to the following provisions:
   (1) in the case of loss of property, the amount of compensation shall be measured by the replacement cost of similar or like property which has been incurred by and which is substantiated by the property owner,
   (2) in the case of injury to property, the amount of compensation shall be measured by the cost of repair incurred and which can be substantiated by the property owner,
   (3) compensation under this provision is a secondary source of compensation and shall be reduced by any amount the property owner receives from any other source as compensation for the loss or injury, including, but not limited to, personal insurance coverage,
   (4) no compensation may be awarded if the property owner was an offender or an accomplice of the offender, or if the award would unjustly benefit the offender or offenders, or an accomplice of the offender or offenders.

No victim or witness may receive such assistance if he or she is not a part of or fails to fully cooperate in the prosecution of gang crime members by law enforcement authorities.

The Department shall promulgate any rules necessary for the implementation of this amendatory Act of 1985.

17. To conduct arson investigations.
18. To develop a separate statewide statistical police contact record keeping system for the study of juvenile delinquency. The records of this police contact system shall be limited to statistical information. No individually identifiable information shall be maintained in the police contact statistical record system.
19. To develop a separate statewide central juvenile records system for persons arrested prior to the age of 17 under Section 5-401 of the Juvenile Court Act of 1987 or adjudicated delinquent minors and to make information available to local law enforcement officers so that law enforcement officers will be able to obtain rapid access to the background of the minor from other jurisdictions to the end that the juvenile police officers can make appropriate decisions which will best serve the interest of the child and the community. The Department shall submit a quarterly report to the General Assembly and Governor which shall contain the number of juvenile records that the Department has received in that quarter and a list, by category, of offenses that minors were arrested for or convicted of by age, race and gender.
20. To develop rules which guarantee the confidentiality of such individually identifiable juvenile records except to juvenile authorities who request information concerning the minor and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section, "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual or public or private agency having custody of the child pursuant to court order; (v) any individual or public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court; (xi) the Illinois General Assembly or any committee or commission thereof.
21. To develop administrative rules and administrative hearing procedures which allow a minor, his or her attorney, and his or her parents or guardian access to individually identifiable juvenile records for the purpose of determining or challenging the accuracy of the records. Final administrative decisions shall be subject to the provisions of the Administrative Review Law.

New matter indicated by italics - deletions by strikeout.
22. To charge, collect, and receive fees or moneys equivalent to the cost of providing Department of State Police personnel, equipment, and services to local governmental agencies when explicitly requested by a local governmental agency and pursuant to an intergovernmental agreement as provided by this Section, other State agencies, and federal agencies, including but not limited to fees or moneys equivalent to the cost of providing dispatching services, radio and radar repair, and training to local governmental agencies on such terms and conditions as in the judgment of the Director are in the best interest of the State; and to establish, charge, collect and receive fees or moneys based on the cost of providing responses to requests for criminal history record information pursuant to positive identification and any Illinois or federal law authorizing access to some aspect of such information and to prescribe the form and manner for requesting and furnishing such information to the requestor on such terms and conditions as in the judgment of the Director are in the best interest of the State, provided fees for requesting and furnishing criminal history record information may be waived for requests in the due administration of the criminal laws. The Department may also charge, collect and receive fees or moneys equivalent to the cost of providing electronic data processing lines or related telecommunication services to local governments, but only when such services can be provided by the Department at a cost less than that experienced by said local governments through other means. All services provided by the Department shall be conducted pursuant to contracts in accordance with the Intergovernmental Cooperation Act, and all telecommunication services shall be provided pursuant to the provisions of Section 67.18 of this Code.

All fees received by the Department of State Police under this Act or the Illinois Uniform Conviction Information Act shall be deposited in a special fund in the State Treasury to be known as the State Police Services Fund. The money deposited in the State Police Services Fund shall be appropriated to the Department of State Police for expenses of the Department of State Police. Upon the completion of any audit of the Department of State Police as prescribed by the Illinois State Auditing Act, which audit includes an audit of the State Police Services Fund, the Department of State Police shall make the audit open to inspection by any interested person.

23. To exercise the powers and perform the duties which have been vested in the Department of State Police by the Intergovernmental Missing Child Recovery Act of 1984, and to establish reasonable rules and regulations necessitated thereby.

24. (a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors. The Department shall implement an automatic data exchange system to compile, to maintain and to make available to other law enforcement agencies for immediate dissemination data which can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this subsection, the Department shall:

(1) provide a uniform reporting format for the entry of pertinent information regarding the report of a missing person into LEADS;

(2) develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance;

(3) notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency, and that no waiting period for the entry of such data exists;

(4) compile and retain information regarding lost, abducted, missing or runaway minors in a separate data file, in a manner that allows such information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. Such information shall include the disposition of all reported lost, abducted, missing or runaway minor cases;

(5) compile and maintain an historic data repository relating to lost, abducted, missing or runaway minors and other missing persons in order to develop and improve techniques.
utilized by law enforcement agencies when responding to reports of missing persons; and
(6) create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS and performance audits of all entering agencies.

25. On request of a school board or regional superintendent of schools, to conduct an inquiry pursuant to Section 10-21.9 or 34-18.5 of the School Code to ascertain if an applicant for employment in a school district has been convicted of any criminal or drug offenses enumerated in Section 10-21.9 or 34-18.5 of the School Code. The Department shall furnish such conviction information to the President of the school board of the school district which has requested the information, or if the information was requested by the regional superintendent to that regional superintendent.

26. To promulgate rules and regulations necessary for the administration and enforcement of its powers and duties, wherever granted and imposed, pursuant to the Illinois Administrative Procedure Act.

27. To (a) promulgate rules pertaining to the certification, revocation of certification and training of law enforcement officers as electronic criminal surveillance officers, (b) provide training and technical assistance to State's Attorneys and local law enforcement agencies pertaining to the interception of private oral communications, (c) promulgate rules necessary for the administration of Article 108B of the Code of Criminal Procedure of 1963, including but not limited to standards for recording and minimization of electronic criminal surveillance intercepts, documentation required to be maintained during an intercept, procedures in relation to evidence developed by an intercept, and (d) charge a reasonable fee to each law enforcement agency that sends officers to receive training as electronic criminal surveillance officers.

28. Upon the request of any private organization which devotes a major portion of its time to the provision of recreational, social, educational or child safety services to children, to conduct, pursuant to positive identification, criminal background investigations of all of that organization's current employees, current volunteers, prospective employees or prospective volunteers charged with the care and custody of children during the provision of the organization's services, and to report to the requesting organization any record of convictions maintained in the Department's files about such persons. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection. Information received by the organization from the Department concerning an individual shall be provided to such individual. Any such information obtained by the organization shall be confidential and may not be transmitted outside the organization and may not be transmitted to anyone within the organization except as needed for the purpose of evaluating the individual. Only information and standards which bear a reasonable and rational relation to the performance of child care shall be used by the organization. Any employee of the Department or any member, employee or volunteer of the organization receiving confidential information under this subsection who gives or causes to be given any confidential information concerning any criminal convictions of an individual shall be guilty of a Class A misdemeanor unless release of such information is authorized by this subsection.

29. Upon the request of the Department of Children and Family Services, to investigate reports of child abuse or neglect.

30. To obtain registration of a fictitious vital record pursuant to Section 15.1 of the Vital Records Act.

31. To collect and disseminate information relating to "hate crimes" as defined under Section 12-7.1 of the Criminal Code of 1961 contingent upon the availability of State or Federal funds to revise and upgrade the Illinois Uniform Crime Reporting System. All law enforcement agencies shall report monthly to the Department of State Police concerning such offenses in such form and in such manner as may be prescribed by rules and regulations adopted by the Department of State Police. Such information shall be compiled by the Department and be disseminated upon request to any local law enforcement agency, unit of local government, or state agency. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law. The Department of State Police shall provide training for State Police officers in identifying, responding to, and reporting all hate crimes. The Illinois Law Enforcement Training Standards Board shall develop and certify a
course of such training to be made available to local law enforcement officers.

32. Upon the request of a private carrier company that provides transportation under Section 28b of the Metropolitan Transit Authority Act, to ascertain if an applicant for a driver position has been convicted of any criminal or drug offense enumerated in Section 28b of the Metropolitan Transit Authority Act. The Department shall furnish the conviction information to the private carrier company that requested the information.

33. To apply for grants or contracts, receive, expend, allocate, or disburse funds and moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning. All funds received by the Department from these sources shall be deposited into the appropriate fund in the State Treasury to be appropriated to the Department for purposes as indicated by the grantor or contractor or, in the case of funds or moneys bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director in administering the responsibilities of the Department.

34. Upon the request of the Department of Children and Family Services, the Department of State Police shall provide properly designated employees of the Department of Children and Family Services with criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the Statewide Central Juvenile record system as defined in subdivision (A) 19 of this Section if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The request shall be in the form and manner specified by the Department of State Police.

35. The Illinois Department of Public Aid is an authorized entity under this Section for the purpose of exchanging information, in the form and manner required by the Department of State Police, to facilitate the location of individuals for establishing paternity, and establishing, modifying, and enforcing child support obligations, pursuant to the Illinois Public Aid Code and Title IV, Part D of the Social Security Act.

36. Upon request of the Department of Human Services, to conduct an assessment and evaluation of sexually violent persons as mandated by the Sexually Violent Persons Commitment Act, the Department shall furnish criminal history information maintained on the requested person. The request shall be in the form and manner specified by the Department.

37. Upon the request of the chief of a volunteer fire department, the Department shall conduct criminal background investigations of prospective firefighters and report to the requesting chief any record of convictions maintained in the Department's files about those persons. The Department may charge a fee, based on actual costs, for the dissemination of conviction information under this paragraph. The Department may prescribe the form and manner for requesting and furnishing conviction information under this paragraph.

(B) The Department of State Police may establish and maintain, within the Department of State Police, a Statewide Organized Criminal Gang Database (SWORD) for the purpose of tracking organized criminal gangs and their memberships. Information in the database may include, but not be limited to, the name, last known address, birth date, physical descriptions (such as scars, marks, or tattoos), officer safety information, organized gang affiliation, and entering agency identifier. The Department may develop, in consultation with the Criminal Justice Information Authority, and in a form and manner prescribed by the Department, an automated data exchange system to compile, to maintain, and to make this information electronically available to prosecutors and to other law enforcement agencies. The information may be used by authorized agencies to combat the operations of organized criminal gangs statewide.

(C) The Department of State Police may ascertain the number of bilingual police officers and other personnel needed to provide services in a language other than English and may establish, under applicable personnel rules and Department guidelines or through a collective bargaining agreement, a bilingual pay supplement program.

(Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised 10-6-98; 91-371, eff. 1-1-00.)

(Text of Section from P.A. 91-660)

Sec. 55a. Powers and duties.
(A) The Department of State Police shall have the following powers and duties, and those set forth in Sections 55a-1 through 55c:

1. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Act.

2. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the State Police Radio Act.

3. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Criminal Identification Act.

4. To (a) investigate the origins, activities, personnel and incidents of crime and the ways and means to redress the victims of crimes, and study the impact, if any, of legislation relative to the effusion of crime and growing crime rates, and enforce the criminal laws of this State related thereto, (b) enforce all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, delivering, distributing, or use of controlled substances and cannabis, (c) employ skilled experts, scientists, technicians, investigators or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the State, (d) cooperate with the police of cities, villages and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests and recovering property, (e) apprehend and deliver up any person charged in this State or any other State of the United States with treason, felony, or other crime, who has fled from justice and is found in this State, and (f) conduct such other investigations as may be provided by law. Persons exercising these powers within the Department are conservators of the peace and as such have all the powers possessed by policemen in cities and sheriffs, except that they may exercise such powers anywhere in the State in cooperation with and after contact with the local law enforcement officials. Such persons may use false or fictitious names in the performance of their duties under this paragraph, upon approval of the Director, and shall not be subject to prosecution under the criminal laws for such use.

5. To: (a) be a central repository and custodian of criminal statistics for the State, (b) be a central repository for criminal history record information, (c) procure and file for record such information as is necessary and helpful to plan programs of crime prevention, law enforcement and criminal justice, (d) procure and file for record such copies of fingerprints, as may be required by law, (e) establish general and field crime laboratories, (f) register and file for record such information as may be required by law for the issuance of firearm owner's identification cards, (g) employ polygraph operators, laboratory technicians and other specially qualified persons to aid in the identification of criminal activity, and (h) undertake such other identification, information, laboratory, statistical or registration activities as may be required by law.

6. To (a) acquire and operate one or more radio broadcasting stations in the State to be used for police purposes, (b) operate a statewide communications network to gather and disseminate information for law enforcement agencies, (c) operate an electronic data processing and computer center for the storage and retrieval of data pertaining to criminal activity, and (d) undertake such other communication activities as may be required by law.

7. To provide, as may be required by law, assistance to local law enforcement agencies through (a) training, management and consultant services for local law enforcement agencies, and (b) the pursuit of research and the publication of studies pertaining to local law enforcement activities.

8. To exercise the rights, powers and duties which have been vested in the Department of State Police and the Director of the Department of State Police by the Narcotic Control Division Abolition Act.

9. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Illinois Vehicle Code.

10. To exercise the rights, powers and duties which have been vested in the Department of Public Safety by the Firearm Owners Identification Card Act.

11. To enforce and administer such other laws in relation to law enforcement as may be vested in the Department.

12. To transfer jurisdiction of any realty title to which is held by the State of Illinois under the control of the Department to any other department of the State government or to the State Employees Housing Commission, or to acquire or accept Federal land, when such transfer, acquisition or

New matter indicated by italics - deletions by strikeout.
acceptance is advantageous to the State and is approved in writing by the Governor.

13. With the written approval of the Governor, to enter into agreements with other departments created by this Act, for the furlough of inmates of the penitentiary to such other departments for their use in research programs being conducted by them.

For the purpose of participating in such research projects, the Department may extend the limits of any inmate’s place of confinement, when there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions, to leave the confines of the place unaccompanied by a custodial agent of the Department. The Department shall make rules governing the transfer of the inmate to the requesting other department having the approved research project, and the return of such inmate to the unextended confines of the penitentiary. Such transfer shall be made only with the consent of the inmate.

The willful failure of a prisoner to remain within the extended limits of his or her confinement or to return within the time or manner prescribed to the place of confinement designated by the Department in granting such extension shall be deemed an escape from custody of the Department and punishable as provided in Section 3-6-4 of the Unified Code of Corrections.

14. To provide investigative services, with all of the powers possessed by policemen in cities and sheriffs, in and around all race tracks subject to the Horse Racing Act of 1975.

15. To expend such sums as the Director deems necessary from Contractual Services appropriations for the Division of Criminal Investigation for the purchase of evidence and for the employment of persons to obtain evidence. Such sums shall be advanced to agents authorized by the Director to expend funds, on vouchers signed by the Director.

16. To assist victims and witnesses in gang crime prosecutions through the administration of funds appropriated from the Gang Violence Victims and Witnesses Fund to the Department. Such funds shall be appropriated to the Department and shall only be used to assist victims and witnesses in gang crime prosecutions and such assistance may include any of the following:

(a) temporary living costs;
(b) moving expenses;
(c) closing costs on the sale of private residence;
(d) first month's rent;
(e) security deposits;
(f) apartment location assistance;
(g) other expenses which the Department considers appropriate; and
(h) compensation for any loss of or injury to real or personal property resulting from a gang crime to a maximum of $5,000, subject to the following provisions:

(1) in the case of loss of property, the amount of compensation shall be measured by the replacement cost of similar or like property which has been incurred by and which is substantiated by the property owner,

(2) in the case of injury to property, the amount of compensation shall be measured by the cost of repair incurred and which can be substantiated by the property owner,

(3) compensation under this provision is a secondary source of compensation and shall be reduced by any amount the property owner receives from any other source as compensation for the loss or injury, including, but not limited to, personal insurance coverage,

(4) no compensation may be awarded if the property owner was an offender or an accomplice of the offender, or if the award would unjustly benefit the offender or offenders, or an accomplice of the offender or offenders.

No victim or witness may receive such assistance if he or she is not a part of or fails to fully cooperate in the prosecution of gang crime members by law enforcement authorities.

The Department shall promulgate any rules necessary for the implementation of this amendatory Act of 1985.

17. To conduct arson investigations.

18. To develop a separate statewide statistical police contact record keeping system for the study of juvenile delinquency. The records of this police contact system shall be limited to statistical information. No individually identifiable information shall be maintained in the police contact statistical record system.

New matter indicated by italics - deletions by strikeout.
19. To develop a separate statewide central juvenile records system for persons arrested prior to the age of 17 under Section 5-401 of the Juvenile Court Act of 1987 or adjudicated delinquent minors and to make information available to local law enforcement officers so that law enforcement officers will be able to obtain rapid access to the background of the minor from other jurisdictions to the end that the juvenile police officers can make appropriate decisions which will best serve the interest of the child and the community. The Department shall submit a quarterly report to the General Assembly and Governor which shall contain the number of juvenile records that the Department has received in that quarter and a list, by category, of offenses that minors were arrested for or convicted of by age, race and gender.

20. To develop rules which guarantee the confidentiality of such individually identifiable juvenile records except to juvenile authorities who request information concerning the minor and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section, "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual or public or private agency having custody of the child pursuant to court order; (v) any individual or public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court; (xi) the Illinois General Assembly or any committee or commission thereof.

21. To develop administrative rules and administrative hearing procedures which allow a minor, his or her attorney, and his or her parents or guardian access to individually identifiable juvenile records for the purpose of determining or challenging the accuracy of the records. Final administrative decisions shall be subject to the provisions of the Administrative Review Law.

22. To charge, collect, and receive fees or moneys equivalent to the cost of providing Department of State Police personnel, equipment, and services to local governmental agencies when explicitly requested by a local governmental agency and pursuant to an intergovernmental agreement as provided by this Section, other State agencies, and federal agencies, including but not limited to fees or moneys equivalent to the cost of providing dispatching services, radio and radar repair, and training to local governmental agencies on such terms and conditions as in the judgment of the Director are in the best interest of the State; and to establish, charge, collect and receive fees or moneys based on the cost of providing responses to requests for criminal history record information pursuant to positive identification and any Illinois or federal law authorizing access to some aspect of such information and to prescribe the form and manner for requesting and furnishing such information to the requestor on such terms and conditions as in the judgment of the Director are in the best interest of the State, provided for requests in the due administration of the criminal laws. The Department may also charge, collect and receive fees or moneys equivalent to the cost of providing electronic data processing lines or related telecommunication services to local governments, but only when such services can be provided by the Department at a cost less than that experienced by said local governments through other means. All services provided by the Department shall be conducted pursuant to contracts in accordance with the Intergovernmental Cooperation Act, and all telecommunication services shall be provided pursuant to the provisions of Section 67.18 of this Code.

All fees received by the Department of State Police under this Act or the Illinois Uniform Conviction Information Act shall be deposited in a special fund in the State Treasury to be known as the State Police Services Fund. The money deposited in the State Police Services Fund shall be appropriated to the Department of State Police for expenses of the Department of State Police.

Upon the completion of any audit of the Department of State Police as prescribed by the Illinois State Auditing Act, which audit includes an audit of the State Police Services Fund, the Department of State Police shall make the audit open to inspection by any interested person.

23. To exercise the powers and perform the duties which have been vested in the Department
of State Police by the Intergovernmental Missing Child Recovery Act of 1984, and to establish reasonable rules and regulations necessitated thereby.

24. (a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors. The Department shall implement an automatic data exchange system to compile, to maintain and to make available to other law enforcement agencies for immediate dissemination data which can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this subsection, the Department shall:

1. provide a uniform reporting format for the entry of pertinent information regarding the report of a missing person into LEADS;

2. develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance;

3. notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency, and that no waiting period for the entry of such data exists;

4. compile and maintain an historic data repository relating to lost, abducted, missing or runaway minors and other missing persons in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons; and

5. compile and maintain an electronic criminal surveillance intercepts, documentation required to be maintained during an intercept, procedures in relation to evidence developed by an intercept, and

6. create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS and performance audits of all entering agencies.

25. On request of a school board or regional superintendent of schools, to conduct an inquiry pursuant to Section 10-21.9 or 34-18.5 of the School Code to ascertain if an applicant for employment in a school district has been convicted of any criminal or drug offenses enumerated in Section 10-21.9 or 34-18.5 of the School Code. The Department shall furnish such conviction information to the President of the school board of the school district which has requested the information, or if the information was requested by the regional superintendent to that regional superintendent.

26. To promulgate rules and regulations necessary for the administration and enforcement of its powers and duties, wherever granted and imposed, pursuant to the Illinois Administrative Procedure Act.

27. To (a) promulgate rules pertaining to the certification, revocation of certification and training of law enforcement officers as electronic criminal surveillance officers, (b) provide training and technical assistance to State's Attorneys and local law enforcement agencies pertaining to the interception of private oral communications, (c) promulgate rules necessary for the administration of Article 108B of the Code of Criminal Procedure of 1963, including but not limited to standards for recording and minimization of electronic criminal surveillance intercepts, documentation required to be maintained during an intercept, procedures in relation to evidence developed by an intercept, and (d) charge a reasonable fee to each law enforcement agency that sends officers to receive training as electronic criminal surveillance officers.

28. Upon the request of any private organization which devotes a major portion of its time to the provision of recreational, social, educational or child safety services to children, to conduct, pursuant to positive identification, criminal background investigations of all of that organization's current employees, current volunteers, prospective employees or prospective volunteers charged with the care and custody of children during the provision of the organization's services, and to report to
the requesting organization any record of convictions maintained in the Department's files about such persons. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection. Information received by the organization from the Department concerning an individual shall be provided to such individual. Any such information obtained by the organization shall be confidential and may not be transmitted outside the organization and may not be transmitted to anyone within the organization except as needed for the purpose of evaluating the individual. Only information and standards which bear a reasonable and rational relation to the performance of child care shall be used by the organization. Any employee of the Department or any member, employee or volunteer of the organization receiving confidential information under this subsection who gives or causes to be given any confidential information concerning any criminal convictions of an individual shall be guilty of a Class A misdemeanor unless release of such information is authorized by this subsection.

29. Upon the request of the Department of Children and Family Services, to investigate reports of child abuse or neglect.

30. To obtain registration of a fictitious vital record pursuant to Section 15.1 of the Vital Records Act.

31. To collect and disseminate information relating to "hate crimes" as defined under Section 12-7.1 of the Criminal Code of 1961 contingent upon the availability of State or Federal funds to revise and upgrade the Illinois Uniform Crime Reporting System. All law enforcement agencies shall report monthly to the Department of State Police concerning such offenses in such form and in such manner as may be prescribed by rules and regulations adopted by the Department of State Police. Such information shall be compiled by the Department and be disseminated upon request to any local law enforcement agency, unit of local government, or state agency. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law. The Department of State Police shall provide training for State Police officers in identifying, responding to, and reporting all hate crimes. The Illinois Law Enforcement Training Standards Board shall develop and certify a course of such training to be made available to local law enforcement officers.

32. Upon the request of a private carrier company that provides transportation under Section 28b of the Metropolitan Transit Authority Act, to ascertain if an applicant for a driver position has been convicted of any criminal or drug offense enumerated in Section 28b of the Metropolitan Transit Authority Act. The Department shall furnish the conviction information to the private carrier company that requested the information.

33. To apply for grants or contracts, receive, expend, allocate, or disburse funds and moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning. All funds received by the Department from these sources shall be deposited into the appropriate fund in the State Treasury to be appropriated to the Department for purposes as indicated by the grantor or contractor or, in the case of funds or moneys bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director in administering the responsibilities of the Department.

34. Upon the request of the Department of Children and Family Services, the Department of State Police shall provide properly designated employees of the Department of Children and Family Services with criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the Statewide Central Juvenile record system as defined in subdivision (A)19 of this Section if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The request shall be in the form and manner specified by the Department of State Police.

35. The Illinois Department of Public Aid is an authorized entity under this Section for the purpose of exchanging information, in the form and manner required by the Department of State Police, to facilitate the location of individuals for establishing paternity, and establishing, modifying, and enforcing child support obligations, pursuant to the Illinois Public Aid Code and Title IV, Part D of the Social Security Act.

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36. Upon request of the Department of Human Services, to conduct an assessment and evaluation of sexually violent persons as mandated by the Sexually Violent Persons Commitment Act, the Department shall furnish criminal history information maintained on the requested person. The request shall be in the form and manner specified by the Department.

37. To exercise the powers and perform the duties specifically assigned to the Department under the Wireless Emergency Telephone Safety Act with respect to the development and improvement of emergency communications procedures and facilities in such a manner as to facilitate a quick response to any person calling the number "9-1-1" seeking police, fire, medical, or other emergency services through a wireless carrier as defined in Section 10 of the Wireless Emergency Telephone Safety Act. Nothing in the Wireless Emergency Telephone Safety Act shall require the Illinois State Police to provide wireless enhanced 9-1-1 services.

(B) The Department of State Police may establish and maintain, within the Department of State Police, a Statewide Organized Criminal Gang Database (SWORD) for the purpose of tracking organized criminal gangs and their memberships. Information in the database may include, but not be limited to, the name, last known address, birth date, physical descriptions (such as scars, marks, or tattoos), officer safety information, organized gang affiliation, and entering agency identifier. The Department may develop, in consultation with the Criminal Justice Information Authority, and in a form and manner prescribed by the Department, an automated data exchange system to compile, to maintain, and to make this information electronically available to prosecutors and to other law enforcement agencies. The information may be used by authorized agencies to combat the operations of organized criminal gangs statewide.

(C) The Department of State Police may ascertain the number of bilingual police officers and other personnel needed to provide services in a language other than English and may establish, under applicable personnel rules and Department guidelines or through a collective bargaining agreement, a bilingual pay supplement program.

(Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97; 90-130, eff. 6-30-95; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised 1-21-99; 91-660, eff. 12-22-99.)

Section 20. The Local Records Act is amended by changing Section 3b as follows:

(50 ILCS 205/3b)

Sec. 3b. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) Endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) Compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in
no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include
the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest
records of the Juvenile Court Act of 1987.
(Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

Section 25. The Campus Security Act is amended by changing Section 15 as follows:
(110 ILCS 12/15)
Sec. 15. Arrest reports.
(a) When an individual is arrested, the following information must be made available to the
news media for inspection and copying:

(1) Information that identifies the individual person, including the name, age, address, and
photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received,
discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for
inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours
from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement
proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or
any other person; or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper
or other periodical issued at regular intervals whether in print or electronic format, a news service
whether in print or electronic format, a radio station, a television station, a television network, a
community antenna television service, or a person or corporation engaged in making news reels or
other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in
no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include
the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest
records of the Juvenile Court Act of 1987.
(Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

Section 30. The Illinois Vehicle Code is amended by changing Section 1-148.5 as follows:
(625 ILCS 5/1-148.5)
Sec. 1-148.5. News media. A newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 90-144, eff. 7-23-97.)

Section 35. The Code of Civil Procedure is amended by changing Section 8-902 as follows:
(735 ILCS 5/8-902) (from Ch. 110, par. 8-902)
Sec. 8-902. Definitions. As used in this Act:

(a) "reporter" means any person regularly engaged in the business of collecting, writing or
editing news for publication through a news medium on a full-time or part-time basis; and includes
any person who was a reporter at the time the information sought was procured or obtained.

(b) "news medium" means any newspaper or other periodical issued at regular intervals
whether in print or electronic format and having a general circulation; a news service whether in print
or electronic format; a radio station; a television station; a television network; a community antenna
television service; and any person or corporation engaged in the making of news reels or other motion

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picture news for public showing.

(c) "source" means the person or means from or through which the news or information was obtained.

(Source: P.A. 84-398.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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


PUBLIC ACT 92-0335

AN ACT concerning banking.

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

Section 5. The Illinois Banking Act is amended by changing Section 32 as follows:

(205 ILCS 5/32) (from Ch. 17, par. 339)

Sec. 32. Basic loaning limits. The liabilities outstanding at one time to a state bank of a person for money borrowed, including the liabilities of a partnership or joint venture in the liabilities of the several members thereof, shall not exceed 25% of the amount of the unimpaired capital and unimpaired surplus of the bank.

The liabilities to any state bank of a person may exceed 25% of the unimpaired capital and unimpaired surplus of the bank, provided that (i) the excess amount from time to time outstanding is fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available quotations, at least equal to the excess amount outstanding; and (ii) the total liabilities shall not exceed 30% of the unimpaired capital and unimpaired surplus of the bank.

The following shall not be considered as money borrowed within the meaning of this Section:

(1) The purchase or discount of bills of exchange drawn in good faith against actually existing values.

(2) The purchase or discount of commercial or business paper actually owned by the person negotiating the same.

(3) The purchase of or loaning money in exchange for evidences of indebtedness which shall be secured by mortgage or trust deed upon productive real estate the value of which, as ascertained by the oath of 2 qualified appraisers, neither of whom shall be an officer, director, employee of the bank or of any subsidiary or affiliate of the bank, is double the amount of the principal debt secured at the time of the original purchase of evidence of indebtedness or loan of money and which is still double the amount of the principal debt secured at the time of any renewal of the indebtedness or loan, and which mortgage or trust deed is shown, either by a guaranty policy of a title guaranty company approved by the Commissioner or by a registrar's certificate of title in any county having adopted the provisions of the Registered Titles (Torrens) Act, or by the opinion of an attorney-at-law, to be a first lien upon the real estate therein described, and real estate shall not be deemed to be encumbered within the meaning of this subsection (3) by reason of the existence of instruments reserving rights-of-way, sewer rights and rights in wells, building restrictions or other restrictive covenants, nor by reason of the fact it is subject to lease under which rents or profits are reserved by the owners.

(4) The purchase of marketable investment securities.

(5) The liability to a state bank of a person who is an accommodation party to, or guarantor of payment for, any evidence of indebtedness of another person who obtains a loan from or discounts paper with or sells paper to the state bank; but the total liability to a state bank of a person as an accommodation party or guarantor of payment in respect of such evidences of indebtedness shall not exceed 20% of the amount of the unimpaired capital and unimpaired surplus of the bank.

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unimpaired surplus of the bank; provided however that the liability of an accommodation party to paper excepted under subsection 2 of this Section shall not be included in the computation of this limitation.

(6) The liability to a state bank of a person, who as a guarantor, guarantees collection of the obligation or indebtedness of another person.

The total liabilities of any one person, for money borrowed, or otherwise, shall not exceed 25% of the deposits of the bank, and those total liabilities shall at no time exceed 50% of the amount of the unimpaired capital and unimpaired surplus of the bank. Absent an actual unremedied breach, the obligation or responsibility for breach of warranties or representations, express or implied, of a person transferring negotiable or non-negotiable paper to a bank without recourse and without guaranty of payment, shall not be included in determining the amount of liabilities of the person to the bank for borrowed money or otherwise; and in the event of and to the extent of an unremedied breach, the amount remaining unpaid for principal and interest on the paper in respect of which the unremedied breach exists shall thereafter for the purpose of determining whether subsequent transactions giving rise to additional liability of the person to the state bank for borrowed money or otherwise are within the limitations of Sections 32 through 34 of this Act, be included in computing the amount of liabilities of the person for borrowed money or otherwise.

The liability of a person to a state bank on account of acceptances made or issued by the state bank on behalf of the person shall be included in the computation of the total liabilities of the person for money borrowed except to the extent the acceptances grow out of transactions of the character described in subsection (6) of Section 34 of this Act and are otherwise within the limitations of that subsection; provided nevertheless that any such excepted acceptances acquired by the state bank which accepted the same shall be included in the computation of the liabilities of the person to the state bank for money borrowed.

(Source: P.A. 89-364, eff. 8-18-95; 90-301, eff. 8-1-97.)

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


PUBLIC ACT 92-0337
(Proposal Bill No. 2113)

AN ACT in relation to taxation.

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

Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution,
or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

5. A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

6. Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease.

7. Farm chemicals.

8. Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

9. Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

10. A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

11. Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

12. Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

13. Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

New matter indicated by italics - deletions by strikeout.
(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of
rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and
drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual
replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and
equipment purchased for lease; but excluding motor vehicles required to be registered under the

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both
new and used, including that manufactured on special order, certified by the purchaser to be used
primarily for photoprocessing, and including photoprocessing machinery and equipment purchased
for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation
equipment, including replacement parts and equipment, and including equipment purchased for lease,
but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the
retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for
consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not
subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process
of manufacturing or assembling tangible personal property for wholesale or retail sale or lease,
whether that sale or lease is made directly by the manufacturer or by some other person, whether the
materials used in the process are owned by the manufacturer or some other person, or whether that sale
or lease is made apart from or as an incident to the seller's engaging in the service occupation of
producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value
on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the
purchase order for that personal property was received by a florist located outside Illinois who has a
florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the
Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse
Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of
breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and
equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who
leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor
would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active
tax exemption identification number by the Department under Section 1g of the Retailers' Occupation
Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in
any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the
Service Use Tax Act, as the case may be, based on the fair market value of the property at the time
the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however
designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use
Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects
any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount
from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is
liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one
year or longer executed or in effect at the time the lessor would otherwise be subject to the tax
imposed by this Act, to a governmental body that has been issued an active sales tax exemption
identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the
property is leased in a manner that does not qualify for this exemption or used in any other
non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use
Tax Act, as the case may be, based on the fair market value of the property at the time the
non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however
designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use

New matter indicated by italics - deletions by strikeout.
Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99;
Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

1. Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

2. Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

3. Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

4. Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

5. Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

6. Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

7. Farm machinery and equipment, both new and used, including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for precision farming equipment that is installed or purchased to be installed on farm machinery and equipment, including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

8. Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

9. Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service.
from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with
taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media
arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate

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consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the

New matter indicated by italics - deletions by strikeout.
provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. "Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2).

Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject...
to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country,
and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of
rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and
drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual
replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and
equipment purchased for lease; but excluding motor vehicles required to be registered under the

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both
new and used, including that manufactured on special order, certified by the purchaser to be used
primarily for photoprocessing, and including photoprocessing machinery and equipment purchased
for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation
equipment, including replacement parts and equipment, and including equipment purchased for lease,
but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to
be used for consumption, shipment, or storage in the conduct of its business as an air common carrier,
for a flight destined for or returning from a location or locations outside the United States without
regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside
Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's
donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily
in or for the transportation of property or the conveyance of persons for hire on rivers bordering on
this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat
upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is
delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a
driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois
Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor
vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having
the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will
not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the
Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse
Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of
breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and
equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases
the equipment, under a lease of one year or longer executed or in effect at the time of the purchase,
to a hospital that has been issued an active tax exemption identification number by the Department
under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or
longer executed or in effect at the time of the purchase, to a governmental body that has been issued
an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with
taxable years ending on or before December 31, 2004, personal property that is donated for disaster
relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a
manufacturer or retailer that is registered in this State to a corporation, society, association,
foundation, or institution that has been issued a sales tax exemption identification number by the
Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with
taxable years ending on or before December 31, 2004, personal property that is used in the
performance of infrastructure repairs in this State, including but not limited to municipal roads and
streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions,
water distribution and purification facilities, storm water drainage and retention facilities, and sewage
treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois
when such repairs are initiated on facilities located in the declared disaster area within 6 months after
the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting
preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a
hunting enclosure approved through rules adopted by the Department of Natural Resources. This
paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle
Code, that is donated to a corporation, limited liability company, society, association, foundation, or
institution that is determined by the Department to be organized and operated exclusively for
educational purposes. For purposes of this exemption, "a corporation, limited liability company,
society, association, foundation, or institution organized and operated exclusively for educational
purposes" means all tax-supported public schools, private schools that offer systematic instruction in
useful branches of learning by methods common to public schools and that compare favorably in their
scope and intensity with the course of study presented in tax-supported schools, and vocational or
technical schools or institutes organized and operated exclusively to provide a course of study of not
less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,
technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through
fundraising events for the benefit of a public or private elementary or secondary school, a group of
those schools, or one or more school districts if the events are sponsored by an entity recognized by
the school district that consists primarily of volunteers and includes parents and teachers of the school
children. This paragraph does not apply to fundraising events (i) for the benefit of private home
instruction or (ii) for which the fundraising entity purchases the personal property sold at the events
from another individual or entity that sold the property for the purpose of resale by the fundraising
entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the
provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic
vending machines that prepare and serve hot food and beverages, including coffee, soup, and other
items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for
machines used in commercial, coin-operated amusement and vending business if a use or occupation
tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement
and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle
Code, that is donated to a corporation, limited liability company, society, association, foundation, or
institution that is determined by the Department to be organized and operated exclusively for
educational purposes. For purposes of this exemption, "a corporation, limited liability company,
society, association, foundation, or institution organized and operated exclusively for educational
purposes" means all tax-supported public schools, private schools that offer systematic instruction in
useful branches of learning by methods common to public schools and that compare favorably in their
scope and intensity with the course of study presented in tax-supported schools, and vocational or
technical schools or institutes organized and operated exclusively to provide a course of study of not
less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,
technical, mechanical, industrial, business, or commercial occupation.

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Plumbing License Law is amended by changing Sections 1, 2, 3, 8, 20, and
29.5 and by adding Section 13.1 as follows:

Sec. 1. Purpose. It has been established by scientific evidence that improper plumbing can
result in the introduction of pathogenic organisms into the potable water supply, result in the escape
of toxic gases into the environment, and result in potentially lethal disease and epidemic. It is further
found that minimum numbers of plumbing facilities and fixtures are necessary for the comfort and
convenience of workers and persons in public places.

New matter indicated by italics - deletions by strikeout.
Consistent with its duty to safeguard the health of the people of this State, the General Assembly therefore declares that the regulation of plumbing and the plumbing trade is necessary for the protection of the public health, convenience, and welfare. The General Assembly therefore declares that individuals who plan, inspect, install, alter, extend, repair and maintain plumbing systems shall be individuals of proven skill. Further, the General Assembly declares that a guide for the minimum control and number of plumbing materials and fixtures, the design of plumbing systems, and the construction and installation methods of plumbing systems is essential for the protection of public health and convenience. In order to insure plumbing skill and to authoritatively establish what shall be good plumbing practice, this Act provides for the licensing of plumbers and registration of plumbing contractors and for the promulgation of a Minimum Plumbing Code of standards by the Department; This Act is therefore declared to be essential to the public interest.

(Source: P.A. 87-885.)

(225 ILCS 320/2) (from Ch. 111, par. 1102)

Sec. 2. When used in this Act:

"Agent" means a person designated by a sponsor as responsible for supervision of an apprentice plumber and who is also an Illinois licensed plumber.

"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of this Act.

"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under rules.

"Board" means the Illinois State Board of Plumbing Examiners.

"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to 5 feet beyond the foundation walls where it is connected to the building sewer.

"Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer or private sewage disposal system.

"Department" means the Illinois Department of Public Health.

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

"Governmental unit" means a city, village, incorporated town, county, or sanitary or water district.

"Irrigation contractor" means a person who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of this Act, other than a licensed plumber or a licensed apprentice plumber.

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable, in: (i) any county with a population of 3,000,000 or more; (ii) any county with a population of 275,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; and (iii) any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000. "Lawn sprinkler system" includes without limitation the water supply piping, valves, and sprinkler heads or other irrigation outlets, but does not include the backflow prevention device. "Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes.

"Person" means any natural person, firm, corporation, partnership, or association.

"Plumber" means any licensed person authorized to perform plumbing as defined in this Act, but does not include retired plumbers as defined in this Act.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person.

"Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.

"Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

New matter indicated by italics - deletions by strikeout.
"Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

"Plumbing" does not mean or include the trade of drain-laying, the trade of drilling water wells which constitute the sources of private water supplies, and of making connections between such wells and pumping units in the water supply systems of buildings served by such private water supplies, or the business of installing water softening equipment and of maintaining and servicing the same, or the business of manufacturing or selling plumbing fixtures, appliances, equipment or hardware, or to the installation and servicing of electrical equipment sold by a not-for-profit corporation providing electrification on a cooperative basis, that either on or before January 1, 1971, is or has been financed in whole or in part under the federal Rural Electrification Act of 1936 and the Acts amendatory thereof and supplementary thereto, to its members for use on farms owned by individuals or operated by individuals, nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or re-installation of any pipe or plumbing fixtures. Plumbing does not include the installation, repair, maintenance, alteration or extension of building sewers.

"Plumbing contractor" means any person who performs plumbing, as defined in this Act, for another person. "Plumbing contractor" shall not include licensed plumbers and licensed apprentice plumbers who either are employed by persons engaged in the plumbing business or are employed by another person for the performance of plumbing solely for that other person, including, but not limited to, a hospital, university, or business maintenance staff.

"Plumbing fixtures" means installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.

"Plumbing system" means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances.

"Plumbing system" does not include building sewers as defined in this Act.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of this Act and the requirements prescribed by Department rule to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. Retired plumbers cannot perform plumbing as defined in this Act, cannot sponsor or supervise apprentice plumbers, and cannot inspect plumbing under this Act. A retired plumber cannot fulfill the requirements of subsection (3) of Section 3 of this Act.

"Supervision" with respect to first and second year licensed apprentice plumbers means that such apprentices must perform all designing and planning of plumbing systems and all plumbing as defined in this Act under the direct personal supervision of the sponsor or his or her agent who must also be an Illinois licensed plumber, except for maintenance and repair work on existing plumbing systems done by second year apprentice plumbers; provided that before performing any maintenance and repair work without such supervision, such apprentice has received the minimum number of hours of annual classroom instruction recommended by the United States Department of Labor's Bureau of Apprenticeship and Training for apprentice plumbers in a Bureau of Apprenticeship and Training approved plumber apprenticeship program or its equivalent. "Supervision" with respect to all other apprentice plumbers means that, except for maintenance and repair work on existing plumbing systems, any plumbing done by such apprentices must be inspected daily, after initial rough-in and after completion by the sponsor or his or her agent who is also an Illinois licensed plumber. In addition, all repair and maintenance work done by a licensed apprentice plumber on an existing plumbing system must be approved by the sponsor or his or her agent who is also an Illinois licensed plumber.

"Sponsor" is an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license.

"Sponsored" means that each Illinois licensed apprentice plumber has been accepted by an
Sec. 3. (1) All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". The inspection of plumbing and plumbing systems shall be done only by the sponsor or his or her agent who shall be an Illinois licensed plumber. Nothing herein contained shall prohibit licensed plumbers or licensed apprentice plumbers under supervision from planning, designing, inspecting, installing, repairing, maintaining, altering or extending building sewers in accordance with this Act. No person who holds a license or certificate of registration under the Illinois Architecture Practice Act of 1989, or the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989 shall be prevented from planning and designing plumbing systems.

(2) Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single family residence, or the owner of a single family residence under construction for his or her occupancy, from planning, installing, altering or repairing the plumbing system of such residence, provided that (i) such plumbing shall comply with the minimum standards for plumbing contained in the Illinois State Plumbing Code, and shall be subject to inspection by the Department or the local governmental unit if it retains a licensed plumber as an inspector; and (ii) such owner, owner occupant or lessee occupant shall not employ other than a plumber licensed pursuant to this Act to assist him or her.

For purposes of this subsection, a person shall be considered an "occupant" if and only if he or she has taken possession of and is living in the premises as his or her bona fide sole and exclusive residence, or, in the case of an owner of a single family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than 6 months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single family residence under construction for his or her occupancy, for a period of not less than 6 months after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of 6 months or more shall create a rebuttable presumption of a lack of such intention.

(3) The employees of a firm, association, partnership or corporation who engage in plumbing shall be licensed plumbers or licensed apprentice plumbers. At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, as the case may be, shall be a licensed plumber. A retired plumber cannot fulfill the requirements of this subsection (3). Plumbing contractors are also required to be registered pursuant to the provisions of this Act.

Notwithstanding the provisions of this subsection (3), it shall be lawful for an irrigation contractor registered under Section 2.5 of this Act to employ or contract with one or more licensed plumbers in connection with work on lawn sprinkler systems pursuant to Section 2.5 of this Act.

(4) (a) A licensed apprentice plumber shall plan, design and install plumbing only under the supervision of the sponsor or his or her agent who is also an Illinois licensed plumber.

(b) An applicant for licensing as an apprentice plumber shall be at least 16 years of age and apply on the application form provided by the Department. Such application shall verify that the applicant is sponsored by an Illinois licensed plumber or an approved apprenticeship program and shall contain the name and license number of the licensed plumber or program sponsor.

(c) No licensed plumber shall sponsor more than 2 licensed apprentice plumbers at the same time. If 2 licensed apprentice plumbers are sponsored by a plumber at the same time, one of the apprentices must have, at a minimum, 2 years experience as a licensed apprentice. No licensed plumber sponsor or his or her agent may supervise 2 licensed apprentices with less than 2 years experience at the same time. The sponsor or agent shall supervise and be
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responsible for the plumbing performed by a licensed apprentice.
(d) No agent shall supervise more than 2 licensed apprentices at the same time.
(e) No licensed plumber may, in any capacity, supervise more than 2 licensed apprentice plumbers at the same time.
(f) No approved apprenticeship program may sponsor more licensed apprentices than 2 times the number of licensed plumbers available to supervise those licensed apprentices.
(g) No approved apprenticeship program may sponsor more licensed apprentices with less than 2 years experience than it has licensed plumbers available to supervise those licensed apprentices.
(h) No individual shall work as an apprentice plumber unless he or she is properly licensed under this Act. The Department shall issue an apprentice plumber's license to each approved applicant.
(i) No licensed apprentice plumber shall serve more than a 6 year licensed apprenticeship period. If, upon completion of a 6 year licensed apprenticeship period, such licensed apprentice plumber does not apply for the examination for a plumber's license and successfully pass the examination for a plumber's license, his or her apprentice plumber's license shall not be renewed.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who operate, maintain or repair a water or sewer plant facility which is owned or operated by such governmental unit or privately owned municipal water supplier to be licensed plumbers under this Act. In addition, nothing contained in P.A. 83-878 was intended by the General Assembly nor should it be construed to permit persons other than licensed plumbers to perform the installation, repair, maintenance or replacement of plumbing fixtures, such as toilet facilities, floor drains, showers and lavatories, and the piping attendant to those fixtures, within such facility or in the construction of a new facility.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed plumbers. Any such work which was customarily performed prior to the effective date of such Act by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

(Source: P.A. 91-91, eff. 1-1-00; 91-678, eff. 1-26-00.)
(225 ILCS 320/8) (from Ch. 111, par. 1107)
Sec. 8. The Director shall:
(1) Prepare forms for application for examination for a plumber's license.
(2) Prepare and issue licenses as provided in this Act.
(3) With the aid of the Board prescribe rules and regulations for examination of applicants for plumber's licenses.
(4) With the aid of the Board prepare and give uniform and comprehensive examinations to applicants for a plumber's license which shall test their knowledge and qualifications in the planning and design of plumbing systems, their knowledge, qualifications, and manual skills in plumbing, and their knowledge of the State's minimum code of standards relating to fixtures, materials, design and installation methods of plumbing systems, promulgated pursuant to this Act.
(5) Issue a plumber's license and license renewal to every applicant who has passed the examination and who has paid the required license and renewal fee.
(6) Prescribe rules for hearings to deny, suspend, revoke or reinstate licenses as provided in this Act.
(7) Maintain a current record showing (a) the names and addresses of registered plumbing
contractors, licensed plumbers, licensed apprentice plumbers, and licensed retired plumbers, (b) the
dates of issuance of licenses, (c) the date and substance of the charges set forth in any hearing for
denial, suspension or revocation of any license, (d) the date and substance of the final order issued
upon each such hearing, and (e) the date and substance of all petitions for reinstatement of license and
final orders on such petitions.

(8) Prescribe, in consultation with the Board, uniform and reasonable rules defining what
constitutes an approved course of instruction in plumbing, in colleges, universities, or trade schools,
and approve or disapprove the courses of instruction offered by such colleges, universities, or trade
schools by reference to their compliance or noncompliance with such rules. Such rules shall be
designed to assure that an approved course of instruction will adequately teach the design, planning,
installation, replacement, extension, alteration and repair of plumbing.

(Source: P.A. 89-665, eff. 8-14-96.)

(225 ILCS 320/13.1 new)
Sec. 13.1. Plumbing contractors; registration; applications.

(1) On and after May 1, 2002, all persons or corporations desiring to engage in the
business of plumbing contractor, other than any entity that maintains an audited net worth
of shareholders' equity equal to or exceeding $100,000,000, shall register in accordance with
the provisions of this Act.

(2) Application for registration shall be filed with the Department each year, on or before
the last day of April, in writing and on forms prepared and furnished by the Department. All
plumbing contractor registrations expire on the last day of April of each year.

(3) Applications shall contain the name, address, and telephone number of the person and
the plumbing license of (i) the individual, if a sole proprietorship; (ii) the partner, if a
partnership; or (iii) an officer, if a corporation. The application shall contain the business
name, address, and telephone number, a current copy of the plumbing license, and any other
information the Department may require by rule.

(4) Applicants shall submit an original certificate of insurance documenting that the
contractor carries general liability insurance with a minimum of $100,000 per occurrence,
bodily injury insurance with a minimum of $300,000 per occurrence, property damage
insurance with a minimum of $50,000, and workers compensation insurance with a minimum
$500,000. No registration may be issued in the absence of this certificate. Certificates must
be in force at all times for registration to remain valid.

(5) Applicants shall submit, on a form provided by the Department, an indemnification
bond in the amount of $20,000 or a letter of credit in the same amount for work performed
in accordance with this Act and the rules promulgated under this Act.

(6) All employees of a registered plumbing contractor who engage in plumbing work shall
be licensed plumbers or apprentice plumbers in accordance with this Act.

(7) Plumbing contractors shall submit an annual registration fee in an amount to be
established by rule.

(8) The Department shall be notified in advance of any changes in the business structure,
name, or location or of the addition or deletion of the owner or officer who is the licensed
plumber listed on the application. Failure to notify the Department of this information is
grounds for suspension or revocation of the plumbing contractor's registration.

(9) In the event that the plumber's license on the application for registration of a
plumbing contractor is a license issued by the City of Chicago, it shall be the responsibility
of the applicant to forward a copy of the plumber's license to the Department, noting the
name of the registered plumbing contractor, when it is renewed.

(225 ILCS 320/20) (from Ch. 111, par. 1119)
Sec. 20. Grounds for discipline. (1) The Director may deny, revoke or suspend a license or
registration when findings show one or more of the following:

(a) That the licensee or registrant obtained or conspired with others to obtain a license
or registration by inducing the issuance thereof in consideration of the payment of money or
delivery of any other thing of value or by and through misrepresentation of facts.

(b) That the licensee or registrant willfully violated any law of this State or any rule,
regulation or code promulgated thereunder regulating plumbing, licensed or registered
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plumbing contractors, licensed plumbers, licensed apprentice plumbers, licensed retired plumbers, water well pump installations and private sewage disposal systems.

(c) That the licensee or registrant has been guilty of negligence or incompetence in the performance of plumbing.

(d) That the licensee or registrant has loaned or in any manner transferred his or her license to another person.

(e) That the sponsor or his or her agent has failed to properly supervise a licensed apprentice plumber.

(f) That the owner or officer of a registered plumbing contractor failed to maintain a valid plumbing license.

(g) That the registered plumbing contractor used a plumbing license without the permission of the licensee.

(2) If a license is suspended or revoked, the license shall be surrendered to the Department but, if suspended, it shall be returned to the licensee upon the termination of the suspension period.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 87-885.)

(225 ILCS 320/29.5)

Sec. 29.5. Unlicensed and unregistered practice; violation; civil penalty.

(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber or plumbing contractor without being licensed or registered under this Act, or as an irrigation contractor without being registered under this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee or registrant.

(b) The Department has the authority and power to investigate any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber or plumbing contractor without being licensed or registered under this Act, or as an irrigation contractor without being registered under this Act.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had on the judgment in the same manner as a judgment from a court of record. All fines and penalties collected by the Department under this Section of the Act and accrued interest shall be deposited into the Plumbing Licensure and Program Fund for use by the Department in performing activities relating to the administration and enforcement of this Act.

(Source: P.A. 90-714, eff. 8-7-98; 91-678, eff. 1-26-00.)

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


PUBLIC ACT 92-0339
(House Bill No. 2247)

AN ACT in relation to fire inspectors.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Peace Officer Fire Investigation Act is amended by changing Section 1 as follows:

(20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

Sec. 1. Peace Officer Status.

(a) Any person who is a sworn member of any organized and paid fire department of a political subdivision of this State and is authorized to investigate fires or explosions for such political

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subdivision, or who is employed by the Office of the State Fire Marshal to determine the cause, origin 
and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes, 
may be classified as a peace officer by the political subdivision or agency employing such person. A 
person so classified shall possess the same powers of arrest, search and seizure and the securing and 
service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political 
subdivision. While in the actual investigation and matters incident thereto, such person may carry 
weapons as may be necessary, but only if that person has satisfactorily completed (1) a training 
program offered or approved by the Illinois Law Enforcement Training Standards Board which 
substantially conforms to standards promulgated pursuant to the Illinois Police Training Act and "An 
Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; or in 
the case of employees of the Office of the State Fire Marshal, a training course approved by the 
Department of State Police which also substantially conforms to standards promulgated pursuant to 
"An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; 
and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal 
pursuant to the Illinois Fire Protection Training Act. Such training need not include exposure to 
vehicle and traffic law, traffic control and accident investigation, or first aid, but shall include training 
in the law relating to the rights of persons suspected of involvement in criminal activities. 

Any person granted the powers enumerated in this Section may exercise such powers only 
during the actual investigation of the cause, origin and circumstances of such fires or explosions that 
are suspected to be arson or arson-related crimes. 

(b) The State Fire Marshal must authorize to each employee of the Office of the State Fire 
Marshal who is exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly 
states that the badge is authorized by the Office of the State Fire Marshal and (ii) contains a unique 
identifying number. No other badge shall be authorized by the Office of the State Fire Marshal, except 
that a badge, different from the badge issued to peace officers, may be authorized by the Office of the 
State Fire Marshal for the use of fire prevention inspectors employed by that Office. 
(Source: P.A. 91-883, eff. 1-1-01.) 

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

PUBLIC ACT 92-0340
(House Bill No. 2266)

AN ACT concerning vehicles. 
Be it enacted by the People of the State of Illinois, represented in the General Assembly: 
Section 5. The Illinois Vehicle Code is amended by changing Section 6-303 as follows: 
(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303) 
Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is 
suspended or revoked. 

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway 
of this State at a time when such person's driver's license, permit or privilege to do so or the privilege 
to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of 
another state, except as may be specifically allowed by a judicial driving permit, family financial 
responsibility driving permit, probationary license to drive, or a restricted driving permit issued 
pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor. 

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating 
a person was operating a motor vehicle during the time when said person's driver's license, permit or 
privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant 
to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial 
driving permit or restricted driving permit issued pursuant to this Code or the law of another state; 
shall extend the suspension for the same period of time as the originally imposed suspension; however, 
if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's 
driving privileges for the same period of time as the originally imposed suspension; and if the
conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(d) Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the original revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

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defendant shall be admitted as proof of any prior conviction.
(Source: P.A. 90-400, eff. 8-15-97; 90-738, eff. 1-1-99; 91-692, eff. 4-13-00.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3 and
5-6-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all
felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was
convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6
of this Code.
(8) A sentence of participation in a county impact incarceration program under Section
5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of
Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the
professional evaluation recommends remedial or rehabilitative treatment or education, neither the
treatment nor the education shall be the sole disposition and either or both may be imposed only in
conjunction with another disposition. The court shall monitor compliance with any remedial education
or treatment recommendations contained in the professional evaluation. Programs conducting alcohol
or other drug evaluation or remedial education must be licensed by the Department of Human
Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or
other drug evaluation or remedial education program in the state of such individual's residence.
Programs providing treatment must be licensed under existing applicable alcoholism and drug
treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a
violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance,
whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance
proximately caused an incident resulting in an appropriate emergency response, shall be required to
make restitution to a public agency for the costs of that emergency response. Such restitution shall not
exceed $500 per public agency for each such emergency response. For the purpose of this paragraph,
emergency response shall mean any incident requiring a response by: a police officer as defined under
Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire
department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services
(EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may
be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek
a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a
(2) A period of probation, a term of periodic imprisonment or conditional discharge shall
not be imposed for the following offenses. The court shall sentence the offender to not less
than the minimum term of imprisonment set forth in this Code for the following offenses, and
may order a fine or restitution or both in conjunction with such term of imprisonment:
(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or
a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5

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grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (c) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang. Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes. Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.


(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.
(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense. Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment. For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property,
to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.


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Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section

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returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;
(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program; and
(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that
the person is addicted, undergo treatment at a substance abuse program approved by the court.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
   (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and
   (v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.
(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A
copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation
Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

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

PUBLIC ACT 92-0341
(House Bill No. 3095)

AN ACT in relation to aeronautics.

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

Section 5. The Airport Authorities Act is amended by changing Section 17.2 as follows:

(70 ILCS 5/17.2) (from Ch. 15 1/2, par. 68.17b)
Sec. 17.2. Whenever a township disconnects from a Metropolitan Airport Authority as provided in Section 17.1, such township and the municipalities within such township shall be paid upon such terms as may be agreed upon by their corporate authorities and the board of commissioners of the Metropolitan Airport Authority, but in no event shall any such township or municipality be paid in excess of its investment or for any funds advanced to such Metropolitan Airport Authority or any pre-existing airport authority it has acquired, or otherwise paid or expended, either directly or indirectly, by the State or federal governments for the acquisition of the land used for any such existing airport improvement or facility or for any bonded indebtedness owed by the Metropolitan Airport Authority or the pre-existing airport authority. The terms of payment shall provide for payment in full within not more than 20 years from the date of such agreement.

In case the amount and terms of payment are not so determined by agreement, the board of commissioners of the Authority shall cause a description of such airport and such existing improvements and facilities to be made, together with an estimate of the previous actual expenditures of the pre-existing authority therefor, less any existing bonded indebtedness of the pre-existing authority, and shall tender payment of the total amount so estimated in writing to such township and municipalities in the proportions specified below. Such tender shall provide for payment by the Authority of the amount tendered within 5 years from the date thereof, and any part of the sum remaining unpaid after 12 months from that date shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract.

In case such tender is not accepted in writing by the corporate authorities of such township and municipalities within 30 days after it is made, the Authority by its board of commissioners shall file a petition in the circuit court of the county in which the airport facilities of the Authority are located, naming such township and municipalities respondents thereto, setting forth a description of
such airport, airport improvements and facilities, the estimated amount of such previous expenditures by the pre-existing authority, the amount of bonded indebtedness owed by the pre-existing authority, the fact of such tender having been made and the date thereof, and praying that there be determined by the circuit court the true amount of such prior expenditures by the pre-existing authority. A copy of the petition shall be served upon the presiding officer of the township and each municipality within 5 days after the filing of such petition, and upon presentation to the court of proof of such service, the petition shall be set for hearing within not less than 10 nor more than 20 days. Such hearing may be continued from time to time upon the request of the petitioner or the respondents, and at the hearing thereon, the presiding judge of the circuit court shall consider such evidence as may be submitted by the parties and shall determine the amount of such actual previous expenditures made and the actual amount of bonded indebtedness owed, and shall determine the amount to be paid to the township and to each included municipality. The amount so determined shall be conclusive as between the parties, and shall be paid by the Metropolitan Airport Authority within 5 years after the entry of the order making such determination, and any part of the sum remaining unpaid after 12 months from the entry of the order shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract. When paid, the sum shall be accepted by the township or municipality as full payment for such airport and existing improvements and facilities.

The moneys payable by the Metropolitan Airport Authority under this Section shall be apportioned between the township and its included municipalities on the basis of population as determined by the most recent 1980 federal decennial census. The portion of each included municipality shall be computed on the basis of the ratio of the population of the municipality to the total population of the township. The township’s portion shall be computed on the basis of the ratio of the population of the unincorporated areas of the township to the total population of the township.

The moneys apportioned to any township shall be used exclusively for the purposes stated in Sections 6-701.1 through 6-701.9 of the Illinois Highway Code, and the moneys apportioned to any municipality shall be used exclusively for the purposes stated in Sections 7-202.1 through 7-202.22 of the Illinois Highway Code.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 86-4.)

Section 10. The Illinois Aeronautics Act is amended by changing Sections 17, 27, 31, 34, 36, 38, 38.01, 42, 43, and 71 as follows:

(620 ILCS 5/17) (from Ch. 15 1/2, par. 22.17)
Sec. 17. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, public service corporation, joint venture, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(Source: Laws 1945, p. 335.)

(620 ILCS 5/27) (from Ch. 15 1/2, par. 22.27)
Sec. 27. Cooperation with Federal Government and others. The Department shall cooperate with and assist the Federal Government, the political subdivisions of this State, and other states, and others, including private persons, engaged in aeronautics or the promotion of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. To this end, the Department is empowered to confer with or to hold joint hearings with any federal aeronautical agency, and the municipalities and other political subdivisions of this State and other states, in connection with any matter relating to aeronautics, and to avail itself of the cooperation, services, records, and facilities of such agencies, municipalities, and other political subdivisions, federal or otherwise, as fully as may be practicable, in the administration and enforcement of the laws of this State pertaining to
aeronautics. The Department shall reciprocate by furnishing to such agencies, municipalities and other political subdivisions, federal or otherwise, its cooperation, services, records and facilities, in so far as may be practicable.

It shall report to the appropriate federal agency all accidents in aeronautics in this State of which it is informed and may preserve, protect and prevent the removal of any aircraft, or the component parts thereof, involved in an accident being investigated by it until a federal agency institutes an investigation, and shall report to the appropriate federal agency all refusals by it to register federal licenses, certificates or permits and all revocations of certificates of registration, and the reasons therefor, and all penalties of which it has knowledge imposed upon airmen for violations of the laws of this State pertaining to aeronautics or for violations of the rules, rulings, regulations, orders or decisions of the Department.

(Source: Laws 1945, p. 335.)

Sec. 31. State airport plan and State airways system. The Department may designate, design, and establish, expand or modify a State airport plan and a State airways system which will best serve the interests of the State, with due regard for the following factors; the present and future needs of foreign, inter-state and intra-state air commerce and air transportation; the present and future needs of foreign, inter-state and intra-state private flying; the existing and contemplated air navigation facilities, including those owned or controlled or to be owned or controlled by the Federal Government; the then current national airport plan and federal airways system; and the avoidance of unnecessary or unreasonable interference or conflict, on the part of airports, airport plans and restricted landing areas, with existing important or essential facilities, or buildings devoted to the public use. The Department may chart such State airport plan and State airways system and arrange for publication and distribution of maps, charts, notices and bulletins relating thereto, as may be required in the public interest. To the extent practicable, the State airport plan and the State airways system shall be integrated with or supplementary to and coordinated in design and operation with the National airport plan and the Federal airways system, as the same may be revised from time to time.

The State airport plan and State airways system may include all types of air navigation facilities, whether publicly or privately owned, provided such facilities conform to federal safety standards.

(Source: Laws 1945, p. 335.)

Sec. 34. Financial assistance to municipalities and others. The Department, subject to the provisions of Section 41 of this Act, may render financial assistance in the planning, construction, reconstruction, extension, development, and improvement of air navigation facilities including acquisition of land, rights in land, easements including avigation easements necessary for clear zones or clear areas, costs of obstruction removal and airport approach aids owned, controlled, or operated, or to be owned, controlled, or operated by municipalities, other political subdivisions of this State, or privately owned commercially operated airports in Illinois, out of appropriations made by the General Assembly for any such purpose, provided, however, that the Department shall not render such financial assistance in connection with the planning, construction, reconstruction, extension, development or improvement of hangars or other airport buildings, or in connection with the subsequent operation or maintenance of such air navigation facilities, and provided further, that the municipality, other political subdivision, or privately owned commercially operated airports in Illinois, to which such financial assistance is being extended by the Department, before such financial assistance is given, shall satisfy the Department that (a) such air navigation facility will be owned or effectively controlled, operated, repaired and maintained adequately during its full useful life, for the benefit of the public, and (b) in connection with the operation of such air navigation facility, during its full useful life, the public will not be deprived of its rightful, fair, equal and uniform use thereof. The owners and operators of an airport receiving financial assistance under this Act must adequately control, operate, repair, and maintain the airport during its full useful life for the benefit of the public. The owners and operators of an airport receiving financial assistance must ensure that the public will not be deprived of its rightful, fair, equal, and uniform use of the airport during its full useful life. For the purposes of this paragraph, the full useful life of an airport is not less than 20 years after the financial assistance is received by the owners and operators of the airport. Nothing in this Section, however, imposes any obligation that is inconsistent with any judgment, order, injunction, or decree

New matter indicated by italics - deletions by strikeout.
of any court that was rendered before the effective date of this amendatory Act of the 92nd General Assembly.

Any commercial airport, in order to qualify under the provisions of this Section must be included in the State Airport Plan as prepared or revised from time to time by the Illinois Department of Transportation. In the case of commercial public use airports which are not publicly owned airports, no such development or planning may be proposed except in connection with reliever airports included in the current National Airport System Plan.

Improvements to privately owned commercial airports qualifying under this Section shall be contracted for and constructed or developed under the supervision or direction of the Department or such other Department, agency, officer or employee of this State as the Department may designate. If a privately owned commercially operated airport receives assistance under this Section and ceases operations before the predetermined life of the improvements made with such assistance, the State shall be reimbursed for the unused portion of such predetermined life and such claim shall be a lien on the airport property.

(620 ILCS 5/36) (from Ch. 15 1/2, par. 22.36)
Sec. 36. Right to enter upon the land, buildings and structures of others. In exercising its powers and performing its functions under the laws of this State pertaining to aeronautics, and the rules, rulings, regulations, orders and decisions issued pursuant thereto, the Department, each officer thereof, and each employee designated by it, and such other departments, agencies, representatives, officers and employees of this State and of the municipalities and other political subdivisions thereof as may be designated by it, or who are charged with the enforcement of the laws of this State pertaining to aeronautics, whether or not designated by the Department to do so, shall have the right to enter upon the land within this State of any person, municipality or other political subdivision and enter the buildings and structures thereon for the purposes, when and to the extent that their duty so requires, of making surveys, ascertaining necessary facts, and making investigations relating to the State airport plan, the State airways systems, a proposed or existing air navigation facility, any airport hazard, the obtaining of airport protection privileges, the establishment of zoning areas, the investigation of accidents concerning aircraft in this State, the condemning of property, the investigation of any violation of the laws of this State pertaining to aeronautics and the rules, rulings, regulations, orders and decisions issued pursuant thereto, and for any other purpose within the purview of the laws of this State pertaining to aeronautics and the rules, rulings, regulations, orders and decisions issued pursuant thereto; provided that such entry shall occur at reasonable times and with due regard for the safety of the owner, persons in possession or occupants thereof, and the protection of the buildings, structures, crops, or personal property located thereon; provided, further, that in the event any damage may be caused by virtue of any such entry, the Department may pay, as compensation, the amount of said damage as determined by it, in full satisfaction thereof, within the limits of available appropriations, or, if the Department does not pay the amount of any such damage, the person claiming compensation therefor may file his claim in connection therewith in the Court of Claims of this State.

(620 ILCS 5/38) (from Ch. 15 1/2, par. 22.38)
Sec. 38. Authority to receive Federal moneys. Subject to the provisions of Section 41, the Department is authorized to accept and; receive, and receipt for Federal moneys, and other moneys, either public or private, for and on behalf of this State, or any municipality or other political subdivision thereof, at the request of such municipality or political subdivision, for the acquisition, construction, development, improvement, operation and maintenance of air navigation facilities in this State, whether such work is to be done by the State or by such municipalities or other political subdivisions, or jointly, aided by grants of aid from the United States, upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and it is authorized to act as agent of any municipality or other political subdivision of this State upon the request of such municipality or political subdivision (or upon designation by such municipality or political subdivision pursuant to Section 38.01), in accepting and; receiving those moneys on, and receipting for such moneys in its behalf for air navigation facility purposes, and in contracting for the acquisition, construction, development,
improvement, operation and maintenance of air navigation facilities in this State, financed either in whole or in part by Federal monies, and the governing body of any such municipality or other political subdivision is authorized to designate the Department as its agent for such purposes and to enter into an agreement with it prescribing the terms and conditions of such agency in accordance with Federal laws, rules, and regulations and with this act. Such monies as are paid over by the United States Government shall be retained by the State or paid over to said municipalities or other political subdivisions under such terms and conditions as may be imposed by the United States Government in making such grants.

(Source: Laws 1947, p. 305.)

(620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)
Sec. 38.01. No municipality or political subdivision in this state, whether acting alone or jointly with another municipality or political subdivision or with the state, shall submit any project application under the provisions of the Airport and Airway Improvement Act of 1982, or any amendment thereof, unless the project and the project application have been first approved by the Department. No such municipality or political subdivision shall directly accept, receive, or disburse any funds granted by the United States under the Airport and Airway Improvement Act of 1982, but it shall designate the Department as its agent to accept, receive, and disburse such funds, provided, however, nothing in this section shall be construed to prohibit any municipality or any political sub-division of more than 500,000 inhabitants from disbursing such funds through its corporate authorities. It shall enter into an agreement with the Department prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state.

(Source: P.A. 89-35, eff. 1-1-96.)

(620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)
Sec. 42. Regulation of aircraft, airmen, and airports.
(a) The general public interest and safety, the safety of persons operating, using, or traveling in, aircraft, and of persons and property on the ground, and the interest of aeronautical progress require that aircraft operated within this State should be airworthy, that airmen should be properly qualified, and that air navigation facilities should be suitable for the purposes for which they are designed.; The purposes of this Act require that the Department should be enabled to exercise the powers of regulation and supervision herein granted.; The advantage of uniform regulation makes it desirable that aircraft operated within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this State should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States. It is, and it being desirable and right that all applicable fees and taxes shall be paid with respect to aircraft operated within this State.
(b) In light of the findings in subsection (a), the Department is authorized:
(1) To require the registration, every 2 years, of federal licenses, certificates or permits of civil aircraft engaged in air navigation within this State, and of airmen engaged in aeronautics within this State, and to issue certificates of such registration. These certificates of registration constitute the authorization of such aircraft and airmen for operations within this State to the extent permitted by the federal licenses, certificates or permits so registered. It shall charge a fee, payable every 2 years, for the registration of each federal license, certificate or permit of $10 for each airman's certificate and $20 for each aircraft certificate. It may accept as evidence of the holding of a federal license, certificate or permit the verified application of the airman or the owner of the aircraft, which application shall contain such information as the Department may by rule, ruling, regulation, order or decision prescribe. The Department's authority to register aircraft or to issue certificates of registration is limited as follows:
(i) Except as to any aircraft vehicle purchased before March 8, 1963, the Department, in the case of the first registration of any aircraft vehicle for any given owner on or after March 8, 1963, may not issue a certificate of registration with respect to any aircraft vehicle until after the Department has been satisfied that no tax under the Use Tax Act, or the Municipal Use Tax Act, or the Home Rule County Use Tax Law County Use Tax...
(2) To classify and approve airports and restricted landing areas and any alterations or extensions thereof. Certificates of approval issued pursuant to this paragraph, or pursuant to any prior law, shall be issued in the name of the applicant and shall be transferable upon a change of ownership or control of the airport or restricted landing area only after approval of the Department. No charge or fee shall be made or imposed for any kind of certificate of approval or a transfer thereof.

(3) To temporarily or permanently revoke, temporarily or permanently, any certificate of registration of an aircraft or airman issued by it, or to refuse to issue any such certificate of registration, when it shall reasonably determine that any aircraft is not airworthy, or that any airman:

(i) is not qualified;
(ii) has willfully violated the laws of this State pertaining to aeronautics or any rules, rulings, regulations, orders, or decisions issued pursuant thereto, or any Federal law or any rule or regulation issued pursuant thereto;
(iii) is addicted to the use of narcotics or other habit forming drug, or to the excessive use of intoxicating liquor;
(iv) has made any false statement in any application for registration of a federal license, certificate or permit;
(v) has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

(c) The Department may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(620 ILCS 5/43) (from Ch. 15 1/2, par. 22.43)
Sec. 43. Operations unlawful without license or certificate. Except as hereinafter provided, when such registration is required by the Department, it shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this State unless such aircraft has an appropriate effective license, certificate or permit issued by the United States Government for which a certificate of registration has been issued by the Department which is in full force and effect, and it shall be unlawful for any person to engage in aeronautics as an airman in this State unless he has obtained from the Department a certificate of registration of an appropriate effective airman's license, certificate or permit issued by the United States Government authorizing him to engage in the particular class of aeronautics in which he is engaged, which certificate of registration is in full force and effect.

Aircraft and airmen that are not required to be licensed, certificated, or permitted by the United States government and that have not received a license, certificate, or permit are not required to register with the Department before engaging in aeronautics in Illinois.

(620 ILCS 5/71) (from Ch. 15 1/2, par. 22.71)
Sec. 71. Suspension of orders pending judicial review.
(a) The pendency of judicial review shall not of itself stay or suspend the operation of the rule, ruling, regulation, order or decision of the Department, but during the pendency of such review the circuit court, in its discretion may stay or suspend, in whole or in part, the operation of the Department's rule, ruling, regulation, order or decision.
(b) No order so staying or suspending a rule, ruling, regulation, order or decision of the Department shall be made by the circuit court otherwise than upon 3 days' notice to the Department

New matter indicated by italics - deletions by strikeout.
and after a hearing, and if the rule, ruling, regulation, order or decision of the Department is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage.

(c) In case the rule, ruling, regulation, order or decision of the Department is stayed or suspended, the order of the circuit court shall not become effective until a suspending bond shall first have been executed and filed with and approved by the Department (or approved on review, by the court) payable to the people of the State of Illinois and sufficient in amount and security to insure the prompt payment by the party petitioning for the review, of all damages caused by the delay in the enforcement of the rule, ruling, regulation order or decision of the Department in case the rule, ruling, regulation, order or decision is sustained. However, no bond shall be required in the case of any stay or suspension granted on application of any body politic, municipality or other political subdivision.

(Section: P.A. 79-1361.)

Section 15. The County Airports Act is amended by changing Sections 6, 37, and 65 as follows:

(620 ILCS 50/6) (from Ch. 15 1/2, par. 109)
Sec. 6. "Aircraft" means the same as in Section 3 of the Illinois Aeronautics Act any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(Source: Laws 1945, p. 594.)

(620 ILCS 50/37) (from Ch. 15 1/2, par. 141)
Sec. 37. Any two or more counties may appoint the same person as Superintendent for each of such counties and may by agreement provide for the proportionate share of the salary and expenses of such appointee to be borne by each county.

(Source: Laws 1945, p. 594.)

(620 ILCS 50/65) (from Ch. 15 1/2, par. 169)
Sec. 65. In exercising its powers and duties under this Act, the Commission, each officer thereof, the Superintendent, and each employee or representative designated by it, shall have the right to enter upon the land of any person, municipality or other political subdivision and enter the buildings and structures thereon at all reasonable times, when and to the extent that their duty so requires in making surveys, ascertaining necessary facts and making investigations relating to airports.

(Source: Laws 1945, p. 594.)

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

PUBLIC ACT 92-0342
(Senate Bill No. 0005)

AN ACT in relation to firearms.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-555 as follows:

(20 ILCS 2605/2605-555 new)
Sec. 2605-555. Pilot program; Project Exile.
(a) The Department shall establish a Project Exile pilot program to combat gun violence.
(b) Through the pilot program, the Department, in coordination with local law enforcement agencies, State's Attorneys, and United States Attorneys, shall, to the extent possible, encourage the prosecution in federal court of all persons who illegally use, attempt to use or threaten to use firearms against the person or property of another, of all persons who use or possess a firearm in connection with a violation of the Cannabis Control Act or the Illinois Controlled Substances Act, all persons who have been convicted of a felony under the laws of this State or any other jurisdiction who possess any weapon prohibited under Section 24-1 of the Criminal Code of 1961 or any firearm or any firearm ammunition, and of all persons who use or possess a firearm in connection with a violation of an order of protection issued under the Illinois Domestic Violence Act of 1986 or in connection with

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the offense of domestic battery. The program shall also encourage public outreach by law enforcement agencies.

(c) There is created the Project Exile Fund, a special fund in the State treasury. Moneys appropriated for the purposes of Project Exile and moneys from any other private or public source, including without limitation grants from the Department of Commerce and Community Affairs, shall be deposited into the Fund. Moneys in the Fund, subject to appropriation, may be used by the Department of State Police to develop and administer the Project Exile pilot program.

(d) The Department shall report to the General Assembly by March 1, 2003 regarding the implementation and effects of the Project Exile pilot program and shall by that date make recommendations to the General Assembly for changes in the program that the Department deems appropriate.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Section 10. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)
Sec. 5.545. The Project Exile Fund.

INDEX

Statutes amended in order of appearance

20 ILCS 2605/2605-555 new
30 ILCS 105/5.545 new

PUBLIC ACT 92-0343
(Senate Bill No. 0602)

AN ACT in relation to vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-103 and 6-208 as follows:

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under paragraphs (a) and (b) of Section 6-105 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

New matter indicated by italics - deletions by strikeout.
3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;
4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;
5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;
7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;
8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;
9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;
10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;
11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;
12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act or the Illinois Controlled Substances Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;
13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101; or
14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; or:
15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide within 24 months of release from a term of imprisonment.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.
(Source: P.A. 90-369, eff. 1-1-98; 90-733, eff. 8-11-98.)
(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)
Sec. 6-208. Period of Suspension - Application After Revocation.
(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.
(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways

New matter indicated by italics - deletions by strikeout.
has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

2. If such person is convicted of committing a second violation within a 20 year period of:
   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or
   (C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
   (D) any combination of the above offenses committed at different instances;
then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, paragraph (b) of Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses if the original revocation or suspension was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99; 91-357, eff. 7-29-99.)

Effective January 1, 2002.

PUBLIC ACT 92-0344
(Senate Bill No. 0627)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 16-106.5 as follows:
(625 ILCS 5/16-106.5 new)

New matter indicated by italics - deletions by strikeout.
Sec. 16-106.5. Pilot project; notice of violation to owner.
(a) A pilot project is created that shall be in operation from January 1, 2002 through December 31, 2003 in the counties of DuPage, Kendall, and Sangamon. Under the pilot project, when a traffic citation is issued for a violation of this Code to a person who is under the age of 18 years, who is a resident of the county in which the traffic citation was issued, and who is not the registered owner of the vehicle named in the traffic citation, the circuit clerk of the county in which the traffic citation was issued shall, within 10 days after the traffic citation is filed with the circuit clerk, send notice of the issuance of the traffic citation to the registered owner of the vehicle. The notice must include:

- (1) the date and time the violation was alleged to have been committed;
- (2) the location where the violation was alleged to have been committed;
- (3) the name of the person cited for committing the alleged violation;
- (4) the violation alleged to have been committed; and
- (5) the date and time of any required court appearance by the person cited for committing the alleged violation.

(b) On or before March 31, 2004, the Department of State Police shall report to the General Assembly on the effectiveness of the pilot project.

Section 99. This Act takes effect upon becoming law.

PUBLIC ACT 92-0345
(Senate Bill No. 0833)

AN ACT concerning professional service contracts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by changing Section 25 as follows:

Sec. 25. Public notice. Whenever a project requiring architectural, engineering, or land surveying services is proposed for a State agency, the State agency shall provide no less than a 14 day advance notice published in a professional services bulletin or advertised within the official State newspaper setting forth the projects and services to be procured. The professional services bulletin shall be available electronically and may be available in print mailed to each firm that has requested the information or is prequalified under Section 20. The professional services bulletin shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the public notice, a statement of qualifications.

(Source: P.A. 87-673.)
Section 99. Effective date. This Act takes effect on July 1, 2001.

PUBLIC ACT 92-0346
(Senate Bill No. 0994)

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Illinois AgriFIRST Program Act of 2001.
Section 5. Definitions. In this Act:
"Agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation, or cooperative that operates or will operate a facility located within the State of Illinois.
Illinois that is related to the processing of agricultural commodities (including, but not limited to, the products of aquaculture, hydroponics, and silviculture) or the manufacturing, production, or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. "Agribusiness" includes but is not limited to the following:

(1) grain handling and processing, including grain storage, drying, treatment, conditioning, milling, and packaging;
(2) seed and feed grain development and processing;
(3) fruit and vegetable processing, including preparation, canning, and packaging;
(4) processing of livestock and livestock products, dairy products, poultry and poultry products, fish or apiarian products, including slaughtering, shearing, collecting, preparation, canning, and packaging;
(5) fertilizer and agricultural chemical manufacturing, processing, application and supplying;
(6) farm machinery, equipment, and implement manufacturing and supplying;
(7) manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughtering, treatment, handling, collecting, preparation, canning, or packaging of agricultural commodities;
(8) farm building and farm structure manufacturing, construction, and supplying;
(9) construction, manufacturing, implementation, supplying, or servicing of irrigation, drainage, and soil and water conservation devices or equipment;
(10) fuel processing and development facilities that produce fuel from agricultural commodities or by-products;
(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;
(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture, or other goods from forestry products; and
(13) facilities and equipment for research and development of products, processes, and equipment for the production, processing, preparation, or packaging of agricultural commodities and by-products.

"Agricultural facility" means land, any building or other improvement on or to land, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in farming, ranching, the production of agricultural commodities (including, but not limited to, the products of aquaculture, hydroponics, and silviculture) or the treating, processing, or storing of agricultural commodities.

"Agricultural land" means land suitable for agriculture production.

"Asset" includes, but is not limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; and any other assets.

"Department" means the Department of Agriculture.

"Director" means the Director of Agriculture.

"Fund" means the Illinois AgriFIRST Program Fund.

"Grantee" means the person or entity to whom a grant is made to from the Fund.

"Lender" means any federal or State chartered bank, federal land bank, production credit association, bank for cooperatives, federal or state chartered savings and loan association or building and loan association, small business investment company, or any other institution qualified within this State to originate and service loans, including, but not limited to, insurance companies, credit unions, and mortgage loan companies. "Lender" includes a wholly owned subsidiary of a manufacturer, seller or distributor of goods or services that makes loans to businesses or individuals, commonly known as a "captive finance company".

New matter indicated by italics - deletions by strikeout.
"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

"Person" means, unless limited to a natural person by the context in which it is used, a person, corporation, association, trust, partnership, limited partnership, joint venture, or cooperative.

"State" means the State of Illinois.

"Value-added" means the processing, packaging, or otherwise enhancing the value of farm and agricultural products or by-products produced in Illinois.

Section 10. Legislative findings.

(a) The General Assembly finds that in this State the following conditions exist:

(1) There exists an inadequate supply of funds at interest rates sufficiently low to enable persons engaged in agriculture in this State to pursue agricultural or agribusiness operations at present levels.

(2) The inability to pursue agricultural operations lessens the supply of agricultural commodities available to fulfill the needs of the citizens of this State.

(3) The inability to continue operations decreases available employment in the agricultural sector of the State and results in unemployment and its attendant problems.

(4) These conditions prevent the acquisition of an adequate capital stock of farm equipment and machinery, much of which is manufactured in this State, therefore impairing the productivity of agricultural land and causing unemployment or lack of appropriate increase in employment in that manufacturing.

(5) These conditions are conducive to consolidation of acreage of agricultural land with fewer individuals living and farming on the traditional family farm.

(6) These conditions result in a loss in population, unemployment, and movement of persons from rural to urban areas accompanied by added costs to communities for creation of new public facilities and services.

(7) There have been recurrent shortages of funds from private market sources at reasonable rates of interest.

(8) The ordinary operations of private enterprise have not in the past corrected these conditions.

(9) There is a need for value-added products and processing in this State.

(10) A stable supply of adequate funds for agricultural financing is required to encourage family farmers and agribusiness in an orderly and sustained manner and to reduce the problems described in this Section.

(b) The General Assembly determines and declares that there exist conditions in the State that require the Department to issue grants on behalf of the State for the acquisition and development of agricultural facilities and value-added products and processing.

Section 15. Illinois AgriFIRST Program Requirements.

(a) The Department shall review grant requests for the Illinois AgriFIRST Grant Program that are submitted to the Department. The Department, in reviewing the applications, must consider, but is not limited to considering the following criteria:

(1) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in Illinois.

(2) Preliminary market and feasibility research has been conducted by the applicant or others and there is a reasonable assurance of a potential market.

(3) The applicant has demonstrated the ability to manage the business or commercialize the idea.

(4) There is favorable community support for the project.

(5) There are favorable recommendations from local economic development groups, university-based technical specialists, or other qualified service providers.

(6) The applicant demonstrates a personal commitment and a commercialization development plan.

(7) There is an adequate and realistic budget projection.

(8) The application meets the eligibility requirements and the project costs are eligible under this Act.

New matter indicated by italics - deletions by strikeout.
(9) The applicant has established a need for the grant.
(10) The economic impact of the project on the State's agriculture and agribusiness sector.
(b) The Department may impose additional or lesser requirements for the grant. Preference for grants shall be given to, but is not limited to, the following:
(1) Proposals for industrial and nonfood production processes using Illinois agricultural products.
(2) Proposals for food, feed, and fiber products that use Illinois agricultural products and add to the value of Illinois agricultural products.
(3) Research proposals that have not been duplicated by other research efforts.
(4) Proposals that demonstrate that the applicant has invested his or her own funds, time, and or other valued consideration in the project.
(5) Proposals that are reasonably expected to result in a viable commercial application.
(6) Proposals that have a positive economic impact on the State's agriculture and agribusiness sector.

Section 20. Report. The Director must file with the Governor, the State Treasurer, the Secretary of the Senate, and the Clerk of the House of Representatives, by March 1 of each year, a written report covering the activities of the Department for the previous calendar year. The report is a public record and must be available for inspection at the offices of the Department during normal business hours. The report must include a complete list of (i) all applications for grants under the Illinois AgriFIRST Grant Program during the calendar year; (ii) all persons that have received any form of financial assistance from the Department during the calendar year; and (iii) the nature and amount of all financial assistance.

Section 25. Powers of the Department. The Department has the following powers, together with all powers incidental to or necessary for the discharge of those powers:
(1) To grant its moneys to one or more persons to be used by those persons to pay the costs of technical assistance and feasibility studies and acquiring, constructing, reconstructing, or improving agricultural facilities for the purpose of adding value to Illinois agricultural commodities. Grants must be on any terms and conditions that the Department determines.
(2) To grant its moneys to any agribusiness which operates or will operate a facility located in Illinois for the purposes of adding value to Illinois agricultural commodities. Grants must be on any terms and conditions as the Department requires.
(3) To contract with lenders or others for the origination of or the servicing of the grants made by the Department.
(4) To receive and accept, from any source, aid or contributions of money, property, labor, or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent with this Act or the laws of this State pertaining to the contributions, including, but not limited to, gifts, guarantees, or grants from any department, agency, or instrumentality of the United States of America.
(5) To collect any fees and charges in connection with its grants, advances, servicing, and other activities that it determines.
(6) To appoint, employ, contract with, and provide for the compensation of any employees and agents, including, but not limited to, engineers, attorneys, management consultants, fiscal advisers, and agricultural, silvicultural, and aquacultural experts, that business of the Department requires.
(7) To make, enter into, and execute any contracts, agreements, and other instruments with any person, including but not limited to, any federal, State, or local governmental agency and to take any other actions that may be necessary or convenient to accomplish any purpose for which this authority was granted to the Department or to exercise any power expressly granted under this Act.
(8) To establish funds for financial surety and escrow accounts.
(9) To adopt any necessary rules that are consistent with this Act.

Section 30. Liability. The Director, any Department employee, or any authorized person executing grants is not personally liable on the grants and is not subject to any personal liability or accountability by reason of the issuance of the grants.

Section 35. Illinois AgriFIRST Program.
(a) The Department must develop and administer an Illinois AgriFIRST Program to enhance the value of Illinois agriculture products or by-products through grants to current and potential processors. Qualifying persons and agribusinesses must be located in Illinois and must process, package, or otherwise enhance the value of farm products or by-products produced in Illinois.

The recipient of a grant under this Section must provide a minimum percentage, as determined by the Department, of the total cost of the processing project, with the balance of the project's total cost available from other sources. Other sources include, but are not limited to, commercial and private lenders, leasing companies, and grants. The recipient's match may be in cash, cash-equivalent investments, or bonds, irrevocable letters of credit, or any combination thereof. A grant under this Section may provide (i) up to 75% of the cost for technical assistance to develop a project to enhance the value of agricultural products or to expand agribusiness in Illinois but not to exceed $25,000, (ii) up to 50% of the cost of undertaking feasibility studies, competitive assessments, and consulting or productivity services that the Department determines may result in the enhancement of value-added agricultural products, and (iii) on and after July 1, 2003, up to 10% of the project's total capital construction cost not to exceed $5,000,000, including, but not limited to, (A) purchasing land, (B) purchasing, constructing, or refurbishing buildings, (C) purchasing or refurbishing machinery or equipment, (D) installation, (E) repairs, (F) labor, and (G) working capital. Notwithstanding any other provision of this Section, the grant moneys may not be used for the purpose of compliance with the provisions of the Livestock Management Facilities Act.

Grant applications must be made on forms provided by and in accordance with procedures established by the Department. At a minimum, an applicant must be an Illinois resident, as defined by Department rule, and must provide the names, addresses, and occupations of all project owners, the project address, relevant credit and financial information (including, but not limited to, assets and liabilities), and any other information deemed necessary by the Department for review of the grant application.

(b) All requests for the waiver of any requirements in this Section must be made in writing to the Department. A grant award is subject to modification or alteration under, but is not limited to, the following conditions:

(1) The grant award is subject to any modifications that may be required by changes in State law or regulations. The Department shall notify the recipient in writing of any amendment to the regulations and the effective date of those amendments.

(2) If either the Department or the recipient requests to modify the terms of the grant award other than as set forth in paragraph (1), written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the recipient.

(c) The Illinois AgriFIRST Program Fund is created as a special appropriated fund within the State treasury. Appropriations and moneys from any public or private source may be deposited into the Fund. The Fund shall be used for the purposes of the Illinois AgriFIRST Program Act of 2001. Repayments of grants made under this Section shall be deposited into the Fund.

Section 40. Project reporting. The grantee of a funded project shall submit to the Department periodic reports, as specified in the grant agreement, outlining progress, timeline, and budget compliance. Deviations from the agreement may result in the withholding of further funding or in a grant default. A final written report, describing the work performed, results obtained, and economic impact is required within 30 days after a project is completed. The grantee shall also provide a financial report and return any unused funds to the Department consistent with the Illinois Grant Funds Recovery Act. Grantees may be required to submit to the Department the following information: employment reports, federal tax returns or financial statements, and other information as requested by the Department where economic or business conditions may be necessary to determine conformance with grant conditions. The Department may require the financial statements be compiled, reviewed, or audited by an independent accountant at the expense of the grantee at any time for 3 years following the completion of the grant.

Section 45. Certification. The Department may develop and implement organic, identity preserved, and value-added certification processes and programs that guarantee a buyer that the certified Illinois products have traits and qualities that warrant a premium price or an increase in added value. The Department may adopt rules setting certification and licensing standards for persons to

New matter indicated by italics - deletions by strikeout.
certify products under this Section.

Section 50. Market access. The Department may (i) identify international and domestic consumer preferences, (ii) identify the new markets those preferences indicate, particularly for value-added products, (iii) identify preserved products, (iv) underwrite demonstrations on foreign soils, and (v) provide market analyses and trend projections to farmers and other interested persons.

Section 55. Default or termination of grant agreement. If the recipient of a grant violates any of the terms of the grant agreement, the Department shall send a written notice to the recipient that he or she is in default and be given the opportunity to correct the violations.

(a) If the violation is not corrected within 10 days after receipt of the notification, the Director may take, but is not limited to, one or more of the following actions:

(1) Declare due and payable the amount of the grant and cease additional grant payments not yet made to the grantee.

(2) Take any other action considered appropriate to protect the interest of the project.

(b) The Department may determine that a recipient has failed to faithfully perform the terms and conditions of the scope of work of the project when:

(1) The Department has notified the recipient in writing of the existence of circumstances such as repeated failure to submit required reports, misapplication of grant funds, failure to match Department funds, evidence of fraud and abuse, repeated failure to meet performance timelines or standards, or failure to resolve negotiated points of the agreement.

(2) The recipient fails to develop and implement a corrective action plan within 30 calendar days of the Department's notice.

(c) A grant may be terminated under, but termination is not limited to, any of the following circumstances:

(1) In the absence of State funding for a specific year, all grants that year will be terminated in full. In the event of a partial loss of State funding, the Department may make proportionate cuts to all recipients.

(2) If the Department determines that the recipient has failed to comply with the terms and conditions of the grant agreement, the Department may terminate the grant in whole, or in part, at any time before the date of completion.

(3) The Department may terminate the grant in whole, or in part, when the Department determines that the continuation of the project would not produce beneficial results commensurate with the further expenditures of funds.

(4) The recipient may refuse or elect not to complete the grant agreement and terminate the grant. The recipient shall notify the Department within 10 days after the date upon which performance ceases. The Department may declare due and payable the amount of the grant and may cease additional grant payments not yet made to the grantee.

(d) Any money collected from the default or termination of a grant shall be placed into the Fund and expended for the purposes of this Act.

Section 60. State agriculture planning agency. The Department is the State agriculture planning agency. The Department may accept and use planning grants or other financial assistance from the federal government (i) for statewide comprehensive planning work, including research and coordination activity directly related to agriculture needs; and (ii) for State and interstate comprehensive planning and research and coordination activity related to that planning. All such grants shall be subject to the terms and conditions prescribed by the federal government.

Section 65. Construction. This Act is necessary for the welfare of this State and must be liberally construed to effect its purposes.

Section 805. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Illinois AgriFIRST Program Fund.

(20 ILCS 205/40.43 rep.)

Section 810. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by repealing Section 40.43 as added by Public Act 91-560.

Section 999. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Sections 5-1121 and 5-12017 as follows:
(55 ILCS 5/5-1121)
Sec. 5-1121. Demolition, repair, or enclosure.
(a) The county board of each county may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the county, but outside the territory of any municipality, and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. If a township within the county makes a formal request to the county board as provided in Section 85-50 of the Township Code that the county board commence specified proceedings under this Section with respect to property located within the township but outside the territory of any municipality, then, at the next regular county board meeting occurring at least 10 days after the formal request is made to the county board, the county board shall either commence the requested proceedings or decline to do so (either formally or by failing to act on the request) and shall notify the township board making the request of the county board's decision. In any county having adopted, by referendum or otherwise, a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of any such county may upon a formal request by the city, village, or incorporated town demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having a population of less than 50,000.

The county board shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to commence proceedings to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed and the posting of such notice upon the premises sought to be demolished or repaired is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the demolition, repair, enclosure, or removal incurred by the county, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the county, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the county, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested...
in the property after the notice of lien has been filed, the lien shall be released by the county, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (b), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the county, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (b).

If the appropriate official of any county determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the county under the Abandoned Housing Rehabilitation Act, the county may petition under that Act in a proceeding brought under this subsection.

(b) In any case where a county has obtained a lien under subsection (a), the county may enforce the lien under this subsection (b) in the same proceeding in which the lien is authorized.

A county desiring to enforce a lien under this subsection (b) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (b) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the county, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate. If the court denies the petition, the county may enforce the lien in a separate action as provided in subsection (a).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (b), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(c) In addition to any other remedy provided by law, the county board of any county may petition the circuit court to have property declared abandoned under this subsection (c) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
(2) the property is unoccupied by persons legally in possession; and
(3) the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The county, however, may proceed under this subsection in a proceeding brought under subsection (a). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a).

If the county proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

New matter indicated by italics - deletions by strikeout.
If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the county unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the county may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the county of all costs incurred by the county in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the county may petition the court to issue a judicial deed for the property to the county. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(d) Each county may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential building is 2 stories or less in height as defined by the county's building code, and the official designated to be in charge of enforcing the county's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the county.

Not later than 30 days following the posting of the notice, the county shall do both of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the county to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the county where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the county intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.
hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

A person objecting to the proposed actions of the county board may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the county board shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The county may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the county proceeds with any of the actions authorized by this subsection, any person has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the county, then the county shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the county to do so.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the county may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the county in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the county; (iv) a statement by the official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the county as provided in subsection (a).

(e) In any case where a county has obtained a lien under subsection (a), the county may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

Sec. 5-12017. Violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Division or of any ordinance, resolution or other regulation made under authority conferred thereby, the proper authorities of the county or of the township in which the building, structure, or land is located, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises.

Any person who violates the terms of any ordinance adopted under the authority of this

New matter indicated by italics - deletions by strikeout.
Division shall be guilty of a petty offense punishable by a fine not to exceed $500, with each week the violation remains uncorrected constituting a separate offense.

(Source: P.A. 86-962.)

Section 10. The Township Code is amended by adding Section 85-50 as follows:

(60 ILCS 1/85-50 new)

Sec. 85-50. Demolition, repair, or enclosure of buildings.

(a) The township board of any township may formally request the county board to commence specified proceedings with respect to property located within the township but outside the territory of any municipality as provided in Section 5-1121 of the Counties Code. If the county board declines the request as provided in Section 5-1121 of the Counties Code, the township may exercise its powers under this Section.

(b) The township board of each township may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the township and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings.

The township board shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to commence proceedings to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed and the posting of the notice upon the premises sought to be demolished or repaired is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the demolition, repair, enclosure, or removal incurred by the township, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15-day notice period and is a lien on the real estate if, within 180 days after the repair, demolition, enclosure, or removal, the township, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The lien becomes effective at the time of filing.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the township, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner or persons interested in the property after the notice of lien has been filed, the lien shall be released by the township, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the township, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the township from the owner or owners of the real estate.

All liens arising under this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).
(c) In any case where a township has obtained a lien under subsection (b), the township may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A township desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (b). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the township, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the township from the owner or owners of the real estate. If the court denies the petition, the township may enforce the lien in a separate action as provided in subsection (b).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (c) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the township board of any township may petition the circuit court to have property declared abandoned under this subsection (d) if:

1. the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
2. the property is unoccupied by persons legally in possession; and
3. the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The township, however, may proceed under this subsection in a proceeding brought under subsection (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (b).

If the township proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the township unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30-day period, the court shall vacate its order declaring the property abandoned. In that case, the township may amend its complaint in order to initiate proceedings under subsection (b).

If a request to demolish or repair the building is filed within the 30-day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a
safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the township of all costs incurred by the township in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the township may petition the court to issue a judicial deed for the property to the county. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(e) This Section applies only to requests made by townships under subsection (a) before January 1, 2006 and proceedings to implement or enforce this Section with respect to matters related to or arising from those requests.

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

PUBLIC ACT 92-0348
(House Bill No. 0382)

AN ACT to amend certain Acts in relation to the disposition of certain fetuses.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Hospital Licensing Act is amended by adding Section 11.4 as follows:
(210 ILCS 85/11.4 new)
Sec. 11.4. Disposition of fetus. A hospital having custody of a fetus following a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks must notify the mother of her right to arrange for the burial or cremation of the fetus. Notification may also include other options such as, but not limited to, a ceremony, a certificate, or common burial of fetal tissue. If, within 24 hours after being notified under this Section, the mother elects in writing to arrange for the burial or cremation of the fetus, the disposition of the fetus shall be subject to the same laws and rules that apply in the case of a fetal death that occurs in this State after a gestation period of 20 completed weeks or more. The Department of Public Health shall develop forms to be used for notifications and elections under this Section and hospitals shall provide the forms to the mother.

Section 10. The Vital Records Act is amended by changing Section 20 as follows:
(410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)
Sec. 20. Fetal death; place of registration.
(1) Each fetal death which occurs in this State after a gestation period of 20 completed weeks (and when the mother elects in writing to arrange for the burial or cremation of the fetus under Section 11.4 of the Hospital Licensing Act) or more shall be registered with the local or subregistrar of the district in which the delivery occurred within 7 days after the delivery and before removal of the fetus from the State, except as provided by regulation in special problem cases.
(a) For the purposes of this Section, if the place of fetal death is unknown, a fetal death certificate shall be filed in the registration district in which a dead fetus is found, which shall be considered the place of fetal death.
(b) When a fetal death occurs on a moving conveyance, the city, village, township, or road district in which the fetus is first removed from the conveyance shall be considered the place of delivery and a fetal death certificate shall be filed in the registration district in which the place is located.
(c) The funeral director or person acting as such who first assumes custody of a fetus shall file the certificate. The personal data shall be obtained from the best qualified person or

New matter indicated by italics - deletions by strikeout.
source available. The name, relationship, and address of the informant shall be entered on the certificate. The date, place, and method of final disposition of the fetus shall be recorded over the personal signature and address of the funeral director responsible for the disposition. The certificate shall be presented to the person responsible for completing the medical certification of the cause of death.

(2) The medical certification shall be completed and signed within 24 hours after delivery by the physician in attendance at or after delivery, except when investigation is required under Division 3-3 of Article 3 of the Counties Code and except as provided by regulation in special problem cases.

(3) When a fetal death occurs without medical attendance upon the mother at or after the delivery, or when investigation is required under Division 3-3 of Article 3 of the Counties Code, the coroner shall be responsible for the completion of the fetal death certificate and shall sign the medical certification within 24 hours after the delivery or the finding of the fetus, except as provided by regulation in special problem cases.

(Source: P.A. 88-159.)

Effective January 1, 2002.

PUBLIC ACT 92-0349
(House Bill No. 0446)

AN ACT concerning organ transplantation.

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

Section 3. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-396 as follows:

(20 ILCS 2310/2310-396 new)

Sec. 2310-396. Organ Donation Task Force. The Department shall establish an Organ Donation Task Force to study the various laws and rules regarding organ donation to determine whether consolidation or other changes in the laws or rules are needed to facilitate organ donation in Illinois. The Director shall appoint the members of the Task Force and shall determine the number of members to be appointed. The members of the Task Force shall include representatives of the Illinois Hospital and HealthSystems Association, the Illinois State Medical Society, organ procurement agencies, the Illinois Eye Bank, and any other entities deemed appropriate by the Director.

Section 5. The Uniform Anatomical Gift Act is amended by changing Section 3 as follows:

(755 ILCS 50/3) (from Ch. 110 1/2, par. 303)

Sec. 3. Persons who may execute an anatomical gift.

(a) Any individual of sound mind who has attained the age of 18 may give all or any part of his or her body for any purpose specified in Section 4. Such a gift may be executed in any of the ways set out in Section 5, and shall take effect upon the individual's death without the need to obtain the consent of any survivor. An anatomical gift made by an agent of an individual, as authorized by the individual under the Powers of Attorney for Health Care Law, as now or hereafter amended, is deemed to be a gift by that individual and takes effect without the need to obtain the consent of any other person.

(b) If no gift has been executed under subsection (a), any of the following persons, in the order of priority stated in items (1) through (9) below, when persons in prior classes are not available and in the absence of (i) actual notice of contrary intentions by the decedent and (ii) actual notice of opposition by any member within the same priority class, may give all or any part of the decedent's body after or immediately before death for any purpose specified in Section 4:

(1) the decedent's agent under a power of attorney for health care which provides specific direction regarding organ donation,
(2) the decedent's spouse,
(3) the decedent's adult sons or daughters,
(4) either of the decedent's parents,

New matter indicated by italics - deletions by strikeout.
any of the decedent's adult brothers or sisters,
(6) any adult grandchild of the decedent, 
(7) the guardian of the decedent's estate at the time of his or her death, 
(8) the decedent's surrogate decision maker under the Health Care Surrogate Act, 
(9) any person authorized or under obligation to dispose of the body.

If the donee has actual notice of opposition to the gift by the decedent or any person in the highest priority class in which an available person can be found, then no gift of all or any part of the decedent's body shall be accepted.

(c) For the purposes of this Act, a person will not be considered "available" for the giving of consent or refusal if:

(1) the existence of the person is unknown to the donee and is not readily ascertainable through the examination of the decedent's hospital records and the questioning of any persons who are available for giving consent;

(2) the donee has unsuccessfully attempted to contact the person by telephone or in any other reasonable manner;

(3) the person is unable or unwilling to respond in a manner which indicates the person's refusal or consent.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by Section 8 (d).

(f) If no gift has been executed under this Section, then no part of the decedent's body may be used for any purpose specified in Section 4 of this Act, except in accordance with the Organ Donation Request Act or the Corneal Transplant Act.

(121x138) (Source: P.A. 87-633.)

Section 10. The Illinois Corneal Transplant Act is amended by changing Section 2 as follows:

Sec. 2. (a) Objection to the removal of corneal tissue may be made known to the coroner or county medical examiner or authorized individual acting for the coroner or county medical examiner by the individual during his lifetime or by the following persons, in the order of priority stated, after the decedent's death:

(1) The decedent's agent under a power of attorney for health care which provides specific direction regarding organ donation;

(2) The decedent's spouse;

(3) If there is no spouse, any of The decedent's adult sons or daughters;

(4) If there is no spouse and no adult sons or daughters, Either of the decedent's parents;

(5) If there is no spouse, no adult sons or daughters, and no parents, Any of the decedent's adult brothers or sisters;

(6) Any adult grandchild of the decedent;

(7) The guardian of the decedent's estate; decedent at the time of his or her death.

(8) The decedent's surrogate decision maker under the Health Care Surrogate Act;

(9) Any person authorized or under obligation to dispose of the body.

(b) If the coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner has actual notice of any contrary indications by the decedent or actual notice that any member within the same class specified in subsection (a), paragraphs (1) through (9) of this Section, in the same order of priority, objects to the removal, the coroner or county medical examiner shall not approve the removal of corneal tissue.

(121x138) (Source: P.A. 87-633.)

Section 15. The Organ Donation Request Act is amended by changing Section 2 as follows:

Sec. 2. Notification; consent; definitions.

(a) When, based upon generally accepted medical standards, an inpatient in a general acute care hospital with more than 100 beds is a suitable candidate for organ or tissue donation and such
patient has not made an anatomical gift of all or any part of his or her body pursuant to Section 5 of the Uniform Anatomical Gift Act, the hospital administrator, or his or her designated representative, shall, if the candidate is suitable for the donation of organs at the time of or after notification of death, notify the hospital's federally designated organ procurement agency. The organ procurement agency shall request a consent for organ donation according to the priority and conditions established in subsection (b). In the case of a candidate suitable for donation of tissue only, the hospital administrator or his or her designated representative or tissue bank shall, at the time of or shortly after notification of death, request a consent for tissue donation according to the priority need conditions established in subsection (b). Alternative procedures for requesting consent may be implemented by mutual agreement between a hospital and a federally designated organ procurement agency or tissue bank.

(b) In making a request for organ or tissue donation, the hospital administrator or his or her designated representative or the hospital's federally designated organ procurement agency or tissue bank shall request any of the following persons, in the order of priority stated in items (1) through (9) below, when persons in prior classes are not available and in the absence of (i) actual notice of contrary intentions by the decedent, (ii) actual notice of opposition by any member within the same priority class, and (iii) reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, to consent to the gift of all or any part of the decedent's body for any purpose specified in Section 4 of the Uniform Anatomical Gift Act:

(1) the decedent's agent under a power of attorney for health care which provides specific direction regarding organ donation under the Powers of Attorney for Health Care Law;
(2) the decedent's surrogate decision maker under the Health Care Surrogate Act;
(3) the decedent's spouse;
(4) either of the decedent's parents;
(5) any of the decedent's adult brothers or sisters;
(6) any adult grandchild of the decedent;
(7) the guardian of the decedent's estate; decedent at the time of his or her death;
(8) the decedent's surrogate decision maker under the Health Care Surrogate Act;
(9) any person authorized or under obligation to dispose of the body.

(c) If (1) the hospital administrator, or his or her designated representative, the organ procurement agency, or the tissue bank has actual notice of opposition to the gift by the decedent or any person in the highest priority class in which an available person can be found, or (2) there is reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, or (3) the Director of Public Health has adopted a rule signifying his determination that the need for organs and tissues for donation has been adequately met, then such gift of all or any part of the decedent's body shall not be requested. If a donation is requested, consent or refusal may only be obtained from the person or persons in the highest priority class available. If the hospital administrator, or his or her designated representative, the designated organ procurement agency, or the tissue bank is unable to obtain consent from any of the persons named in items (1) through (9) of subsection (b) of this Section, the decedent's body shall not be used for an anatomical gift unless a valid anatomical gift document was executed under the Uniform Anatomical Gift Act or the Corneal Transplant Act.

(d) For the purposes of this Act, a person will not be considered "available" for the giving of consent or refusal if:

(1) the existence of the person is unknown to the hospital administrator or designee, organ procurement agency, or tissue bank and is not readily ascertainable through the examination of the decedent's hospital records and the questioning of any persons who are available for giving consent;
(2) the administrator or designee, organ procurement agency, or tissue bank has unsuccessfully attempted to contact the person by telephone or in any other reasonable manner;
(3) the person is unable or unwilling to respond in a manner which indicates the person's refusal or consent.

(e) For the purposes of this Act, "federally designated organ procurement agency" means the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located; except that in the case of a hospital located...
in a county adjacent to Wisconsin which currently contracts with an organ procurement agency located in Wisconsin that is not the organ procurement agency designated by the U.S. Secretary of Health and Human Services for the service area in which the hospital is located, if the hospital applies for a waiver pursuant to 42 USC 1320b-8(a), it may designate an organ procurement agency located in Wisconsin to be thereafter deemed its federally designated organ procurement agency for the purposes of this Act.

(f) For the purposes of this Act, "tissue bank" means any facility or program operating in Illinois that is certified by the American Association of Tissue Banks or the Eye Bank Association of America and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank.

For the purposes of this Act, "tissue" does not include organs.

(g) Nothing in this amendatory Act of 1995 alters any agreements or affiliations between tissue banks and hospitals.

(Source: P.A. 89-393, eff. 8-20-95; revised 2-23-00.)


Effective January 1, 2002.

PUBLIC ACT 92-0350

(Revised Public Law 92-0350)

AN ACT concerning the regulation of professions.

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

Section 5. The Illinois Physical Therapy Act is amended by adding Sections 0.05 and 14.1 as follows:

(225 ILCS 90/0.05 new)

Sec. 0.05. Legislative Intent. This Act is enacted for the purpose of protecting the public health, safety, and welfare, and for providing for State administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the legislature's intent that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy as authorized by this Act. This Act shall be liberally construed to promote the public interest and to accomplish the purpose stated herein. This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed or from delegating services as provided for under that other Act.

(225 ILCS 90/14.1 new)

Sec. 14.1. Continuing education renewal requirements. The Department shall promulgate rules concerning continuing education for persons licensed under this Act that require 40 hours of continuing education per license renewal cycle for a physical therapist and 20 hours of continuing education per license renewal cycle for a physical therapist assistant. In establishing these rules, the Department shall consider education required for the 2 categories of licensees to maintain current knowledge and understanding of their respective scope of practice, professional ethics, and standards of care, as described in this Act, and in material provided by relevant professional associations. The Department shall also consider the educational requirements for board certification in physical therapy specialty areas, requirements for advanced clinical or academic degrees related to physical therapy, requirements for attaining advanced skills specific to particular practice environments and patient populations, and the educational needs related to special interest groups within the professions. These rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations, hospitals, or employers and which are relevant to their practice. These rules shall also address variances for illness or hardship. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

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


AN ACT concerning veterans homes.

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

Section 5. The Department of Veterans Affairs Act is amended by changing Section 2.01 as follows:

(20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

Sec. 2.01. Any honorably discharged veteran is entitled to admission to an Illinois Veterans Home, if the applicant:

(a) (1) Has served in the armed forces of the United States at least 1 day in the Spanish American War, World War I, World War II, the Korean Conflict, the Viet Nam Campaign, or the Persian Gulf Conflict between the dates recognized by the U.S. Department of Veterans Affairs or between any other present or future dates recognized by the U.S. Department of Veterans Affairs as a war period, or has served in a hostile fire environment and has been awarded a campaign or expeditionary medal signifying his or her service, for purposes of eligibility for domiciliary or nursing home care; or

(2) Has (i) served on active duty in the armed forces for one year for purposes of eligibility for domiciliary care only or (ii) served in the National Guard or Reserve Forces of the United States and completed 20 years of satisfactory service, is otherwise eligible to receive reserve or active duty retirement benefits, and has been an Illinois resident for at least one year before applying for admission for purposes of eligibility for domiciliary care only; and

(b) Has service accredited to the State of Illinois or has been a resident of this State for one year immediately preceding the date of application; and

(c) For admission to the Illinois Veterans Homes at Anna and Quincy, is disabled by disease, wounds, or otherwise and because of the disability is incapable of earning a living; or

(d) For admission to the Illinois Veterans Homes at LaSalle and Manteno and for admission to the John Joseph Kelly Veteran's Home, is disabled by disease, wounds, or otherwise and, for purposes of eligibility for nursing home care, requires nursing care because of the disability.

(Source: P.A. 91-634, eff. 8-19-99.)

Section 99. Effective date. This Act takes effect on January 1, 2002.


Effective January 1, 2002.

AN ACT concerning transportation.

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

ARTICLE 5.

Section 5-1. Short title. This Article may be cited as the Dixon Railroad Relocation Authority Law.

Section 5-5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The City of Dixon has become and will increasingly be the hub of transportation from all parts of the region. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of a railroad spur line running through the City of Dixon. The presence of the railroad spur line in the City of Dixon is detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad, to acquire property for relocation of the railroad or highways, and to create an agency to facilitate and accomplish that relocation.

New matter indicated by italics - deletions by strikeout.
Section 5-10. Creation; duration. There is created a body politic and corporate and a unit of local government named the Dixon Railroad Relocation Authority, embracing Lee County. The Authority shall continue in existence until the accomplishment of its objective, the relocation of the railroad spur line running through the City of Dixon or until the Authority officially resolves that it is impossible or economically unfeasible to fulfill that objective.

Section 5-15. Acquisition of property. The Authority shall have the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property that is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of such governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on intrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

Section 5-20. Sale or exchange of property. The Authority shall have the power to sell, transfer, exchange, vacate or assign property acquired for the purposes of this Act as it shall deem appropriate.

Section 5-25. Acceptance of grants, loans, and appropriations. The Authority shall have the power to apply for and accept grants, loans, advances, and appropriations from the Federal Government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Authority, and to enter into any agreement in relation to such grants, loans, advances, and appropriations. The Authority may also accept from the State, any State agency, department or commission, any county or other political subdivision, any municipal corporation, any railroad, or any school authorities, or jointly therefrom, grants of funds or services for any of the purposes of this Article. The Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's jurisdiction and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

Section 5-30. Borrowing money and issuance of bonds. The Authority may incur debt and borrow money from time to time and, in evidence thereof, may issue and sell bonds in such amounts as the Authority may determine, to provide funds for carrying out the purposes of this Article and to pay all costs and expenses incident thereto, and to refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the Authority.

Section 5-35. Taxing powers. The Authority shall not have the power to levy real property taxes for any purpose whatsoever.

Section 5-40. Board; composition; qualification; compensation and expenses. The Authority shall be governed by a board consisting of 5 members. The members of the Authority shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the Authority who serves as secretary or treasurer may receive compensation for services as that officer.

Section 5-45. Appointments; tenure; oaths; vacancies. The members of the Authority shall be appointed by the Governor, who shall give notice of the member's selection to each other member within 10 days after selection and before the member's entering upon the duties of office. Three of the members shall be appointed by the Governor from a list of 4 candidates provided by the mayor of the City of Dixon, and 2 of the members shall be appointed by the Governor from a list of 3 candidates provided by the chairman of the county board of Lee County. Each member of the Authority shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. If a vacancy occurs by death, resignation, or otherwise, the vacancy shall be filled by the Governor. All appointments of members shall be for a 3-year term. Each member shall continue to serve an additional 3-year term unless that member is replaced by appointment within 60 days of the end of his or her term.

Section 5-50. Removal of members. The Governor may remove from office any Authority member...
member immediately in case of incompetency, neglect of duty, or malfeasance of office, or otherwise upon 15 days written notice to the other members. Absence from any 3 consecutive regular meetings of the Authority shall be deemed neglect of duty.

Section 5-55. Organization; chairperson and temporary Secretary. As soon as possible after the appointment of the initial members, the Authority shall organize for the transaction of business, select a chairperson and a temporary secretary from its own number, and adopt bylaws to govern its proceedings. The initial chairperson and successors shall be elected by the Authority from time to time from among the members. The Authority may act through its members by entering into an agreement that a member act on the Authority's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the Authority and not the individual act of the member or its represented person.

Section 5-60. Meetings; quorum; resolutions. Regular meetings of the Authority shall be held at least quarterly, the time and place of those meetings to be fixed by the Authority. Special meetings may be called by the chairperson or by any 3 members of the Authority by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mail at least 48 hours before the meeting. A majority of the members of the Authority shall constitute a quorum for the transaction of business. All action of the Authority shall be by resolution and, except as otherwise provided in this Article, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The chairperson shall be entitled to vote on any and all matters coming before the Authority.

Section 5-65. Secretary and treasurer; oaths; bond of treasurer. The Authority may appoint a secretary and a treasurer, who need not be members of the Authority, to hold office during the pleasure of the Authority, and fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe to the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties to be approved by the Authority. The bond shall be payable to the Authority in whatever penal sum may be directed by the Authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by the treasurer according to law and the orders of the Authority. The Authority may, at any time, require a new bond for the treasurer in such penal sum as may then be determined by the Authority.

Section 5-70. Deposit and withdrawal of funds; signatures. All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chairperson of the Authority. Subject to prior approval of the designations by a majority of the Authority, the chairperson may designate any other member or any officer of the Authority to affix the signature of the treasurer to any Authority check or draft for payment of salaries or wages and for payment of any other obligation of not more than $2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

Section 5-75. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued pursuant to this Article ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 5-80. Rules. The Authority may make all rules proper or necessary to carry into effect the powers granted to it. The rules shall be consistent with the guidelines, objectives, and project scope as set out by the Illinois Commerce Commission.

Section 5-85. Fiscal year. The Authority shall designate its fiscal year.

Section 5-90. Reports and financial statements. Within 60 days after the end of its fiscal year, the Authority shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as related to the Dixon railroad relocation project. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Lee County.
Section 5-95. Construction. Nothing in this Article shall be construed to confer upon the Authority the right, power, or duty to order or enforce the abandonment of any present property of the railroads or the use in substitution therefor of any property acquired for the railroads in the absence of a contract duly executed by the railroads and the Authority setting forth the terms and conditions upon which relocation of the right of way and physical facilities of the railroads is to be accomplished. No such contract shall be or become enforceable until the provisions of the contract have been approved or authorized by the Illinois Commerce Commission.

Section 5-100. Existing contracts, obligations, and liabilities. No contract, obligation, or liability whatever of the railroads to pay any money into the State treasury, nor any lien of the State upon or right to tax property of the railroads, shall be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by the contract with the Authority, and any such charter provisions applicable to the property on which the railroads are now located shall be deemed in full force and effect with respect to any property on which the railroads are relocated in substitution therefor pursuant to the provisions of this Act or any such contract with the Authority pursuant thereto. Notwithstanding, upon order of the Illinois Commerce Commission, the Authority shall succeed to and assume the performance and actions of the represented persons under the terms of the order and amending orders previously entered relative to the Dixon railroad relocation project and consistent with the objectives of the Authority.

Section 5-105. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

ARTICLE 10.

Section 10-5. The 25th Avenue Railroad Relocation and Development Authority Act is amended by changing the title of the Act and Sections 1, 5, 10, 40, 45, 60, and 90 as follows:

(70 ILCS 1920/Act title)

An Act creating the West Cook 25th Avenue Railroad Relocation and Redevelopment Authority.

(70 ILCS 1920/1)

Sec. 1. Short title. This Act may be cited as the West Cook 25th Avenue Railroad Relocation and Development Authority Act.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/5)

Sec. 5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The Village of Bellwood, the Village of Maywood, and the Village of Melrose Park, by reason of the location therein of 25th Avenue and the First Avenue vicinity between Lake Street on the North, Oak Street on the South, the Des Plaines River on the East, and Fifth Avenue on the West and its use for vehicular travel in access to the entire west metropolitan Chicago area, including municipalities in 2 counties, as well as commercial and industrial growth patterns and accessibility to O'Hare International Airport, Midway Airport, manufacturing, and freight related facilities, have become and will increasingly be the hub of transportation from all parts of the region and throughout the west metropolitan area. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of a major railroad right of way that divides the Village of Bellwood and the Village of Melrose Park. Additionally, certain development opportunities may exist in the project area that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, create opportunities for intersurface modal transportation efficiencies, and promote comprehensive planning within and between communities. The presence of the railroad right of way at the 25th Avenue grade crossing is detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad tracks and right of way on 25th Avenue and First Avenue, to separate the grades at crossings, to acquire property for relocation or submergence of the railroad or highways, to create an agency to facilitate and accomplish that relocation, and to direct infrastructure and development improvements in the 25th Avenue vicinity between St. Charles Road and Lake Street and the First Avenue vicinity between Lake Street on the North, Oak Street on the South, the Des Plaines River on the East, and Fifth Avenue on the West.

New matter indicated by italics - deletions by strikeout.
Additionally, certain development opportunities may exist in the West Cook County region from Harlem Avenue on the East to I-294 on the West and from Grand Avenue on the North to 31st Street on the South that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, create opportunities for modal transportation efficiencies, and promote comprehensive planning within and between communities.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/10)

Sec. 10. Creation; duration. There is created a body politic and corporate, a unit of local government, named the West Cook 25th Avenue Railroad Relocation and Development Authority, embracing that portion of Proviso Township embracing that portion of the Village of Bellwood and the Village of Melrose Park from St. Charles Road on the South to Lake Street on the North, and from the Indiana Harbor Belt Railroad on the West to 22nd Avenue on the East, Cook County, Illinois and the Village of Maywood, Cook County, Illinois. The Authority shall continue in existence until the accomplishment of its objective, the relocation of the railroad tracks and 25th Avenue, the grade separation of railroads from the right of way and at-grade crossing closures within the Village of Bellwood and the Village of Melrose Park, the grade separation of railroads from the right-of-way and at grade crossing in the First Avenue vicinity between Lake Street, Oak Street, the Des Plaines River, and Fifth Avenue, and the establishment of a transit-oriented intersurface modal development facility in the project area, or until the Authority officially resolves that it is impossible or economically unfeasible to fulfill that objective.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/40)

Sec. 40. Board; composition; qualification; compensation and expenses. The Authority shall be governed by a board consisting of 5 members. The members of the Authority shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the Authority who serves as secretary or treasurer may receive compensation for services as that officer.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/45)

Sec. 45. Appointments; tenure; oaths; vacancies. The members of the Authority shall be appointed by the Governor, who shall give notice of the member's selection to each other member within 10 days after selection and before the member's entering upon the duties of office. Two of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Bellwood, 2 of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Maywood, and 2 of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Melrose Park. The office of chairman shall rotate annually and shall represent the Village of Bellwood, the Village of Melrose Park, the Village of Maywood, and the Governor's appointments, respectively, for each of the 3 years of the term of office. Each representative member of the Authority shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. If a vacancy occurs by death, resignation, or otherwise, the vacancy shall be filled by the appropriate selecting party. All appointments of members shall be for a 3-year term. Each member shall continue to serve an additional 3-year term unless that member is replaced by appointment within 60 days of the end of his or her term.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/60)

Sec. 60. Meetings; quorum; resolutions. Regular meetings of the Authority shall be held at least quarterly, the time and place of those meetings to be fixed by the Authority. Special meetings may be called by the Chair or by any 4 members of the Authority by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mails at least 48 hours before the meeting. A majority of the members of the Authority shall constitute a quorum for the transaction of business. All action of the Authority shall be by resolution and, except as otherwise provided in this Act, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The Chair shall be entitled to vote on any and all matters coming before the Authority.
AN ACT in relation to private sewage disposal.

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

Section 5. The Private Sewage Disposal Licensing Act is amended by changing Sections 11 and 19 as follows:

(225 ILCS 225/11) (from Ch. 111 1/2, par. 116.311)

Sec. 11. Notice of violation. Whenever the Department determines that there are reasonable grounds to believe that there has been violation of any provision of this Act or the rules and regulations issued under this Act, the Department shall give notice of such alleged violation to the person to whom the license was issued, as herein provided. Such notice shall:

(a) be in writing;
(b) include a statement of the reasons for the issuance of the notice;
(c) allow reasonable time as established by rule determined by the Department for the performance of any act it requires;
(d) be served upon the owner, operator or licensee as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner, operator or licensee when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Department; or, when he has been served with such notice by any other method authorized by the laws of this State; and
(e) contain an outline of remedial action, which is required to effect compliance with this Act and the rules and regulations issued under this Act.

(225 ILCS 225/19) (from Ch. 111 1/2, par. 116.319)

Sec. 19. Civil and criminal penalties.

(a) Any person who violates this Act or any rule or regulation adopted by the Department under this Act or who violates any determination or order of the Department under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100. Each day's violation constitutes a separate offense.

(b) In addition to any other penalty provided under this Act, the Department (or a unit of local government acting under Section 10) in an administrative proceeding, or the court in an action brought under subsection (c) of this Section, may impose upon any person who violates this Act or any rule or regulation adopted under this Act, or who violates any determination or order of the Department under this Act, a civil penalty not exceeding $1,000 for each violation plus $100 for each day that the violation continues.

(c) The State's Attorney of the county in which the violation occurred; or the Attorney General may bring such actions for the enforcement of this Act and the rules adopted and orders issued under this Act, in the name of the People of the State of Illinois, and may, in addition to other...
remedies provided in this Act, bring an action for an injunction to restrain any actual or threatened violation, or to enjoin the operation of any establishment operated in violation, or to impose or collect a civil penalty for any violation.
(Source: P. A. 78-812.)

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

PUBLIC ACT 92-0354
(House Bill No. 1810)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Funds Statement Publication Act is amended by changing Section 1 as follows:
(30 ILCS 15/1) (from Ch. 102, par. 5)
Sec. 1. Except as provided in Section 2.1, each public officer, other than a state officer, (and other than a city or village treasurer or municipal officer who is required by Article 3 of the Illinois Municipal Code, approved May 29, 1961, as heretofore and hereafter amended, to file an annual report to the city council or board of trustees which report is required to be published, and other than a treasurer of a city, village or incorporated town, who is required to file an account with the municipal clerk, which account is published as required by "An Act in relation to the preparation, publication and filing of annual accounts of certain municipalities, the payment of tax monies to treasurers of certain municipalities, and providing penalties for violations thereof", approved August 15, 1961, as heretofore and hereafter amended), who, by virtue of his office receives for disbursement and disburses public funds in the discharge of governmental or municipal debts and liabilities, shall, at the expiration of each fiscal year, prepare a statement:
(1) Of all moneys received and from what sources received, giving items, particulars and details;
(2) Except as provided in paragraph (3) of this Section, of all moneys paid out where the total amount paid during the fiscal year exceeds $2,500 in the aggregate, giving the name of each individual to whom paid and the amount paid to each person;
(3) Of all monies paid out as compensation for personal services, giving the name of each individual to whom paid and the total amount paid to each person, except that any public officer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories:
(A) under $25,000.00
(B) $25,000.00 to $15,000
(C) $15,000 to $25,000
(D) $25,000 to $49,999.99
(E) $40,000 and over; and
(F) $50,000.00 to $74,999.99
(G) $75,000.00 to $99,999.99
(H) $100,000.00 to $124,999.99; or
(I) $125,000.00 and over; and
(4) A summary statement of operations for all funds and account groups, as excerpted from the annual financial report as filed with the appropriate State agency of the State of Illinois.
Such statement shall be subscribed and sworn to by the public officer making such statement, and, within 6 months after the expiration of such fiscal year shall be filed in the office of the county clerk of the county in which such public officer resides.
(Source: P.A. 89-326, eff. 1-1-96.)
Section 10. The Illinois Municipal Code is amended by changing Sections 3.1-10-6 and 3.1-35-65 as follows:
(65 ILCS 5/3.1-10-6) Sec. 3.1-10-6. Qualifications; appointive office.
(a) No person shall be eligible for any appointive municipal office unless that person is a

New matter indicated by italics - deletions by strikeout.
qualified elector of the municipality or otherwise provided by law.

(b) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed village treasurers, to appointed village clerks, or to appointed city or village collectors (unless the city or village has designated by ordinance that the city or village clerk shall also hold the office of collector).

(c) Except for incorporated towns that have superseded a civil township, municipalities having a population of not more than 500,000 may adopt ordinances that allow firemen and policemen to reside outside of the corporate limits of the municipality by which they are employed both at the time of appointment and while serving as a fireman or policeman.

(Source: P.A. 87-1119; 87-1197; 88-45.)

(65 ILCS 5/3.1-35-65) (from Ch. 24, par. 3.1-35-65)

Sec. 3.1-35-65. Treasurer; annual accounts.

(a) Within 6 months after the end of each fiscal year, the treasurer of each municipality having a population of less than 500,000, as determined by the last preceding federal census, shall annually prepare and file with the clerk of the municipality an account of moneys received and expenditures incurred during the preceding fiscal year as specified in this Section. The treasurer shall show in the account:

1. All moneys received by the municipality, indicating the total amounts, in the aggregate, received in each account of the municipality, with a general statement concerning the source of receipts. In this paragraph, the term "account" does not mean each individual taxpayer, householder, licensee, utility user, or other persons whose payments to the municipality are credited to a general account.

2. Except as provided in paragraph (3) of this subsection (a), all moneys paid out by the municipality where the total amount paid during the fiscal year exceeds $2,500 in the aggregate, giving the name of each person to whom moneys were paid and the total paid to each person.

3. All moneys paid out by the municipality as compensation for personal services, giving the name of each person to whom moneys were paid and the total amount paid to each person from each account, except that the treasurer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories:

   (A) under $25,000.00;
   (B) $25,000.00 to $49,999.99;
   (C) $50,000.00 to $74,999.99;
   (D) $75,000.00 to $99,999.99;
   (E) $100,000.00 to $124,999.99; or
   (F) $125,000.00 and over.

4. A summary statement of operations for all funds and account groups of the municipality, as excerpted from the annual financial report as filed with the appropriate State agency.

(b) Upon receipt of the account from the municipal treasurer, the municipal clerk shall publish the account at least once in one or more newspapers published in the municipality or, if no newspaper is published in the municipality, then in one or more newspapers having a general circulation within the municipality. In municipalities with a population of less than 500 in which no newspaper is published, however, publication may be made by posting a copy of the account in 3 prominent places within the municipality.

(Source: P.A. 89-63, eff. 6-30-95.)

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

PUBLIC ACT 92-0355
(House Bill No. 1972)
AN ACT concerning library districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Library District Act of 1991 is amended by changing Section 30-20 as follows:
(75 ILCS 16/30-20)
Sec. 30-20. Nomination of candidates; ballot.
(a) Nomination of candidates for election as trustees shall be by petition, signed by a number of qualified voters equivalent to at least 2% of the votes cast at the last election for library trustees, or 50, whichever is less, residing within the district, and filed with the secretary of the district within the time provided by the Election Code. No party name or affiliation may appear on the petition.
(b) The names of all candidates for the office of trustee shall be certified by the secretary to the proper election authority, who shall conduct the election in accordance with the Election Code.
(c) The ballot for election of trustees shall not designate any political party, platform, or political principle.
(Source: P.A. 87-1277.)
Effective January 1, 2002.

PUBLIC ACT 92-0356
(House Bill No. 2276)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-600 as follows:
(20 ILCS 2310/2310-600)
Sec. 2310-600. Advance directive information.
(a) The Department of Public Health shall prepare and publish the summary of advance directives law in Illinois that is required by the federal Patient Self-Determination Act. Publication may be limited to the World Wide Web.
(b) The Department of Public Health shall adopt, by rule, and publish Spanish language versions of the following:
(1) The statutory Living Will Declaration form.
(2) The Illinois Statutory Short Form Power of Attorney for Health Care.
(3) The statutory Declaration of Mental Health Treatment Form.
(4) The summary of advance directives law in Illinois.
(5) Any statewide uniform Do Not Resuscitate forms. Publication may be limited to the World Wide Web.
(b-5) In consultation with a statewide professional organization representing physicians licensed to practice medicine in all its branches, statewide organizations representing nursing homes, and a statewide organization representing hospitals, the Department of Public Health shall develop and publish a uniform form for physician do-not-resuscitate orders that may be utilized in all settings. The form may be referred to as the Department of Public Health Uniform DNR Order form.
(e) The Department of Public Health may contract with statewide professional organizations representing physicians licensed to practice medicine in all its branches health care professionals to prepare and publish materials required by this Section. The Department of Public Health may consult with a statewide organization representing registered professional nurses on preparing materials required by this Section.
(Source: P.A. 91-789, eff. 1-1-01.)
Section 10. The Nursing Home Care Act is amended by changing Section 2-104.2 as follows:
(210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)
Sec. 2-104.2. Do-Not-Resuscitate Orders. Every facility licensed under this Act shall establish a policy for the implementation of physician orders limiting resuscitation such as those commonly

New matter indicated by italics - deletions by strikeout.
referred to as "Do-Not-Resuscitate" orders. This policy may only prescribe the format, method of documentation and duration of any physician orders limiting resuscitation. Any orders under this policy shall be honored by the facility. The Department of Public Health Uniform DNR Order form or a copy of that form shall be honored by the facility.
(Source: P.A. 87-567.)

Section 15. The Emergency Medical Services (EMS) Systems Act is amended by adding Section 3.57 as follows:
(210 ILCS 50/3.57 new)
Sec. 3.57. Physician do-not-resuscitate orders. The Department of Public Health Uniform DNR Order form or a copy of that form shall be honored under this Act.

Section 20. The Hospital Licensing Act is amended by adding Sections 6.19 and 6.20 as follows:
(210 ILCS 85/6.19 new)
Sec. 6.19. Do-not-resuscitate orders. Every facility licensed under this Act shall establish a policy for the implementation of physician orders limiting resuscitation, such as those orders commonly referred to as "do-not-resuscitate" orders. This policy may prescribe only the format, method of documentation, and duration of any physician orders limiting resuscitation. The policy may include forms to be used. Any orders issued under the policy shall be honored by the facility. The Department of Public Health Uniform DNR Order form or a copy of that form shall be honored under any policy established under this Section.
(210 ILCS 85/6.20 new)
Sec. 6.20. Use of restraints. Each hospital licensed under this Act must have a written policy to address the use of restraints and seclusion in the hospital. The Department shall establish, by rule, the provisions that the policy must include, which, to the extent practicable, should be consistent with the requirements for participation in the federal Medicare program. Each hospital policy shall include periodic review of the use of restraints or seclusion in the hospital.

In hospitals, restraints or seclusion may only be ordered by (i) a physician licensed to practice medicine in all its branches or (ii) a registered nurse with supervisory responsibilities as authorized by the medical staff. The medical staff of a hospital may adopt a policy specifying the requirements for the use of restraints or seclusion and identifying whether a registered nurse with supervisory responsibilities may order restraints or seclusion in the hospital when the patient's treating physician is not available.

Registered nurses authorized to order restraints or seclusion shall have appropriate training and experience as determined by medical staff policy. The treating physician shall be notified when restraints or seclusion are ordered by a registered nurse. Nothing in this Section requires that a medical staff authorize a registered nurse with supervisory responsibilities to order restraints or seclusion.

Section 25. The Health Care Surrogate Act is amended by adding Section 65 as follows:
(755 ILCS 40/65 new)
Sec. 65. Do-not-resuscitate orders.
(a) An individual of sound mind and having reached the age of majority or having obtained the status of an emancipated person pursuant to the Emancipation of Mature Minors Act may execute a document (consistent with the Department of Public Health Uniform DNR Order Form) directing that resuscitating efforts shall not be implemented. Such an order may also be executed by an attending physician.
(b) Consent to a DNR order may be obtained from the individual, or from another person at the individual's direction, or from the individual's legal guardian, agent under a power of attorney for health care, or surrogate decision maker, and witnessed by 2 individuals 18 years of age or older.
(c) The DNR order may, but need not, be in the form adopted by the Department of Public Health pursuant to Section 2310-600 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-600).
(d) A health care professional or health care provider may presume, in the absence of knowledge to the contrary, that a completed Department of Public Health Uniform DNR Order form or a copy of that form is a valid DNR order. A health care professional or health care provider, or an employee of a health care professional or health care provider, who in good faith complies with
a do-not-resuscitate order made in accordance with this Act is not, as a result of that compliance, subject to any criminal or civil liability, except for willful and wanton misconduct, and may not be found to have committed an act of unprofessional conduct.

Section 99. Effective date. This Act takes effect on October 1, 2001.
Effective October 1, 2001.

PUBLIC ACT 92-0357
(House Bill No. 2807)

AN ACT in relation to courts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Court of Claims Act is amended by changing Section 24 as follows:
(705 ILCS 505/24) (from Ch. 37, par. 439.24)
Sec. 24. Payment of awards.
(1) From funds appropriated by the General Assembly for the purposes of this Section the Court may direct immediate payment of:
(a) All claims arising solely as a result of the lapsing of an appropriation out of which the obligation could have been paid.
(b) All claims pursuant to the "Law Enforcement Officers and Firemen Compensation Act", approved September 30, 1969, as amended.
(c) All claims pursuant to the "Illinois National Guardsman's and Naval Militiaman's Compensation Act", approved August 12, 1971, as amended.
(d) All claims pursuant to the "Crime Victims Compensation Act", approved August 23, 1973, as amended.
(e) All other claims wherein the amount of the award of the Court is less than $5,000.
(2) The court may, from funds specifically appropriated from the General Revenue Fund for this purpose, direct the payment of awards less than $50,000 solely as a result of the lapsing of an appropriation originally made from any fund held by the State Treasurer. For any such award paid from the General Revenue Fund, the court shall thereafter seek an appropriation from the fund from which the liability originally accrued in reimbursement of the General Revenue Fund.
(Source: P.A. 90-492, eff. 8-17-97.)

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

PUBLIC ACT 92-0358
(House Bill No. 3003)

AN ACT regarding abused and neglected residents of long term care facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Sections 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8 as follows:
(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)
(Section scheduled to be repealed on January 1, 2002)
Sec. 6.2. Inspector General.
(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is

New matter indicated by italics - deletions by strikeout.
licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

The Inspector General shall be appointed for a term of 4 years.

(b) The Inspector General shall within 24 hours after receiving a report of suspected abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police. The Department of State Police shall investigate any report indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. The facility or agency may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.
(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions.

(e) The Inspector General shall establish and conduct periodic training programs for Department employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to any facility or program funded by the Department that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(h) This Section is repealed on January 1, 2004.  
(Source: P.A. 90-252, eff. 7-29-97; 90-512, eff. 8-22-97; 90-655, eff. 7-30-98; 91-169, eff. 7-16-99.)
(210 ILCS 30/6.3) (from Ch. 111 1/2, par. 4166.3)
(Section scheduled to be repealed on January 1, 2002)

Sec. 6.3. Quality Care Board. There is created, within the Department of Human Services' Office of the Inspector General, a Quality Care Board to be composed of 7 members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor. Of the initial appointments made by the Governor, 4 Board members shall each be appointed for a term of 4 years and 3 members shall each be appointed for a term of 2 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 4 years. In the case of a vacancy in the office of any member, the Governor shall appoint a successor for the remainder of the unexpired term.

Members appointed by the Governor shall be qualified by professional knowledge or experience in the area of law, investigatory techniques, or in the area of care of the mentally ill or developmentally disabled. Two members appointed by the Governor shall be persons with a disability or a parent of a person with a disability. Members shall serve without compensation, but shall be reimbursed for expenses incurred in connection with the performance of their duties as members.

The Board shall meet quarterly, and may hold other meetings on the call of the chairman. Four members shall constitute a quorum. The Board may adopt rules and regulations it deems necessary to govern its own procedures.

This Section is repealed on January 1, 2004.  
(Source: P.A. 91-169, eff. 7-16-99.)
(210 ILCS 30/6.4) (from Ch. 111 1/2, par. 4166.4)
(Section scheduled to be repealed on January 1, 2002)

Sec. 6.4. Scope and function of the Quality Care Board. The Board shall monitor and oversee the operations, policies, and procedures of the Inspector General to assure the prompt and thorough investigation of allegations of neglect and abuse. In fulfilling these responsibilities, the Board may do the following:

(1) Provide independent, expert consultation to the Inspector General on policies and protocols for investigations of alleged neglect and abuse.

(2) Review existing regulations relating to the operation of facilities under the control of the Department.

(3) Advise the Inspector General as to the content of training activities authorized under Section 6.2.

(4) Recommend policies concerning methods for improving the intergovernmental relationships between the office of the Inspector General and other State or federal agencies.

This Section is repealed on January 1, 2004.  

New matter indicated by italics - deletions by strikeout.
Sec. 6.5. Investigators. Within 60 days after the effective date of this amendatory Act of 1992, the Inspector General shall establish a comprehensive program to ensure that every person employed or newly hired to conduct investigations shall receive training on an on-going basis concerning investigative techniques, communication skills, and the appropriate means of contact with persons admitted or committed to the mental health or developmental disabilities facilities under the jurisdiction of the Department of Human Services.

This Section is repealed on January 1, 2002.

Sec. 6.6. Subpoenas; testimony; penalty. The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act, provided that the power to subpoena or to compel the production of books and papers shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Act. Mental health records of patients shall be confidential as provided under the Mental Health and Developmental Disabilities Confidentiality Act. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to an investigation under this Act, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Act is guilty of a Class A misdemeanor.

This Section is repealed on January 1, 2002.

Sec. 6.7. Annual report. The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Act for the prior fiscal year with respect to residents of institutions under the jurisdiction of the Department. The report shall detail the imposition of sanctions and the final disposition of those recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The report shall also include a trend analysis of the number of reported allegations and their disposition, for each facility and Department-wide, for the most recent 3-year time period and a statement, for each facility, of the staffing-to-patient ratios. The ratios shall include only the number of direct care staff. The report shall also include detailed recommended administrative actions and matters for consideration by the General Assembly.

This Section is repealed on January 1, 2002.

Sec. 6.8. Program audit. The Auditor General shall conduct a biennial program audit of the office of the Inspector General in relation to the Inspector General's compliance with this Act. The audit shall specifically include the Inspector General's effectiveness in investigating reports of alleged neglect or abuse of residents in any facility operated by the Department and in making recommendations for sanctions to the Departments of Human Services and Public Health. The Auditor General shall conduct the program audit according to the provisions of the Illinois State Auditing Act and shall report its findings to the General Assembly no later than January 1 of each odd-numbered year.

This Section is repealed on January 1, 2002.

Section 10. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 10 as follows:

(740 ILCS 110/10) (from Ch. 91 1/2, par. 810)
Sec. 10. (a) Except as provided herein, in any civil, criminal, administrative, or legislative proceeding, or in any proceeding preliminary thereto, a recipient, and a therapist on behalf and in the interest of a recipient, has the privilege to refuse to disclose and to prevent the disclosure of the recipient's record or communications.

(1) Records and communications may be disclosed in a civil, criminal or administrative proceeding in which the recipient introduces his mental condition or any aspect of his services received for such condition as an element of his claim or defense, if and only to the extent the court in which the proceedings have been brought, or, in the case of an administrative proceeding, the court to which an appeal or other action for review of an administrative determination may be taken, finds, after in camera examination of testimony or other evidence, that it is relevant, probative, not unduly prejudicial or inflammatory, and otherwise clearly admissible; that other satisfactory evidence is demonstrably unsatisfactory as evidence of the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from injury to the therapist-recipient relationship or to the recipient or other whom disclosure is likely to harm. Except in a criminal proceeding in which the recipient, who is accused in that proceeding, raises the defense of insanity, no record or communication between a therapist and a recipient shall be deemed relevant for purposes of this subsection, except the fact of treatment, the cost of services and the ultimate diagnosis unless the party seeking disclosure of the communication clearly establishes in the trial court a compelling need for its production. However, for purposes of this Act, in any action brought or defended under the Illinois Marriage and Dissolution of Marriage Act, or in any action in which pain and suffering is an element of the claim, mental condition shall not be deemed to be introduced merely by making such claim and shall be deemed to be introduced only if the recipient or a witness on his behalf first testifies concerning the record or communication.

(2) Records or communications may be disclosed in a civil proceeding after the recipient's death when the recipient's physical or mental condition has been introduced as an element of a claim or defense by any party claiming or defending through or as a beneficiary of the recipient, provided the court finds, after in camera examination of the evidence, that it is relevant, probative, and otherwise clearly admissible; that other satisfactory evidence is not available regarding the facts sought to be established by such evidence; and that disclosure is more important to the interests of substantial justice than protection from any injury which disclosure is likely to cause.

(3) In the event of a claim made or an action filed by a recipient, or, following the recipient's death, by any party claiming as a beneficiary of the recipient for injury caused in the course of providing services to such recipient, the therapist and other persons whose actions are alleged to have been the cause of injury may disclose pertinent records and communications to an attorney or attorneys engaged to render advice about and to provide representation in connection with such matter and to persons working under the supervision of such attorney or attorneys, and may testify as to such records or communication in any administrative, judicial or discovery proceeding for the purpose of preparing and presenting a defense against such claim or action.

(4) Records and communications made to or by a therapist in the course of examination ordered by a court for good cause shown may, if otherwise relevant and admissible, be disclosed in a civil, criminal, or administrative proceeding in which the recipient is a party or in appropriate pretrial proceedings, provided such court has found that the recipient has been as adequately and as effectively as possible informed before submitting to such examination that such records and communications would not be considered confidential or privileged. Such records and communications shall be admissible only as to issues involving the recipient's physical or mental condition and only to the extent that these are germane to such proceedings.

(5) Records and communications may be disclosed in a proceeding under the Probate Act of 1975, to determine a recipient's competency or need for guardianship, provided that the disclosure is made only with respect to that issue.

(6) Records and communications may be disclosed when such are made during treatment.
which the recipient is ordered to undergo to render him fit to stand trial on a criminal charge, provided that the disclosure is made only with respect to the issue of fitness to stand trial.

(7) Records and communications of the recipient may be disclosed in any civil or administrative proceeding involving the validity of or benefits under a life, accident, health or disability insurance policy or certificate, or Health Care Service Plan Contract, insuring the recipient, but only if and to the extent that the recipient's mental condition, or treatment or services in connection therewith, is a material element of any claim or defense of any party, provided that information sought or disclosed shall not be redisclosed except in connection with the proceeding in which disclosure is made.

(8) Records or communications may be disclosed when such are relevant to a matter in issue in any action brought under this Act and proceedings preliminary thereto, provided that any information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with such action or preliminary proceedings.

(9) Records and communications of the recipient may be disclosed in investigations of and trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.

(10) Records and communications of a deceased recipient may be disclosed to a coroner conducting a preliminary investigation into the recipient's death under Section 3-3013 of the Counties Code. However, records and communications of the deceased recipient disclosed in an investigation shall be limited solely to the deceased recipient's records and communications relating to the factual circumstances of the incident being investigated in a mental health facility.

(11) Records and communications of a recipient shall be disclosed in a proceeding where a petition or motion is filed under the Juvenile Court Act of 1987 and the recipient is named as a parent, guardian, or legal custodian of a minor who is the subject of a petition for wardship as described in Section 2-3 of that Act or a minor who is the subject of a petition for wardship as described in Section 2-4 of that Act alleging the minor is abused, neglected, or dependent or the recipient is named as a parent of a child who is the subject of a petition, supplemental petition, or motion to appoint a guardian with the power to consent to adoption under Section 2-29 of the Juvenile Court Act of 1987.

(b) Before a disclosure is made under subsection (a), any party to the proceeding or any other interested person may request an in camera review of the record or communications to be disclosed. The court or agency conducting the proceeding may hold an in camera review on its own motion. When, contrary to the express wish of the recipient, the therapist asserts a privilege on behalf and in the interest of a recipient, the court may require that the therapist, in an in camera hearing, establish that disclosure is not in the best interest of the recipient. The court or agency may prevent disclosure or limit disclosure to the extent that other admissible evidence is sufficient to establish the facts in issue. The court or agency may enter such orders as may be necessary in order to protect the confidentiality, privacy, and safety of the recipient or of other persons. Any order to disclose or to not disclose shall be considered a final order for purposes of appeal and shall be subject to interlocutory appeal.

(c) A recipient's records and communications may be disclosed to a duly authorized committee, commission or subcommittee of the General Assembly which possesses subpoena and hearing powers, upon a written request approved by a majority vote of the committee, commission or subcommittee members. The committee, commission or subcommittee may request records only for the purposes of investigating or studying possible violations of recipient rights. The request shall state the purpose for which disclosure is sought.

The facility shall notify the recipient, or his guardian, and therapist in writing of any disclosure request under this subsection within 5 business days after such request. Such notification shall also inform the recipient, or guardian, and therapist of their right to object to the disclosure within 10 business days after receipt of the notification and shall include the name, address and telephone number of the committee, commission or subcommittee member or staff person with whom an objection shall be filed. If no objection has been filed within 15 business days after the request for disclosure, the facility shall disclose the records and communications to the committee, commission or subcommittee. If an objection has been filed within 15 business days after the request for

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disclosure, the facility shall disclose the records and communications only after the committee, commission or subcommittee has permitted the recipient, guardian or therapist to present his objection in person before it and has renewed its request for disclosure by a majority vote of its members.

Disclosure under this subsection shall not occur until all personally identifiable data of the recipient and provider are removed from the records and communications. Disclosure under this subsection shall not occur in any public proceeding.

(d) No party to any proceeding described under paragraphs (1), (2), (3), (4), (7), or (8) of subsection (a) of this Section, nor his or her attorney, shall serve a subpoena seeking to obtain access to records or communications under this Act unless the subpoena is accompanied by a written order issued by a judge, authorizing the disclosure of the records or the issuance of the subpoena. No person shall comply with a subpoena for records or communications under this Act, unless the subpoena is accompanied by a written order authorizing the issuance of the subpoena or the disclosure of the records.

(e) When a person has been transported by a peace officer to a mental health facility, then upon the request of a peace officer, if the person is allowed to leave the mental health facility within 48 hours of arrival, excluding Saturdays, Sundays, and holidays, the facility director shall notify the local law enforcement authority prior to the release of the person. The local law enforcement authority may re-disclose the information as necessary to alert the appropriate enforcement or prosecuting authority.

(f) A recipient’s records and communications shall be disclosed to the Inspector General of the Department of Human Services within 10 business days of a request by the Inspector General in the course of an investigation authorized by the Abused and Neglected Long Term Care Facility Residents Reporting Act and applicable rule. The request shall be in writing and signed by the Inspector General or his or her designee. The request shall state the purpose for which disclosure is sought. Any person who knowingly and willfully refuses to comply with such a request is guilty of a Class A misdemeanor.

(Source: P.A. 90-608, eff. 6-30-98; 91-726, eff. 6-2-00.)

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

PUBLIC ACT 92-0359
(House Bill No. 3145)

AN ACT concerning presidential electors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Section 21-4 as follows:
(10 ILCS 5/21-4) (from Ch. 46, par. 21-4)
Sec. 21-4. Presidential electors; meeting; allowance. The electors, elected under this Article as aforesaid, shall meet at the office of the Secretary of State in a room to be designated by the Secretary him in the Capitol at Springfield in this State, at the time appointed by the laws of the United States at the hour of ten o’clock in the forenoon of that such day, and give their votes for President and for Vice-President of the United States, in the manner herein provided in this Article, and perform such duties as are or may be required by law. Each elector shall receive an allowance for food and lodging equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code, plus a mileage allowance at the rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2) for the number of highway miles necessarily and conveniently traveled, for every 20 miles necessary travel in going to the seat of government to give his or her vote and returning to his or her residence and otherwise performing the official duties of an elector, to be computed by the most usual route, the sum of $3, to be paid on the warrant of the State Comptroller, out of any money in the treasury not otherwise appropriated, and any person appointed by the electors assembled to fill a vacancy shall also receive the allowances compensation provided for electors appointed.
(Source: P.A. 78-592.)
Public Act 92-359
Effective January 1, 2002.

Public Act 92-360
(House Bill No. 3204)

An act in relation to the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 5, 6, and 14 as follows:
(225 ILCS 305/5) (from Ch. 111, par. 1305)
Sec. 5. Architect defined; Acts constituting practice. An architect is a person who is qualified by education, training, experience, and examination, and who is licensed under the laws of this State, to practice architecture.

The practice of architecture within the meaning and intent of this Act includes the offering or furnishing of professional services, such as consultation, environmental analysis, feasibility studies, programming, planning, aesthetic and structural design, technical submissions construction documents consisting of drawings and specifications and other documents required in the construction process, administration of construction contracts, project representation, and construction management, in connection with the construction of any private or public building, building structure, building project, or addition to or alteration or restoration thereof.
(Source: P.A. 86-702.)

(225 ILCS 305/6) (from Ch. 111, par. 1306)
Sec. 6. Technical submissions Construction documents. All technical submissions construction documents intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions documents. In recognition that architects are licensed for the protection of the public health, safety and welfare, submissions documents shall be of such quality and scope, and be so administered, as to conform to professional standards.

Technical submissions Construction documents are the designs, drawings and specifications which establish the scope of the architecture to be constructed, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of architecture.
(Source: P.A. 86-702.)

(225 ILCS 305/14) (from Ch. 111, par. 1314)
Sec. 14. Display of license; Seal. Every holder of a license as a licensed architect shall display it in a conspicuous place in the principal office of the architect.

Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and the words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of technical submissions construction documents utilized as contract documents between the parties to the contract or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's responsible direct supervision and control. The sheet of technical submissions construction documents in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The signature must be in the original handwriting of the licensee. Signatures generated by computer shall not be permitted. All technical submissions construction documents issued by any corporation, partnership, professional service corporation, or professional design firm as registered under this Act shall contain the corporate or assumed business name and design firm registration number, in addition to any other seal requirements as set forth in this Section.

"Responsible control" means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by
architects applying the required professional standard of care. Merely reviewing or reviewing and correcting the technical submissions or any portion thereof prepared by those not in the regular employment of the office where the architect is resident without control over the content of such work throughout its preparation does not constitute responsible control.

An architect licensed under the laws of this jurisdiction shall not sign and seal technical submissions that were not prepared by or under the responsible control of the architect except that:

(1) the architect may sign and seal those portions of the technical submissions that were prepared by or under the responsible control of persons who hold a license under this Act, and who shall have signed and sealed the documents, if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work;

(2) the architect may sign and seal portions of the professional work that are not required by this Act to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work; and

(3) a partner or corporate officer of a professional design firm registered in Illinois who is licensed under the architecture licensing laws of this State, and who has professional knowledge of the content of the technical submissions and intends to be responsible for the adequacy of the technical submissions, may sign and seal technical submissions that are prepared by or under the responsible control of architects who are licensed in this State and who are in the regular employment of the professional design firm.

The architect exercising responsible control under which the documents or portions of the documents were prepared shall be identified on the documents or portions of the documents by name and Illinois license number.

Any licensed architect who signs and seals technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident shall maintain and make available to the board upon request for at least 5 years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed professional knowledge of such technical submissions throughout their preparation.

"Direct supervision and control" means that the architect has exerted sufficient personal supervision, control, and review of the activities of those employed to perform architectural work to ensure that the construction documents produced by those so employed and sealed by the architect meet the standards of reasonable professional skill and diligence and are of no lesser quality than if they had been produced personally by the architect. The architect is obligated to have detailed professional knowledge of the construction documents the architect seals and to have exercised professional judgement in all architectural matters embodied in those construction documents. Merely reviewing the construction documents produced by others, even if they are licensed, does not constitute "direct supervision and control" by the architect unless the architect has actually exercised the supervision and control over the preparation of the construction documents provided for in this Section.

(Source: P.A. 91-133, eff. 1-1-00.)

Effective January 1, 2002.

AN ACT in relation to plats.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-12-12 as follows: (65 ILCS 5/11-12-12) (from Ch. 24, par. 11-12-12)
Sec. 11-12-12. No map or plat of any subdivision presented for record affecting land (1)
within the corporate limits of any municipality which has heretofore adopted, or shall hereafter adopt an ordinance including an official map in the manner prescribed in this Division 12, or (2) within contiguous territory which is not more than 1 1/2 miles beyond the corporate limits of an adopting municipality, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for streets, alleys, public ways, ways for public service facilities, storm and flood water run-off channels and basins, and public grounds, in conformity with the applicable requirements of the ordinances including the official map; provided, that a certificate of approval by the corporate authorities, certified by the clerk of the municipality in whose jurisdiction the land is located, or a certified copy of an order of the circuit court directing the recording as provided in Section 11-12-8, shall be sufficient evidence of compliance with this section upon which the recorder may accept the plat for recording.

The provisions of this Section do not apply to any plat for consolidation of 2 or more contiguous parcels, located within any territory that is outside of the corporate limits of a municipality but within a county that has adopted a subdivision ordinance and that has a population of more than 250,000, into a smaller number of parcels if the sole purpose of the consolidation is to bring a non-conforming parcel into conformance with local zoning requirements. The exemption created by this amendatory Act of the 92nd General Assembly does not apply to a plat for consolidation for an area in excess of 10 acres or to any consolidation that results in a plat of more than 10 individual lots following the consolidation. If the county receives a request to approve a plat for consolidation pursuant to this Section, the county must notify all municipalities located within 1 1/2 miles of the subject property within 10 days after receiving the request.

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

Effective January 1, 2002.

AN ACT to amend the School Code by changing Section 14-1.09.2.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 14-1.09.2 as follows:
(105 ILCS 5/14-1.09.2)
Sec. 14-1.09.02. School Social Work Services. In the public schools, social work services may be provided by qualified specialists who hold Type 73 School Service Personnel Certificates endorsed for school social work issued by the State Teacher Certification Board.
School social work services may include, but are not limited to:
(1) Identifying students in need of special education services by conducting a social-developmental study in a case study evaluation;
(2) Developing and implementing comprehensive interventions with students, parents, and teachers that will enhance student adjustment to, and performance in, the school setting;
(3) Consulting and collaborating with teachers and other school personnel regarding behavior management and intervention plans and inclusion in support of special education students in regular classroom settings;
(4) Counseling with students, parents, and teachers in accordance with the rules and regulations governing provision of related services, provided that parent permission must be obtained in writing before a student participates in a group counseling session;
(5) Acting as a liaison between the public schools and community resources;
(6) Developing and implementing school-based prevention programs including mediation and violence prevention;
(7) Providing crisis intervention within the school setting;
(8) Supervising school social work interns enrolled in school social work programs that meet the standards established by the State Board of Education; and
(9) Providing parent education and counseling as appropriate in relation to the child's educational assessment; and:

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(10) Assisting in completing a functional behavioral assessment, as well as assisting in the development of nonaversive behavioral intervention strategies.

Nothing in this Section prohibits other certified professionals from providing any of the services listed in this Section for which they are appropriately trained.

(Source: P.A. 90-815, eff. 2-11-99.)

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


PUBLIC ACT 92-0363

AN ACT regarding health facilities.

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

Section 5. The Hospital Licensing Act is amended by changing Section 6.08 as follows:

(210 ILCS 85/6.08) (from Ch. 111 1/2, par. 147.08)

Sec. 6.08. (a) Every hospital shall provide notification as required in this Section to police officers, firefighters, emergency medical technicians, paramedics and ambulance personnel who have provided or are about to provide emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease. Such notification shall not include the name of the patient, and the emergency services provider agency and any person receiving such notification shall treat the information received as a confidential medical record.

(b) The Department shall establish by regulation a list of those communicable reportable diseases and conditions for which notification shall be provided.

(c) The hospital shall send the letter of notification within 72 hours after a confirmed diagnosis of any of the communicable diseases listed by the Department pursuant to subsection (b), except confirmed diagnoses of Acquired Immunodeficiency Syndrome (AIDS). If there is a confirmed diagnosis of AIDS, the hospital shall send the letter of notification only if the police officers, firefighters, emergency medical technicians, paramedics or ambulance personnel have indicated on the ambulance run sheet that a reasonable possibility exists that they have had blood or body fluid contact with the patient, or if hospital personnel providing the notification have reason to know of a possible exposure.

(d) Notification letters shall be sent to the designated contact at the municipal or private provider agencies listed on the ambulance run sheet. Except in municipalities with a population over 1,000,000, a list attached to the ambulance run sheet must contain all municipal and private provider agency personnel who have provided any pre-hospital care immediately prior to transport. In municipalities with a population over 1,000,000, the ambulance run sheet must contain the company number or unit designation number for any fire department personnel who have provided any pre-hospital care immediately prior to transport. The letter shall state the names of crew members listed on the attachment to the ambulance run sheet and the name of the communicable disease diagnosed, but shall not contain the patient's name. Upon receipt of such notification letter, the applicable private provider agency or the designated infectious disease control officer of a municipal fire department or fire protection district shall contact all personnel involved in the pre-hospital or inter-hospital care and transport of the patient. Such notification letter may, but is not required to, consist of the following form:

NOTIFICATION LETTER
(NAME OF HOSPITAL)
(ADDRESS)
TO:...... (Name of Organization)
FROM:.....(Infection Control Coordinator)
DATE:.....

As required by Section 6.08 of the Illinois Hospital Licensing Act, .....(name of hospital) is hereby providing notification that the following crew members or agencies transported or provided pre-hospital care to a patient on ..... (date), and the transported a patient who was later diagnosed as

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having .....(name of communicable disease): .....(list of crew members). The Hospital Licensing Act requires you to maintain this information as a confidential medical record. Disclosure of this information may therefore result in civil liability for the individual or company breaching the patient's confidentiality, or both.

If you have any questions regarding this patient, please contact me at .....(telephone number), between .....(hours). Questions regarding exposure or the financial aspects of obtaining medical care should be directed to your employer.

(e) Upon discharge of a patient with a communicable disease to emergency personnel, the hospital shall notify the emergency personnel of appropriate precautions against the communicable disease, but shall not identify the name of the disease.

(f) The hospital may, in its discretion, take any measures in addition to those required in this Section to notify police officers, firefighters, emergency medical technicians, paramedics and ambulance personnel of possible exposure to any communicable disease. However, in all cases this information shall be maintained as a confidential medical record.

(g) Any person providing or failing to provide notification under the protocol required by this Section shall have immunity from any liability, either criminal or civil, that might result by reason of such action or inaction, unless such action or inaction is willful.

(h) Any person who willfully fails to provide any notification required pursuant to an applicable protocol which has been adopted and approved pursuant to this Section commits a petty offense, and shall be subject to a fine of $200 for the first offense, and $500 for a second or subsequent offense.

(i) Nothing in this Section shall preclude a civil action by a firefighter, emergency medical technician, paramedic or ambulance crew member against an emergency services provider agency, municipal fire department, or fire protection district that fails to inform the member suchcrew member in a timely fashion of the receipt of a notification letter.

(Source: P.A. 86-820; 86-887.)

Effective January 1, 2002.

PUBLIC ACT 92-0364
(Senate Bill No. 0390)

AN ACT in relation to health care surrogates.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Health Care Surrogate Act is amended by changing Section 25 as follows:
(755 ILCS 40/25) (from Ch. 110 1/2, par. 851-25)
Sec. 25. Surrogate decision making.
(a) When a patient lacks decisional capacity, the health care provider must make a reasonable inquiry as to the availability and authority of a health care agent under the Powers of Attorney for Health Care Law. When no health care agent is authorized and available, the health care provider must make a reasonable inquiry as to the availability of possible surrogates listed in items (1) through (4) of this subsection. For purposes of this Section, a reasonable inquiry includes, but is not limited to, identifying a member of the patient's family or other health care agent by examining the patient's personal effects or medical records. If a family member or other health care agent is identified, an attempt to contact that person by telephone must be made within 24 hours after a determination by the provider that the patient lacks decisional capacity. No person shall be liable for civil damages or subject to professional discipline based on a claim of violating a patient's right to confidentiality as a result of making a reasonable inquiry as to the availability of a patient's family member or health care agent, except for willful or wanton misconduct.

The surrogate decision makers, as identified by the attending physician, are then authorized to make decisions as follows: (i) for patients who lack decisional capacity and do not have a qualifying condition, medical treatment decisions may be made in accordance with subsection (b-5) of Section 20; and (ii) for patients who lack decisional capacity and have a qualifying condition, medical treatment decisions including whether to forgo life-sustaining treatment on behalf of the patient may

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be made without court order or judicial involvement in the following order of priority:
   (1) the patient's guardian of the person;
   (2) the patient's spouse;
   (3) any adult son or daughter of the patient;
   (4) either parent of the patient;
   (5) any adult brother or sister of the patient;
   (6) any adult grandchild of the patient;
   (7) a close friend of the patient;
   (8) the patient's guardian of the estate.

The health care provider shall have the right to rely on any of the above surrogates if the provider believes after reasonable inquiry that neither a health care agent under the Powers of Attorney for Health Care Law nor a surrogate of higher priority is available.

Where there are multiple surrogate decision makers at the same priority level in the hierarchy, it shall be the responsibility of those surrogates to make reasonable efforts to reach a consensus as to their decision on behalf of the patient regarding the forgoing of life-sustaining treatment. If 2 or more surrogates who are in the same category and have equal priority indicate to the attending physician that they disagree about the health care matter at issue, a majority of the available persons in that category (or the parent with custodial rights) shall control, unless the minority (or the parent without custodial rights) initiates guardianship proceedings in accordance with the Probate Act of 1975. No health care provider or other person is required to seek appointment of a guardian.

(b) After a surrogate has been identified, the name, address, telephone number, and relationship of that person to the patient shall be recorded in the patient's medical record.

(c) Any surrogate who becomes unavailable for any reason may be replaced by applying the provisions of Section 25 in the same manner as for the initial choice of surrogate.

(d) In the event an individual of a higher priority to an identified surrogate becomes available and willing to be the surrogate, the individual with higher priority may be identified as the surrogate. In the event an individual in a higher, a lower, or the same priority level or a health care provider seeks to challenge the priority of or the life-sustaining treatment decision of the recognized surrogate decision maker, the challenging party may initiate guardianship proceedings in accordance with the Probate Act of 1975.

(e) The surrogate decision maker shall have the same right as the patient to receive medical information and medical records and to consent to disclosure.

(Source: P.A. 90-246, eff. 1-1-98.)

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

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Sections 5-22 and 32-4 as follows:
(105 ILCS 5/5-22) (from Ch. 122, par. 5-22)
Sec. 5-22. Sales of school sites, buildings or other real estate. When in the opinion of the school board, a school site, or portion thereof, building, or site with building thereon, or any other real estate of the district, has become unnecessary or unsuitable or inconvenient for a school, or unnecessary for the uses of the district, the school board, by a resolution adopted by at least two-thirds of the board members, may sell or direct that the property be sold in the manner provided in the Local Government Property Transfer Act, or in the manner herein provided. Unless legal title to the land is held by the school board, the school board shall forthwith notify the trustees of schools or other school officials having legal title to such land of the terms upon which they desire the property to be sold. If the property is to be sold to another unit of local government or school district, the school board, trustees of schools, or other school officials having legal title to the land shall proceed in the manner

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provided in the Local Government Property Transfer Act. In all other cases, except if the property is to be sold to a tenant that has leased the property for 10 or more years and that tenant is a non-profit agency, the school board, trustees of schools, or other school officials having legal title to the land shall, within 60 days after adoption of the resolution (if the school board holds legal title to the land), or within 60 days after the trustees of school or other school officials having legal title receive the notice (if the school board does not hold legal title to the land), sell the property at public sale, by auction or sealed bids, after first giving notice of the time, place, and terms thereof by notice published once each week for 3 successive weeks prior to the date of the sale if sale is by auction, or prior to the final date of acceptance of bids if sale is by sealed bids, in a newspaper published in the district or, if no such newspaper is published in the district, then in a newspaper published in the county and having a general circulation in the district; however, if territory containing a school site, building, or site with building thereon, is detached from the school district of which it is a part after proceedings have been commenced under this Section for the sale of that school site, building, or site with building thereon, but before the sale is held, then the school board, trustees of schools, or other school officials having legal title shall not advertise or sell that school site, building, or site with building thereon, pursuant to those proceedings. The notices may be in the following form:

NOTICE OF SALE

Notice is hereby given that on (insert date), the (here insert title of the school board, trustees of school, or other school officials holding legal title) of (county) (Township No. ...., Range No. .... P.M. ....) will sell at public sale (use applicable alternative) (at ........ (state location of sale which shall be within the district), at .... ..M.,) (by taking sealed bids which shall be accepted until .... ..M., on (insert date), at (here insert location where bids will be accepted which shall be within the district) which bids will be opened at .... ..M. on (insert date) at (here insert location where bids will be opened which shall be within the district)) the following described property: (here describe the property), which sale will be made on the following terms to-wit: (here insert terms of sale)

....
 ....
 ....

(Here insert title of school officials holding legal title)

For purposes of determining "terms of sale" under this Section, the General Assembly declares by this clarifying and amendatory Act of 1983 that "terms of sale" are not limited to sales for cash only but include contracts for deed, mortgages, and such other seller financed terms as may be specified by the school board.

If a school board specifies a reasonable minimum selling price and that price is not met or if no bids are received, the school board may adopt a resolution determining or directing that the services of a licensed real estate broker be engaged to sell the property for a commission not to exceed 7%, contingent on the sale of the property within 120 days. If legal title to the property is not held by the school board, the trustees of schools or other school officials having legal title shall, upon receipt of the resolution, engage the services of a licensed real estate broker as directed in the resolution. The board may accept a written offer equal to or greater than the established minimum selling price for the described property. The services of a licensed real estate broker may be utilized to seek a buyer. If the board lowers the minimum selling price on the described property, the public sale procedures set forth in this Section must be followed. The board may raise the minimum selling price without repeating the public sale procedures.

In the case of a sale of property to a tenant that has leased the property for 10 or more years and that is a non-profit agency, an appraisal is required prior to the sale. If the non-profit agency purchases the property for less than the appraised value and subsequently sells the property, the agency may retain only a percentage of the profits that is proportional to the percentage of the appraisal, plus any improvements made by the agency while the agency was the owner, that the agency paid in the initial sale. The remaining portion of the profits made by the non-profit agency shall revert to the school district.

The deed of conveyance shall be executed by the president and clerk or secretary of the school board, trustees of schools, or other school officials having legal title to the land, and the proceeds paid to the school treasurer for the benefit of the district; provided, that the proceeds of any such sale on

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the island of Kaskasia shall be paid to the State Treasurer for the use of the district and shall be dispersed by him in the same manner as income from the Kaskasia Commons permanent school fund. The school board shall use the proceeds from the sale first to pay the principal and interest on any outstanding bonds on the property being sold, and after all such bonds have been retired, the remaining proceeds from the sale next shall be used by the school board to meet any urgent district needs as determined under Sections 2-3.12 and 17-2.11 and then for any other authorized purpose and for deposit into any district fund. But whenever the school board of any school district determines that any schoolhouse site with or without a building thereon is of no further use to the district, and agrees with the school board of any other school district within the boundaries of which the site is situated, upon the sale thereof to that district, and agrees upon the price to be paid therefor, and the site is selected by the purchasing district in the manner required by law, then after the payment of the compensation the school board, township trustees, or other school officials having legal title to the land of the schools shall, by proper instrument in writing, convey the legal title of the site to the school board of the purchasing district, or to the trustees of schools for the use of the purchasing district, in accordance with law. The provisions of this Section shall not apply to any sale made pursuant to Section 5-23 or Section 5-24 or Section 32-4.
(Source: P.A. 91-357, eff. 7-29-99.)

(105 ILCS 5/32-4) (from Ch. 122, par. 32-4)
Sec. 32-4. Powers of board.
The board of inspectors referred to in Section 32-2.11 may, in addition to the powers conferred upon it by special law and the applicable provisions of this Act, employ teachers, janitors and such other employees as it deems necessary and fix the amount of their compensation; buy or lease sites for schoolhouses, with the necessary grounds; build, erect, lease or purchase buildings suitable for school purposes; repair and improve buildings and furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel; and may lease school property, when not needed for school purposes, for a term of not longer than 99 years from the date of the granting of the lease. All such leases shall provide for revaluation privileges at least once in every 20 years.

In case the school board and the lessee cannot agree on revaluation and a new rent, the same shall be determined in the following manner: 3 arbitrators shall be appointed, 1 by the school board, 1 by the lessee, and 1 by the arbitrators appointed by the school board and the lessee. The 3 arbitrators, or a majority of them, shall fix and determine the revaluation and the new rent and their decision or a decision of a majority of them shall be final.

When, in the opinion of the school board, a school site, building, or site with building thereon, or any other real estate of the district, has become unnecessary or unsuitable or inconvenient for a school, or unnecessary for the uses of the district and the school board decides to sell the same, unless the property is to be sold to a tenant that has leased the property for 10 or more years and that tenant is a non-profit agency, the school board shall give notice of the sale stating the time and place the sale is to be held, the terms of the sale and a description of the property to be sold. The notice shall be published in a newspaper of general circulation published in the district, or if none, in the county in which the district is situated, such notice to be published once each week for 3 successive weeks, and the first publication to be at least 30 days prior to the day the sale is to be held. Unless the school board holds legal title to the property, the school board shall notify the trustees of schools of the terms upon which the school board desires the property to be conveyed. The school board or trustees of schools holding legal title to the property shall convey the property in accordance with the terms fixed by the school board. The deed of conveyance shall be executed by the president and secretary or clerk of the school board or trustees of the school holding legal title to the property and the proceeds if any shall be paid to the school treasurer for the benefit of the district.

In the case of a sale of property to a tenant that has leased the property for 10 or more years and that is a non-profit agency, an appraisal is required prior to the sale. If the non-profit agency purchases the property for less than the appraised value and subsequently sells the property, the agency may retain only a percentage of the profits that is proportional to the percentage of the appraisal, plus any improvements made by the agency while the agency was the owner, that the agency paid in the initial sale. The remaining portion of the profits made by the non-profit agency shall revert to the school district.
(Source: P.A. 88-155.)

New matter indicated by italics - deletions by strikeout.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0366
(Senate Bill No. 0527)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Occupational Therapy Practice Act is amended by changing Section 2 and by adding Section 3.2 as follows:
(225 ILCS 75/2) (from Ch. 111, par. 3702)
Sec. 2. In this Act:
(1) "Department" means the Department of Professional Regulation.
(2) "Director" means the Director of Professional Regulation.
(3) "Board" means the Illinois Occupational Therapy Board appointed by the Director.
(4) "Registered Occupational Therapist" means a person licensed to practice occupational therapy as defined in this Act, and whose license is in good standing.
(5) "Certified Occupational Therapy Assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of a Registered Occupational Therapist, and to implement the occupational therapy treatment program as established by the Registered Occupational Therapist. Such program may include training in activities of daily living, the use of therapeutic activity including task oriented activity to enhance functional performance, and guidance in the selection and use of adaptive equipment.
(6) "Occupational Therapy" means the evaluation of functional performance ability of persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process, and the analysis, selection and application of occupations or goal directed activities, for the treatment or prevention of these disabilities to achieve optimum functioning. Occupational therapy services include, but are not limited to activities of daily living (ADL); the design fabrication and application or splints, administration and interpretation of standardized tests to identify dysfunctions, sensory-integrative and perceptual motor activities, the use of task oriented activities, guidance in the selection and use of assistive devices, goal oriented activities directed toward enhancing functional performance, prevocational evaluation and vocational training, and consultation in the adaptation of physical environments for the handicapped. These services are provided to individuals or groups through medical, health, educational, and social systems. An occupational therapist may evaluate a person but shall obtain a referral by a physician or optometrist before treatment is administered by the occupational therapist. An occupational therapist shall refer to a licensed physician, dentist, optometrist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.
(Source: P.A. 88-424.)
(225 ILCS 75/3.2 new)
Sec. 3.2. Practice of optometry. An occupational therapist may not perform an act, task, or function primarily performed in the lawful practice of optometry under the Illinois Optometric Practice Act of 1987.
Effective January 1, 2002.

PUBLIC ACT 92-0367
(Senate Bill No. 0528)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0367

Section 5. The Nursing and Advanced Practice Nursing Act is amended by adding Section 5-21 as follows:

(225 ILCS 65/5-21 new)

Sec. 5-21. No registered nurse or licensed practical nurse may perform refractions and other determinations of visual function or eye health diagnosis. A registered nurse or licensed practical nurse may participate in these activities with the direct on-site supervision of an optometrist licensed under the Illinois Optometric Practice Act of 1987 or a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

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


PUBLIC ACT 92-0368

(Senate Bill No. 0598)

AN ACT concerning library districts.

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

Section 5. The Public Library District Act of 1991 is amended by changing Section 15-85 as follows:

(75 ILCS 16/15-85)

Sec. 15-85. Automatic disconnection from district.

(a) Any territory within a public library district that is or has been annexed to a municipality (where that municipality maintains a public library) is, by operation of law, disconnected from the public library district as of the January first next after the territory is annexed.

(b) A disconnection by operation of law under this Section does not occur if, within 60 days after the annexation, the public library district files with the appropriate circuit court a petition alleging that the disconnection will cause the territory remaining in the district to be noncontiguous or that the loss of assessed valuation by reason of the disconnection will impair the ability of the district to render fully adequate library service to the territory remaining in the district.

(c) When a petition is filed under subsection (b), the court shall set it for hearing. At the hearing, the district has the burden of proving the truth of the allegations in its petition. In determining whether to grant the petition, the court may consider at least the following factors:

(i) whether disconnection will cause the territory remaining in the district to be noncontiguous;

(ii) whether the loss of assessed valuation by reason of the disconnection will impair the ability of the district to render fully adequate library service to the territory remaining in the district;

(iii) the convenience of the residents of the annexed territory and whether a plan exists enabling the residents of the annexed territory to use either the public library district facilities or the library facilities of the city, village, or incorporated town to which the territory has been annexed; and

(iv) whether the city, village, or incorporated town has annexed any other territory within the district within the preceding 2 years and the cumulative effect of those annexations on the financial viability of the district.

The Court may consider comments by the Illinois State Library, the annexing municipality and its public library, and the library system or systems to which the affected libraries belong. This does not create a right of intervention in these parties.

(d) After the hearing, the Court may grant the relief it deems appropriate, including, but not limited to, any of the following: (i) denial of the disconnection; (ii) disconnection of the territory from the public library district; (iii) disconnection of the territory from the public library district in parts over a specific period of time not to exceed 5 years; (iv) court approval of a voluntary agreement between the parties that provides for the sharing of real estate tax revenues from the annexed territory for a limited period of time not to exceed 5 years unless extended by mutual agreement of the parties; or (v) submission of the question of disconnection of the territory to the electors of the annexed territory at a referendum to be held at the next general election in accordance with the general election

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law. The proposition at such a referendum shall be in substantially the following form:

Shall (describe annexed territory) be disconnected from (name of public library district)?

If a referendum is held, the result of the election shall be entered of record in the Court. If a majority of votes cast upon the question in the annexed territory are for disconnection of the annexed territory from the public library district, the territory shall be disconnected from the public library district.

(e) If there are any general obligation bonds of the public library district outstanding and unpaid at the time the territory is disconnected from the public library district by operation of this Section, the disconnected territory shall remain liable for its proportionate share of that bonded indebtedness, and the public library district may continue to levy and extend taxes upon the taxable property in the territory for the purpose of amortizing the bonds until sufficient funds to retire the bonds have been collected.

(f) The county clerk must extend taxes to pay the principal of and interest on any general obligation bonds issued to refund any bond described in subsection (e), as provided in the bond ordinances on file in the office of the county clerk, against all taxable property in the district, including taxable property that was in the district on the date that the bonds being refunded were issued; provided, however, that (i) the net interest rate on the refunding bonds may not exceed the net interest rate on the refunded bonds, (ii) the final maturity date of the refunding bonds may not extend beyond the final maturity date of the refunded bonds, and (iii) the debt service payable on the refunding bonds in any year may not exceed the debt service that would have been payable on the refunded bonds in that year. This subsection is inoperative after June 30, 2002.

(Source: P.A. 87-1277.)

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

PUBLIC ACT 92-0369
(Senate Bill No. 0852)

AN ACT concerning groundwater protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Groundwater Protection Act is amended by changing Section 9 as follows:

(415 ILCS 55/9) (from Ch. 111 1/2, par. 7459)
Sec. 9. (a) As used in this Section, unless the context clearly requires otherwise:
(1) "Community water system" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.
(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
(3) "Department" means the Illinois Department of Public Health.
(4) "Non-community water system" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.
(4.5) "Non-transient, non-community water system" means a non-community water system that regularly serves the same 25 or more persons at least 6 months per year.
(5) "Private water system" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.
(6) "Public water system" means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such

New matter indicated by italics - deletions by strikeout.
system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(7) "Semi-private water system" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

(8) "Supplier of water" means any person who owns or operates a water system.

(b) No non-community water system may be constructed, altered, or extended until plans, specifications, and other information relative to such system are submitted to and reviewed by the Department for conformance with the rules promulgated under this Section, and until a permit for such activity is issued by the Department. As part of the permit application, all new non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(c) All private and semi-private water systems shall be constructed in accordance with the rules promulgated by the Department under this Section.

(d) The Department shall promulgate rules for the construction and operation of all non-community and semi-private water systems. Such rules shall include but need not be limited to: the establishment of maximum contaminant levels no more stringent than federally established standards where such standards exist; the maintenance of records; and the establishment of requirements for the submission and frequency of submission of water samples by suppliers of water to determine the water quality; and the capacity demonstration requirements to ensure compliance with technical, financial, and managerial capacity provisions of the federal Safe Drinking Water Act.

(e) Borings, water monitoring wells, and wells subject to this Act shall, at a minimum, be abandoned and plugged in accordance with the requirements of Sections 16 and 19 of the Illinois Oil and Gas Act, and such rules as are promulgated thereunder. Nothing herein shall preclude the Department from adopting plugging and abandonment requirements which are more stringent than the rules of the Department of Natural Resources where necessary to protect the public health.

(f) The Department shall inspect all non-community water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(g) The Department may inspect semi-private and private water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(h) The supplier of water shall be given written notice of all violations of this Section or the rules promulgated hereunder and all such violations shall be corrected in a manner and time specified by the Department.

(i) The Department may conduct inspections to investigate the construction or water quality of non-community or semi-private water systems, or the construction of private water systems. Upon request of the owner or user, the Department may also conduct investigations of the water quality of private water systems.

(j) The supplier of water for a private, semi-private, or non-community water system shall allow the Department and its authorized agents access to such premises at all reasonable times for the purpose of inspection.

(k) The Department may designate full-time county or multiple-county health departments as its agents to facilitate the implementation of this Section.

(l) The Department shall promulgate and publish rules necessary for the enforcement of this Section.

(m) Whenever a non-community or semi-private water system fails to comply with an applicable maximum contaminant level at the point of use, the supplier of water shall give public notification by the conspicuous posting of notice of such failure as long as the failure continues. The notice shall be written in a manner reasonably designed to fully inform users of the system that a drinking water regulation has been violated, and shall disclose all material facts. All non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act.

(n) The provisions of the Illinois Administrative Procedure Act, are hereby expressly adopted.
and shall apply to all administrative rules and procedures of the Department of Public Health under this Section, except that in case of conflict between the Illinois Administrative Procedure Act and this Section the provisions of this Section shall control; and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(o) All final administrative decisions of the Department issued pursuant to this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(p) The Director, after notice and opportunity for hearing to the applicant, may deny, suspend, or revoke a permit in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Section or the standards, rules and regulations established by virtue thereof.

Such notice shall be effected by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant shall be given an opportunity to request hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant.

(q) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless review of the decision is sought pursuant to the Administrative Review Law. Copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copies. The Director or Hearing Officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Section may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding, the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in the same manner as a subpoena issued by a circuit court.

(r) Any circuit court of this State, upon the application of the Director or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Section, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.

(s) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(t) Any person who violates this Section or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Section, shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100. Each day's violation constitutes a
separate offense. The State's Attorney of the county in which the violation occurs, or the Attorney
General of the State of Illinois, may bring such actions in the name of the People of the State of
Illinois; or may in addition to other remedies provided in this Section, bring action for an injunction
to restrain such violation, or to enjoin the operation of any establishment.

(u) The State of Illinois, and all of its agencies, institutions, offices and subdivisions shall
comply with all requirements, prohibitions and other provisions of this Section and regulations
adopted thereunder.

(v) No agency of the State shall authorize, permit or license the construction or operation of
any potential route, potential primary source, or potential secondary source, as those terms are defined
in the Environmental Protection Act, in violation of any provision of this Section or the regulations
adopted hereunder.

(w) This Section shall not apply to any water supply which is connected to a community water
supply which is regulated under the Environmental Protection Act.

(Source: P.A. 88-45; 89-445, eff. 2-7-96.)

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

PUBLIC ACT 92-0370
(Senate Bill No. 0873)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The University of Illinois Act is amended by changing Section 7 as follows:
(110 ILCS 305/7) (from Ch. 144, par. 28)
Sec. 7. Powers of trustees.
(a) The trustees shall have power to provide for the requisite buildings, apparatus, and
conveniences; to fix the rates for tuition; to appoint such professors and instructors, and to establish
and provide for the management of such model farms, model art, and other departments and
professorships, as may be required to teach, in the most thorough manner, such branches of learning
as are related to agriculture and the mechanic arts, and military tactics, without excluding other
scientific and classical studies. The trustees shall, upon the written request of an employee withhold
from the compensation of that employee any dues, payments or contributions payable by such
employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under
such arrangement, an amount shall be withheld from each regular payroll period which is equal to the
pro rata share of the annual dues plus any payments or contributions, and the trustees shall transmit
such withholdings to the specified labor organization within 10 working days from the time of the
withholding. They may accept the endowments and voluntary professorships or departments in the
University, from any person or persons or corporations who may offer the same, and, at any regular
meeting of the board, may prescribe rules and regulations in relation to such endowments and declare
on what general principles they may be admitted: Provided, that such special voluntary endowments
or professorships shall not be incompatible with the true design and scope of the act of congress, or
of this Act: Provided, that no student shall at any time be allowed to remain in or about the University
in idleness, or without full mental or industrial occupation: And provided further, that the trustees, in
the exercise of any of the powers conferred by this Act, shall not create any liability or indebtedness
in excess of the funds in the hands of the treasurer of the University at the time of creating such
liability or indebtedness, and which may be specially and properly applied to the payment of the same.
Any lease to the trustees of lands, buildings or facilities which will support scientific research and
development in such areas as high technology, super computing, microelectronics, biotechnology,
robotics, physics and engineering shall be for a term not to exceed 18 years, and may grant to the
trustees the option to purchase the lands, buildings or facilities. The lease shall recite that it is subject
to termination and cancellation in any year for which the General Assembly fails to make an
appropriation to pay the rent payable under the terms of the lease.

Leases for the purposes described herein exceeding 5 years shall have the approval of the

New matter indicated by italics - deletions by strikeout.
Illinois Board of Higher Education.

The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the University of Illinois may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the University may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The Trustees shall have power (a) to purchase real property and easements, and (b) to acquire real property and easements in the manner provided by law for the exercise of the right of eminent domain, and in the event negotiations for the acquisition of real property or easements for making any improvement which the Trustees are authorized to make shall have proven unsuccessful and the Trustees shall have by resolution adopted a schedule or plan of operation for the execution of the project and therein made a finding that it is necessary to take such property or easements immediately or at some specified later date in order to comply with the schedule, the Trustees may acquire such property or easements in the same manner provided in Sections 7-103 through 7-112 of the Code of Civil Procedure.

The Board of Trustees also shall have power to agree with the State's Attorney of the county in which any properties of the Board are located to pay for services rendered by the various taxing districts for the years 1944 through 1949 and to pay annually for services rendered thereafter by such district such sums as may be determined by the Board upon properties used solely for income producing purposes, title to which is held by said Board of Trustees, upon properties leased to members of the staff of the University of Illinois, title to which is held in trust for said Board of Trustees and upon properties leased to for-profit entities title to which properties is held by the Board of Trustees. A certified copy of any such agreement made with the State's Attorney shall be filed with the County Clerk and such sums shall be distributed to the respective taxing districts by the County Collector in such proportions that each taxing district will receive therefrom such proportion as the tax rate of such taxing district bears to the total tax rate that would be levied against such properties if they were not exempt from taxation under the Property Tax Code.

The Board of Trustees of the University of Illinois, subject to the applicable civil service law, may appoint persons to be members of the University of Illinois Police Department. Members of the Police Department shall be peace officers and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes and city or county ordinances, except that they may exercise such powers only in counties wherein the University and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate state or local law enforcement officials; provided, however, that such officer shall have no power to serve and execute civil processes.

The Board of Trustees must authorize to each member of the University of Illinois Police Department and to any other employee of the University of Illinois exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the University of Illinois and (ii) contains a unique identifying number. No other badge shall be authorized by the University of Illinois.
University of Illinois.

The Board of Trustees may own, operate, or govern, by or through the College of Medicine at Peoria, a managed care community network established under subsection (b) (1) of Section 5-11 of the Illinois Public Aid Code.

The powers of the trustees as herein designated are subject to the provisions of "An Act creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named", approved August 22, 1961, as amended.

The Board of Trustees shall have the authority to adopt all administrative rules which may be necessary for the effective administration, enforcement and regulation of all matters for which the Board has jurisdiction or responsibility.

(b) To assist in the provision of buildings and facilities beneficial to, useful for, or supportive of University purposes, the Board of Trustees of the University of Illinois may exercise the following powers with respect to the area located on or adjacent to the University of Illinois at Chicago campus and bounded as follows: on the West by Morgan Street; on the North by Roosevelt Road; on the East by Union Street; and on the South by 16th Street, in the City of Chicago:

1. Acquire any interests in land, buildings, or facilities by purchase, including installments payable over a period allowed by law, by lease over a term of such duration as the Board of Trustees shall determine, or by exercise of the power of eminent domain;

2. Sub-lease or contract to purchase through installments all or any portion of buildings or facilities for such duration and on such terms as the Board of Trustees shall determine, including a term that exceeds 5 years, provided that each such lease or purchase contract shall be and shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent or purchase installments payable under the terms of such lease or purchase contract; and

3. Sell property without compliance with the State Property Control Act and retain proceeds in the University Treasury in a special, separate development fund account which the Auditor General shall examine to assure compliance with this Act.

Any buildings or facilities to be developed on the land shall be buildings or facilities that, in the determination of the Board of Trustees, in whole or in part: (i) are for use by the University; or (ii) otherwise advance the interests of the University, including, by way of example, residential facilities for University staff and students and commercial facilities which provide services needed by the University community. Revenues from the development fund account may be withdrawn by the Board of Trustees for the purpose of demolition and the processes associated with demolition; routine land and property acquisition; extension of utilities; streetscape work; landscape work; surface and structure parking; sidewalks, recreational paths, and street construction; and lease and lease purchase arrangements and the professional services associated with the planning and development of the area. Moneys from the development fund account used for any other purpose must be deposited into and appropriated from the General Revenue Fund. Buildings or facilities leased to an entity or person other than the University shall not be subject to any limitations applicable to a State supported college or university under any law. All development on the land and all use of any buildings or facilities shall be subject to the control and approval of the Board of Trustees.

(Source: P.A. 90-730, eff. 8-10-98; 91-883, eff. 1-1-01.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 8 as follows:

(110 ILCS 520/8) (from Ch. 144, par. 658)

Sec. 8. Powers and Duties of the Board. The Board shall have power and it shall be its duty:

1. To make rules, regulations and by-laws, not inconsistent with law, for the government and management of Southern Illinois University and its branches;

2. To employ, and, for good cause, to remove a president of Southern Illinois University, and all necessary deans, professors, associate professors, assistant professors, instructors, and other educational and administrative assistants, and all other necessary employees, and contract with them upon matters relating to tenure, salaries and retirement benefits in accordance with the State Universities Civil Service Act; the Board shall, upon the written request of an employee of Southern Illinois University, withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor
organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the Board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. Whenever the Board establishes a search committee to fill the position of president of Southern Illinois University, there shall be minority representation, including women, on that search committee;

3. To prescribe the course of study to be followed, and textbooks and apparatus to be used at Southern Illinois University;

4. To issue upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required studies of Southern Illinois University, and confer such professional and literary degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study, or such as the Board may deem appropriate;

5. To examine into the conditions, management, and administration of Southern Illinois University, to provide the requisite buildings, apparatus, equipment and auxiliary enterprises, and to fix and collect matriculation fees; tuition fees; fees for student activities; fees for student facilities such as student union buildings or field houses or stadium or other recreational facilities; student welfare fees; laboratory fees and similar fees for supplies and material;

6. To succeed to and to administer all trusts, trust property, and gifts now or hereafter belonging or pertaining to Southern Illinois University;

7. To accept endowments of professorships or departments in the University from any person who may proffer them and, at regular meetings, to prescribe rules and regulations in relation to endowments and declare on what general principles they may be accepted;

8. To enter into contracts with the Federal government for providing courses of instruction and other services at Southern Illinois University for persons serving in or with the military or naval forces of the United States, and to provide such courses of instruction and other services;

9. To provide for the receipt and expenditures of Federal funds, paid to the Southern Illinois University by the Federal government for instruction and other services for persons serving in or with the military or naval forces of the United States and to provide for audits of such funds;

10. To appoint, subject to the applicable civil service law, persons to be members of the Southern Illinois University Police Department. Members of the Police Department shall be conservators of the peace and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes, university rules and regulations and city or county ordinances, except that they may exercise such powers only within counties wherein the university and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate State or local law enforcement officials. However, such officers shall have no power to serve and execute civil processes.

The Board must authorize to each member of the Southern Illinois University Police Department and to any other employee of Southern Illinois University exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by Southern Illinois University and (ii) contains a unique identifying number. No other badge shall be authorized by Southern Illinois University.

11. To administer a plan or plans established by the clinical faculty of the School of Medicine for the billing, collection and disbursement of charges made by individual faculty members for professional services performed by them in the course of or in support of their academic responsibilities, provided that such plan has been first approved by Board action. All such collections shall be deposited into a special fund or funds administered by the Board from which disbursements may be made according to the provisions of said plan. The reasonable costs incurred, by the University, administering the billing, collection and disbursement provisions of a plan shall have first priority for payment before distribution or

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disbursement for any other purpose. Charges established pursuant to this plan must be itemized in any billing and any amounts collected which are not used to offset the cost of operating or maintaining the activity which generated the funds collected, must be accounted for separately. This accounting must clearly show the use and application made of the funds and the Board shall report such accountings for the previous fiscal year to the Legislative Audit Commission annually by December 31 of each fiscal year.

The Board of Trustees may own, operate, or govern, by or through the School of Medicine, a managed care community network established under subsection (b) of Section 5-16.3 of the Illinois Public Aid Code.

12. The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the Board of Trustees may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the Board of Trustees may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The powers of the Board as herein designated are subject to the Board of Higher Education Act.

(Source: P.A. 91-883, eff. 1-1-01.)

Section 15. The Illinois Insurance Code is amended by changing Section 352 as follows:

(215 ILCS 5/352) (from Ch. 73, par. 964)

Sec. 352. Scope of Article.

(a) Except as provided in subsections (b), (c), (d), and (e), this Article shall apply to all companies transacting in this State the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of section 4. Nothing in this Article shall apply to, or in any way affect policies or contracts described in clause (a) of Class 1 of Section 4; however, this Article shall apply to policies and contracts which contain benefits providing reimbursement for the expenses of long term health care which are certified or ordered by a physician including but not limited to professional nursing care, custodial nursing care, and non-nursing custodial care provided in a nursing home or at a residence of the insured.

(b) This Article does not apply to policies of accident and health insurance issued in compliance with Article XIXB of this Code.

(c) A policy issued and delivered in this State that provides coverage under that policy for certificate holders who are neither residents of nor employed in this State does not need to provide to those nonresident certificate holders who are not employed in this State the coverages or services mandated by this Article.

(d) Stop-loss insurance is exempt from all Sections of this Article, except this Section and Sections 353a, 354, 357.30, and 370. For purposes of this exemption, stop-loss insurance is further defined as follows:

(1) The policy must be issued to and insure an employer, trustee, or other sponsor of the
(2) Payments by the insurer must be made to the employer, trustee, or other sponsors of the plan, or the plan itself, but not to the employees, members, participants, or health care providers.

(e) A policy issued or delivered in this State to the Illinois Department of Public Aid and providing coverage, under clause (b) of Class 1 or clause (a) of Class 2 as described in Section 4, to persons who are enrolled in the integrated health care program established under Article V Section 5-16.3 of the Illinois Public Aid Code or under the Children's Health Insurance Program Act is exempt from all restrictions, limitations, standards, rules, or regulations respecting benefits imposed by or under authority of this Code, except those specified by subsection (1) of Section 143. Nothing in this subsection, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

(Source: P.A. 87-435; 87-757; 87-938; 87-956; 88-364; 88-554, eff. 7-26-94.)

Section 20. The Health Maintenance Organization Act is amended by changing Sections 1-2, 2-1, and 6-3 as follows:

(215 ILCS 125/1-2) (from Ch. 111-1/2, par. 1402)
Sec. 1-2. Definitions. As used in this Act, unless the context otherwise requires, the following terms shall have the meanings ascribed to them:

(1) "Advertisement" means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations.

(2) "Director" means the Director of Insurance.

(3) "Basic health care services" means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are determined by the Director pursuant to rule.

(4) "Enrollee" means an individual who has been enrolled in a health care plan.

(5) "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee setting out the coverage to which he is entitled in exchange for a per capita prepaid sum.

(6) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specified group.

(7) "Health care plan" means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of basic health care services from providers selected by the Health Maintenance Organization and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such services, except as otherwise authorized by Section 2-3 of this Act, on a per capita prepaid basis, through insurance or otherwise. A "health care plan" also includes any arrangement whereby an organization undertakes to provide or arrange for or pay for or reimburse the cost of any health care service for persons who are enrolled in the integrated health care program established under Article V Section 5-16.3 of the Illinois Public Aid Code or under the Children's Health Insurance Program Act through providers selected by the organization and the arrangement consists of making provision for the delivery of health care services, as distinguished from mere indemnification. A "health care plan" also includes any arrangement pursuant to Section 4-17. Nothing in this definition, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

(8) "Health care services" means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury.

(9) "Health Maintenance Organization" means any organization formed under the laws of this or another state to provide or arrange for one or more health care plans under a system which causes any part of the risk of health care delivery to be borne by the organization or its providers.

New matter indicated by italics - deletions by strikeout.
"Net worth" means admitted assets, as defined in Section 1-3 of this Act, minus liabilities. "Organization" means any insurance company, a nonprofit corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act, or a corporation organized under the laws of this or another state for the purpose of operating one or more health care plans and doing no business other than that of a Health Maintenance Organization or an insurance company. "Organization" shall also mean the University of Illinois Hospital as defined in the University of Illinois Hospital Act. "Provider" means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health care services and also includes any other entity that arranges for the delivery or furnishing of health care service. "Producer" means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment. "Per capita prepaid" means a basis of prepayment by which a fixed amount of money is prepaid per individual or any other enrollment unit to the Health Maintenance Organization or for health care services which are provided during a definite time period regardless of the frequency or extent of the services rendered by the Health Maintenance Organization, except for copayments and deductibles and except as provided in subsection (f) of Section 5-3 of this Act. "Subscriber" means a person who has entered into a contractual relationship with the Health Maintenance Organization for the provision of or arrangement of at least basic health care services to the beneficiaries of such contract.

This Act does not apply to the establishment and operation of managed care community networks that are certified as risk-bearing entities under Section 5-11 of the Illinois Public Aid Code and that contract with the Illinois Department of Public Aid pursuant to that Section. This Act does not apply to the establishment and operation of (i) a managed care community network providing or arranging health care services under contract with the State exclusively to persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code or (ii) a managed care community network owned, operated, or governed by a county provider as defined in Section 15-1 of that Code:

This Act does not apply to the establishment and operation of managed care community networks that are certified as risk-bearing entities under Section 5-11 of the Illinois Public Aid Code and that contract with the Illinois Department of Public Aid pursuant to that Section. Any organization may apply to the Director for and obtain a certificate of authority to establish and operate a Health Maintenance Organization in compliance with this Act. A foreign corporation may qualify under this Act, subject to its registration to do business in this State as a foreign corporation.

Each application for a certificate of authority shall be filed in triplicate and verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the Director, and shall set forth, without limiting what may be required by the Director, the following:

1. A copy of the organizational document;
2. A copy of the bylaws, rules and regulations, or similar document regulating the conduct of the internal affairs of the applicant, which shall include a mechanism to afford the enrollees an opportunity to participate in an advisory capacity in matters of policy and
(3) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant; including, but not limited to, all members of the board of directors, executive committee, the principal officers, and any person or entity owning or having the right to acquire 10% or more of the voting securities or subordinated debt of the applicant;

(4) A statement generally describing the applicant, geographic area to be served, its facilities, personnel and the health care services to be offered;

(5) A copy of the form of any contract made or to be made between the applicant and any providers regarding the provision of health care services to enrollees;

(6) A copy of the form of any contract made or to be made between the applicant and any person listed in paragraph (3) of this subsection;

(7) A copy of the form of any contract made or to be made between the applicant and any person, corporation, partnership or other entity for the performance on the applicant's behalf of any functions including, but not limited to, marketing, administration, enrollment, investment management and subcontracting for the provision of health services to enrollees;

(8) A copy of the form of any contract which is to be issued to employers, unions, trustees, or other organizations and a copy of any form of evidence of coverage to be issued to any enrollee or subscriber and any advertising material;

(9) Descriptions of the applicant's procedures for resolving enrollee grievances which must include procedures providing for enrollees participation in the resolution of grievances;

(10) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. If the financial affairs of the applicant's parent company are audited by an independent certified public accountant but those of the applicant are not, then a copy of the most recent audited financial statement of the applicant's parent, attached to which shall be consolidating financial statements of the parent including separate unaudited financial statements of the applicant, unless the Director determines that additional or more recent financial information is required for the proper administration of this Act;

(11) A copy of the applicant's financial plan, including a three-year projection of anticipated operating results, a statement of the sources of working capital, and any other sources of funding and provisions for contingencies;

(12) A description of rate methodology;

(13) A description of the proposed method of marketing;

(14) A copy of every filing made with the Illinois Secretary of State which relates to the applicant's registered agent or registered office;

(15) A description of the complaint procedures to be established and maintained as required under Section 4-6 of this Act;

(16) A description, in accordance with regulations promulgated by the Illinois Department of Public Health, of the quality assessment and utilization review procedures to be utilized by the applicant;

(17) The fee for filing an application for issuance of a certificate of authority provided in Section 408 of the Illinois Insurance Code, as now or hereafter amended; and

(18) Such other information as the Director may reasonably require to make the determinations required by this Act.

(Source: P.A. 90-618, eff. 7-10-98.)

(215 ILCS 125/6-3) (from Ch. 111 1/2, par. 1418.3)

Sec. 6-3. Scope. This Article applies to direct individual contracts, group contracts and certificates issued thereunder, or any other evidence of coverage, each of which provides for coverage under a health care plan, and has been issued by organizations licensed to transact health maintenance organization business in this State under the Health Maintenance Organization Act, but not to any business of such organization not transacted under its health maintenance organization certificate of authority. This Article does not apply to (i) a managed care community network providing or arranging health care services under contract with the State exclusively to persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code or (ii) a managed care community network owned, operated, or governed by a county provider as New matter indicated by italics - deletions by strikeout.
Section 25. The Health Care Worker Self-Referral Act is amended by changing Section 20 as follows:

(225 ILCS 47/20)
Sec. 20. Prohibited referrals and claims for payment.
(a) A health care worker shall not refer a patient for health services to an entity outside the health care worker's office or group practice in which the health care worker is an investor, unless the health care worker directly provides health services within the entity and will be personally involved with the provision of care to the referred patient.
(b) Pursuant to Board determination that the following exception is applicable, a health care worker may invest in and refer to an entity, whether or not the health care worker provides direct services within said entity, if there is a demonstrated need in the community for the entity and alternative financing is not available. For purposes of this subsection (b), "demonstrated need" in the community for the entity may exist if (1) there is no facility of reasonable quality that provides medically appropriate service, (2) use of existing facilities is onerous or creates too great a hardship for patients, (3) the entity is formed to own or lease medical equipment which replaces obsolete or otherwise inadequate equipment in or under the control of a hospital located in a federally designated health manpower shortage area, or (4) such other standards as established, by rule, by the Board. "Community" shall be defined as a metropolitan area for a city, and a county for a rural area. In addition, the following provisions must be met to be exempt under this Section:

(1) Individuals who are not in a position to refer patients to an entity are given a bona fide opportunity to also invest in the entity on the same terms as those offered a referring health care worker; and
(2) No health care worker who invests shall be required or encouraged to make referrals to the entity or otherwise generate business as a condition of becoming or remaining an investor; and
(3) The entity shall market or furnish its services to referring health care worker investors and other investors on equal terms; and
(4) The entity shall not loan funds or guarantee any loans for health care workers who are in a position to refer to an entity; and
(5) The income on the health care worker's investment shall be tied to the health care worker's equity in the facility rather than to the volume of referrals made; and
(6) Any investment contract between the entity and the health care worker shall not include any covenant or non-competition clause that prevents a health care worker from investing in other entities; and
(7) When making a referral, a health care worker must disclose his investment interest in an entity to the patient being referred to such entity. If alternative facilities are reasonably available, the health care worker must provide the patient with a list of alternative facilities. The health care worker shall inform the patient that they have the option to use an alternative facility other than one in which the health care worker has an investment interest and the patient will not be treated differently by the health care worker if the patient chooses to use another entity. This shall be applicable to all health care worker investors, including those who provide direct care or services for their patients in entities outside their office practices; and
(8) If a third party payor requests information with regard to a health care worker's investment interest, the same shall be disclosed; and
(9) The entity shall establish an internal utilization review program to ensure that investing health care workers provided appropriate or necessary utilization; and
(10) If a health care worker's financial interest in an entity is incompatible with a referred patient's interest, the health care worker shall make alternative arrangements for the patient's care.

The Board shall make such a determination for a health care worker within 90 days of a completed written request. Failure to make such a determination within the 90 day time frame shall mean that no alternative is practical based upon the facts set forth in the completed written request.
(c) It shall not be a violation of this Act for a health care worker to refer a patient for health services to a publicly traded entity in which he or she has an investment interest provided that:

(1) the entity is listed for trading on the New York Stock Exchange or on the American Stock Exchange, or is a national market system security traded under an automated inter-dealer quotation system operated by the National Association of Securities Dealers; and

(2) the entity had, at the end of the corporation's most recent fiscal year, total net assets of at least $30,000,000 related to the furnishing of health services; and

(3) any investment interest obtained after the effective date of this Act is traded on the exchanges listed in paragraph 1 of subsection (c) of this Section after the entity became a publicly traded corporation; and

(4) the entity markets or furnishes its services to referring health care worker investors and other health care workers on equal terms; and

(5) all stock held in such publicly traded companies, including stock held in the predecessor privately held company, shall be of one class without preferential treatment as to status or remuneration; and

(6) the entity does not loan funds or guarantee any loans for health care workers who are in a position to be referred to an entity; and

(7) the income on the health care worker's investment is tied to the health care worker's equity in the entity rather than to the volume of referrals made; and

(8) the investment interest does not exceed 1/2 of 1% of the entity's total equity.

(d) Any hospital licensed under the Hospital Licensing Act shall not discriminate against or otherwise penalize a health care worker for compliance with this Act.

(e) Any health care worker or other entity shall not enter into an arrangement or scheme seeking to make referrals to another health care worker or entity based upon the condition that the health care worker or entity will make referrals with an intent to evade the prohibitions of this Act by inducing patient referrals which would be prohibited by this Section if the health care worker or entity made the referral directly.

(f) If compliance with the need and alternative investor criteria is not practical, the health care worker shall identify to the patient reasonably available alternative facilities. The Board shall, by rule, designate when compliance is "not practical".

(g) Health care workers may request from the Board that it render an advisory opinion that a referral to an existing or proposed entity under specified circumstances does or does not violate the provisions of this Act. The Board's opinion shall be presumptively correct. Failure to render such an advisory opinion within 90 days of a completed written request pursuant to this Section shall create a rebuttable presumption that a referral described in the completed written request is not or will not be a violation of this Act.

(h) Notwithstanding any provision of this Act to the contrary, a health care worker may refer a patient, who is a member of a health maintenance organization "HMO" licensed in this State, for health services to an entity, outside the health care worker's office or group practice, in which the health care worker is an investor, provided that any such referral is made pursuant to a contract with the HMO. Furthermore, notwithstanding any provision of this Act to the contrary, a health care worker may refer an enrollee of a "managed care community network", as defined in subsection (b) of Section 5-16.3 of the Illinois Public Aid Code, for health services to an entity, outside the health care worker's office or group practice, in which the health care worker is an investor, provided that any such referral is made pursuant to a contract with the managed care community network.

(Source: P.A. 87-1207; 88-554, eff. 7-26-94.)

Section 30. The Illinois Public Aid Code is amended by changing Sections 5-11, 5-16.9, 5-16.11, 15-2, 15-3, 15-4, and 15-5 as follows:

(305 ILCS 5/5-11) (from Ch. 23, par. 5-11)
Sec. 5-11. Co-operative arrangements; contracts with other State agencies, health care and rehabilitation organizations, and fiscal intermediaries.

(a) The Illinois Department may enter into co-operative arrangements with State agencies responsible for administering or supervising the administration of health services and vocational rehabilitation services to the end that there may be maximum utilization of such services in the provision of medical assistance.
The Illinois Department shall, not later than June 30, 1993, enter into one or more co-operative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with developmental disabilities, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with such State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible therefor under this Article. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated pursuant to the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in this State for the Federal Government in respect to Medicare payments under Title XVIII of the Federal Social Security Act to act for the Department in paying medical care suppliers. The provisions of Section 9 of "An Act in relation to State finance", approved June 10, 1919, as amended, notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.

(b) For purposes of this subsection (b), "managed care community network" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within this State and that provides or arranges primary, secondary, and tertiary managed health care services under contract with the Illinois Department exclusively to persons participating in programs administered by the Illinois Department.

The Illinois Department may certify managed care community networks, including managed care community networks owned, operated, managed, or governed by State-funded medical schools, as risk-bearing entities eligible to contract with the Illinois Department as Medicaid managed care organizations. The Illinois Department may contract with those managed care community networks to furnish health care services to or arrange those services for individuals participating in programs administered by the Illinois Department. The rates for those provider-sponsored organizations may be determined on a prepaid, capitated basis. A managed care community network may choose to contract with the Illinois Department to provide only pediatric health care services. The Illinois Department shall by rule adopt the criteria, standards, and procedures by which a managed care community network may be permitted to contract with the Illinois Department and shall consult with the Department of Insurance in adopting these rules.

A county provider as defined in Section 15-1 of this Code may contract with the Illinois Department to provide primary, secondary, or tertiary managed health care services as a managed care community network without the need to establish a separate entity and shall be deemed a managed care community network for purposes of this Code only to the extent it provides services to participating individuals. A county provider is entitled to contract with the Illinois Department with respect to any contracting region located in whole or in part within the county. A county provider is not required to accept enrollees who do not reside within the county.

In order to (i) accelerate and facilitate the development of integrated health care in contracting areas outside counties with populations in excess of 3,000,000 and counties adjacent to those counties and (ii) maintain and sustain the high quality of education and residency programs coordinated and associated with local area hospitals, the Illinois Department may develop and implement a demonstration program from managed care community networks owned, operated, managed, or governed by State-funded medical schools. The Illinois Department shall prescribe by rule the criteria, standards, and procedures for effecting this demonstration program.

A managed care community network that contracts with the Illinois Department to furnish health care services to or arrange those services for enrollees participating in programs administered by the Illinois Department shall do all of the following:

(1) Provide that any provider affiliated with the managed care community network may

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also provide services on a fee-for-service basis to Illinois Department clients not enrolled in such managed care entities.

(2) Provide client education services as determined and approved by the Illinois Department, including but not limited to (i) education regarding appropriate utilization of health care services in a managed care system, (ii) written disclosure of treatment policies and restrictions or limitations on health services, including, but not limited to, physical services, clinical laboratory tests, hospital and surgical procedures, prescription drugs and biologics, and radiological examinations, and (iii) written notice that the enrollee may receive from another provider those covered services that are not provided by the managed care community network.

(3) Provide that enrollees within the system may choose the site for provision of services and the panel of health care providers.

(4) Not discriminate in enrollment or disenrollment practices among recipients of medical services or enrollees based on health status.

(5) Provide a quality assurance and utilization review program that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(6) Issue a managed care community network identification card to each enrollee upon enrollment. The card must contain all of the following:

(A) The enrollee's health plan.

(B) The name and telephone number of the enrollee's primary care physician or the site for receiving primary care services.

(C) A telephone number to be used to confirm eligibility for benefits and authorization for services that is available 24 hours per day, 7 days per week.

(7) Ensure that every primary care physician and pharmacy in the managed care community network meets the standards established by the Illinois Department for accessibility and quality of care. The Illinois Department shall arrange for and oversee an evaluation of the standards established under this paragraph (7) and may recommend any necessary changes to these standards.

(8) Provide a procedure for handling complaints that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(9) Maintain, retain, and make available to the Illinois Department records, data, and information, in a uniform manner determined by the Illinois Department, sufficient for the Illinois Department to monitor utilization, accessibility, and quality of care.

(10) Provide that the pharmacy formulary used by the managed care community network and its contract providers be no more restrictive than the Illinois Department's pharmaceutical program on the effective date of this amendatory Act of 1998 and as amended after that date. The Illinois Department shall contract with an entity or entities to provide external peer-based quality assurance review for the managed health care programs administered by the Illinois Department. The entity shall be representative of Illinois physicians licensed to practice medicine in all its branches and have statewide geographic representation in all specialties of medical care that are provided in managed health care programs administered by the Illinois Department. The entity may not be a third party payer and shall maintain offices in locations around the State in order to provide service and continuing medical education to physician participants within those managed health care programs administered by the Illinois Department. The review process shall be developed and conducted by Illinois physicians licensed to practice medicine in all its branches. In consultation with the entity, the Illinois Department may contract with other entities for professional peer-based quality assurance review of individual categories of services other than services provided, supervised, or coordinated by physicians licensed to practice medicine in all its branches. The Illinois Department shall establish, by rule, criteria to avoid conflicts of interest in the conduct of quality assurance activities consistent with professional peer-review standards. All quality assurance activities shall be coordinated by the Illinois Department.

Each managed care community network must demonstrate its ability to bear the financial risk
of serving individuals under this program. The Illinois Department shall by rule adopt standards for assessing the solvency and financial soundness of each managed care community network. Any solvency and financial standards adopted for managed care community networks shall be no more restrictive than the solvency and financial standards adopted under Section 1856(a) of the Social Security Act for provider-sponsored organizations under Part C of Title XVIII of the Social Security Act.

The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1998 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the adoption of rules to implement these changes is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) Not later than June 30, 1996, the Illinois Department shall enter into one or more cooperative arrangements with the Department of Public Health for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act or both, which shall be administered and conducted solely by the Department of Public Health. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team. The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Public Aid from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Section shall not apply to community or intermediate care facilities for persons with developmental disabilities.

(d) Nothing in this Code in any way limits or otherwise impairs the authority or power of the Illinois Department to enter into a negotiated contract pursuant to this Section with a managed care community network or a health maintenance organization, as defined in the Health Maintenance Organization Act, that provides for termination or nonrenewal of the contract without cause, upon notice as provided in the contract, and without a hearing.

(305 ILCS 5/5-16.9)

Sec. 5-16.9. Woman's health care provider. The medical assistance program is subject to the provisions of Section 356r of the Illinois Insurance Code. The Illinois Department shall adopt rules to implement the requirements of Section 356r of the Illinois Insurance Code in the medical assistance program including managed care components defined in Section 5-16.3.

(305 ILCS 5/5-16.11)

Sec. 5-16.11. Uniform standards applied to managed care entities. Any managed care entity providing services under this Code shall use a pharmacy formulary that is no more restrictive than the Illinois Department's pharmaceutical program comply with the criteria, standards, and procedures imposed on managed care entities under paragraph (14) of subsection (d) of Section 5-16.3 of this Code.

(305 ILCS 5/15-2) (from Ch. 23, par. 15-2)

Sec. 15-2. County Provider Trust Fund.

(a) There is created in the State Treasury the County Provider Trust Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created solely for the purposes of receiving, investing, and distributing monies in accordance with this Article XV. The Fund shall consist of:

(1) All monies collected or received by the Illinois Department under Section 15-3 of this Code;

(2) All federal financial participation monies received by the Illinois Department pursuant to Title XIX of the Social Security Act, 42 U.S.C. 1396(b), attributable to eligible expenditures made by the Illinois Department pursuant to Section 15-5 of this Code;

(3) All federal moneys received by the Illinois Department pursuant to Title XXI of the Social Security Act attributable to eligible expenditures made by the Illinois Department
pursuant to Section 15-5 of this Code; and

(4) All other monies received by the Fund from any source, including interest thereon.

(c) Disbursements from the Fund shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department and shall be made only:

(1) For hospital inpatient care, hospital outpatient care, care provided by other outpatient facilities operated by a county, and disproportionate share hospital payments made under Title XIX of the Social Security Act and Article V of this Code as required by Section 15-5 of this Code;

(1.5) For services provided by county providers pursuant to Section 5-11 or 5-16.3 of this Code;

(2) For the reimbursement of administrative expenses incurred by county providers on behalf of the Illinois Department as permitted by Section 15-4 of this Code;

(3) For the reimbursement of monies received by the Fund through error or mistake;

(4) For the payment of administrative expenses necessarily incurred by the Illinois Department or its agent in performing the activities required by this Article XV;

(5) For the payment of any amounts that are reimbursable to the federal government, attributable solely to the Fund, and required to be paid by State warrant; and

(6) For hospital inpatient care, hospital outpatient care, care provided by other outpatient facilities operated by a county, and disproportionate share hospital payments made under Title XXI of the Social Security Act, pursuant to Section 15-5 of this Code.

(Source: P.A. 90-618, eff. 7-10-98; 91-24, eff. 7-1-99.)

Sec. 15-3. Intergovernmental Transfers.

(a) Each qualifying county shall make an annual intergovernmental transfer to the Illinois Department in an amount equal to 71.7% of the difference between the total payments made by the Illinois Department to such county provider for hospital services under Titles XIX and XXI of the Social Security Act or pursuant to Section 5-11 or 5-16.3 of this Code in each fiscal year ending June 30 (or fraction thereof during the fiscal year ending June 30, 1993) and $108,800,000 (or fraction thereof), except that the annual intergovernmental transfer shall not exceed the total payments made by the Illinois Department to such county provider for hospital services under this Code or pursuant to Section 5-16.3 of this Code, less the sum of (i) 50% of payments reimbursable under the Social Security Act at a rate of 50% and (ii) 65% of payments reimbursable under the Social Security Act at a rate of 65%, in each fiscal year ending June 30 (or fraction thereof).

(b) The payment schedule for the intergovernmental transfer made hereunder shall be established by intergovernmental agreement between the Illinois Department and the applicable county, which agreement shall at a minimum provide:

(1) For periodic payments no less frequently than monthly to the county provider for inpatient and outpatient approved or adjudicated claims and for disproportionate share payments under Section 5-5.02 of this Code (in the initial year, for services after July 1, 1991, or such other date as an approved State Medical Assistance Plan shall provide) and to the county provider pursuant to Section 5-16.3 of this Code.

(2) For periodic payments no less frequently than monthly to the county provider for supplemental disproportionate share payments hereunder based on a federally approved State Medical Assistance Plan.

(3) For calculation of the intergovernmental transfer payment to be made by the county equal to 71.7% of the difference between the amount of the periodic payment and the base amount; provided, however, that if the periodic payment for any period is less than the base amount for such period, the base amount for the succeeding period (and any successive period if necessary) shall be increased by the amount of such shortfall.

(4) For an intergovernmental transfer methodology which obligates the Illinois Department to notify the county and county provider in writing of each impending periodic payment and the intergovernmental transfer payment attributable thereto and which obligates the Comptroller to release the periodic payment to the county provider within one working day of receipt of the intergovernmental transfer payment from the county.

(Source: P.A. 90-618, eff. 7-10-98; 91-24, eff. 7-1-99.)

New matter indicated by italics - deletions by strikeout.
Sec. 15-4. Contractual assumption of certain expenses. Hospitals may, at their election, by written agreement between the counties owning and operating the hospitals and the Illinois Department, assume specified expenses of the operation of the Illinois Department associated with the determination of eligibility, direct payment of which expenses by the Illinois Department would qualify as public funds expended by the Illinois Department for the Illinois Medical Assistance Program or other health care programs administered by the Illinois Department. The Illinois Department shall open an adequately staffed special on-site office or offices at facilities designated by the county for the purpose of assisting the county in ensuring that all eligible individuals are enrolled in the Illinois Medical Assistance Program and, to the extent that enrollment into the integrated health care program established under Section 5-16.3 of this Code is conducted at local public assistance offices in the county, for the purpose of enrollment of persons into any managed health care entity operated by the county. The enrollment process shall meet the requirements of subsection (c) of Section 5-16.3. Each such agreement, executed in accordance with Section 3 of the Intergovernmental Cooperation Act, shall describe the operational expenses to be assumed in sufficient detail to permit the Illinois Department to certify upon such written obligation or performance thereunder that the hospital's compliance with the terms of the agreement will amount to the commitment of public funds eligible for the federal financial participation or other federal funding called for in Title XIX or Title XXI of the Social Security Act.

(Source: P.A. 91-24, eff. 7-1-99.)

Sec. 15-5. Disbursements from the Fund.

(a) The monies in the Fund shall be disbursed only as provided in Section 15-2 of this Code and as follows:

(1) To pay the county hospitals' inpatient reimbursement rate based on actual costs, trended forward annually by an inflation index and supplemented by teaching, capital, and other direct and indirect costs, according to a State plan approved by the federal government. Effective October 1, 1992, the inpatient reimbursement rate (including any disproportionate or supplemental disproportionate share payments) for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(2) To pay county hospitals and county operated outpatient facilities for outpatient services based on a federally approved methodology to cover the maximum allowable costs per patient visit. Effective October 1, 1992, the outpatient reimbursement rate for outpatient services provided by county hospitals and county operated outpatient facilities shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(3) To pay the county hospitals' disproportionate share payments as established by the Illinois Department under Section 5-5.02 of this Code. Effective October 1, 1992, the disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(3.5) To pay county providers for services provided pursuant to Section 5-11 or 5-16.3 of this Code.

(4) To reimburse the county providers for expenses contractually assumed pursuant to Section 15-4 of this Code.

(5) To pay the Illinois Department its necessary administrative expenses relative to the Fund and other amounts agreed to, if any, by the county providers in the agreement provided for in subsection (c).
(6) To pay the county hospitals' supplemental disproportionate share payments, hereby authorized, as specified in the agreement provided for in subsection (c) and according to a federally approved State plan. Effective October 1, 1992, the supplemental disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(b) The Illinois Department shall promptly seek all appropriate amendments to the Illinois State Plan to effect the foregoing payment methodology.

(c) The Illinois Department shall implement the changes made by Article 3 of this amendatory Act of 1992 beginning October 1, 1992. All terms and conditions of the disbursement of monies from the Fund not set forth expressly in this Article shall be set forth in the agreement executed under the Intergovernmental Cooperation Act so long as those terms and conditions are not inconsistent with this Article or applicable federal law. The Illinois Department shall report in writing to the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council by October 15, 1992, the terms and conditions of all such initial agreements and, where no such initial agreement has yet been executed with a qualifying county, the Illinois Department's reasons that each such initial agreement has not been executed. Copies and reports of amended agreements following the initial agreements shall likewise be filed by the Illinois Department with the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council within 30 days following their execution. The foregoing filing obligations of the Illinois Department are informational only, to allow the Board and Council, respectively, to better perform their public roles, except that the Board or Council may, at its discretion, advise the Illinois Department in the case of the failure of the Illinois Department to reach agreement with any qualifying county by the required date.

(d) The payments provided for herein are intended to cover services rendered on and after July 1, 1991, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may relate back to that date, provided the Illinois Department obtains federal approval. Any changes in payment rates resulting from the provisions of Article 3 of this amendatory Act of 1992 are intended to apply to services rendered on or after October 1, 1992, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may be effective as of that date.

(e) If one or more hospitals file suit in any court challenging any part of this Article XV, payments to hospitals from the Fund under this Article XV shall be made only to the extent that sufficient monies are available in the Fund and only to the extent that any monies in the Fund are not prohibited from disbursement and may be disbursed under any order of the court.

(f) All payments under this Section are contingent upon federal approval of changes to the State plan, if that approval is required.

(Source: P.A. 90-618, eff. 7-10-98.)

(305 ILCS 5/5-16.3 rep.)

Section 31. The Illinois Public Aid Code is amended by repealing Section 5-16.3.

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


PUBLIC ACT 92-0371
(Senate Bill No. 0900)

AN ACT in relation to real property.

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

Section 5. The Board of Trustees of Southern Illinois University is authorized to sell or exchange for other real property of substantially equal value, before January 1, 2003, certain real property located in Sangamon County, Illinois and described as follows:

Part of the Southwest quarter of the Northwest quarter of Section Ten (10), Township
Thirteen (13) North, Range Six (6), West of the Third Principal Meridian, Described as follows: Beginning at a point on the North Right-of-Way line of S.B.I. Route 104, said point being 102 feet westerly from the Southwest corner of Lot Thirteen (13) of Western Acres, Plat One, thence North 177.58 feet to the Southeast corner of Lot Seventeen (17) in said Western Acres, Plat One; thence deflecting Left 90 Degrees, 27 Minutes measure 38.0 feet (38.5 feet recorded) to the Southwest Corner of said Lot Seventeen (17); thence deflecting Right 7 Degrees, 05 Minutes measure 200 feet; thence deflecting Left 106 Degrees 46 Minutes measure 269.92 feet to a point on the North Right-of-Way line of S.B.I. Route 104; thence easterly along said North Right-of-Way line, measure a chord distance of 200 feet to the point of beginning.

Section 10. The sale or exchange of the real property described in Section 5 of this Act shall be made in full compliance with the State Property Control Act, provided that the net proceeds received by the Board of Trustees of Southern Illinois University from the sale or exchange of the real property described in Section 5 of this Act shall be deposited by the Board of Trustees of Southern Illinois University into the Repair and Replacement Reserve Account of the Southern Illinois University Medical Facilities System created by the resolution of the Board of Trustees of Southern Illinois University that was adopted on October 10, 1996, pursuant to the Southern Illinois University Revenue Bond Act.

Section 90. The State Property Control Act is amended by changing Section 1.02 as follows:

Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

"Property" does not include that property described under Section 5 of this amendatory Act of the 92nd General Assembly with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of this amendatory Act of the 92nd General Assembly.

(30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

"Property" does not include that property described under Section 5 of this amendatory Act of the 92nd General Assembly with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 89-356, eff. 8-17-95.)

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

PUBLIC ACT 92-0372
(Senate Bill No. 0931)

AN ACT in relation to facilities for the Appellate Court for the Fourth Judicial District. Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Supreme Court Building Act is amended by adding Section 10 as follows:

Sec. 10. Use, custody, and control of facilities for the Appellate Court for the Fourth Judicial District. After renovation of the building located at 201 West Monroe Street, Springfield, Illinois (commonly known as the Waterways Building) is completed, it shall be devoted to the uses of the Appellate Court for the Fourth Judicial District. The care, custody, and control of the building, when the renovation is completed, shall be vested in the Supreme Court.


New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0373
(Senate Bill No. 0950)

AN ACT concerning child support.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by adding Section 12-12.1 as follows:
(305 ILCS 5/12-12.1 new)
Sec. 12-12.1. Deadbeats most wanted list.
(a) The Director may disclose a "deadbeats most wanted list" of individuals who are in arrears in their child support obligations under an Illinois court order or administrative order. The list shall include only those persons who are in arrears in an amount greater than $5,000 (or such greater amount as established by the Department by rule). The list shall not exceed 200 individuals at any point. The list shall include the individual's name and address, the amount of any child support arrearage, and any other information deemed appropriate by the Department.
(b) At least 90 days before the disclosure under subsection (a) of the name of an individual who is in arrears in his or her child support obligations, the Director shall mail a written notice to the individual by certified mail addressed to the individual's last known address. The notice shall detail the amount of the arrearage and the Department's intent to disclose the arrearage. If the arrearage is not paid 60 days after the notice was delivered to the individual or the Department has been notified that delivery was refused, and the individual has not, since the mailing of the notice, entered into a written agreement with the Department for payment of the arrearage, the Director may disclose the individual's arrearage under subsection (a).
(c) An individual in arrears in his or her child support obligations under an Illinois court order or administrative order is not subject to disclosure under subsection (a) if (1) a written agreement for payment exists between the individual and the Department or (2) the arrearage is the subject of an administrative hearing, administrative review, or judicial review.
(d) The list shall be available for public inspection at the Department or by other means of publication, including the Internet.
(e) A disclosure made by the Director in a good faith effort to comply with this Section may not be considered a violation of any confidentiality laws.
Section 99. Effective date. This Act takes effect on July 1, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0374
(Senate Bill No. 0993)

AN ACT in relation to child support.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by changing Section 10-16.5 as follows:
(305 ILCS 5/10-16.5)
Sec. 10-16.5. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.
(Source: P.A. 91-397, eff. 1-1-00.)
Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505 as follows:
(750 ILCS 5/505) (from Ch. 40, par. 505)

New matter indicated by italics - deletions by strikeout.
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a minor child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>25%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:
(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of
support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

1. placed on probation with such conditions of probation as the Court deems advisable;
2. sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
   A. work;
   B. conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the minor children of the sentenced parent for the support of said minor children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

1. the non-custodial parent and the person, persons, or business entity maintain records together.
2. the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.
3. the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall
affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing
address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98; 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff. 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

Section 15. The Non-Support Punishment Act is amended by changing Section 20 as follows:

(750 ILCS 16/20)
Sec. 20. Entry of order for support; income withholding.
(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

New matter indicated by italics - deletions by strikeout.
(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

Section 20. The Illinois Parentage Act of 1984 is amended by changing Section 20.7 as follows:

Sec. 20.7. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. An order for support entered or modified on or after January 1, 2002 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of 9% per annum. Failure to include the statement in the

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order for support does not affect the validity of the order or the accrual of interest as provided in this Section.
(Source: P.A. 91-397, eff. 1-1-00.)

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

PUBLIC ACT 92-0375
(Senate Bill No. 1305)

AN ACT in relation to minors.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Adoption Act is amended by changing Section 1 as follows:
(750 ILCS 50/1) (from Ch. 40, par. 1501)
Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:
A. "Child" means a person under legal age subject to adoption under this Act.
B. "Related child" means a child subject to adoption where either or both of the adopting
parents stands in any of the following relationships to the child by blood or marriage: parent,
grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt,
great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable
consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had
his or her parental rights terminated, is not a related child to that person, unless the consent is
determined to be void or is void pursuant to subsection O of Section 10.
C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed
child welfare agency.
D. "Unfit person" means any person whom the court shall find to be unfit to have a child,
without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness
are any one or more of the following:
   (a) Abandonment of the child.
   (a-1) Abandonment of a newborn infant in a hospital.
   (a-2) Abandonment of a newborn infant in any setting where the evidence suggests that
the parent intended to relinquish his or her parental rights.
   (b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the
child's welfare.
   (c) Desertion of the child for more than 3 months next preceding the commencement of
the Adoption proceeding.
   (d) Substantial neglect of the child if continuous or repeated.
   (d-1) Substantial neglect, if continuous or repeated, of any child residing in the household
which resulted in the death of that child.
   (e) Extreme or repeated cruelty to the child.
   (f) Two or more findings of physical abuse to any children under Section 4-8 of the
Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of
which was determined by the juvenile court hearing the matter to be supported by clear and
convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity
resulting from the death of any child by physical child abuse; or a finding of physical child
abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or
Section 2-21 of the Juvenile Court Act of 1987.
   (g) Failure to protect the child from conditions within his environment injurious to the
child's welfare.
   (h) Other neglect of, or misconduct toward the child; provided that in making a finding
of unfitness the court hearing the adoption proceeding shall not be bound by any previous
finding, order or judgment affecting or determining the rights of the parents toward the child
sought to be adopted in any other proceeding except such proceedings terminating parental
rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act

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of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15
months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

New matter indicated by italics - deletions by strikeout.
(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:
   (a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;
   (b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;
   (c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;
   (c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10; or
   (d) an adult who meets the conditions set forth in Section 3 of this Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.
N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:
   (a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
   (b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
   (c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;
   (d) commits or allows to be committed an act or acts of torture upon the child; or
   (e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by the law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97; 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff. 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00; revised 8-31-99.)

Effective January 1, 2002.
AN ACT regarding emergency medical services.

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

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Sections 3.50, 3.55, and 3.155 as follows:

(210 ILCS 50/3.50)

Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

(a) "Emergency Medical Technician-Basic" or "EMT-B" means a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an EMS System.

(b) "Emergency Medical Technician-Intermediate" or "EMT-I" means a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(c) "Emergency Medical Technician-Paramedic" or "EMT-P" means a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Advanced Life Support EMS System.

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

(1) Prescribe education and training requirements, which includes training in the use of epinephrine, for all levels of EMT, based on the respective national curricula of the United States Department of Transportation and any modifications to such curricula specified by the Department through rules adopted pursuant to this Act;

(2) Prescribe licensure testing requirements for all levels of EMT, which shall include a requirement that all phases of instruction, training, and field experience be completed before taking the EMT licensure examination. Candidates may elect to take the National Registry of Emergency Medical Technicians examination in lieu of the Department's examination, but are responsible for making their own arrangements for taking the National Registry examination;

(3) License individuals as an EMT-B, EMT-I, or EMT-P who have met the Department's education, training and testing requirements;

(4) Prescribe annual continuing education and relicensure requirements for all levels of EMT;

(5) Relicense individuals as an EMT-B, EMT-I, or EMT-P every 4 years, based on their compliance with continuing education and relicensure requirements;

(6) Grant inactive status to any EMT who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act;

(7) Charge each candidate for EMT a fee to be submitted with an application for a licensure examination;

(8) Suspend, revoke, or refuse to renew the license of an EMT, after an opportunity for a hearing, when findings show one or more of the following:

(A) The EMT has not met continuing education or relicensure requirements as prescribed by the Department;

(B) The EMT has failed to maintain proficiency in the level of skills for which he or she is licensed;

(C) The EMT, during the provision of medical services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(D) The EMT has failed to maintain or has violated standards of performance and conduct as prescribed by the Department in rules adopted pursuant to this Act or his or her license has been revoked.

New matter indicated by italics - deletions by strikeout.
her EMS System's Program Plan;

(E) The EMT is physically impaired to the extent that he or she cannot physically perform the skills and functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(F) The EMT is mentally impaired to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations; or

(G) The EMT has violated this Act or any rule adopted by the Department pursuant to this Act.

(e) In the event that any rule of the Department or an EMS Medical Director that requires testing for drug use as a condition for EMT licensure conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the collective bargaining agreement.

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

(210 ILCS 50/3.55)
Sec. 3.55. Scope of practice.

(a) Any person currently licensed as an EMT-B, EMT-I, or EMT-P may perform emergency and non-emergency medical services as defined in this Act, in accordance with his or her level of education, training and licensure, the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act, and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System.

(a-5) A person currently approved as a First Responder or licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department approved course in automated defibrillator operation and who is functioning within a Department approved EMS System may utilize such automated defibrillator according to the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System.

(a-7) A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department approved course in the administration of epinephrine, shall be required to carry epinephrine with him or her as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician.

(b) A person currently licensed as an EMT-B, EMT-I, or EMT-P may only practice as an EMT or utilize his or her EMT license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS Medical Director. For purposes of this Section, a "pre-hospital emergency care setting" may include a location, that is not a health care facility, which utilizes EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle. The location shall include communication equipment and all of the portable equipment and drugs appropriate for the EMT's level of care, as required by this Act, rules adopted by the Department pursuant to this Act, and the protocols of the EMS Systems, and shall operate only with the approval and under the direction of the EMS Medical Director.

This Section shall not prohibit an EMT-B, EMT-I, or EMT-P from practicing within an emergency department or other health care setting for the purpose of receiving continuing education or training approved by the EMS Medical Director. This Section shall also not prohibit an EMT-B, EMT-I, or EMT-P from seeking credentials other than his or her EMT license and utilizing such credentials to work in emergency departments or other health care settings under the jurisdiction of that employer.

(c) A person currently licensed as an EMT-B, EMT-I, or EMT-P may honor Do Not Resuscitate (DNR) orders and powers of attorney for health care only in accordance with rules adopted by the Department pursuant to this Act and protocols of the EMS System in which he or she practices.

(d) A student enrolled in a Department approved emergency medical technician program, while fulfilling the clinical training and in-field supervised experience requirements mandated for licensure or approval by the System and the Department, may perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its branches, a qualified
registered professional nurse or a qualified EMT, only when authorized by the EMS Medical Director.
(Source: P.A. 89-177, eff. 7-19-95; 90-440, eff. 1-1-98.)
(210 ILCS 50/3.155)
Sec. 3.155. General Provisions.
(a) Authority and responsibility for the EMS System shall be vested in the EMS Resource Hospital, through the EMS Medical Director or his designee.
(b) For an inter-hospital emergency or non-emergency medical transport, in which the physician from the sending hospital provides the EMS personnel with written medical orders, such written medical orders cannot exceed the scope of care which the EMS personnel are authorized to render pursuant to this Act.
(c) For an inter-hospital emergency or non-emergency medical transport of a patient who requires medical care beyond the scope of care which the EMS personnel are authorized to render pursuant to this Act, a qualified physician, nurse, perfusionist, or respiratory therapist familiar with the scope of care needed must accompany the patient and the transferring hospital and physician shall assume medical responsibility for that portion of the medical care.
(d) No emergency medical services vehicles or personnel from another State or nation may be utilized on a regular basis to pick up and transport patients within this State without first complying with this Act and all rules adopted by the Department pursuant to this Act.
(e) This Act shall not prevent emergency medical services vehicles or personnel from another State or nation from rendering requested assistance in this State in a disaster situation, or operating from a location outside the State and occasionally transporting patients into this State for needed medical care. Except as provided in Section 31 of this Act, this Act shall not provide immunity from liability for such activities.
(f) Except as provided in subsection (e) of this Section, no person or entity shall transport emergency or non-emergency patients by ambulance, SEMSV, or medical carrier without first complying with the provisions of this Act and all rules adopted pursuant to this Act.
(g) Nothing in this Act or the rules adopted by the Department under this Act shall be construed to authorize any medical treatment to or transportation of any person who objects on religious grounds.
(h) Patients, individuals who accompany a patient, and emergency medical services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health may impose a civil penalty on an individual who violates this subsection in the amount of $100.
(Source: P.A. 89-177, eff. 7-19-95.)
Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT regarding taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by adding Section 18-157 as follows:
(35 ILCS 200/18-157 new)
Sec. 18-157. Apportionment; tax objections; court decisions; adjustments of levies and refunds to tax objectors. If a court, in any tax objection based on the apportionment of an overlapping taxing district under Section 18-155, for any year prior to the year of the effective date of this amendatory Act of the 92nd General Assembly, enters a final judgment that there was an over extension or under extension of taxes for an overlapping taxing district based on the apportionment under Section 18-155 for the year for which the objection was filed, the county clerks of each county in which there was an under extension shall proportionately increase the levy of that taxing district by an amount specified in the court order in that county in the subsequent year or in any subsequent year following the final judgment of the court. The increase in the levy, when extended, shall be set forth as a separate item on the tax bills of affected taxpayers. Notwithstanding any other provision

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of law, the increase in the levy and the extension thereof shall not be subject to any limitations on levies or extensions imposed by the School Code or this Code. The funds collected pursuant to a levy increase authorized by this Section shall be delivered to the county collector of each county in which there was an over extension for distribution to the tax objectors in accordance with the court order. No person who, under any other provision of this Code, has received any payment in satisfaction of a tax objection based in whole or in part on apportionment under Section 18-155 may receive any payment under this Section in satisfaction of a tax objection based in whole or in part on apportionment under Section 18-155.

Section 10. The School Code is amended by adding Section 17-3A as follows:
(105 ILCS 5/17-3A new)
Sec. 17-3A. Apportionment; tax objections; court decisions; adjustments of levies and refunds to tax objectors. Notwithstanding any other provision of this Code, if a court, in any tax objection based on the apportionment of an overlapping taxing district under Section 18-155 of the Property Tax Code, for any year prior to the year of the effective date of this amendatory Act of the 92nd General Assembly, enters a final judgment that there was an over extension or under extension of taxes for an overlapping taxing district based on the apportionment under Section 18-155 of the Property Tax Code for the year for which the objection was filed, the county clerks of each county in which there was an under extension of a levy of a school district shall proportionately increase the levy of that school district by an amount specified in the court order in that county in the subsequent year or in any subsequent year following the final judgment of the court. The increase in the levy of the school district, when extended, shall be set forth as a separate item on the tax bills of affected taxpayers. Notwithstanding any other provision of law, the increase in the levy and the extension thereof shall not be subject to any limitations on levies or extensions imposed by this Code or the Property Tax Code. The funds collected pursuant to a levy increase authorized by this Section and Section 18-155 of the Property Tax Code shall be delivered to the county collector of each county in which there was an over extension for distribution to the tax objectors in accordance with the court order.

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

PUBLIC ACT 92-0378
(House Bill No. 0269)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 1-3.12, 3-12, 5-1, 5-3, and 6-2 as follows:
(235 ILCS 5/1-3.12) (from Ch. 43, par. 95.12)
Sec. 1-3.12. "Wine-maker" means a person engaged in the making of less than 50,000 gallons of wine annually other than a person issued a Second Class wine-maker's license.
(Source: P.A. 89-218, eff. 1-1-96.)
(235 ILCS 5/3-12) (from Ch. 43, par. 108)
Sec. 3-12. Powers and duties of State Commission.
(a) The State commission shall have the following powers, functions and duties:
(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises retail licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

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

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

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

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

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

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

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

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

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

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

(8) In the conduct of any hearing authorized to be held by the commission, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; and for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;
(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;
(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:
(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's premises retail license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license. Nothing in this provision, nor in any subsequent provision of this Act shall be interpreted as forbidding an individual or firm from concurrently obtaining and holding a Winemaker's and a Wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:
Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.
Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.
Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.
Class 4. A first class wine-manufacturer may make sales and deliveries up to of between 40,000 and 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

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

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 less than 20,000 gallons of wine per year, and the storage and sale of such wine to distributors and retailers in the State and to persons without the State, as may be permitted by law. A first-class wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

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

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

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

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

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

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

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the
premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit such manufacturer to sell beer at retail on the premises actually occupied by such manufacturer.

After January 1, 1995 there shall be 2 classes of licenses issued under a retailers license.

1) A "retailers on premise consumption license" shall allow the licensee to sell and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on the premises or on and off the premises, but not for resale in any form.

2) An "off premise sale license" shall allow the licensee to sell, or offer for sale at retail, alcoholic liquor intended only for off premise consumption and not for resale in any form.

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

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

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

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

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

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<th>Class</th>
<th>Not to Exceed</th>
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<tr>
<td>Class 1</td>
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<td>Class 4</td>
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<td>10,000 gallons</td>
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Class 5, not to exceed .................. 50,000 gallons

(i) A wine-maker's premises retail license shall allow the licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

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

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For a manufacturer's license:

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Distiller</td>
<td>$3,600</td>
</tr>
<tr>
<td>2</td>
<td>Rectifier</td>
<td>3,600</td>
</tr>
<tr>
<td>3</td>
<td>Brewer</td>
<td>900</td>
</tr>
<tr>
<td>4</td>
<td>First-class Wine Manufacturer</td>
<td>600</td>
</tr>
<tr>
<td>5</td>
<td>Second-class Wine Manufacturer</td>
<td>1,200</td>
</tr>
<tr>
<td>6</td>
<td>First-class wine-maker</td>
<td>600</td>
</tr>
<tr>
<td>7</td>
<td>Second-class wine-maker</td>
<td>1200</td>
</tr>
<tr>
<td>8</td>
<td>Limited Wine Manufacturer</td>
<td>120</td>
</tr>
</tbody>
</table>
For a Brew Pub License ................................. 1,050
For a caterer retailer's license .......................... 200
For a foreign importer's license ......................... 25
For an importing distributor's license ................... 25
For a distributor's license ............................... 270
For a non-resident dealer's license
(500,000 gallons or over) ............................... 270
For a non-resident dealer's license
(under 500,000 gallons) ................................. 90
For a wine-maker's *premises retail* license ........... 100
For a wine-maker's *premises retail* license,
second location ........................................ 350
*For a wine-maker's premises license,
third location* ........................................ 350
For a retailer's license .................................. 175
For a special event retailer's license,
(not-for-profit) ......................................... 25
For a special use permit license,
one day only ........................................ 50
2 days or more ...................................... 100
For a railroad license .................................. 60
For a boat license ....................................... 180
For an airplane license, times the
licensee's maximum number of aircraft
in flight, serving liquor over the
State at any given time, which either
originate, terminate, or make
an intermediate stop in the State ...... 60
For a non-beverage user's license:
Class 1 ........................................ 24
Class 2 ........................................ 60
Class 3 ........................................ 120
Class 4 ........................................ 240
Class 5 ......................................... 600
For a broker's license ................................. 600
For an auction liquor license ........................... 50

Fees collected under this Section shall be paid into the Dram Shop Fund. Beginning June 30, 1990 and on June 30 of each subsequent year, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

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

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 90-77, eff. 7-8-97; 91-25, eff. 6-9-99; 91-357, eff. 7-29-99.)
(235 ILCS 5/6-2) (from Ch. 43, par. 120)
Sec. 6-2. Issuance of licenses to certain persons prohibited.
(a) Except as otherwise provided in subsection (b), no license of any kind issued by the State Commission or any local commission shall be issued to:

New matter indicated by italics - deletions by strikeout.
PUBLIC ACT 92-0378

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses;

(2) A person who is not of good character and reputation in the community in which he resides;

(3) A person who is not a citizen of the United States;

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame;

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(7) A person whose license issued under this Act has been revoked for cause;

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance;

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois;

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;

(15) A person who is not a beneficial owner of the business to be operated by the licensee;

(16) A person who has been convicted of a gambling offense as proscribed by any of

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subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or
28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the
aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal
government, unless the person or entity is eligible to be issued a license under the Raffles Act
or the Illinois Pull Tabs and Jar Games Act.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or
revocation of a license applied for or held by the corporation if the criminal conviction was not the
result of a violation of any federal or State law concerning the manufacture, possession or sale of
alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the
corporation and the corporation has terminated its relationship with each director, officer, employee,
or controlling shareholder whose actions directly contributed to the conviction of the corporation. The
Commission shall determine if all provisions of this subsection (b) have been met before any action
on the corporation's license is initiated.

(Source: P.A. 88-652, eff. 9-16-94; 89-250, eff. 1-1-96.)

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

PUBLIC ACT 92-0379
(House Bill No. 0512)

AN ACT concerning mineral rights.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Section 17-101 as follows:
(735 ILCS 5/17-101) (from Ch. 110, par. 17-101)
Sec. 17-101. Compelling partition. When lands, tenements, or hereditaments are held in joint
tenancy or tenancy in common, whether such right or title is derived by purchase, legacy or descent,
or whether any or all of the claimants are minors or adults, any one or more of the persons interested
therein may compel a partition thereof by a verified complaint in the circuit court of the county where
the premises or part of the premises are situated. If lands, tenements or hereditaments held in joint
tenancy or tenancy in common are situated in 2 or more counties, the venue may be in any one of such
counties, and the circuit court of any such county first acquiring jurisdiction shall retain sole and
exclusive jurisdiction. Ownership of an interest in the surface of lands, tenements, or hereditaments
by a co-owner of an interest in minerals underlying the surface does not prevent partition of the
mineral estate. This amendatory Act of the 92nd General Assembly is a declaration of existing law
and is intended to remove any possible conflicts or ambiguities, thereby confirming existing law
pertinent to the partition of interests in minerals and applies to all actions for the partition of minerals
now pending or filed on or after the effective date of this amendatory Act of the 92nd General
Assembly. Nothing in this amendatory Act of the 92nd General Assembly shall be construed as
allowing an owner of a mineral interest in coal to mine and remove the coal by the surface method
of mining without first obtaining the consent of all of the owners of the surface to the mining and
removal of coal by the surface method of mining.
(Source: P.A. 82-280.)

Section 10. The Mineral Lease Release of Record Act is amended by changing Sections 1 and
2 as follows:
(765 ILCS 510/1) (from Ch. 96 1/2, par. 4401)
Sec. 1. When any lease on land heretofore or hereafter taken for the purpose of prospecting
for or mining or producing coal, oil, gas, or other minerals or for the purpose of mining the
coal or other mineral from said land, so leased, shall terminate become forfeited by the terms of the
said lease or the acts or omissions of the said lessee, his, her, or their heirs, representatives, successors
or assigns, it shall be the duty of said lessee, his, her or their heirs, representatives, successors or
assigns, within 60 days from the date of termination of the lease, within sixty days from the time this
act shall take effect, if such forfeiture take effect prior thereto, and within sixty days from the date of

New matter indicated by italics - deletions by strikeout.
forfeiture of any and all other leases, to have such lease or leases, released of record in the county
where such land is situate, without any cost to the owner or owners of the land; and any failure so to
do after notice and demand, shall constitute a petty offense.
(Source: P.A. 77-2719.)

(765 ILCS 510/2) (from Ch. 96 1/2, par. 4402)
Sec. 2. Whenever the lessee of any coal, oil, gas, or other mineral lease shall terminate and
the lessee, his, her, or their heirs, representatives, successors, or assigns, lands, or the person, firm,
company or corporation, owning, holding or having control of any such lease shall allow the same to
become forfeited, or by his, her or their acts shall forfeit the same, and shall refuse, fail or neglect to
cause the same to be released of record in the county where such lands are located situate, the lessor
or owner of the lands may begin and maintain a civil action for a judgment that the lease has
terminated. The recording of a judgment of termination in the office of the recorder of the county
wherein are located the lands covered by such terminated lease shall constitute a release of the lease.
Upon judgment being rendered that a lease has terminated and that the lessee, his or her heirs,
representatives, successors, or assigns has not released the same of record within 60 days after notice
and demand, the court shall enter judgment against all such persons who shall have failed to release
such lease of record for all court costs, litigation expenses, and attorney's fees reasonably incurred
by the lessor or owner of the lands or minerals in obtaining the judgment of termination, to compel
the party to release the same of record and upon judgment being rendered ordering the lease forfeited
and directing the release, the lessee, or the person, firm, company or corporation owning, holding or
controlling the lease, shall be ordered to pay all costs accruing by the action, including a reasonable
attorney's fee to be taxed as cost.
(Source: P.A. 84-1308.)

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

PUBLIC ACT 92-0380
(House Bill No. 1000)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 6-16 and 8-12
as follows:

(235 ILCS 5/6-16) (from Ch. 43, par. 131)
Sec. 6-16. Prohibited sales and possession.
(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of
such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to
any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common
carrier, or contract carrier nor any representative, agent, or employee on behalf of an express
company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery
within this State shall knowingly give or knowingly deliver to a residential address any shipping
container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult
of at least 21 years of age to any person in this State under the age of 21 years. An express company,
common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within
this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor
by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this
State may any representative, agent, or employee of an express company, common carrier, or contract
carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic
liquor to a residential address without the acknowledgment of the consignee and without first
obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A
signature of a person on file with the express company, common carrier, or contract carrier does not
constitute acknowledgement of the consignee. Any express company, common carrier, or contract
carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this

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subsection (a) by delivering alcoholic liquor without the acknowledgment of the consignor and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than $1,001 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that person who violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, may refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

New matter indicated by italics - deletions by strikeout.
apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsly states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

1. the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and
2. the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and
3. the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

Sec. 8-12. It shall be the duty of every railroad company, express company, common or contract carrier, and of every person, firm or corporation that shall bring, carry or transport alcoholic liquors into the State of Illinois for delivery in said State or which are delivered in said State, to prepare and file with the Department of Revenue for each month, not later than the fifteenth day of the month following that for which it is made, a report stating therein the name of the company, carrier, person, firm or corporation making the report, the address in Illinois at which the records

New matter indicated by italics - deletions by strikeout.
supporting such report are kept and are open to inspection, the period of time covered by said report, the name and business address of each consignor of such alcoholic liquors, the kind and quantity of alcoholic liquors delivered to each consignee, and the date or dates of delivery. Such report shall be made upon forms prescribed and made available by the Department and shall contain such other information as may reasonably be required by the Department. The Department may establish procedures for electronic transmissions of such information directly to the Department. Such reports or information received by the Department shall be made available by the Department to the Commission upon the Commission's request.

In addition to any other reporting requirement imposed under this Section, reports shall be filed for shipments to end consumers in this State. In furtherance of this requirement, it shall be the duty of every railroad company, express company, common or contract carrier, person, firm, or corporation that brings, carries, or transports alcoholic liquor into Illinois for delivery in Illinois to prepare and file with the Department for each month, not later than the fifteenth day of the month following the month during which the delivery is made, a report containing the name of the company, carrier, person, firm, or corporation making the report, the period of time covered by the report, the name and business address of each consignor of the alcoholic liquor, the name and the address of each consignee, and the date of delivery. Such reports shall be made upon forms prescribed and made by the Department and shall contain any other information that the Department may reasonably require. Such reports or information received by the Department shall be made available by the Department to the State Commission upon the State Commission's request.

Every railroad company, express company, common or contract carrier, person, firm, or corporation filing or required to file a report under this Section shall deliver and make available to the Department, upon the Department's request, the records supporting the report, within 30 days of the request. The books, records, supporting papers and documents containing information and data relating to such reports shall be kept and preserved for a period of three years, unless their destruction sooner is authorized, in writing, by the Director, and shall be open and available to inspection by the Director of Revenue or the Commission or any duly authorized officer, agent or employee of the Department or the Commission, at all times during business hours of the day.

Any person who violates any of the provisions of this section or any of the rules and regulations of the Department for the administration and enforcement of the provisions of this section is guilty of a Class C misdemeanor. In case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

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

Effective January 1, 2002.

PUBLIC ACT 92-0381
(House Bill No. 1270)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the School District Validation (2001) Act.

Section 5. Taxing validation. All taxes levied before the effective date of this amendatory Act of the 92nd General Assembly by any school district for the purpose of implementing equitable remedies ordered by a federal court in litigation involving school desegregation and refunding bonds issued before the effective date of this amendatory Act of the 92nd General Assembly to refund those bonds are hereby validated, ratified, and confirmed as valid taxes lawfully levied and fully authorized to be extended for collection against all taxable property in the school district without limitation as to rate or amount, notwithstanding that this levy and extension of unlimited ad valorem taxes was not authorized in accordance with law.

Section 10. Bonding validation. All bonds issued before the effective date of this amendatory Act of the 92nd General Assembly by any school district for the purpose of funding the costs of
equitable remedies ordered by a federal court in litigation involving school desegregation and all
refunding bonds issued before the effective date of this amendatory Act of the 92nd General Assembly
to refund those bonds are hereby validated, ratified, and confirmed as lawful, valid, and binding
general obligations of that school district, notwithstanding that the bonds and refunding bonds were
not approved by referendum or otherwise authorized and issued in accordance with law.

Section 15. Validation of actions of school district and school board. All actions taken before
the effective date of this amendatory Act of the 92nd General Assembly by any school district and its
board of education to authorize and issue bonds and refunding bonds for the purpose of implementing
equitable remedies ordered by a federal court in litigation involving school desegregation and to levy
and extend unlimited ad valorem taxes for the payment of the principal of and interest on bonds and
refunding bonds issued for the purpose of implementing equitable remedies ordered by a federal court
in litigation involving school desegregation are hereby ratified, validated, and confirmed as valid and
lawful acts of that school district and board of education undertaken in accordance with law,
notwithstanding that the bonds or refunding bonds were not approved by referendum or otherwise
authorized and issued in accordance with law and notwithstanding that the unlimited ad valorem taxes
were not levied and authorized to be extended in accordance with law.

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

PUBLIC ACT 92-0382

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 15-65 and 18-80 as
follows:

(35 ILCS 200/15-65)
Sec. 15-65. Charitable purposes. All property of the following is exempt when actually and
exclusively used for charitable or beneficent purposes, and not leased or otherwise used with a view
to profit:

(a) Institutions of public charity.
(b) Beneficent and charitable organizations incorporated in any state of the United States,
including organizations whose owner, and no other person, uses the property exclusively for
the distribution, sale, or resale of donated goods and related activities and uses all the income
from those activities to support the charitable, religious or beneficent activities of the owner,
whether or not such activities occur on the property.
(c) Old people's homes, facilities for persons with a developmental disability, and
not-for-profit organizations providing services or facilities related to the goals of educational,
social and physical development, if, upon making application for the exemption, the applicant
provides affirmative evidence that the home or facility or organization is an exempt
organization under paragraph (3) of Section 501(c) of the Internal Revenue Code or its
successor, and either: (i) the bylaws of the home or facility or not-for-profit organization
provide for a waiver or reduction, based on an individual's ability to pay, of any entrance fee,
assignment of assets, or fee for services, or (ii) the home or facility is qualified, built or
financed under Section 202 of the National Housing Act of 1959, as amended.

An applicant that has been granted an exemption under this subsection on the basis that
its bylaws provide for a waiver or reduction, based on an individual's ability to pay, of any
entrance fee, assignment of assets, or fee for services may be periodically reviewed by the
Department to determine if the waiver or reduction was a past policy or is a current policy.
The Department may revoke the exemption if it finds that the policy for waiver or reduction
is no longer current.

If a not-for-profit organization leases property that is otherwise exempt under this
subsection to an organization that conducts an activity on the leased premises that would

New matter indicated by italics - deletions by strikeout.
entitle the lessee to an exemption from real estate taxes if the lessee were the owner of the property, then the leased property is exempt.

(d) Not-for-profit health maintenance organizations certified by the Director of the Illinois Department of Insurance under the Health Maintenance Organization Act, including any health maintenance organization that provides services to members at prepaid rates approved by the Illinois Department of Insurance if the membership of the organization is sufficiently large or of indefinite classes so that the community is benefited by its operation. No exemption shall apply to any hospital or health maintenance organization which has been adjudicated by a court of competent jurisdiction to have denied admission to any person because of race, color, creed, sex or national origin.

(e) All free public libraries.

(f) Historical societies.

Property otherwise qualifying for an exemption under this Section shall not lose its exemption because the legal title is held (i) by an entity that is organized solely to hold that title and that qualifies under paragraph (2) of Section 501(c) of the Internal Revenue Code or its successor, whether or not that entity receives rent from the charitable organization for the repair and maintenance of the property, (ii) by an entity that is organized as a partnership, in which the charitable organization, or an affiliate or subsidiary of the charitable organization, is a general partner, for the purposes of owning and operating a residential rental property that has received an allocation of Low Income Housing Tax Credits for 100% of the dwelling units under Section 42 of the Internal Revenue Code of 1986, or (iii) for any assessment year including and subsequent to January 1, 1996 for which an application for exemption has been filed and a decision on which has not become final and nonappealable, by a limited liability company organized under the Limited Liability Company Act provided that (A) the limited liability company receives a notification from the Internal Revenue Service that it qualifies under paragraph (2) or (3) of Section 501(c) of the Internal Revenue Code; (B) the limited liability company's sole members, as that term is used in Section 1-5 of the Limited Liability Company Act, are the institutions of public charity that actually and exclusively use the property for charitable and beneficent purposes; and (C) the limited liability company does not lease the property or otherwise use it with a view to profit.

(Source: P.A. 90-207, eff. 1-1-98; 91-416, eff. 8-6-99.)

Sec. 18-80. Time and form of notice. The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing. The notice shall be no less than 1/8 page in size, and the smallest type used shall be 12 point and shall be enclosed in a black border no less than 1/4 inch wide. The notice shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in substantially the following form:

Notice of Proposed Property Tax Increase for ... (commonly known name of taxing district).

I. A public hearing to approve a proposed property tax levy increase for ... (legal name of the taxing district)... for ... (year) ... will be held on ... (date) ... at ... (time) ... at ... (location).

Any person desiring to appear at the public hearing and present testimony to the taxing district may contact ... (name, title, address and telephone number of an appropriate official).

II. The corporate and special purpose property taxes extended or abated for ... (preceding year) ... were ... (dollar amount of the final aggregate levy as extended, plus the amount abated by the taxing district prior to extension).

The proposed corporate and special purpose property taxes to be levied for ... (current year) ... are ... (dollar amount of the proposed aggregate levy). This represents a ... (percentage) ... increase over the previous year.

III. The property taxes extended for debt service and public building commission leases for ... (preceding year) ... were ... (dollar amount).

The estimated property taxes to be levied for debt service and public building commission leases for ... (current year) ... are ... (dollar amount). This represents a ... (percentage increase or decrease) ... over the previous year.

IV. The total property taxes extended or abated for ... (preceding year) ... were ... (dollar amount).

The estimated total property taxes to be levied for ... (current year) ... are ... (dollar amount).

New matter indicated by italics - deletions by strikeout.
This represents a ... (percentage increase or decrease) ... over the previous year.

Any notice which includes any information not specified and required by this Article shall be an invalid notice.

All hearings shall be open to the public. The corporate authority of the taxing district shall explain the reasons for the proposed increase and shall permit persons desiring to be heard an opportunity to present testimony within reasonable time limits as it determines.

(Source: P.A. 86-957; 88-455.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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


PUBLIC ACT 92-0383
(First Bill No. 1694)

AN ACT concerning emergency telephone services.

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

Section 5. The Emergency Telephone System Act is amended by changing Section 10.1 as follows:

(50 ILCS 750/10.1) (from Ch. 134, par. 40.1)

Sec. 10.1. Confidentiality.

(a) 9-1-1 information consisting of names, addresses and telephone numbers of telephone customers whose listings are not published in directories or listed in Directory Assistance Offices is confidential. Except as provided in subsection (b), information shall be provided on a call-by-call basis only for the purpose of responding to emergency calls. For the purposes of this subsection (a), "emergency" means a situation in which property or human life is in jeopardy and the prompt notification of the public safety agency is essential.

(b) 9-1-1 information, including information described in subsection (a), may be used by a public safety agency for the purpose of placing out-going emergency calls.

(c) Nothing in this Section prohibits a municipality with a population of more than 500,000 from using 9-1-1 information, including information described in subsection (a), for the purpose of responding to calls made to a non-emergency telephone system that is under the supervision and control of a public safety agency and that shares all or some facilities with an emergency telephone system.

(d) Any public safety agency that uses 9-1-1 information for the purposes of subsection (b) must establish methods and procedures that ensure the confidentiality of information as required by subsection (a).

(e) Divulging confidential information in violation of this Section is a Class A misdemeanor.

(Source: P.A. 87-146.)


Effective January 1, 2002.

PUBLIC ACT 92-0384
(Second Bill No. 1728)

AN ACT concerning prompt payment.

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

Section 5. The State Prompt Payment Act is amended by changing Sections 1, 3-2, 3-3, 4, and 5 and by adding Section 3-4 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 1. This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services furnished to the State.

Except as provided in Section 2.1, For purposes of this Act, "goods or services furnished to the State" include but are not limited to covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971, including coverage through a physician-owned health maintenance organization under Section 6.1 of that Act.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

As used in this Act, "a proper bill or invoice" means a bill or invoice that includes the information necessary for processing the payment as may be specified by a State agency and in rules adopted in accordance with this Act.

Sec. 3-2. Beginning July 1, 1993, in any instance where a State official or agency is late in payment of a vendor's bill or invoice for goods or services furnished to the State, as defined in Section 1, properly approved in accordance with rules promulgated under Section 3-3, the State official or agency shall pay interest to the vendor in accordance with the following:

(1) Any bill approved for payment under this Section must be paid or the payment issued mailed to the payee within 60 days of receipt of a proper bill or invoice the date of approval. If payment is not issued mailed to the payee within this 60 day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60 day period, until final payment is made.

(1.1) A State agency shall review in a timely manner each bill or invoice after its receipt. If the State agency determines that the bill or invoice contains a defect making it unable to process the payment request, the agency shall notify the vendor requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under Section 3-3. The notice shall identify the defect and any additional information necessary to correct the defect.

(2) Where a State official or agency is late in payment of a vendor's bill or invoice properly approved in accordance with this Act, and different late payment terms are not reduced to writing as a contractual agreement, the State official or agency shall automatically pay interest penalties required by this Section amounting to $50 or more to the appropriate vendor. Each agency shall be responsible for determining whether an interest penalty is owed and for paying the interest to the vendor. For interest of at least $5 but less than $50, the vendor must initiate a written request for the interest penalty when such interest is due and payable. The Department of Central Management Services and the State Comptroller shall jointly promulgate rules establishing the conditions under which interest of less than $5 may be claimed and paid. In the event an individual has paid a vendor for services in advance, the provisions of this Section shall apply until payment is made to that individual.

Sec. 3-3. The State Comptroller and the Department of Central Management Services shall jointly promulgate rules and policies to govern the uniform application of this Act. These rules and policies shall include procedures and time frames for approving a bill or invoice from a vendor for goods or services furnished to the State. These rules and policies shall provide for procedures and time frames applicable to payment plans as may be agreed upon between State agencies and vendors. These rules and policies shall be binding on all officials and agencies under this Act's jurisdiction. These rules and policies may be made effective no earlier than July 1, 1993.
(Source: P.A. 88-554, eff. 7-26-94; 89-21, eff. 7-1-95.)

(30 ILCS 540/3-4 new)

Sec. 3-4. The State Comptroller must specify the manner in which State agencies shall record interest penalty payments made under this Act. The State Comptroller may require vouchers submitted for payment, including submission by electronic or other means approved by the Comptroller, to indicate the appropriate date from which interest penalties may be calculated as required under this Act.

(30 ILCS 540/4) (from Ch. 127, par. 132.404)

Sec. 4. Nothing in this Act shall be construed to deprive the Comptroller of his power to examine vouchers as specified in the State Comptroller Act.

(Source: P.A. 86-1475.)

(30 ILCS 540/5) (from Ch. 127, par. 132.405)

Sec. 5. The State remittance invoice or voucher shall indicate that payment of interest may be available for failure to comply with this Act.

(Source: P.A. 85-1159.)

Section 99. Effective date. This Section takes effect upon becoming law. Section 5 takes effect upon becoming law solely for the purpose of allowing the State Comptroller and the Department of Central Management Services to promulgate rules for the implementation of this Act. Section 5 for all other purposes takes effect July 1, 2002.


Effective August 16, 2001 and July 1, 2002.

**PUBLIC ACT 92-0385**

(House Bill No. 1915)

AN ACT concerning natural resources.

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

Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by adding Section 805-545 as follows:

(20 ILCS 805/805-545 new)

Sec. 805-545. The Department of Natural Resources may enter into one or more interstate compacts concerning conservation law violators with one or more other states. The Department may adopt administrative rules necessary to implement these compacts.

Section 10. The Fish and Aquatic Life Code is amended by changing Sections 20-35, 20-75, and 20-80 as follows:

(515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

Sec. 20-35. Offenses. Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the provisions of this Code, including administrative rules, is guilty of a petty offense.


Any person who violates any of the provisions of Section 1-200, 1-205, or 10-55, 10-80, 15-35, or 20-120 of this Code, including administrative rules relating to those Sections, is guilty of a Class A misdemeanor.

Any person who violates any of the provisions of this Code, including administrative rules, during the 5 years following the revocation of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

Any person who violates Section 5-25 of this Code, including administrative rules, is guilty of a Class 3 felony.

Offenses committed by minors under the direct control or with the consent of a parent or
guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise
provided in this Code.

In addition to any fines imposed under this Section, or as otherwise provided in this Code, any
person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall
be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section
5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit
Court for the county where the offense was committed. All penalties provided for in this Section shall
be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.
(Source: P.A. 87-798; 87-833; 87-895.)

(515 ILCS 5/20-75) (from Ch. 56, par. 20-75)
Sec. 20-75. Mussel dealer permits; fees; violations. Any person, before receiving, buying, or
offering to do so, or acting as an agent or broker in receipt or purchase of mussels, within the State
of Illinois, shall first obtain a permit from the Department to do so.

The fee for a permit for residents of the State of Illinois shall be $300 a year, and for
non-residents of the State of Illinois the fee shall be $2,500 a year. These permits shall expire on the
31st day of January of each year. A report of each year's activities of each person holding a permit
shall be required as directed by the Department.

Any person who violates any provision of this Section, including administrative rules relating
to this Section, shall be guilty of a business offense and fined not less than $1,000 and no more than
$5,000.
(Source: P.A. 87-833.)

(515 ILCS 5/20-80) (from Ch. 56, par. 20-80)
Sec. 20-80. Minnow dealers license; penalties. Any resident who, within the State of Illinois,
sells or offers for sale, to any other wholesaler or retailer or for consumption, live minnows, whether
from waters within or without the State is an intrastate wholesale minnow dealer for purposes of this
Code. Any person selling live minnows for stocking only or selling live minnows legally caught or
taken by that person to a licensed wholesale minnow dealer, however, is exempt from the provisions
of this Section.

(a) Before any resident commences activities as an intrastate wholesale minnow dealer, he or
she shall first procure a license from the Department to do so. The fee for the license shall be $25 and
these licenses shall expire upon the 31st day of January of each year.

Before any resident commences activities as an intrastate retail minnow dealer, he or she shall
first obtain a license from the Department to do so. The fee for the license shall be $5 and these
licenses shall expire upon the 31st day of January of each year.

(b) Only persons who are actual residents of the State of Illinois shall be permitted to transport
live minnows obtained in the State of Illinois across any of the borders of the State of Illinois. These
persons shall be interstate minnow dealers for purposes of this Code. Before any resident of the State
of Illinois shall commence activities as an interstate minnow dealer, he or she shall first obtain a
license from the Department to do so. The fee for the license shall be $500 and these licenses shall
expire on the 31st day of January of each year. This Section shall not apply to a resident of the State
of Illinois possessing a valid sport fishing license. An individual possessing a valid sport fishing
license shall be permitted to transport not more than 6 dozen live minnows obtained in Illinois across
the borders of the State of Illinois.

(c) The Department is authorized to establish regulations as may be deemed necessary in the
handling of minnows in order to protect the resource as well as the public's interest.

(d) Any person violating subsection (b) or administrative rules established under subsection
(c) of this Section shall be guilty of a business offense and fined not less than $1,000 nor more than
$5,000. Persons violating subsection (a) of this Section shall be subject to the penalty provisions of
Section 20-35 of this Code.
(Source: P.A. 89-66, eff. 1-1-96.)

Section 15. The Ginseng Harvesting Act is amended by changing Section 5 and adding
Section 6 as follows:

(525 ILCS 20/5) (from Ch. 61, par. 517)
Sec. 5. Penalties. Any Person who knowingly violates any provision of this Act or rules
promulgated under the authority of this Act is shall, for each offense, be guilty of a class B
misdemeanor and may have any license issued under this Act revoked and future license applications denied for a period not to exceed 3 years.

Ginseng possessed, harvested, cut, rooted up, gathered, propagated, sold, purchased, traded, or given away in violation of the provisions of this Act is contraband. Contraband ginseng is subject to seizure and confiscation and shall be disposed of as directed by the Department.

(Source: P.A. 85-152.)

(525 ILCS 20/6 new)

Sec. 6. Additional license revocation and denial provisions.

(a) If a license has been issued to any person under this Act and that person is found guilty of any misrepresentation in obtaining that license or a violation of any of the provisions of this Act or its rules, the license may be revoked by the Department. The Department may also refuse to issue any license to that person and may suspend that person from engaging in any activity requiring the license for a period of time not to exceed 5 years following the revocation.

(b) If a person who has not been issued a license under this Act is found guilty of a violation of any of the provisions of this Act or its rules, the Department may refuse to issue any license to that person and may suspend that person from engaging in any activity requiring the license for a period of time not to exceed 5 years.

(c) The Department's license revocation procedures must be established by administrative rule.

(d) Any person who violates any of the provisions of this Act or its rules during any period when his or her license is revoked or denied by virtue of this Section, or during the time he or she is suspended under subsection (b), is guilty of a Class A misdemeanor.

(e) A person whose license to engage in any activity regulated under this Act has been suspended or revoked may not, during the period of the suspension or revocation or until obtaining the proper license, (i) be in the company of any person engaging in the activity covered by the license or (ii) serve as a guide or facilitator for a person who is engaged or prepared to engage in the activity covered by the license.

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


PUBLIC ACT 92-0386

(House Bill No. 2994)

AN ACT concerning insurance producers.

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

Section 5. The Illinois Insurance Code is amended by changing Section 445 and adding Sections 500-5, 500-10, 500-15, 500-20, 500-25, 500-30, 500-35, 500-40, 500-45, 500-50, 500-55, 500-60, 500-65, 500-70, 500-75, 500-80, 500-85, 500-90, 500-95, 500-100, 500-105, 500-110, 500-115, 500-120, 500-125, 500-130, 500-135, 500-140, 500-145, and 500-150 as follows:

(215 ILCS 5/445) (from Ch. 73, par. 1057)

Sec. 445. Surplus line.

(1) Surplus line defined; surplus line insurer requirements. Surplus line insurance is insurance on an Illinois risk of the kinds specified in Classes 2 and 3 of Section 4 of this Code procured from an unauthorized insurer or a domestic surplus line insurer as defined in Section 445a after the insurance producer representing the insured or the surplus line producer is unable, after diligent effort, to procure said insurance from insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a.

Insurance producers may procure surplus line insurance only if licensed as a surplus line producer under this Section and may procure that insurance only from an unauthorized insurer or from a domestic surplus line insurer as defined in Section 445a:

(a) that based upon information available to the surplus line producer has a policyholders surplus of not less than $15,000,000 determined in accordance with accounting rules that are applicable to authorized insurers; and

New matter indicated by italics - deletions by strikeout.
(b) that has standards of solvency and management that are adequate for the protection of policyholders; and
(c) where an unauthorized insurer company does not meet the standards set forth in (a) and (b) above, a surplus line producer may, if necessary, procure insurance from that insurer company only if prior written warning of such fact or condition is given to the insured by the insurance producer or surplus line producer.

(2) Surplus line producer; license. Any licensed producer who is a resident of this State, or any nonresident who qualifies under Section 500-40, may be licensed as a surplus line producer upon:

(a) completing a prelicensing course of study at a regularly conducted course of study approved by the Director of Insurance; passing the written examination accompanying such course of study, or
(b) payment of an annual license fee of $200; and
(c) procurement of the surety bond required in subsection (4) of this Section.

A surplus line producer so licensed shall keep a separate account of the business transacted thereunder which shall be open at all times to the inspection of the Director or his representative.

The prelicensing course of study examination requirement in (a) above shall not apply to insurance producers who were licensed under the Illinois surplus line law or individuals designated to act for a partnership, association or corporation licensed under the Illinois surplus line law on or before the effective date of this amendatory Act of the 92nd General Assembly February 27, 1985.

(3) Taxes and reports.

(a) Surplus line tax and penalty for late payment.

A surplus line producer shall file with the Director on or before February 1 and August 1 of each year a report in the form prescribed by the Director on all surplus line insurance procured from unauthorized insurers during the preceding 6 month period ending December 31 or June 30 respectively, and on the filing of such report shall pay to the Director for the use and benefit of the State a sum equal to 3% of the gross premiums less returned premiums upon all surplus line insurance procured or cancelled during the preceding 6 months.

Any surplus line producer who fails to pay the full amount due under this subsection is liable, in addition to the amount due, for such penalty and interest charges as are provided for under Section 412 of this Code. The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(b) Fire Marshal Tax.

Each surplus line producer shall file with the Director on or before March 31 of each year
a report in the form prescribed by the Director on all fire insurance procured from unauthorized insurers subject to tax under Section 12 of the Fire Investigation Act and shall pay to the Director the fire marshal tax required thereunder.

(c) Taxes and fees charged to insured. The taxes imposed under this subsection and the countersigning fees charged by the Surplus Line Association of Illinois may be charged to and collected from surplus line insureds.

(4) Bond. Each surplus line producer, as a condition to receiving a surplus line producer's license, shall execute and deliver to the Director a surety bond to the People of the State in the penal sum of $20,000, with a surety which is authorized to transact business in this State, conditioned that the surplus line producer will pay to the Director the tax, interest and penalties levied under subsection (3) of this Section.

(5) Submission of documents to Surplus Line Association of Illinois. A Each surplus line producer shall submit every insurance contract issued under his or her license to the Surplus Line Association of Illinois for recording and countersignature. The submission and countersignature may be effected through electronic means. The submission insurance contracts submitted shall set forth:

(a) the name of the insured;
(b) the description and location of the insured property or risk;
(c) the amount insured;
(d) the gross premiums charged or returned;
(e) the name of the unauthorized insurer or domestic surplus line insurer as defined in Section 445a from whom coverage has been procured;
(f) the kind or kinds of insurance procured; and
(g) amount of premium subject to tax required by Section 12 of the Fire Investigation Act.

Proposals, endorsements, and other documents which are incidental to the insurance but which do not affect the premium charged are exempted from filing and countersignature.

The submission of insuring contracts to the Surplus Line Association of Illinois constitutes a certification by the surplus line producer or by the insurance producer who presented the risk to the surplus line producer for placement as a surplus line risk that after diligent effort the required insurance could not be procured from insurers companies which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a and that such procurement was otherwise in accordance with the surplus line law.

(6) Countersignature required. It shall be unlawful for an insurance producer to deliver any unauthorized insurer insurance contract or domestic surplus line insurer contract unless such insurance contract is countersigned by the Surplus Line Association of Illinois.

(7) Inspection of records. A Each surplus line producer shall maintain separate records of the business transacted under his or her license, including complete copies of surplus line insurance contracts maintained on paper or by electronic means, which records shall be open at all times for inspection by the Director and by the Surplus Line Association of Illinois.

(8) Violations and penalties. The Director may suspend or revoke or refuse to renew a surplus line producer license for any violation of this Code. In addition to or in lieu of suspension or revocation, the Director may subject a surplus line producer to a civil penalty of up to $1,000 for each cause for suspension or revocation. Such penalty is enforceable under subsection (5) of Section 403A of this Code.

(9) Director may declare insurer ineligible. If the Director determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized insurer, the Director may order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such insurer and order surplus line producers to cease procuring insurance from such insurer.

(10) Service of process upon Director. All Insurance contracts delivered under this Section from unauthorized insurers shall contain a provision designating the Director and his successors in office the true and lawful attorney of the insurer upon whom may be served all lawful process in any action, suit or proceeding arising out of such insurance and further designate the surplus line producer or other resident of this State an agent of the unauthorized insurer to which a copy of such process shall be forwarded by the Director for delivery to the insurer. Service of process made upon the
Director to be valid hereunder must state the name of the insured, the name of the unauthorized insurer and identify the contract of insurance. The Director at his option is authorized to forward a copy of the process to the Surplus Line Association of Illinois for delivery to the unauthorized insurer surplus line producer or other designated resident of this State or the Director may deliver the process to the unauthorized insurer by other means which he considers to be reasonably prompt and certain.

(11) The Illinois Surplus Line law does not apply to insurance of property and operations of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builder’s risks, marine protection and indemnity, or other risks including strikes and war risks insured under ocean or wet marine forms of policies.

(12) Surplus line insurance procured under this Section, including insurance procured from a domestic surplus line insurer, is not subject to the provisions of the Illinois Insurance Code other than Sections 123, 123.1, 401, 401.1, 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all of the provisions of Article XXXI to the extent that the provisions of Article XXXI are not inconsistent with the terms of this Act.

(Source: P.A. 90-794, eff. 8-14-98.)

(215 ILCS 5/500-5 new)
Sec. 500-5. Scope of Article. This Article applies to all persons and insurance companies as defined in this Code. This Article does not apply to surplus lines producers licensed pursuant to Section 445 except as provided in Section 500-40 and subsection (b) of Section 500-90 of this Article.

(215 ILCS 5/500-10 new)
Sec. 500-10. Definitions. In addition to the definitions in Section 2 of the Code, the following definitions apply to this Article:
“Business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.
“Car rental limited line licensee” means a person authorized under the provisions of Section 500-105 to sell certain coverages relating to the rental of vehicles.
“Home state” means the District of Columbia and any state or territory of the United States in which an insurance producer maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer.
“Insurance” means any of the lines of authority in Section 500-35, any health care plan under the Health Maintenance Organization Act, or any limited health care plan under the Limited Health Service Organization Act.
“Insurance producer” means a person required to be licensed under the laws of this State to sell, solicit, or negotiate insurance.
“Insurer” means a company as defined in subsection (e) of Section 2 of this Code, a health maintenance organization as defined in the Health Maintenance Organization Act, or a limited health service organization as defined in the Limited Health Service Organization Act.
“License” means a document issued by the Director authorizing an individual to act as an insurance producer for the lines of authority specified in the document or authorizing a business entity to act as an insurance producer. The license itself does not create any authority, actual, apparent, or inherent, in the holder to represent or commit an insurance carrier.
“Limited lines insurance” means those lines of insurance defined in Section 500-100 or any other line of insurance that the Director may deem it necessary to recognize for the purposes of complying with subsection (e) of Section 500-40.
“Limited lines producer” means a person authorized by the Director to sell, solicit, or negotiate limited lines insurance.
“Negotiate” means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.
“Person” means an individual or a business entity.
“Rental agreement” means a written agreement setting forth the terms and conditions governing the use of a vehicle provided by a rental company for rental or lease.
“Rental company” means a person, or a franchisee of the person, in the business of providing primarily private passenger vehicles to the public under a rental agreement for a period not to exceed
30 days.

"Rental period" means the term of the rental agreement.

"Renter" means a person obtaining the use of a vehicle from a rental company under the terms of a rental agreement for a period not to exceed 30 days.

"Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

"Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

"Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

"Uniform Business Entity Application" means the current version of the National Association of Insurance Commissioners' Uniform Business Entity Application for nonresident business entities.

"Uniform Application" means the current version of the National Association of Insurance Commissioners' Uniform Application for nonresident producer licensing.

"Vehicle" or "rental vehicle" means a motor vehicle of (1) the private passenger type, including passenger vans, mini vans, and sport utility vehicles or (2) the cargo type, including cargo vans, pickup trucks, and trucks with a gross vehicle weight of less than 26,000 pounds the operation of which does not require the operator to possess a commercial driver's license.

(215 ILCS 5/500-15 new)
Sec. 500-15. License required.
(a) A person may not sell, solicit, or negotiate insurance in this State for any class or classes of insurance unless the person is licensed for that line of authority in accordance with this Article.
(b) A person may not, for a fee, engage in the business of offering any advice, counsel, opinion, or service with respect to the benefits, advantages, or disadvantages under any policy of insurance that could be issued in Illinois, unless that person is:

(1) engaged or employed as an attorney licensed to practice law and performing duties incidental to that position;

(2) a licensed insurance producer, limited insurance representative, or temporary insurance producer offering advice concerning a class of insurance as to which he or she is licensed to transact business;

(3) a trust officer of a bank performing duties incidental to his or her position;

(4) an actuary or a certified public accountant engaged or employed in a consulting capacity, performing duties incidental to that position; or

(5) a licensed public adjuster acting within the scope of his or her license.
(c) In addition to any other penalty set forth in this Article, an individual who knowingly violates subsection (a) is guilty of a Class A misdemeanor.
(d) In addition to any other penalty set forth in this Article, any individual violating subsection (a) or (b) and misappropriating or converting any moneys collected in conjunction with the violation is guilty of a Class 4 felony.

(215 ILCS 5/500-20 new)
Sec. 500-20. Exceptions to licensing.
(a) Nothing in this Article shall be construed to require an insurer to obtain an insurance producer license. In this Section, the term "insurer" does not include an insurer's officers, directors, employees, subsidiaries, or affiliates.
(b) A license as an insurance producer shall not be required of the following:

(1) an officer, director, or employee of an insurer or of an insurance producer, provided that the officer, director, or employee does not receive any commission on policies written or sold to insure risks residing, located, or to be performed in this State and:

(A) the officer's, director's, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer's, director's, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or...
agency supervisor assisting insurance producers if the person's activities are limited to
providing technical advice and assistance to licensed insurance producers and do not
include the sale, solicitation, or negotiation of insurance;

(2) a person who secures and furnishes information for the purpose of group life
insurance, group property and casualty insurance, group annuities, or group or blanket
accident and health insurance or for the purpose of enrolling individuals under plans, issuing
certificates under plans or otherwise assisting in administering plans or who performs
administrative services related to mass marketed property and casualty insurance, if no
commission is paid to the person for the service;

(3) an employer or association or its officers, directors, employees, or the trustees of an
employee trust plan, to the extent that the employers, officers, employees, directors, or
trustees are engaged in the administration or operation of a program of employee benefits
for the employer's or association's own employees or the employees of its subsidiaries or
affiliates, which program involves the use of insurance issued by an insurer, as long as the
employers, associations, officers, directors, employees, or trustees are not in any manner
compensated, directly or indirectly, by the company issuing the contracts;

(4) employees of insurers or organizations employed by insurers who are engaging in the
inspection, rating, or classification of risks or in the supervision of the training of insurance
producers and who are not individually engaged in the sale, solicitation, or negotiation of
insurance;

(5) a person whose activities in this State are limited to advertising without the intent to
solicit insurance in this State through communications in printed publications or forms of
electronic mass media whose distribution is not limited to residents of this State, provided that
the person does not sell, solicit, or negotiate insurance that would insure risks residing,
located, or to be performed in this State;

(6) a person who is not a resident of this State who sells, solicits, or negotiates a contract
of insurance for commercial property and casualty risks to an insured with risks located in
more than one state insured under that contract, provided that the person is otherwise
licensed as an insurance producer to sell, solicit, or negotiate that insurance in the state
where the insured maintains its principal place of business and the contract of insurance
insures risks located in that state; or

(7) a salaried, full-time employee who counsels or advises his or her employer relative
to the insurance interests of the employer or of the subsidiaries or business affiliates of the
employer provided that the employee does not sell or solicit insurance or receive a
commission.

(215 ILCS 5/500-25 new)
Sec. 500-25. Application for examination.
(a) A resident individual applying for an insurance producer license must pass a written
examination unless exempt pursuant to Section 500-45. Both part one and part 2 of the examination
must be passed within 90 days of each other. The examination shall test the knowledge of the
individual concerning the lines of authority for which application is made, the duties and
responsibilities of an insurance producer, and the insurance laws and rules of this State.
Examinations required by this Section must be developed and conducted under rules prescribed by
the Director.

(b) The Director may make arrangements, including contracting with an outside testing
service, for administering examinations and collecting the nonrefundable fee set forth in Section
500-135.

(c) An individual applying for an examination must remit a nonrefundable fee as prescribed
by the Director as set forth in Section 500-135, plus a separate remittance payable to the designated
testing service for the total fees the testing service charges for each of the various services being
requested by the applicant.

(d) An individual who fails to appear for the examination as scheduled or fails to pass the
examination, must reapply for an examination and remit all required fees and forms before being
rescheduled for another examination.

(215 ILCS 5/500-30 new)
Sec. 500-30. Application for license.
(a) An individual applying for a resident insurance producer license must make application on a form specified by the Director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the Director must find that the individual:
(1) is at least 18 years of age;
(2) has not committed any act that is a ground for denial, suspension, or revocation set forth in Section 500-70;
(3) has completed, if required by the Director, a pre-licensing course of study for the lines of authority for which the individual has applied (an individual who successfully completes the Fire and Casualty pre-licensing courses also meets the requirements for Personal Lines-Property and Casualty);
(4) has paid the fees set forth in Section 500-135; and
(5) has successfully passed the examinations for the lines of authority for which the person has applied.
(b) A pre-licensing course of study for each class of insurance for which an insurance producer license is requested must be established in accordance with rules prescribed by the Director and must consist of the following minimum hours:

<table>
<thead>
<tr>
<th>Class of Insurance</th>
<th>Number of Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life (Class 1(a))</td>
<td>15.0</td>
</tr>
<tr>
<td>Accident and Health (Class 1(b) or 2(a))</td>
<td>15.0</td>
</tr>
<tr>
<td>Fire (Class 3)</td>
<td>15.0</td>
</tr>
<tr>
<td>Casualty (Class 2)</td>
<td>15.0</td>
</tr>
<tr>
<td>Personal Lines-Property Casualty</td>
<td>15.0</td>
</tr>
<tr>
<td>Motor Vehicle (Class 2(b) or 3(e))</td>
<td>7.5</td>
</tr>
</tbody>
</table>
(c) A business entity acting as an insurance producer must obtain an insurance producer license. Application must be made using the Uniform Business Entity Application. Before approving the application, the Director must find that:
(1) the business entity has paid the fees set forth in Section 500-135; and
(2) the business entity has designated a licensed producer responsible for the business entity’s compliance with the insurance laws and rules of this State.
(d) The Director may require any documents reasonably necessary to verify the information contained in an application.
(215 ILCS 5/500-35 new)
Sec. 500-35. License.
(a) Unless denied a license pursuant to Section 500-70, persons who have met the requirements of Sections 500-25 and 500-30 shall be issued a 2-year insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:
(1) Life: insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.
(2) Variable life and variable annuity products: insurance coverage provided under variable life insurance contracts and variable annuities.
(3) Accident and health or sickness: insurance coverage for sickness, bodily injury, or accidental death and may include benefits for disability income.
(4) Property: insurance coverage for the direct or consequential loss or damage to property of every kind.
(5) Casualty: insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property.
(6) Personal lines: property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.
(7) Any other line of insurance permitted under State laws or rules.
(b) An insurance producer license shall remain in effect unless revoked or suspended as long

New matter indicated by italics - deletions by strikeout.
as the fee set forth in Section 500-135 is paid and education requirements for resident individual producers are met by the due date.

(1) Before each license renewal, an insurance producer must satisfactorily complete at least 30 hours of course study in accordance with rules prescribed by the Director. The Director may not approve a course of study unless the course provides for classroom, seminar, or self-study instruction methods. A course given in a combination instruction method of classroom or seminar and self-study shall be deemed to be a self-study course unless the classroom or seminar certified hours meets or exceeds two-thirds of total hours certified for the course. The self-study material used in the combination course must be directly related to and complement the classroom portion of the course in order to be considered for credit. An instruction method other than classroom or seminar shall be considered as self-study methodology. Self-study credit hours require the successful completion of an examination covering the self-study material. The examination may not be self-evaluated. However, if the self-study material is completed through the use of an approved computerized interactive format whereby the computer validates the success of the self-study material, no additional examination is required. The self-study credit hours contained in a certified course shall be considered classroom hours when at least two-thirds of the hours are given as classroom or seminar instruction.

(2) An insurance producer license automatically terminates when an insurance producer fails to successfully meet the requirements of item (1) of subsection (b) of this Section. The producer must complete the course in advance of the renewal date to allow the education provider time to report the credit to the Department.

(c) A provider of a pre-licensing or continuing education course required by Section 500-30 and this Section must pay a registration fee and a course certification fee for each course being certified as provided by Section 500-135.

(d) An individual insurance producer who allows his or her license to lapse may, within 12 months after the due date of the renewal fee, be issued a license without the necessity of passing a written examination. However, a penalty in the amount of double the unpaid renewal fee shall be required after the due date.

(e) A licensed insurance producer who is unable to comply with license renewal procedures due to military service may request a waiver of those procedures.

(f) The license must contain the licensee's name, address, and personal identification number, the date of issuance, the lines of authority, the expiration date, and any other information the Director deems necessary.

(g) Licensees must inform the Director by any means acceptable to the Director of a change of address within 30 days after the change.

(h) In order to assist in the performance of the Director's duties, the Director may contract with a non-governmental entity including the National Association of Insurance Commissioners (NAIC), or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including collection of fees, related to producer licensing that the Director and the non-governmental entity may deem appropriate.

Sec. 500-40. Nonresident licensing.

(a) Unless denied a license pursuant to Section 500-70, a nonresident person shall receive a nonresident producer license if:

(1) the person is currently licensed as a resident and in good standing in his or her home state;

(2) the person has submitted the proper request for a license and has paid the fees required by Section 500-135;

(3) the person has submitted or transmitted to the Director the application for a license that the person submitted to his or her home state or, instead of that application, a completed Uniform Application; and

(4) the person's home state awards nonresident producer licenses to residents of this State on the same basis.

(b) The Director may verify the producer's licensing status through the Producer Database.
maintained by the National Association of Insurance Commissioners or its affiliates or subsidiaries or by obtaining certification from the public official having supervision of insurance in the applicant's state of residence that the applicant has passed the written examination for the class of insurance applied for.

(c) A nonresident producer who moves from one state to another state or a resident producer who moves from this State to another state must file a change of address and provide certification from the new resident state within 30 days after the change of legal residence. No fee or license application is required.

(d) Notwithstanding any other provision of this Article, a person licensed as a surplus lines producer in his or her home state shall receive a nonresident surplus lines producer license pursuant to subsection (a) of this Section. Except as provided in subsection (a), nothing in this Section supersedes any provision of Section 445 of this Code.

(e) Notwithstanding any other provision of this Article, a person licensed as a limited lines producer in his or her home state shall receive a nonresident limited lines producer license, pursuant to subsection (a) of this Section, granting the same scope of authority as granted under the license issued by the producer's home state. For the purposes of this subsection, limited line insurance is any authority granted by the home state that restricts the authority of the license to less than the total authority prescribed in the associated major lines pursuant to items (1) through (5) of subsection (a) of Section 500-35.

Sec. 500-45. Exemption from examination.

(a) An individual who applies for an insurance producer license in this State who was previously licensed for the same lines of authority in another state shall not be required to complete any pre-licensing education or examination. This exemption is only available if the person is currently licensed in that state or if the application is received within 90 days after the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries indicate that the producer is or was licensed in good standing for the line of authority requested.

(b) A person licensed as an insurance producer in another state who moves to this State must make application within 90 days after establishing legal residence to become a resident licensee pursuant to Section 500-30. A pre-licensing education or examination is not required of that person to obtain any line of authority previously held in the prior state except when the Director determines otherwise by rule.

Sec. 500-50. Insurance producers; examination statistics.

(a) The use of examinations for the purpose of determining qualifications of persons to be licensed as insurance producers has a direct and far-reaching effect on persons seeking those licenses, on insurance companies, and on the public. It is in the public interest and it will further the public welfare to insure that examinations for licensing do not have the effect of unlawfully discriminating against applicants for licensing as insurance producers on the basis of race, color, national origin, or sex.

(b) As used in this Section, the following words have the meanings given in this subsection.

Examinee. "Examinee" means a person who takes an examination.

Part. "Part" means a portion of an examination for which a score is calculated.

Operational item. "Operational item" means a test question considered in determining an examinee's score.

Test form. "Test form" means the test booklet or instrument used for a part of an examination.

Pretest item. "Pretest item" means a prospective test question that is included in a test form in order to assess its performance, but is not considered in determining an examinee's score.

Minority group or examinees. "Minority group" or "minority examinees" means African American, American Indian, Asian, and Hispanic examinees.

Correct-answer rate. "Correct-answer rate" for an item means the number of examinees who
provided the correct answer on an item divided by the number of examinees who answered the item. 
Correlation. "Correlation" means a statistical measure of the relationship between performance on an item and performance on a part of the examination.
(c) The Director shall ask each examinee to self-report on a voluntary basis on the answer sheet, application form, or by other appropriate means, the following information:
(1) race or ethnicity (African American; white; American Indian; Asian; Hispanic; or other);
(2) education (8th grade or less; less than 12th grade; high school diploma or G.E.D.; some college, but no 4-year degree; or 4-year degree or more); and
(3) gender (male or female).
The Director must advise all examinees that they are not required to provide this information, that they will not be penalized for not doing so, and that the Director will use the information provided exclusively for research and statistical purposes and to improve the quality and fairness of the examinations.
(d) No later than May 1 of each year, the Director must prepare, publicly announce, and publish an Examination Report of summary statistical information relating to each examination administered during the preceding calendar year. Each Examination Report shall show with respect to each examination:
(1) For all examinees combined and separately by race or ethnicity, by educational level, by gender, by educational level within race or ethnicity, by education level within gender, and by race or ethnicity within gender:
(A) number of examinees; 
(B) percentage and number of examinees who passed each part; 
(C) percentage and number of examinees who passed all parts; 
(D) mean scaled scores on each part; and 
(E) standard deviation of scaled scores on each part.
(2) For male examinees, female examinees, African American examinees, white examinees, American Indian examinees, Asian examinees, and Hispanic examinees, respectively, with a high school diploma or G.E.D., the distribution of scaled scores on each part.
No later than May 1 of each year, the Director must prepare and make available on request an Item Report of summary statistical information relating to each operational item on each test form administered during the preceding calendar year. The Item Report shall show, for each operational item, for all examinees combined and separately for African American examinees, white examinees, American Indian examinees, Asian examinees, and Hispanic examinees, the correct-answer rates and correlations.
The Director is not required to report separate statistical information for any group or subgroup comprising fewer than 50 examinees.
(e) The Director must obtain a regular analysis of the data collected under this Section, and any other relevant information, for purposes of the development of new test forms. The analysis shall continue the implementation of the item selection methodology as recommended in the Final Report of the Illinois Insurance Producer's Licensing Examination Advisory Committee dated November 19, 1991, and filed with the Department unless some other methodology is determined by the Director to be as effective in minimizing differences between white and minority examinee pass-fail rates.
(f) The Director has the discretion to set cutoff scores for the examinations, provided that scaled scores on test forms administered after July 1, 1993, shall be made comparable to scaled scores on test forms administered in 1991 by use of professionally acceptable methods so as to minimize changes in passing rates related to the presence or absence of or changes in equating or scaling equations or methods or content outlines. Each calendar year, the scaled cutoff score for each part of each examination shall fluctuate by no more than the standard error of measurement from the scaled cutoff score employed during the preceding year.
(g) No later than May 1, 2003 and no later than May 1 of every fourth year thereafter, the Director must release to the public and make generally available one representative test form and set of answer keys for each part of each examination.
(h) The Director must maintain, for a period of 3 years after they are prepared or used, all

New matter indicated by italics - deletions by strikeout.
registration forms, test forms, answer sheets, operational items and pretest items, item analyses, and other statistical analyses relating to the examinations. All personal identifying information regarding examinees and the content of test items must be maintained confidentially as necessary for purposes of protecting the personal privacy of examinees and the maintenance of test security.

(i) In administering the examinations, the Director must make such accommodations for disabled examinees as are reasonably warranted by the particular disability involved, including the provision of additional time if necessary to complete an examination or special assistance in taking an examination.

(215 ILCS 5/500-55 new)
Sec. 500-55. Assumed names. An insurance producer doing business under any name other than the producer's legal name must notify the Director before using the assumed name.

(215 ILCS 5/500-60 new)
Sec. 500-60. Temporary licensing.
(a) The Director may issue a temporary insurance producer license for a period not to exceed 180 days and, at the discretion of the Director, may renew the temporary producer license for an additional 180 days without requiring an examination if the Director deems that the temporary license is necessary for the servicing of an insurance business in the following cases:

(1) to the surviving spouse or court-appointed personal representative of a licensed insurance producer who dies or becomes mentally or physically disabled to allow adequate time for the sale of the insurance business owned by the producer or for the recovery or return of the producer to the business or to provide for the training and licensing of new personnel to operate the producer's business;

(2) to a member or employee of a business entity licensed as an insurance producer, upon the death or disability of an individual designated in the business entity application or the license; or

(3) to the designee of a licensed insurance producer entering active service in the armed forces of the United States of America.

(b) The Director may by order limit the authority of any temporary licensee in any way deemed necessary to protect insureds and the public. The Director may require the temporary licensee to have a suitable sponsor who is a licensed producer or insurer and who assumes responsibility for all acts of the temporary licensee and may impose other similar requirements designed to protect insureds and the public. The Director may by order revoke a temporary license if the interest of insureds or the public are endangered. A temporary license may not continue after the owner or the personal representative disposes of the business.

(c) Before any temporary insurance producer license is issued, there must be filed with the Director a written application by the person desiring the license in the form, with the supplements, and containing the information that the Director requires. License fees, as provided for in Section 500-135, must be paid upon the issuance of the original temporary insurance producer license, but not for any renewal thereof.

(215 ILCS 5/500-65 new)
Sec. 500-65. Temporary insurance producer license for an applicant.
(a) The Director may grant a temporary insurance producer license to an applicant for an insurance producer license, without requiring an examination, for a period of 90 days, when the applicant otherwise meets the requirements of this Article. During that 90-day period, the applicant must be enrolled in a training course or training program conducted by or on behalf of the appointing insurance company and be in the process of fulfilling the pre-licensing requirements of Sections 500-25 and 500-30.

(b) An individual applicant may not hold more than one temporary insurance producer license during his or her lifetime.

(c) The Director may refuse to grant temporary insurance producer licenses to applicants from an insurance company when during a 6-month period more than 50% of that company's temporary insurance producer license holders have failed to obtain insurance producer licenses prior to the expiration of their temporary insurance producer licenses.

(d) Before the Director approves any temporary insurance producer license, the insurance company requesting the license must file with the Director an application and the fee required by
Section 500-135. The application must be made on the form and in the manner the Director requires.
(215 ILCS 5/500-70 new)

Sec. 500-70. License denial, nonrenewal, or revocation.
(a) The Director may place on probation, suspend, revoke, or refuse to issue or renew an
insurance producer's license or may levy a civil penalty in accordance with this Section or take any
combination of actions, for any one or more of the following causes:

(1) providing incorrect, misleading, incomplete, or materially untrue information in the
license application;
(2) violating any insurance laws, or violating any rule, subpoena, or order of the Director
or of another state's insurance commissioner;
(3) obtaining or attempting to obtain a license through misrepresentation or fraud;
(4) improperly withholding, misappropriating or converting any moneys or properties
received in the course of doing insurance business;
(5) intentionally misrepresenting the terms of an actual or proposed insurance contract
or application for insurance;
(6) having been convicted of a felony;
(7) having admitted or been found to have committed any insurance unfair trade practice
or fraud;
(8) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence,
untrustworthiness or financial irresponsibility in the conduct of business in this State or
elsewhere;
(9) having an insurance producer license, or its equivalent, denied, suspended, or revoked
in any other state, province, district or territory;
(10) forging a name to an application for insurance or to a document related to an
insurance transaction;
(11) improperly using notes or any other reference material to complete an examination
for an insurance license;
(12) knowingly accepting insurance business from an individual who is not licensed;
(13) failing to comply with an administrative or court order imposing a child support
obligation;
(14) failing to pay state income tax or penalty or interest or comply with any
administrative or court order directing payment of state income tax or failed to file a return
or to pay any final assessment of any tax due to the Department of Revenue; or
(15) failing to make satisfactory repayment to the Illinois Student Assistance Commission
for a delinquent or defaulted student loan.
(b) If the action by the Director is to nonrenew, suspend, or revoke a license or to deny an
application for a license, the Director shall notify the applicant or licensee and advise, in writing, the
applicant or licensee of the reason for the suspension, revocation, denial or nonrenewal of the
applicant's or licensee's license. The applicant or licensee may make written demand upon the
Director within 30 days after the date of mailing for a hearing before the Director to determine the
reasonableness of the Director's action. The hearing must be held within not fewer than 20 days nor
more than 30 days after the mailing of the notice of hearing and shall be held pursuant to 50 Ill. Adm.
Code 2402.
(c) The license of a business entity may be suspended, revoked, or refused if the Director finds,
after hearing, that an individual licensee's violation was known or should have been known by one
or more of the partners, officers, or managers acting on behalf of the partnership, corporation, limited
liability company, or limited liability partnership and the violation was neither reported to the
Director nor corrective action taken.
(d) In addition to any applicable denial, suspension, or revocation of a license, a person may, after hearing, be subject to a civil penalty of up to $5,000 for each cause for denial, suspension, or revocation, however, the civil penalty may total no more than $20,000.
(e) The Director has the authority to enforce the provisions of and impose any penalty or
remedy authorized by this Article against any person who is under investigation for or charged with
a violation of this Code or rules even if the person's license or registration has been surrendered or
has lapsed by operation of law.
(f) Upon the suspension, denial, or revocation of a license, the licensee or other person having possession or custody of the license shall promptly deliver it to the Director in person or by mail. The Director shall publish all suspensions, denials, or revocations after the suspensions, denials, or revocations become final in a manner designed to notify interested insurance companies and other persons.

(g) A person whose license is revoked or whose application is denied pursuant to this Section is ineligible to apply for any license for 3 years after the revocation or denial. A person whose license as an insurance producer has been revoked, suspended, or denied may not be employed, contracted, or engaged in any insurance related capacity during the time the revocation, suspension, or denial is in effect.

(215 ILCS 5/500-75 new)
Sec. 500-75. Disclosure. A policy the solicitation of which involves an insurance producer, limited insurance representative, or temporary insurance producer must identify the name of the producer, representative, or firm. An individual life or accident and health application and a master policy application for life or accident and health group coverages must bear the name and signature of the licensee who solicited and wrote the application.

(215 ILCS 5/500-80 new)
Sec. 500-80. Commissions.
(a) An insurer or insurance producer may not pay a commission, service fee, brokerage, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in this State if that person is required to be licensed under this Article and is not so licensed at the time of selling, soliciting, or negotiating the insurance.
(b) A person may not accept a commission, service fee, brokerage, or other valuable consideration for selling, soliciting, or negotiating insurance in this State if that person is required to be licensed under this Article and is not so licensed.
(c) Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this State if the person was required to be licensed under this Article at the time of sale, solicitation, or negotiation and was so licensed at that time.
(d) An insurer or insurance producer may pay or assign commissions, service fees, brokerages, or other valuable consideration to an insurance agency or to persons who do not sell, solicit, or negotiate insurance in this State, unless the payment would violate Section 151 of this Code.
(e) Except as to commissions deductible from premiums on insurance policies or contracts for insurance, an insurance producer or business entity does not have any right to compensation from an insured or prospective insured for or on account of the transaction of insurance business unless the right to compensation is stated on a separate written memorandum that clearly specifies the amount or extent of the service fee and that is provided to the applicant or insured before the performance of the service or the issuance of the policy, whichever is first. A copy of the memorandum must be maintained by any producer who collects or receives the service fee or any portion of the service fee. If the compensation or service fee exceeds 10% of the premium amount or potential premium amount of the contract or policy, the memorandum shall include the signature of the insured or prospective insured acknowledging the compensation or service fee.
(f) Any compensation or service fee received on a contract or policy that is later canceled, within the first half of the contract or policy period, for any reason must be returned to the insured by the insurance producer or business entity at a prorated amount. The prorated amount shall be based on the length of the term of the policy or contract compared to the time that contract or policy was in force such that the amount returned reflects the portion of the term of the contract or policy during which the contract was not in force. There shall be no compensation or service fee assessed or received on a contract or policy by the insurance producer or business entity for processing such cancellation.

(215 ILCS 5/500-85 new)
Sec. 500-85. Notification of termination; immunity; confidentiality.
(a) An insurer or authorized representative of an insurer that terminates the appointment, employment, contract, or other insurance business relationship with a producer must notify the Director within 30 days following the effective date of the termination, using a format prescribed by the Director, if the reason for termination is one of the reasons set forth in Section 500-70 or the
insurer has knowledge the producer was found by a court, government body, or self-regulatory organization authorized by law to have engaged in any of the activities in Section 500-70. Upon written request by the Director, the insurer must provide additional information, documents, records, or other data pertaining to the termination or activity of the producer.

(b) The insurer or the authorized representative of the insurer must promptly notify the Director in a format acceptable to the Director if, upon further review or investigation, the insurer discovers additional information that would have been reportable to the Director in accordance with subsection (a) had the insurer then known of its existence.

(c) Within 15 days after making the notification required by subsections (a) and (b), the insurer must mail a copy of the notification to the producer at his or her last known address. If the producer is terminated for cause for any of the reasons listed in Section 500-70, the insurer must provide a copy of the notification to the producer at his or her last known address by certified mail, return receipt requested, postage prepaid or by overnight delivery using a nationally recognized carrier.

Within 30 days after the producer has received the original or additional notification, the producer may file written comments concerning the substance of the notification with the Director. The producer must, by the same means, simultaneously send a copy of the comments to the reporting insurer, and the comments shall become a part of the Director's file and accompany every copy of a report distributed or disclosed for any reason about the producer as permitted under this Code.

(d) There shall be no liability on the part of, nor shall a cause of action of any nature arise against, an insurer, the authorized representative of the insurer, a producer, the Director, or an organization of which the Director is a member for any information, documents, records, or statements provided pursuant to this Section.

(e) An insurer, the authorized representative of the insurer, or a producer that fails to report as required under the provisions of this Section or that is found to have reported with malicious intent by a court of competent jurisdiction may, after notice and hearing, have its license or certificate of authority suspended or revoked and may be subjected to a civil penalty.

(215 ILCS 5/500-90 new)
Sec. 500-90. Reciprocity.
(a) The Director shall waive any requirements for a nonresident license applicant with a valid license from his or her home state, except the requirements imposed by Section 500-40 of this Article, if the applicant's home state awards nonresident licenses to residents of this State on the same basis.

(b) A nonresident producer's satisfaction of his or her home state's continuing education requirements for licensed insurance producers shall constitute satisfaction of this State's continuing education requirements if the non-resident producer's home state recognizes the satisfaction of its continuing education requirements imposed upon producers from this State on the same basis.

(215 ILCS 5/500-95 new)
Sec. 500-95. Reporting of actions. An individual who, while licensed as an insurance producer, is convicted of a felony, must report the conviction to the Director within 30 days after the entry date of the judgment. Within that 30-day period, the individual must also provide the Director with a copy of the judgment, the probation or commitment order, and any other relevant documents.

(215 ILCS 5/500-100 new)
Sec. 500-100. Limited lines producer license.
(a) An individual who is at least 18 years of age and whom the Director considers to be competent, trustworthy, and of good business reputation may obtain a limited lines producer license for one or more of the following classes:

1. insurance on baggage or limited travel health, accident, or trip cancellation insurance sold in connection with transportation provided by a common carrier;
2. industrial life insurance, as defined in Section 228 of this Code;
3. industrial accident and health insurance, as defined in Section 368 of this Code;
4. insurance issued by a company organized under the Farm Mutual Insurance Company Act of 1986;
5. legal expense insurance;
6. enrollment of recipients of public aid or medicare in a health maintenance organization;

New matter indicated by italics - deletions by strikeout.
(7) a limited health care plan issued by an organization having a certificate of authority under the Limited Health Service Organization Act.

(b) The application for a limited lines producer license must be submitted on a form prescribed by the Director by a designee of the insurance company, health maintenance organization, or limited health service organization appointing the limited insurance representative. The insurance company, health maintenance organization, or limited health service organization must pay the fee required by Section 500-135.

(c) A limited lines producer may represent more than one insurance company, health maintenance organization, or limited health service organization.

(d) An applicant who has met the requirements of this Section shall be issued a perpetual limited lines producer license.

(e) A limited lines producer license shall remain in effect as long as the appointing insurance company pays the respective fee required by Section 500-135 prior to January 1 of each year, unless the license is revoked or suspended pursuant to Section 500-70. Failure of the insurance company to pay the license fee or to submit the required documents shall cause immediate termination of the limited line insurance producer license with respect to which the failure occurs.

(f) A limited lines producer license may be terminated by the insurance company or the licensee.

(g) A person whom the Director considers to be competent, trustworthy, and of good business reputation may be issued a car rental limited line license. A car rental limited line license for a rental company shall remain in effect as long as the car rental limited line licensee pays the respective fee required by Section 500-135 prior to the next fee date unless the car rental license is revoked or suspended pursuant to Section 500-70. Failure of the car rental limited line licensee to pay the license fee or to submit the required documents shall cause immediate suspension of the car rental limited line license. A car rental limited line license for rental companies may be voluntarily terminated by the car rental limited line licensee. The license fee shall not be refunded upon termination of the car rental limited line license by the car rental limited line licensee.

(h) A limited lines producer issued a license pursuant to this Section is not subject to the requirements of Section 500-30.

(i) A limited lines producer license must contain the name, address and personal identification number of the licensee, the date the license was issued, general conditions relative to the license's expiration or termination, and any other information the Director considers proper. A limited line producer license, if applicable, must also contain the name and address of the appointing insurance company.

Sec. 500-105. Car rental limited line license for rental companies.

(a) A rental company must obtain a producer license or obtain a car rental limited line license before offering or selling insurance in connection with and incidental to the rental of vehicles. The sale of the insurance may occur at the rental office or by preselection of coverage in a master, corporate, group rental, or individual agreement. The following general categories of coverage may be offered or sold:

(1) personal accident insurance covering the risks of travel including, but not limited to, accident and health insurance that provides coverage, as applicable, to renters and other rental vehicle occupants for accidental death or dismemberment and reimbursement for medical expenses resulting from an accident that occurs during the rental period;

(2) liability insurance, including uninsured and underinsured motorist coverage, that provides coverage, as applicable, to renters and other authorized drivers of rental vehicles for liability arising from the operation of the rental vehicle;

(3) personal effects insurance that provides coverage, as applicable, to renters and other vehicle occupants for the loss of, or damage to, personal effects that occurs during the rental period;

(4) roadside assistance and emergency sickness protection programs; and

(5) any other travel or auto-related coverage that a rental company offers in connection with and incidental to the rental of vehicles.

(b) Insurance may not be offered by a car rental limited line producer pursuant to this Section.
unless:

(1) the rental company has applied for and obtained a car rental limited line license;
(2) the rental period of the rental agreement does not exceed 30 consecutive days;
(3) at every rental location where rental agreements are executed, brochures or other written materials are readily available to the prospective renter that:
   (A) summarize clearly and correctly, the material terms of coverage offered to renters, including the identity of the insurer;
   (B) disclose that the coverage offered by the rental company may provide a duplication of coverage already provided by a renter's personal automobile insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage;
   (C) state that the purchase by the renter of the kinds of coverage specified in this Section is not required in order to rent a vehicle; and
   (D) describe the process for filing a claim in the event the renter elects to purchase coverage and in the event of a claim; and
(4) evidence of coverage in the rental agreement is disclosed to every renter who elects to purchase such coverage.

(c) Car rental company franchisees must apply for a car rental limited line license independent of the franchisor if insurance provided pursuant to this Section is offered by the franchisee.

(d) A car rental limited line license issued under this Section shall also authorize any employee of the car rental limited line licensee to act individually on behalf and under the supervision of the car rental limited line licensee with respect to the kinds of coverage specified in this Section.

(e) A rental company licensed pursuant to this Section must conduct a training program in which employees being trained shall receive basic instruction about the kinds of coverage specified in this Section and offered for purchase by prospective renters of rental vehicles.

(f) Notwithstanding any other provision of this Section or any rule adopted by the Director, a car rental limited line producer pursuant to this Section is not required to treat moneys collected from renters purchasing insurance when renting vehicles as funds received in a fiduciary capacity, provided that the charges for coverage shall be itemized and be ancillary to a rental transaction.

(g) The sale of insurance not in conjunction with a rental transaction shall not be permitted.

(h) A car rental limited line producer under this Section may not advertise, represent, or otherwise hold itself or any of its employees out as licensed insurers, insurance producers, insurance agents, or insurance brokers.

(i) Direct commissions may not be paid to rental car company employees by the insurer or the customer purchasing insurance products. The rental car company may include insurance products in an overall employee performance compensation incentive program.

(j) An application for a car rental limited line license must be made on a form specified by the Director.

(215 ILCS 5/500-110 new)

Sec. 500-110. Regulatory examinations.

(a) The Director may examine any applicant for or holder of an insurance producer license, limited line producer license or temporary insurance producer license or any business entity.

(b) All persons being examined, as well as their officers, directors, insurance producers, limited lines producers, and temporary insurance producers must provide to the Director convenient and free access, at all reasonable hours at their offices, to all books, records, documents, and other papers relating to the persons' insurance business affairs. The officers, directors, insurance producers, limited lines producers, temporary insurance producers, and employees must facilitate and aid the Director in the examinations as much as it is in their power to do so.

(c) The Director may designate an examiner or examiners to conduct any examination under this Section. The Director or his or her designee may administer oaths and examine under oath any individual relative to the business of the person being examined.

(d) The examiners designated by the Director under this Section may make reports to the Director. A report alleging substantive violations of this Article or any rules prescribed by the Director must be in writing and be based upon facts ascertained from the books, records, documents,
papers, and other evidence obtained by the examiners or from sworn or affirmed testimony of or written affidavits from the person's officers, directors, insurance producers, limited lines producer, temporary insurance producers, or employees or other individuals, as given to the examiners. The report of an examination must be verified by the examiners.

(e) If a report is made, the Director must either deliver a duplicate of the report to the person being examined or send the duplicate by certified or registered mail to the person's address of record. The Director shall afford the person an opportunity to demand a hearing with reference to the facts and other evidence contained in the report. The person may request a hearing within 14 calendar days after he or she receives the duplicate of the examination report by giving the Director written notice of that request, together with a written statement of the person's objections to the report. The Director must, if requested to do so, conduct a hearing in accordance with Sections 402 and 403 of this Code. The Director must issue a written order based upon the examination report and upon the hearing, if a hearing is held, within 90 days after the report is filed, or within 90 days after the hearing if a hearing is held. If the report is refused or otherwise undeliverable, or a hearing is not requested in a timely fashion, the right to a hearing is waived. After the hearing or the expiration of the time period in which a person may request a hearing, if the examination reveals that the person is operating in violation of any law, rule, or prior order, the Director in the written order may require the person to take any action the Director considers necessary or appropriate in accordance with the report or examination hearing. The order is subject to review under the Administrative Review Law.

(f) The Director may adopt reasonable rules to further the purposes of this Section.

(g) A person who violates or aids and abets any violation of a written order issued under this Section shall be guilty of a business offense and his or her license may be revoked or suspended pursuant to Section 500-70 of this Article and he or she may be subjected to a civil penalty of not more than $10,000.

(215 ILCS 5/500-115 new)
Sec. 500-115. Financial responsibilities.
(a) Any money that an insurance producer, limited line producer, temporary insurance producer, business entity, or surplus line producer receives for soliciting, negotiating, effecting, procuring, renewing, continuing, or binding policies of insurance shall be held in a fiduciary capacity and shall not be misappropriated, converted, or improperly withheld. An insurance company that delivers to any insurance producer in this State a policy or contract for insurance pursuant to the application or request of an insurance producer, authorizes the producer to collect or receive on its behalf payment of any premium that is due on the policy or contract for insurance at the time of its issuance or delivery and any premium that becomes due on the policy or contract not more than 90 days thereafter.

(b) An insurer that issues a policy of insurance shall be deemed to have received payment of the premium if the insured paid any insurance producer requesting the coverage. The insurer shall be responsible to the insured for any return premium.

(c) In the case of open accounts receivable with the balance payable to an insurance producer within a specified period of 90 days or less, where the balance is not fully paid within that period, a late charge not exceeding 1.5% per month may be added by the insurance producer to the unpaid balance to induce payment of the premium.

(d) If an insurance producer or surplus line producer knowingly misappropriates or converts to his or her own use or illegally withholds fiduciary moneys in the amount of $150 or less, he or she is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for subsequent conversions, misappropriations, and withholdings of that nature. If an insurance producer or surplus line producer knowingly misappropriates or converts to his or her own use or illegally withholds premiums in excess of $150, he or she is guilty of a Class 3 felony.

(215 ILCS 5/500-120 new)
Sec. 500-120. Conflicts of interest; inactive status.
(a) A person, partnership, association, or corporation licensed by the Department who, due to employment with any unit of government that would cause a conflict of interest with the holding of that license, notifies the Director in writing on forms prescribed by the Department and, subject to rules of the Department, makes payment of applicable licensing renewal fees, may elect to place the license on an inactive status.
(b) A licensee whose license is on inactive status may have the license restored by making application to the Department on such form as may be prescribed by the Department. The application must be accompanied with a fee of $50 plus the current applicable license fee.

(c) A license may be placed on inactive status for a 2-year period, and upon request, the inactive status may be extended for a successive 2-year period not to exceed a cumulative 4-year inactive period. After a license has been on inactive status for 4 years or more, the licensee must meet all of the standards required of a new applicant before the license may be restored to active status.

(d) If requests for inactive status are not renewed as set forth in subsection (c), the license will be taken off the inactive status and the license will lapse immediately.

(215 ILCS 5/500-125 new)
Sec. 500-125. Controlled business.
(a) An insurance producer license may not be granted or extended to any person if the Director has reasonable cause to believe:

(1) that during either of the 2 calendar years immediately preceding the extension date of the license the aggregate amount of premiums on insurance represented by controlled business exceeded the aggregate amount of premiums on all other insurance business of the licensee; or

(2) that during the 12-month period immediately following the issuance or extension of the license, if so issued or extended, the aggregate amount of premiums on controlled business would exceed the aggregate amount of premiums on all other insurance business of the applicant or licensee.

(b) Controlled business means insurance procured or to be procured by or through the person upon:

(1) his own life, person, property or risks, or those of his spouse; or

(2) the life, person, property, or risks of his employer or his own business.

(215 ILCS 5/500-130 new)
Sec. 500-130. Bond required of insurance producers.
(a) An insurance producer who places insurance either directly or indirectly with an insurer with which the insurance producer does not have an agent contact must maintain in force while licensed a bond in favor of the people of the State of Illinois executed by an authorized surety company and payable to any party injured under the terms of the bond. The bond shall be continuous in form and in the amount of $2,500 or 5% of the premiums brokered in the previous calendar year, whichever is greater, but not to exceed $50,000 total aggregate liability. The bond shall be conditioned upon full accounting and due payment to the person or company entitled thereto, of funds coming into the insurance producer's possession as an incident to insurance transactions under the license or surplus line insurance transactions under the license as a surplus line producer.

(b) Authorized insurance producers of a business entity may meet the requirements of this Section with a bond in the name of the business entity, continuous in form, and in the amounts set forth in subsection (a) of this Section. Insurance producers may meet the requirements of this Section with a bond in the name of an association. An individual producer remains responsible for assuring that a producer bond is in effect and is for the correct amount. The association must have been in existence for 5 years, have common membership, and been formed for a purpose other than obtaining a bond.

(c) The surety may cancel the bond and be released from further liability thereunder upon 30 days' written notice in advance to the principal. The cancellation does not affect any liability incurred or accrued under the bond before the termination of the 30-day period.

(d) The producer's license may be revoked if the producer acts without a bond that is required under this Section.

(e) If a party injured under the terms of the bond requests the producer to provide the name of the surety and the bond number, the producer must provide the information within 3 working days after receiving the request.

(f) An association may meet the requirements of this Section for all of its members with a bond in the name of the association that is continuous in form and in the amounts set forth in subsection (a) of this Section.

(215 ILCS 5/500-135 new)
Sec. 500-135. Fees.
(a) The fees required by this Article are as follows:
   (1) a fee of $150 payable once every 2 years for an insurance producer license;
   (2) a fee of $25 for the issuance of a temporary insurance producer license;
   (3) a fee of $50 payable once every 2 years for a business entity;
   (4) an annual $25 fee for a limited line producer license issued under items (1) through
       (7) of subsection (a) of Section 500-100;
   (5) a $25 application fee for the processing of a request to take the written examination
       for an insurance producer license;
   (6) an annual registration fee of $500 for registration of an education provider;
   (7) a certification fee of $25 for each certified pre-licensing or continuing education
       course and an annual fee of $10 for renewing the certification of each such course;
   (8) a fee of $50 payable once every 2 years for a car rental limited line license;
   (9) a fee of $150 payable once every 2 years for a limited lines license other than the
       licenses issued under items (1) through (7) of subsection (a) of Section 500-100 or a car
       rental limited line license.
(b) Except as otherwise provided, all fees paid to and collected by the Director under this
Section shall be paid promptly after receipt thereof, together with a detailed statement of such fees,
into a special fund in the State Treasury to be known as the Insurance Producer Administration Fund.
The moneys deposited into the Insurance Producer Administration Fund may be used only for
payment of the expenses of the Department in the execution, administration, and enforcement of the
insurance laws of this State, and shall be appropriated as otherwise provided by law for the payment
of those expenses with first priority being any expenses incident to or associated with the
administration and enforcement of this Article.

(215 ILCS 5/500-140 new)
Sec. 500-140. Injunctive relief. A person required to be licensed under this Article but failing
to obtain a valid and current license under this Article constitutes a public nuisance. The Director
may report the failure to obtain a license to the Attorney General, whose duty it is to apply forthwith
by complaint on relation of the Director in the name of the people of the State of Illinois, for injunctive
relief in the circuit court of the county where the failure to obtain a license occurred to enjoin that
person from failing to obtain a license. Upon the filing of a verified petition in the court, the court,
if satisfied by affidavit or otherwise that the person is required to have a license and does not have
a valid and current license, may enter a temporary restraining order without notice or bond, enjoining
the defendant from acting in any capacity that requires such license. A copy of the verified complaint
shall be served upon the defendant, and the proceedings shall thereafter be conducted as in other civil
cases. If it is established that the defendant has been, or is engaged in any unlawful practice, the court
may enter an order or judgment perpetually enjoining the defendant from further engaging in such
practice. In all proceedings brought under this Section, the court, in its discretion, may apportion
the costs among the parties, including the cost of filing the complaint, service of process, witness fees and
expenses, court reporter charges, and reasonable attorney fees. In case of the violation of any
injunctive order entered under the provisions of this Section, the court may summarily try and punish
the offender for contempt of court. The injunctive relief available under this Section is in addition to
and not in lieu of all other penalties and remedies provided in this Code.

(215 ILCS 5/500-145 new)
Sec. 500-145. Rules. The Director may, in accordance with Section 401 of this Code,
promulgate reasonable rules as are necessary or proper to carry out the purposes of this Article.

(215 ILCS 5/500-150 new)
Sec. 500-150. Severability. The provisions of this Article are severable under Section 1.31 of
the Statute on Statutes.

(215 ILCS 5/490.1 rep.)
(215 ILCS 5/491.1 rep.)
(215 ILCS 5/492.2 rep.)
(215 ILCS 5/493.2 rep.)
(215 ILCS 5/494.1 rep.)
(215 ILCS 5/494.2 rep.)

New matter indicated by italics - deletions by strikeout.

Section 99. Effective date. This Act takes effect January 1, 2002.

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215 ILCS 5/500-140 new

New matter indicated by italics - deletions by strikeout.
AN ACT concerning radioactive materials.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The Radiation Protection Act of 1990 is amended by changing Section 3 and by adding Section 49 as follows:
(420 ILCS 40/3) (from Ch. 111 1/2, par. 210-3)
(Section scheduled to be repealed on January 1, 2011)
Sec. 3. Purpose. It is the purpose of this Act to effectuate the policies set forth in Section 2 by providing for:
(1) a program of effective regulation of radiation sources for the protection of human health, welfare and safety;
(2) a program to promote an orderly regulatory pattern within the State, among the States and between the Federal Government and the State and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;
(3) a program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to by-product, source and special nuclear materials; and
(4) a program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public; and
(5) a cost-effective remediation that is protective of the public health of the sites designated
as the Ottawa radiation sites on the National Priorities List under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.
(Source: P.A. 86-1341.)

(420 ILCS 40/49 new)
Sec. 49. Remediation of Ottawa radiation sites. In order to accomplish a cost-effective remediation that is protective of the public health, the Department shall have the following powers regarding the sites designated as the Ottawa radiation sites on the National Priorities List under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended:

1. to cooperate with and receive the assistance of other State agencies including, but not limited to, the Illinois Attorney General, the Department of Natural Resources, the Department of Transportation, and the Environmental Protection Agency;
2. to enter into contracts; and
3. to accept by gift, donation, or bequest and to purchase any interests in lands, buildings, grounds, and rights-of-way in, around, or adjacent to the Ottawa radiation sites and, upon completion of remediation, to transfer property to the Department of Natural Resources.

Section 5. The Radon Industry Licensing Act is amended by changing Sections 20 and 35 as follows:

(420 ILCS 44/20)
Sec. 20. General powers.
(a) The Department may undertake projects to determine whether and to what extent radon and radon progeny are present in dwellings and other buildings, to determine to what extent their presence constitutes a risk to public health, and to determine what measures are effective in reducing and preventing the risk to public health.
(b) In addition to other powers granted under this Act, the Department is authorized to:
1. Establish a program for measuring radon or radon progeny in dwellings and other buildings.
2. Conduct surveys and studies in cooperation with the Department of Natural Resources and the Department of Public Health to determine the distribution and concentration of radon or radon progeny in dwellings and other buildings and the associated health risk and to evaluate measures that may be used to mitigate a present or potential health risk.
3. Enter into dwellings and other buildings with the consent of the owner or occupant to engage in monitoring activities or to conduct remedial action studies or programs.
4. Enter into contracts for projects undertaken pursuant to subsection (a).
5. Enter into agreements with other departments, agencies, and subdivisions of the federal government, the State, and units of local government to implement this Act.
6. Establish training and educational programs.
7. Apply for, accept, and use grants or other financial assistance and accept and use gifts of money or property to implement this Act.
8. Provide technical assistance to persons and to other State departments, agencies, political subdivisions, units of local government, and school districts.
9. Prescribe forms for application for licensure.
10. Establish the minimum qualifications for licensure, including requirements for examinations or performance testing, and issue licenses to persons found to be qualified.
10.5 Investigate any unlicensed activity.
11. Conduct hearings or proceedings to revoke, suspend, or refuse to issue or renew a license, or assess civil penalties.
12. Adopt rules for the administration and enforcement of this Act.
13. Establish by rule the application and inspection fees for the licensing program.
(Source: P.A. 90-262, eff. 7-30-97.)

(420 ILCS 44/35)
Sec. 35. Penalties.
(a) A person required to be licensed under Section 25 of this Act who sells a device or performs a service without being properly licensed under this Act shall, in addition to any other
penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000, for each offense, as determined by the Department. Any person assessed a civil penalty under this Section shall be afforded an opportunity for hearing in accordance with Department regulations prior to final action by the Department. The civil penalty must be paid within 30 days after the order becomes a final and binding administrative determination.

(b) A person who violates a provision of this Act shall be guilty of a business offense and shall be fined not less than $500 nor more than $1,000 for the first offense and shall be guilty of a Class A misdemeanor for a subsequent offense. Each day that a violation continues constitutes a separate offense. A licensed radon contractor found guilty of a violation of a provision of this Act shall automatically have his or her license terminated by the Department.

(Source: P.A. 90-262, eff. 7-30-97.)

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

PUBLIC ACT 92-0388
(Senate Bill No. 0015)

AN ACT concerning taxation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by adding Section 10-355 as follows:
(35 ILCS 200/10-355 new)
Sec. 10-355. Fraternal organization assessment freeze.
(a) For the taxable year 2002 and thereafter, the assessed value of real property owned and used by a fraternal organization that on December 31, 1926 had its national headquarters in Illinois or that was chartered in Illinois in July 1896, or its subordinate organization or entity, that is exempt under Section 501(c)(8) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2002 and on January 1 of each subsequent assessment year, for assessment year 2002 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2001; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2002 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.
(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization’s charter from the State of Illinois, if applicable;
(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;
(3) a written instrument evidencing that the organization is the record owner or has a

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(4) an affidavit that the organization is liable for paying the real property taxes on the
property; and
(5) the signature of the organization's chief presiding officer.
Subsequent applications shall include any changes in the initial application and shall affirm
the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall
be notarized.
(d) This Section does not apply to parcels exempt from property taxes under this Code.
Section 10. The State Mandates Act is amended by adding Section 8.25 as follows:
(30 ILCS 805/8.25 new)
Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement
by the State is required for the implementation of any mandate created by this amendatory Act of the
92nd General Assembly.

PUBLIC ACT 92-0389
(Senate Bill No. 0099)
AN ACT concerning special districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Kaskaskia Regional Port District Act is amended by adding Section 20.2 as
follows:
(70 ILCS 1830/20.2 new)
Sec. 20.2. Authorization to borrow moneys.
The District's Board may borrow money from any bank or other financial institution, and may
provide appropriate security for that borrowing, if the money is repaid within one year after the
money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any
savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank
subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan
association organized and operated in this State pursuant to the laws of the United States.

PUBLIC ACT 92-0390
(Senate Bill No. 0104)
AN ACT in relation to coal.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Coal Rights Act.
Section 5. Purpose. In recognition of the fact that an estate of a joint owner in coal can be
enjoyed only by mining, removing, and selling the products of the coal, and that the mining, removal,
and sale of coal by one joint owner therefore constitutes the use and not the destruction of the common
estate, the purpose of this Act is to clarify the rights of joint owners of coal in this State, to promote
and preserve the value of coal reserves in the State, and to maximize the recovery of coal through the
orderly and efficient development of coal reserves for the benefit of all joint owners in a fair and
 equitable manner.
Section 10. Definitions. As used in this Act:
"Joint owner" means a person or entity that is a joint tenant, a tenant in common, or a tenant
by the entirety.
"Coal owner" means a person or entity vested with a whole or undivided fee simple interest
or other freehold interest in the coal estate, but "coal owner" does not include a person or entity with

New matter indicated by italics - deletions by strikeout.
a leasehold or any other lesser estate.

Section 15. Venue. Proceedings under this Act must be brought in the circuit court of the county in which coal lands sought to be affected, or the major portion of those lands, is located.

Section 20. Joint owners; trusts.
(a) If the title to coal is owned by joint tenants, tenants in common, or tenants by the entirety, whether the title is derived by purchase, legacy, or descent, any coal owner or owners vested with at least a one-half interest in the coal under the lands, or any coal lessee of the coal owner or owners, upon proper petition, shall be authorized to mine and remove coal from the land in the manner provided in this Act, provided, however, that a petition shall not be authorized under this Act for the mining and removal of coal by the surface method of mining unless all of the owners of the surface consent to the mining and removal of coal by the surface method of mining.

This Act affects only coal owners, as defined in Section 10 of this Act, and does not affect the rights of surface owners, except to the extent that they may also be coal owners.

(b) The circuit court of the county in which the coal lands or the major portion of those lands lie has the power to declare a trust in those lands, appoint a trustee for all persons owning an interest in the coal who are not plaintiffs, and authorize the trustee to sell, execute, and deliver a valid lease on those lands on behalf of all of the defendants on terms and conditions approved by the circuit court for the purposes provided in this Act. The lease shall continue in full force and effect after the termination of the trust unless the lease has previously expired by its own terms.

Section 25. Proceedings for appointment of trustee. Proceedings for the appointment of a trustee may be instituted by any person or persons (i) vested in fee simple with at least an undivided one-half interest in the coal sought to be developed or (ii) vested with a valid and subsisting coal lease, the lessor of which is a person defined in subdivision (i).

Section 30. Procedure.
(a) The person or persons seeking to impress a trust upon a coal interest for the purpose of leasing and developing it shall join as the defendant or defendants all persons, other than the plaintiff or plaintiffs, having a legal interest in the coal. All parties not in being who might have some contingent or future interest in the coal and all persons, whether in being or not in being, having any interest, whether present, future, or contingent, in the coal interest sought to be leased shall be fully bound by the proceedings.

(b) A verified petition shall be filed specifically setting forth the following:
(1) The request of the plaintiff or plaintiffs that a trustee be appointed to execute a lease granting the plaintiff or plaintiffs the right to mine and remove coal from the subject lands.
(2) The legal description of the lands.
(3) The interest of the plaintiff or plaintiffs in the coal underlying the lands.
(4) The apparent interest of the defendant or defendants in the coal underlying the lands.
(5) That the plaintiff or plaintiffs are willing to purchase a mineral lease covering the interest of the defendant or defendants and that the existence of these unleased mineral interests is detrimental to and impairs the enjoyment of the interest of the plaintiff or plaintiffs.

(c) If in any action there are persons who would be unknown parties as defined in Section 2-413 of the Code of Civil Procedure, those persons may be made defendants to the action in the same manner and with the same effect as provided in the Code of Civil Procedure. The defendant or defendants shall be given notice of the pendency of the action by publication as provided in the Code of Civil Procedure.

(d) The court shall appoint a guardian ad litem for any party to the proceeding who is a ward and is not represented by a guardian.

(e) If it appears that any person not in being, upon coming into being, is or may become or may claim to be entitled to any interest in the property sought to be leased, the court shall appoint a guardian ad litem to appear for and represent the interest in the proceeding and to defend the proceeding on behalf of the person not in being, and any judgment or order rendered in the proceeding is as effectual for all purposes as though the person were in being and were a party to the proceeding.

(f) The court shall take evidence and hear testimony as to the matters set forth in the petition. The court shall determine the prevailing terms of similar coal leases obtained in the vicinity of the lands described in the petition, including, but not limited to, length of primary term, bonus moneys,
delay rentals, royalty rates, and other forms of lease payments. If, upon taking evidence and hearing testimony, it appears that the material allegations of the petition are true and that there has been compliance with the notice provisions of this Act, the court shall enter an order determining the interest of each defendant in the coal sought to be leased. The court shall also appoint a trustee for the purpose of executing in favor of the plaintiff or plaintiffs a coal lease covering the interest of the defendant or defendants. The judgment appointing the trustee and authorizing the execution of the lease shall specify the minimum terms which may be accepted by the trustee. Those terms shall be substantially consistent with the terms of other similar coal leases obtained in the vicinity as determined by the court. The terms of the coal lease shall also be substantially consistent with the terms of other existing leases, if any, covering the remaining coal interests in the lands described in the petition. The lands to be covered by the coal lease shall be contiguous. To the extent that any of the lands described in the petition are not contiguous to other lands in the petition, those lands shall be the subject of separate coal leases. The court shall determine a reasonable fee to be paid to the trustee and that fee, together with the reasonable attorney's fees and costs of the proceeding incurred by the trustee, shall be paid by the plaintiff or plaintiffs.

(g) The plaintiff or plaintiffs shall forthwith furnish the court with a report of proceedings of the evidence received and testimony taken at the hearing on the petition, and the report of proceedings shall be filed and made a part of the case record.

(h) In all suits under this Act, the court may investigate and determine all questions of conflicting or controverted titles, remove clouds from the title to the coal, and establish and confirm the title to the coal or the right to mine and remove coal from any of the lands.

(i) An action filed under this Act may be joined with an action under the Severed Mineral Interest Act.

Section 35. Coal leases; report by trustee. The trustee shall enter into negotiations with the plaintiff or plaintiffs and shall execute a coal lease in favor of the plaintiff or plaintiffs covering the interest of the defendant or defendants. The terms of the coal lease shall be in accordance with the findings and judgment of the court. The trustee shall forthwith prepare and file a report of sale of the coal lease stating the terms of the lease and the payments received for the lease and give notice to all parties appearing of record. If the court finds that the sale was in accordance with its judgment, the sale shall be confirmed by court order and the court shall order the trust terminated and the trustee and his or her bond discharged.

Section 40. Payment. All moneys due to the defendant or defendants under the lease executed by the trustee shall be paid by the plaintiff or plaintiffs directly to the defendant or defendants.

Section 45. Binding effect of lease. The sale of and execution of any coal lease under this Act is binding in all respects as to all of the interest in the coal and the right to mine and remove the coal owned by the defendant or defendants to the action in the same manner as if the defendant or defendants had personally signed and delivered the lease. The lease shall be binding upon the heirs, legatees, personal representatives, successors, and assigns of the defendant or defendants.

Section 50. Incapacity of trustee; subsequent proceedings.

(a) In the event of the death or resignation of the trustee or the refusal or inability of the trustee to act, the court, upon its own motion or upon the motion of the plaintiff or plaintiffs, shall appoint a successor trustee.

(b) After the entry of the initial judgment authorizing a lease, all subsequent proceedings pertaining to the lands and the coal interest involved in the initial litigation, including subsequent leasing proceedings or proceedings by the trustee requesting authority to execute and deliver additional documents pertaining to a coal lease, shall be commenced and prosecuted in the same case as the proceedings for the initial lease. The acting trustee at the time of any subsequent proceedings shall act as the trustee in those proceedings. The court shall retain continuing authority and jurisdiction to conduct the subsequent proceedings.

Section 55. Costs. All court costs incident to the proceedings authorized under this Act shall be paid by the plaintiff or plaintiffs.

Section 60. Construction. This Act shall be liberally construed so that any lease issued under this Act conveys merchantable title.

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


New matter indicated by italics - deletions by strikeout.
AN ACT to amend the Illinois Vehicle Code by changing Sections 5-101 and 5-102.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 5-101 and 5-102 as follows:
(625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)
Sec. 5-101. New vehicle dealers must be licensed.
(a) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, new vehicles of any make, or act as an intermediary or agent or broker for any licensed dealer or vehicle purchaser other than as a salesperson, or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so in writing by the Secretary of State under the provisions of this Section.
(b) An application for a new vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, on such form as the Secretary of State may by rule or regulation prescribe and shall contain:
1. The name and type of business organization of the applicant and his established and additional places of business, if any, in this State.
2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.
3. The make or makes of new vehicles which the applicant will offer for sale at retail in this State.
4. The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of such new vehicles. As evidence of this fact, the application shall be accompanied by a signed statement from each such manufacturer or franchised distributor. If the applicant is in the business of offering for sale new conversion vehicles, trucks or vans, except for trucks modified to serve a special purpose which includes but is not limited to the following vehicles: street sweepers, fertilizer spreaders, emergency vehicles, implements of husbandry or maintenance type vehicles, he must furnish evidence of a sales and service agreement from both the chassis manufacturer and second stage manufacturer.
5. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue: Provided that this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that that Department has approved the applicant for registration under the Retailers' Occupation Tax Act.
6. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a new vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was.
filed. Trailer and mobile home dealers are exempt from this requirement.

7. (A) An application for a new motor vehicle dealer's license shall be accompanied by the following license fees:

$100 for applicant's established place of business, and $50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $50 for applicant's established place of business plus $25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(B) An application for a new vehicle dealer's license, other than for a new motor vehicle dealer's license, shall be accompanied by the following license fees:

$50 for applicant's established place of business, and $25 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $25 for applicant's established place of business plus $12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;
(B) The Certificate of Title Laws of the Illinois Vehicle Code;
(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
(E) Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles; or

9. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal or administrative proceedings, of any one or more of the following Acts:

(A) The Consumer Finance Act;
(B) The Consumer Installment Loan Act;
(C) The Retail Installment Sales Act;
(D) The Motor Vehicle Installment Sales Act;
(E) The Interest Act;
(F) The Illinois Wage Assignment Act;
(G) Part 8 of Article XII of the Code of Civil Procedure; or
(H) The Consumer Fraud Act.

10. A bond or certificate of deposit in the amount of $20,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a new vehicle dealer.

11. Such other information concerning the business of the applicant as the Secretary of
State may by rule or regulation prescribe.

12. A statement that the applicant understands Chapter One through Chapter Five of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of $2.

(d) Anything in this Chapter 5 to the contrary notwithstanding no person shall be licensed as a new vehicle dealer unless:

1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and

2. Such person shall maintain an established place of business as defined in this Act.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, under Section 5-501 of this Chapter, grant the applicant an original new vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. In the case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;

5. The make or makes of new vehicles which the licensee is licensed to sell.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) hereof, all new vehicle dealer's licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage under an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(i) All persons licensed as a new vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. In the case of a new vehicle a manufacturer's statement of origin and in the case of a used motor vehicle a certificate of title, in either case properly assigned to the purchaser;

2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin;

3. A bill of sale properly executed on behalf of such person;

4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 hereof;

5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and

6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or
obtaining the newly created key. The new vehicle dealer must retain the copy for 30 days.

A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license.

This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter.

(625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

5. An application for a used vehicle dealer's license shall be accompanied by the following license fees:

$50 for applicant's established place of business, and $25 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be $25 for applicant's established place of business plus $12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;
(B) The Certificate of Title Laws of the Illinois Vehicle Code;
(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;
(E) Section 21-2 of the Illinois Criminal Code of 1961, Criminal Trespass to Vehicles; or
(F) The Retailers’ Occupation Tax Act.

7. A statement that the applicant's officers, directors, shareholders having a 10% or
greater ownership interest therein, proprietor, partner, member, officer, director, trustee,
manager or other principals in the business have not committed in any calendar year 3 or more
violations, as determined in any civil or criminal or administrative proceedings, of any one
or more of the following Acts:
(A) The Consumer Finance Act;
(B) The Consumer Installment Loan Act;
(C) The Retail Installment Sales Act;
(D) The Motor Vehicle Retail Installment Sales Act;
(E) The Interest Act;
(F) The Illinois Wage Assignment Act;
(G) Part 8 of Article XII of the Code of Civil Procedure; or
(H) The Consumer Fraud Act.

8. A bond or Certificate of Deposit in the amount of $20,000 for each location at which
the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the
license, or its renewal, for which application is made, and shall expire not sooner than
December 31 of the year for which the license was issued or renewed. The bond shall run to
the People of the State of Illinois, with surety by a bonding or insurance company authorized
to do business in this State. It shall be conditioned upon the proper transmittal of all title
and registration fees and taxes (excluding taxes under the Retailers’ Occupation Tax Act) accepted
by the applicant as a used vehicle dealer.

9. Such other information concerning the business of the applicant as the Secretary of
State may by rule or regulation prescribe.

10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application
for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change
on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an
amendatory fee of $2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as
a used vehicle dealer unless such person maintains an established place of business as defined in this
Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application
submitted to him under this Section. Unless the Secretary makes a determination that the application
submitted to him does not conform to this Section or that grounds exist for a denial of the application
under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's
license in writing for his established place of business and a supplemental license in writing for each
additional place of business in such form as he may prescribe by rule or regulation which shall include
the following:
1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a
partnership, an unincorporated association or any similar form of business organization, the
name and address of the proprietor or of each partner, member, officer, director, trustee or
manager;
3. In case of an original license, the established place of business of the licensee;
4. In the case of a supplemental license, the established place of business of the licensee
and the additional place of business to which such supplemental license pertains.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by
the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle:
1. A certificate of title properly assigned to the purchaser;
2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;
3. A bill of sale properly executed on behalf of such person;
4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter;
5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:
   (1) the name and address of the buyer and seller,
   (2) the date of sale,
   (3) a description of the mobile home, including the vehicle identification number, make, model, and year, and
   (4) the Illinois certificate of title number.

The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.

(Source: P.A. 88-158; 89-189, eff. 1-1-96.)

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

PUBLIC ACT 92-0392
(Senate Bill No. 0281)

AN ACT concerning wages.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Minimum Wage Law is amended by changing Section 12 as follows:
(820 ILCS 105/12) (from Ch. 48, par. 1012)
Sec. 12. (a) If any employee is paid by his employer less than the wage to which he is entitled under the provisions of this Act, the employee may recover in a civil action the amount of any such

New matter indicated by italics - deletions by strikeout.
underpayments together with costs and such reasonable attorney's fees as may be allowed by the Court, and any agreement between him and his employer to work for less than such wage is no defense to such action. At the request of the employee or on motion of the Director of Labor, the Department of Labor may make an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs incurred in collecting such claim. Every such action shall be brought within 3 years from the date of the underpayment. Such employer shall be liable to the Department of Labor for 20% of the total employer's underpayment and shall be additionally liable to the employee for punitive damages in the amount of 2% of the amount of any such underpayments for each month following the date of payment during which such underpayments remain unpaid. The Director may promulgate rules for the collection of these penalties. The amount of a penalty may be determined, and the penalty may be assessed, through an administrative hearing. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. The penalty shall be imposed in cases in which an employer's conduct is proven by a preponderance of the evidence to be willful. In any such action, the Director of Labor shall be represented by the Attorney General.

(b) The Director is authorized to supervise the payment of the unpaid minimum wages and the unpaid overtime compensation owing to any employee or employees under Sections 4 and 4a of this Act and may bring any legal action necessary to recover the amount of the unpaid minimum wages and unpaid overtime compensation and an equal additional amount as punitive damages, and the employer shall be required to pay the costs. The action shall be brought within 5 years from the date of the failure to pay the wages or compensation. Any sums thus recovered by the Director on behalf of an employee pursuant to this subsection shall be paid to the employee or employees affected. Any sums which, more than one year after being thus recovered, the Director is unable to pay to an employee shall be deposited into the General Revenue Fund.

(Source: P.A. 88-431.)

Effective January 1, 2002.

PUBLIC ACT 92-0393
(Senate Bill No. 0417)

AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Section 8-2 as follows:
(235 ILCS 5/8-2) (from Ch. 43, par. 159)
Sec. 8-2. It is the duty of each manufacturer with respect to alcoholic liquor produced or imported by such manufacturer, or purchased tax-free by such manufacturer from another manufacturer or importing distributor, and of each importing distributor as to alcoholic liquor purchased by such importing distributor from foreign importers or from anyone from any point in the United States outside of this State or purchased tax-free from another manufacturer or importing distributor, to pay the tax imposed by Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by such manufacturer or by such importing distributor other than in an authorized tax-free manner or to pay that tax electronically as provided in this Section.

Each manufacturer and each importing distributor shall make payment under one of the following methods: (1) on or before the 15th day of each calendar month, file in person or by United States first-class mail, postage pre-paid, with the Department of Revenue, on forms prescribed and furnished by the Department, a report in writing in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. Payment of the tax in the amount disclosed by the report shall accompany the report or, (2) on or before the 15th day of each calendar month, electronically file with the Department of Revenue, on forms prescribed and furnished by the Department, an electronic report in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the
An electronic payment of the tax in the amount disclosed by the report shall accompany the report. A manufacturer or distributor who files an electronic report and electronically pays the tax imposed pursuant to Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by that manufacturer or importing distributor other than in an authorized tax-free manner shall pay to the Department the amount of the tax imposed pursuant to Section 8-1, less a discount of 1.75% or $1,250 per return, whichever is less, which is allowed to reimburse the manufacturer or importing distributor for the expenses incurred in keeping and maintaining records, preparing and filing the electronic returns, remitting the tax, and supplying data to the Department upon request.

The Department may, if it deems it necessary in order to insure the payment of the tax imposed by this Article, require returns to be made more frequently than and covering periods of less than a month. Such return shall contain such further information as the Department may reasonably require.

It shall be presumed that all alcoholic liquors acquired or made by any importing distributor or manufacturer have been sold or used by him in this State and are the basis for the tax imposed by this Article unless proven, to the satisfaction of the Department, that such alcoholic liquors are (1) still in the possession of such importing distributor or manufacturer, or (2) prior to the termination of possession have been lost by theft or through unintentional destruction, or (3) that such alcoholic liquors are otherwise exempt from taxation under this Act.

The Department may require any foreign importer to file monthly information returns, by the 15th day of the month following the month which any such return covers, if the Department determines this to be necessary to the proper performance of the Department's functions and duties under this Act. Such return shall contain such information as the Department may reasonably require.

Every manufacturer and importing distributor shall also file, with the Department, a bond in an amount not less than $1,000 and not to exceed $100,000 on a form to be approved by, and with a surety or sureties satisfactory to, the Department. Such bond shall be conditioned upon the manufacturer or importing distributor paying to the Department all monies becoming due from such manufacturer or importing distributor under this Article. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of alcoholic liquor expected to be sold and used by such manufacturer or importing distributor, and the penalty fixed by the Department shall be sufficient, in the Department's opinion, to protect the State of Illinois against failure to pay any amount due under this Article, but the amount of the penalty fixed by the Department shall not exceed twice the amount of tax liability of a monthly return, nor shall the amount of such penalty be less than $1,000. The Department shall notify the Commission of the Department's approval or disapproval of any such manufacturer's or importing distributor's bond, or of the termination or cancellation of any such bond, or of the Department's direction to a manufacturer or importing distributor that he must file additional bond in order to comply with this Section. The Commission shall not issue a license to any applicant for a manufacturer's or importing distributor's license unless the Commission has received a notification from the Department showing that such applicant has filed a satisfactory bond with the Department hereunder and that such bond has been approved by the Department. Failure by any licensed manufacturer or importing distributor to keep a satisfactory bond in effect with the Department or to furnish additional bond to the Department, when required hereunder by the Department to do so, shall be grounds for the revocation or suspension of such manufacturer's or importing distributor's license by the Commission. If a manufacturer or importing distributor fails to pay any amount due under this Article, his bond with the Department shall be deemed forfeited, and the Department may institute a suit in its own name on such bond.

After notice and opportunity for a hearing the State Commission may revoke or suspend the license of any manufacturer or importing distributor who fails to comply with the provisions of this Section. Notice of such hearing and the time and place thereof shall be in writing and shall contain a statement of the charges against the licensee. Such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his last known address and shall be given not less than 7 days prior to the date fixed for the hearing. An order revoking or suspending a license under the provisions of this Section may be reviewed in the manner provided in Section 7-10 of this Act. No new license shall be granted to a person whose license has been revoked for a violation of this Section or, in case of suspension, shall such suspension be

New matter indicated by italics - deletions by strikeout.
terminated until he has paid to the Department all taxes and penalties which he owes the State under the provisions of this Act.

Every manufacturer or importing distributor who has, as verified by the Department, continuously complied with the conditions of the bond under this Act for a period of 2 years shall be considered to be a prior continuous compliance taxpayer. In determining the consecutive period of time for qualification as a prior continuous compliance taxpayer, any consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any manufacturer or importing distributor.

Every prior continuous compliance taxpayer shall be exempt from the bond requirements of this Act until the Department has determined the taxpayer to be delinquent in the filing of any return or deficient in the payment of any tax under this Act. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

The Department shall discharge any surety and shall release and return any bond or security deposit assigned, pledged or otherwise provided to it by a taxpayer under this Section within 30 days after: (1) such taxpayer becomes a prior continuous compliance taxpayer; or (2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act.

Section 99. Effective date. This Act takes effect January 1, 2003.

PUBLIC ACT 92-0394
(Senate Bill No. 0750)

AN ACT in relation to public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Halal Food Act.
Section 5. Definitions. As used in this Act:
"Advertise" means to engage in promotional activities including, but not limited to, newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.
"Food", "food product", or "food commodity" means any food or food product inspected as required by law, or any food preparation from a source approved by the Department of Agriculture, whether raw or prepared for human consumption, and whether in a solid or liquid state, including, but not limited to, any meat, meat product or meat preparation; any milk, milk product or milk preparation; and any beverage.
"Food commodity in package form" means a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.
"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabiha/zabeeha (slaughtered according to appropriate Islamic code), and as expressed by reliable recognized Islamic entities and scholars.

Section 10. Deception prohibited.
(a) It is a Class B misdemeanor for any person to make any oral or written statement that directly or indirectly tends to deceive or otherwise lead a reasonable individual to believe that a non-halal food or food product is halal.
(b) The presence of any non-halal food or food product in any place of business that advertises or represents itself in any manner as selling, offering for sale, preparing, or serving halal food or food products only, is presumptive evidence that the person in possession offers the food or food product for sale in violation of subsection (a).
(c) It shall be a complete defense to a prosecution under subsection (a) that the defendant
relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor, or any person or organization which certifies or represents any food or food product at issue to be halal or as having been prepared under or sanctioned by Islamic religious requirements.

Section 15. Other offenses concerning halal food. It is a Class B misdemeanor for any person to:

(1) falsely represent any animal sold, grown, or offered for sale to be grown in a halal way to become food for human consumption;
(2) falsely represent any food sold, prepared, served, or offered for sale to be halal;
(3) remove or destroy, or cause to be removed or destroyed, the original means of identification affixed to food commodities to indicate that the food commodities are halal, except that this paragraph (3) may not be construed to prevent the removal of the identification if the commodity is offered for sale as non-halal;
(4) sell, dispose of, or have in his or her possession for the purpose of resale as halal any food commodity to which an animals' farm or slaughterhouse mark, stamp, tag, brand, label, or other means of identification has been fraudulently attached;
(5) label or identify a food commodity in package form to be halal or possess such labels or means of identification, unless he or she is the manufacturer or packer of the food commodity in package form;
(6) label or identify an article of food not in package form to be halal or possess such labels or other means of identification, unless he or she is the manufacturer of the article of food;
(7) falsely label any food commodity in package form as halal by having or permitting to be inscribed on it, in any language, the words "halal" or "helal", or any other words or symbols, not limited to characters in Arabic writing, which would tend to deceive or otherwise lead a reasonable individual to believe that the commodity is halal;
(8) sell, offer for sale, prepare, or serve in or from the same place of business both unpackaged non-halal food and unpackaged food he or she represents to be halal unless he or she posts a window sign at the entrance of his or her establishment which states in block letters at least 4 inches in height: "Halal and Non-Halal Foods Sold Here", or "Halal and Non-Halal Foods Served Here", or a statement of similar import;
(9) sell or have in his or her possession for the purpose of resale as halal any food commodity not having affixed thereto the original animals' farm or slaughterhouse mark, stamp, tag, brand, label, or other means of identification employed to indicate that the food commodity is halal; or
(10) display for sale, in the same show window or other location on or in his or her place of business, both unpackaged food represented to be halal and unpackaged non-halal food unless he or she:

(A) displays over the halal and non-halal food signs that read, in clearly visible block letters, "halal food" and "non-halal food", respectively, or, as to the display of meat alone, "halal meat" and "non-halal meat", respectively;
(B) separates the halal food products from the non-halal food products by keeping the products in separate display cabinets, or by segregating halal items from non-halal items by use of clearly visible dividers; and
(C) slices or otherwise prepares the halal food products for sale with utensils used solely for halal food items.

Section 20. Federal law. Nothing in this Act shall be construed to exempt halal food from any provisions of the federal Humane Methods of Slaughter Act of 1978 that may be applicable.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2KK as follows:

(815 ILCS 505/2KK new)

Sec. 2KK. Halal food; disclosure.

(a) As used in this Section:
"Dealer" means any establishment that advertises, represents, or holds itself out as growing animals in a halal way or selling, preparing, or maintaining food as halal, including, but not limited
to, manufacturers, animals' farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.

"Director" means the Director of Agriculture.

"Food" means an animal grown to become food for human consumption, a food, a food product, a food ingredient, a dietary supplement, or a beverage.

"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabiha/zebeeaha (slaughtered according to appropriate Islamic codes), and as expressed by reliable recognized Islamic entities and scholars.

(b) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall disclose the basis upon which those representations are made by posting the information required by the Director, in accordance with rules adopted by the Director, on a sign of a type and size specified by the Director, in a conspicuous place upon the premises at which the food is sold or exposed for sale, as required by the Director.

c) Any person subject to the requirements of subsection (b) does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be halal.

d) Possession by a dealer of any animal grown to become food for consumption or any food not in conformance with the disclosure required by subsection (b) with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell.

e) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall comply with all requirements of the Director, including, but not limited to, recordkeeping, labeling and filing, in accordance with rules adopted by the Director.

(f) Neither an animal represented to be grown in a halal way to become food for human consumption, nor a food commodity represented as halal, may be offered for sale by a dealer until the dealer has registered, with the Director, documenting information of the certifying Islamic entity specialized in halal food or the supervising Muslim Inspector of Halal Food.

(g) The Director shall adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act.

(h) It is an unlawful practice under this Act to violate this Section or the rules adopted by the Director to carry out this Section.

Effective January 1, 2002.

PUBLIC ACT 92-0395
(Senate Bill No. 0800)

AN ACT concerning highways.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Highway Code is amended by changing Section 6-501 as follows:
(605 ILCS 5/6-501) (from Ch. 121, par. 6-501)
Sec. 6-501. (a) Findings and purpose. The General Assembly finds:

(1) That the financial conditions of the Township and District road systems of the State of Illinois have suffered adversely as a result of changes in law concerning assessed valuation of property for tax purposes. That as a result of the changes beginning in 1945, the rates of permissible levy were first halved to accommodate full fair value, but never restored when subsequent law change established the legal assessed valuation at 50% of fair market value as equalized by the Department of Revenue.

(2) Townships and district road systems, as a result of the decreased financial support,
have suffered a decline in ability to maintain or improve roads and bridges in a safe condition to permit the normal and ordinary use of its highway system. In many instances bridges have been closed and detours required because of impossible road conditions resulting in hardships for school districts in transporting pupils and for farms in moving products to market.

(3) Further, cost for maintenance and improvements have risen faster than the valuations of property, the base of financial support.

(4) To solve these problems, this Act makes changes in rates of taxation -- returning Townships and District road systems to their approximate financial viability prior to 1945.

(b) The highway commissioner for each road district in each county not under township organization shall on or before the third Tuesday in December of each year determine and certify to the county board the amount necessary to be raised by taxation for road purposes and for the salaries of elected road district officials in the road district.

Should any highway commissioner during the last year of his term of office for any reason not file the certificate in the office of the county clerk, as required by this Section, in time for presentation to the regular September meeting of the county board, the clerk shall present in lieu thereof a certificate equal in amount to that presented for the preceding year.

In every such county the certificate shall be filed in the office of the county clerk and by that official presented to the county board at the regular September meeting for the consideration of the board. The amount so certified if approved by the county board, or the part thereof as the county board does approve, shall be extended by the county clerk as road taxes against the taxable property of the district.

(c) The highway commissioner in each road district in each county having adopted township organization shall in accordance with the Illinois Municipal Budget Law at least 30 days prior to the public meeting required by this paragraph, each year prepare or cause to be prepared a tentative budget and appropriation ordinance and file the same with the clerk of the township or consolidated township road district, as the case may be, who shall make the tentative budget and appropriation ordinance conveniently available to the public inspection for at least 30 days prior to final action. One public hearing shall be held. This public hearing shall be held on or before the last day of the first quarter of the fiscal year before the township board of trustees or the highway board of trustees, as the case may be. Notice of the hearing shall be given by publication in a newspaper published in the road district at least 30 days prior to the time of the hearing. If there is no newspaper published in the road district, notice of the public hearing shall be given by posting notices in 5 of the most public places in the district. It shall be the duty of the clerk of the road district to arrange for the public hearing. The township board of trustees or highway board of trustees, as the case may be, at the public hearing shall adopt the tentative budget and appropriation ordinance, or any part as the board of trustees deem necessary.

On or before the last Tuesday in December the township board of trustees or highway board of trustees or road district commissioner, as the case may be, shall levy and certify to the county clerk the amount necessary to be raised by taxation for road purposes and the road district commissioner shall levy and certify to the county clerk the amount necessary to be raised by taxation for the salaries of elected road district officials in the road district, as determined by the highway commissioner.

The amount so certified shall be extended by the county clerk as road taxes against the taxable property of the district.

On or after October 10, 1991, a road district commissioner whose district is located in a county not under township organization may not levy separately a tax for salaries of elected road district officials unless the tax has been first approved by a majority of the electors voting on the question at a referendum conducted in accordance with the general election law. The question submitted to the electors at the referendum shall be in substantially the following form: "Shall the road district commissioner be authorized to levy an annual tax for the salaries of elected road district officials under Section 6-501 of the Illinois Highway Code?"

Except as is otherwise permitted by this Code and when the road district commissioner establishes the tax rate for the salaries of elected road district officials, the county clerk shall not extend taxes for road purposes against the taxable property in any road district at rates in excess of the following:

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(1) in a road district comprised of a single township in a county having township organization, at a rate in excess of .125% of the value, as equalized or assessed by the Department of Revenue; unless before the last Tuesday in December annually the highway commissioner of the township road district shall have secured the consent in writing of a majority of the members of the township board of trustees to the extension of a greater rate, in which case the rate shall not exceed that approved by a majority of the members of the township board of trustees, but in no case shall it exceed .165% of the value, as equalized or assessed by the Department. Once approved by the township board of trustees, the rate shall remain in effect until changed by the township board of trustees;

(2) in a consolidated township road district, at a rate in excess of .175% of the value, as equalized or assessed by the Department of Revenue;

(3) in a road district in a county not having township organization, at a rate in excess of .165% of the value, as equalized or assessed by the Department of Revenue.

However, road districts that have higher tax rate limitations on a permanent basis for road purposes on July 1, 1967, than the limitations herein provided, may continue to levy the road taxes at the higher limitations, and the county clerk shall extend the taxes at not to exceed the higher limitations.

If the amount of taxes levied by the township board of trustees or the highway board of trustees or approved by the county board in any case is in excess of the amount that may be extended the county clerk shall reduce the amount so that the rate extended shall be no greater than authorized by law. However, the tax shall not be reduced or scaled in any manner whatever by reason of the levy and extension by the county clerk of any tax to pay the principal or interest, or both, of any bonds issued by a road district.

The taxes, when collected, shall be held by the treasurer of the district as the regular road fund of the district.

Notwithstanding any other provision of law, for a period of time ending 18 years after the effective date of this amendatory Act of 1994, a road district or consolidated road district may accumulate up to 50% of the taxes collected from a subdivision under this Section for improvements of nondedicated roads within the subdivision from which and for which the taxes were collected. These nondedicated roads will become a part of the township and district road system if the roads meet the criteria established by the counties in which the roads are located. The total accumulations under this provision may not exceed 10% of the total funds held by the district for road purposes. This provision applies only to townships within counties adjacent to a county with a population of 3,000,000 or more and only with respect to subdivisions whose plats were filed or recorded before July 23, 1959.

Any road district may accumulate funds for the purpose of acquiring, constructing, repairing and improving buildings and procuring land in relation to the building and for the purpose of procuring road maintenance apparatus and equipment, and for the construction of roads, and may annually levy taxes for the purposes in excess of its current requirements for other purposes, subject to the tax rate limitations provided in this Section, provided a proposition to accumulate funds for the purposes is first submitted to and approved by the electors of the district. The proposition shall be certified to the proper election officials by the district clerk upon the direction of the highway commissioner, and the election officials shall submit the proposition at a regular election. Notice and conduct of the referendum shall be in accordance with the general election law. The proposition shall be in substantially the following form:

Shall........ road district accumulate funds in the amount of $......... for........years YES for the purpose of acquiring, constructing, repairing and improving buildings and procuring land therefor, and for procuring road maintenance apparatus and equipment and for the construction of roads? NO

New matter indicated by italics - deletions by strikeout.
If a majority of the electors voting on the proposition vote in favor of it, the road district may use a portion of the funds levied, subject to the tax rate limitations provided in this Section, for the purposes for which accumulation was authorized. It shall not be a valid objection to any subsequent tax levy made under this Section, that there remains unexpended money arising from the levy of a prior year because of an accumulation permitted by this Section and provided for in the budget for that prior year.

(Source: P.A. 87-17; 87-738; 87-768; 87-895; 87-1189; 88-360; 88-673, eff. 7-1-95.)

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

AN ACT in relation to unemployment insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unemployment Insurance Act is amended by changing Sections 500 and 703 as follows:

(820 ILCS 405/500) (from Ch. 48, par. 420)
Sec. 500. Eligibility for benefits. An unemployed individual shall be eligible to receive benefits with respect to any week only if the Director finds that:

A. He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the Director may prescribe, except that the Director may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive or inconsistent with the purposes of this Act, provided that no such regulation shall conflict with Section 400 of this Act.

B. He has made a claim for benefits with respect to such week in accordance with such regulations as the Director may prescribe.

C. He is able to work, and is available for work; provided that during the period in question he was actively seeking work and he has certified such. Whenever requested to do so by the Director, the individual shall, in the manner the Director prescribes by regulation, inform the Department of the places at which he has sought work during the period in question. Nothing in this subsection shall limit the Director's approval of alternate methods of demonstrating an active search for work based on regular reporting to a trade union office.

1. If an otherwise eligible individual is unable to work or is unavailable for work on any normal workday of the week, he shall be eligible to receive benefits with respect to such week reduced by one-fifth of his weekly benefit amount for each day of such inability to work or unavailability for work. For the purposes of this paragraph, an individual who reports on a day subsequent to his designated report day shall be deemed unavailable for work on his report day if his failure to report on that day is without good cause, and on each intervening day, if any, on which his failure to report is without good cause. As used in the preceding sentence, "report day" means the day which has been designated for the individual to report to file his claim for benefits with respect to any week. This paragraph shall not be construed so as to effect any change in the status of part-time workers as defined in Section 407.

2. An individual shall be considered to be unavailable for work on days listed as whole holidays in "An Act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, as amended; on days which are holidays in his religion or faith, and on days which are holidays according to the custom of his trade or occupation, if his failure to work on such day is a result of the holiday. In determining the claimant's eligibility for benefits and the amount to be paid him, with respect to the week in which such holiday occurs, he shall have attributed to him as additional

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earnings for that week an amount equal to one-fifth of his weekly benefit amount for each normal work day on which he does not work because of a holiday of the type above enumerated.

3. An individual shall be deemed unavailable for work if, after his separation from his most recent employing unit, he has removed himself to and remains in a locality where opportunities for work are substantially less favorable than those in the locality he has left.

4. An individual shall be deemed unavailable for work with respect to any week which occurs in a period when his principal occupation is that of a student in attendance at, or on vacation from, a public or private school.

5. Notwithstanding any other provisions of this Act, an individual shall not be deemed unavailable for work or to have failed actively to seek work, nor shall he be ineligible for benefits by reason of the application of the provisions of Section 603, with respect to any week, because he is enrolled in and is in regular attendance at a training course approved for him by the Director:

(a) but only if, with respect to that week, the individual presents, upon request, to the claims adjudicator referred to in Section 702 a statement executed by a responsible person connected with the training course, certifying that the individual was in full-time attendance at such course during the week. The Director may approve such course for an individual only if he finds that (1) reasonable work opportunities for which the individual is fitted by training and experience do not exist in his locality; (2) the training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable work opportunities in his locality; (3) the training course is offered by a competent and reliable agency, educational institution, or employing unit; (4) the individual has the required qualifications and aptitudes to complete the course successfully; and (5) the individual is not receiving and is not eligible (other than because he has claimed benefits under this Act) for subsistence payments or similar assistance under any public or private retraining program: Provided, that the Director shall not disapprove such course solely by reason of clause (5) if the subsistence payment or similar assistance is subject to reduction by an amount equal to any benefits payable to the individual under this Act in the absence of the clause. In the event that an individual's weekly unemployment compensation benefit is less than his certified training allowance, that person shall be eligible to receive his entire unemployment compensation benefits, plus such supplemental training allowances that would make an applicant's total weekly benefit identical to the original certified training allowance.

(b) The Director shall have the authority to grant approval pursuant to subparagraph (a) above prior to an individual's formal admission into a training course. Requests for approval shall not be made more than 30 days prior to the actual starting date of such course. Requests shall be made at the appropriate unemployment office. Notwithstanding any other provision to the contrary, the Director shall approve a course for an individual if the course is provided to the individual under Title III of the federal Job Training Partnership Act.

(c) The Director shall for purposes of paragraph C have the authority to issue a blanket approval of training programs implemented pursuant to the federal Workforce Investment Act of 1998 Comprehensive Employment and Training Act and the Job Training Partnership Act if both the training program and the criteria for an individual's participation in such training meet the requirements of this paragraph C.

(d) Notwithstanding the requirements of subparagraph (a), the Director shall have the authority to issue blanket approval of training programs implemented under the terms of a collective bargaining agreement.

6. Notwithstanding any other provisions of this Act, an individual shall not be deemed unavailable for work or to have failed actively to seek work, nor shall he be ineligible for benefits, by reason of the application of the provisions of Section 603 with respect to any week because he is in training approved under Section 236 (a)(1) of the federal Trade Act of 1974, nor shall an individual be ineligible for benefits under the provisions of Section 601 by reason of leaving work voluntarily to enter such training if the work left is not of a
substantially equal or higher skill level than the individual's past adversely affected employment as defined under the federal Trade Act of 1974 and the wages for such work are less than 80% of his average weekly wage as determined under the federal Trade Act of 1974.

D. If his benefit year begins prior to July 6, 1975 or subsequent to January 2, 1982, he has been unemployed for a waiting period of 1 week during such benefit year. If his benefit year begins on or after July 6, 1975, but prior to January 3, 1982, and his unemployment continues for more than three weeks during such benefit year, he shall be eligible for benefits with respect to each week of such unemployment, including the first week thereof. An individual shall be deemed to be unemployed within the meaning of this subsection while receiving public assistance as remuneration for services performed on work projects financed from funds made available to governmental agencies for such purpose. No week shall be counted as a week of unemployment for the purposes of this subsection:

1. Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that, for benefit years beginning prior to January 3, 1982, this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only and with respect to benefit years beginning prior to January 3, 1982, only) to be within such benefit year, as well as within the preceding benefit year, if the unemployed individual would, except for the provisions of the first paragraph and paragraph 1 of this subsection and of Section 605, be eligible for and entitled to benefits for such week.

2. If benefits have been paid with respect thereto.

3. Unless the individual was eligible for benefits with respect thereto except for the requirements of this subsection and of Section 605.

E. With respect to any benefit year beginning prior to January 3, 1982, he has been paid during his base period wages for insured work not less than the amount specified in Section 500E of this Act as amended and in effect on October 5, 1980. With respect to any benefit year beginning on or after January 3, 1982, he has been paid during his base period wages for insured work equal to not less than $1,600, provided that he has been paid wages for insured work equal to at least $440 during that part of his base period which does not include the calendar quarter in which the wages paid to him were highest.

F. During that week he has participated in reemployment services to which he has been referred, including but not limited to job search assistance services, pursuant to a profiling system established by the Director by rule in conformity with Section 303(j)(1) of the federal Social Security Act, unless the Director determines that:

1. the individual has completed such services; or

2. there is justifiable cause for the claimant's failure to participate in such services.

This subsection F is added by this amendatory Act of 1995 to clarify authority already provided under subsections A and C in connection with the unemployment insurance claimant profiling system required under subsections (a)(10) and (j)(1) of Section 303 of the federal Social Security Act as a condition of federal funding for the administration of the Unemployment Insurance Act.

(820 ILCS 405/703) (from Ch. 48, par. 453)

Sec. 703. Reconsideration of findings or determinations.

The claims adjudicator may reconsider his finding at any time within thirteen weeks after the close of the benefit year. He may reconsider his determination at any time within one year after the last day of the week for which the determination was made, except that if the issue is whether or not, by reason of a back pay award made by any governmental agency or pursuant to arbitration proceedings, or by reason of a payment of wages wrongfully withheld by an employing unit, an individual has received wages for a week with respect to which he or she has received benefits or if the issue is whether or not the claimant misstated his earnings for the week, such reconsidered determination may be made at any time within two years after the last day of the week. No finding

New matter indicated by italics - deletions by strikeout.
or determination shall be reconsidered at any time after appeal therefrom has been taken pursuant to
the provisions of Section 800, except where a case has been remanded to the claims adjudicator by
a Referee, the Director or the Board of Review, and except, further, that if an issue as to whether or
not the claimant misstated his earnings is newly discovered, the determination may be reconsidered
after and notwithstanding the fact that the decision upon the appeal has become final. Notice of such
reconsidered determination or reconsidered finding shall be promptly given to the parties entitled to
notice of the original determination or finding, as the case may be, in the same manner as is prescribed
therefor, and such reconsidered determination or reconsidered finding shall be subject to appeal in the
same manner and shall be given the same effect as is provided for an original determination or finding.
(Source: P.A. 77-1443.)
Effective January 1, 2002.

PUBLIC ACT 92-0397
(Senate Bill No. 0861)

AN ACT in relation to environmental matters.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Sections 52.3-1 and
52.3-2 as follows:
(415 ILCS 5/52.3-1)
Sec. 52.3-1. Findings; purpose.
(a) The General Assembly finds that:
(1) During the last decade, considerable expertise in pollution prevention, sophisticated
emissions monitoring and tracking techniques, compliance auditing methods, stakeholder
involvement, and innovative approaches to control pollution have been developed.
(2) Substantial opportunities exist to reduce the amount of or prevent adverse impacts
from emissions or discharges of pollutants or wastes through the use of innovative and cost
effective measures not currently recognized by or allowed under existing environmental laws,
rules, and regulations.
(3) There are persons regulated under this Act who have demonstrated excellence and
leadership in environmental compliance or stewardship or pollution prevention and, through
the implementation of innovative measures, who can achieve further reductions in emissions
or discharges of pollutants or wastes or continued environmental stewardship.
(4) Current environmental laws and regulations have, in some instances, resulted in
burdensome transactional requirements that are unnecessarily costly and complex for
regulated entities and have proven to be frustrating to the public that is concerned about
environmental protection.
(5) The goals of environmental protection will be best served by promoting and
evaluating the efforts of those persons who are ready to achieve measurable and verifiable
pollution reductions in excess of the otherwise applicable statutory and regulatory
requirements or who can demonstrate real environmental risk reduction, promote pollution
prevention, foster superior environmental compliance by other persons regulated under this
Act, and who can improve stakeholder involvement in environmental decision making.
(6) The United States Environmental Protection Agency is operating a pilot program
entitled "Regulatory Reinvention (XL) Pilot Project," 60 Federal Register 27282 (May 23,
1995) (Federal XL Program), to allow members of the regulated community the flexibility
to develop alternative strategies that will replace specific regulatory requirements on the
condition that they produce greater environmental benefits, reduce administrative burdens,
and enhance public participation. There should be a process that allows a proposal accepted
under the Federal XL Program to be implemented at the State level if the proposal achieves
one or more of the purposes of this Section and is acceptable to the Agency.
(7) A process for implementing and evaluating innovative environmental measures on a
pilot project basis should be developed and implemented in this State.

New matter indicated by italics - deletions by strikeout.
(b) It is the purpose of this Section to create a voluntary pilot program by which the Agency may enter into Environmental Management System Agreements with persons regulated under this Act to implement innovative environmental measures not otherwise recognized or allowed under existing laws and regulations of this State if those measures:

(1) achieve emissions reductions or reductions in discharges or wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or

(2) achieve real environmental risk reduction or foster environmental compliance by other persons regulated under this Act in a manner that is clearly superior to the existing regulatory system.

These Agreements may include proposals accepted under the Federal XL Program, provided the proposals achieve one or more purposes of subsection (b)(1) or (2) of this Section and are acceptable to the Agency.

(c) This program is a voluntary pilot program. Participation is at the discretion of the Agency, and any decision by the Agency to reject an initial proposal under this Section is not appealable. The Agency's authority to execute initial Agreements under this Section shall terminate on December 31, 2001. An initial Agreement may be renewed for appropriate time 5-year periods after December 31, 2001 if the Agency finds the Agreement continues to meet applicable requirements and the purposes of this Section.

(d) The Agency shall develop and make publicly available a program guidance document regarding participation in the pilot program. A draft document shall be distributed for review and comment by interested parties and a final document shall be completed by December 1, 1996. At a minimum, this document shall include the following:

(1) The approximate number of projects that the Agency envisions being part of the pilot program.

(2) The types of projects and facilities that the Agency believes would be most useful to be a part of the pilot program.

(3) A description of potentially useful environmental management systems, such as ISO 14000.

(4) A description of suitable Environmental Performance Plans, including appropriate provisions or opportunities for promoting pollution prevention and sustainable development.

(5) A description of practices and procedures to ensure that performance is measurable and verifiable.

(6) A characterization of less-preferred practices that can generate adverse consequences such as multi-media pollutant transfers.

(7) A description of suitable practices for productive stakeholder involvement in project development and implementation that may include, but need not be limited to, consensus-based decision making and appropriate technical assistance.

(e) The Agency has the authority to develop and distribute written guidance, fact sheets, or other documents that explain, summarize, or describe programs operated under this Act or regulations. The written guidance, fact sheets, or other documents shall not be considered rules and shall not be subject to the Illinois Administrative Procedure Act.

(Source: P.A. 89-465, eff. 6-13-96.)

(415 ILCS 5/52.3-2)

Sec. 52.3-2. Agency authority; scope of agreement.

(a) On or before December 31, 2001, The Agency may enter into an initial Environmental Management System Agreement with any person regulated under this Act to implement innovative environmental measures that relate to or involve provisions of this Act, even if one or more of the terms of such an Agreement would be inconsistent with an otherwise applicable statute or regulation of this State. Participation in this program is limited to those persons who have submitted an Environmental Management System Agreement that is acceptable to the Agency and who are not currently subject to enforcement action under this Act.

(b) The Agency may adopt rules to implement this Section if less than 6 Agreements are executed, but shall adopt rules to implement this Section if 6 or more Agreements are executed. Without limiting the generality of this authority, those regulations may, among other things:
(1) Specify the criteria an applicant must meet to participate in this program.
(2) Specify the minimum contents of a proposed Environmental Management System Agreement, including, without limitation, the following:
   (A) requiring identification of all State and federal statutes, rules, and regulations applicable to the facility;
   (B) requiring identification of all statutes, rules, and regulations that are inconsistent with one or more terms of the proposed Environmental Management System Agreement;
   (C) requiring a statement of how the proposed Environmental Management System Agreement will achieve one or more of the purposes of this Section;
   (D) requiring identification of those members of the general public, representatives of local communities, and environmental groups who may have an interest in the Environmental Management System Agreement; and
   (E) requiring identification of how a participant will demonstrate ongoing compliance with the terms of its Environmental Management System Agreement, which may include an evaluation of a participant's performance under the Environmental Management System Agreement by a third party acceptable to the Agency. Compliance with the Agreement shall be determined not less than annually.
(3) Specify the procedures for review by the Agency of Environmental Management System Agreements.
(4) Specify the procedures for public participation in, including notice of and comment on, Environmental Management System Agreements and stakeholder involvement in design and implementation of specific projects that are undertaken.
(5) Specify the procedures for voluntary termination of an Environmental Management System Agreement.
(6) Specify the type of performance guarantee to be provided by an applicant for participation in this program. The nature of the performance guarantee shall be directly related to the complexity of and environmental risk associated with the proposed Environmental Management System Agreement.
(c) The Agency shall propose by December 31, 1996, and the Board shall promulgate, criteria and procedures for involuntary termination of Environmental Management System Agreements. The Board shall complete such rulemaking no later than 180 days after receipt of the Agency's proposal.
(d) On or before December 31, 2001, the Agency may enter into initial Environmental Management System Agreements prior to adopting rules under this Section, if the proposals for the Agreements have been accepted under the Federal XL Program, in accordance with the following:
   (1) An applicant shall submit, in writing, a proposed Environmental Management System Agreement to the Director of the Agency.
   (2) The Agency shall have 120 days to review a proposed Environmental Management System Agreement.
   (3) The Agency's failure to notify an applicant in writing that it has accepted a proposal shall be deemed a rejection.
   (4) A rejection of a proposed Environmental Management System Agreement by the Agency shall not be appealable.
   (5) The Agency shall provide notice to the public, including an opportunity for public comment and hearing in accordance with the procedures set forth in 35 Ill. Adm. Code Part 164, on each proposal accepted by the Agency under this subsection (d). The Agency shall provide such notice, including an opportunity for public comment and hearing, prior to executing an Environmental Management System Agreement.
   (6) Prior to promulgation of rules under Section 52.3-2(c), each Agreement shall specify the terms and conditions under which the Agency may terminate the Agreement.
   (7) Each Agreement shall provide for appropriate stakeholder involvement in a manner that is conducive to productive participation, equitable decision making and open exchange of information in developing and implementing the Agreement.

(Source: P.A. 89-465, eff. 6-13-96.)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the regulation of certain financial activities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Currency Exchange Act is amended by changing Sections 4 and 16 as follows:
(205 ILCS 405/4) (from Ch. 17, par. 4808)
Sec. 4. License application; contents; fees. Application for such license shall be in writing
under oath and in the form prescribed and furnished by the Director. Each application shall contain
the following:
(a) The full name and address (both of residence and place of business) of the applicant, and
if the applicant is a partnership, limited liability company, or association, of every member thereof,
and the name and business address if the applicant is a corporation;
(b) The county and municipality, with street and number, if any, where the community
currency exchange is to be conducted, if the application is for a community currency exchange license;
(c) If the application is for an ambulatory currency exchange license, the name and address
of the employer at each location to be served by it; and
(d) The applicant's occupation or profession; a detailed statement of his business experience
for the 10 years immediately preceding his application; a detailed statement of his finances; his present
or previous connection with any other currency exchange; whether he has ever been involved in any
civil or criminal litigation, and the material facts pertaining thereto; whether he has ever been
committed to any penal institution or admitted to an institution for the care and treatment of mentally
ill persons; and the nature of applicant's occupancy of the premises to be licensed where the
application is for a community currency exchange license. If the applicant is a partnership, the
information specified herein shall be required of each partner. If the applicant is a corporation, the said
information shall be required of each officer, director and stockholder thereof
along with disclosure
of their ownership interests. If the applicant is a limited liability company, the information required
by this Section shall be provided with respect to each member and manager along with disclosure
of their ownership interests.
A community currency exchange license application shall be accompanied by a fee of $150
on the effective date of this amendatory Act of 1987 and until January 1, 1989, and $180 on January
1, 1989 and until January 1, 1990, and $500 on and after January 1, 1990 which fee shall be for the
cost of investigating the applicant. If the ownership of a licensee changes, in whole or in part, a new
application must be filed pursuant to this Section along with a $500 fee if the licensee's ownership
interests have been transferred or sold to a new person or entity or a fee of $300 if the licensee's
ownership interests have been transferred or sold to a current holder or holders of the licensee's
ownership interests. When the application for a community currency exchange license has been
approved by the Director and the applicant so advised, an additional sum of $150 on the effective date
of this amendatory Act of 1987 and until January 1, 1989, and $180 on January 1, 1989 and until
January 1, 1990, and $200 on and after January 1, 1990 as an annual license fee for a period
terminating on the last day of the current calendar year shall be paid to the Director by the applicant;
provided, that the license fee for an applicant applying for such a license after July 1st of any year
shall be $75 on the effective date of this amendatory Act of 1987 and until July 1, 1988, and $90 on
July 1, 1988 and until July 1, 1989, and $100 on and after July 1, 1989 for the balance of such year.
An application for an ambulatory currency exchange license shall be accompanied by a fee
of $100, which fee shall be for the cost of investigating the applicant. An approved applicant shall not
be required to pay the initial investigation fee of $100 more than once. When the application for an
ambulatory currency exchange license has been approved by the Director, and such applicant so
advised, such applicant shall pay an annual license fee of $25 for each and every location to be served
by such applicant; provided that such license fee for an approved applicant applying for such a license
after July 1st of any year shall be $12 for the balance of such year for each and every location to be
served by such applicant. Such an approved applicant for an ambulatory currency exchange license,
when applying for a license with respect to a particular location, shall file with the Director, at the time

New matter indicated by italics - deletions by strikeout.
of filing an application, a letter of memorandum, which shall be in writing and under oath, signed by the owner or authorized representative of the business whose employees are to be served; such letter or memorandum shall contain a statement that such service is desired, and that the person signing the same is authorized so to do. The Director shall thereupon verify the authenticity of the letter or memorandum and the authority of the person who executed it, to do so.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 405/16) (from Ch. 17, par. 4832)

Sec. 16. Annual report; investigation; costs. Each licensee shall annually, on or before the 1st day of March, file a report with the Director for the calendar year period from January 1st through December 31st, except that the report filed on or before March 15, 1990 shall cover the period from October 1, 1988 through December 31, 1989, (which shall be used only for the official purposes of the Director) giving such relevant information as the Director may reasonably require concerning, and for the purpose of examining, the business and operations during the preceding fiscal year period of each licensed currency exchange conducted by such licensee within the State. Such report shall be made under oath and shall be in the form prescribed by the Director and the Director may at any time and shall at least once in each year investigate the currency exchange business of any licensee and of every person, partnership, association, limited liability company, and corporation who or which shall be engaged in the business of operating a currency exchange. For that purpose, the Director shall have free access to the offices and places of business and to such records of all such persons, firms, partnerships, associations, limited liability companies and members thereof, and corporations and to the officers and directors thereof that shall relate to such currency exchange business. The investigation may be conducted in conjunction with representatives of other State agencies or agencies of another state or of the United States as determined by the Director. The Director may at any time inspect the locations served by an ambulatory currency exchange, for the purpose of determining whether such currency exchange is complying with the provisions of this Act at each location served. The Director may require by subpoena the attendance of and examine under oath all persons whose testimony he may require relative to such business, and in such cases the Director, or any qualified representative of the Director whom the Director may designate, may administer oaths to all such persons called as witnesses, and the Director, or any such qualified representative of the Director, may conduct such examinations, and there shall be paid to the Director for each such examination a fee of $150 for each day or part thereof for each qualified representative designated and required to conduct the examination; provided, however, that in the case of an ambulatory currency exchange, such fee shall be $75 for each day or part thereof and shall not be increased by reason of the number of locations served by it.

(Source: P.A. 90-545, eff. 1-1-98.)

Section 10. The Sales Finance Agency Act is amended by changing Sections 6 and 10 as follows:

(205 ILCS 660/6) (from Ch. 17, par. 5206)

Sec. 6. A license fee of $300 for the applicant's principal place of business and $100 for each additional place of business for which a license is sought must be submitted with an application for license made before July 1 of any year. If application for a license is made on July 1 or thereafter, a license fee of $150 for the principal place of business and of $50 for each additional place of business must accompany the application. Each license remains in force until surrendered, suspended, or revoked. If the application for license is denied, the original license fee shall be retained by the State in reimbursement of its costs of investigating that application.

Before the license is granted, the applicant shall prove in form satisfactory to the Director, that the applicant has a positive net worth of a minimum of $30,000.

A licensee must pay to the Department, and the Department must receive, by December 1 of each year, the renewal license application on forms prescribed by the Director and $300 for the license for his principal place of business and $100 for each additional license held as a renewal license fee for the succeeding calendar year. Failure to pay the license fee within the time prescribed automatically revokes renewal of the license.

(Source: P.A. 90-437, eff. 1-1-98.)

(205 ILCS 660/10) (from Ch. 17, par. 5223)

Sec. 10. Denial, revocation, fine, or suspension of license.

New matter indicated by italics - deletions by strikeout.
(a) The Director may revoke or suspend a license or fine a licensee if the licensee violates any provisions of this Act.

(b) In every case in which a license is revoked or suspended, a licensee is fined, or an application for a license or renewal of a license is denied, the Director shall serve notice of his or her action, including a statement of the reasons for the action either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. mail.

(c) An order revoking or suspending a license or an order denying renewal of a license shall take effect upon service of the order, unless the licensee requests, in writing, within 10 days after the date of service, a hearing. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

(d) If the licensee requests a hearing, the Director shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

(e) The hearing shall be held at the time and place designated by the Director. The Director and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

(f) The costs for the administrative hearing shall be set by rule.

(g) The Director shall have the authority to prescribe rules for the administration of this Section.

(205 ILCS 670/2) (from Ch. 17, par. 5402)
Sec. 2. Application; fees; positive net worth. Application for such license shall be in writing, and in the form prescribed by the Director. Such applicant at the time of making such application shall pay to the Director the sum of $300 as an application fee and the additional sum of $300 as an annual license fee, for a period terminating on the last day of the current calendar year; provided that if the application is filed after June 30th in any year, such license fee shall be 1/2 of the annual license fee for such year.

Before the license is granted, every applicant shall prove in form satisfactory to the Director that the applicant has and will maintain a positive net worth of a minimum of $30,000. Every applicant and licensee shall maintain a surety bond in the principal sum of $25,000 issued by a bonding company authorized to do business in this State and which shall be approved by the Director. Such bond shall run to the Director and shall be for the benefit of any consumer who incurs damages as a result of any violation of the Act or rules by the actions of a licensee and who is lawfully awarded such damages pursuant to an appropriate court order. If the Director finds at any time that a bond is of insufficient size, is insecure, exhausted, or otherwise doubtful, an additional bond in such amount as determined by the Director shall be filed by the licensee within 30 days after written demand therefor by the Director. "Net worth" means total assets minus total liabilities.

(205 ILCS 670/8) (from Ch. 17, par. 5408)
Sec. 8. Annual license fee - Expenses. Every licensee shall, on or before the 15th day of each December, a licensee must pay to the Director, and the Department must receive, the annual license fee required by Section 2 for the next succeeding calendar year. The license shall expire on the first day of January unless the license fee has been paid prior thereto.

In addition to such license fee, the reasonable expense of any examination, investigation or custody by the Director under any provisions of this Act shall be borne by the licensee.

If a licensee fails to renew his or her license by the 31st day of December, it shall automatically expire and the licensee is not entitled to a hearing; however, the Director, in his or her discretion, may reinstate an expired license upon payment of the annual renewal fee and proof of good cause for failure to renew.

(205 ILCS 670/11) (from Ch. 17, par. 5411)
Sec. 11. Books and records - Reports.
(a) Every licensee shall retain and use in his business or at another location approved by the Director such records as are required by the Director to enable the Director to determine whether the licensee is complying with the provisions of this Act and the rules and regulations promulgated pursuant to this Act. Every licensee shall preserve the records of any loan for at least 2 years after making the final entry for such loan. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods which provide information equivalent to that otherwise required and follow generally accepted accounting principles are acceptable for that purpose, if approved by the Director in writing.
(b) Each licensee shall annually, on or before the first day of March, file a report with the Director giving such relevant information as the Director may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by the licensee. The report must be received by the Department on or before March 1. The report shall be made under oath and in a form prescribed by the Director. Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, a composite report of such group of licensed offices may be filed in lieu of individual reports. The Director may make and publish annually an analysis and recapitulation of such reports. The Director may fine each licensee $25 for each day beyond March 1 such report is filed.
(Source: P.A. 90-437, eff. 1-1-98.)

Effective January 1, 2002.

PUBLIC ACT 92-0399
(Senate Bill No. 0869)
AN ACT to amend the Illinois Insurance Code by changing Section 424.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 424 as follows:
(215 ILCS 5/424) (from Ch. 73, par. 1031)
Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:
(1) The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 147, 148, 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this Code.
(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.
(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.
(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of the this Insurance Code.
(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical handicap, race, color, religion, or national origin.
(Source: P.A. 90-245, eff. 1-1-98.)
Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning certain financial services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Transmitters of Money Act is amended by changing Sections 5, 20, 25, 30, 40, and 45 and adding Section 92 as follows:
(205 ILCS 657/5)
Sec. 5. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section have the meanings set forth in this Section.
"Authorized seller" means a person not an employee of a licensee who engages in the business regulated by this Act on behalf of a licensee under a contract between that person and the licensee.
"Bill payment service" means the business of transmitting money on behalf of an Illinois resident for the purpose of paying the resident's bills.
"Controlling person" means a person owning or holding the power to vote 25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For purposes of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person.
"Department" means the Department of Financial Institutions.
"Director" means the Director of Financial Institutions.
"Licensee" means a person licensed under this Act.
"Location" means a place of business at which activity regulated by this Act occurs.
"Material litigation" means any litigation that, according to generally accepted accounting principles, is deemed significant to a licensee's financial health and would be required to be referenced in a licensee's annual audited financial statements, reports to shareholders, or similar documents.
"Money" means a medium of exchange that is authorized or adopted by a domestic or foreign government as a part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance.
"Money transmitter" means a person who is located in or doing business in this State and who directly or through authorized sellers does any of the following in this State:
(1) Sells or issues payment instruments.
(2) Engages in the business of receiving money for transmission or transmitting money.
(3) Engages in the business of exchanging, for compensation, money of the United States Government or a foreign government to or from money of another government.
"Outstanding payment instrument" means, unless otherwise treated by or accounted for under generally accepted accounting principles on the books of the licensee, a payment instrument issued by the licensee that has been sold in the United States directly by the licensee or has been sold in the United States by an authorized seller of the licensee and reported to the licensee as having been sold, but has not been paid by or for the licensee.
"Payment instrument" means a check, draft, money order, traveler's check, or other instrument or memorandum, written order or written receipt for the transmission or payment of money sold or issued to one or more persons whether or not that instrument or order is negotiable. Payment instrument does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit. A written order for the transmission or payment of money that results in the issuance of a check, draft, money order, traveler's check, or other instrument or memorandum is not a payment instrument.
"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.
"Transmitting money" means the transmission of money by any means, including transmissions to or from locations within the United States or to and from locations outside of the United States by payment instrument, facsimile or electronic transfer, courier or otherwise, and includes bill payment services.
(Source: P.A. 88-643, eff. 1-1-95.)

New matter indicated by italics - deletions by strikeout.
Sec. 20. Qualifications for a license.

(a) In order to obtain a license under this Act, an applicant must prove to the satisfaction of the Director all of the following:

1. That the applicant has and maintains the net worth specified in Column A, computed according to generally accepted accounting principles, corresponding to the number of locations in this State at which the applicant is conducting business or proposes to conduct business by itself and by any authorized sellers specified in Column B:

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2. That the applicant is in good standing and in statutory compliance in the state or country of incorporation or when the applicant is an entity other than a corporation, is properly registered under the laws of this State or another state or country, and if required, the corporation or entity is authorized to do business in the State of Illinois.

3. That the applicant has not been convicted within the 10 years preceding the application of a felony under the laws of this State, another state, the United States, or a foreign jurisdiction.

4. That no officer, director, controlling person, or principal of the applicant has been convicted within the 10 years preceding the application of a felony under the laws of this State, another state, the United States, or a foreign jurisdiction.

5. That the financial responsibility, financial condition, business experience, character, and general fitness of the applicant and its management are such as to justify the confidence of the public and that the applicant is fit, willing, and able to carry on the proposed business in a lawful and fair manner.

(b) The Director may, for good cause shown, waive the requirement of items (3) and (4) of subsection (a) of this Section.

(Source: P.A. 88-643, eff. 1-1-95.)

Sec. 25. Application for license.

(a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application must contain or be accompanied by all of the following:

1. The name of the applicant and the address of the principal place of business of the applicant and the address of all locations and proposed locations of the applicant in this State.

2. The form of business organization of the applicant, including:

   A. A copy of its articles of incorporation and amendments thereto and a copy of its bylaws, certified by its secretary, if the applicant is a corporation;
   B. A copy of its partnership agreement, certified by a partner, if the applicant is a partnership; or
   C. A copy of the documents that control its organizational structure, certified by a managing official, if the applicant is organized in some other form.

3. The name, business and home address, and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:

   A. The proprietor, if the applicant is an individual;
   B. Every partner, if the applicant is a partnership;
   C. Each officer, director, and controlling person, if the applicant is a corporation; and
   D. Each person in a position to exercise control over, or direction of, the business of the applicant, regardless of the form of organization of the applicant.

4. Financial statements, not more than one year old, prepared in accordance with
generally accepted accounting principles and audited by a licensed public accountant or certified public accountant showing the financial condition of the applicant and an unaudited balance sheet and statement of operation as of the most recent quarterly report before the date of the application, certified by the applicant or an officer or partner thereof. If the applicant is a wholly owned subsidiary or is eligible to file consolidated federal income tax returns with its parent, however, unaudited financial statements for the preceding year along with the unaudited financial statements for the most recent quarter may be submitted if accompanied by the audited financial statements of the parent company for the preceding year along with the unaudited financial statement for the most recent quarter.

(5) Filings of the applicant with the Securities and Exchange Commission or similar foreign governmental entity (English translation), if any.

(6) A list of all other states in which the applicant is licensed as a money transmitter and whether the license of the applicant for those purposes has ever been withdrawn, refused, canceled, or suspended in any other state, with full details.

(7) A list of all money transmitter locations and proposed locations in this State.

(8) A sample of the contract for authorized sellers.

(9) A sample form of the proposed payment instruments to be used in this State.

(10) The name and business address of the clearing banks through which the applicant intends to conduct any business regulated under this Act.

(11) A surety bond or other security as required by Section 30 of this Act.

(12) The applicable fees as required by Section 45 of this Act.

(13) A written consent to service of process as provided by Section 100 of this Act.

(14) A written statement that the applicant is in full compliance with and agrees to continue to fully comply with all state and federal statutes and regulations relating to money laundering.

(15) All additional information the Director considers necessary in order to determine whether or not to issue the applicant a license under this Act.

(b) The Director may, for good cause shown, waive, in part, any of the requirements of this Section.

(205 ILCS 657/30)

Sec. 30. Surety bond.

(a) An applicant for a license shall post and a licensee must maintain with the Director a bond or bonds issued by corporations qualified to do business as surety companies in this State.

(b) The applicant or licensee shall post a bond in the amount of the greater of $100,000 or an amount equal to the daily average of outstanding payment instruments for the preceding 12 months or operational history, whichever is shorter, up to a maximum amount of $2,000,000. When the amount of the required bond exceeds $1,000,000, the applicant or licensee may, in the alternative, post a bond in the amount of $1,000,000 plus a dollar for dollar increase in the net worth of the applicant or licensee over and above the amount required in Section 20, up to a total amount of $2,000,000.

(c) The bond must be in a form satisfactory to the Director and shall run to the State of Illinois for the benefit of any claimant against the applicant or licensee with respect to the receipt, handling, transmission, and payment of money by the licensee or authorized seller in connection with the licensed operations. A claimant damaged by a breach of the conditions of a bond shall have a right to action upon the bond for damages suffered thereby and may bring suit directly on the bond, or the Director may bring suit on behalf of the claimant.

(d) (Blank). Instead of the bond and net worth requirements required in this Section, the applicant or licensee may pledge to the Director cash or securities that bear a rating of one of the 3 highest grades by Moody's Investor's Service, Inc. or Standard and Poor's Corporation in an amount equal to the bond and net worth requirements set forth in subsection (b). The Director may provide for the custody of the securities by a trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act. The compensation, if any, of the custodian must be paid by the pledging applicant or licensee.

(e) (Blank). The bonds and securities so pledged may, with the approval of the Director, be exchanged for other bonds or securities. No bond or security may be sold or transferred by the
Director except on order of the circuit court or as otherwise provided. As long as the applicant or licensee pledging the bonds or securities remains solvent and in good standing under this Act, it shall be permitted to receive from the Director the interest and dividends on the deposit.

(f) After receiving a license, the licensee must maintain the required bond or deposit of securities until 5 years after it ceases to do business in this State unless all outstanding payment instruments are eliminated or the provisions under the Uniform Disposition of Unclaimed Property Act have become operative and are adhered to by the licensee. Notwithstanding this provision, however, the amount required to be maintained may be reduced to the extent that the amount of the licensee's payment instruments outstanding in this State are reduced.

(g) If the Director at any time reasonably determines that the required bond or deposit of securities is insecure, deficient in amount, or exhausted in whole or in part, he may in writing require the filing of a new or supplemental bond or other security in order to secure compliance with this Act and may demand compliance with the requirement within 30 days following service on the licensee.

(Source: P.A. 88-643, eff. 1-1-95.)

(205 ILCS 657/40)

Sec. 40. Renewals of license. As a condition for renewal of a license, a the licensee must submit to the Director, and the Director must receive, on or before December 1 of each year, an application for renewal made in writing and under oath; on a form prescribed by the Director. A licensee whose failing to submit an application for renewal is not received by the Department on or before December 31 shall not have its license renewed and shall be required to submit to the Director an application for a new license in accordance with Section 25. Upon a showing of good cause, the Director may extend the deadline for the filing of an application for renewal. The application for renewal of a license shall contain or be accompanied by all of the following:

(1) The name of the licensee and the address of the principal place of business of the licensee.

(2) A list of all locations where the licensee is conducting business under its license and a list of all authorized sellers through whom the licensee is conducting business under its license, including the name and business address of each authorized seller.

(3) Audited financial statements covering the past year of operations, prepared in accordance with generally accepted accounting principles, showing the financial condition of the licensee. The licensee shall submit the audited financial statement after the application for renewal has been approved. The audited financial statement must be received by the Department no later than 120 days after the end of the licensee's fiscal year, but before April 30 of the year of the renewed license. If the licensee is a wholly owned subsidiary or is eligible to file consolidated federal income tax returns with its parent, the licensee may submit unaudited financial statements if accompanied by the audited financial statements of the parent company for its most recently ended year.

(4) A statement of the dollar amount and number of money transmissions and payment instruments sold, issued, exchanged, or transmitted in this State by the licensee and its authorized sellers for the past year.

(5) A statement of the dollar amount of uncompleted money transmissions and payment instruments outstanding or in transit, in this State, as of the most recent quarter available.

(6) The annual license renewal fees and any penalty fees as provided by Section 45 of this Act.

(7) Evidence sufficient to prove to the satisfaction of the Director that the licensee has complied with all requirements under Section 20 relating to its net worth, under Section 30 relating to its surety bond or other security, and under Section 50 relating to permissible investments.

(8) A statement of a change in information provided by the licensee in its application for a license or its previous applications for renewal including, but not limited to, new directors, officers, authorized sellers, or clearing banks and material changes in the operation of the licensee's business.

(Source: P.A. 88-643, eff. 1-1-95.)

(205 ILCS 657/45)

Sec. 45. Fees.

(a) The Director shall charge and collect fees, which shall be nonrefundable unless otherwise indicated, in accordance with the provisions of this Act as follows:

(1) For applying for a license, an application fee of $100 and a license fee, which shall be refunded if the application is denied or withdrawn, of $100 plus $10 for each location at
which the applicant and its authorized sellers are conducting business or propose to conduct business excepting the applicant's principal place of business.

(2) For renewal of a license, a fee of $100 plus $10 for each location at which the licensee and its authorized sellers are conducting business, except the licensee's principal place of business.

(3) For an application to add an authorized seller location, $10 for each authorized seller location.

(4) For service of process or other notice upon the Director as provided by Section 100, a fee of $10.

(5) For an application for renewal of a license received by the Department submitted after December 1, a penalty fee of $10 per day for each day after December 1 in addition to any other fees required under this Act unless an extension of time has been granted by the Director.

(6) For failure to submit financial statements as required by Section 40 on or before April 30, a penalty fee of $10 per day for each day the statement is late after April 30 unless an extension of time has been granted by the Director.

(b) Beginning one year after the effective date of this Act, the Director may, by rule, amend the fees set forth in this Section.

(c) All moneys received by the Department under this Act shall be deposited into the Financial Institutions Fund.

(Source: P.A. 88-643, eff. 1-1-95.)

(205 ILCS 657/92 new)

Sec. 92. Receivership.

(a) If the Director determines that a licensee is insolvent or is violating this Act, he or she may appoint a receiver. Under the direction of the Director, the receiver shall, for the purpose of receivership, take possession of and title to the books, records, and assets of the licensee. The Director may require the receiver to provide security in an amount the Director deems proper. Upon appointment of the receiver, the Director shall have published, once each week for 4 consecutive weeks in a newspaper having a general circulation in the community, a notice informing all persons who have claims against the licensee to present them to the receiver. Within 10 days after the receiver takes possession, the licensee may apply to the Circuit Court of Sangamon County to enjoin further proceedings. The receiver may operate the business until the Director determines that possession should be restored to the licensee or that the business should be liquidated.

(b) If the Director determines that a business in receivership should be liquidated, he or she shall direct the Attorney General to file a complaint in the Circuit Court of the county in which the business is located, in the name of the People of the State of Illinois, for the orderly liquidation and dissolution of the business and for an injunction restraining the licensee and its officers and directors from continuing the operation of the business. Within 30 days after the day the Director determines that the business should be liquidated, the receiver shall file with the Director and with the clerk of the court that has charge of the liquidation a correct list of all creditors, as shown by the licensee's books and records, who have not presented their claims. The list shall state the amount of the claim after allowing all just credits, deductions, and set-offs as shown by the licensee's books. These claims shall be deemed proven unless some interested party files an objection within the time fixed by the Director or court that has charge of the liquidation.

(c) The General Assembly finds and declares that debt management services provide important and vital services to Illinois citizens. It is therefore declared to be the policy of this State that customers who receive these services must be protected from interruptions of services. To carry out this policy and to insure that customers of a licensee are protected if it is determined that a business in receivership should be liquidated, the Director shall make a distribution of moneys collected by the receiver in the following order of priority:

(1) Allowed claims for the actual necessary expenses of the receivership of the business being liquidated, including:

(A) reasonable receiver's fees and receiver's attorney's fees approved by the Director;

(B) all expenses of any preliminary or other examinations into the condition of the receivership;

New matter indicated by italics - deletions by strikeout.
(C) all expenses incurred by the Director that are incident to possession and control of any property or records of the licensee's business; and

(D) reasonable expenses incurred by the Director as the result of business agreements or contractual arrangements necessary to ensure that the services of the licensee are delivered to the community without interruption. These business agreements or contractual arrangements may include, but are not limited to, agreements made by the Director, or by the receiver with the approval of the Director, with banks, bonding companies, and other types of financial institutions.

(2) Allowed unsecured claims for wages or salaries, excluding vacation, severance, and sick leave pay earned by employees within 90 days before the appointment of a receiver.

(3) Allowed unsecured claims of any tax, and interest and penalty on the tax.

(4) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director within the time the Director fixes for filing claims.

(5) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director after the time fixed for filing claims by the Director.

(6) Allowed creditor claims asserted by an owner, member, or stockholder of the business in liquidation.

(7) After one year from the final dissolution of the licensee's business, all assets not used to satisfy allowed claims shall be distributed pro rata to the owner, owners, members, or stockholders of the business.

The Director shall pay all claims of equal priority according to the schedule established in this subsection and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of a licensee and the licensee's business shall be deposited with the Director to be paid out when proper claims are presented to the Director.

(d) Upon the order of the circuit court of the county in which the business being liquidated is located, the receiver may sell or compound any bad or doubtful debt, and on like order may sell the personal property of the business on such terms as the court approves. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the business may have against the owner or owners, operators, stockholders, directors, members, managers, or officers, arising out of their claims against the licensee's business, but nothing contained in this Section shall prevent those creditors from filing their claims in the liquidation proceeding. The receiver may enforce those rights or remedies in any court of competent jurisdiction.

(e) At the close of a receivership, the receiver shall turn over to the Director all books of account and ledgers of the business for preservation. The Director shall hold all records of receiverships received at any time for a period of 2 years after the close of the receivership. The records may be destroyed at the termination of the 2-year period. All expenses of the receivership including, but not limited to, reasonable receiver's and attorney's fees approved by the Director, all expenses of any preliminary or other examinations into the condition of the licensee's business or the receivership, and all expenses incident to the possession and control of any property or records of the business incurred by the Director shall be paid out of the assets of the licensee's business. These expenses shall be paid before all other claims.

(f) Upon the filing of a complaint by the Attorney General for the orderly liquidation and dissolution of a licensee's business, as provided in this Act, all pending suits and actions upon unsecured claims against the business shall abate. Nothing contained in this Act, however, prevents these claimants from filing their claims in the liquidation proceeding. If a suit or an action is instituted or maintained by the receiver on any bond or policy of insurance issued pursuant to the requirements of this Act, the bonding or insurance company sued shall not have the right to interplead or maintain any counterclaim based upon subrogation, upon any express or implied agreement of, or right to, indemnity or exoneration, or upon any other express or implied agreement with, or right against, the licensee's business. Nothing contained in this Act prevents the bonding or insurance company from filing this type of claim in the liquidation proceeding.

(g) A licensee may not terminate its affairs and close up its business unless it has first deposited with the Director an amount of money equal to all of its debts, liabilities, and lawful demands against it including the costs and expenses of a proceeding under this Section, surrendered
to the Director its license, and filed with the Director a statement of termination signed by the licensee containing a pronouncement of intent to close up its business and liquidate its liabilities and containing a sworn list itemizing in full all of its debts, liabilities, and lawful demands against it. Corporate licensees must attach to, and make a part of the statement of termination, a copy of a resolution providing for the termination and closing up of the licensee's affairs, certified by the secretary of the licensee and duly adopted at a shareholders' meeting by the holders of at least two-thirds of the outstanding shares entitled to vote at the meeting. Upon the filing with the Director of a statement of termination, the Director shall cause notice of that action to be published once each week for 3 consecutive weeks in a public newspaper of general circulation published in the city or village where the business is located, and if no newspaper is published in that place, then in a public newspaper of general circulation nearest to that city or village. The publication shall give notice that the debts, liabilities, and lawful demands against the business will be redeemed by the Director upon demand in writing made by the owner thereof, at any time within 3 years after the date of first publication. After the expiration of the 3-year period, the Director shall return to the person or persons designated in the statement of termination to receive repayment, and in the proportion specified in that statement, any balance of money remaining in his or her possession after first deducting all unpaid costs and expenses incurred in connection with a proceeding under this Section. The Director shall receive for his or her services, exclusive of costs and expenses, 2% of any amount up to $5,000 and 1% of any amount in excess of $5,000 deposited with him or her under this Section by any business. Nothing contained in this Section shall affect or impair the liability of any bonding or insurance company on any bond or insurance policy issued under this Act relating to the business.

Section 10. The Debt Management Service Act is amended by changing Sections 2, 4, and 6 and adding Section 20.5 as follows:

(205 ILCS 665/2) (from Ch. 17, par. 5302)
Sec. 2. Definitions. As used in this Act:
"Debt management service" means the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors. The business of debt management is conducted in this State if the debt management business, its employees, or its agents are located in this State or if the debt management business solicits or contracts with debtors located in this State.

This term shall not include the following when engaged in the regular course of their respective businesses and professions:
(a) Attorneys at law.
(b) Banks, fiduciaries, credit unions, savings and loan associations, and savings banks as duly authorized and admitted to transact business in the State of Illinois and performing credit and financial adjusting service in the regular course of their principal business.
(c) Title insurers and abstract companies, while doing an escrow business.
(d) Judicial officers or others acting pursuant to court order.
(e) Employers for their employees.
(f) Bill payment services, as defined in the Transmitters of Money Act.
"Director" means Director of Financial Institutions.
"Debtor" means the person or persons for whom the debt management service is performed.
"Person" means an individual, firm, partnership, association, limited liability company, corporation, or not-for-profit corporation.
"Licensee" means a person licensed under this Act.
"Director" means the Director of the Department of Financial Institutions.
(Source: P.A. 90-545, eff. 1-1-98.)
(205 ILCS 665/4) (from Ch. 17, par. 5304)
Sec. 4. Application for license. Application for a license to engage in the debt management service business in this State shall be made to the Director and shall be in writing, under oath, and in the form prescribed by the Director.
Each applicant, at the time of making such application, shall pay to the Director the sum of $30.00 as a fee for investigation of the applicant, and the additional sum of $100.00 as a license fee. Every applicant shall submit to the Director, at the time of the application for a license, a bond

New matter indicated by italics - deletions by strikeout.
to be approved by the Director in which the applicant shall be the obligor, in the sum of $25,000 or such additional amount as required by the Director based on the amount of disbursements made by the licensee in the previous year, and in which an insurance company, which is duly authorized by the State of Illinois, to transact the business of fidelity and surety insurance shall be a surety; provided, however, the Director may accept in lieu of the surety bond, a deposit in cash, a certified check payable to the Director of Financial Institutions, or United States Government Bonds in the amount of at least $25,000.

The bond shall run to the Director for the use of the Department or of any person or persons who may have a cause of action against the obligor in said bond arising out of any violation of this Act or rules by a license. Such bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Act and all rules, regulations and directions lawfully made by the Director and will pay to the Director or to any person or persons any and all money that may become due or owing to the State or to such person or persons, from said obligor under and by virtue of the provisions of this Act.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/6) (from Ch. 17, par. 5306)

Sec. 6. Renewal of license. Each licensee under the provisions of this Act may make application to the Director for renewal of its license, which application for renewal shall be on the form prescribed by the Director and shall be accompanied by a fee of $100.00 together with a bond or other surety as required, in a minimum amount of $25,000 or such an amount as required by the Director based on the amount of disbursements made by the licensee in the previous year.

The application must be received by the Department no later than December 1 of the year preceding the year for which the application applies.

(Source: P.A. 90-545, eff. 1-1-98.)

(205 ILCS 665/20.5 new)

Sec. 20.5. Receivership.

(a) If the Director determines that a licensee is insolvent or is violating this Act, he or she may appoint a receiver. Under the direction of the Director, the receiver shall, for the purpose of receivership, take possession of and title to the books, records, and assets of the licensee. The Director may require the receiver to provide security in an amount the Director deems proper. Upon appointment of the receiver, the Director shall have published, once each week for 4 consecutive weeks in a newspaper having a general circulation in the community, a notice informing all persons who have claims against the licensee to present them to the receiver. Within 10 days after the receiver takes possession, the licensee may apply to the Circuit Court of Sangamon County to enjoin further proceedings. The receiver may operate the business until the Director determines that possession should be restored to the licensee or that the business should be liquidated.

(b) If the Director determines that a business in receivership should be liquidated, he or she shall direct the Attorney General to file a complaint in the Circuit Court of the county in which the business is located, in the name of the People of the State of Illinois, for the orderly liquidation and dissolution of the business and for an injunction restraining the licensee and its officers and directors from continuing the operation of the business. Within 30 days after the day the Director determines that the business should be liquidated, the receiver shall file with the Director and with the clerk of the court that has charge of the liquidation a correct list of all creditors, as shown by the licensee's books and records, who have not presented their claims. The list shall state the amount of the claim after allowing all just credits, deductions, and set-offs as shown by the licensee's books. These claims shall be deemed proven unless some interested party files an objection within the time fixed by the Director or court that has charge of the liquidation.

(c) The General Assembly finds and declares that debt management services provide important and vital services to Illinois citizens. It is therefore declared to be the policy of this State that customers who receive these services must be protected from interruptions of services. To carry out this policy and to ensure that customers of a licensee are protected if it is determined that a business in receivership should be liquidated, the Director shall make a distribution of moneys collected by the receiver in the following order of priority:

(1) Allowed claims for the actual necessary expenses of the receivership of the business being liquidated, including:

New matter indicated by italics - deletions by strikeout.
(A) reasonable receiver's fees and receiver's attorney's fees approved by the Director;
(B) all expenses of any preliminary or other examinations into the condition of the receivership;
(C) all expenses incurred by the Director that are incident to possession and control of any property or records of the licensee's business; and
(D) reasonable expenses incurred by the Director as the result of business agreements or contractual arrangements necessary to insure that the services of the licensee are delivered to the community without interruption. These business agreements or contractual arrangements may include, but are not limited to, agreements made by the Director, or by the receiver with the approval of the Director, with banks, bonding companies, and other types of financial institutions.

(2) Allowed unsecured claims for wages or salaries, excluding vacation, severance, and sick leave pay earned by employees within 90 days before the appointment of a receiver.

(3) Allowed unsecured claims of any tax, and interest and penalty on the tax.

(4) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director within the time the Director fixes for filing claims.

(5) Allowed unsecured claims, other than a kind specified in items (1), (2), and (3) of this subsection, filed with the Director after the time fixed for filing claims by the Director.

(6) Allowed creditor claims asserted by an owner, member, or stockholder of the business in liquidation.

(7) After one year from the final dissolution of the licensee's business, all assets not used to satisfy allowed claims shall be distributed pro rata to the owner, owners, members, or stockholders of the business.

The Director shall pay all claims of equal priority according to the schedule established in this subsection and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of a licensee and the licensee's business shall be deposited with the Director to be paid out when proper claims are presented to the Director.

(d) Upon the order of the circuit court of the county in which the business being liquidated is located, the receiver may sell or compound any bad or doubtful debt, and on like order may sell the personal property of the business on such terms as the court approves. The receiver shall succeed to whatever rights or remedies the unsecured creditors of the business may have against the owner or owners, operators, stockholders, directors, members, managers, or officers, arising out of their claims against the licensee's business, but nothing contained in this Section shall prevent those creditors from filing their claims in the liquidation proceeding. The receiver may enforce those rights or remedies in any court of competent jurisdiction.

(e) At the close of a receivership, the receiver shall turn over to the Director all books of account and ledgers of the business for preservation. The Director shall hold all records of receiverships received at any time for a period of 2 years after the close of the receivership. The records may be destroyed at the termination of the 2-year period. All expenses of the receivership including, but not limited to, reasonable receiver's and attorney's fees approved by the Director, all expenses of any preliminary or other examinations into the condition of the licensee's business or the receivership, and all expenses incident to the possession and control of any property or records of the business incurred by the Director shall be paid out of the assets of the licensee's business. These expenses shall be paid before all other claims.

(f) Upon the filing of a complaint by the Attorney General for the orderly liquidation and dissolution of a licensee's business, as provided in this Act, all pending suits and actions upon unsecured claims against the business shall abate. Nothing contained in this Act, however, prevents these claimants from filing their claims in the liquidation proceeding. If a suit or an action is instituted or maintained by the receiver on any bond or policy of insurance issued pursuant to the requirements of this Act, the bonding or insurance company sued shall not have the right to interpose or maintain any counterclaim based upon subrogation, upon any express or implied agreement of, or right to, indemnity or exoneration, or upon any other express or implied agreement with, or right against, the licensee's business. Nothing contained in this Act prevents the bonding or insurance company from filing this type of claim in the liquidation proceeding.

New matter indicated by italics - deletions by strikeout.
(g) A licensee may not terminate its affairs and close up its business unless it has first deposited with the Director an amount of money equal to all of its debts, liabilities, and lawful demands against it including the costs and expenses of a proceeding under this Section, surrendered to the Director its license, and filed with the Director a statement of termination signed by the licensee containing a pronouncement of intent to close up its business and liquidate its liabilities and containing a sworn list itemizing in full all of its debts, liabilities, and lawful demands against it. Corporate licensees must attach to, and make a part of the statement of termination, a copy of a resolution providing for the termination and closing up of the licensee’s affairs, certified by the secretary of the licensee and duly adopted at a shareholders’ meeting by the holders of at least two-thirds of the outstanding shares entitled to vote at the meeting. Upon the filing with the Director of a statement of termination, the Director shall cause notice of that action to be published once each week for 3 consecutive weeks in a public newspaper of general circulation published in the city or village where the business is located, and if no newspaper is published in that place, then in a public newspaper of general circulation nearest to that city or village. The publication shall give notice that the debts, liabilities, and lawful demands against the business will be redeemed by the Director upon demand in writing made by the owner thereof, at any time within 3 years after the date of first publication. After the expiration of the 3-year period, the Director shall return to the person or persons designated in the statement of termination to receive repayment, and in the proportion specified in that statement, any balance of money remaining in his or her possession after first deducting all unpaid costs and expenses incurred in connection with a proceeding under this Section. The Director shall receive for his or her services, exclusive of costs and expenses, 2% of any amount up to $5,000 and 1% of any amount in excess of $5,000 deposited with him or her under this Section by any business. Nothing contained in this Section shall affect or impair the liability of any bonding or insurance company on any bond or insurance policy issued under this Act relating to the business.

Effective January 1, 2002.

PUBLIC ACT 92-0401
(Senate Bill No. 0915)

AN ACT concerning park districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Park District Code is amended by changing Section 10-7 as follows:
(70 ILCS 1205/10-7) (from Ch. 105, par. 10-7)
Sec. 10-7. Sale, lease, or exchange of realty.
(a) Any park district owning and holding any real estate is authorized (1) to sell or lease that property to the State of Illinois, with the State’s consent, or another unit of Illinois State or local government for public use, (2) to give the property to the State of Illinois if the property is contiguous to a State park, or (3) to lease that property upon the terms and at the price that the board determines for a period not to exceed 99 years to any corporation organized under the laws of this State, and provided that the grantee or lessee must covenant to hold and maintain the property for public park or recreational purposes unless the park district obtains other real property of substantially the same size or larger and of substantially the same or greater suitability for park purposes without additional cost to the park district. In the case of property given or sold under this subsection after the effective date of this amendatory Act of the 92nd General Assembly for which this covenant is required, the conveyance must provide that ownership of the property automatically reverts to the grantor if the grantee knowingly violates the required covenant by allowing all or any part of the property to be used for purposes other than park or recreational purposes. Real estate given, sold, or leased to the State of Illinois under this subsection (1) must be 50 acres or more in size, (2) may not be located within the territorial limits of a municipality, and (3) may not be the site of a known environmental liability or hazard.

(b) Any park district owning or holding any real estate is authorized to convey such property to a nongovernmental entity in exchange for other real property of substantially equal or greater value as determined by 2 appraisals of the property and of substantially the same or greater suitability for
park purposes without additional cost to such district.

Prior to such exchange with a nongovernmental entity the park board shall hold a public meeting in order to consider the proposed conveyance. Notice of such meeting shall be published not less than three times (the first and last publication being not less than 10 days apart) in a newspaper of general circulation within the park district. If there is no such newspaper, then such notice shall be posted in not less than 3 public places in said park district and such notice shall not become effective until 10 days after said publication or posting.

(c) Notwithstanding any other provision of this Act, this subsection (c) shall apply only to park districts that serve territory within a municipality having more than 40,000 inhabitants and within a county having more than 260,000 inhabitants and bordering the Mississippi River. Any park district owning or holding real estate is authorized to sell that property to any not-for-profit corporation organized under the laws of this State upon the condition that the corporation uses the property for public park or recreational programs for youth. The park district shall have the right of re-entry for breach of condition subsequent. If the corporation stops using the property for these purposes, the property shall revert back to ownership of the park district. Any temporary suspension of use caused by the construction of improvements on the property for public park or recreational programs for youth is not a breach of condition subsequent.

Prior to the sale of the property to a not-for-profit corporation, the park board shall hold a public meeting to consider the proposed sale. Notice of the meeting shall be published not less than 3 times (the first and last publication being not less than 10 days apart) in a newspaper of general circulation within the park district. If there is no such newspaper, then the notice shall be posted in not less than 3 public places in the park district. The notice shall be published or posted at least 10 days before the meeting. A resolution to approve the sale of the property to a not-for-profit corporation requires adoption by a majority of the park board.

(d) Real estate, not subject to such covenant or which has not been conveyed and replaced as provided in this Section, may be conveyed in the manner provided by Sections 10-7a to 10-7d hereof, inclusive.

(e) In addition to any other power provided in this Section, any park district owning or holding real estate that the board deems is not required for park or recreational purposes may lease such real estate to any individual or entity and may collect rents therefrom. Such lease shall not exceed 2 and one-half times the term of years provided for in Section 8-15 governing installment purchase contracts.

(f) Notwithstanding any other provision of law, if (i) the real estate that a park district with a population of 3,000 or less transfers by lease, license, development agreement, or other means to any private entity is greater than 70% of the district's total property and (ii) the current use of the real estate will be substantially altered by that private entity, the real estate may be conveyed only in the manner provided for in Sections 10-7a, 10-7b, and 10-7c.

(Source: P.A. 90-14, eff. 7-1-97; 91-423, eff. 8-6-99; 91-918, eff. 7-7-00.)
Effective January 1, 2002.

PUBLIC ACT 92-0402
(Senate Bill No. 0979)

AN ACT concerning schools.

WHEREAS, an estimated 5.3 million American children have asthma; and
WHEREAS, Asthma is the leading serious chronic illness among children and annually incurs a cost of $3.2 billion in treating this young population; and
WHEREAS, Asthma accounts for 10 million lost school days each year in the United States and is the leading cause of school absenteeism attributed to chronic conditions; and
WHEREAS, Asthma is the third-ranking cause of hospitalization among children under the age of 15 years and accounts for almost one in 6 of all pediatric emergency room visits; and
WHEREAS, There are more than 5,400 deaths from asthma in this country each year; and
WHEREAS, Known asthma triggers range from viral infections to allergies to irritating gases

New matter indicated by italics - deletions by strikeout.
and particles in the air; and

WHEREAS, An estimated 200,000 U.S. children with asthma have their condition worsened by exposure to second-hand smoke; and

WHEREAS, Resulting asthma attacks in children can be severe; the child may become breathless and have difficulty talking; and

WHEREAS, Children with asthma are taught by their physician or other State-licensed health care provider to take medication to prevent an attack or to help them if an attack occurs; and

WHEREAS, A child's asthma can be managed by both treatment and medication; and

WHEREAS, Elementary and secondary school students with asthma should have unobstructed access to their asthma medication; therefore

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

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

(105 ILCS 5/22-30 new)

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

(a) In this Section:

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

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

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

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

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

(A) the name and purpose of the medication;

(B) the prescribed dosage; and

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

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

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

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

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

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


PUBLIC ACT 92-0403
(Senate Bill No. 0991)

AN ACT concerning the Cook County Forest Preserve District.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. Upon the payment of any sum required by the Cook County Forest Preserve District, and subject to the conditions set forth in Section 10 of this Act, the Cook County Forest Preserve is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described lands in Cook County, Illinois:

PARCEL A
Lot 46, 47, and 48 in block 6 in Indian Highlands, a subdivision of all that part of the west 225 acres of the north 32/80ths of the north Section of Robinson's Reserve in Township 40 North, Range 12 East of the Third Principal Meridian, lying east of a line as follows:
Beginning at a point on the North line of the North Section 40.05 chains east of the Northwest corner of the North Section running thence South 22 1/4 degrees East 4.40 chains; thence South 63 1/2 degrees West 11.73 chains; thence North 55 1/2 degrees West 4.80 chains; thence South 35 1/2 degrees West 3.57 chains; thence North 79 degrees West 5.30 chains; thence South 2 degrees East 24.15 chains to the South line of said North 32/80ths of North Section, Cook County, Illinois. Permanent Index Number: 12-10-303-046

PARCEL B
That portion lying northwest of the northwesterly right of way line of the Chicago, Rock Island and Pacific Railway of the property described as follows:
The West half (W. 1/2)(except therefrom the right of way of the Chicago Rock Island and Pacific Railroad) of Lot 2 in Assessor's Division of the Northeast quarter (N.E. 1/4) of Section Twenty nine (29), Township Thirty-six (36) North, Range Thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois. Permanent Index Number: 28-29-211-010

PARCEL C
That part of Lot Four (4) of partition between the children of Hans Johann Schrum (also known as John Schrum, deceased) of lands left by him in Fractional Section 20 and 29, Township 36 North, Range 15 East of the Third Principal Meridian, lying west of Wentworth Avenue and South of a line 50 feet South of and parallel to the following described line:
Commencing at a cross notch in the center line of the pavement of Wentworth Avenue, which is 204.5 feet South of the North line of the South 1/2 of the Northeast Fractional Quarter of Said Section 20; running thence westerly on a curve having a radius of 1766.84 feet and being convex to the south and being tangent to a line forming an angle of 90 degrees and 9 minutes to the northeast with the center line of said Wentworth Avenue, in Cook County, Illinois. Also, that portion lying south of the south right of way line of River Oaks Drive of the property described as follows:
That part of Section 20, Township 36 North, Range 15 East of the Third Principal Meridian Described as follows: Commencing at a point 12.303 chains East of the Northwest corner of the East 1/2 of the Northwest 1/4 of Section 20 aforesaid; thence running east 8.994 chains; thence south 20 chains; thence west 2.50 chains; running thence south 363.4 feet, more or less, to the center line of Prairie or Ridge Road (Schrum Road); running thence Northwesterly in the center of said Road to a point due south of the place of beginning, running thence north 1458.7 feet, more or less, to the point of beginning, in Cook County, Illinois.
Permanent Index Number: Part of 30-20-103-003 and Part of 30-20-202-016

PARCEL E
That portion of the East 1/2 of the Southeast 1/4 of Section 35, Township 40 North, Range 12 East of the Third Principal Meridian lying northeasterly of the northeasterly right of way line of Thatcher Avenue in Cook County, Illinois.
Permanent Index Number: Part of 12-3 5-400-003

PARCEL F

New matter indicated by italics - deletions by strikeout.
That portion of the East 1/2 of the West 1/2 of Fractional Section 1 of Township 41 North, Range 9 East of the Third Principal Meridian lying north of the 240 foot wide right of way of Higgins Road (Route 72), except that part thereof conveyed to the Illinois State Toll Highway Commission by deed recorded April 25, 1957 as document number 16887105, and also except that part conveyed to The Northern Illinois Gas Company by deed recorded December 3, 1958 as document number 17393730 in Cook County, Illinois.

Section 10. The Cook County Forest Preserve District shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, Section 5, and this Section within 60 days after its effective date and upon receipt of the required payment, if payment is required, shall record the certified document in the Recorder's Office in Cook County.


AN ACT concerning State finances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois State Collection Act of 1986 is amended by changing Section 5 as follows:

(a) State agencies shall adopt rules establishing formal due dates for amounts owing to the State and for the referral of seriously past due accounts to private collection agencies, unless otherwise expressly provided by law or rule. Such procedures shall be established in accord with sound business practices.

(b) Agencies may enter deferred payment plans for debtors of the agency and documentation of this fact retained by the agency, where the deferred payment plan is likely to increase the net amount collected by the State.

(c) State agencies may use the Comptroller's Offset System provided in Section 10.05 of the State Comptroller Act for the collection of debts owed to the agency. All debts that exceed $1,000 and are more than 90 days past due shall be placed in the Comptroller's Offset System, unless the State agency shall have entered into a deferred payment plan or demonstrates to the Comptroller's satisfaction that referral for offset is not cost effective.

(d) State agencies shall develop internal procedures whereby agency initiated payments to its debtors may be offset without referral to the Comptroller's Offset System.

(e) State agencies or the Comptroller may remove claims from the Comptroller's Offset System, where such claims have been inactive for more than one year.

(f) State agencies may use the Comptroller's Offset System to determine if any State agency is attempting to collect debt from a contractor, bidder, or other proposed contracting party.

(f) State agencies may use the Comptroller's Offset System to determine if any State agency is attempting to collect debt from a contractor, bidder, or other proposed contracting party.

(30 ILCS 500/50-11 new)

Sec. 50-11. Debt delinquency.

(a) No person shall submit a bid for or enter into a contract with a State agency under this Code if that person knows or should know that he or she is delinquent in the payment of any debt to the State, unless the person has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the Debt Collection Board.

(b) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the contractor is not barred from being awarded a contract under this law.

New matter indicated by italics - deletions by strikeout.
Section and that the contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(30 ILCS 500/50-60)
Sec. 50-60. Voidable contracts.
(a) If any contract is entered into or purchase or expenditure of funds is made in violation of this Code or any other law, the contract may be declared void by the chief procurement officer or may be ratified and affirmed, provided the chief procurement officer determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

(b) If, during the term of a contract, the contracting agency determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of this Code, the State agency may declare the contract void if it determines that voiding the contract is in the best interests of the State. The Debt Collection Board shall adopt rules for the implementation of this subsection (b).

(Source: P.A. 90-572, eff. 2-6-98.)

Section 99. Effective date. This Act takes effect on July 1, 2002.
Effective July 1, 2002.

PUBLIC ACT 92-0405
(Senate Bill No. 1102)

AN ACT concerning administrative procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Administrative Procedure Act is amended by adding Section 1-90 as follows:

(5 ILCS 100/90 new)
Section 90. Rulemaking.
(a) "Rulemaking" means the process and required documentation for the adoption of Illinois Administrative Code text.
(b) Required documentation.
(1) At the time of original proposal, rulemaking documentation must consist of a notice page and new, amendatory, or repealed text. New, repealed, and amendatory text must be depicted in the manner required by Secretary of State rule. Amendatory rulemakings must indicate text deletion by striking through all text that is to be omitted and must indicate text addition by underlining all new text.
(2) At the time of adoption, documentation must also include pages indicating the text of the new rule, without striking and underlining, for inclusion in the official Secretary of State records, the certification required under Section 5-65(a), and any additional documentation required by Secretary of State rule.
(3) For a required rulemaking adopted under Section 5-15, an emergency rulemaking under Section 5-45, or a peremptory rulemaking under Section 5-50, the documentation requirements of paragraphs (b)(1) and (2) of this Section apply at the time of adoption.
(c) "Background text" means existing text of the Illinois Administrative Code that is part of a rulemaking but is not being amended by the rulemaking. Background text in rulemaking documentation shall match the current text of the Illinois Administrative Code.
(d) No material that was originally proposed in one rulemaking may be combined with another proposed rulemaking that was initially published without that material. However, this does not preclude separate rulemakings from being combined for publication at the time of adoption as authorized by Secretary of State rule.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning taxation.

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and
storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

New matter indicated by italics - deletions by strikeout.
(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused railyards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become
ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or
underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village or incorporated town.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of
determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated, or the date on which the bonds are retired or the contracts are completed, whichever date occurs first. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment.
project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;

New matter indicated by italics - deletions by strikeout.
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 1, 1981; and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline,
or
(L) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) On and after November 1, 1999, if the redevelopment plan will not result in displacement of residents from inhabited units, and the municipality certifies in the plan that displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by
subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that increase in the number of units to be removed shall be deemed to be a change in the nature of the redevelopment plan as to require compliance with the procedures in this Act pertaining to the initial approval of a redevelopment plan.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend.
beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor:

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure
improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;
(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and
(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;
(ii) the amount reimbursable shall be reduced by the value of any land
donated to the school district by the municipality or developer, and by the value of
any physical improvements made to the schools by the municipality or developer;
and

(iii) the amount reimbursed may not affect amounts otherwise obligated by
the terms of any bonds, notes, or other funding instruments, or the terms of any
redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and
before September 30 of each year, provide the municipality with reasonable evidence to
support its claim for reimbursement before the municipality shall be required to approve
or make the payment to the school district. If the school district fails to provide the
information during this period in any year, it shall forfeit any claim to reimbursement for
that year. School districts may adopt a resolution waiving the right to all or a portion of
the reimbursement otherwise required by this paragraph (7.5). By acceptance of this
reimbursement the school district waives the right to directly or indirectly set aside,
modify, or contest in any manner the establishment of the redevelopment project area or
projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall
be paid or is required to make payment of relocation costs by federal or State law or in order
to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education,
including but not limited to courses in occupational, semi-technical or technical fields leading
directly to employment, incurred by one or more taxing districts, provided that such costs (i)
are related to the establishment and maintenance of additional job training, advanced
vocational education or career education programs for persons employed or to be employed
by employers located in a redevelopment project area; and (ii) when incurred by a taxing
district or taxing districts other than the municipality, are set forth in a written agreement by
or among the municipality and the taxing district or taxing districts, which agreement
describes the program to be undertaken, including but not limited to the number of employees
to be trained, a description of the training and services to be provided, the number and type
of positions available or to be available, itemized costs of the program and sources of funds
to pay for the same, and the term of the agreement. Such costs include, specifically, the
payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and
3-40.1 of the Public Community College Act and by school districts of costs pursuant to
Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or
rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established
pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs
incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to
make the payment pursuant to this paragraph (11) then the amounts so due shall accrue
and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30%
of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus
(ii) redevelopment project costs excluding any property assembly costs and any relocation
costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be
modified for the financing of rehabilitated or new housing units for low-income
households and very low-income households, as defined in Section 3 of the Illinois
Affordable Housing Act. The percentage of 75% shall be substituted for 30% in
subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph
(11), as modified by this subparagraph, and notwithstanding any other provisions of this

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Act to the contrary, the municipality may pay from tax increment revenues up to 50% of
the cost of construction of new housing units to be occupied by low-income households
and very low-income households as defined in Section 3 of the Illinois Affordable
Housing Act. The cost of construction of those units may be derived from the proceeds
of bonds issued by the municipality under this Act or other constitutional or statutory
authority or from other sources of municipal revenue that may be reimbursed from tax
increment revenues or the proceeds of bonds issued to finance the construction of that
housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an
eligible cost for the construction, renovation, and rehabilitation of all low and very
low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act,
within the redevelopment project area. If the low and very low-income units are part of
a residential redevelopment project that includes units not affordable to low and very
low-income households, only the low and very low-income units shall be eligible for
benefits under subparagraph (F) of paragraph (11). The standards for maintaining the
occupancy by low-income households and very low-income households, as defined in
Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible
costs made available under the provisions of this subparagraph (F) of paragraph (11) shall
be established by guidelines adopted by the municipality. The responsibility for annually
documenting the initial occupancy of the units by low-income households and very
low-income households, as defined in Section 3 of the Illinois Affordable Housing Act,
shall be that of the then current owner of the property. For ownership units, the guidelines
will provide, at a minimum, for a reasonable recapture of funds, or other appropriate
methods designed to preserve the original affordability of the ownership units. For rental
units, the guidelines will provide, at a minimum, for the affordability of rent to low and
very low-income households. As units become available, they shall be rented to
income-eligible tenants. The municipality may modify these guidelines from time to time;
the guidelines, however, shall be in effect for as long as tax increment revenue is being
used to pay for costs associated with the units or for the retirement of bonds issued to
finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population
of more than 100,000, the cost of day care services for children of employees from
low-income families working for businesses located within the redevelopment project area
and all or a portion of the cost of operation of day care centers established by redevelopment
project area businesses to serve employees from low-income families working in businesses
located in the redevelopment project area. For the purposes of this paragraph, "low-income
families" means families whose annual income does not exceed 80% of the municipal, county,
or regional median income, adjusted for family size, as the annual income and municipal,
county, or regional median income are determined from time to time by the United States
Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned
buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the
redevelopment project costs enumerated in this subsection shall be eligible redevelopment
project costs if those costs would provide direct financial support to a retail entity initiating
operations in the redevelopment project area while terminating operations at another Illinois
location within 10 miles of the redevelopment project area but outside the boundaries of the
redevelopment project area municipality. For purposes of this paragraph, termination means
a closing of a retail operation that is directly related to the opening of the same operation or
like retail entity owned or operated by more than 50% of the original ownership in a
redevelopment project area, but it does not mean closing an operation for reasons beyond the
control of the retail entity, as documented by the retail entity, subject to a reasonable finding
by the municipality that the current location contained inadequate space, had become
economically obsolete, or was no longer a viable location for the retailer or serviceman.
If a special service area has been established pursuant to the Special Service Area Tax Act or

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Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel

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or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 90-379, eff. 8-14-97; 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff. 6-9-00)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

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Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection

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(b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosmone, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 90-379, eff. 8-14-97; 91-261, eff. 7-23-99; 91-477, eff. 8-11-99; 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff. 6-9-00.)


Effective January 1, 2002.

AN ACT in relation to vehicles.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 12-215 as follows:

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

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3. Vehicles of local fire departments and State or federal firefighting vehicles;
4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured; and
5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;
2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;
3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;
4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;
5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;
6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;
7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;
8. Such other vehicles as may be authorized by local authorities;
9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;
10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;
11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;
12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;
13. Vehicles used by a security company, alarm responder, or control agency, if the security company, alarm responder, or control agency is bound by a contract with a federal, State, or local government entity to use the lights; and
14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located.
(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:
1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:

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voluntary firefighter;
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad; or
paid or unpaid member of a voluntary ambulance unit.

However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except motor vehicles or equipment of the State of Illinois, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 90-330, eff. 8-8-97; 90-347, eff. 1-1-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

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


PUBLIC ACT 92-0408
(House Bill No. 0632)

AN ACT in relation to children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Abandoned Newborn Infant Protection Act.

New matter indicated by italics - deletions by strikeout.
Section 5. Public policy. Illinois recognizes that newborn infants have been abandoned to the environment or to other circumstances that may be unsafe to the newborn infant. These circumstances have caused injury and death to newborn infants and give rise to potential civil or criminal liability to parents who may be under severe emotional distress. This Act is intended to provide a mechanism for a newborn infant to be relinquished to a safe environment and for the parents of the infant to remain anonymous if they choose and to avoid civil or criminal liability for the act of relinquishing the infant. It is recognized that establishing an adoption plan is preferable to relinquishing a child using the procedures outlined in this Act, but to reduce the chance of injury to a newborn infant, this Act provides a safer alternative.

A public information campaign on this delicate issue shall be implemented to encourage parents considering abandonment of their newborn child to relinquish the child under the procedures outlined in this Act, to choose a traditional adoption plan, or to parent a child themselves rather than place the newborn infant in harm's way.

Section 10. Definitions. In this Act:
"Abandon" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Abused child" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents.
"Department" or "DCFS" means the Illinois Department of Children and Family Services.
"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act.
"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act.
"Fire station" means a fire station within the State that is staffed with at least one full-time emergency medical professional.
"Hospital" has the same meaning as in the Hospital Licensing Act.
"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities.
"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Newborn infant" means a child who a licensed physician reasonably believes is 72 hours old or less at the time the child is initially relinquished to a hospital, fire station, or emergency medical facility, and who is not an abused or a neglected child.
"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 72 hours old or less, to a hospital, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.
"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

Section 15. Presumptions.
(a) There is a presumption that by relinquishing a newborn infant in accordance with this Act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.
(b) There is a presumption that a person relinquishing a newborn infant in accordance with this Act:

(1) is the newborn infant's biological parent; and
(2) either without expressing an intent to return for the infant or expressing an intent not to return for the infant, did intend to relinquish the infant to the hospital, fire station, or emergency medical facility to treat, care for, and provide for the infant in accordance with this Act.

New matter indicated by italics - deletions by strikeout.
A parent of a relinquished newborn infant may rebut the presumption set forth in either subsection (a) or subsection (b) pursuant to Section 55, at any time before the termination of the parent's parental rights.

Section 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or the Department.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the parent of a newborn infant returns to reclaim the child within 72 hours after relinquishing the child to a fire station or emergency medical facility, the fire station or emergency medical facility must inform the parent of the name and location of the hospital to which the infant was transported.

Section 25. Immunity for relinquishing person.

(a) The act of relinquishing a newborn infant to a hospital, fire station, or emergency medical facility in accordance with this Act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

(b) If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a hospital, fire station, or emergency medical facility, the personnel of the hospital, fire station, or emergency medical facility who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

(c) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this Act.

Section 27. Immunity of facility and personnel. A hospital, fire station, or emergency medical facility, and any personnel of a hospital, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with this Act. Nothing in this Act limits liability for negligence for care and medical treatment.

Section 30. Anonymity of relinquishing person. If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the hospital, fire station, or emergency medical facility at any time and not be pursued or followed. Before the relinquishing person leaves the hospital, fire station, or emergency medical facility, the hospital, fire station, or emergency medical facility personnel shall i) verbally inform the relinquishing person that by relinquishing the child anonymously, he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child and ii) shall offer the relinquishing person the information packet described in Section 35 of this Act.

However, nothing in this Act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the hospital, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

Section 35. Information for relinquishing person. A hospital, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act must offer an
information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary, that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. The information packet must include all of the following:

1. All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll free phone number of the Registry.
2. Written notice of the following:
   (A) No sooner than 60 days following the date of the initial relinquishment of the infant to a hospital, fire station, or emergency medical facility, the child-placing agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.
   (B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.
3. A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange to hospitals, fire stations, and emergency medical facilities.

Section 40. Reporting requirements.
(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a fire station or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department.
(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.
(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child-placing agency to accept physical custody of the relinquished newborn infant.
(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

Section 45. Medical assistance. Notwithstanding any other provision of law, a newborn infant relinquished in accordance with this Act shall be deemed eligible for medical assistance under the Illinois Public Aid Code, and a hospital providing medical services to such an infant shall be reimbursed for those services in accordance with the payment methodologies authorized under that Code. In addition, for any day that a hospital has custody of a newborn infant relinquished in accordance with this Act and the infant does not require medically necessary care, the hospital shall be reimbursed by the Illinois Department of Public Aid at the general acute care per diem rate, in accordance with 89 Ill. Adm. Code 148.270(c).

Section 50. Child-placing agency procedures.
(a) The Department's State Central Registry must maintain a list of licensed child-placing agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child-placing agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn infant has been relinquished in accordance with this Act.
(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child-placing agency must accept the newborn infant if the agency has the accommodations to do so. The child-placing agency must seek an order for legal custody of the infant upon its acceptance of the infant.
(c) Within 3 business days after assuming physical custody of the infant, the child-placing agency shall file a petition in the division of the circuit court in which petitions for adoption would

New matter indicated by italics - deletions by strikeout.
normally be heard. The petition shall allege that the newborn infant has been relinquished in accordance with this Act and shall state that the child-placing agency intends to place the infant in an adoptive home.

(d) If no licensed child-placing agency is able to accept the relinquished newborn infant, then the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall remain in effect until a final adoption order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child-placing agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child-placing agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the hospital, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights, the Department or child-placing agency must do the following:

(1) Search its Putative Father Registry for the purpose of determining the identity and location of the putative father of the relinquished newborn infant who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth; earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with Section 12a of the Adoption Act.

(2) Verify with law enforcement officials, using the National Crime Information Center, that the relinquished newborn infant is not a missing child.

Section 55. Petition for return of custody.

(a) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child-placing agency and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending.

(c) If a petition for the termination of parental rights has not been filed by the Department or the child-placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.

(d) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a hospital, fire station, or emergency medical facility in accordance with this Act.

(e) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act,
including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a hospital, fire station, or emergency medical facility.

Section 60. Department's duties. The Department must implement a public information program to promote safe placement alternatives for newborn infants. The public information program must inform the public of the following:

(1) The relinquishment alternative provided for in this Act, which results in the adoption of a newborn infant under 72 hours of age and which provides for the parent's anonymity, if the parent so chooses.

(2) The alternative of adoption through a public or private agency, in which the parent's identity may or may not be known to the agency, but is kept anonymous from the adoptive parents, if the birth parent so desires, and which allows the parent to be actively involved in the child's adoption plan.

The public information program may include, but need not be limited to, the following elements:

(i) Educational and informational materials in print, audio, video, electronic or other media.

(ii) Establishment of a web site.

(iii) Public service announcements and advertisements.

(iv) Establishment of toll-free telephone hotlines to provide information.

Section 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under this Act. Fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child-placing agencies; and the services provided by child-placing agencies and the disposition of the cases of the children placed under this Act.

(c) The Department shall submit a report by January 1, 2002, and on January 1 of each year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of children under this Act. The report shall include, but need not be limited to, a summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

Section 70. Construction of Act. Nothing in this Act shall be construed to preclude the courts of this State from exercising their discretion to protect the health and safety of children in individual cases. The best interests and welfare of a child shall be a paramount consideration in the construction and interpretation of this Act. It is in the child's best interests that this Act be construed and interpreted so as not to result in extending time limits beyond those set forth in this Act.

Section 75. Repeal. This Act is repealed on July 1, 2007.

Section 90. The Illinois Public Aid Code is amended by changing Section 4-1.2 as follows:

(305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

Sec. 4-1.2. Living Arrangements - Parents - Relatives - Foster Care.

(a) The child or children must (1) be living with his or their father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, or other relative approved by the Illinois Department, in a place of residence maintained by one or more of such relatives as his or their own home, or (2) have been (a) removed from the home of the parents or other relatives by judicial order under the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, (b) placed under the guardianship of the Department of Children and Family Services, and
(c) under such guardianship, placed in a foster family home, group home or child care institution licensed pursuant to the "Child Care Act of 1969", approved May 15, 1969, as amended, or approved by that Department as meeting standards established for licensing under that Act, or (3) have been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child so placed in foster care who was not receiving aid under this Article in or for the month in which the court proceedings leading to that placement were initiated may qualify only if he lived in the home of his parents or other relatives at the time the proceedings were initiated, or within 6 months prior to the month of initiation, and would have received aid in and for that month if application had been made therefor.

(b) The Illinois Department may, by rule, establish those persons who are living together who must be included in the same assistance unit in order to receive cash assistance under this Article and the income and assets of those persons in an assistance unit which must be considered in determining eligibility.

(c) The conditions of qualification herein specified shall not prejudice aid granted under this Code for foster care prior to the effective date of this 1969 Amendatory Act.

(Source: P.A. 90-17, eff. 7-1-97.)

Section 92. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)
Sec. 3. As used in this Act unless the context otherwise requires:
"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.
"Department" means Department of Children and Family Services.
"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.
"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:
  a. inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
  b. creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
  c. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;
  d. commits or allows to be committed an act or acts of torture upon such child;
  e. inflicts excessive corporal punishment;
  f. commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child;
  g. causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or None of the above.
other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private nonprofit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any report to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

(Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98; 91-802, eff. 1-1-01.)

Section 95. The Juvenile Court Act of 1987 is amended by changing Section 2-3 as follows:

Sec. 2-3. Neglected or abused minor.

(1) Those who are neglected include:

(a) any minor under 18 years of age who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative for any period of time; or

(b) any minor under 18 years of age whose environment is injurious to his or her welfare; or
(c) any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant; or

(d) any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor.

Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including but not limited to:

1. the age of the minor;
2. the number of minors left at the location;
3. special needs of the minor, including whether the minor is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
4. the duration of time in which the minor was left without supervision;
5. the condition and location of the place where the minor was left without supervision;
6. the time of day or night when the minor was left without supervision;
7. the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;
8. the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
9. whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
10. whether the minor was given a phone number of a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;
11. whether there was food and other provision left for the minor;
12. whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the minor;
13. the age and physical and mental capabilities of the person or persons who provided supervision for the minor;
14. whether the minor was left under the supervision of another person;
15. any other factor that would endanger the health and safety of that particular minor.

A minor shall not be considered neglected for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;

(iii) commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include minors under 18 years of age;

(iv) commits or allows to be committed an act or acts of torture upon such minor;

(v) inflicts excessive corporal punishment.

A minor shall not be considered abused for the sole reason that the minor has been
relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(3) This Section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.

(Source: P.A. 89-21, eff. 7-1-95; 90-239, eff. 7-28-97.)

Section 96. The Criminal Code of 1961 is amended by changing Sections 12-21.5 and 12-21.6 as follows:

(720 ILCS 5/12-21.5)
(a) A person commits the offense of child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more, except that a person does not commit the offense of child abandonment when he or she relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors:

1. the age of the child;
2. the number of children left at the location;
3. special needs of the child, including whether the child is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
4. the duration of time in which the child was left without supervision;
5. the condition and location of the place where the child was left without supervision;
6. the time of day or night when the child was left without supervision;
7. the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light;
8. the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision;
9. whether the child's movement was restricted, or the child was otherwise locked within a room or other structure;
10. whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;
11. whether there was food and other provision left for the child;
12. whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child;
13. the age and physical and mental capabilities of the person or persons who provided supervision for the child;
14. any other factor that would endanger the health or safety of that particular child;
15. whether the child was left under the supervision of another person.

(d) Child abandonment is a Class 4 felony. A second or subsequent offense after a prior conviction is a Class 3 felony.

(Source: P.A. 88-479.)

(720 ILCS 5/12-21.6)
Sec. 12-21.6. Endangering the life or health of a child.
(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health, except that it is not unlawful for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.
Section 96.5. The Neglected Children Offense Act is amended by changing Section 2 as follows:

Sec. 2. Any parent, legal guardian or person having the custody of a child under the age of 18 years, who knowingly or wilfully causes, aids or encourages such person to be or to become a dependent and neglected child as defined in section 1, who knowingly or wilfully does acts which directly tend to render any such child so dependent and neglected, or who knowingly or wilfully fails to do that which will directly tend to prevent such state of dependency and neglect is guilty of the Class A misdemeanor of contributing to the dependency and neglect of children, except that a person who relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act is not guilty of that misdemeanor. Instead of imposing the punishment hereinbefore provided, the court may release the defendant from custody on probation for one year upon his or her entering into recognizance with or without surety in such sum as the court directs. The conditions of the recognizance shall be such that if the defendant appears personally in court whenever ordered to do so within the year and provides and cares for such neglected and dependent child in such manner as to prevent a continuance or repetition of such state of dependency and neglect or as otherwise may be directed by the court then the recognizance shall be void, otherwise it shall be of full force and effect. If the court is satisfied by information and due proof under oath that at any time during the year the defendant has violated the terms of such order it may forthwith revoke the order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall at the end of the year be discharged. In case of forfeiture on the recognizance the sum recovered thereon may in the discretion of the court be paid in whole or in part to someone designated by the court for the support of such dependent and neglected child.

Section 97. The Adoption Act is amended by changing Section 1 as follows:

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:
A. "Child" means a person under legal age subject to adoption under this Act.
B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.
C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.
D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:
   (a) Abandonment of the child.
   (a-1) Abandonment of a newborn infant in a hospital.
   (a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
   (b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
   (c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.
   (d) Substantial neglect of the child if continuous or repeated.
   (d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.
   (e) Extreme or repeated cruelty to the child.
(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the

New matter indicated by italics - deletions by strikeout.
child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created

New matter indicated by italics - deletions by strikeout.
by the mother or any other person having legal custody. Proof of that fact need only be by a
preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially
able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from
a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment,
mental illness or mental retardation as defined in Section 1-116 of the Mental Health and
Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of
that Code, and there is sufficient justification to believe that the inability to discharge parental
responsibilities shall extend beyond a reasonable time period. However, this subdivision (p)
shall not be construed so as to permit a licensed clinical social worker to conduct any medical
diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or
attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children
and Family Services, the parent is incarcerated as a result of criminal conviction at the time
the petition or motion for termination of parental rights is filed, prior to incarceration the
parent had little or no contact with the child or provided little or no support for the child, and
the parent's incarceration will prevent the parent from discharging his or her parental
responsibilities for the child for a period in excess of 2 years after the filing of the petition or
motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children
and Family Services, the parent is incarcerated at the time the petition or motion for
termination of parental rights is filed, the parent has been repeatedly incarcerated as a result
of criminal convictions, and the parent's repeated incarceration has prevented the parent from
discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of
a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled
Substances Act, or a metabolite of a controlled substance, with the exception of controlled
substances or metabolites of such substances, the presence of which in the newborn infant was
the result of medical treatment administered to the mother or the newborn infant, and that the
biological mother of this child is the biological mother of at least one other child who was
adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act
of 1987, after which the biological mother had the opportunity to enroll in and participate in
a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose
of this Act, a person who has executed a final and irrevocable consent to adoption or a final and
irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a
court, is not a parent of the child who was the subject of the consent or surrender, unless the consent
is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the
agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has
consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement
made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of
Section 10; or

(d) an adult who meets the conditions set forth in Section 3 of this Act; or:

(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn
Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for
adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes

New matter indicated by italics - deletions by strikeout.
the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which
is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97; 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff. 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00; revised 8-31-99.)

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 92-0409
(House Bill No. 0678)

AN ACT relating to schools.

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

Section 5. The Illinois Violence Prevention Act of 1995 is amended by changing Section 25 as follows:

(20 ILCS 4027/25)

(Section scheduled to be repealed on July 1, 2002)

Sec. 25. Safe to Learn Program.

(a) The Authority shall establish and administer a grant program to be known as the Safe to Learn Program. Funds appropriated to the Authority for this program shall be used to support and fund school-based safety and violence prevention programs that address any or all of the following components:

(1) Building security, including but not limited to portable metal detectors.
(2) Violence prevention and intervention.
(3) Crisis management.
(4) Training of teachers and other school personnel.

(b) Ten percent of any funds appropriated for this program may be used by the Authority to provide technical assistance and program support. Five percent of any funds appropriated for this program may be used by the Authority for administration of this program. Up to $500,000 of any funds appropriated for this program may be used by the Authority for each of 3 years to conduct a demonstration and evaluation of a comprehensive prekindergarten through 12th grade school-based violence prevention program in 3 pilot sites in this State. The Authority shall distribute any remaining funds appropriated for this program to school districts in the form of grants, subject to criteria and procedures developed by the Authority.

(c) This Section is repealed on July 1, 2005.

(Source: P.A. 91-10, eff. 7-1-99; 91-14, eff. 7-1-99.)

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


PUBLIC ACT 92-0410
(House Bill No. 0681)

AN ACT concerning factory built housing.

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

Section 1. Short title. This Act may be cited as the Manufactured Home Quality Assurance Act.

New matter indicated by italics - deletions by strikeout.
Section 5. Purpose. The purpose of this Act is to ensure that the people of the State of Illinois who purchase manufactured homes receive a quality product and quality installation.

Section 10. Definitions. In this Act:
"Department" means the Illinois Department of Public Health.
"Licensed installer" means a person who has successfully completed a manufactured home installation course approved by the Department and paid the required fees.
"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons; provided, that any such structure resting wholly on a permanent foundation of material such as mortared concrete block, mortared brick, or concrete which extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than 6 feet and within one foot of the corners, and embedded at least 7 inches into concrete foundations or 15 inches into block foundations, shall not be construed as a mobile home or manufactured home. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 and does not include an immobilized mobile home as defined in Section 2.10 of the Mobile Home Park Act.
"Manufacturer" means a manufacturer of a manufactured home, whether the manufacturer is located within or outside of the State of Illinois.
"Mobile home" means a manufactured home.
"Mobile home park" means a tract of land or 2 or more contiguous tracts of land which contain sites with the necessary utilities for 5 or more manufactured homes either free of charge or for revenue purposes.

Section 15. Enforcement of setup standards. The Department is responsible for enforcing setup standards mandated by the United States Department of Housing and Urban Development as set forth in manufacturers' specifications. In the absence of manufacturer's specifications, the Department must provide installation standards.

Section 20. Manufacturer's licenses; fees. No manufacturer may sell a manufactured home that is to be installed in the State of Illinois unless the Department has issued to that person a license under this Section. Each manufacturer's license issued or renewed is valid until December 31 of the year it was issued or renewed. The fee for the issuance and renewal of a manufacturer's license is $500 per year.

Section 25. Installation of home; installer's license; fees; display of license. All manufactured homes installed after December 31, 2001 shall be installed under the onsite supervision of a licensed manufactured home installer. The fee for the issuance and renewal of an installer's license is $150 per year. In addition, a fee of $25 must be paid by the licensed installer responsible for the installation for each manufactured home installed. A licensed installer must provide proof of licensing at the installation site at all times during the installation. The licensed installer responsible for the installation must disclose the place of manufactured home delivery and the name of the buyer to the Department.

Section 30. Installer training. Licensed installers must satisfactorily complete the Illinois Manufactured Housing Association setup course or other training approved by the Department. An installer who before January 1, 2002 has satisfactorily completed a setup course or other training approved by the Department is not required to complete any other course or training to qualify for a license under this Act.

Section 35. Deposit of funds. The Department must deposit all funds received under this Act into the Facility Licensing Fund.

Section 40. Oversight.
(a) This Act is to be administered by the Department. The Department and other personnel as the Department considers necessary must perform the following duties:
(1) Issue manufacturer's licenses and collect fees.
(2) Issue installer's licenses and collect fees.

New matter indicated by italics - deletions by strikeout.
(b) The Department must serve as a liaison between the State, mobile home park owners, purchasers of mobile homes, dealers, manufacturers, and installers. The Department must receive and investigate complaints related to this Act for the purpose of obtaining non-binding resolution of conflicts between park owners, dealers, manufacturers, installers, and purchasers of mobile homes.

(c) There is created the Manufactured Housing Quality Assurance Board to consult and advise the Department. The Board must comprise 9 members as follows: (i) The Director of the Department, or his or her designee, to serve as chairman; (ii) 3 residents of mobile home parks who have lived in mobile homes for at least 5 years; (iii) the president of a state association of mobile home owners or his or her representative; (iv) one mobile home park owner who has owned a mobile home park containing at least 20 sites for at least 5 years; (v) one licensed dealer; (vi) one licensed installer; and (vii) one licensed manufacturer. Each individual described in items (iv), (v), (vi), and (vii) must be an active member of either the Illinois Manufactured Housing Association or the Illinois Housing Institute.

(d) Members of the Board are appointed by the Governor for 3 year terms, except that, of the initial members, the terms of 3 members expire on December 31 of the year following the effective date of this Act and the terms of 3 other members expire on December 31 of the second year following the effective date of this Act. Members serve until their successors are appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed is appointed for the remainder of that term. The initial appointments commence on the effective date of this Act.

(e) The Board must meet at least 3 times each year. Additional meetings may be called by the Department. A majority of the members of the Board constitute a quorum. Each member of the Board must be compensated for travel expenses incurred in the performance of duties as a member of the Board in accordance with Section 12-2 of the State Finance Act.

(f) The Department must promulgate rules to implement this Act.

Section 45. Penalties. The Department may revoke a license issued under this Act for a period not to exceed 6 months for a violation of this Act. A licensee is entitled to a hearing in accordance with the Illinois Administrative Procedure Act prior to a revocation of his or her license.

Section 50. Injunctive relief. If the Department finds that any installer or manufacturer is operating without a valid license, the Director of the Department may request that the Attorney General file a complaint in circuit court in the name of the People of the State of Illinois to enjoin that installer or manufacturer from engaging in unlicensed activities.

Section 55. Exemption. Nothing in this Act shall be construed to require a person who installs a new or used manufactured home on his or her own property outside a mobile home park as defined in the Mobile Home Park Act to acquire an installer's license. However, said person may not hire anyone for the purpose of avoiding the licensure requirement. Such individual also waives any rights provided under this Act as a result of not using a licensed installer.

Section 60. Exclusive State power or function. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government to which this Act applies, including home rule units, except as otherwise provided in this Act.

Section 65. Applicability. This Act does not apply to home rule municipalities with a population in excess of 1,000,000.

Section 99. Effective date. This Act takes effect on January 1, 2002.


Effective January 1, 2002.
Section 5. The Illinois Vehicle Code is amended by changing Sections 1-159.1, 3-616, 11-1301.2, 11-1301.3, 11-1301.5, and 11-1301.6 as follows:

(625 ILCS 5/1-159.1) (from Ch. 95 1/2, par. 1-159.1)
Sec. 1-159.1. Person with disabilities. A natural person who, as determined by a licensed physician: (1) cannot walk 200 feet without stopping to rest; (2) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (2) (D) is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; (3) (F) uses portable oxygen; (4) (G) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; (5) or (6) is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition; or (6) cannot walk 200 feet without stopping to rest because of one of the above 5 conditions.
(Source: P.A. 88-685, eff. 1-24-95.)

(625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)
Sec. 3-616. Person with disabilities license plates.
(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611, provided that the person with disabilities or person who is deaf or hard of hearing has not not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided that any person making such a request must submit a statement certified by a licensed physician to the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code, or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person thereon named has a disability shall be adequate documentation of such a disability.
(b) The Secretary shall issue plates under this Section to a parent or legal guardian of a person with disabilities if the person with disabilities a member of that person's immediate family has a Class 1A or Class 2A disability as defined in Section 4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section 1-159.1 of this Code, and does not possess a vehicle registered in his or her name, provided the person with disabilities relies frequently on the parent or legal guardian applicant for transportation in the vehicle to be registered. Only one vehicle per family may be registered under this subsection, unless the applicant can justify in writing the need for one additional set of plates. Any person requesting special plates under this subsection shall submit such documentation or such physician's statement as is required in subsection paragraph (a) and a statement describing the circumstances qualifying for issuance of special plates under this subsection.
(c) The Secretary may issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1 without regard to qualification of such person with disabilities for a driver's license or registration of a vehicle by such person with disabilities or such person's immediate family, provided such person with disabilities making such a request has been issued a Disabled Person Identification Card indicating that the person named thereon has a Class 1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician to the effect that such person is a person with disabilities as defined by Section 1-159.1.
(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify as necessary the eligibility of persons whose disabilities are other than permanent for special plates or person with disabilities parking decals or devices issued under subsections (a), (b) and (c). Except as provided under subsection (f) of this Section, no such special plates, decals or devices shall be issued by the Secretary of State to or on behalf of any person with disabilities unless such person is certified as meeting the definition of a person with disabilities pursuant to Section 1-159.1 or meeting the requirement of a Type Four disability as provided under Section 4A of the Illinois Identification Card Act.
Card Act for the period of time that the physician determines the applicant will have the disability, but not to exceed 6 months from the date of certification or recertification.

(e) Any person requesting special plates under this Section may also apply to have the special plates personalized, as provided under Section 3-405.1.

(f) The Secretary of State, upon application, shall issue person with disabilities registration plates or a person with disabilities parking decal to corporations, school districts, State or municipal agencies, limited liability companies, nursing homes, convalescent homes, or special education cooperatives which will transport persons with disabilities. The Secretary shall prescribe by rule a means to certify or re-certify the eligibility of organizations to receive person with disabilities plates or decals and to designate which of the two person with disabilities emblems shall be placed on qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into agreements with other jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of parking privileges by such jurisdictions to permanently disabled residents of this State who display a special license plate or parking device that contains the International symbol of access on his or her motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State shall grant the same parking privileges which are granted to disabled residents of this State to any non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if such vehicle displays the international symbol of access or a distinguishing insignia on license plates or parking device issued in accordance with the laws of the non-resident's state, district, territory or foreign country. (Source: P.A. 91-769, eff. 6-9-00; revised 12-26-00.)

(625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)
Sec. 11-1301.2. Special decals for a person with disabilities parking.
(a) The Secretary of State shall provide for, by administrative rules, the design, size, color, and placement of a person with disabilities motorist decal or device and shall provide for, by administrative rules, the content and form of an application for a person with disabilities motorist decal or device, which shall be used by local authorities in the issuance thereof to a person with temporary disabilities, provided that the decal or device is valid for no more than 90 days, subject to renewal for like periods based upon continued disability, and further provided that the decal or device clearly sets forth the date that the decal or device expires. The application shall include the requirement of an Illinois Identification Card number or a State of Illinois driver's license number. This decal or device shall be the property of such person with disabilities and may be used by that person to designate and identify a vehicle not owned or displaying a registration plate as provided in Sections 3-609 and 3-616 of this Act to designate when the vehicle is being used to transport said person or persons with disabilities, and thus is entitled to enjoy all the privileges that would be afforded a person with disabilities licensed vehicle. Person with disabilities decals or devices issued and displayed pursuant to this Section shall be recognized and honored by all local authorities regardless of which local authority issued such decal or device.

The decal or device shall be issued only upon a showing by adequate documentation that the person for whose benefit the decal or device is to be used has a temporary disability as defined in Section 1-159.1 of this Code.

(b) The local governing authorities shall be responsible for the provision of such decal or device, its issuance and designated placement within the vehicle. The cost of such decal or device shall be at the discretion of such local governing authority.

(c) The Secretary of State may, pursuant to Section 3-616(c), issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1. Any person with disabilities parking decal or device issued by the Secretary of State shall be registered to that person with disabilities in the form to be prescribed by the Secretary of State. The person with disabilities parking decal or device shall not display that person's address. One additional decal or device may be issued to an applicant upon his or her written request and with the approval of the Secretary of State. The written request must include a justification of the need for the additional decal or device.

(d) Replacement decals or devices may be issued for lost, stolen, or destroyed decals upon application and payment of a $10 fee. The replacement fee may be waived for individuals that have claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

New matter indicated by italics - deletions by strikeout.
Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities. 

(a) It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles bearing such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles bearing such registration plates. An individual with a vehicle bearing a person with disabilities license plate or parking decal or device issued to a disabled person under Sections 3-616, 11-1301.1, or 11-1301.2 is in violation of this Section if the person is not the authorized holder of a person with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or parking decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plates or parking decals or devices under this Code. Any motor vehicle bearing a person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by state and local authorities as a valid license plate or device and receive the same parking privileges as residents of this State.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of this Section shall be fined $100 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to $200 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that the sign posted pursuant to this Section does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(d) Local authorities shall impose fines as established in subsection (c) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a person with disabilities license plate under Section 3-616 of this Code or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code.

Sec. 11-1301.5. Fictitious or unlawfully altered person with disabilities license plate or parking decal or device.

(a) As used in this Section: "Fictitious person with disabilities license plate or parking decal or device" means any issued person with disabilities license plate or parking decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application. "False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the application for a person with disabilities license plate or parking permit or device that falsifies the content of the application.
"Unlawfully altered person with disabilities license plate or parking permit or device" means any person with disabilities license plate or parking permit or device issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device.

"Authorized holder" means an individual issued a person with disabilities license plate under Section 3-616 of this Code or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code.

(b) It is a violation of this Section for any person:
   (1) to knowingly possess any fictitious or unlawfully altered person with disabilities license plate or parking decal or device;
   (2) to knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person with disabilities license plate or parking decal or device;
   (3) to knowingly alter any person with disabilities license plate or parking decal or device;
   (4) to knowingly manufacture, possess, transfer, or provide any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious person with disabilities license plate or parking decal or device;
   (5) to knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person with disabilities license plate or parking decal or device; or
   (6) to knowingly transfer a person with disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person with disabilities license plate or parking decal or device under this Code in the absence of the authorized holder.

(c) Sentence.
   (1) Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor.
   (2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State.
   (3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the person with disabilities license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the person with disabilities license plate of any person who commits a violation of this Section.

(625 ILCS 5/11-1301.6)
Sec. 11-1301.6. Fraudulent person with disabilities license plate or parking decal or device.
(a) As used in this Section:
   "Fraudulent person with disabilities license plate or parking decal or device" means any person with disabilities license plate or parking decal or device that purports to be an official person with disabilities license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government.
   "Person with disabilities license plate or parking decal or device-making implement" means any implement specially designed or primarily used in the manufacture, assembly, or authentication of a person with disabilities license plate or parking decal or device issued by the Secretary of State or a unit of local government.
   (b) It is a violation of this Section for any person:
      (1) to knowingly possess any fraudulent person with disabilities license plate or parking decal;
      (2) to knowingly possess without authority any person with disabilities license plate or parking decal or device-making implement;
      (3) to knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person with disabilities license plate or parking decal or device;
      (4) to knowingly assist in the duplication, manufacturing, selling, or transferring of any
fraudulent or stolen person with disabilities license plate or parking decal or device; or  
(5) to advertise or distribute a fraudulent person with disabilities license plate or parking decal or device.

c) Sentence.  
(1) Any person convicted of a violation of this Section shall be guilty of a Class 4 felony.  
(2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State.  
(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the person with disabilities license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the person with disabilities license plate of any person who commits a violation of this Section.  

(Source: P.A. 90-106, eff. 1-1-98.)
Effective January 1, 2002.

PUBLIC ACT 92-0412

AN ACT in relation to victims' rights.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Section 6 as follows:  
(725 ILCS 120/6) (from Ch. 38, par. 1406)  
Sec. 6. Rights to present victim impact statement.  
(a) In any case where a defendant has been convicted of a violent crime or a juvenile has been adjudicated a delinquent for a violent crime except those in which both parties have agreed to the imposition of a specific sentence, and a victim of the violent crime or the victim's spouse, guardian, parent, or other immediate family or household member is present in the courtroom at the time of the sentencing or the disposition hearing, the victim or his or her representative shall have the right to address the court regarding the impact that the defendant's criminal conduct or the juvenile's delinquent conduct has had upon them and the victim. Any if the victim chooses to exercise this right, the impact statement must have been prepared in writing in conjunction with the Office of the State's Attorney prior to the initial hearing or sentencing, before it can be presented orally or in writing at the sentencing hearing. In conjunction with the Office of the State's Attorney, a victim impact statement that is presented orally may be done so by the victim or the victim's spouse, guardian, parent, or other immediate family or household member or his, or her, or their representative. At the sentencing hearing, the prosecution may introduce that evidence either in its case in chief or in rebuttal. The court shall consider any impact statement admitted statements made by the victim, along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.  
(b) The crime victim has the right to prepare a victim impact statement and present it to the Office of the State's Attorney at any time during the proceedings.  
(c) This Section shall apply to any victims of a violent crime during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 1987 which takes place pursuant to an adjudication of delinquency for any such offense.  
(Source: P.A. 90-590, eff. 1-1-99; 91-693, eff. 4-13-00.)  
Effective January 1, 2002.

PUBLIC ACT 92-0413

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 108A-1 and 108A-5 as follows:
(725 ILCS 5/108A-1) (from Ch. 38, par. 108A-1)
Sec. 108A-1. Authorization for use of eavesdropping device. The State's Attorney or an Assistant State's Attorney authorized by the State's Attorney may authorize an application to a circuit judge or an associate judge assigned by the Chief Judge of the circuit for, and such judge may grant in conformity with this Article, an order authorizing or approving the use of an eavesdropping device by a law enforcement officer or agency having the responsibility for the investigation of any felony under Illinois law where any one party to a conversation to be monitored, or previously monitored in the case of an emergency situation as defined in this Article, has consented to such monitoring.
The Chief Judge of the circuit may assign to associate judges the power to issue orders authorizing or approving the use of eavesdropping devices by law enforcement officers or agencies in accordance with this Article. After assignment by the Chief Judge, an associate judge shall have plenary authority to issue such orders without additional authorization for each specific application made to him by the State's Attorney until such time as the associate judge's power is rescinded by the Chief Judge.
(Source: P.A. 86-391.)
(725 ILCS 5/108A-5) (from Ch. 38, par. 108A-5)
(a) Each order authorizing or approving the use of an eavesdropping device shall specify:
(1) the identity of the person who has consented to the use of the device to monitor any of his conversations and a requirement that any conversation overheard or received must include this person;
(2) the identity of the other person or persons, if known, who will participate in the conversation;
(3) the period of time in which the use of the device is authorized, including a statement as to whether or not the use shall automatically terminate when the described conversations have been first obtained.
(b) No order entered under this section may authorize or approve the use of any eavesdropping device for any period longer than 30 days. An initial or a subsequent extension, in no case for more than 30 days each, of an order may be granted but only upon application made in accordance with Section 108A-3 and where the court makes the findings required in Section 108A-4.
(Source: P.A. 79-1159.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0414
(House Bill No. 1942)

AN ACT concerning firearms.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1.1 and 14 and adding Section 6.1 as follows:
(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)
Sec. 1.1. For purposes of this Act:
"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.
"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:
(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single projectile orProjectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

New matter indicated by italics - deletions by strikeout.
globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;
(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:
(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.
(Source: P.A. 91-357, eff. 7-29-99.)
(430 ILCS 65/14) (from Ch. 38, par. 83-14)
Sec. 14. Sentence.
(a) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.
(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.
(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:
   (1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or
   (2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or
   (3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.
(d) A violation of subsection (a) of Section 3 is a Class 4 felony.
(e) Except as provided by Section 6.1 of this Act, any other violation of this Act is a Class A misdemeanor.
(Source: P.A. 91-694, eff. 4-13-00.)
(430 ILCS 65/6.1 new)
Sec. 6.1. Altered, forged or counterfeit Firearm Owner's Identification Cards.
(a) Any person who forges or materially alters a Firearm Owner's Identification Card commits a Class 2 felony.
(b) Any person who knowingly possesses a forged or materially altered Firearm Owner's Identification Card with the intent to use it commits a Class 2 felony. A person who possesses a Firearm Owner's Identification Card with knowledge that it is counterfeit commits a Class 2 felony.
Effective January 1, 2002.

PUBLIC ACT 92-0415
(House Bill No. 2088)

AN ACT in relation to sexually violent persons.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 1-7 and 1-8 as follows:

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)
Sec. 1-7. Confidentiality of law enforcement records.
(A) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following:

(1) Any local, State or federal law enforcement officers of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang. For purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(2) Prosecutors, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court, when essential to performing their responsibilities.

(3) Prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when institution of criminal proceedings has been permitted or required under Section 5-805 and such minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and such minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an application for probation.

(4) Adult and Juvenile Prisoner Review Board.

(5) Authorized military personnel.

(6) Persons engaged in bona fide research, with the permission of the Presiding Judge of the Juvenile Court and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.

(7) Department of Children and Family Services child protection investigators acting in their official capacity.

(8) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:
   (i) unlawful use of weapons under Section 24-1 of the Criminal Code of 1961;
   (ii) a violation of the Illinois Controlled Substances Act;
   (iii) a violation of the Cannabis Control Act; or
   (iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961.

(9) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any records and any information obtained from those records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

(B) (1) Except as provided in paragraph (2), no law enforcement officer or other person or agency may knowingly transmit to the Department of Corrections, Adult Division or the
Department of State Police or to the Federal Bureau of Investigation any fingerprint or photograph relating to a minor who has been arrested or taken into custody before his or her 17th birthday, unless the court in proceedings under this Act authorizes the transmission or enters an order under Section 5-805 permitting or requiring the institution of criminal proceedings.

(2) Law enforcement officers or other persons or agencies shall transmit to the Department of State Police copies of fingerprints and descriptions of all minors who have been arrested or taken into custody before their 17th birthday for the offense of unlawful use of weapons under Article 24 of the Criminal Code of 1961, a Class X or Class 1 felony, a forcible felony as defined in Section 2-8 of the Criminal Code of 1961, or a Class 2 or greater felony under the Cannabis Control Act, the Illinois Controlled Substances Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act. Information reported to the Department pursuant to this Section may be maintained with records that the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before his or her 17th birthday for an offense other than those listed in this paragraph (2).

(C) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted or required under Section 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation or when provided by law.

(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.

(E) Law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age if there are reasonable grounds to believe that the person poses a real and present danger to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 17th birthday.

(Source: P.A. 90-127, eff. 1-1-98; 91-357, eff. 7-29-99; 91-368, eff. 1-1-00.)

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(A) Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

1. The minor who is the subject of record, his parents, guardian and counsel.

2. Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conducting an ongoing investigation or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.

Before July 1, 1994, for the purposes of this Section, "criminal street gang" means any ongoing organization, association, or group of 3 or more persons, whether formal or informal,
having as one of its primary activities the commission of one or more criminal acts and that has a common name or common identifying sign, symbol or specific color apparel displayed, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Beginning July 1, 1994, for purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Judges, hearing officers, prosecutors, probation officers, social workers or other individuals assigned by the court to conduct a pre-adjudication or predisposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court when essential to performing their responsibilities.

(4) Judges, prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or
   (d) when a minor becomes 17 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.

(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.

(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers.

(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Persons Commitment Act relating to a person who is the subject of juvenile court records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act, who is the subject of juvenile court records sought. Any records and any information obtained from those records under this paragraph (11) may be used only in sexually violent persons commitment proceedings.

(B) A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.

(C) Except as otherwise provided in this subsection (C), juvenile court records shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of the court. The State's Attorney, the minor, his parents, guardian and counsel shall at all times have the right to examine court files and records.

(1) The court shall allow the general public to have access to the name, address, and

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offense of a minor who is adjudicated a delinquent minor under this Act under either of the following circumstances:

(A) The adjudication of delinquency was based upon the minor's commission of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault; or

(B) The court has made a finding that the minor was at least 13 years of age at the time the act was committed and the adjudication of delinquency was based upon the minor's commission of: (i) an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (ii) an act involving the use of a firearm in the commission of a felony, (iii) an act that would be a Class X felony offense under or the minor's second or subsequent Class 2 or greater felony offense under the Cannabis Control Act if committed by an adult, (iv) an act that would be a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act if committed by an adult, or (v) an act that would be an offense under Section 401 of the Illinois Controlled Substances Act if committed by an adult.

2) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-4, under either of the following circumstances:

(A) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault,

(B) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (i) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (ii) an offense involving the use of a firearm in the commission of a felony, (iii) a Class X felony offense under or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (iv) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, or (v) an offense under Section 401 of the Illinois Controlled Substances Act.

(D) Pending or following any adjudication of delinquency for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, the victim of any such offense shall receive the rights set out in Sections 4 and 6 of the Bill of Rights for Victims and Witnesses of Violent Crime Act; and the juvenile who is the subject of the adjudication, notwithstanding any other provision of this Act, shall be treated as an adult for the purpose of affording such rights to the victim.

(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a Court hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that Court shall request, and the Court in which the earlier proceedings were initiated shall transmit, an authenticated copy of the Court record, including all documents, petitions, and orders filed therein and the minute orders, transcript of proceedings, and docket entries of the Court.
(I) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 17th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-127, eff. 1-1-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-368, eff. 1-1-00.)

Section 10. The Criminal Code of 1961 is amended by changing Section 11-9.2 as follows:

(720 ILCS 5/11-9.2)

Sec. 11-9.2. Custodial sexual misconduct.

(a) A person commits the offense of custodial sexual misconduct when: (1) he or she is an employee of a penal system and engages in sexual conduct or sexual penetration with a person who is in the custody of that penal system or (2) he or she is an employee of a treatment and detention facility and engages in sexual conduct or sexual penetration with a person who is in the custody of that treatment and detention facility.

(b) A probation or supervising officer or surveillance agent commits the offense of custodial sexual misconduct when the probation or supervising officer or surveillance agent engages in sexual conduct or sexual penetration with a probationer, parolee, or releasee or person serving a term of conditional release who is under the supervisory, disciplinary, or custodial authority of the officer or agent so engaging in the sexual conduct or sexual penetration.

(c) Custodial sexual misconduct is a Class 3 felony.

(d) Any person convicted of violating this Section immediately shall forfeit his or her employment with a penal system, treatment and detention facility, or conditional release program.

(e) For purposes of this Section, the consent of the probationer, parolee, releasee, or inmate in custody of the penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act shall not be a defense to a prosecution under this Section. A person is deemed incapable of consent, for purposes of this Section, when he or she is a probationer, parolee, releasee, or inmate in custody of a penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act.

(f) This Section does not apply to:

(1) Any employee, probation, or supervising officer, or surveillance agent who is lawfully married to a person in custody if the marriage occurred before the date of custody.

(2) Any employee, probation, or supervising officer, or surveillance agent who has no knowledge, and would have no reason to believe, that the person with whom he or she engaged in custodial sexual misconduct was a person in custody.

(g) In this Section:

(1) "Custody" means:

(i) pretrial incarceration or detention;

(ii) incarceration or detention under a sentence or commitment to a State or local penal institution;

(iii) parole or mandatory supervised release;

(iv) electronic home detention;

(v) probation;

(vi) detention or civil commitment either in secure care or in the community under the Sexually Violent Persons Commitment Act.

(2) "Penal system" means any system which includes institutions as defined in Section 2-14 of this Code or a county shelter care or detention home established under Section 1 of the County Shelter Care and Detention Home Act.

(2.1) "Treatment and detention facility" means any Department of Human Services facility established for the detention or civil commitment of persons under the Sexually Violent Persons Commitment Act.

(2.2) "Conditional release" means a program of treatment and services, vocational services, and alcohol or other drug abuse treatment provided to any person civilly committed and conditionally released to the community under the Sexually Violent Persons Commitment Act.

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Act;

(3) "Employee" means:
   (i) an employee of any governmental agency of this State or any county or municipal
       corporation that has by statute, ordinance, or court order the responsibility for the care,
       control, or supervision of pretrial or sentenced persons in a penal system or persons
detained or civilly committed under the Sexually Violent Persons Commitment Act;
   (ii) a contractual employee of a penal system as defined in paragraph (g)(2) of this
       Section who works in a penal institution as defined in Section 2-14 of this Code;
   (iii) a contractual employee of a "treatment and detention facility" as defined in
paragraph (g)(2.1) of this Code or a contractual employee of the Department of Human
Services who provides supervision of persons serving a term of conditional release as
defined in paragraph (g)(2.2) of this Code.

(4) "Sexual conduct" or "sexual penetration" means any act of sexual conduct or sexual
penetration as defined in Section 12-12 of this Code.

(5) "Probation officer" means any person employed in a probation or court services
department as defined in Section 9b of the Probation and Probation Officers Act.

(6) "Supervising officer" means any person employed to supervise persons placed on
parole or mandatory supervised release with the duties described in Section 3-14-2 of the
Unified Code of Corrections.

(7) "Surveillance agent" means any person employed or contracted to supervise persons
placed on conditional release in the community under the Sexually Violent Persons
Commitment Act.

(Source: P.A. 90-66, eff. 7-7-97; 90-655, eff. 7-30-98.)

Section 15. The Sexually Violent Persons Commitment Act is amended by changing Sections
30, 35, 40, 60, and 65 as follows:

Sec. 30. Detention; probable cause hearing; transfer for examination.
(a) Upon the filing of a petition under Section 15 of this Act, the court shall review the
petition to determine whether to issue an order for detention of the person who is the subject of the
petition. The person shall be detained only if there is cause to believe that the person is eligible for
commitment under subsection (f) of Section 35 of this Act. A person detained under this Section shall
be held in a facility approved by the Department. If the person is serving a sentence of imprisonment,
is in a Department of Corrections correctional facility or juvenile correctional facility or is committed
to institutional care, and the court orders detention under this Section, the court shall order that the
person be transferred to a detention facility approved by the Department. A detention order under this
Section remains in effect until the person is discharged after a trial under Section 35 of this Act or
until the effective date of a commitment order under Section 40 of this Act, whichever is applicable.

(b) Whenever a petition is filed under Section 15 of this Act, the court shall hold a hearing
to determine whether there is probable cause to believe that the person named in the petition is a
sexually violent person. If the person named in the petition is in custody, the court shall hold the
probable cause hearing within 72 hours after the petition is filed, excluding Saturdays, Sundays and
legal holidays. The court may grant a continuance of the probable cause hearing for no more than 7
additional days upon the motion of the respondent, for good cause. If the person named in the petition
has been released, is on parole, is on mandatory supervised release, or otherwise is not in custody, the
court shall hold the probable cause hearing within a reasonable time after the filing of the petition. At
the probable cause hearing, the court shall admit and consider all relevant hearsay evidence.

(c) If the court determines after a hearing that there is probable cause to believe that the person
named in the petition is a sexually violent person, the court shall order the person to be transferred
within a reasonable time to an appropriate facility for an examination as to whether the person is a sexually violent person.

If the person who is named in the petition refuses to speak to, communicate with, or otherwise fails
to cooperate with the examining evaluator from the Department of Human Services or the Department
of Corrections, that person may only introduce evidence and testimony from any expert or
professional person who is retained or court-appointed to conduct an examination of the person that
results from a review of the records and may not introduce evidence resulting from an examination

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of the person. If the person named in the petition refuses to speak to, communicate with, or otherwise fails to cooperate with the expert from the Department of Human Services who is conducting the evaluation, the person shall be prohibited from introducing testimony or evidence from any expert or professional person who is retained or court appointed to conduct an evaluation of the person. Notwithstanding the provisions of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, all evaluations conducted pursuant to this Act and all Illinois Department of Corrections treatment records shall be admissible at all proceedings held pursuant to this Act, including the probable cause hearing and the trial.

If the court determines that probable cause does not exist to believe that the person is a sexually violent person, the court shall dismiss the petition.

(d) The Department shall promulgate rules that provide the qualifications for persons conducting evaluations under subsection (c) of this Section.

(e) If the person named in the petition claims or appears to be indigent, the court shall, prior to the probable cause hearing under subsection (b) of this Section, appoint counsel.

(Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98.)

725 ILCS 207/35

Sec. 35. Trial.

(a) A trial to determine whether the person who is the subject of a petition under Section 15 of this Act is a sexually violent person shall commence no later than 120 days after the date of the probable cause hearing under Section 30 of this Act. Delay is considered to be agreed to by the person unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record. Delay occasioned by the person temporarily suspends for the time of the delay the period within which a person must be tried. If the delay occurs within 21 days after the end of the period within which a person must be tried, the court may continue the cause on application of the State for not more than an additional 21 days beyond the period prescribed. The court may grant a continuance of the trial date for good cause upon its own motion, the motion of any party or the stipulation of the parties, provided that any continuance granted shall be subject to Section 103-5 of the Code of Criminal Procedure of 1963.

(b) At the trial to determine whether the person who is the subject of a petition under Section 15 of this Act is a sexually violent person, all rules of evidence in criminal actions apply. All constitutional rights available to a defendant in a criminal proceeding are available to the person. At the trial on the petition it shall be competent to introduce evidence of the commission by the respondent of any number of crimes together with whatever punishments, if any, were imposed. The petitioner may present expert testimony from both the Illinois Department of Corrections evaluator and the Department of Human Services psychologist.

(c) The person who is the subject of the petition, the person's attorney, the Attorney General or the State's Attorney may request that a trial under this Section be by a jury. A request for a jury trial under this subsection shall be made within 10 days after the probable cause hearing under Section 30 of this Act. If no request is made, the trial shall be by the court. The person, the person's attorney or the Attorney General or State's Attorney, whichever is applicable, may withdraw his or her request for a jury trial.

(d) (1) At a trial on a petition under this Act, the petitioner has the burden of proving the allegations in the petition beyond a reasonable doubt.

(2) If the State alleges that the sexually violent offense or act that forms the basis for the petition was an act that was sexually motivated as provided in paragraph (e)(2) of Section 5 of this Act, the State is required to prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated.

(e) Evidence that the person who is the subject of a petition under Section 15 of this Act was convicted for or committed sexually violent offenses before committing the offense or act on which the petition is based is not sufficient to establish beyond a reasonable doubt that the person has a mental disorder.

(f) If the court or jury determines that the person who is the subject of a petition under Section 15 is a sexually violent person, the court shall enter a judgment on that finding and shall commit the person as provided under Section 40 of this Act. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent person, the court shall dismiss the petition and
direct that the person be released unless he or she is under some other lawful restriction.

(g) A judgment entered under subsection (f) of this Section on the finding that the person who is the subject of a petition under Section 15 is a sexually violent person is interlocutory to a commitment order under Section 40 and is reviewable on appeal.

(Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

(725 ILCS 207/40)
Sec. 40. Commitment.
(a) If a court or jury determines that the person who is the subject of a petition under Section 15 of this Act is a sexually violent person, the court shall order the person to be committed to the custody of the Department for control, care and treatment until such time as the person is no longer a sexually violent person.

(b) (1) The court shall enter an initial commitment order under this Section pursuant to a hearing held as soon as practicable after the judgment is entered that the person who is the subject of a petition under Section 15 is a sexually violent person. If the court lacks sufficient information to make the determination required by paragraph (b)(2) of this Section immediately after trial, it may adjourn the hearing and order the Department to conduct a predisposition investigation or a supplementary mental examination, or both, to assist the court in framing the commitment order. A supplementary mental examination under this Section shall be conducted in accordance with Section 3-804 of the Mental Health and Developmental Disabilities Code.

(2) An order for commitment under this Section shall specify either institutional care in a secure facility, as provided under Section 50 of this Act, or conditional release. In determining whether commitment shall be for institutional care in a secure facility or for conditional release, the court shall consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15, the person's mental history and present mental condition, where the person will live, how the person will support himself or herself, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment. The Department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

(3) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan. The conditional release program operated under this Section is not subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act.

(4) An order for conditional release places the person in the custody and control of the Department. A person on conditional release is subject to the conditions set by the court and to the rules of the Department. Before a person is placed on conditional release by the court under this Section, the court shall so notify the municipal police department and county sheriff for the municipality and county in which the person will be residing. The notification requirement under this Section does not apply if a municipal police department or county sheriff submits to the court a written statement waiving the right to be notified. If the Department alleges that a released person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, he or she may be taken into custody under the rules of the Department.

At any time during which the person is on conditional release, if the Department determines that the person has violated any condition or rule, or that the safety of others

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requires that conditional release be revoked, the Department may request the Attorney
General or State's Attorney to request the court to issue an emergency ex parte order directing
any law enforcement officer to take the person into custody and transport the person to the
county jail. The Department may request, or the Attorney General or State's Attorney may
request independently of the Department, that a petition to revoke conditional release be filed.
When a petition is filed, the court may order the Department to issue a notice to the person
to be present at the Department or other agency designated by the court, order a summons to
the person to be present, or order a body attachment for all law enforcement officers to take
the person into custody and transport him or her to the county jail, hospital, or treatment
facility. The Department shall submit a statement showing probable cause of the detention and
a petition to revoke the order for conditional release to the committing court within 48 hours
after the detention. The court shall hear the petition within 30 days, unless the hearing or time
deadline is waived by the detained person. Pending the revocation hearing, the Department
may detain the person in a jail, in a hospital or treatment facility. The State has the burden of
proving by clear and convincing evidence that any rule or condition of release has been
violated, or that the safety of others requires that the conditional release be revoked. If the
court determines after hearing that any rule or condition of release has been violated, or that
the safety of others requires that conditional release be revoked, it may revoke the order for
conditional release and order that the released person be placed in an appropriate institution
until the person is discharged from the commitment under Section 65 of this Act or until again
placed on conditional release under Section 60 of this Act.

(5) An order for conditional release places the person in the custody, care, and control of
the Department. The court shall order the person be subject to the following rules of
conditional release, in addition to any other conditions ordered, and the person shall be given
a certificate setting forth the conditions of conditional release. These conditions shall be that
the person:

(A) not violate any criminal statute of any jurisdiction;
(B) report to or appear in person before such person or agency as directed by the
court and the Department;
(C) refrain from possession of a firearm or other dangerous weapon;
(D) not leave the State without the consent of the court or, in circumstances in which
the reason for the absence is of such an emergency nature, that prior consent by the court
is not possible without the prior notification and approval of the Department;
(E) at the direction of the Department, notify third parties of the risks that may be
occasioned by his or her criminal record or sexual offending history or characteristics,
and permit the supervising officer or agent to make the notification requirement;
(F) attend and fully participate in assessment, treatment, and behavior monitoring
including, but not limited to, medical, psychological or psychiatric treatment specific to
sexual offending, drug addiction, or alcoholism, to the extent appropriate to the person
based upon the recommendation and findings made in the Department evaluation or based
upon any subsequent recommendations by the Department;
(G) waive confidentiality allowing the court and Department access to assessment or
treatment results or both;
(H) work regularly at a Department approved occupation or pursue a course of study
or vocational training and notify the Department within 72 hours of any change in
employment, study, or training;
(I) not be employed or participate in any volunteer activity that involves contact with
children, except under circumstances approved in advance and in writing by the
Department officer;
(J) submit to the search of his or her person, residence, vehicle, or any personal or
real property under his or her control at any time by the Department;
(K) financially support his or her dependents and provide the Department access to
any requested financial information;
(L) serve a term of home confinement, the conditions of which shall be that the
person:

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(i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the Department;
(ii) admit any person or agent designated by the Department into the offender's place of confinement at any time for purposes of verifying the person's compliance with the condition of his or her confinement;
(iii) if deemed necessary by the Department, be placed on an electronic monitoring device;
(M) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986. A copy of the order of protection shall be transmitted to the Department by the clerk of the court;
(N) refrain from entering into a designated geographic area except upon terms the Department finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, others accompanying the person, and advance approval by the Department;
(O) refrain from having any contact, including written or oral communications, directly or indirectly, with certain specified persons including, but not limited to, the victim or the victim's family, and report any incidental contact with the victim or the victim's family to the Department within 72 hours; refrain from entering onto the premises of, traveling past, or loitering near the victim's residence, place of employment, or other places frequented by the victim;
(P) refrain from having any contact, including written or oral communications, directly or indirectly, with particular types of persons, including but not limited to members of street gangs, drug users, drug dealers, or prostitutes;
(Q) refrain from all contact, direct or indirect, personally, by telephone, letter, or through another person, with minor children without prior identification and approval of the Department;
(R) refrain from having in his or her body the presence of alcohol or any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her breath, saliva, blood, or urine for tests to determine the presence of alcohol or any illicit drug;
(S) not establish a dating, intimate, or sexual relationship with a person without prior written notification to the Department;
(T) neither possess or have under his or her control any material that is pornographic, sexually oriented, or sexually stimulating, or that depicts or alludes to sexual activity or depicts minors under the age of 18, including but not limited to visual, auditory, telephonic, electronic media, or any matter obtained through access to any computer or material linked to computer access use;
(U) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers or any other sex-related telephone numbers;
(V) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of the Department and report any incidental contact with minor children to the Department within 72 hours;
(W) not establish any living arrangement or residence without prior approval of the Department;
(X) not publish any materials or print any advertisements without providing a copy of the proposed publications to the Department officer and obtaining permission prior to publication;
(Y) not leave the county except with prior permission of the Department and provide the Department officer or agent with written travel routes to and from work and any other designated destinations;
(Z) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending items including video or still camera items or children's toys;
(AA) provide a written daily log of activities as directed by the Department;
(BB) comply with all other special conditions that the Department may impose that
restrict the person from high-risk situations and limit access or potential victims.

(6) A person placed on conditional release and who during the term undergoes mandatory
drug or alcohol testing or is assigned to be placed on an approved electronic monitoring
device may be ordered to pay all costs incidental to the mandatory drug or alcohol testing and
costs incidental to the approved electronic monitoring in accordance with the person's
ability to pay those costs. The Department may establish reasonable fees for the cost of
maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing
and all costs incidental to approved electronic monitoring.

(Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

(725 ILCS 207/60)
Sec. 60. Petition for conditional release.
(a) Any person who is committed for institutional care in a secure facility or other facility
under Section 40 of this Act may petition the committing court to modify its order by authorizing
conditional release if at least 6 months have elapsed since the initial commitment order was entered,
the most recent release petition was denied or the most recent order for conditional release was
revoked. The director of the facility at which the person is placed may file a petition under this Section
on the person's behalf at any time.
(b) If the person files a timely petition without counsel, the court shall serve a copy of the
petition on the Attorney General or State's Attorney, whichever is applicable and, subject to paragraph
(c)(1) of Section 25 of this Act, appoint counsel. If the person petitions through counsel, his or her
attorney shall serve the Attorney General or State's Attorney, whichever is applicable.
(c) Within 20 days after receipt of the petition, the court shall appoint one or more examiners
having the specialized knowledge determined by the court to be appropriate, who shall examine the
mental condition of the person and furnish a written report of the examination to the court within 30
days after appointment. The examiners shall have reasonable access to the person for purposes of
examination and to the person's past and present treatment records and patient health care records. If
any such examiner believes that the person is appropriate for conditional release, the examiner shall
report on the type of treatment and services that the person may need while in the community on
conditional release. The State has the right to have the person evaluated by experts chosen by the
State. The court shall set a probable cause hearing as soon as practical after the examiner's report is
filed. If the court determines at the probable cause hearing that cause exists to believe that it is not
substantially probable that the person will engage in acts of sexual violence if on release or conditional
release, the court shall set a hearing on the issue.
(d) The court, without a jury, shall hear the petition within 30 days after the report of the
court-appointed examiner is filed with the court, unless the petitioner waives this time limit. The court
shall grant the petition unless the State proves by clear and convincing evidence that the person has
not made sufficient progress to be conditionally released that the person is still a sexually violent
person and that it is still substantially probable that the person will engage in acts of sexual violence
if the person is not confined in a secure facility. In making a decision under this subsection, the court
must consider the nature and circumstances of the behavior that was the basis of the allegation
in the petition under paragraph (b)(1) of Section 15 of this Act, the person's mental history and present
mental condition, where the person will live, how the person will support himself or herself and what
arrangements are available to ensure that the person has access to and will participate in necessary
treatment.
(e) Before the court may enter an order directing conditional release to a less restrictive
alternative it must find the following: (1) the person will be treated by a Department approved
treatment provider, (2) the treatment provider has presented a specific course of treatment and has
agreed to assume responsibility for the treatment and will report progress to the Department on a
regular basis, and will report violations immediately to the Department, consistent with treatment and
supervision needs of the respondent, (3) housing exists that is sufficiently secure to protect the
community, and the person or agency providing housing to the conditionally released person has
agreed in writing to accept the person, to provide the level of security required by the court, and
immediately to report to the Department if the person leaves the housing to which he or she has been
assigned without authorization, (4) the person is willing to or has agreed to comply with the treatment provider, the Department, and the court, and (5) the person has agreed or is willing to agree to comply with the behavioral monitoring requirements imposed by the court and the Department.

(f) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan.

(g) The provisions of paragraph (b)(4) of Section 40 of this Act apply to an order for conditional release issued under this Section.

(Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

(725 ILCS 207/65)
Sec. 65. Petition for discharge; procedure.
(a)(1) If the Secretary determines at any time that a person committed under this Act is no longer a sexually violent person, the Secretary shall authorize the person to petition the committing court for discharge. The person shall file the petition with the court and serve a copy upon the Attorney General or the State's Attorney's office that filed the petition under subsection (a) of Section 15 of this Act, whichever is applicable. The court, upon receipt of the petition for discharge, shall order a hearing to be held within 45 days after the date of receipt of the petition.

(2) At a hearing under this subsection, the Attorney General or State's Attorney, whichever filed the original petition, shall represent the State and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The committed person or the State may elect to have the hearing before a jury. The State has the burden of proving by clear and convincing evidence that the petitioner is still a sexually violent person.

(3) If the court or jury is satisfied that the State has not met its burden of proof under paragraph (a)(2) of this Section, the petitioner shall be discharged from the custody or supervision of the Department. If the court is satisfied that the State has met its burden of proof under paragraph (a)(2), the court may proceed under Section 40 of this Act to determine whether to modify the petitioner's existing commitment order.

(b)(1) A person may petition the committing court for discharge from custody or supervision without the Secretary's approval. At the time of an examination under subsection (a) of Section 55 of this Act, the Secretary shall provide the committed person with a written notice of the person's right to petition the court for discharge over the Secretary's objection. The notice shall contain a waiver of rights. The Secretary shall forward the notice and waiver form to the court with the report of the Department's examination under Section 55 of this Act. If the person does not affirmatively waive the right to petition, the court shall set a probable cause hearing to determine whether facts exist that warrant a hearing on whether the person is still a sexually violent person. If a person does not file a petition for discharge, yet fails to waive the right to petition under this Section, then the probable cause hearing consists only of a review of the reexamination reports and arguments on behalf of the parties. The committed person has a right to have an attorney represent him or her at the probable cause hearing, but the person is not entitled to be present at the probable cause hearing. The probable cause hearing under this Section must be held within 45 days of the filing of the reexamination report under Section 55 of this Act.

(2) If the court determines at the probable cause hearing under paragraph (b)(1) of this Section that probable cause exists to believe that the committed person is no longer a sexually violent person, then the court shall set a hearing on the issue. At a hearing under this Section, the committed person is entitled to be present and to the benefit of the protections afforded to the person under Section 25 of this Act. The committed person or the State may elect to have a hearing under this Section before a jury. A verdict of a jury under this Section is not valid unless it is unanimous. The Attorney General or State's Attorney, whichever filed the original petition, shall represent the State at a hearing under
this Section. The State has the right to have the committed person evaluated by experts chosen by the State. At the hearing, the State has the burden of proving by clear and convincing evidence that the committed person is still a sexually violent person.

(3) If the court or jury is satisfied that the State has not met its burden of proof under paragraph (b)(2) of this Section, the person shall be discharged from the custody or supervision of the Department. If the court or jury is satisfied that the State has met its burden of proof under paragraph (b)(2) of this Section, the court may proceed under Section 40 of this Act to determine whether to modify the person's existing commitment order.

(Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

Section 20. The Unified Code of Corrections is amended by changing Section 5-3-4 as follows:

(730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

Sec. 5-3-4. Disclosure of Reports.

(a) Any report made pursuant to this Article or Section 5-705 of the Juvenile Court Act of 1987 shall be filed of record with the court in a sealed envelope.

(b) Presentence reports shall be open for inspection only as follows:

(1) to the sentencing court;
(2) to the state's attorney and the defendant's attorney at least 3 days prior to the imposition of sentence, unless such 3 day requirement is waived;
(3) to an appellate court in which the conviction or sentence is subject to review;
(4) to any department, agency or institution to which the defendant is committed;
(5) to any probation department of whom courtesy probation is requested;
(6) to any probation department assigned by a court of lawful jurisdiction to conduct a presentence report;
(7) to any other person only as ordered by the court; and:
(8) to any mental health professional on behalf of the Illinois Department of Corrections or the Department of Human Services or to a prosecutor who is evaluating or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of a presentence report or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the presentence report sought. Any records and any information obtained from those records under this paragraph (8) may be used only in sexually violent persons commitment proceedings.

(c) Presentence reports shall be filed of record with the court within 30 days of a verdict or finding of guilty for any offense involving an illegal sexual act perpetrated upon a victim, including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961.

(d) A complaint, information or indictment shall not be quashed or dismissed nor shall any person in custody for an offense be discharged from custody because of noncompliance with subsection (e) of this Section.

(Source: P.A. 90-590, eff. 1-1-99.)

Section 25. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 9.3 as follows:

(740 ILCS 110/9.3)

Sec. 9.3. Disclosure without consent under the Sexually Violent Persons Commitment Act. Disclosure may be made without consent by any therapist or other treatment provider providing mental health or developmental disabilities services pursuant to the provisions of the Sexually Violent Persons Commitment Act or who previously provided any type of mental health or developmental disabilities services to a person who is subject to an evaluation, investigation, or prosecution of a petition under the Sexually Violent Persons Commitment Act. Disclosure may be made to the Attorney General, the State's Attorney participating in the case, the Department of Human Services, the court, and any other party to whom the court directs disclosure to be made. The information disclosed may include any records or communications in the possession of the Department of Corrections, if those records or communications were relied upon by the therapist in providing mental health or developmental disabilities services pursuant to the Sexually Violent Persons Commitment Act. Any records and any information obtained from those records under this Section may be used only in

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sexually violent persons commitment proceedings.
(Source: P.A. 90-793, eff. 8-14-98.)


PUBLIC ACT 92-0416
(House Bill No. 2157)

AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 16-106, 16-118, 16-129.1, 17-106, 17-116.3, 17-116.4, 17-119.1, 17-121, and 17-149 as follows:
(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)
Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers;

(5) Any person employed by the retirement system who:
   (i) was an employee of and a participant in the system on the effective date of this amendatory Act of the 92nd General Assembly, or
   (ii) becomes an employee of the system on or after the effective date of this amendatory Act of the 92nd General Assembly, as an executive, and any person employed by the retirement system who is certificated under the law governing the certification of teachers;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member, and (iii)

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the individual does not receive credit for such service under any other Article of this Code;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers.

An annuitant receiving a retirement annuity under this Article or under Article 17 of this Code who is temporarily employed by a board of education or other employer not exceeding that permitted under Section 16-118 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article.

(Source: P.A. 89-450, eff. 4-10-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-448, eff. 8-16-97.)

Sec. 16-118. Retirement. "Retirement": Entry upon a retirement annuity or receipt of a single-sum retirement benefit granted under this Article after termination of active service as a teacher.

An annuitant receiving a retirement annuity other than a disability retirement annuity may accept employment as a teacher from a school board or other employer specified in Section 16-106 without impairing retirement status if that employment: (1) is not within the school year during which service was terminated; and (2) does not exceed 100 paid days or 500 paid hours in any school year (during the period beginning July 1, 2001 through June 30, 2006, 120 paid days or 600 paid hours in each school year). Where such permitted employment is partly on a daily and partly on an hourly basis, a day shall be considered as 5 hours.

(Source: P.A. 86-273; 87-11; 87-794; 87-895.)

Sec. 16-129.1. Optional increase in retirement annuity.

(a) A member of the System may qualify for the augmented rate under subdivision (a)(B)(1) of Section 16-133 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b). A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the System the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the System determines that the amount paid by the member exceeds the recalculated amount, the System shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

(i) in a lump sum on or before the date of retirement;

(ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in accordance with subsection (b) of Section 16-154;

(iii) if the member becomes an annuitant before June 30, 2003, in substantially equal monthly installments over a 24-month period, by reducing the annuitant's monthly benefit over a 24-month period by the amount of the otherwise applicable contribution. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section, together with regular interest thereon, shall be refunded to the member's designated beneficiary for benefits under Section
16-138.

(d) For purposes of this Section and subdivision (a)(B)(1) of Section 16-133, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this System.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers.

(f) A person who, on or after July 1, 1998 and before June 4, 1999, began receiving a retirement annuity calculated at the augmented rate may apply in writing to have the annuity recalculated to reflect the changes to this Section and Section 16-133 that were enacted in Public Act 91-17. The amount of any resulting decrease in the optional contribution shall be refunded to the annuitant, without interest. Any resulting increase in retirement annuity shall take effect on the next annuity payment date following the date of application under this subsection.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

Sec. 17-106. Contributor, member or teacher. "Contributor", "member" or "teacher": All members of the teaching force of the city, including principals, assistant principals, the general superintendent of schools, deputy superintendents of schools, associate superintendents of schools, assistant and district superintendents of schools, members of the Board of Examiners, all other persons whose employment requires a teaching certificate issued under the laws governing the certification of teachers, any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certified under the law governing the certification of teachers, and employees of the Board, but excluding persons contributing concurrently to any other public employee pension system in Illinois for the same employment or receiving retirement pensions under another Article of this Code for that same employment, persons employed on an hourly basis, and persons receiving pensions from the Fund who are employed temporarily by an Employer for 150 100 days or less in any school year and not on an annual basis.

In the case of a person who has been making contributions and otherwise participating in this Fund prior to the effective date of this amendatory Act of the 91st General Assembly, and whose right to participate in the Fund is established or confirmed by this amendatory Act, such prior participation in the Fund, including all contributions previously made and service credits previously earned by the person, are hereby validated.

The changes made to this Section and Section 17-149 by this amendatory Act of the 92nd General Assembly apply without regard to whether the person was in service on or after the effective date of this amendatory Act, notwithstanding Sections 1-103.1 and 17-157.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/17-116.3)

Sec. 17-116.3. Early retirement incentives.

(a) A teacher who is covered by a collective bargaining agreement shall not be eligible for the early retirement incentives provided under this Section unless the collective bargaining agent and the Board of Education have entered into an agreement under which the agent agrees that any payment for accumulated unused sick days to which the employee is entitled upon withdrawal from service may be paid by the Board of Education in installments over a period of up to 5 years, and a copy of this agreement has been filed with the Board of the Fund.

To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this Fund who, on or after May 1, 1993, is (i) in active payroll status as a teacher, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on leave of absence from such a position, but only if the member on leave has not been receiving a disability benefit under this Article for a continuous period of 2 years or more as of the date of application;

(2) have not previously received a retirement pension under this Article;

(3) file with the Board and the Board of Education, before August 15, 1993, a written application requesting the benefits provided in this Section and a notice of resignation from

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employment, which resignation must take effect before September 1, 1993 unless the applicant's retirement is delayed under subsection (e), (f), or (f-5) of this Section;

(4) be eligible to receive a retirement pension under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement pension beginning no earlier than June 1, 1993 and no later than September 1, 1993 or the date established under subsection (e), (f), or (f-5) of this Section, if applicable;

(5) have attained age 50 (without the use of any age enhancement or creditable service received under this Section) by the effective date of the retirement pension;

(6) have at least 5 years of creditable service under this Fund or any of the participating systems under the Retirement Systems Reciprocal Act (without the use of any creditable service received under this Section) by the effective date of the retirement pension.

(b) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be increased by an equal period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the purposes of Section 17-116.1, and the determination of average salary or compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate pension payable by this Fund under the Retirement Systems Reciprocal Act), except for purposes of the reversionary pension under Section 17-120, and distributions required by federal law on account of age. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, the employer must pay to the Fund an employer contribution consisting of 12% of the member's highest annual full-time rate of compensation for each year of creditable service granted under this Section.

The employer contribution shall be paid to the Fund in one of the following ways: (i) in a single sum at the time of the member's retirement, (ii) in equal quarterly installments over a period of 5 years from the date of retirement, or (iii) subject to the approval of the Board of the Fund, in unequal installments over a period of no more than 5 years from the date of retirement, as provided in a payment plan designed by the Fund to accommodate the needs of the employer. The employer's failure to make the required contributions in a timely manner shall not affect the payment of the retirement pension.

For all creditable service established under this Section, the employee must pay to the Fund an employee contribution consisting of 4% of the member's highest annual salary rate used in the determination of the retirement pension for each year of creditable service granted under this Section.

The employee contribution shall be deducted from the retirement annuity in 24 monthly installments.

(d) An annuitant who has received any age enhancement or creditable service under this Section and whose pension is suspended or cancelled under Section 17-149 or 17-150 shall thereby forfeit the age enhancement and creditable service. The forfeiture of creditable service under this subsection shall not entitle the employer to a refund of the employer contribution paid under this Section, nor to forgiveness of any part of that contribution that remains unpaid. The forfeiture of creditable service under this subsection shall not entitle the employee to a refund of the employee contribution paid under this Section.

(e) If the number of employees of an employer that apply for early retirement under this Section exceeds 30% of those eligible, the employer may require that, for any or all of the number of applicants in excess of that 30%, the starting date of the retirement pension enhanced under this Section be no earlier than June 1, 1994 and no later than September 1, 1994. The right to have the retirement pension begin before June 1, 1994 shall be allocated among the applicants on the basis of seniority in the service of that employer.

This delay applies only to persons who are applying for early retirement incentives under this Section, and does not prevent a person whose application for early retirement incentives has been withdrawn from beginning to receive a retirement pension on the earliest date upon which the person is otherwise eligible under this Article.
(f) For a member who is notified after July 30, 1993, but before November 29, 1993, that he or she will become a supernumerary or reserve teacher in the 1993-1994 school year: (1) the August 15, 1993 application deadline in subdivision (a)(3) of this Section is extended to December 14, 1993, (2) the September 1, 1993 deadline in subdivision (a)(4) of this Section is extended to December 14, 1993, and (3) the member shall not be included in the calculation of the 30% under subsection (e) and is not subject to delay in retirement under that subsection.

(f-5) For a member who is notified after January 1, 1994, but before March 1, 1994, that he or she will become a reserve teacher in the 1993-1994 school year: (1) the August 15, 1993 application deadline in subdivision (a)(3) of this Section is extended to April 1, 1994; (2) the September 1, 1993 deadline in subdivision (a)(4) of this Section is extended to April 1, 1994; and (3) the member shall not be included in the calculation of the 30% under subsection (e) and is not subject to delay in retirement under that subsection.

(g) A member who receives any early retirement incentive under Section 17-116.4, 17-116.5 or 17-116.6 may not receive any early retirement incentive under this Section.

(h) The version of this Section included in Public Act 88-85 is intended to and shall control over the version of this Section included in Public Act 88-89, notwithstanding Section 6 of the Statute on Statutes. All persons qualifying for early retirement incentives under this Section shall be subject to the limitations and restrictions provided in the version of this Section included in Public Act 88-85, as amended by Public Act 88-511.

(i) In addition to the benefits provided under the other provisions of this Section, every person who receives early retirement benefits under this Section is entitled to one additional year of creditable service and a corresponding year of additional age enhancement, for which no additional contribution is required. Every person who receives early retirement benefits under this Section whose retirement annuity has been calculated on the basis of a 4-year average salary is also entitled to have the annuity recalculated on the basis of the average salary for the 3 highest consecutive years within the last 10 years of service.

The additional benefits provided by this subsection (i) shall begin to accrue on the date the retirement annuity began, notwithstanding Section 17-157. The Fund shall recalculate all annuities originally calculated under this Section to reflect the additional benefits provided under this subsection and shall pay to the annuitant in a lump sum the difference between the annuity payments paid before the date of the recalculation and the recalculated amount of those payments.

(Source: P.A. 88-85; 88-89; 88-511; 88-670, eff. 12-2-94.)

(40 ILCS 5/17-116.4)

Sec. 17-116.4. Early retirement incentives.

(a) A teacher who is covered by a collective bargaining agreement shall not be eligible for the early retirement incentives provided under this Section unless the collective bargaining agent and the Board of Education have entered into an agreement under which the agent agrees that any payment for accumulated unused sick days to which the employee is entitled upon withdrawal from service may be paid by the Board of Education in installments over a period of up to 5 years, and a copy of this agreement has been filed with the Board of the Fund.

To be eligible for the benefits provided in this Section, a person must:

1. be a member of this Fund who, on or after May 1, 1994, is (i) in active payroll status as a teacher, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on leave of absence from such a position, but only if the member on leave has not been receiving a disability benefit under this Article for a continuous period of 2 years or more as of the date of application;

2. have not previously received a retirement pension under this Article;

3. file with the Board and the Board of Education, before March 1, 1994, a written application requesting the benefits provided in this Section and a notice of resignation from employment, which resignation must take effect no earlier than June 1, 1994 and no later than September 1, 1994 unless the applicant's retirement is delayed under subsection (e) of this Section;

4. be eligible to receive a retirement pension under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement pension beginning no earlier than June 1, 1994 and no later than
September 1, 1994 or the date established under subsection (e) of this Section, if applicable;
(5) have attained age 50 (without the use of any age enhancement or creditable service
received under this Section) after September 1, 1993 and no later than September 1, 1994;
(6) have at least 5 years of creditable service under this Fund or any of the participating
systems under the Retirement Systems Reciprocal Act (without the use of any creditable
service received under this Section) by the effective date of the retirement pension.
(b) An eligible person may establish up to 5 years of creditable service under this Section. In
addition, for each period of creditable service established under this Section, a person's age at
retirement shall be deemed to be increased by an equal period.

The creditable service established under this Section may be used for all purposes under this
Article and the Retirement Systems Reciprocal Act, except for the purposes of Section 17-116.1, and
the determination of average salary or compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this
Article (including calculation of a proportionate pension payable by this Fund under the Retirement
Systems Reciprocal Act), except for purposes of the reversionary pension under Section 17-120, and
distributions required by federal law on account of age. However, age enhancement established under
this Section shall not be used in determining benefits payable under other Articles of this Code under
the Retirement Systems Reciprocal Act.

c) For all creditable service established under this Section, the employer must pay to the Fund
an employer contribution consisting of 12% of the member's highest annual full-time rate of
compensation for each year of creditable service granted under this Section.

The employer contribution shall be paid to the Fund in one of the following ways: (i) in a
single sum at the time of the member's retirement, (ii) in equal quarterly installments over a period of
5 years from the date of retirement, or (iii) subject to the approval of the Board of the Fund, in unequal
installments over a period of no more than 5 years from the date of retirement, as provided in a
payment plan designed by the Fund to accommodate the needs of the employer. The employer's failure
to make the required contributions in a timely manner shall not affect the payment of the retirement
pension.

For all creditable service established under this Section, the employee must pay to the Fund
an employee contribution consisting of 4% of the member's highest annual salary rate used in the
determination of the retirement pension for each year of creditable service granted under this Section.

The employee contribution shall be deducted from the retirement annuity in 24 monthly installments.

d) An annuitant who has received any age enhancement or creditable service under this
Section and whose pension is suspended or cancelled under Section 17-149 or 17-150 shall thereby
forfeit the age enhancement and creditable service. The forfeiture of creditable service under this
subsection shall not entitle the employer to a refund of the employer contribution paid under this
Section, nor to forgiveness of any part of that contribution that remains unpaid. The forfeiture of
creditable service under this subsection shall not entitle the employee to a refund of the employee
contribution paid under this Section.

e) If the number of employees of an employer that apply for early retirement under this
Section exceeds 30% of those eligible, the employer may require that, for any or all of the number of
applicants in excess of that 30%, the starting date of the retirement pension enhanced under this
Section be no earlier than June 1, 1995 and no later than September 1, 1995. The right to have the
retirement pension begin before June 1, 1995 shall be allocated among the applicants on the basis of
seniority in the service of that employer.

This delay applies only to persons who are applying for early retirement incentives under this
Section, and does not prevent a person whose application for early retirement incentives has been
withdrawn from beginning to receive a retirement pension on the earliest date upon which the person
is otherwise eligible under this Article.

(f) A member who receives any early retirement incentive under Section 17-116.3 may not
receive any early retirement incentive under this Section.

(g) Notwithstanding Section 17-157, a person who is receiving early retirement benefits under
this Section may establish service credit for a period of up to 3 weeks during the month of January,
1968, during which the person was prevented from working due to civil unrest or a wildcat strike. A
person wishing to establish this credit must apply in writing to the Board within 30 days after the

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effective date of this amendatory Act of the 92nd General Assembly and pay to the Fund an employee contribution calculated at the rate and salary applicable to the employee at the time for which credit is being established, without interest. When a person establishes additional service credit under this subsection, the Fund shall recalculate the annuity originally granted under this Section to reflect the additional credit and shall pay to the annuitant in a lump sum the difference between the annuity payments paid before the date of the recalculation and the recalculated amount of those payments. (Source: P.A. 88-85.)

(40 ILCS 5/17-119.1)

Sec. 17-119.1. Optional increase in retirement annuity.
(a) A member of the Fund may qualify for the augmented rate under subdivision (b)(3) of Section 17-116 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b); except that a member who retires on or after July 1, 1998 with at least 30 years of creditable service at retirement qualifies for the augmented rate without making any contribution under subsection (b). Any member who retires on or after July 1, 1998 and before the effective date of this amendatory Act of the 92nd General Assembly with at least 30 years of creditable service shall be paid a lump sum equal to the amount he or she would have received under the augmented rate minus the amount he or she actually received. A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the Fund the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the Fund determines that the amount paid by the member exceeds the recalculated amount, the Fund shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:
(i) in a lump sum on or before the date of retirement;
(ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in accordance with Section 17-130.2;
(iii) if the member becomes an annuitant before June 30, 2003, in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section shall be refunded to the member's designated beneficiary.

(d) For purposes of this Section and subsection (b) of Section 17-116, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this Fund.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers. (Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/17-121) (from Ch. 108 1/2, par. 17-121)

Sec. 17-121. Survivor's and Children's pensions - Eligibility. A surviving spouse of a teacher
shall be entitled to a survivor's pension only if he was married to the contributor for at least 1 1/2 years immediately prior to his death or retirement, whichever first occurs, and also on the date of the last termination of his service.

If the surviving spouse is under age 50 and there are no eligible minor children born to or legally adopted by the contributor and his surviving spouse, payment of the survivor's pension shall begin when the surviving spouse attains age 50.

Remarriage of the surviving spouse prior to September 1, 1983 while in receipt of a survivor's pension shall permanently terminate payment thereof, regardless of any subsequent change in marital status; however, beginning September 1, 1983, remarriage of a surviving spouse after attainment of age 55 shall not terminate the survivor's pension.

A surviving spouse whose pension was terminated on or after September 1, 1983 due to remarriage after attainment of age 55, and who applies for reinstatement of that pension before January 1, 1990, shall be entitled to have the pension reinstated effective January 1, 1990.

A surviving spouse of a member or annuitant under this Fund who is also a dependent beneficiary under the provisions of Section 16-140 is eligible for a reciprocal survivor's pension, provided that any refund of survivor's pension contributions is repaid to the Fund and application is made within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 86-273.)

(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

Sec. 17-149. Cancellation of pensions. If any person receiving a service or disability retirement pension from the Fund is re-employed as a teacher by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier. However, beginning August 23, 1989, the pension shall not be cancelled in case of a service retirement pensioner who is temporarily re-employed for not more than 150 days during any school year or on an hourly basis, provided the pensioner does not receive salary in any school year of an amount more than that payable to a substitute teacher for 150 days' employment. A service retirement pensioner who is temporarily re-employed for not more than 150 days during any school year or on an hourly basis shall be entitled, at the end of the school year, to a refund of any contributions made to the Fund during that school year.

If the pensioner does receive salary from an Employer in any school year for more than 150 days' employment, the pensioner shall be deemed to have returned to service on the first day of employment as a pensioner-substitute. The pensioner shall reimburse the Fund for pension payments received after the return to service and shall pay to the Fund the participant's contributions prescribed in Section 17-130 of this Article.

If the date of re-employment occurs within 5 school months after the date of previous retirement, exclusive of any vacation period, the member shall be deemed to have been out of service only temporarily and not permanently retired. Such person shall be entitled to pension payments for the time he could have been employed as a teacher and received salary, but shall not be entitled to pension for or during the summer vacation prior to his return to service.

When the member again retires on pension, the time of service and the money contributed by him during re-employment shall be added to the time and money previously credited. Such person must acquire 3 consecutive years of additional contributing service before he may retire again on a pension at a rate and under conditions other than those in force or attained at the time of his previous retirement.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by this amendatory Act of 1997 shall apply without regard to whether termination of service occurred before the effective date of this amendatory Act and shall apply retroactively to August 23, 1989.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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

AN ACT in relation to motor carriers.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 1-126.1 and changing Sections 15-101, 15-102, 15-103, 15-106, 15-107, 15-111, 15-112, and 15-316 as follows:

Sec. 1-126.1. Highway Designations. The Department of Transportation may designate streets or highways in the system of State highways as follows:

(a) Class I highways include interstate highways, expressways, tollways, and other highways deemed appropriate by the department.

(b) Class II highways include major arterials not built to interstate highway standards that have at least 11 feet lane widths.

(c) Class III highways include those State highways that have lane widths of less than 11 feet.

(d) Non-designated highways are highways in the system of State highways not designated as Class I, II, or III, or local highways which are part of any county, township, municipal, or district road system. Local authorities also may designate Class II or Class III highways within their systems of highways.

Sec. 15-101. Scope and effect of Chapter 15. (a) It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this Chapter.

(b) The provisions of this Chapter governing size, weight and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry, as defined in Chapter 1 of this Code, temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than 3 vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than 3 wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit issued hereunder.

Sec. 15-102. Width of Vehicles.

(a) On Class III and non-designated State and local highways, the total outside width of any vehicle or load thereon shall not exceed 8 feet.

(b) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet limitation during the period from a half hour before sunrise to a half hour after sunset:

(1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.

(2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded.

The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(A) The driver of a vehicle transporting an implement of husbandry that exceeds 8
feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device.

(B) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square.

(C) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12-inch high black letters with a 2-inch stroke on a yellow sign that is 7 feet wide by 18 inches high.

(D) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and 2 civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways.

(E) The requirements for a civilian escort vehicle and driver are as follows:
   (1) The civilian escort vehicle shall be a passenger car or a second division vehicle not exceeding a gross vehicle weight of 8,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.
   (2) The escort vehicle driver must be properly licensed to operate the vehicle.
   (3) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.
   (4) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8-inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.
   (5) When only one escort vehicle is required and it is operating on a two-lane highway, the escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.
   (6) When 2 escort vehicles are required, one escort shall travel approximately 300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.
   (7) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.
   (8) A separate escort shall be provided for each load hauled.
   (9) The driver of an escort vehicle shall obey all traffic laws.
   (10) The escort vehicle must be in safe operational condition.
   (11) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load.

(F) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must...
also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(G) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear.

(H) Maximum speed shall be 45 miles per hour on all such moves or 5 miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.

(3) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a 1 foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways.

All buildings when being transported shall display at least 2 red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building.

A State Police escort shall be required if it is necessary for this load to use part of the left lane when crossing any 2 laned State highway bridge.

(c) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(d) Exemptions are also granted to vehicles designed for the carrying of more than 10 persons under the following conditions:

(1) (Blank);

(2) When operated within any public transportation service with the approval of local authorities or an appropriate public body authorized by law to provide public transportation. Any vehicle so operated may be 8 feet 6 inches in width; or

(3) When a county engineer or superintendent of highways, after giving due consideration to the mass transportation needs of the area and to the width and condition of the road, has determined that the operation of buses wider than 8 feet will not pose an undue safety hazard on a particular county or township road segment, he or she may authorize buses not to exceed 8 feet 6 inches in width on any highway under that engineer's or superintendent's jurisdiction.

(e) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of State highways that has been designated as a Class I or Class II highway by the Department, or any street or highway designated by local authorities or road district commissioners, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(e-1) A vehicle and load more than 8 feet wide but not exceeding 8 feet 6 inches in width is allowed access according to the following:

(1) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.
(C) The route is not being used as a thoroughfare between State designated highways.
(3) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.
(4) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.
(5) A trailer or semi-trailer not exceeding 28 feet 6 inches in length, that was originally in combination with a truck tractor, shall have unlimited access to points of loading and unloading.
(6) All household goods carriers shall have unlimited access to points of loading and unloading.

Vehicles operating under this paragraph (c) shall have access for a distance of one highway mile to or from a Class I highway on any street or highway, unless there is a sign prohibiting the access, or 5 highway miles to or from a Class I or II highway on a street or highway included in the system of State highways and upon any street or highway designated by local authorities or road district commissioners, without additional fees, to points of loading and unloading and to facilities for food, fuel, repairs and rest. In addition, any trailer or semitrailer not exceeding 28 feet 6 inches in length, that was originally in combination with a truck tractor, and all household goods carriers, when operating under paragraph (c), shall have access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) Mirrors required by Section 12-502 of this Code and other safety devices identified by the Department may project up to 14 inches beyond each side of a bus and up to 6 inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(g) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

Sec. 15-103. Height of vehicles. The height of a vehicle from the under side of the tire to the top of the vehicle, inclusive of load, shall not exceed 13 feet, 6 inches on any highway in the State. A person convicted of violating this Section is subject to the penalty provided in paragraph (b) of Section 15-113.

Sec. 15-106. Protruding members of vehicles. No vehicle with boom, arm, drill rig or other protruding component shall be operated upon any highway in this State unless such protruding component is fastened so as to prevent shifting, bouncing or moving in any manner.

Sec. 15-107. Length of vehicles.
(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:
(1) Semitrailers.
(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers. Unless otherwise provided for in this Code, no single vehicle, with or without load, other than a semitrailer that is not a house trailer, shall exceed an overall length of 42 feet.
(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:
(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall
(2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.
(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension. Subject to the provisions of paragraph (f) and unless otherwise provided in this Code, no truck tractor and semitrailer, unladen or with load, except a semitrailer other than a house trailer, shall exceed a length of 55 feet extreme overall dimension, except that the combination when specially designed to transport motor vehicles may have a length of 60 feet extreme overall dimension, except that the combination when specially designed to transport motor vehicles may have a length of 60 feet extreme overall dimension, subject to those exceptions and special rules otherwise stated in this Code. No other combination of vehicles, unladen or with load, shall exceed a length of 60 feet extreme overall dimension.

(c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.
(2) A truck tractor semitrailer may draw one converter dolly.
(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.
(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.
(5) Recreational vehicles consisting of 3 vehicles, provided the following:
   (A) The total overall dimension does not exceed 60 feet.
   (B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.
   (C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.
   (D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.
   (E) The towed vehicles may be only for the use of the operator of the towing vehicle.
   (F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).
(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:
   (A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.
   (B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least
500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle. A truck tractor semitrailer may draw one trailer, or a converter dolly, or a vehicle that is special mobile equipment if the extreme length of the combination does not exceed 60 feet, and a truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method. Except as otherwise provided, no other combinations of vehicles coupled together shall consist of more than 2 vehicles. For the purposes of this paragraph, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle will be considered part of the vehicle and not as a separate vehicle.

Vehicles in combination, whether being operated intrastate or interstate, shall be operated and towed in compliance with all requirements of Federal Highway Administration, Title 49, C. F. R., Motor Carrier Safety Regulations, pertaining to coupling devices and towing methods and all other equipment safety requirements set forth in the regulations.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year’s Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

New matter indicated by italics - deletions by strikeout.
Notwithstanding any other provisions of this Code, there is no overall length limitation on motor vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations, except that maxi-cube combinations as defined in this Section, and a combination of vehicles specifically designed to transport motor vehicles or boats, shall not exceed 65 feet overall length, and provided that a stinger steered combination of vehicles specifically designed to transport motor vehicles or boats and a truck in transit transporting 3 trucks coupled together by the triple saddlemount method shall not exceed 75 feet overall length, with the length limitations inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles as provided for in paragraph (i) of this Section, upon the National System of Interstate and Defense Highways or any other highways in the system of State highways that have been designated Class I highways by the Department or any street or highway designated by local authorities or road district commissioners; provided that the length of the semitrailer unit, unladen or with load, operated in a truck tractor-semitrailer combination shall not exceed 53 feet and the distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet shall not exceed 45 feet, 6 inches; and provided that the length of any semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination shall not exceed 28 feet 6 inches.

Vehicles operating under this paragraph (d) shall have access for a distance of one highway mile to or from a Class I highway on any street or highway, unless there is a sign prohibiting the access, or 5 highway miles on a street or highway in the system of State highways, and upon any street or highway designated, without additional fees, by local authorities or road district commissioners, to points of loading and unloading and facilities for food, fuel, repairs and rest. Household goods carriers shall have access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semitrailer-trailer combination may not exceed 65 feet overall dimension.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including...
the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities and road district commissioners, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e). In addition to the designation of highways under paragraph (d) the Department may designate other streets or highways in the system of State highways as Class II highways. Notwithstanding any other provisions of this Code, effective June 1, 1996 there is no overall length limitation on motor vehicles operating in truck tractor-semitrailer combinations operating upon designated Class II highways, provided the length of the semitrailer unit, unladen or with load, operated in a truck tractor-semitrailer combination shall not exceed 53 feet and the distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet shall not exceed 45 feet, 6 inches. A truck tractor-semitrailer-trailer combination may be operated provided that the wheelbase between the front axle and rear axic shall not exceed 65 feet and the length of any semitrailer or trailer, unladen or with load, in a combination shall not exceed 28 feet 6 inches. Local authorities and road district commissioners with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow the length limitations of this paragraph (e).

A maxi-cube combination, a truck in transit transporting 3 trucks coupled together by the triple saddlemount method, and a combination of vehicles specifically designed to transport motor vehicles or boats may operate on the designated streets or highways provided the overall length shall not exceed 65 feet, and provided that a stinger steered combination of vehicles specifically designed to transport motor vehicles or boats shall not exceed 75 feet overall length, with the length limitations inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles as provided for in paragraph (i) of this Section.

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as rear view mirrors, turn signals, marker lamps, steps and handholds for entry and egress, flexible fender extensions, bumpers, mudflaps and splash and spray suppressant devices, load-induced tire bulge; refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Vehicles operating under this paragraph (e) shall have access for a distance of 5 highway miles on a street or highway in the system of State highways, and upon any street or highway designated by local authorities or road district commissioners, to points of loading and unloading and to facilities for food, fuel, repairs and rest. Household goods carriers shall have access to points of loading and unloading.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   (A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

New matter indicated by italics - deletions by strikeout.
(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.
(B) There is no sign prohibiting that access.
(C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.
(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.
(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.
(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches. On any street or highway in the system of State highways that has not been designated by the Department under paragraph (d) or (e), the wheelbase between the front axle and the rear axle in a truck tractor-semitrailer combination shall not exceed 55 feet or, effective June 1, 1996, no truck tractor and semitrailer, unladen or with load, except a semitrailer other than a house trailer, shall exceed a length of 65 feet between extreme overall dimensions, the length of the semitrailer, unladen or with load, shall not exceed 53 feet and the distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet 894ll not exceed 42 feet, 6 inches. On any street or highway in the State system of highways that has not been designated by the Department under paragraph (d) or (e), no truck tractor-semitrailer-trailer combination shall exceed a length of 60 feet extreme overall dimension.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer...
combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

Length limitations in the preceding subsections of this Section 15-107 shall not apply to vehicles operated in the daytime, except on Saturdays, Sundays or legal holidays, when transporting poles, pipe, machinery or other objects of a structural nature that cannot readily be dismembered, nor to vehicles transporting those objects operated on Saturdays, Sundays or legal holidays or at nighttime by a public utility when required for emergency repair of public service facilities or properties, but in respect to the night operation every vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load, provided that the overall length of vehicle and load shall not exceed 100 feet and no object exceeding 80 feet in length shall be transported, except by a public utility when required for emergency repairs, unless a permit has first been obtained as authorized in Section 15-301. A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the length restriction imposed by this Code, may be operated on a public highway in this State upon the following conditions:

1. The towing vehicle must be:
   a. specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 lbs. and equipped with air brakes;
   b. equipped with flashing, rotating or oscillating amber lights, visible for at least 500 feet in all directions; and
   c. capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

2. The towing of vehicles on the highways of this State shall not exceed 50 miles from the initial point of wreck or disablement. Any additional movement of the vehicles shall only occur upon issuance of authorization for that movement under the provisions of Section 15-301 through 15-319 of this Chapter.

   The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

   For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:
   New Year's Day;
   Memorial Day;
   Independence Day;
   Labor Day;
   Thanksgiving Day; and
   Christmas Day.

   (h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

   (i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways
designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank). Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank). A combination of 3 vehicles not to exceed 60 feet overall length may be operated on the highways of the State, provided that the vehicles meet the following requirements:

(1) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(2) The second vehicle in the combination of vehicles shall be a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle shall be properly registered and be equipped with brakes regardless of weight.

(3) The third vehicle shall be the lightest of the 3 vehicles and be a trailer or semi-trailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(4) The towed vehicles may only be for the use of the operator of the towing vehicle.

(5) All vehicles shall be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in paragraph (2) above.

(625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)
Sec. 15-111. Wheel and axle loads and gross weights.

(a) On non-designated highways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

(1) when a different limit is established and posted in accordance with Section 15-316 of this Code;

(2) vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code;

(3) tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle;

(4) any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds;

(5) any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;

(6) any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;

(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(8) a truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(9) tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured
prior to or in the model year of 2004 and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2004 or first registered in Illinois after December 31, 2004 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds:

(10) tandem axles on a 4-axle truck mixer, whose fourth axle is a road surface engaging mixer trailing axle, registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete and manufactured prior to or in the model year of 2004 and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2004 or first registered in Illinois after December 31, 2004 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds:

(11) 4-axle vehicles or a 5 or more axle combination of vehicles: The weight transmitted upon the road surface through any series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, may not exceed those allowed in the table contained in subsection (f) of this Section. No axle or tandem axle of the series may exceed the maximum weight permitted under this Section for a single or tandem axle. No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any single axle thereof exceeds 18,000 pounds, except when a different limit is established and posted in accordance with Section 15-316 and except any single axle of a 2 axle motor vehicle weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds. Provided, however, that any single axle of a 2 axle motor vehicle equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds. No vehicle or combination of vehicles equipped with other than pneumatic tires shall be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel thereof exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle thereof exceeds 16,000 pounds. The gross weight transmitted to the road surface through tandem axles shall not exceed 32,000 pounds and no axle of the series shall exceed the maximum weight permitted under this Section for a single axle. Provided that on a 4 axle vehicle or on a 5 or more axle combination of vehicles the weight on a series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, shall not exceed those allowed on 3 axles in the table contained in subsection (f) of this Section and no axle or tandem axle of the series shall exceed the maximum weight permitted under this Section for a single or tandem axle. Provided also that a 3 axle vehicle or 3 axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete, specially equipped with a road surface engaging mixer trailing 4th axle, manufactured prior to or in the model year of 2004 and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles may transmit to the road surface a maximum weight of 18,000 pounds on each of these axles with a gross weight on these 2 axles not to exceed 36,000 pounds. Any such vehicle manufactured in the model year of 2004 or thereafter or first registered in Illinois after December 31, 2004 may transmit to the road surface a maximum of 32,000 pounds through these 2 axles and none of the axles shall exceed 18,000 pounds.

A truck, not in combination and specially equipped with a selfcompactor, or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations, and a truck used exclusively for the collection of rendering materials may, however, when laden, transmit upon the road surface of any highway except when part of the National System of Interstate and Defense
Highways, a gross weight upon a single axle not more than 22,000 pounds, and upon a tandem axle not more than 40,000 pounds. When unladen, however, those trucks shall comply with the axle limitations applicable to all other trucks.

A 2 axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may transmit 20,000 pounds per axle provided that the gross weight of the vehicle does not exceed 40,000 pounds.

(b) On non-designated highways, the gross weight of vehicles and combination of vehicles including the weight of the vehicle or combination and its maximum load shall be subject to the foregoing limitations and further shall not exceed the following gross weights dependent upon the number of axles and distance between extreme axles of the vehicle or combination measured longitudinally to the nearest foot.

VEHICLES HAVING 2 AXLES ....................... 36,000 pounds

VEHICLES OR COMBINATIONS
HAVING 3 AXLES

<table>
<thead>
<tr>
<th>With or Without Tandem Axles</th>
<th>Minimum distance to nearest foot between extreme axles</th>
<th>Minimum Gross Weight (pounds)</th>
<th>Maximum distance to nearest foot between extreme axles</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Maximum</td>
<td>Minimum</td>
<td>Maximum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gross Weight</td>
<td>nearest foot</td>
<td>Gross Weight</td>
<td></td>
</tr>
<tr>
<td></td>
<td>between extreme axles</td>
<td>between extreme axles</td>
<td>between extreme axles</td>
<td></td>
</tr>
<tr>
<td>10 feet</td>
<td>41,000</td>
<td>16 feet</td>
<td>46,000</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>42,000</td>
<td>17</td>
<td>47,000</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>43,000</td>
<td>18</td>
<td>47,500</td>
<td></td>
</tr>
<tr>
<td>13</td>
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<td>19</td>
<td>48,000</td>
<td></td>
</tr>
<tr>
<td>14</td>
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</tr>
<tr>
<td>15</td>
<td>45,000</td>
<td>21 feet or more</td>
<td>50,000</td>
<td></td>
</tr>
</tbody>
</table>

VEHICLES OR COMBINATIONS
HAVING 4 AXLES

<table>
<thead>
<tr>
<th>Minimum distance to nearest foot between extreme axles</th>
<th>Minimum Gross Weight (pounds)</th>
<th>Maximum distance to nearest foot between extreme axles</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 feet</td>
<td>50,000</td>
<td>26 feet</td>
<td>57,500</td>
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<tr>
<td>16</td>
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</tr>
<tr>
<td>17</td>
<td>51,500</td>
<td>28</td>
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<tr>
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<td>52,000</td>
<td>29</td>
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<td>19</td>
<td>52,500</td>
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<tr>
<td>24</td>
<td>56,000</td>
<td>35</td>
<td>63,500</td>
</tr>
<tr>
<td>25</td>
<td>56,500</td>
<td>36 feet or more</td>
<td>64,000</td>
</tr>
</tbody>
</table>

A vehicle not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (b) for 4 axles measured between the extreme axles of the vehicle.

In applying the above table to a vehicle having more than 4 axles that is not in combination, only 4 axles shall be considered in determining the maximum gross weights.

COMBINATIONS HAVING 5 OR MORE AXLES

<table>
<thead>
<tr>
<th>Minimum distance to nearest foot between extreme axles</th>
<th>Maximum Gross Weight (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 feet or less</td>
<td>72,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
43 73,000
44 feet or more 73,280

VEHICLES OPERATING ON CRAWLER TYPE TRACKS .... 40,000 pounds
TRUCKS EQUIPPED WITH SELF-COMPACTORS
OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE
OR REFUSE HAULS ONLY AND TRUCKS USED FOR
THE COLLECTION OF RENDERING MATERIALS
On Highway Not Part of National System of Interstate and Defense Highways

with 2 axles 36,000 pounds
with 3 axles 54,000 pounds

TWO AXLE TRUCKS EQUIPPED WITH
A FRONT LOADING COMPACTOR USED EXCLUSIVELY
FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING

with 2 axles 40,000 pounds

(c) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2 axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(d) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle the following axle weight limitations:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;
(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and
(4) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

A. 24,000 pounds - Single rear axle;
B. 44,000 pounds - Tandem rear axle;

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate is issued to the owner or operator of that vehicle, then the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. In addition, the following conditions must be met:

(1) the towing vehicle must be:
   a. specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 lbs. and equipped with air brakes provided that air brakes shall be required only

New matter indicated by italics - deletions by strikeout.
if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that
is equipped with airbrakes;

b. equipped with flashing, rotating or oscillating amber lights, visible for at least 500
feet in all directions; and

c. capable of utilizing the lighting and braking systems of the disabled vehicle or
combination of vehicles.

(2) The towing of the vehicles on the highways of this State shall not exceed 20 miles
from the initial point of wreck or disablement. Any additional movement of the vehicles shall
only occur upon issuance of authorization for that movement under the provisions of Sections
15-301 through 15-319 of this Chapter.

The Department may by rule or regulation prescribe additional requirements. However,
nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally
clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from
the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location
is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the
value specified by the manufacturer as the loaded weight of the tow truck.

(e) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated,
unladen or with load, upon the highways of this State in violation of the provisions of any permit
issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(f) On designated Class I, II, or III highways and the National System of Interstate and
Defense Highways, no vehicle or combination of vehicles with pneumatic tires may be operated,
unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds
on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000
pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight
on a group of 2 or more consecutive axles in excess of that weight produced by the application of the
following formula: W = 500 times the sum of (LN divided by N-1) + 12N + 36, where "W" equals
overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals
the distance measured to the nearest foot between extremes of any group of 2 or more consecutive
axles, and "N" equals the number of axles in the group under consideration. Notwithstanding any
other provision in this Code, except for those provisions of subsection (d) of this Section relating to
emergency operations of public utilities and tow trucks while actually engaged in the towing of a
disabled vehicle, and those vehicles for which the Department issues overweight permits under
authority of Section 15-301 of this Code, the weight limitations contained in this subsection shall
apply to the National System of Interstate and Defense Highways and other highways in the system
of State highways that have been designated by the Department as Class I, II, or III. No vehicle shall
be operated on the highways with a weight in excess of 20,000 pounds carried on any one axle or with
a tandem axle weight in excess of 34,000 pounds, or a gross weight in excess of 80,000 pounds for
vehicle combinations of 5 axles or more, or a gross weight on a group of 2 or more consecutive axles
in excess of that weight produced by the application of the following formula:

W = 500 times the sum of (LN divided by N-1) + 12N + 36 Where "W" equals overall gross
weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance
measured to the nearest foot between extremes of any group of 2 or more consecutive axles; and "N"
equals the number of axles in the group under consideration, except that 2 consecutive sets of tandem
axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first
and last axles of the consecutive sets of tandem axles is 36 feet or more. Provided also that a 3-axle
vehicle registered as a Special Hauling Vehicle manufactured prior to or in the model year of 2004,
and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not
more than 96 inches between the 2 rear axles may transmit to the road surface a maximum weight of
48,000 pounds on each of the 2 rear axles with a gross weight on these 2 axles not to exceed 36,000
pounds. Any vehicle registered as a Special Hauling Vehicle manufactured prior to or in the model
year of 2004 or thereafter or first registered in Illinois after December 31, 2004, may transmit to the
road surface a maximum of 34,000 pounds through the 2 rear axles and neither of the rear axles shall
exceed 20,000 pounds.

The above formula when expressed in tabular form results in allowable loads as follows:

New matter indicated by italics - deletions by strikeout.
Distance measured
to the nearest
foot between the
extremes of any    Maximum weight load in pounds
group of 2 or     of carried on any group of
more consecutive 2 or more consecutive axles
feet            2 axles 3 axles 4 axles 5 axles 6 axles
  4            34,000
  5            34,000
  6            34,000
  7            34,000
  8          38,000*  42,000
  9          39,000    42,500
 10         40,000    43,500
 11                          44,000
 12                          45,000    50,000
 13                          45,500    50,500
 14                          46,500    51,500
 15                          47,000    52,000
 16                  48,000    52,500    58,000
 17                  48,500    53,500    58,500
 18                  49,500    54,000    59,000
 19                          50,000    54,500    60,000
 20                  51,000    55,500    60,500    66,000
 21                  51,500    56,000    61,000    66,500
 22                  52,500    56,500    61,500    67,000
 23                  53,000    57,500    62,500    68,000
 24                  54,000    58,000    63,000    68,500
 25                  54,500    58,500    63,500    69,000
 26                  55,500    59,500    64,000    69,500
 27                  56,000    60,000    65,000    70,000
 28                  57,000    60,500    65,500    71,000
 29                  57,500    61,500    66,000    71,500
 30                  58,500    62,000    66,500    72,000
 31                  59,000    62,500    67,500    72,500
 32                  60,000    63,500    68,000    73,000
 33                64,000    68,500    74,000
 34                64,500    69,000    74,500
 35                65,500    70,000    75,000
 36                66,000    70,500    75,500
 37                66,500    71,000    76,000
 38                67,500    72,000    77,000
 39                68,000    72,500    77,500
 40                68,500    73,000    78,000
 41                69,500    73,500    78,500
 42                70,000    74,000    79,000
 43                70,500    75,000    80,000
 44                71,500    75,500
 45                            72,000    76,000
 46                            72,500    76,500
 47                            73,500    77,500
 48                            74,000    78,000
 49                            74,500    78,500
 50                            75,500    79,000

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*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.*

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (f) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (f) for 6 axles measured between the extreme axles of the combination.

In applying the above formula to a vehicle having more than 4 axles that is not a combination, only 4 axles shall be considered in determining the maximum gross weight, and for a combination of vehicles having more than 6 axles, only 6 axles shall be considered in determining the maximum gross weight.

Notwithstanding the above table, 2 consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

Local authorities and road district highway commissioners, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total gross weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

1. Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

2. Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

3. Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

4. Tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle.

5. A tandem axle on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2004, and registered in Illinois prior to January 1, 2005, with a distance between 2 axles in a series greater than 72 inches but not more than 96 inches may not exceed a total weight of 36,000 pounds and neither axle of the series may exceed 18,000 pounds.

6. A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 56,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

7. Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2004, and registered in Illinois prior to January 1, 2005, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 18,000 pounds on a single axle; 32,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of
vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of this amendatory Act of the 92nd General Assembly, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2004 may not exceed the weights allowed by the bridge formula.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2004, and first registered in Illinois prior to January 1, 2005, having 5 axles with a distance of 42 feet or less between extreme axles shall be limited to the weights prescribed in subsections (a) and (b) of this Section and not subject to the bridge formula on the National System of Interstate and Defense Highways and other highways in the system of State highways designated by the Department. For all those combinations of vehicles, that include a semitrailer manufactured after the effective date of this amendatory Act of 1986, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. All combinations of vehicles registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2004 or thereafter or first registered in Illinois after December 31, 2004, or that has had its cargo container replaced in its entirety after December 31, 2004, are limited to the gross weight allowed by the above formula.

A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations, shall be allowed the weights as prescribed in subsections (a) and (b) of this Section and not subject to the bridge formula, provided they are not operated on a highway that is part of the Interstate and Defense Highway System.

Vehicles operating under this subsection shall have access for a distance of one highway mile to or from a Class I highway on any street or highway, unless there is a sign prohibiting the access, or 5 highway miles to or from a Class I, II, or III highway on a street or highway included in the system of State highways and upon any street or highway designated by local authorities or road district commissioners to points of loading and unloading and to facilities for food, fuel, repairs and rest.

(f-1) A vehicle and load not exceeding 73,280 pounds is allowed access as follows:
(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.
(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles, or any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

(f-2) A vehicle and load greater than 73,280 pounds in weight but not exceeding 80,000 pounds is allowed access as follows:
(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.
(2) From a Class I, II, or III highway onto any State highway or any local designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel,
Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this subsection.

(g) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(h) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(i) Upon the trial of any person charged with a violation of subsections (g) or (h) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

(Source: P.A. 89-117, eff. 7-7-95; 89-433, eff. 12-15-95; 90-89, eff. 1-1-98; 90-330, eff. 8-8-97; 90-655, eff. 7-30-98.)

(625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

Sec. 15-112. Officers to weigh vehicles and require removal of excess loads.

(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scales that have been tested and approved at a frequency prescribed by the Illinois Department of Agriculture, or for those scales operated by the State, when such tests are requested by the Department of State Police, whichever is more frequent. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest available scale that has been tested and approved pursuant to this Section by the Illinois Department of Agriculture. Notwithstanding any provisions of the Weights and Measures Act or the United States Department of Commerce NIST handbook 44, multi or single draft weighing is an acceptable method of weighing by law enforcement for determining a violation of Chapter 3 or 15 of this Code. Law enforcement is exempt from the requirements of commercial weighing established in NIST handbook 44.

Within 18 months after the effective date of this amendatory Act of the 91st General Assembly, all municipal and county officers, technicians, and employees who set up and operate portable scales for wheel load or axle load or both and issue citations based on the use of portable scales for wheel load or axle load or both and who have not successfully completed initial classroom and field training regarding the set up and operation of portable scales, shall attend and successfully complete initial classroom and field training administered by the Illinois Law Enforcement Training Standards Board.

(b) Whenever an officer, upon weighing a vehicle and the load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this Chapter, or to the limit permitted under the terms of a permit issued pursuant to Sections 15-301 through 15-318 and shall forthwith arrest the driver or owner. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator; however, whenever a 3 or 4 axle vehicle with a tandem axle dimension greater than 72 inches, but less than 96 inches and registered as a Special Hauling Vehicle is transporting asphalt or concrete in the plastic state that exceeds axle weight or gross weight limits by less than 4,000 pounds, the owner or operator of the vehicle shall accept the arrest ticket or tickets for the alleged violations under this Section and proceed without shifting or reducing the load being transported or may shift or reduce the load under the provisions of subsection (d) or (e) of this Section, when applicable. Any fine imposed following an overweight violation by a vehicle registered as a Special Hauling Vehicle transporting asphalt or concrete in the plastic state shall be paid as provided in

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subsection 4 of paragraph (a) of Section 16-105 of this Code.

(c) The Department of Transportation may, at the request of the Department of State Police, erect appropriate regulatory signs on any State highway directing second division vehicles to a scale. The Department of Transportation may also, at the direction of any State Police officer, erect portable regulating signs on any highway directing second division vehicles to a portable scale. Every such vehicle, pursuant to such sign, shall stop and be weighed.

(d) Whenever any axle load of a vehicle exceeds the axle or tandem axle weight limits permitted by paragraph (a) or (f) of Section 15-111 by 2000 pounds or less, the owner or operator of the vehicle must shift or remove the excess so as to comply with paragraph (a) or (f) of Section 15-111. No overweight arrest ticket shall be issued to the owner or operator of the vehicle by any officer if the excess gross weight is shifted or removed as required by this paragraph.

(e) Whenever the gross weight of a vehicle with a registered gross weight of 73,280 pounds or less exceeds the weight limits of paragraph (b) or (f) of Section 15-111 of this Chapter by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Whenever the gross weight of a vehicle with a registered gross weight of 73,281 pounds or more exceeds the weight limits of paragraph (b) or (f) of Section 15-111 by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess. In either case no arrest ticket for any overweight violation of this Code shall be issued to the owner or operator of the vehicle by any officer if the excess weight is removed as required by this paragraph. A person who has been granted a special permit under Section 15-301 of this Code shall not be granted a tolerance on wheel load weighers.

(f) Whenever an axle load of a vehicle exceeds axle weight limits allowed by the provisions of a permit an arrest ticket shall be issued, but the owner or operator of the vehicle may shift the load so as to comply with the provisions of the permit. Where such shifting of a load to comply with the permit is accomplished, the owner or operator of the vehicle may then proceed.

(g) Any driver of a vehicle who refuses to stop and submit his vehicle and load to weighing after being directed to do so by an officer or removes or causes the removal of the load or part of it prior to weighing is guilty of a business offense and shall be fined not less than $500 nor more than $2,000.

(Source: P.A. 91-129, eff. 7-16-99.)

(625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

Sec. 15-316. When the Department, local authority or road district highway commissioner may restrict right to use highways.

(a) Local authorities and road district highway commissioners with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority or road district highway commissioner enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities and road district highway commissioners with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) (Blank) The weight provisions of subsections (a), (b), and (c) take precedence over the provisions of subsections (d-1) and (d-2).

(d) The Department shall likewise have authority as hereinbefore granted to local authorities and road district highway commissioners to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

(d-1) (Blank) Motor vehicles and motor vehicles in combination with gross weights not

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exceeding 73,280 pounds and up to 65 feet in overall length and 102 inches in width operating on highways under the control of a county or township road district highway commissioner may have access for a distance of 5 miles from a State designated highway for the purpose of loading, unloading, services, and home base. No exemption shall be granted authorizing travel on local roads as a thoroughfare between State designated highways.

(d-2) (Blank) Motor vehicles and motor vehicles in combination with gross weights not exceeding 73,280 pounds and up to 65 feet in overall length and 102 inches in width operating on highways under the control of municipal authorities may have access for 5 miles from a State designated highway for the purpose of loading and unloading and one mile for food, fuel, repairs, and rest on those municipally controlled highways. No exemption shall be granted authorizing travel on municipal roads as a thoroughfare between State designated highways.

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined $50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections (a) or (b) of Section 15-111 and $75 per every 500 pounds or fraction thereof for any weight exceeding that which is provided for in subsections (a) or (b) of Section 15-111.

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement.

(Source: P.A. 89-117, eff. 7-7-95; 89-687, eff. 6-1-97; 90-211, eff. 1-1-98.)

Effective January 1, 2002.

PUBLIC ACT 92-0418
(House Bill No. 2265)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Secretary of State DUI Administration Fund.
Section 10. The Illinois Vehicle Code is amended by changing Sections 2-118, 3-402, 6-205, 6-206, 6-206.2, 6-208, and 11-501 as follows:
(625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)
Sec. 2-118. Hearings.
(a) Upon the suspension, revocation or denial of the issuance of a license, permit, registration or certificate of title under this Code of any person the Secretary of State shall immediately notify such person in writing and upon his written request shall, within 20 days after receipt thereof, set a date for a hearing to commence within 90 calendar days from the date of the written request for all requests related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002 and afford him an opportunity for a hearing as early as practical, in the County of Sangamon, the County of Jefferson, or the County of Cook, as such person may specify, unless both parties agree that such hearing may be held in some other county. The Secretary may require the payment of a fee of not more than $50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used for operation of the Department of Administrative Hearings of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) At any time after the suspension, revocation or denial of a license, permit, registration or certificate of title of any person as hereinbefore referred to, the Secretary of State, in his or her

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discretion and without the necessity of a request by such person, may hold such a hearing, upon not less than 10 days' notice in writing, in the Counties of Sangamon, Jefferson, or Cook or in any other county agreed to by the parties.

(c) Upon any such hearing, the Secretary of State, or his authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and records and may require an examination of such person. Upon any such hearing, the Secretary of State shall either rescind or, good cause appearing therefor, continue, change or extend the Order of Revocation or Suspension, or upon petition therefore and subject to the provisions of this Code, issue a restricted driving permit or reinstate the license or permit of such person.

(d) All hearings and hearing procedures shall comply with requirements of the Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before the Secretary of State or before such persons as may be designated by the Secretary of State and appropriate records of such hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy thereof at his own expense. The Secretary of State shall enter an order upon any hearing conducted under this Section, related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, within 90 days of its conclusion and shall immediately notify the person in writing of his or her action.

(e) The action of the Secretary of State in suspending, revoking or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County, in the Circuit Court of Jefferson County, or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State hereunder.

(Source: P.A. 91-823, eff. 1-1-01.)

(625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)
Sec. 3-402. Vehicles subject to registration; exceptions.
A. Exemptions and Policy. Every motor vehicle, trailer, semitrailer and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this Chapter except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this Chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit issued by the Secretary of State;
(2) Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway, which shall include a not-for-hire movement for the purpose of delivering farm commodities to a place of first processing or sale, or to a place of storage;
(3) Any special mobile equipment as herein defined;
(4) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;
(5) Any vehicle which is equipped and used exclusively as a pumper, ladder truck, rescue vehicle, searchlight truck, or other fire apparatus, but not a vehicle of a type which would otherwise be subject to registration as a vehicle of the first division;
(6) Any vehicle which is owned and operated by the federal government and externally displays evidence of federal ownership. It is the policy of the State of Illinois to promote and encourage the fullest use of its highways and to enhance the flow of commerce thus contributing to the economic, agricultural, industrial and social growth and development of this State, by authorizing the Secretary of State to negotiate and enter into reciprocal or proportional agreements or arrangements with other States, or to issue declarations setting forth reciprocal exemptions, benefits and privileges with respect to vehicles operated interstate which are properly registered in this and other States, assuring nevertheless proper registration of vehicles in Illinois as may be required by this Code;
(7) Any converter dolly or tow dolly which merely serves as substitute wheels for another legally licensed vehicle. A title may be issued on a voluntary basis to a tow dolly upon receipt of the manufacturer's certificate of origin or the bill of sale;
(8) Any house trailer found to be an abandoned mobile home under the Abandoned Mobile Home Act;

(9) Any vehicle that is not properly registered or does not have registration plates issued to the owner or operator affixed thereto, or that does have registration plates issued to the owner or operator affixed thereto but the plates are not appropriate for the weight of the vehicle, provided that this exemption shall apply only while the vehicle is being transported or operated by a towing service and has a third tow plate affixed to it.

B. Reciprocity. Any motor vehicle, trailer, semitrailer or pole trailer need not be registered under this Code provided the same is operated interstate and in accordance with the following provisions and any rules and regulations promulgated pursuant thereto:

(1) A nonresident owner, except as otherwise provided in this Section, owning any foreign registered vehicle of a type otherwise subject to registration hereunder, may operate or permit the operation of such vehicle within this State in interstate commerce without registering such vehicle in, or paying any fees to, this State subject to the condition that such vehicle at all times when operated in this State is operated pursuant to a reciprocity agreement, arrangement or declaration by this State, and further subject to the condition that such vehicle at all times when operated in this State is duly registered in, and displays upon it, a valid registration card and registration plate or plates issued for such vehicle in the place of residence of such owner and is issued and maintains in such vehicle a valid Illinois reciprocity permit as required by the Secretary of State, and provided like privileges are afforded to residents of this State by the State of residence of such owner.

Every nonresident including any foreign corporation carrying on business within this State and owning and regularly operating in such business any motor vehicle, trailer or semitrailer within this State in intrastate commerce, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

(2) Any motor vehicle, trailer, semitrailer and pole trailer operated interstate need not be registered in this State, provided:

(a) same is properly registered in another State pursuant to law or to a reciprocity agreement, arrangement or declaration; or

(b) that such vehicle is part of a fleet of vehicles owned or operated by the same person who registers such fleet of vehicles pro rata among the various States in which such fleet operates; or

(c) that such vehicle is part of a fleet of vehicles, a portion of which are registered with the Secretary of State of Illinois in accordance with an agreement or arrangement concurred in by the Secretary of State of Illinois based on one or more of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged, or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment; and

(d) that such vehicles shall maintain therein any reciprocity permit which may be required by the Secretary of State pursuant to rules and regulations which the Secretary of State may promulgate in the administration of this Code, in the public interest. (3) (a) In order to effectuate the purposes of this Code, the Secretary of State of Illinois is empowered to negotiate and execute written reciprocal agreements or arrangements with the duly authorized representatives of other jurisdictions, including States, districts, territories and possessions of the United States, and foreign states, provinces, or countries, granting to owners or operators of vehicles duly registered or licensed in such other jurisdictions and for which evidence of compliance is supplied, benefits, privileges and exemption from the payment, wholly or partially, of any taxes, fees or other charges imposed with respect to the ownership or operation of such vehicles by the laws of this
State except the tax imposed by the Motor Fuel Tax Law, approved March 25, 1929, as amended, and the tax imposed by the Use Tax Act, approved July 14, 1955, as amended.

The Secretary of State may negotiate agreements or arrangements as are in the best interests of this State and the residents of this State pursuant to the policies expressed in this Section taking into consideration the reciprocal exemptions, benefits and privileges available and accruing to residents of this State and vehicles registered in this State.

(b) Such reciprocal agreements or arrangements shall provide that vehicles duly registered or licensed in this State when operated upon the highways of such other jurisdictions, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as extended to vehicles from such jurisdictions in this State.

(c) Such agreements or arrangements may also authorize the apportionment of registration or licensing of fleets of vehicles operated interstate, based on any or all of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment, and such vehicles shall likewise be entitled to reciprocal exemptions, benefits and privileges.

(d) Such agreements or arrangements shall also provide that vehicles being operated in intrastate commerce in Illinois shall comply with the registration and licensing laws of this State, except that vehicles which are part of an apportioned fleet may conduct an intrastate operation incidental to their interstate operations. Any motor vehicle properly registered and qualified under any reciprocal agreement or arrangement under this Code and not having a situs or base within Illinois may complete the inbound movement of a trailer or semitrailer to an Illinois destination that was brought into Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base within Illinois, or may complete an outbound movement of a trailer or semitrailer to an out-of-state destination that was originated in Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base in Illinois, only if the operator thereof did not break bulk of the cargo laden in such inbound or outbound trailer or semitrailer. Adding or unloading intrastate cargo on such inbound or outbound trailer or semitrailer shall be deemed as breaking bulk.

(e) Such agreements or arrangements may also provide for the determination of the proper State in which leased vehicles shall be registered based on the factors set out in subsection (c) above and for apportionment of registration of fleets of leased vehicles by the lessee or by the lessor who leases such vehicles to persons who are not fleet operators.

(f) Such agreements or arrangements may also include reciprocal exemptions, benefits or privileges accruing under The Illinois Driver Licensing Law or The Driver License Compact.

(4) The Secretary of State is further authorized to examine the laws and requirements of other jurisdictions, and, in the absence of a written agreement or arrangement, to issue a written declaration of the extent and nature of the exemptions, benefits and privileges accorded to vehicles of this State by such other jurisdictions, and the extent and nature of reciprocal exemptions, benefits and privileges thereby accorded by this State to the vehicles of such other jurisdictions. A declaration by the Secretary of State may include any, part or all reciprocal exemptions, benefits and privileges or provisions as may be included within an agreement or arrangement.

(5) All agreements, arrangements, declarations and amendments thereto, shall be in writing and become effective when signed by the Secretary of State, and copies of all such documents shall be available to the public upon request.

(6) The Secretary of State is further authorized to require the display by foreign registered trucks, truck-tractors and buses, entitled to reciprocal benefits, exemptions or privileges.
hereunder, a reciprocity permit for external display before any such reciprocal benefits, exemptions or privileges are granted. The Secretary of State shall provide suitable application forms for such permit and shall promulgate and publish reasonable rules and regulations for the administration and enforcement of the provisions of this Code including a provision for revocation of such permit as to any vehicle operated wilfully in violation of the terms of any reciprocal agreement, arrangement or declaration or in violation of the Illinois Motor Carrier of Property Law, as amended.

7. (a) Upon the suspension, revocation or denial of one or more of all reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this Code or by virtue of a reciprocal agreement or arrangement or declaration thereunder; or, upon the suspension, revocation or denial of a reciprocity permit; or, upon any action or inaction of the Secretary in the administration and enforcement of the provisions of this Code, any person, resident or nonresident, so aggrieved, may serve upon the Secretary, a petition in writing and under oath, setting forth the grievance of the petitioner, the grounds and basis for the relief sought, and all necessary facts and particulars, and request an administrative hearing thereon. Within 20 days, the Secretary shall set a hearing date as early as practical. The Secretary may, in his discretion, supply forms for such a petition. The Secretary may require the payment of a fee of not more than $50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund that is hereby created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used to fund the operation of the hearings department of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) The Secretary may likewise, in his discretion and upon his own petition, order a hearing, when in his best judgment, any person is not entitled to the reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this Code or under a reciprocal agreement or arrangement or declaration thereunder or that a vehicle owned or operated by such person is improperly registered or licensed, or that an Illinois resident has improperly registered or licensed a vehicle in another jurisdiction for the purposes of violating or avoiding the registration laws of this State.

(c) The Secretary shall notify a petitioner or any other person involved of such a hearing, by giving at least 10 days notice, in writing, by U.S. Mail, Registered or Certified, or by personal service, at the last known address of such petitioner or person, specifying the time and place of such hearing. Such hearing shall be held before the Secretary, or any person as he may designate, and unless the parties mutually agree to some other county in Illinois, the hearing shall be held in the County of Sangamon or the County of Cook. Appropriate records of the hearing shall be kept, and the Secretary shall issue or cause to be issued, his decision on the case, within 30 days after the close of such hearing or within 30 days after receipt of the transcript thereof, and a copy shall likewise be served or mailed to the petitioner or person involved.

(d) The actions or inactions or determinations, or findings and decisions upon an administrative hearing, of the Secretary, shall be subject to judicial review in the Circuit Court of the County of Sangamon or the County of Cook, and the provisions of the Administrative Review Law, and all amendments and modifications thereof and rules adopted pursuant thereto, apply to and govern all such reviewable matters.

Any reciprocal agreements or arrangements entered into by the Secretary of State or any declarations issued by the Secretary of State pursuant to any law in effect prior to the effective date of this Code are not hereby abrogated, and such shall continue in force and effect until amended pursuant to the provisions of this Code or expire pursuant to the terms or provisions thereof.

(Source: P.A. 89-433, eff. 12-15-95; 90-89, eff. 1-1-98.)
625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.
(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license or permit of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of the offense of automobile theft as defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10
A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the Restricted Driving Permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.
permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. Any person under 21 years of age who has a driver's license revoked for a second or subsequent conviction for driving under the influence, prior to the age of 21, shall not be eligible to submit an application for a full reinstatement of driving privileges or a restricted driving permit until age 21 or one additional year from the date of the latest such revocation, whichever is the longer. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99; 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff. 7-29-99.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

New matter indicated by italics - deletions by strikeout.
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault,
criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act or a controlled substance as listed in the Illinois Controlled Substances Act in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; or

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.
The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

   If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

   If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the Restricted Driving Permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance.

   The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant under the age of 18 years whose driver's license or permit has been suspended...
pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff. 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

(625 ILCS 5/6-206.2)
Sec. 6-206.2. Violations relating to an ignition interlock device.

(a) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(b) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

(d) Except as provided in subsection (c)(17) of Section 5-6-3.1 of the Unified Code of Corrections or by rule, no person shall knowingly rent, lease, or lend a motor vehicle to a person known to have his or her driving privilege restricted by being prohibited from operating a vehicle not equipped with an ignition interlock device, unless the vehicle is equipped with a functioning ignition interlock device. Any person whose driving privilege is so restricted shall notify any person intending to rent, lease, or loan a motor vehicle to the restricted person of the driving restriction imposed upon him or her.

A person convicted of a violation of this subsection shall be punished by imprisonment for not more than 6 months or by a fine of not more than $5,000, or both.

(e) If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

(Source: P.A. 91-127, eff. 1-1-00.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)
Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide, after the expiration of 2 years from the effective date of the revocation.

2. If such person is convicted of committing a second violation within a 20 year period of:

   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or

New matter indicated by italics - deletions by strikeout.
(C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
(D) any combination of the above offenses committed at different instances;
then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, paragraph (b) of Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses if the original revocation or suspension was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of driving safely;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of driving safely; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second
conviction of violating this Section or a similar provision of a law of another state or local ordinance
committed within 5 years of a previous violation of this Section or a similar provision of a local
ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or
assigned to a minimum of 100 hours of community service as may be determined by the court. Every
person convicted of violating this Section or a similar provision of a local ordinance shall be subject
to a mandatory minimum fine of $500 and a mandatory 5 days of community service in a program
benefiting children if the person committed a violation of paragraph (a) or a similar provision of a
local ordinance while transporting a person under age 16. Every person convicted a second time for
violating this Section or a similar provision of a law of another state or local ordinance shall be subject to a
mandatory minimum fine of $500 and 10 days of mandatory community service in a program
benefiting children if the current offense was committed while transporting a person under age 16. The
imprisonment or assignment under this subsection shall not be subject to suspension nor shall the
person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving
privileges are revoked or suspended, where the revocation or suspension was for a violation
of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the
Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her
driving privileges are revoked or suspended where the revocation or suspension was for a
violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in
which his or her driving privileges are revoked or suspended where the revocation or
suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section
11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local
ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her
punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of
imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of
imprisonment for a fourth or subsequent offense, in addition to the fine and community service
required under subsection (c) and the possible imprisonment required under subsection (d). The
imprisonment or assignment under this subsection shall not be subject to suspension nor shall the
person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar
provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine
was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when
that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code
a first time, in addition to any other penalty that may be imposed under subsection (c), is
subject to a mandatory minimum of 100 hours of community service and a minimum fine of
$500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code
a second time within 10 years, in addition to any other penalty that may be imposed under
subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum
fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code
a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty
that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of
imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent
time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed
under subsection (c), is not eligible for a sentence of probation or conditional discharge and
is subject to a minimum fine of $2,500.

New matter indicated by italics - deletions by strikeout.
(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 30 days community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to,
in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

Section 15. The Unified Code of Corrections is amended by changing Sections 5-5-3 and 5-6-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
   (1) A period of probation.
   (2) A term of periodic imprisonment.
   (3) A term of conditional discharge.
   (4) A term of imprisonment.
   (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
   (6) A fine.
   (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
   (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:
(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.
Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.
Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
(K) Vehicular hijacking.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.
(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.
(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.
(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.
(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.
(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.
(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.
(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

New matter indicated by italics - deletions by strikeout.
(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the
time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test
shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney

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General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;
(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school
diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program; and

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not exceeding that specified in paragraph (d) of Section 5-7-1;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non residential program for youth;
(iv) contribute to his own support at home or in a foster home;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and
(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed
under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) The court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol

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testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The court to which jurisdiction has been transferred shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

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

PUBLIC ACT 92-0419
(House Bill No. 2283)

AN ACT in relation to cemeteries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Grave and Cemetery Restoration Act is amended by changing Section 1 as follows:

(55 ILCS 70/1) (from Ch. 21, par. 61)
Sec. 1. Care by county.
(a) The county board of any county may appropriate funds from the county treasury to be used for the purpose of putting any old, neglected graves and cemeteries in the county in a cleaner and more respectable condition.

(b) A county that has within its territory an abandoned cemetery may enter the cemetery grounds and cause the grounds to be cleared and made orderly. Provided, in no event shall a county enter an abandoned cemetery under this subsection if the owner of the property or the legally responsible cemetery authority provides written notification to the county, prior to the county's entry (1) demonstrating the ownership or authority to control or manage the cemetery and (2) declining the county authorization to enter the property. In making a cemetery orderly under this Section, the county may take necessary measures to correct dangerous conditions that exist in regard to markers, memorials, or other cemetery artifacts but may not permanently remove those items from their location on the cemetery grounds. If an abandoned cemetery is dedicated as an Illinois nature preserve under the Illinois Natural Areas Preservation Act, any actions to cause the grounds to be

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cleared and kept orderly shall be consistent with the rules and master plan governing the dedicated nature preserve.

(c) For the purposes of this Section:
"Abandoned cemetery" means an area of land containing more than 6 places of interment for which, after diligent search, no owner of the land or currently functioning cemetery authority objects to entry sought pursuant to this Section, and (1) at which no interments have taken place in at least 3 years; or (2) for which there has been inadequate maintenance for at least 6 months.
"Diligent search" includes, but is not limited to, publication of a notice in a newspaper of local circulation not more than 45 but at least 30 days prior to a county's entry and cleanup of cemetery grounds. The notice shall provide (1) notice of the county's intended entry and cleanup of the cemetery; (2) the name, if known, and geographic location of the cemetery; (3) the right of the cemetery authority or owner of the property to deny entry to the county upon written notice to the county; and (4) the date or dates of the intended cleanup.
"Inadequate maintenance" includes, but is not limited to, the failure to cut the lawn throughout a cemetery to prevent an overgrowth of grass and weeds; the failure to trim shrubs to prevent excessive overgrowth; the failure to trim trees so as to remove dead limbs; the failure to keep in repair the drains, water lines, roads, buildings, fences, and other structures of the cemetery premises; or the failure to keep the cemetery premises free of trash and debris.

(Source: P.A. 86-696.)

Section 10. The Township Code is amended by changing Section 130-5 as follows:

(60 ILCS 1/130-5)
Sec. 130-5. Cemeteries; permitted activities.
(a) A township may establish and maintain cemeteries within and without its territory, may acquire lands for cemeteries by condemnation or otherwise, may lay out lots of convenient size for families, and may sell lots for a family burying ground or to individuals for burial purposes. Associations duly incorporated under the laws of this State for cemetery purposes shall have the same power and authority to purchase lands and sell lots for burial purposes as are conferred upon townships under this Article.
(b) A township that has within its territory an abandoned cemetery may enter the cemetery grounds and cause the grounds to be cleared and made orderly. Provided, in no event shall a township enter an abandoned cemetery under this subsection if the owner of the property or the legally responsible cemetery authority provides written notification to the township, prior to the township's entry (1) demonstrating the ownership or authority to control or manage the cemetery and (2) declining the township authorization to enter the property. In making a cemetery orderly under this Section, the township may take necessary measures to correct dangerous conditions that exist in regard to markers, memorials, or other cemetery artifacts but may not permanently remove those items from their location on the cemetery grounds. If an abandoned cemetery is dedicated as an Illinois nature preserve under the Illinois Natural Areas Preservation Act, any actions to cause the grounds to be cleared and kept orderly shall be consistent with the rules and master plan governing the dedicated nature preserve.
(c) In this Section:
"Abandoned cemetery" means an area of land containing more than 6 places of interment for which, after diligent search, no owner of the land or currently functioning cemetery authority objects to entry sought pursuant to this Section, and (1) at which no interments have taken place in at least 3 years; or (2) for which there has been inadequate maintenance for at least 6 months.
"Diligent search" includes, but is not limited to, publication of a notice in a newspaper of local circulation not more than 45 but at least 30 days prior to a township's entry and cleanup of cemetery grounds. The notice shall provide (1) notice of the township's intended entry and cleanup of the cemetery; (2) the name, if known, and geographic location of the cemetery; (3) the right of the cemetery authority or owner of the property to deny entry to the township upon written notice to the township; and (4) the date or dates of the intended cleanup.
"Inadequate maintenance" includes, but is not limited to, the failure to cut the lawn throughout a cemetery to prevent an overgrowth of grass and weeds; the failure to trim shrubs to prevent excessive overgrowth; the failure to trim trees so as to remove dead limbs; the failure to keep in repair the drains, water lines, roads, buildings, fences, and other structures of the cemetery
Section 15. The Illinois Municipal Code is amended by changing Section 11-49-1 as follows:

(a) The corporate authorities of each municipality may establish and regulate cemeteries within or without the municipal limits; may acquire lands therefor, by purchase or otherwise; may cause cemeteries to be removed; and may prohibit their establishment within one mile of the municipal limits.

(b) The corporate authorities also may enter into contracts to purchase existing cemeteries, or lands for cemetery purposes, on deferred installments to be paid solely from the proceeds of sale of cemetery lots. Every such contract shall empower the purchasing municipality, in its own name, to execute and deliver deeds to purchasers of cemetery lots for burial purposes.

(c) The corporate authorities of each municipality that has within its territory an abandoned cemetery may enter the cemetery grounds and cause the grounds to be cleared and made orderly. Provided, in no event shall the corporate authorities of a municipality enter an abandoned cemetery under this subsection if the owner of the property or the legally responsible cemetery authority provides written notification to the corporate authorities, prior to the corporate authorities’ entry (1) demonstrating the ownership or authority to control or manage the cemetery and (2) declining the corporate authority authorization to enter the property. In making a cemetery orderly under this Section, the corporate authorities of a municipality may take necessary measures to correct dangerous conditions that exist in regard to markers, memorials, or other cemetery artifacts but may not permanently remove those items from their location on the cemetery grounds. If an abandoned cemetery is dedicated as an Illinois nature preserve under the Illinois Natural Areas Preservation Act, any actions to cause the grounds to be cleared and kept orderly shall be consistent with the rules and master plan governing the dedicated nature preserve.

(d) In this Section:

"Abandoned cemetery" means an area of land containing more than 6 places of interment for which, after diligent search, no owner of the land or currently functioning cemetery authority objects to entry sought pursuant to this Section, and (1) at which no interments have taken place in at least 3 years; or (2) for which there has been inadequate maintenance for at least 6 months.

"Diligent search" includes, but is not limited to, publication of a notice in a newspaper of local circulation not more than 45 but at least 30 days prior to entry and cleanup of cemetery grounds by the corporate authorities of a municipality. The notice shall provide (1) notice of the corporate authorities’ intended entry and cleanup of the cemetery; (2) the name, if known, and geographic location of the cemetery; (3) the right of the cemetery authority or owner of the property to deny entry to the corporate authorities upon written notice to those authorities; and (4) the date or dates of the intended cleanup.

"Inadequate maintenance" includes, but is not limited to, the failure to cut the lawn throughout a cemetery to prevent an overgrowth of grass and weeds; the failure to trim shrubs to prevent excessive overgrowth; the failure to trim trees so as to remove dead limbs; the failure to keep in repair the drains, water lines, roads, buildings, fences, and other structures of the cemetery premises; or the failure to keep the cemetery premises free of trash and debris.

(Source: Laws 1961, p. 576.)

Section 20. The Illinois Funeral or Burial Funds Act is amended by changing Sections 1a, 1a-1, 2, 2a, 3, 3a, 3e, 3f, 4, 7.2, and 8 and by adding Sections 3a-5 and 8.1 as follows:

Sec. 1a. For the purposes of this Act, the following terms shall have the meanings specified, unless the context clearly requires another meaning:

"Beneficiary" means the person specified in the pre-need contract upon whose death funeral services or merchandise shall be provided or delivered.

"Licensee" means a seller of a pre-need contract who has been licensed by the Comptroller under this Act.

"Outer burial container" means any container made of concrete, steel, wood, fiberglass or similar material, used solely at the interment site, and designed and used exclusively to surround or
enclose a separate casket and to support the earth above such casket, commonly known as a burial vault, grave box or grave liner, but not including a lawn crypt as defined in the Illinois Pre-need Cemetery Sales Act.

"Parent company" means a corporation owning more than 12 cemeteries or funeral homes in more than one state.

"Person" means any person, partnership, association, corporation, or other entity.

"Pre-need contract" means any agreement or contract, or any series or combination of agreements or contracts, whether funded by trust deposits or life insurance policies or annuities, which has for a purpose the furnishing or performance of funeral services or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body. Nothing in this Act is intended to regulate the content of a life insurance policy or a tax-deferred annuity.

"Provider" means a person who is obligated for furnishing or performing funeral services or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body.

"Purchaser" means the person who originally paid the money under or in connection with a pre-need contract.

"Sales proceeds" means the entire amount paid to a seller, exclusive of sales taxes paid by the seller, finance charges paid by the purchaser, and credit life, accident or disability insurance premiums, upon any agreement or contract, or series or combination of agreements or contracts, for the purpose of performing funeral services or furnishing personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, including, but not limited to, the retail price paid for such services and personal property and merchandise.

"Purchase price" means the sales proceeds less finance charges on retail installment contracts.

"Seller" means the person who sells or offers to sell the pre-need contract to a purchaser, whether funded by a trust agreement, life insurance policy, or tax-deferred annuity.

"Trustee" means a person authorized to hold funds under this Act.

(Source: P.A. 88-477.)

(225 ILCS 45/1a-1)

Sec. 1a-1. Pre-need contracts.

(a) It shall be unlawful for any seller doing business within this State to accept sales proceeds from a purchaser, either directly or indirectly by any means, unless the seller enters into a pre-need contract with the purchaser which meets the following requirements:

(1) It states the name and address of the principal office of the seller and the parent company of the seller, if any provider, or clearly discloses that the provider will be selected by the purchaser or the purchaser's survivor or legal representative at a later date, except that no contract shall contain any provision restricting the right of the contract purchaser during his or her lifetime in making his or her own selection of a provider.

(2) It clearly identifies the provider's seller's name and address, the purchaser, and the beneficiary, if other than the purchaser, and the provider, if different than the seller or discloses that the provider will be selected at a later date.

(2.5) If the provider has branch locations, the contract gives the purchaser the opportunity to identify the branch at which the funeral will be provided.

(3) It contains a complete description of the funeral merchandise and services to be provided and the price of the merchandise and services, and it clearly discloses whether the price of the merchandise and services is guaranteed or not guaranteed as to price.

(A) Each guaranteed price contract shall contain the following statement in 12 point bold type:

THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC GOODS AND SERVICES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY BE REQUIRED FOR DESIGNATED GOODS AND SERVICES, ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED EXPENSES INCLUDING, BUT NOT LIMITED TO, CASH ADVANCES, SHIPPING OF REMAINS FROM A DISTANT PLACE, OR DESIGNATED HONORARIA ORDERED OR DIRECTED BY SURVIVORS.
EXCEPT AS PROVIDED IN SUBPARAGRAPH (C) OF THIS PARAGRAPH (3), EACH NON-GUARANTEED PRICE CONTRACT SHALL CONTAIN THE FOLLOWING STATEMENT IN 12 POINT BOLD TYPE:

THIS CONTRACT DOES NOT GUARANTEE THE PRICE THE BENEFICIARY WILL PAY FOR ANY SPECIFIC GOODS OR SERVICES. ANY FUNDS PAID UNDER THIS CONTRACT ARE ONLY A DEPOSIT TO BE APPLIED TOWARD THE FINAL PRICE OF THE GOODS OR SERVICES CONTRACTED FOR. ADDITIONAL CHARGES MAY BE REQUIRED.

(C) IF A NON-GUARANTEED PRICE CONTRACT MAY SUBSEQUENTLY BECOME GUARANTEED, THE CONTRACT SHALL CLEARLY DISCLOSE THE NATURE OF THE GUARANTEE AND THE TIME, OCCURRENCE, OR EVENT UPON WHICH THE CONTRACT SHALL BECOME A GUARANTEED PRICE CONTRACT.

4. IT PROVIDES THAT IF THE PARTICULAR SUPPLIES AND SERVICES SPECIFIED IN THE PRE-NEXT CONTRACT ARE UNAVAILABLE AT THE TIME OF DELIVERY, THE PROVIDER SHALL BE REQUIRED TO FURNISH SUPPLIES AND SERVICES SIMILAR IN STYLE AND AT LEAST EQUAL IN QUALITY OF MATERIAL AND WORKMANSHIP.

5. IT DISCLOSES ANY PENALTIES OR RESTRICTIONS, INCLUDING BUT NOT LIMITED TO GEOGRAPHIC RESTRICTIONS OR THE INABILITY OF THE PROVIDER, IF SELECTED, TO PERFORM, ON THE DELIVERY OF MERCHANDISE, SERVICES, OR PRE-NEXT CONTRACT GUARANTEES.

6. REGARDLESS OF THE METHOD OF FUNDING THE PRE-NEXT CONTRACT, THE FOLLOWING MUST BE DISCLOSED:

(A) WHETHER THE PRE-NEXT CONTRACT IS TO BE FUNDED BY A TRUST, LIFE INSURANCE, OR AN ANNUITY;

(B) THE NATURE OF THE RELATIONSHIP AMONG THE PERSON ENTITY FUNDING THE PRE-NEXT CONTRACT, THE PROVIDER, IF SELECTED; AND THE SELLER; AND

(C) THE IMPACT ON THE PRE-NEXT CONTRACT OF (I) ANY CHANGES IN THE FUNDING ARRANGEMENT INCLUDING BUT NOT LIMITED TO CHANGES IN THE ASSIGNMENT, BENEFICIARY DESIGNATION, OR USE OF THE FUNDS; (II) ANY SPECIFIC PENALTIES TO BE INCURRED BY THE CONTRACT PURCHASER AS A RESULT OF FAILURE TO MAKE PAYMENTS; (III) PENALTIES TO BE INCURRED OR MONEYS OR REFUNDS TO BE RECEIVED AS A RESULT OF CANCELLATIONS; AND (IV) ALL RELEVANT INFORMATION CONCERNING WHAT OCCURS AND WHETHER ANY ENTITLEMENTS OR OBLIGATIONS ARISE IF THERE IS A DIFFERENCE BETWEEN THE PROCEEDS OF THE PARTICULAR FUNDING ARRANGEMENT AND THE AMOUNT ACTUALLY NEEDED TO PAY FOR THE FUNERAL AT-NEED.

(D) THE METHOD OF CHANGING OR SELECTING THE DESIGNATION OF THE PROVIDER.

(b) All pre-next contracts are subject to the Federal Trade Commission Rule concerning the Cooling-Off Period for Door-to-Door Sales (16 CFR Part 429).

(c) No pre-next contract shall be sold in this State unless there is a provider for the services and personal property being sold, or unless disclosure has been made by the seller as provided in subdivision (a)(1). If the seller is not a provider and a provider has been selected, then the seller must have a binding agreement with a provider, and the identity of the provider and the nature of the agreement between the seller and the provider shall be disclosed in the pre-next contract at the time of the sale and before the receipt of any sales proceeds. Any subsequent change made in the identity of the provider shall be approved in writing by the purchaser and beneficiary within 30 days after it occurs. The failure to disclose the identity of the provider, the nature of the agreement between the seller and the provider, or any changes thereto to the purchaser and beneficiary, or the failure to make the disclosures required in subdivision (a)(1), constitutes an intentional violation of this Act.

(d) All pre-next contracts must be in writing in at least 11 point type, numbered, and executed in duplicate and no pre-next contract form shall be used without prior filing with the Comptroller. A signed copy of the pre-next contract must be provided to the purchaser at the time of entry into the pre-next contract. The Comptroller shall review all pre-next contract forms and shall prohibit the use of contract forms which do not meet the requirements of this Act upon written notification to the seller. Any use or attempted use of any oral pre-next contract or any written pre-next contract in a form not filed with the Comptroller or in a form which does not meet the requirements of this Act shall be deemed a violation of this Act. Life insurance policies, tax-deferred annuities, endorsements, riders, or applications for life insurance or tax-deferred annuities are not subject to filing with the Comptroller. The Comptroller may by rule develop a model pre-next contract form which meets the requirements of this Act.

(e) The State Comptroller shall by rule develop a booklet for consumers in plain English...
describing the scope, application, and consumer protections of this Act. After the adoption of these rules, no pre-need contract shall be sold in this State unless (i) the seller distributes to the purchaser prior to the sale a booklet promulgated or approved for use by the State Comptroller; (ii) the seller explains to the purchaser the terms of the pre-need contract prior to the purchaser signing; and (iii) the purchaser initials a statement in the contract confirming that the seller has explained the terms of the contract prior to the purchaser signing.

(f) All sales proceeds received in connection with a pre-need contract shall be deposited into a trust account as provided in Section 1b and Section 2 of this Act, or shall be used to purchase a life insurance policy or tax-deferred annuity as provided in Section 2a of this Act.

(g) No pre-need contract shall be sold in this State unless it is accompanied by a funding mechanism permitted under this Act, and unless the seller is licensed by the Comptroller as provided in Section 3 of this Act. Nothing in this Act is intended to relieve sellers of pre-need contracts from being licensed under any other Act required for their profession or business, and being subject to the rules promulgated to regulate their profession or business, including rules on solicitation and advertisement.

(Source: P.A. 90-47, eff. 1-1-98.)

(225 ILCS 45/2) (from Ch. 111 1/2, par. 73.102)

Sec. 2. (a) If a purchaser selects a trust arrangement to fund the pre-need contract, all trust deposits as determined by Section 1b shall be made within 30 days of receipt.

(b) A trust established under this Act must be maintained:

(1) in a trust account established in a bank, savings and loan association, savings bank, or credit union authorized to do business in Illinois in which accounts are insured by an agency of the federal government; or

(2) in a trust company authorized to do business in Illinois.

(c) Trust agreements and amendments to the trust agreements used to fund a pre-need contract shall be filed with the Comptroller.

(d) (Blank). Trust agreements shall follow the format of the standard Funeral Trust Agreements approved by the Comptroller for guaranteed or non-guaranteed price funeral plans.

(e) A seller or provider shall furnish to the trustee and depositary the name of each payor and the amount of payment on each such account for which deposit is being so made. Nothing shall prevent the trustee or a seller or provider acting as a trustee in accordance with this Act from commingling the deposits in any such trust fund for purposes of its management and the investment of its funds as provided in the Common Trust Fund Act. In addition, multiple trust funds maintained under this Act may be commingled or commingled with other funeral or burial related trust funds if all record keeping requirements imposed by law are met.

(f) Trust funds may be maintained in a financial institution described in subsection (b) which is located in a state adjoining this State where: (1) the financial institution is located within 50 miles of the border of this State, (2) its accounts are federally insured, and (3) it has registered with the Illinois Secretary of State for purposes of service of process.

(g) Upon notice to the Comptroller, the seller may change the trustee of the fund.

(Source: P.A. 88-477.)

(225 ILCS 45/2a)

Sec. 2a. Purchase of insurance or annuity.

(a) If a purchaser selects the purchase of a life insurance policy or tax-deferred annuity contract to fund the pre-need contract, the application and collected premium shall be mailed within 30 days of signing the pre-need contract.

(b) If life insurance or an annuity is used to fund a pre-need contract, the seller or provider shall not be named as the owner or beneficiary of the policy or annuity. No person whose only insurable interest in the insured is the receipt of proceeds from the policy or in naming who shall receive the proceeds nor any trust acting on behalf of such person or seller or provider shall be named as owner or beneficiary of the policy or annuity.

(c) Nothing shall prohibit the purchaser from irrevocably assigning ownership of the policy or annuity used to fund a guaranteed price pre-need contract to a person or trust for the purpose of obtaining favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program, as permitted under federal law. The seller or contract provider may be named a
nominal owner of the life insurance policy only for such time as it takes to immediately transfer the policy into a trust. Except for this purpose, neither the seller nor the contract provider shall be named the owner or the beneficiary of the policy or annuity, except that neither the seller nor the contract provider shall be named the owner of the policy or annuity.

(d) If a life insurance policy or annuity contract is used to fund a pre-need contract, except for guaranteed price contracts permitted in Section 4(a) of this Act, the pre-need contract must be revocable, and any the assignment provision in the pre-need contract must contain the following disclosure in 12 point bold type:

THIS ASSIGNMENT MAY BE REVOKED BY THE ASSIGNOR OR ASSIGNOR'S SUCCESSOR OR, IF THE ASSIGNOR IS ALSO THE INSURED AND DECEASED, BY THE REPRESENTATIVE OF THE INSURED'S ESTATE BEFORE THE RENDERING TO THE CEMETERY SERVICES OR GOODS OR FUNERAL SERVICES OR GOODS. IF THE ASSIGNMENT IS REVOKED, THE DEATH BENEFIT UNDER THE LIFE INSURANCE POLICY OR ANNUITY CONTRACT SHALL BE PAID IN ACCORDANCE WITH THE BENEFICIARY DESIGNATION UNDER THE INSURANCE POLICY OR ANNUITY CONTRACT.

(e) Sales proceeds shall not be used to purchase life insurance policies or tax-deferred annuities unless the company issuing the life insurance policies or tax-deferred annuities is licensed with the Illinois Department of Insurance, and the insurance producer or annuity seller is licensed to do business in the State of Illinois.

(Source: P.A. 88-477.)

(225 ILCS 45/3) (from Ch. 111 1/2, par. 73.103)

Sec. 3. Licensing.

(a) No person, firm, partnership, association or corporation may act as seller without first securing from the State Comptroller a license to so act. Application for such license shall be in writing, signed by the applicant and duly verified on forms furnished by the Comptroller. Each application shall contain at least the following:

(1) The full name and address (both residence and place of business) of the applicant, and every member, officer and director thereof if the applicant is a firm, partnership, association, or corporation, and of every shareholder holding more than 10% of the corporate stock if the applicant is a corporation. Any license issued pursuant to the application shall be valid only at the address stated in the application for such applicant or at such new address as may be approved by the Comptroller;

(2) A statement of the applicant's assets and liabilities approximate net worth;

(3) The name and address of the applicant's principal place of business at which the books, accounts, and records shall be available for examination by the Comptroller as required by this Act;

(4) The names and addresses of the applicant's branch locations at which pre-need sales shall be conducted and which shall operate under the same license number as the applicant's principal place of business;

(5) For each individual listed under item (1) above, a detailed statement of the individual's business experience for the 10 years immediately preceding the application; any present or prior connection between the individual and any other person engaged in pre-need sales; any felony or misdemeanor convictions for which fraud was an essential element; any charges or complaints lodged against the individual for which fraud was an essential element and which resulted in civil or criminal litigation; any failure of the individual to satisfy an enforceable judgment entered against him based upon fraud; and any other information requested by the Comptroller relating to past business practices of the individual. Since the information required by this item (5) may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act;

(6) The name of the trustee and, if applicable, the names of the advisors to the trustee, including a copy of the proposed trust agreement under which the trust funds are to be held as required by this Act; and

(7) Such other information as the Comptroller may reasonably require in order to determine the qualification of the applicant to be licensed under this Act.
(b) Applications for license shall be accompanied by a fidelity bond executed by the applicant and a surety company authorized to do business in this State or an irrevocable, unconditional letter of credit issued by a bank, credit union, or trust company authorized to do business in the State of Illinois, as approved by the State Comptroller, in such amount not exceeding $10,000 as the Comptroller may require. Individual salespersons employed by a licensee shall not be required to obtain licenses in their individual capacities. Upon receipt of such application and bond or letter of credit the Comptroller shall issue a license unless he or she shall determine that the applicant has made false statements or representations in such application, or is insolvent, or has conducted or is about to conduct his business in a fraudulent manner, or is not duly authorized to transact business in this State. Such license shall be kept conspicuously posted in the place of business of the licensee. If, after notice and an opportunity to be heard, it has been determined that a licensee has violated this Act within the past 5 calendar years, or if a licensee does not retain a corporate fiduciary, as defined in the Corporate Fiduciary Act, to manage the funds in trust pursuant to this Act, the Comptroller may require an additional bond or letter of credit from the licensee from time to time in amounts equal to one-tenth of such trust funds, which bond or letter of credit shall run to the Comptroller for the use and benefit of the beneficiaries of such trust funds.

The licensee shall keep accurate accounts, books and records in this State, at the principal place of business identified in the licensee's license application or as otherwise approved by the Comptroller in writing, of all transactions, copies of all pre-need contracts, trust agreements, and other agreements, dates and amounts of payments made and accepted thereon, the names and addresses of the contracting parties, the persons for whose benefit such funds are accepted, and the names of the depositaries of such funds. Each licensee shall maintain the documentation for a period of 3 years after the licensee has fulfilled his obligations under the pre-need contract. Additionally, for a period not to exceed 6 months after the performance of all terms in a pre-need sales contract, the licensee shall maintain copies of the contract at the licensee branch location where the contract was entered or at some other location agreed to by the Comptroller in writing. If an insurance policy or tax-deferred annuity is used to fund the pre-need contract, the licensee under this Act shall keep and maintain accurate accounts, books, and records in this State, at the principal place of business identified in the licensee's application or as otherwise approved by the Comptroller in writing, of all insurance policies and tax-deferred annuities used to fund the pre-need contract, the name and address of insured, annuitant, and initial beneficiary, and the name and address of the insurance company issuing the policy or annuity. If a life insurance policy or tax-deferred annuity is used to fund a pre-need contract, the licensee shall notify the insurance company of the name of each pre-need contract purchaser and the amount of each payment when the pre-need contract, insurance policy or annuity is purchased.

The licensee shall make reports to the Comptroller annually or at such other time as the Comptroller may require, on forms furnished by the Comptroller. The licensee shall file the annual report with the Comptroller within 75 days after the end of the licensee's fiscal year. The Comptroller shall for good cause shown grant an extension for the filing of the annual report upon the written request of the licensee. Such extension shall not exceed 60 days. If a licensee fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the licensee a penalty of $5 for each and every day the licensee remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

Every application shall be accompanied by a check or money order in the amount of $25 and every report shall be accompanied by a check or money order in the amount of $10 payable to: Comptroller, State of Illinois.

The licensee shall make all required books and records pertaining to trust funds, insurance policies, or tax-deferred annuities available to the Comptroller for examination. The Comptroller, or a person designated by the Comptroller who is trained to perform such examinations, may at any time investigate the books, records and accounts of the licensee with respect to trust funds, insurance policies, or tax-deferred annuities and for that purpose may require the attendance of and examine under oath all persons whose testimony he may require. The licensee shall pay a fee for such examination in accordance with a schedule established by the Comptroller. The fee shall not exceed the cost of such examination. For pre-need contracts funded by trust arrangements, the cost of an initial examination shall be borne by the licensee if it has $10,000 or more in trust funds, otherwise,
by the Comptroller. The charge made by the Comptroller for an examination shall be based upon the total amount of trust funds held by the licensee at the end of the calendar or fiscal year for which the report is required by this Act and shall be in accordance with the following schedule:

- Less than $10,000.........................no charge;
- $10,000 or more but less than $50,000...............$10;
- $50,000 or more but less than $100,000.............$40;
- $100,000 or more but less than $250,000.............$80;
- $250,000 or more..................................$100.

The Comptroller may order additional audits or examinations as he or she may deem necessary or advisable to ensure the safety and stability of the trust funds and to ensure compliance with this Act. These additional audits or examinations shall only be made after good cause is established by the Comptroller in the written order. The grounds for ordering these additional audits or examinations may include, but shall not be limited to:

1. material and unverified changes or fluctuations in trust balances or insurance or annuity policy amounts;
2. the licensee changing trustees more than twice in any 12-month period;
3. any withdrawals or attempted withdrawals from the trusts, insurance policies, or annuity contracts in violation of this Act; or
4. failure to maintain or produce documentation required by this Act for deposits into trust accounts, trust investment activities, or life insurance or annuity policies.

Prior to ordering an additional audit or examination, the Comptroller shall request the licensee to respond and comment upon the factors identified by the Comptroller as warranting the subsequent examination or audit. The licensee shall have 30 days to provide a response to the Comptroller. If the Comptroller decides to proceed with the additional examination or audit, the licensee shall bear the full cost of that examination or audit, up to a maximum of $7,500. The Comptroller may elect to pay for the examination or audit and receive reimbursement from the licensee. Payment of the costs of the examination or audit by a licensee shall be a condition of receiving, maintaining, or renewing a license under this Act. All moneys received by the Comptroller for examination or audit fees shall be maintained in a separate account to be known as the Comptroller's Administrative Fund. This Fund, subject to appropriation by the General Assembly, may be utilized by the Comptroller for enforcing this Act and other purposes that may be authorized by law.

For pre-need contracts funded by life insurance or a tax-deferred annuity, the cost of an examination shall be borne by the licensee if it has received $10,000 or more in premiums during the preceding calendar year. The fee schedule for such examination shall be established in rules promulgated by the Comptroller. In the event such investigation or other information received by the Comptroller discloses a substantial violation of the requirements of this Act, the Comptroller shall revoke the license of such person upon a hearing as provided in this Act. Such licensee may terminate all further responsibility for compliance with the requirements of this Act by voluntarily surrendering the license to the Comptroller, or in the event of its loss, furnishing the Comptroller with a sworn statement to that effect, which states the licensee's intention to discontinue acceptance of funds received under pre-need contracts. Such license or statement must be accompanied by an affidavit that said licensee has lawfully expended or refunded all funds received under pre-need contracts, and that the licensee will accept no additional sales proceeds. The Comptroller shall immediately cancel or revoke said license.

(225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)
Sec. 3a. Denial, suspension, or revocation of license.
(a) The Comptroller may refuse to issue or may suspend or revoke a license on any of the following grounds:

1. The applicant or licensee has made any misrepresentations or false statements or concealed any material fact.
2. The applicant or licensee is insolvent.
3. The applicant or licensee has been engaged in business practices that work a fraud.
4. The applicant or licensee has refused to give pertinent data to the Comptroller.
5. The applicant or licensee has failed to satisfy any enforceable judgment or decree.
rendered by any court of competent jurisdiction against the applicant.

(6) The applicant or licensee has conducted or is about to conduct business in a fraudulent manner.

(7) The trust agreement is not in compliance with State or federal law.

(8) The fidelity bond is not satisfactory to the Comptroller.

(9) As to any individual required to be listed in the license application, the individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; has been convicted of any felony or misdemeanor, an essential element of which is fraud; has had a judgment rendered against him or her based on fraud in any civil litigation; has failed to satisfy any enforceable judgment or decree rendered against him or her by any court of competent jurisdiction; or has been convicted of any felony or any theft-related offense.

(10) The applicant or licensee, including any member, officer, or director thereof if the applicant or licensee is a firm, partnership, association or corporation and any shareholder holding more than 10% of the corporate stock, has violated any provision of this Act or any regulation, decision, order, or finding made by the Comptroller under this Act.

(11) The Comptroller finds any fact or condition existing which, if it had existed at the time of the original application for such license, would have warranted the Comptroller in refusing the issuance of the license.

(b) Before refusal to issue or renew and before suspension or revocation of a license, the Comptroller shall hold a hearing to determine whether the applicant or licensee, hereinafter referred to as the respondent, is entitled to hold such a license. At least 10 days prior to the date set for such hearing, the Comptroller shall notify the respondent in writing that on the date designated a hearing will be held to determine his eligibility for a license and that he may appear in person or by counsel. Such written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in his latest notification to the Comptroller. At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Comptroller may reasonably continue such hearing from time to time.

The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition or by exhibit, in the same manner and with the same fees and mileage allowances as prescribed in judicial proceedings in civil cases.

Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing which the Comptroller is authorized to conduct.

(Source: P.A. 84-839.)

(225 ILCS 45/3a-5 new)

Section 3a-5. License requirements.

(a) Every license issued by the Comptroller shall state the number of the license, the business name and address of the licensee's principal place of business, each branch location also operating under the license, and the licensee's parent company, if any. The license shall be conspicuously posted in each place of business operating under the license. The Comptroller may issue such additional licenses as may be necessary for licensee branch locations upon compliance with the provisions of this Act governing an original issuance of a license for each new license.

(b) Individual salespersons representing a licensee shall not be required to obtain licenses in their individual capacities, but must acknowledge, by affidavit, that they have been provided with a copy of and have read this Act. The licensee shall retain copies of the affidavits of its sellers for its records and shall make the affidavits available to the Comptroller for examination upon request.

(c) The licensee shall be responsible for the activities of any person representing the licensee in selling or offering a pre-need contract for sale.

(d) Any person not selling on behalf of a licensee shall obtain its own license.

(e) No license shall be transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed hereunder shall be deemed to be an attempted assignment of the license originally issued to the licensee for which consent of the Comptroller shall be required.

New matter indicated by italics - deletions by strikeout.
(f) Every license issued hereunder shall remain in force until it has been suspended, surrendered, or revoked in accordance with this Act. The Comptroller, upon the request of an interested person or on his own motion, may issue new licenses to a licensee whose license or licenses have been revoked, if no factor or condition then exists which would have warranted the Comptroller to originally refuse the issuance of such license.

(225 ILCS 45/3e) (from Ch. 111 1/2, par. 73.103e)

Sec. 3e. Upon the revocation of, suspension of, or refusal to renew any license, the licensee shall immediately surrender the license or licenses and any branch office licenses to the Comptroller. If the licensee fails to do so, the Comptroller shall have the right to seize the same.

(Source: P.A. 84-839.)

(225 ILCS 45/3f)

Sec. 3f. Revocation of license.

(a) The Comptroller, upon determination that grounds exist for the revocation or suspension of a license issued under this Act, may revoke or suspend, if appropriate, the license issued to a licensee or to a particular branch office location with respect to which the grounds for revocation or suspension may occur or exist.

(b) Whenever a license is revoked by the Comptroller, he or she shall apply to the Circuit Court of the county wherein the licensee is located for a receiver to administer the trust funds of the licensee or to maintain the life insurance policies and tax-deferred annuities held by the licensee under a pre-need contract.

(Source: P.A. 88-477.)

(225 ILCS 45/4) (from Ch. 111 1/2, par. 73.104)

Sec. 4. Withdrawal of funds; revocability of contract.

(a) The amount or amounts so deposited into trust, with interest thereon, if any, shall not be withdrawn until the death of the person or persons for whose funeral or burial such funds were paid, unless sooner withdrawn and repaid to the person who originally paid the money under or in connection with the pre-need contract or to his or her legal representative. The life insurance policies or tax-deferred annuities shall not be surrendered until the death of the person or persons for whose funeral or burial the policies or annuities were purchased, unless sooner surrendered and repaid to the owner of the policy purchased under or in connection with the pre-need contract or to his or her legal representative. If, however, the agreement or series of agreements provides for forfeiture and retention of any or all payments as and for liquidated damages as provided in Section 6, then the trustee may withdraw the deposits. In addition, nothing in this Section (i) prohibits the change of depositary by the trustee and the transfer of trust funds from one depositary to another or (ii) prohibits a contract purchaser who is or may become eligible for public assistance under any applicable federal or State law or local ordinance including, but not limited to, eligibility under 24 C.F.R., Part 913 relating to family insurance under federal Housing and Urban Development Policy from irrevocably waiving, in writing, and renouncing the right to cancel a pre-need contract for funeral services in an amount prescribed by rule of the Illinois Department of Public Aid. No guaranteed price pre-need funeral contract may prohibit a purchaser from making a contract irrevocable to the extent that federal law or regulations require that such a contract be irrevocable for purposes of the purchaser's eligibility for Supplemental Security Income benefits, Medicaid, or another public assistance program, as permitted under federal law.

(b) If for any reason a seller or provider who has engaged in pre-need sales has refused, cannot, or does not comply with the terms of the pre-need contract within a reasonable time after he or she is required to do so, the purchaser or his or her heirs or assigns or duly authorized representative shall have the right to a refund of an amount equal to the sales price paid for undelivered merchandise or services plus otherwise earned undistributed interest amounts held in trust attributable to the contract, within 30 days of the filing of a sworn affidavit with the trustee setting forth the existence of the contract and the fact of breach. A copy of this affidavit shall be filed with the Comptroller and the seller. In the event a seller is prevented from performing by strike, shortage of materials, civil disorder, natural disaster, or any like occurrence beyond the control of the seller or provider, the seller or provider's time for performance shall be extended by the length of the delay. Nothing in this Section shall relieve the seller or provider from any liability for non-performance of his or her obligations under the pre-need contract.
(c) After final payment on a pre-need contract, any purchaser may, upon written demand to a seller, demand that the pre-need contract with the seller be terminated. The seller shall, within 30 days, initiate a refund to the purchaser of the entire amount held in trust attributable to undelivered merchandise and unperformed services, including otherwise earned undistributed interest earned thereon or the cash surrender value of a life insurance policy or tax-deferred annuity.

(c-5) If no funeral merchandise or services are provided or if the funeral is conducted by another person, the seller may keep no more than 10% of the payments made under the pre-need contract or $300, whichever sum is less. The remainder of the trust funds or insurance or annuity proceeds shall be forwarded to the legal heirs of the deceased or as determined by probate action.

(d) The placement and retention of all or a portion of a casket, combination casket-vault, urn, or outer burial container comprised of materials which are designed to withstand prolonged storage in the manner set forth in this paragraph without adversely affecting the structural integrity or aesthetic characteristics of such merchandise in a specific burial space in which the person or persons for whose funeral or burial the merchandise was intended has a right of interment, or the placement of the merchandise in a specific mausoleum crypt or lawn crypt in which such person has a right of entombment, or the placement of the merchandise in a specific niche in which such person has a right of inurnment, or delivery to such person and retention by such person until the time of need shall constitute actual delivery to the person who originally paid the money under or in connection with said agreement or series of agreements. Actual delivery shall eliminate, from and after the date of actual delivery, any requirement under this Act to place or retain in trust any funds received for the sale of such merchandise. The delivery, prior to the time of need, of any funeral or burial merchandise in any manner other than authorized by this Section shall not constitute actual delivery and shall not eliminate any requirement under this Act to place or retain in trust any funds received for the sale of such merchandise.

(Source: P.A. 87-1091; 88-477.)

(225 ILCS 45/7.2)

Sec. 7.2. Investigation of unlawful practices. If it appears to the Comptroller that a person has engaged in, is engaging in, or is about to engage in any practice in violation of declared to be unlawful by this Act, the Comptroller may:

1. require that person to file on such terms as the Comptroller prescribes a statement or report in writing, under oath or otherwise, containing all information the Comptroller may consider necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required;

2. examine under oath any person in connection with the books and records pertaining to or having an impact upon trust funds, insurance policies, or tax deferred annuities required or allowed to be maintained pursuant to this Act;

3. examine any books and records of the licensee, trustee, or investment advisor that the Comptroller may consider necessary to ascertain compliance with this Act; and

4. require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in his or her possession until the completion of all proceedings in connection with which it is produced.

(Source: P.A. 89-615, eff. 8-9-96.)

(225 ILCS 45/8) (from Ch. 111 1/2, par. 73.108)

Sec. 8. Any person who intentionally fails to deposit the required sales proceeds into a trust required under this Act, intentionally and improperly withdraws or uses trust funds for his or her own benefit, or otherwise intentionally violates any provision of this Act is guilty of a Class 4 felony.

If any person intentionally violates this Act or fails or refuses to comply with any order of the Comptroller or any part of an order that has become final to the person and is still in effect, the Comptroller may, after notice and hearing at which it is determined that a violation of this Act or the order has been committed, further order that the person shall forfeit and pay to the State of Illinois a sum not to exceed $5,000 for each violation. This liability shall be enforced in an action brought in any court of competent jurisdiction by the Comptroller in the name of the People of the State of Illinois.

Any violation of this Act for which a fine may be assessed shall be established by rules promulgated by the Comptroller.
In addition to the other penalties and remedies provided in this Act, the Comptroller may bring a civil action in the county of residence of the licensee or any person accepting trust funds to enjoin any violation or threatened violation of this Act.

The powers vested in the Comptroller by this Section are in addition to any and all other powers and remedies vested in the Comptroller by law.

(Source: P.A. 88-477.)

(225 ILCS 45/8.1 new)

Sec. 8.1. Sales; liability of purchaser for shortage. In the event of a sale or transfer of all or substantially all of the assets of the licensee, the sale or transfer of the controlling interest of the corporate stock of the licensee if the licensee is a corporation, the sale or transfer of the controlling interest of the partnership if the licensee is a partnership, or the sale of the licensee pursuant to foreclosure proceedings, the purchaser is liable for any shortages existing before or after the sale in the trust funds required to be maintained in a trust pursuant to this Act and shall honor all pre-need contracts and trusts entered into by the licensee. Any shortages existing in the trust funds constitute a prior lien in favor of the trust for the total value of the shortages, and notice of that lien shall be provided in all sales instruments.

In the event of a sale or transfer of all or substantially all of the assets of the licensee, the sale or transfer of the controlling interest of the corporate stock of the licensee if the licensee is a corporation, or the sale or transfer of the controlling interest of the partnership if the licensee is a partnership, the licensee shall, at least 21 days prior to the sale or transfer, notify the Comptroller, in writing, of the pending date of sale or transfer so as to permit the Comptroller to audit the books and records of the licensee. The audit must be commenced within 10 business days of the receipt of the notification and completed within the 21-day notification period unless the Comptroller notifies the licensee during that period that there is a basis for determining a deficiency which will require additional time to finalize. The sale or transfer may not be completed by the licensee unless and until:

(i) the Comptroller has completed the audit of the licensee's books and records;
(ii) any delinquency existing in the trust funds has been paid by the licensee, or arrangements satisfactory to the Comptroller have been made by the licensee on the sale or transfer for the payment of any delinquency; and
(iii) the Comptroller issues a license upon application of the new owner, which license must be applied for within 30 days of the anticipated date of the sale or transfer, subject to the payment of any delinquencies, if any, as stated in item (ii).

For purposes of this Section, a person, firm, corporation, partnership, or institution that acquires the licensee through a real estate foreclosure shall be subject to the provisions of this Section.

Section 25. The Illinois Public Aid Code is amended by changing Section 12-4.11 as follows:

Sec. 12-4.11. Grant amounts. The Department, with due regard for and subject to budgetary limitations, shall establish grant amounts for each of the programs, by regulation. The grant amounts may vary by program, size of assistance unit and geographic area.

Aid payments shall not be reduced except: (1) for changes in the cost of items included in the grant amounts, or (2) for changes in the expenses of the recipient, or (3) for changes in the income or resources available to the recipient, or (4) for changes in grants resulting from adoption of a consolidated grant amount.

In fixing standards to govern payments or reimbursements for funeral and burial expenses, the Department shall establish a minimum allowable amount of not less than $1,000 for Department payment of funeral services and not less than $500 for Department payment of burial or cremation services. In establishing the minimum allowable amount, the Department shall take into account the services essential to a dignified, low-cost (i) funeral and (ii) burial or cremation, including reasonable amounts that may be necessary for burial space and cemetery charges, and any applicable taxes or other required governmental fees or charges. If no person has agreed to pay the total cost of the (i) funeral and (ii) burial or cremation charges, the Department shall pay the vendor the actual costs of the (i) funeral and (ii) burial or cremation, or the minimum allowable amount for each service as established by the Department, whichever is less, provided that the Department reduces its payments by the amount available from the following sources: the decedent's assets and available resources and

New matter indicated by italics - deletions by strikeout.
the anticipated amounts of any death benefits available to the decedent's estate, and amounts paid and arranged to be paid by the decedent's legally responsible relatives. A legally responsible relative is expected to pay (i) funeral and (ii) burial or cremation expenses unless financially unable to do so.

Nothing contained in this Section or in any other Section of this Code shall be construed to prohibit the Illinois Department (1) from consolidating existing standards on the basis of any standards which are or were in effect on, or subsequent to July 1, 1969, or (2) from employing any consolidated standards in determining need for public aid and the amount of money payment or grant for individual recipients or recipient families. (Source: P.A. 90-17, eff. 7-1-97; 90-326, eff. 8-8-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; 91-24, eff. 7-1-99.)

Section 27. The Crematory Regulation Act is amended by changing Section 10 as follows: (410 ILCS 18/10)

Sec. 10. Establishment of crematory and registration of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for registration as a crematory authority shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of $50 and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory.

(4) Any further information that the Comptroller reasonably may require.

(e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a $25 fee, providing any changes required in the information provided under subsection (d) or indicating that no changes have occurred. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year, in the Office of the Comptroller. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. The Comptroller shall, for good cause shown, grant an extension for the filing of the annual report upon the written request of the crematory authority. An extension shall not exceed 60 days. If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of $5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(f) All records relating to the registration and annual report of the crematory authority required to be filed under this Section shall be subject to inspection by the Comptroller upon reasonable notice. (Source: P.A. 87-1187.)

Section 30. The Cemetery Care Act is amended by changing Sections 2a, 9, 10, 11, 12, 13, 15b, and 24 and adding Section 26 as follows: (760 ILCS 100/2a) (from Ch. 21, par. 64.2a)

Sec. 2a. Powers and duties of cemetery authorities; cemetery property maintained by cemetery care funds.
(a) With respect to cemetery property maintained by cemetery care funds, a cemetery authority shall be responsible for the performance of:

(1) the care and maintenance of the cemetery property it owns; and

(2) the opening and closing of all graves, crypts, or niches for human remains in any cemetery property it owns.

(b) A cemetery authority owning, operating, controlling or managing a privately operated cemetery shall make available for inspection, and upon reasonable request provide a copy of, its rules and regulations and its current prices of interment, inurnment, or entombment rights.

(c) A cemetery authority owning, operating, controlling or managing a privately operated cemetery may, from time to time as land in its cemetery may be required for burial purposes, survey and subdivide those lands and make and file in its office a map thereof delineating the lots or plots, avenues, paths, alleys, and walks and their respective designations. The cemetery authority shall open the map to public inspection. The cemetery authority may make available a copy of the overall map upon written request and payment of reasonable photocopy fees. Any unsold lots, plots or parts thereof, in which there are not human remains, may be resurveyed and altered in shape or size, and properly designated on such map. Nothing contained in this subsection, however, shall prevent the cemetery authority from enlarging an interment right by selling to the owner thereof the excess space next to such interment right and permitting interments therein, provided reasonable access to such interment right and to adjoining interment rights is not thereby eliminated. The Comptroller may waive any or all of the requirements of this subsection (c) for good cause shown.

(d) A cemetery authority owning, operating, controlling, or managing a privately operated cemetery shall keep a record of every interment, entombment, and inurnment in the cemetery. The record shall include the deceased's name, age, and date of burial, when these particulars can be conveniently obtained, and the lot, plot, or section where the human remains are interred, entombed, or inurned. The record shall be open to public inspection consistent with State and federal law. The cemetery authority shall make available, consistent with State and federal law, a true copy of the record upon written request and payment of reasonable copy costs.

(e) A cemetery authority owning, operating, controlling, or managing a privately operated cemetery shall provide access to the cemetery under the cemetery authority's reasonable rules and regulations.

(Source: P.A. 87-747.)

(760 ILCS 100/9) (from Ch. 21, par. 64.9)

Sec. 9. Application for license.

(a) Prior to the acceptance of care funds authorized by Section 3 of this Act or the sale or transfer of the controlling interest of a licensed cemetery authority, a cemetery authority owning, operating, controlling, or managing a privately operated cemetery shall make application to the Comptroller for a license to hold the funds. Whenever a cemetery authority owning, operating, controlling or managing a privately operated cemetery is newly organized and such cemetery authority desires to be licensed to accept the care funds authorized by Section 3 of this Act, or whenever there is a sale or transfer of the controlling interest of a licensed cemetery authority, it shall make application for such license.

In the case of a sale or transfer of the controlling interest of the cemetery authority, the prior license shall remain in effect until the Comptroller issues a new license to the newly-controlled cemetery authority as provided in Section 15b. Upon issuance of the new license, the prior license shall be deemed surrendered if the licensee has agreed to the sale and transfer and has consented to the surrender of the license. A sale or transfer of the controlling interest of a cemetery authority to an immediate family member is not considered a transfer of the controlling interest for purposes of this Section.

(b) Applications for license shall be filed with the Comptroller. Applications shall be in writing under oath, signed by the applicant, and in the form furnished by the Comptroller. The form furnished by the Comptroller shall enable a cemetery authority to apply for license of multiple cemetery locations within a single license application. A check or money order in the amount of $25 per license seeking to be issued under the application, payable to: Comptroller, State of Illinois, shall be included. Each application shall contain the following:

(1) the full name and address (both of residence and of place of business) of the applicant,
if an individual; of every member, if the applicant is a partnership or association; of every officer; or director, if the applicant is a corporation; and of any party owning 10% or more of the cemetery authority, and the full name and address of the parent company, if any;

(2) a detailed statement of the applicant's assets and liabilities;

(2.1) the name, address, and legal boundaries of each cemetery for which the care funds shall be entrusted and at which books, accounts, and records shall be available for examination by the Comptroller as required by Section 13 of this Act;

(3) as to the name of each individual person listed under (1) above, a detailed statement of each person's business experience for the 10 years immediately preceding the application; the present and previous connection, if any, of each person with any other cemetery or cemetery authority; whether each person has ever been convicted of any felony or has ever been convicted of any misdemeanor of which an essential element is fraud or has been involved in any civil litigation in which a judgment has been entered against him or her based on fraud; whether each person is currently a defendant in any lawsuit in which the complaint against the person is based upon fraud; whether such person has failed to satisfy any enforceable judgment entered by a court of competent jurisdiction in any civil proceedings against such individual; and

(4) the total amount in trust and now available from sales of lots, graves, crypts or niches where part of the sale price has been placed in trust; the amount of money placed in the care funds of each applicant; the amount set aside in care funds from the sale of lots, graves, crypts and niches for the general care of the cemetery and the amount available for that purpose; the amount received in trust by special agreement for special care and the amount available for that purpose; the amount of principal applicable to trust funds received by the applicant; and

(5) any other information that the Comptroller may reasonably require in order to determine the qualifications of the applicant to be licensed under this Act.

Such information shall be furnished whether the care funds are held by the applicant as trustee or by an independent trustee. If the funds are not held by the applicant, the name of the independent trustee holding them is also to be furnished by the applicant.

(c) Applications for license shall also be accompanied by a fidelity bond issued by a bonding company or insurance company authorized to do business in this State or by an irrevocable, unconditional letter of credit issued by a bank or trust company authorized to do business in the State of Illinois, as approved by the State Comptroller, where such care funds exceed the sum of $15,000. Such bond or letter of credit shall run to the Comptroller and his or her successor for the benefit of the care funds held by such cemetery authority or by the trustee of the care funds of such cemetery authority. Such bonds or letters of credit shall be in an amount equal to 1/10 of such care funds. However, such bond or letter of credit shall not be in an amount less than $1,000; the first $15,000 of such care funds shall not be considered in computing the amount of such bond or letter of credit. No application shall be accepted by the Comptroller unless accompanied by such bond or letter of credit.

Applications for license by newly organized cemetery authorities after January 1, 1960 shall also be accompanied by evidence of a minimum care fund deposit in an amount to be determined as follows: if the number of inhabitants, either in the county in which the cemetery is to be located or in the area included within a 10 mile radius from the cemetery if the number of inhabitants therein is greater, is 25,000 or less the deposit shall be $7,500; if the number of inhabitants is 25,001 to 50,000, the deposit shall be $10,000; if the number of inhabitants is 50,001 to 125,000, the deposit shall be $15,000; if the number of inhabitants is over 125,000, the deposit shall be $25,000.

After an amount equal to and in addition to the required minimum care fund deposit has been deposited in trust, the cemetery authority may withhold 50% of all future care funds until it has recovered the amount of the minimum care fund deposit.

(d) (Blank). The applicant shall have a permanent address and any license issued pursuant to the application is valid only at the address or at any new address approved by the Comptroller.

(e) All bonds and bonding deposits made by any cemetery authority may be returned to the cemetery authority or cancelled as to care funds invested with an investment company.

(Source: P.A. 89-615, eff. 8-9-96; 90-655, eff. 7-30-98.)

(760 ILCS 100/10) (from Ch. 21, par. 64.10)

New matter indicated by italics - deletions by strikeout.
Sec. 10. Upon receipt of such application for license, the Comptroller shall issue a license to the applicant unless the Comptroller determines that:
   (a) The applicant has made any misrepresentations or false statements or has concealed any essential or material fact, or
   (b) The applicant is insolvent; or
   (c) The applicant is or has been using practices in the conducting of the cemetery business that work or tend to work a fraud; or
   (d) The applicant has refused to furnish or give pertinent data to the Comptroller; or
   (e) The applicant has failed to notify the Comptroller with respect to any material facts required in the application for license under the provisions of this Act; or
   (f) The applicant has failed to satisfy any enforceable judgment entered by the circuit court in any civil proceedings against such applicant; or
   (g) The applicant has conducted or is about to conduct its business in a fraudulent manner; or
   (h) The applicant or any As to the name of any individual listed in the license application, such individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; or has been convicted of a felony or any misdemeanor of which an essential element is fraud; or has been involved in any civil litigation in which a judgment has been entered against him or her based on fraud; or has failed to satisfy any enforceable judgment entered by the circuit court in any civil proceedings against such individual; or has been convicted of any felony of which fraud is an essential element; or has been convicted of any theft-related offense; or has failed to comply with the requirements of this Act; or has demonstrated a pattern of improperly failing to honor a contract with a consumer; or
   (i) The applicant has ever had a license involving cemeteries or funeral homes revoked, suspended, or refused to be issued in Illinois or elsewhere.

If the Comptroller so determines, then he or she shall conduct a hearing to determine whether to deny the application. However, no application shall be denied unless the applicant has had at least 10 days notice of a hearing on the application and an opportunity to be heard thereon. If the application is denied, the Comptroller shall within 20 days thereafter prepare and keep on file in his or her office the transcript of the evidence taken and a written order of denial thereof, which shall contain his or her findings with respect thereto and the reasons supporting the denial, and shall send by United States mail a copy of the written order of denial to the applicant at the address set forth in the application, within 5 days after the filing of such order. A review of such decision may be had as provided in Section 20 of this Act.

The license issued by the Comptroller shall remain in full force and effect until it is surrendered by the licensee or revoked by the Comptroller as hereinafter provided.

(Source: P.A. 88-477.)

(760 ILCS 100/11) (from Ch. 21, par. 64.11)

Sec. 11. Issuance and display of license. A license issued under this Act authorizes the cemetery authority to accept care funds for the cemetery identified in the license. If a license application seeks licensure to accept care funds on behalf of more than one cemetery location, the Comptroller, upon approval of the license application, shall issue to the cemetery authority a separate license for each cemetery location indicated on the application. Each license issued by the Comptroller under this Act is independent of any other license that may be issued to a cemetery authority under a single license application.

Every license issued by the Comptroller shall state the number of the license and the address at which the business is to be conducted. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

No more than one place of business shall be maintained under the same license, but the Comptroller may issue more than one license to the same licensee upon compliance with the provisions of this Act governing an original issuance of a license, for each new license.

Whenever a licensee shall wish to change the name as originally set forth in his license, he shall give written notice thereof to the Comptroller together with the reasons for the change and if the change is approved by the Comptroller he shall issue a new license.

*A license issued by the Comptroller shall remain in full force and effect until it is surrendered*
by the licensee or suspended or revoked by the Comptroller as provided in this Act.
(Source: P.A. 78-592.)

(760 ILCS 100/12) (from Ch. 21, par. 64.12)

Sec. 12. Annual reports. Every licensee shall prepare a written report as of the end of the
preceding calendar year or fiscal year, as the case may be, showing:

(a) The amount of the principal of the care funds held in trust by the trustee of the care funds
at the beginning of such year and in addition thereto all moneys or property received during such year
(1) under and by virtue of the sale of a lot, grave, crypt or niche; (2) under or by virtue of the terms
of the contract authorized by the provisions of Section 3 of this Act; (3) under or by virtue of any gift,
grant, legacy, payment or other contribution made either prior to or subsequent to the effective date
of this Act, and (4) under or by virtue of any contract or conveyance made either prior to or
subsequent to the effective date of this Act;

(b) The securities in which such care funds are invested and the cash on hand as of the date
of the report;

(c) The income received from such care funds during the preceding calendar year, or fiscal
year, as the case may be;

(d) The expenditures made from said income during the preceding calendar year, or fiscal
year, as the case may be; and

(e) The number of interments made during the preceding calendar year, or fiscal year, as the
case may be.

Where any of the care funds of a licensee are held by an independent trustee, the report filed
by the licensee shall contain a certificate signed by the trustee of the care funds of such licensee
certifying to the truthfulness of the statements in the report as to (1) the total amount of principal of
the care funds held by the trustee, (2) the securities in which such care funds are invested and the cash
on hand as of the date of the report and (3) the income received from such care funds during the
preceding calendar year, or fiscal year, as the case may be.

Such report shall be filed by such licensee on or before March 15 of each calendar year, in
the office of the Comptroller. If the fiscal year of such licensee is other than on a calendar year basis,
then such licensee shall file the report required by this Section within 2 1/2 months of the end of its
fiscal year. The Comptroller shall for good cause shown grant an extension for the filing of the annual
report upon the written request of the licensee. Such extension shall not exceed 60 days. If a licensee
fails to submit an annual report to the Comptroller within the time specified in this Section, the
Comptroller shall impose upon the licensee a penalty of $5 for each and every day the licensee
remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5
daily penalty for good cause shown.

Such report shall be made under oath and shall be in the form furnished by the Comptroller.
Each report shall be accompanied by a check or money order in the amount of $10, payable to:
Comptroller, State of Illinois.

If any annual report shows that the amount of the care funds held in trust at the end of the
preceding calendar year or fiscal year, as the case may be, has increased in amount over that shown
by the next preceding report, then the fidelity bond theretofore filed shall be increased to the amount
required by Section 9 of this Act. Such increased fidelity bond shall accompany the report and no
report shall be accepted by the Comptroller unless accompanied by such bond, except where the filing
of a bond is excused by Section 18 of this Act.
(Source: P.A. 88-477; 89-615, eff. 8-9-96.)

(760 ILCS 100/13) (from Ch. 21, par. 64.13)

Sec. 13. Books, accounts, and records. Every licensee and the trustee of the care funds of
every licensee shall be a resident of this State and shall keep in this State and use in its business such
books, accounts and records as will enable the Comptroller to determine whether such licensee or
trustee is complying with the provisions of this Act and with the rules, regulations and directions made
by the Comptroller hereunder. The licensee shall keep the books, accounts, and records at the location
identified in the license issued by the Comptroller or as otherwise agreed by the Comptroller in
writing. The books, accounts, and records shall be accessible for review upon demand of the
Comptroller.
(Source: P.A. 78-592.)

New matter indicated by italics - deletions by strikeout.
Sec. 15b. Sales; liability of purchaser for shortage.

In the case of a sale of any privately operated cemetery or any part thereof or of any related personal property by a cemetery authority to a purchaser or pursuant to foreclosure proceedings, except the sale of burial rights, services, or merchandise to a person for his or her personal or family burial or interment, the purchaser is liable for any shortages existing before or after the sale in the care funds required to be maintained in a trust pursuant to this Act and shall honor all instruments issued under Section 4 for that cemetery. Any shortages existing in the care funds constitute a prior lien in favor of the trust for the total value of the shortages, and notice of such lien shall be provided in all sales instruments.

In the event of a sale or transfer of all or substantially all of the assets of the cemetery authority, the sale or transfer of the controlling interest of the corporate stock of the cemetery authority if the cemetery authority is a corporation, or the sale or transfer of the controlling of the partnership if the cemetery authority is a partnership, the cemetery authority shall, at least 21 days prior to the sale or transfer, notify the Comptroller, in writing, of the pending date of sale or transfer so as to permit the Comptroller to audit the books and records of the cemetery authority. The audit must be commenced within 10 business days of the receipt of the notification and completed within the 21 day notification period unless the Comptroller notifies the cemetery authority during that period that there is a basis for determining a deficiency which will require additional time to finalize. The sale or transfer may not be completed by the cemetery authority unless and until:

(a) The Comptroller has completed the audit of the cemetery authority's books and records;

(b) Any delinquency existing in the care funds has been paid by the cemetery authority, or arrangements satisfactory to the Comptroller have been made by the cemetery authority on the sale or transfer for the payment of any delinquency;

(c) The Comptroller issues a new cemetery care license upon application of the newly controlled corporation or partnership, which license must be applied for within 30 days of the anticipated date of the sale or transfer, subject to the payment of any delinquencies, if any, as stated in item (b) above.

For purposes of this Section, a person, firm, corporation, partnership, or institution that acquires the cemetery through a real estate foreclosure shall be subject to the provisions of this Section. The sale or transfer of the controlling interest of a cemetery authority to an immediate family member is not subject to the license application process required in item (c) of this Section.

In the event of a sale or transfer of any cemetery land, including any portion of cemetery land in which no human remains have been interred, a licensee shall, at least 21 days prior to the sale or transfer, notify the Comptroller, in writing, of the pending sale or transfer.

Sec. 24. Whoever intentionally fails to deposit the required amounts into a trust provided for in this Act, intentionally and improperly withdraws or uses trust funds for his or her own benefit, or otherwise intentionally violates any provision of this Act (other than except the provisions of Section 23 and subsections (b), (c), (d), and (e) of Section 2a) shall be guilty of a Class 4 felony, and each day such provisions are violated shall constitute a separate offense.

If any person intentionally violates this Act or fails or refuses to comply with any order of the Comptroller or any part of an order that has become final to such person and is still in effect, the Comptroller may, after notice and hearing at which it is determined that a violation of this Act or such order has been committed, further order that such person shall forfeit and pay to the State of Illinois a sum not to exceed $5,000 for each violation. Such liability shall be enforced in an action brought in any court of competent jurisdiction by the Comptroller in the name of the People of the State of Illinois.

In addition to the other penalties and remedies provided in this Act, the Comptroller may bring a civil action in the county of residence of the licensee or any person accepting care funds to enjoin any violation or threatened violation of this Act.

The powers vested in the Comptroller by this Section are additional to any and all other powers and remedies vested in the Comptroller by law.

New matter indicated by italics - deletions by strikeout.
Sec. 26. Abandoned or neglected cemeteries; clean-up. The Comptroller may administer a program for the purpose of cleaning up abandoned or neglected cemeteries located in Illinois. Administration of this program may include the Comptroller's issuance of grants for that purpose to units of local government, school districts, and not-for-profit associations.

If an abandoned or neglected cemetery has been dedicated as an Illinois nature preserve under the Illinois Natural Areas Preservation Act, any action to cause the clean up of the cemetery under the provisions of this Section shall be consistent with the rules and master plan governing the dedicated nature preserve.

Section 40. The Cemetery Protection Act is amended by changing Sections 1, 9, 10, 12, 13, and 14 and adding Section 16 as follows:

Sec. 1. (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(a-5) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.

(b) Any person who acts without proper legal authority and who willfully and knowingly:

(1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;

(2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;

(3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery;

(4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character;

is guilty of a Class A misdemeanor if the amount of the damage is less than $500, a Class 4 felony if the amount of the damage is at least $500 and less than $10,000, a Class 3 felony if the amount of the damage is at least $10,000 and less than $100,000, or a Class 2 felony if the damage is $100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-7) Any person who acts without proper legal authority and who willfully and knowingly removes with the intent to resell a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside a recognized cemetery, memorial park, or battlefield, is guilty of a Class 2 felony.

(c) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly, or dilapidated.

(d) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount allowed under the Parental
Responsibility Law.
  (e) Any person who shall hunt, shoot or discharge any gun, pistol or other missile, within the
  limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion
  thereof, or shall violate any of the rules made and established by the board of directors of such
  cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.
  
  (f) Any person who knowingly enters or knowingly remains upon the premises of a public or
  private cemetery without authorization during hours that the cemetery is posted as closed to the public
  is guilty of a Class A misdemeanor.
  
  (g) All fines when recovered, shall be paid over by the court or officer receiving the same to
  the cemetery association and be applied, as far as possible in repairing the injury, if any, caused by
  such offense. Provided, nothing contained in this Act shall deprive such cemetery association, or the
  owner of any lot or monument from maintaining an action for the recovery of damages caused by any
  injury caused by a violation of the provisions of this Act, or of the rules established by the board of
  directors of such cemetery association. Nothing in this Section shall be construed to prohibit the
  discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance
  or any other patriotic or military ceremony.
  
  (Source: P.A. 89-36, eff. 1-1-96.)
  
(765 ILCS 835/9) (from Ch. 21, par. 21.2)
Sec. 9. When there is no memorial, monument, or marker installed on a cemetery lot; no
interment in a cemetery lot; no transfer or assignment of a cemetery lot on the cemetery authority
records; no contact by an owner recorded in the cemetery authority records; publication has been
made in a local newspaper and no response was received; and 60 years have passed since the
cemetery lot was sold, there is a presumption that the cemetery lot has been abandoned. Alternatively,
where there is an obligation to pay a cemetery authority, annually or periodically, maintenance or care
charges on a cemetery lot, or part thereof, and the owner of or claimant to a right or easement for
burial in such cemetery lot, or part thereof, has failed to pay the required annual or periodic
maintenance or care charges for a period of 30 years or more, such continuous failure to do so creates
and establishes a presumption that the cemetery lot, or part thereof, has been abandoned.

Upon a court's determination of abandonment, the ownership of a right or easement for burial
in a cemetery lot, or part thereof, shall be subject to sale in the manner hereinafter provided.
(765 ILCS 835/10) (from Ch. 21, par. 21.3)
Sec. 10. A cemetery authority may file in the office of the clerk of the circuit court of the
county in which the cemetery is located a verified petition praying for the entry of an order adjudging
a cemetery lot, or part thereof, to have been abandoned. The petition shall describe the cemetery lot,
or part thereof, alleged to have been abandoned, shall allege ownership by the petitioner of the
cemetery, and, if known, the name of the owner of the right or easement for burial in such cemetery
lot, or part thereof, as is alleged to have been abandoned, or, if the owner thereof is known to the
petitioner to be deceased, then the names, if known to petitioner, of such claimants thereto as are the
heirs-at-law and next-of-kin or the specific legatees under the will of the owner of the right or
easement for burial in such lot, or part thereof, and such other facts as the petitioner may have with
respect to ownership of the right or easement for burial in such cemetery lot, or part thereof.

The petition shall also allege the facts with respect to the abandonment of the cemetery lot or
facts about the obligation of the owner to pay annual or periodic maintenance or care charges on such
 cemetery lot, or part thereof, the amount of such charges as are due and unpaid, and shall also allege
the continuous failure by the owner or claimant to pay such charges for a period of 30 consecutive
years or more.

Irrespective of diversity of ownership of the right or easement for burial therein, a cemetery
authority may include in one petition as many cemetery lots, or parts thereof, as are alleged to have
been abandoned.
(765 ILCS 835/12) (from Ch. 21, par. 21.5)
Sec. 12. In the event the owner, the claimant, or the heirs-at-law and next-of-kin or the
specific legatees under the will of either the owner or claimant submits proof of ownership to the court
or, appears and answers the petition, the presumption of abandonment shall no longer exist and the

New matter indicated by italics - deletions by strikeout.
court shall set the matter for hearing upon the petition and such answers thereto as may be filed.

In the event the defendant or defendants fails to appear and answer the petition, or in the event that upon the hearing the court determines from the evidence presented that there has been *an abandonment of the cemetery lot for 60 years or a continuous failure to pay the annual or periodic maintenance or care charges on such lot, or part thereof, for a period of 30 years or more preceding the filing of the petition, then, in either such event, an order shall be entered adjudicating such lot, or part thereof, to have been abandoned and adjudging the right or easement for burial therein to be subject to sale by the cemetery authority at the expiration of one year from the date of the entry of such order. Upon entry of an order adjudicating abandonment of a cemetery lot, or part thereof, the court shall fix such sum as is deemed a reasonable fee for the services of petitioner's attorney.

(Source: P.A. 84-549.)

(765 ILCS 835/13) (from Ch. 21, par. 21.6)

Sec. 13. In the event that, at any time within one year after adjudication of abandonment, the owner or claimant of a lot, or part thereof, which has been adjudged abandoned, shall contact the court or the cemetery authority and pay all maintenance or care charges that are due and unpaid, shall reimburse the cemetery authority for the costs of suit and necessary expenses incurred in the proceeding with respect to such lot, or part thereof, and shall contract for its future care and maintenance, then such lot, or part thereof, shall not be sold as herein provided and, upon petition of the owner or claimant, the order or judgment adjudging the same to have been abandoned shall be vacated as to such lot, or part thereof.

(Source: P.A. 79-1365.)

(765 ILCS 835/14) (from Ch. 21, par. 21.7)

Sec. 14. After the expiration of one year from the date of entry of an order adjudging a lot, or part thereof, to have been abandoned, a cemetery authority shall have the right to do so and may sell such lot, or part thereof, at public sale and grant an easement therein for burial purposes to the purchaser at such sale, subject to the interment of any human remains theretofore placed therein and the right to maintain memorials placed thereon. A cemetery authority may bid at and purchase such lot, or part thereof, at such sale.

Notice of the time and place of any sale held pursuant to an order adjudicating abandonment of a cemetery, or part thereof, shall be published once in a newspaper of general circulation in the county in which the cemetery is located, such publication to be not less than 30 days prior to the date of sale.

The proceeds derived from any sale shall be used to reimburse the petitioner for the costs of suit and necessary expenses, including attorney's fees, incurred by petitioner in the proceeding, and the balance, if any, shall be deposited into the cemetery authority's care fund or, if there is no care fund, used by the cemetery authority for the care of its cemetery and for no other purpose.

(Source: P.A. 79-1365.)

(765 ILCS 835/16 new)

Sec. 16. When a multiple interment right owner becomes deceased, the ownership of any unused rights of interment shall pass in accordance with the specific bequest in the decedent's will. If there is no will or specific bequest then the use of the unused rights of interment shall be determined by a cemetery authority in accordance with the information set out on a standard affidavit for cemetery interment rights use form if such a form has been prepared. The unused right of interment shall be used for the interment of the first deceased heir listed on the standard affidavit and continue in sequence until all listed heirs are deceased. In the event that an interment right is not used, the interment right shall pass to the heirs of the heirs of the deceased interment right owner in perpetuity. This shall not preclude the ability of the heirs to sell said interment rights, in the event that all listed living heirs are in agreement. If the standard affidavit for cemetery interment rights use, showing heirship of decedent interment right owner's living heirs is provided to and followed by a cemetery authority, the cemetery authority shall be released of any liability in relying on that affidavit.

The following is the form of the standard affidavit:

STATE OF ILLINOIS )
) SS
COUNTY OF .................)

AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

New matter indicated by italics - deletions by strikeout.
I, .............., being first duly sworn on oath depose and say that:

1. A. My place of residence is ......................
   B. My post office address is ......................
   C. I understand that I am providing the information contained in this affidavit to the
      ("Cemetery") and the Cemetery shall, in the absence of directions to the contrary in
      my will, rely on this information to allow the listed individuals to be interred in any unused
      interment rights in the order of their death.
   D. I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction
      of Illinois courts for all matters related to the preparation and use of this affidavit. My agent
      for service of process in Illinois is:
      Name ..................... Address .....................
      City ..................... Telephone .....................

   Items 2 through 6 must be completed by the executor of the decedent's estate, a personal
   representative, owner's surviving spouse, or surviving heir.

2. The decedent's name is ......................
3. The date of decedent's death was ..................
4. The decedent's place of residence immediately before his or her death was

      5. My relationship to the decedent is ..................

5. My relationship to the decedent is ..................
6. At the time of death, the decedent (had no) (had a) surviving spouse. The name of the
   surviving spouse, if any, is ......................, and he or she (has) (has not) remarried.
7. The following is a list of the cemetery interment rights that may be used by the heirs if the
   owner is deceased:
   ..............................................................
   ..............................................................

8. The following persons have a right to use the cemetery interment rights in the order of their
   death:
   ..................... Address ......................
   ..................... Address ......................
   ..................... Address ......................
   ..................... Address ......................
   ..................... Address ......................
   ..................... Address ......................
   ..................... Address ......................

9. This affidavit is made for the purpose of obtaining the consent of the undersigned to
   transfer the right of interment at the above mentioned cemetery property to the listed heirs. Affiants
   agree that they will save, hold harmless, and indemnify Cemetery, its heirs, successors, employees,
   and assigns, from all claims, loss, or damage whatsoever that may result from relying on this affidavit
   to record said transfer in its records and allow interments on the basis of the information contained
   in this affidavit.

   WHEREFORE affiant requests Cemetery to recognize the above named heirs-at-law as those
   rightfully entitled to the use of said interment (spaces) (space).

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF
PERJURY. (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF
PERJURY IS PERJURY AS Defined IN THE CRIMINAL CODE OF 1961.)

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

(Seal) (To be signed by the owner or
the individual who completes items 2 through 6 above.)

Subscribed and sworn to before me, a Notary Public in and for
the County and State of .............. aforesaid this

...... day of .............., ....

........................ Notary Public.

Section 45. The Illinois Pre-Need Cemetery Sales Act is amended by changing Sections 1,
4, 5, 6, 7, 8, 8a, 9, 12, 14, 16, 19, 20, 22, and 23 and adding Section 27.1 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 1. Purpose. It is the purpose of this Act to assure adequate protection for those who contract through pre-need contracts for the purchase of certain cemetery merchandise and cemetery services and undeveloped interment, entombment or inurnment space, when the seller may delay delivery or performance more than 120 days following initial payment on the account. (Source: P.A. 85-805.)

Sec. 4. Definitions. As used in this Act, the following terms shall have the meaning specified:

(A) "Pre-need sales contract" or "Pre-need sales" means any agreement or contract or series or combination of agreements or contracts which have for a purpose the sale of cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment spaces where the terms of such sale require payment or payments to be made at a currently determinable time and where the merchandise, services or completed spaces are to be provided more than 120 days following the initial payment on the account. An agreement or contract for a memorial, marker, or monument shall not be deemed a "pre-need sales contract" or a "pre-need sale" if the memorial, marker, or monument is delivered within 180 days following initial payment on the account and work thereon commences a reasonably short time after initial payment on the account.

(B) "Delivery" occurs when:

1. Physical possession of the merchandise is transferred or the easement for burial rights in a completed space is executed, delivered and transferred to the buyer; or

2. Following authorization by a purchaser under a pre-need sales contract, title to the merchandise has been transferred to the buyer and the merchandise has been paid for and is in the possession of the seller who has placed it, until needed, at the site of its ultimate use; or

3. Following authorization by a purchaser under a pre-need sales contract, the merchandise has been permanently identified with the name of the buyer or the beneficiary and delivered to a licensed and bonded warehouse and both title to the merchandise and a warehouse receipt have been delivered to the purchaser or beneficiary and a copy of the warehouse receipt has been delivered to the licensee for retention in its files; except that in the case of outer burial containers, the use of a licensed and bonded warehouse as set forth in this paragraph shall not constitute delivery for purposes of this Act. Nothing herein shall prevent a seller from perfecting a security interest in accordance with the Uniform Commercial Code on any merchandise covered under this Act.

All warehouse facilities to which sellers deliver merchandise pursuant to this Act shall:

1. be either located in the State of Illinois or qualify as a foreign warehouse facility as defined herein;

2. submit to the Comptroller not less than annually, by March 1 of each year, a report of all cemetery merchandise stored by each licensee under this Act which is in storage on the date of the report;

3. permit the Comptroller or his designee at any time to examine stored merchandise and to examine any documents pertaining thereto;

4. submit evidence satisfactory to the Comptroller that all merchandise stored by said warehouse for licensees under this Act is insured for casualty or other loss normally assumed by a bailee for hire;

5. demonstrate to the Comptroller that the warehouse has procured and is maintaining a performance bond in the form, content and amount sufficient to unconditionally guarantee to the purchaser or beneficiary the prompt shipment of the cemetery merchandise.

(C) "Cemetery merchandise" means items of personal property normally sold by a cemetery authority not covered under the Illinois Funeral or Burial Funds Act, including but not limited to:

1. memorials,

2. markers,

3. monuments,

4. foundations,
(5) outer burial containers.

(D) "Undeveloped interment, entombment or inurnment spaces" or "undeveloped spaces" means any space to be used for the reception of human remains that is not completely and totally constructed at the time of initial payment therefor in a:

(1) lawn crypt,
(2) mausoleum,
(3) garden crypt,
(4) columbarium, or
(5) cemetery section.

(E) "Cemetery services" means those services customarily performed by cemetery or crematory personnel in connection with the interment, entombment, inurnment or cremation of a dead human body.

(F) "Cemetery section" means a grouping of spaces intended to be developed simultaneously for the purpose of interring human remains.

(G) "Columbarium" means an arrangement of niches that may be an entire building, a complete room, a series of special indoor alcoves, a bank along a corridor or part of an outdoor garden setting that is constructed of permanent material such as bronze, marble, brick, stone or concrete for the inurnment of human remains.

(H) "Lawn crypt" means a permanent underground crypt usually constructed of reinforced concrete or similar material installed in multiple units for the entombment of human remains.

(I) "Mausoleum" or "garden crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing human remains.

(J) "Memorials, markers and monuments" means the object usually comprised of a permanent material such as granite or bronze used to identify and memorialize the deceased.

(K) "Foundations" means those items used to affix or support a memorial or monument to the ground in connection with the installation of a memorial, marker or monument.

(L) "Person" means an individual, corporation, partnership, joint venture, business trust, voluntary organization or any other form of entity.

(M) "Seller" means any person selling or offering for sale cemetery merchandise, cemetery services or undeveloped interment, entombment, or inurnment spaces in accordance with a pre-need sales contract.

(N) "Religious cemetery" means a cemetery owned, operated, controlled or managed by any recognized church, religious society, association or denomination or by any cemetery authority or any corporation administering, or through which is administered, the temporalities of any recognized church, religious society, association or denomination.

(O) "Municipal cemetery" means a cemetery owned, operated, controlled or managed by any city, village, incorporated town, township, county or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate or manage a cemetery.

(O-1) "Outer burial container" means a container made of concrete, steel, wood, fiberglass, or similar material, used solely at the interment site, and designed and used exclusively to surround or enclose a separate casket and to support the earth above such casket, commonly known as a burial vault, grave box, or grave liner, but not including a lawn crypt.

(P) "Sales price" means the gross amount paid by a purchaser on a pre-need sales contract for cemetery merchandise, cemetery services or undeveloped interment, entombment or inurnment spaces, excluding sales taxes, credit life insurance premiums, finance charges and Cemetery Care Act contributions.

(Q) (Blank).

(R) "Provider" means a person who is responsible for performing cemetery services or furnishing cemetery merchandise, interment spaces, entombment spaces, or inurnment spaces under a pre-need sales contract.

(S) "Purchaser" or "buyer" means the person who originally paid the money under or in connection with a pre-need sales contract.

(T) "Parent company" means a corporation owning more than 12 cemeteries or funeral homes in more than one state.

New matter indicated by italics - deletions by strikeout.
"Foreign warehouse facility" means a warehouse facility now or hereafter located in any state or territory of the United States, including the District of Columbia, other than the State of Illinois.

A foreign warehouse facility shall be deemed to have appointed the Comptroller to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of this Act, and the acceptance of the delivery of stored merchandise under this Act shall be signification of its agreement that any such process against it which is so served, shall be of the same legal force and validity as though served upon it personally.

Service of such process shall be made by delivering to and leaving with the Comptroller, or any agent having charge of the Comptroller's Department of Cemetery and Burial Trusts, a copy of such process and such service shall be sufficient service upon such foreign warehouse facility if notice of such service and a copy of the process are, within 10 days thereafter, sent by registered mail by the plaintiff to the foreign warehouse facility at its principal office and the plaintiff's affidavit of compliance hereewith is appended to the summons. The Comptroller shall keep a record of all process served upon him under this Section and shall record therein the time of such service.

Sec. 5. It is unlawful for any person directly or indirectly doing business within this State, through an agent or otherwise to engage in pre-need sales without a license issued by the Comptroller.

Sec. 6. License application.

(a) An application for a license shall be made in writing to the Comptroller on forms prescribed by him or her, signed by the applicant under oath verified by a notary public, and shall be accompanied by a non-returnable $25 application fee. The Comptroller may prescribe abbreviated application forms for persons holding a license under the Cemetery Care Act. Applications (except abbreviated applications) must include at least the following information:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; of every member if applicant is a partnership; of every member of the Board of Directors if applicant is an association; and of every officer, director and shareholder holding more than 10% of the corporate stock if applicant is a corporation;

(2) A detailed statement of applicant's assets and liabilities;

(2.1) The name and address of the applicant's principal place of business at which the books, accounts, and records are available for examination by the Comptroller as required by this Act;

(2.2) The name and address of the applicant's branch locations at which pre-need sales will be conducted and which will operate under the same license number as the applicant's principal place of business;

(3) For each individual listed under (1) above, a detailed statement of the individual's business experience for the 10 years immediately preceding the application; any present or prior connection between the individual and any other person engaged in pre-need sales; any felony or misdemeanor convictions for which fraud was an essential element; any charges or complaints lodged against the individual for which fraud was an essential element and which resulted in civil or criminal litigation; any failure of the individual to satisfy an enforceable judgment entered against him or her based upon fraud; and any other information requested by the Comptroller relating to the past business practices of the individual. Since the information required by this paragraph may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act;

(4) The name of the trustee and, if applicable, the names of the advisors to the trustee, including a copy of the proposed trust agreement under which the trust funds are to be held as required by this Act;

(5) Where applicable, the name of the corporate surety company providing the performance bond for the construction of undeveloped spaces and a copy of the bond; and
(6) Such other information as the Comptroller may reasonably require in order to
determine the qualification of the applicant to be licensed under this Act.

(b) Applications for license shall be accompanied by a fidelity bond executed by the applicant
and a security company authorized to do business in this State in such amount, not exceeding $10,000,
as the Comptroller may require. The Comptroller may require additional bond from time to time in
amounts equal to one-tenth of such trust funds but not to exceed $100,000, which bond shall run to
the Comptroller for the use and benefit of the beneficiaries of such trust funds. Such licensee may by
written permit of the Comptroller be authorized to operate without additional bond, except such
fidelity bond as may be required by the Comptroller for the protection of the licensee against loss by
default by any of its employees engaged in the handling of trust funds.

(c) Any application not acted upon within 90 days may be deemed denied.

(815 ILCS 390/7) (from Ch. 21, par. 207)
Sec. 7. The Comptroller may refuse to issue or may suspend or revoke a license on any of the
following grounds:

(a) The applicant or licensee has made any misrepresentations or false statements or concealed
any material fact;

(b) The applicant or licensee is insolvent;

(c) The applicant or licensee has been engaged in business practices that work a fraud;

(d) The applicant or licensee has refused to give pertinent data to the Comptroller;

(e) The applicant or licensee has failed to satisfy any enforceable judgment or decree rendered
by any court of competent jurisdiction against the applicant;

(f) The applicant or licensee has conducted or is about to conduct business in a fraudulent
manner;

(g) The trustee advisors or the trust agreement is not in compliance with State or federal law
satisfactory to the Comptroller;

(h) The pre-construction performance bond, if applicable, is not satisfactory to the
Comptroller;

(i) The fidelity bond is not satisfactory to the Comptroller;

(j) As to any individual listed in the license application as required pursuant to Section 6, that
such individual has conducted or is about to conduct any business on behalf of the applicant in a
fraudulent manner; has been convicted of any felony or misdemeanor an essential element of which
is fraud, has had a judgment rendered against him or her based on fraud in any civil litigation, or
has failed to satisfy any enforceable judgment or decree rendered against him by any court of competent
jurisdiction, or has been convicted of any felony or any theft-related offense;

(k) The applicant or licensee has failed to make the annual report required by this Act or to
comply with a final order, decision, or finding of the Comptroller made pursuant to this Act;

(l) The applicant or licensee, including any member, officer, or director thereof if the
applicant or licensee is a firm, partnership, association, or corporation and any shareholder holding
more than 10% of the corporate stock, has violated any provision of this Act or any regulation or order
made by the Comptroller under this Act; or

(m) The Comptroller finds any fact or condition existing which, if it had existed at the time
of the original application for such license would have warranted the Comptroller in refusing the
issuance of the license.

(815 ILCS 390/8) (from Ch. 21, par. 208)
Sec. 8. (a) Every license issued by the Comptroller shall state the number of the license, the
business name and address of the licensee's principal place of business, each branch location also
operating under the license, and the licensee's parent company, if any. The license at which the business
is to be conducted, and The license shall be conspicuously posted in each the place of business
operating under the license. No more than one place of business shall be maintained under the same
license, but The Comptroller may issue additional licenses as may be necessary for license branch
locations more than one license to a licensee upon compliance with the provisions of this Act
governing an original issuance of a license for each new license.

(b) Individual salespersons representing employed by a licensee shall not be required to obtain
licenses in their individual capacities but must acknowledge, by affidavit, that they have been provided a copy of and have read this Act. The licensee must retain copies of the affidavits of its salespersons for its records and must make the affidavits available to the Comptroller for examination upon request.

(c) The licensee shall be responsible for the activities of any person representing the licensee in selling or offering a pre-need contract for sale to all individuals or sales organizations selling under contract with, as agents or on behalf of the licensee.

(d) Any sales company or other person not selling on behalf of a licensee shall be required to obtain his or her own license.

(e) Any person engaged in pre-need sales, as defined herein, prior to the effective date of this Act may continue operations until the application for license under this Act is denied; provided that such person shall make application for a license within 60 days of the date that application forms are made available by the Comptroller.

(f) No license shall be transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed hereunder shall be deemed to be an attempted assignment of the license originally issued to the licensee for which consent of the Comptroller shall be required.

(g) Every license issued hereunder shall remain in force until the same has been suspended, surrendered or revoked in accordance with this Act, but the Comptroller, upon the request of an interested person or on his own motion, may issue new licenses to a licensee whose license or licenses have been revoked, if no factor or condition then exists which would have warranted the Comptroller in refusing originally the issuance of such license.

(Source: P.A. 84-239.)

(815 ILCS 390/8a)

Sec. 8a. Investigation of unlawful practices. If it appears to the Comptroller that a person has engaged in, is engaging in, or is about to engage in any practice in violation of declared to be unlawful by this Act, the Comptroller may:

(1) require that person to file on such terms as the Comptroller prescribes a statement or report in writing, under oath or otherwise, containing all information the Comptroller may consider necessary to ascertain whether a licensee is in compliance with this Act, or whether an unlicensed person is engaging in activities for which a license is required;

(2) examine under oath any person in connection with the books and records pertaining to or having an impact upon the trust funds required to be maintained pursuant to this Act;

(3) examine any books and records of the licensee, trustee, or investment advisor that the Comptroller may consider necessary to ascertain compliance with this Act; and

(4) require the production of a copy of any record, book, document, account, or paper that is produced in accordance with this Act and retain it in his or her possession until the completion of all proceedings in connection with which it is produced.

(Source: P.A. 89-615, eff. 8-9-96.)

(815 ILCS 390/9) (from Ch. 21, par. 209)

Sec. 9. The Comptroller may, upon his own motion investigate the actions of any person providing, selling, or offering pre-need sales contracts or of any applicant or any person or persons holding or claiming to hold a license under this Act. The Comptroller shall make such an investigation on receipt of the verified written complaint of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation of a license with respect to which grounds for revocation may occur or exist, or if he shall find that such grounds for revocation are of general application to all offices or to more than one office operated by such licensee, he may revoke all of the licenses issued to such licensee or such number of licenses to which grounds apply, as the case may be. Before refusing to issue, and before suspension or revocation of a license, the Comptroller shall hold a hearing to determine whether the applicant or licensee, hereafter called the respondent, is entitled to hold such a license. At least 10 days prior to the date set for such hearing, the Comptroller shall notify the respondent in writing that on the date designated a hearing will be held to determine his eligibility for a license and that he may appear in person or by counsel. Such written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in his latest notification to the Comptroller and shall include...
sufficient information to inform the respondent of the general nature of the charge. At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Comptroller may reasonably continue such hearing from time to time.

The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases.

Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing which the Comptroller is authorized to conduct.

The Comptroller, at his expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue a license, the suspension or revocation of a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the report and orders of the Comptroller. Copies of the transcript of such record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.

(Source: P.A. 84-239.)

(815 ILCS 390/12) (from Ch. 21, par. 212)
Sec. 12. License revocation or suspension.
(a) The Comptroller may, upon determination that grounds exist for the revocation or suspension of a license issued under this Act, revoke or suspend, if appropriate, the license issued to a licensee or to a particular branch office location with respect to which the grounds for revocation or suspension may occur or exist.
(b) Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses and any branch office licenses to the Comptroller. If the licensee fails to do so, the Comptroller has the right to seize the license or licenses same.

(Source: P.A. 84-239.)

(815 ILCS 390/14) (from Ch. 21, par. 214)
(a) It is unlawful for any person seller doing business within this State to accept sales proceeds, either directly or indirectly, by any means; unless the seller enters into a pre-need sales contract with the purchaser which meets the following requirements:

(1) A written sales contract shall be executed in at least 11 point type in duplicate for each pre-need sale made by a licensee, and a signed copy given to the purchaser. Each completed contract shall be numbered and shall contain: (i) the name and address of the purchaser, the principal office of the licensee, and the parent company of the licensee; (ii) and the seller, the name of the person, if known, who is to receive the cemetery merchandise, cemetery services or the completed interment, entombment or inurnment spaces under the contract; and (iii) specific identification of such merchandise, services or spaces to be provided, if a specific space or spaces are contracted for, and the price of the merchandise, services, or space or spaces.

(2) In addition, such contracts must contain a provision in distinguishing typeface as follows:

"Notwithstanding anything in this contract to the contrary, you are afforded certain specific rights of cancellation and refund under Sections 18 and 19 of the Illinois Pre-Need Cemetery Sales Act, enacted by the 84th General Assembly of the State of Illinois".

(3) All pre-need sales contracts shall be sold on a guaranteed price basis. At the time of performance of the service or delivery of the merchandise, the seller shall be prohibited from assessing the purchaser or his heirs or assigns or duly authorized representative any additional charges for the specific merchandise and services listed on the pre-need sales contract.

(4) Each contract shall clearly disclose that the price of the merchandise or services is guaranteed and shall contain the following statement in 12 point bold type:

"THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC GOODS, SERVICES, INTERMENT SPACES, ENTOMBMENT SPACES, AND INURNMENT
SPACES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY BE REQUIRED FOR DESIGNATED GOODS, AND SERVICES, AND SPACES. ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED EXPENSES."

(5) The pre-need sales contract shall provide that if the particular cemetery services, cemetery merchandise, or spaces specified in the pre-need contract are unavailable at the time of delivery, the seller shall be required to furnish services, merchandise, and spaces similar in style and at least equal in quality of material and workmanship.

(6) The pre-need contract shall also disclose any specific penalties to be incurred by the purchaser as a result of failure to make payments; and penalties to be incurred or moneys or refunds to be received as a result of cancellation of the contract.

(7) The pre-need contract shall disclose the nature of the relationship between the provider and the seller.

(8) Each pre-need contract that authorizes the delivery of cemetery merchandise to a licensed and bonded warehouse shall provide that prior to or upon delivery of the merchandise to the warehouse the title to the merchandise and a warehouse receipt shall be delivered to the purchaser or beneficiary. The pre-need contract shall contain the following statement in 12 point bold type:

"THIS CONTRACT AUTHORIZES THE DELIVERY OF MERCHANDISE TO A LICENSED AND BONDED WAREHOUSE FOR STORAGE OF THE MERCHANDISE UNTIL THE MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED MERCHANDISE."

The purchaser shall initial the statement at the time of entry into the pre-need contract.

(9) Each pre-need contract that authorizes the placement of cemetery merchandise at the site of its ultimate use prior to the time that the merchandise is needed by the beneficiary shall contain the following statement in 12 point bold type:

"THIS CONTRACT AUTHORIZES THE PLACEMENT OF MERCHANDISE AT THE SITE OF ITS ULTIMATE USE PRIOR TO THE TIME THAT THE MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED MERCHANDISE."

The purchaser shall initial the statement at the time of entry into the pre-need contract.

(b) Every pre-need sales contract must be in writing, and no pre-need sales contract form may be used unless it has previously been filed with the Comptroller. The Comptroller shall review all pre-need sales contract forms and, upon written notification to the seller, shall prohibit the use of contract forms that do not meet the requirements of this Act. Any use or attempted use of any oral pre-need sales contract or any written pre-need sales contract in a form not filed with the Comptroller or in a form that does not meet the requirements of this Act shall be deemed a violation of this Act. The Comptroller may by rule develop a model pre-need sales contract form that meets the requirements of this Act.

(c) To the extent the Rule is applicable, every pre-need sales contract is subject to the Federal Trade Commission Rule concerning the Cooling-Off Period for Door-to-Door Sales (16 CFR Part 429).

(d) No pre-need sales contract may be entered into in this State unless there is a provider for the cemetery merchandise, cemetery services, and undeveloped interment, inurnment, and entombment spaces being sold. If the seller is not the provider, then the seller must have a binding agreement with a provider, and the identity of the provider and the nature of the agreement between the seller and the provider must be disclosed in the pre-need sales contract at the time of sale and before the receipt of any sale proceeds. The failure to disclose the identity of the provider, the nature of the agreement between the seller and the provider, or any changes thereto to the purchaser and beneficiary, or the failure to make the disclosures required by this Section constitutes an intentional violation of this Act.

(e) No pre-need contract may be entered into in this State unless it is accompanied by a funding mechanism permitted under this Act and unless the seller is licensed by the Comptroller as provided in this Act. Nothing in this Act is intended to relieve providers or sellers of pre-need contracts from being licensed under any other Act required for their profession or business or from...
being subject to the rules promulgated to regulate their profession or business, including rules on solicitation and advertisement.

(f) No pre-need contract may be entered into in this State unless the seller explains to the purchaser the terms of the pre-need contract prior to the purchaser signing and the purchaser initials a statement in the contract confirming that the seller has explained the terms of the contract prior to the purchaser signing.

(g) The State Comptroller shall develop a booklet for consumers in plain English describing the scope, application, and consumer protections of this Act. After the booklet is developed, no pre-need contract may be sold in this State unless the seller distributes to the purchaser prior to the sale a booklet developed or approved for use by the State Comptroller.

(Source: P.A. 91-7, eff. 1-1-2000.)

(815 ILCS 390/16) (from Ch. 21, par. 216)

Sec. 16. Trust funds; disbursements.
(a) A trustee shall make no disbursements from the trust fund except as provided in this Act.
(b) A trustee shall, with respect to the investment of such trust funds, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

The seller shall act as trustee of all amounts received for cemetery merchandise, services, or undeveloped spaces until those amounts have been deposited into the trust fund. The seller may continue to be the trustee of up to $500,000 that has been deposited into the trust fund, but the seller must retain an independent trustee for any amount of trust funds in excess of $500,000. A seller holding trust funds in excess of $500,000 on the effective date of this amendatory Act of 1996 shall have 36 months to retain an independent trustee for the amounts over $500,000; any other seller must retain an independent trustee for its trust funds in excess of $500,000 as soon as may be practical. The Comptroller shall have the right to disqualify the trustee upon the same grounds as for refusing to grant or revoking a license hereunder. Upon notice to the Comptroller, the seller may change the trustee of the trust fund.

(c) The trustee may rely upon certifications and affidavits made to it under the provisions of this Act, and shall not be liable to any person for such reliance.
(d) A trustee shall be allowed to withdraw from the trust funds maintained pursuant to this Act, payable solely from the income earned on such trust funds, a reasonable fee for all usual and customary services for the operation of the trust fund, including, but not limited to trustee fees, investment advisor fees, allocation fees, annual audit fees and other similar fees. The maximum amount allowed to be withdrawn for these fees each year shall be the lesser of 3% of the balance of the trust calculated on an annual basis or the amount of annual income generated therefrom.
(e) The trust shall be a single-purpose trust fund. In the event of the seller's bankruptcy, insolvency or assignment for the benefit of creditors, or an adverse judgment, the trust funds shall not be available to any creditor as assets of the seller or to pay any expenses of any bankruptcy or similar proceeding, but shall be distributed to the purchasers or managed for their benefit by the trustee holding the funds. Except in an action by the Comptroller to revoke a license issued pursuant to this Act and for creation of a receivership as provided in this Act, the trust shall not be subject to judgment, execution, garnishment, attachment, or other seizure by process in bankruptcy or otherwise, nor to sale, pledge, mortgage, or other alienation, and shall not be assignable except as approved by the Comptroller. The changes made by this amendatory Act of the 91st General Assembly are intended to clarify existing law regarding the inability of licensees to pledge the trust.
(f) Because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.

(Source: P.A. 91-7, eff. 6-1-99.)

(815 ILCS 390/19) (from Ch. 21, par. 219)
Sec. 19. Construction or development of spaces.

New matter indicated by italics - deletions by strikeout.
(a) The construction or development of undeveloped interment, entombment or inurnment spaces shall be commenced on that phase, section or sections of undeveloped ground or section of lawn crypts, mausoleums, garden crypts, columbariums or cemetery spaces in which sales are made within 3 years of the date of the first such sale. The seller shall give written notice to the Comptroller no later than 30 days after the first sale. Such notice shall include a description of the project. Once commenced, construction or development shall be pursued diligently to completion. The construction must be completed within 6 years of the first sale. If construction or development is not commenced or completed within the times specified herein, any purchaser may surrender and cancel the contract and upon cancellation shall be entitled to a refund of the actual amounts paid toward the purchase price plus interest attributable to such amount earned while in trust; provided however that any delay caused by strike, shortage of materials, civil disorder, natural disaster or any like occurrence beyond the control of the seller shall extend the time of such commencement and completion by the length of such delay.

(b) At any time within 12 months of a purchaser’s entering into a pre-need contract for undeveloped interment, entombment or inurnment spaces, a purchaser may surrender and cancel his or her contract and upon cancellation shall be entitled to a refund of the actual amounts paid toward the purchase price plus interest attributable to such amount earned while in trust. Notwithstanding the foregoing, the cancellation and refund rights specified in this paragraph shall terminate as of the date the seller commences construction or development of the phase, section or sections of undeveloped spaces in which sales are made. After the rights of cancellation and refund specified herein have terminated, if a purchaser defaults in making payments under the pre-need contract, the seller shall have the right to cancel the contract and withdraw from the trust fund the entire balance to the credit of the defaulting purchaser’s account as liquidated damages. In such event, the trustee shall deliver said balance to the seller upon its certification, and upon receiving said certification the trustee may rely thereon and shall not be liable to anyone for such reliance.

(c) During the construction or development of interment, entombment or inurnment spaces, upon the sworn certification by the seller and the contractor to the trustee; the trustee shall disburse from the trust fund the amount equivalent to the cost of performed labor or delivered materials as certified. Said certification shall be substantially in the following form:

We, the undersigned, being respectively the Seller and Contractor, do hereby certify that the Contractor has performed labor or delivered materials or both to (address of property) .........., in connection with a contract to .........., and that as of this date the value of the labor performed and materials delivered is $.......

We do further certify that in connection with such contract there remains labor to be performed, and materials to be delivered, of the value of $........

This Certificate is signed (insert date).

............             ............
Seller                  Contractor

A person who executes and delivers a completion certificate with actual knowledge of a falsity contained therein shall be considered in violation of this Act and subject to the penalties contained herein.

(d) Except as otherwise authorized by this Section, every seller of undeveloped spaces shall provide facilities for temporary interment, entombment or inurnment for purchasers or beneficiaries of contracts who die prior to completion of the space. Such temporary facilities shall be constructed of permanent materials, and, insofar as practical, be landscaped and groomed to the extent customary in the cemetery industry in that community. The heirs, assigns, or personal representative of a purchaser or beneficiary shall not be required to accept temporary underground interment spaces where the undeveloped space contracted for was an above ground entombment or inurnment space. In the event that temporary facilities as described in this paragraph are not made available, upon the death of a purchaser or beneficiary, the heirs, assigns, or personal representative is entitled to a refund of the entire sales price paid plus undistributed interest attributable to such amount while in trust.

(e) If the seller delivers a completed space acceptable to the heirs, assigns or personal representative of a purchaser or beneficiary, other than the temporary facilities specified herein, in lieu of the undeveloped space purchased, the seller shall provide the trustee with a delivery certificate and all sums deposited under the pre-need sales contract, including the undistributed income, shall be paid

New matter indicated by italics - deletions by strikeout.
to the seller.

(f) Upon completion of the phase, section or sections of the project as certified to the trustee by the seller and the contractor and delivery of the deed or certificate of ownership to the completed interment, entombment, or inurnment space to all of the purchasers entitled to receive those ownership documents, the trust fund requirements set forth herein shall terminate and all funds held in the preconstruction trust fund attributable to the completed phase, section or sections, including interest accrued thereon, shall be returned to the seller.

(g) This Section shall not apply to the sale of undeveloped spaces if there has been any such sale in the same phase, section or sections of the project prior to the effective date of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

(815 ILCS 390/20) (from Ch. 21, par. 220)

Sec. 20. Records.

(a) Each licensee must keep accurate accounts, books and records in this State at the principal place of business identified in the licensee's license application or as otherwise approved by the Comptroller in writing of all transactions, copies of agreements, dates and amounts of payments made or received, the names and addresses of the contracting parties, the names and addresses of persons for whose benefit funds are received, if known, and the names of the trust depositories. Additionally, for a period not to exceed 6 months after the performance of all terms in a pre-need sales contract, the licensee shall maintain copies of each pre-need contract at the licensee branch location where the contract was entered or at some other location agreed to by the Comptroller in writing.

(b) Each licensee must maintain such records for a period of 3 years after the licensee shall have fulfilled his or her obligation under the pre-need contract or 3 years after any stored merchandise shall have been provided to the purchaser or beneficiary, whichever is later.

(c) Each licensee shall submit reports to the Comptroller annually, under oath, on forms furnished by the Comptroller. The annual report shall contain, but shall not be limited to, the following:

(1) An accounting of the principal deposit and additions of principal during the fiscal year.

(2) An accounting of any withdrawal of principal or earnings.

(3) An accounting at the end of each fiscal year, of the total amount of principal and earnings held.

(d) The annual report shall be filed by the licensee with the Comptroller within 75 days after the end of the licensee's fiscal year. An extension of up to 60 days may be granted by the Comptroller, upon a showing of need by the licensee. Any other reports shall be in the form furnished or specified by the Comptroller. If a licensee fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the licensee a penalty of $5 for each and every day the licensee remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5 daily penalty for good cause shown. Each report shall be accompanied by a check or money order in the amount of $10 payable to: Comptroller, State of Illinois.

(e) On and after the effective date of this amendatory Act of the 91st General Assembly, a licensee may report all required information concerning the sale of outer burial containers on the licensee's annual report required to be filed under this Act and shall not be required to report that information under the Illinois Funeral or Burial Funds Act, as long as the information is reported under this Act.

(Source: P.A. 91-7, eff. 1-1-2000.)

(815 ILCS 390/22) (from Ch. 21, par. 222)

Sec. 22. Cemetery Consumer Protection Fund.

(a) Every seller engaging in pre-need sales shall pay to the Comptroller $5 for each said contract entered into, to be paid into a special income earning fund hereby created in the State Treasury, known as the Cemetery Consumer Protection Fund. The above said fees shall be remitted to the Comptroller semi-annually within 30 days after the end of June and December for all contracts that have been entered in such 6 month period.

(b) All monies paid into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State Treasury. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered pecuniary loss arising out of pre-need sales.

New matter indicated by italics - deletions by strikeout.
(c) The fund shall be applied only to restitution or completion of the project or delivery of the merchandise or services, where such has been ordered by the Circuit Court in a lawsuit brought under this Act by the Attorney General of the State of Illinois on behalf of the Comptroller and in which it has been determined by the Court that the obligation is non-collectible from the judgment debtor. Restitution shall not exceed the amount of the sales price paid plus interest at the statutory rate. The fund shall not be used for the payment of any attorney or other fees.

(d) Whenever restitution is paid by the fund, the fund shall be subrogated to the amount of such restitution, and the Comptroller shall request the Attorney General to engage in all reasonable post judgment collection steps to collect said restitution from the judgment debtor and reimburse the fund.

(e) The fund shall not be applied toward any restitution for losses in any lawsuit initiated by the Attorney General or Comptroller or with respect to any claim made on pre-need sales which occurred prior to the effective date of this Act.

(f) The fund may not be allocated for any purpose other than that specified in this Act.

(g) Notwithstanding any other provision of this Section, the payment of restitution from the fund shall be a matter of grace and not of right and no purchaser shall have any vested rights in the fund as a beneficiary or otherwise. Prior to seeking restitution from the fund, a purchaser or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Comptroller. The form shall include any information the Comptroller may reasonably require in order for the Court to determine that restitution or completion of the project or delivery of merchandise or service is appropriate.

(h) Annually, the status of the fund shall be reviewed by the Comptroller, and if he determines that the fund together with all accumulated income earned thereon, equals or exceeds $10,000,000 and that the total number of outstanding claims filed against the fund is less than 10% of the fund's current balance, then payments to the fund shall be suspended until such time as the fund's balance drops below $10,000,000 or the total number of outstanding claims filed against the fund is more than 10% of the fund's current balance, but on such suspension, the fund shall not be considered inactive.

(815 ILCS 390/23) (from Ch. 21, par. 223)

Sec. 23. (a) Any person who fails to deposit the required amount into a trust provided for in this Act, improperly withdraws or uses trust funds for his or her own benefit, or otherwise violates any provision of this Act is guilty of a Class 4 felony.

(b) If any person violates this Act or fails or refuses to comply with any order of the Comptroller or any part thereof which to such person has become final and is still in effect, the Comptroller may, after notice and hearing at which it is determined that a violation of this Act or such order has been committed, further order that such person shall forfeit and pay to the State of Illinois a sum not to exceed $5,000 for each violation. Such liability shall be enforced in an action brought in any court of competent jurisdiction by the Comptroller in the name of the people of the State of Illinois.

(c) Whenever a license is revoked by the Comptroller, or the Comptroller determines that any person is engaged in pre-need sales without a license, he shall apply to the circuit court of the county where such person is located for a receiver to administer the business of such person.

(d) Whenever a licensee fails or refuses to make a required report or whenever it appears to the Comptroller from any report or examination that such licensee has committed a violation of law or that the trust funds have not been administered properly or that it is unsafe or inexpedient for such licensee or the trustee of the trust funds of such licensee to continue to administer such funds or that any officer of such licensee or of the trustee of the trust funds of such licensee has abused his trust or has been guilty of misconduct or breach of trust in his official position injurious to such licensee or that such licensee has suffered as to its trust funds a serious loss by larceny, embezzlement, burglary, repudiation or otherwise, the Comptroller shall, by order, direct the discontinuance of such illegal, unsafe or unauthorized practices and shall direct strict conformity with the requirements of the law and safety and security in its transactions and may apply to the circuit court of the county where such licensee is located to prevent any disbursements or expenditures by such licensee until the trust funds are in such condition that it would not be jeopardized thereby and the Comptroller shall communicate the facts to the Attorney General of the State of Illinois who shall thereupon institute such proceedings

New matter indicated by italics - deletions by strikeout.
against the licensee or its trustee or the officers of either or both as the nature of the case may require.

(e) In addition to the other penalties and remedies provided in this Act, the Comptroller may bring a civil action in the county of residence of the licensee or any person engaging in pre-need sales, to enjoin any violation or threatened violation of this Act.

(f) The powers vested in the Comptroller by this Section are additional to any and all other powers and remedies vested in the Comptroller by law, and nothing herein contained shall be construed as requiring that the Comptroller shall employ the powers conferred herein instead of or as a condition precedent to the exercise of any other power or remedy vested in the Comptroller.

(Source: P.A. 88-477.)

(815 ILCS 390/27.1 new)

Sec. 27.1. Sales; liability of purchaser for shortage. In the event of a sale or transfer of all or substantially all of the assets of the licensee, the sale or transfer of the controlling interest of the corporate stock of the licensee if the licensee is a corporation, the sale or transfer of the controlling interest of the partnership if the licensee is a partnership, or sale pursuant to foreclosure proceedings, the purchaser is liable for any shortages existing before or after the sale in the trust funds required to be maintained in a trust under this Act and shall honor all pre-need contracts and trusts entered into by the licensee. Any shortages existing in the trust funds constitute a prior lien in favor of the trust for the total value of the shortages, and notice of that lien must be provided in all sales instruments.

In the event of a sale or transfer of all or substantially all of the assets of the licensee, the sale or transfer of the controlling interest of the corporate stock of the licensee if the licensee is a corporation, or the sale or transfer of the controlling interest of the partnership if the licensee is a partnership, the licensee shall, at least 21 days prior to the sale or transfer, notify the Comptroller, in writing, of the pending date of sale or transfer so as to permit the Comptroller to audit the books and records of the licensee. The audit must be commenced within 10 business days after the receipt of the notification and completed within the 21-day notification period unless the Comptroller notifies the licensee during that period that there is a basis for determining a deficiency which will require additional time to finalize. The sale or transfer may not be completed by the licensee unless and until:

(i) the Comptroller has completed the audit of the licensee’s books and records;

(ii) any delinquency existing in the trust funds has been paid by the licensee, or arrangements satisfactory to the Comptroller have been made by the licensee on the sale or transfer for the payment of any delinquency;

(iii) the Comptroller issues a license upon application of the new owner, which license must be applied for within 30 days after the anticipated date of the sale or transfer, subject to the payment of any delinquencies, if any, as stated in item (ii).

For purposes of this Section, a person, firm, corporation, partnership, or institution that acquires the licensee through a real estate foreclosure is subject to the provisions of this Section.

Section 50. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 99. Effective date. This Act takes effect January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0420
(House Bill No. 2290)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State
while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving;
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3) and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of $500 and a mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of $500 and 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a second time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) Blank.

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

New matter indicated by italics - deletions by strikeout.
(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 30 days community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to,
in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. 
(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

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

PUBLIC ACT 92-0421
(House Bill No. 2295)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 20-1.1 as follows:
(720 ILCS 5/20-1.1) (from Ch. 38, par. 20-1.1)
Sec. 20-1.1. Aggravated Arson. (a) A person commits aggravated arson when in the course of committing arson he knowingly damages, partially or totally, any building or structure, including any adjacent building or structure, including all or any part of a house trailer, watercraft, motor vehicle, or railroad car, and (1) he knows or reasonably should know that one or more persons are present therein or (2) any person suffers great bodily harm, or permanent disability or disfigurement as a result of the fire or explosion or (3) a fireman or policeman who is present at the scene acting in the line of duty, is injured as a result of the fire or explosion. For purposes of this Section, property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest that the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property.
(b) Sentence. Aggravated arson is a Class X felony.
(Source: P.A. 84-1100.)

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

PUBLIC ACT 92-0422
(House Bill No. 2300)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:
(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6.

New matter indicated by italics - deletions by strikeout.
of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed $500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the
meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.


(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony of any Class 2 or greater Class felonies in Illinois and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the
defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim; and
      (v) compliance with any other measures that the court may deem appropriate;
   and
(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge.
of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection

New matter indicated by italics - deletions by strikeout.
(j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00.)

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


PUBLIC ACT 92-0423

(House Bill No. 2315)

AN ACT concerning criminal law.

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

Section 2. The Firearm Owners Identification Card Act is amended by adding Section 3.2 as follows:

(430 ILCS 65/3.2 new)

Sec. 3.2. List of prohibited projectiles; notice to dealers. Prior to January 1, 2002, the Department of State Police shall list on the Department's World Wide Web site all firearm projectiles that are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961, together

New matter indicated by italics - deletions by strikeout.
with a statement setting forth the sentence that may be imposed for violating those Sections. The
Department of State Police shall, prior to January 1, 2002, send a list of all firearm projectiles that
are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961 to each
federally licensed firearm dealer in Illinois registered with the Department.

Section 5. The Criminal Code of 1961 is amended by changing Sections 24-2.1, 24-2.2, and
24-3.2 as follows:

(720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)
Sec. 24-2.1. Unlawful use of firearm projectiles Armor Piercing Bullets.
(a) A person commits the offense of unlawful use of firearm projectiles armor piercing bullets
when he or she knowingly manufactures, sells, purchases, possesses, or carries any armor piercing
bullet, dragon's breath shotgun shell, bolo shell, or flechette shell.

For the purposes of this Section:  
"Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles
or projectile cores constructed entirely (excluding the presence of traces of other substances) from
tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed
bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a
weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles
whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible
projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that
the U. S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or
industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is
defined by federal law.

The definition contained herein shall not be construed to include shotgun shells.
"Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric
mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball
to simulate a flame-thrower.
"Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more
metal balls connected by solid metal wire.
"Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces
of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

(b) Exemptions. This Section does not apply to or affect any of the following:
   (1) Peace officers.
   (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
       institutions for the detention of persons accused or convicted of an offense.
   (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois
       National Guard while in the performance of their official duties.
   (4) Federal officials required to carry firearms, while engaged in the performance of their
       official duties.
   (5) United States Marshals, while engaged in the performance of their official duties.
   (6) Persons licensed under federal law to manufacture, import, or sell firearms and firearm
       ammunition, and actually engaged in any such business, but only with respect to activities
       which are within the lawful scope of such business, such as the manufacture, transportation,
       or testing of such bullets or ammunition.

This exemption does not authorize the general private possession of any armor piercing
bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, but only such possession
and activities which are within the lawful scope of a licensed business described in this
paragraph.

   (7) Laboratories having a department of forensic ballistics or specializing in the
development of ammunition or explosive ordnance.
   (8) Manufacture, transportation, or sale of armor piercing bullets, dragon's breath shotgun
       shells, bolo shells, or flechette shells to persons specifically authorized under paragraphs (1)
       through (7) of this subsection to possess such bullets or shells.
   (c) An information or indictment based upon a violation of this Section need not negate any
       exemption herein contained. The defendant shall have the burden of proving such an exemption.
   (d) Sentence. A person convicted of unlawful use of armor piercing bullets shall be guilty of

New matter indicated by italics - deletions by strikeout.
a Class 3 felony.
(Source: P.A. 90-172, eff. 1-1-98.)

(720 ILCS 5/24-2.2) (from Ch. 38, par. 24-2.2)
Sec. 24-2.2. Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells.
(a) Except as provided in subsection (b) of this Section, it is unlawful for any person to knowingly manufacture, sell, offer to sell, or transfer any bullet or shell which is represented to be an armor piercing bullet, a dragon's breath shotgun shell, a bolo shell, or a flechette shell armor piercing as defined in Section 24-2.1 of this Code.
(b) Exemptions. This Section does not apply to or affect any person authorized under Section 24-2.1 to manufacture, sell, purchase, possess, or carry any armor piercing bullet or any dragon's breath shotgun shell, bolo shell, or flechette shell with respect to activities which are within the lawful scope of the exemption therein granted.
(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.
(d) Sentence. A violation of this Section Manufacture, sale, or transfer of bullets represented to be armor piercing bullets is a Class 4 felony.
(Source: P.A. 90-172, eff. 1-1-98.)

(720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)
Sec. 24-3.2. Unlawful discharge of firearm projectiles Armor Piercing Bullets.
(a) A person commits the offense of unlawful discharge of firearm projectiles armor piercing bullets when he or she knowingly or recklessly uses an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell in violation of this Section.
For purposes of this Section:
"Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U. S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law.
"Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower.
"Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire.
"Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.
(b) A person commits a Class X felony when he or she, knowing that a firearm, as defined in Section 1.1 of the Firearm Owners Identification Card Act, is loaded with an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, intentionally or recklessly discharges such firearm and such bullet or shell strikes any other person.
(c) Any person who possesses, concealed on or about his or her person, an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell and a firearm suitable for the discharge thereof is guilty of a Class 2 felony.
(d) This Section does not apply to or affect any of the following:
(1) Peace officers;
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties;

New matter indicated by italics - deletions by strikeout.
(4) Federal officials required to carry firearms, while engaged in the performance of their official duties;
(5) United States Marshals, while engaged in the performance of their official duties.
(Source: P.A. 90-172, eff. 1-1-98.)
Section 99. Effective date. This Act takes effect on January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0424
(House Bill No. 2367)
AN ACT in relation to public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Pension Code is amended by changing Sections 7-132, 7-139, 7-146, 7-151, 7-152, 7-166, 7-172, 15-148, and 15-154 as follows:
(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)
Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.
(A) Municipalities and their instrumentalities.
(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:
(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.
However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.
(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.
(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.
(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.
(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board,
but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.

vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.


x. Illinois Association of Park Districts.

xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.

xii. Tri-City Regional Port District.

xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.

xiv. Drainage Districts operating under the Illinois Drainage Code.

xv. Local mass transit districts created under the Local Mass Transit District Act.

xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.

xvii. Commissions created to provide water supply or sewer services or both under...
Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.

xviii. Public water districts created under the Public Water District Act.

xix. Veterans Assistance Commissions established under Section 9 of the Military
Veterans Assistance Act that serve counties with a population of less than 1,000,000.

xx. The governing body of an entity, other than a vocational education cooperative,
created under an intergovernmental cooperative agreement established between participating
municipalities under the Intergovernmental Cooperation Act, which by the terms of the
agreement is the employer of the persons performing services under the agreement under the
usual common law rules determining the employer-employee relationship. The governing
body of such an intergovernmental cooperative entity established prior to July 1, 1988 may
make participation retroactive to the effective date of the agreement and, if so, the effective
date of participation shall be the date the required application is filed with the fund. If any
such entity is unable to pay the required employer contributions to the fund, then the
participating municipalities shall make payment of the required contributions and the
payments shall be allocated as provided in the agreement or, if not so provided, equally
among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

(c) The governing boards of special education joint agreements created under Section
10-22.31 of the School Code without designation of an administrative district shall be included within
and be subject to this Article as participating instrumentalities when the joint agreement becomes
effective. However, the governing board of any such special education joint agreement in effect before
September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the
school districts to provide that the governing board is subject to this Article, except as otherwise
provided by this Section.

The governing board of the Special Education District of Lake County shall become subject
to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of
Section 7-139, on the effective date of participation, employees of the governing board of the Special
Education District of Lake County shall receive creditable service for their prior service with that
employer, up to a maximum of 5 years, without any employee contribution. Employees may establish
creditable service for the remainder of their prior service with that employer, if any, by applying in
writing and paying an employee contribution in an amount determined by the Fund, based on the
employee contribution rates in effect at the time of application for the creditable service and the
employee's salary rate on the effective date of participation for that employer, plus interest at the
effective rate from the date of the prior service to the date of payment. Application for this creditable
service must be made before July 1, 1998; the payment may be made at any time while the employee
is still in service. The employer may elect to make the required contribution on behalf of the
employee.

The governing board of a special education joint agreement created under Section 10-22.31
of the School Code for which an administrative district has been designated, if there are employees
of the cooperative educational entity who are not employees of the administrative district, may elect
to participate in the Fund and be included within this Article as a participating instrumentality, subject
to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and
administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own
administrative district, shall be included within and be subject to this Article as participating
instrumentalities when the agreement establishing the cooperative or joint educational program or
project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984
and prior to September 17, 1985 which provides for representation on the governing board by less than
all the participating districts shall be included within and subject to this Article as a participating

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instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 89-162, eff. 7-19-95; 90-511, eff. 8-22-97.)

Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

   If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

   If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in
writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:
   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.
   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).
   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.
   d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:
   a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.
   b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.
   c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.
   d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence.
Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the

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service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality county board member may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, a member of the county board if the excess over 50 months is approved by resolution of the governing body of the affected municipality county board filed with the fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:
   a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.
   b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.
   c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.
   d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.
   e. Employee contributions shall not be required for creditable service under this subdivision 8.
   f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would
have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

Sec. 7-146. Temporary disability benefits - Eligibility. Temporary disability benefits shall be payable to participating employees as hereinafter provided.

(a) The participating employee shall be considered temporarily disabled if:

1. He is unable to perform the duties of any position which might reasonably be assigned to him by his employing municipality or instrumentality thereof or participating instrumentality due to mental or physical disability caused by bodily injury or disease, other than as a result of self-inflicted injury or addiction to narcotic drugs;

2. The Board has received written certifications from at least one licensed and practicing physician and the governing body of the employing municipality or instrumentality thereof or participating instrumentality stating that the employee meets the conditions set forth in subparagraph 1 of this paragraph (a).

(b) A temporary disability benefit shall be payable to a temporarily disabled employee provided:

1. He:

   (i) has at least one year of service immediately preceding at the date the temporary disability was incurred and has made contributions to the fund for at least the number of months of service normally required in his position during a 12-month period, or has at least 5 years of service credit, the last year of which immediately precedes such date; or

   (ii) had qualified under clause (i) above, but had an interruption in service with the same participating municipality or participating instrumentality of not more than 3 months in the 12 months preceding the date the temporary disability was incurred and

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was not paid a separation benefit; or

(iii) had qualified under clause (i) above, but had an interruption after 20 or more years of creditable service, was not paid a separation benefit, and returned to service prior to the date the disability was incurred.

Item (iii) of this subdivision shall apply to all employees whose disabilities were incurred on or after July 1, 1985, and any such employee who becomes eligible for a disability benefit under item (iii) shall be entitled to receive a lump sum payment of any accumulated disability benefits which may accrue from the date the disability was incurred until the effective date of this amendatory Act of 1987.

Periods of qualified leave granted in compliance with the federal Family and Medical Leave Act shall be ignored for purposes of determining the number of consecutive months of employment under this subdivision (b)1.

2. He has been temporarily disabled for at least 30 days, except where a former temporary or permanent and total disability has reoccurred within 6 months after the employee has returned to service.

3. He is receiving no earnings from a participating municipality or instrumentality thereof or participating instrumentality, except as allowed under subsection (f) of Section 7-152.

4. He has not refused to submit to a reasonable physical examination by a physician appointed by the Board.

5. His disability is not the result of a mental or physical condition which existed on the earliest date of service from which he has uninterrupted service, including prior service, at the date of his disability, provided that this limitation is not applicable if the date of disability is after December 31, 2001, nor is it shall not be applicable to a participating employee who: (i) on the date of disability has 5 years of creditable service, exclusive of creditable service for periods of disability; or (ii) received no medical treatment for the condition for the 3 years immediately prior to such earliest date of service.

6. He is not separated from the service of the participating municipality or instrumentality thereof or participating instrumentality which employed him on the date his temporary disability was incurred; for the purposes of payment of temporary disability benefits, a participating employee, whose employment relationship is terminated by his employing municipality, shall be deemed not to be separated from the service of his employing municipality or participating instrumentality if he continues disabled by the same condition and so long as he is otherwise entitled to such disability benefit.

(40 ILCS 5/7-151) (from Ch. 108 1/2, par. 7-151)

Sec. 7-151. Total and permanent disability benefits - Commencement and duration. Permanent disability benefits shall be payable:

(a) As of the date temporary disability benefits are exhausted;

(b) Once a month as of the end of each month;

(c) For less than a month in a fraction equal to that created by making the number of days of disability in the month the numerator and the number of the days in the month the denominator;

(d) To the beneficiary of a deceased employee for the unpaid amount accrued to the date of death;

(e) While total and permanent disability continues;

(f) For the period ending on the last day of the month which is the later of the following:

1. the month that the participating employee attains the age for a full Social Security old-age insurance benefit

2. the month which is 5 years after the month the participating employee became disabled as provided in Section 7-146.

(40 ILCS 5/7-152) (from Ch. 108 1/2, par. 7-152)

Sec. 7-152. Disability benefits - Amount. The amount of the monthly temporary and total and permanent disability benefits shall be 50% of the participating employee's final rate of earnings on the date disability was incurred, subject to the following adjustments:

(a) If the participating employee has a reduced rate of earnings at the time his employment
ceases because of disability, the rate of earnings shall be computed on the basis of his last 12 month period of full-time employment.

(b) If the participating employee is eligible for a disability benefit under the federal Social Security Act, the amount of monthly disability benefits shall be reduced, but not to less than $10 a month, by the amount he would be eligible to receive as a disability benefit under the federal Social Security Act, whether or not because of service as a covered employee under this Article. The reduction shall be effective as of the month the employee is eligible for Social Security disability benefits. The Board may make such reduction if it appears that the employee may be so eligible pending determination of eligibility and make an appropriate adjustment if necessary after such determination. If the employee, because of his refusal to accept rehabilitation services under the federal Rehabilitation Act of 1973 or the federal Social Security Act, or because he is receiving workers' compensation benefits, has his Social Security benefits reduced or terminated, the disability benefit shall be reduced as if the employee were receiving his full Social Security disability benefit.

(c) If the employee (i) is over the age for a full Social Security old-age insurance benefit age 65, (ii) was not eligible for a Social Security disability benefit immediately before reaching that age, age 65 and (iii) is eligible for a full Social Security old-age insurance benefit, then the amount of the monthly disability benefit shall be reduced, but not to less than $10 a month, by the amount of the old-age insurance benefit to which the employee is entitled, whether or not the employee applies for the Social Security old-age insurance benefit. This reduction shall be made in the month after the month in which the employee attains the age for a full Social Security old-age insurance benefit age 65. However, if the employee was receiving a Social Security disability benefit before reaching the age for a full Social Security old-age insurance benefit age 65, the disability benefits after that age age 65 shall be determined under subsection (b) of this Section.

(d) The amount of disability benefits shall not be reduced by reason of any increase, other than one resulting from a correction in the employee's wage records, in the amount of disability or old-age insurance benefits under the federal Social Security Act which takes effect after the month of the initial reduction under paragraph (b) or (c) of this Section.

(e) If the employee in any month receives compensation from gainful employment which is more than 25% of the final rate of earnings on which his disability benefits are based, the temporary disability benefit payable for that month shall be reduced by an amount equal to such excess.

(f) An employee who has been disabled for at least 30 days may return to work for the employer on a part-time basis for a trial work period of up to one year, during which the disability shall be deemed to continue. Service credit shall continue to accrue and the disability benefit shall continue to be paid during the trial work period, but the benefit shall be reduced by the amount of earnings received by the disabled employee. Return to service on a full-time basis shall terminate the trial work period. The reduction under this subsection (f) shall be in lieu of the reduction, if any, required under subsection (e).

(g) Beginning January 1, 1988, every total and permanent disability benefit shall be increased by 3% of the original amount of the benefit, not compounded, on each January 1 following the later of (1) the date the total and permanent disability benefit begins, or (2) the date the total and permanent disability benefit would have begun if the employee had been paid a temporary disability benefit for 30 months.

(Source: P.A. 87-740.)

(40 ILCS 5/7-166) (from Ch. 108 1/2, par. 7-166)
Sec. 7-166. Separation benefits - Eligibility. Separation benefits shall be payable as hereinafter set forth:

1. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is not entitled to a retirement annuity shall be entitled to a separation benefit.

2. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity of less than $30 per month for life may elect to take a separation benefit in lieu of the retirement annuity.

3. Upon separation from the service of all participating municipalities and
instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity, but wishes instead to use the amounts to his or her credit in the Fund to purchase credit in another retirement plan, may elect to take a separation benefit in lieu of the retirement annuity.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

Sec. 7-172. Contributions by participating municipalities and participating instrumentalities.

(a) Each participating municipality and each participating instrumentality shall make payment to the fund as follows:

1. municipality contributions in an amount determined by applying the municipality contribution rate to each payment of earnings paid to each of its participating employees;

2. an amount equal to the employee contributions provided by paragraphs (a) and (b) of Section 7-173, whether or not the employee contributions are withheld as permitted by that Section;

3. all accounts receivable, together with interest charged thereon, as provided in Section 7-209;

4. if it has no participating employees with current earnings, an amount payable which, over a period of 20 years beginning with the year following an award of benefit, will amortize, at the effective rate for that year, any negative balance in its municipality reserve resulting from the award. This amount when established will be payable as a separate contribution whether or not it later has participating employees.

(b) A separate municipality contribution rate shall be determined for each calendar year for all participating municipalities together with all instrumentalities thereof. The municipality contribution rate shall be determined for participating instrumentalities as if they were participating municipalities. The municipality contribution rate shall be the sum of the following percentages:

1. The percentage of earnings of all the participating employees of all participating municipalities and participating instrumentalities which, if paid over the entire period of their service, will be sufficient when combined with all employee contributions available for the payment of benefits, to provide all annuities for participating employees, and the $3,000 death benefit payable under Sections 7-158 and 7-164, such percentage to be known as the normal cost rate.

2. The percentage of earnings of the participating employees of each participating municipality and participating instrumentalities necessary to adjust for the difference between the present value of all benefits, excluding temporary and total and permanent disability and death benefits, to be provided for its participating employees and the sum of its accumulated municipality contributions and the accumulated employee contributions and the present value of expected future employee and municipality contributions pursuant to subparagraph 1 of this paragraph (b). This adjustment shall be spread over the remainder of the period that is allowable under generally accepted accounting principles of 40 years from the first of the year following the date of determination.

3. The percentage of earnings of the participating employees of all municipalities and participating instrumentalities necessary to provide the present value of all temporary and total and permanent disability benefits granted during the most recent year for which information is available.

4. The percentage of earnings of the participating employees of all participating municipalities and participating instrumentalities necessary to provide the present value of the net single sum death benefits expected to become payable from the reserve established under Section 7-206 during the year for which this rate is fixed.

5. The percentage of earnings necessary to meet any deficiency arising in the Terminated Municipality Reserve.

(c) A separate municipality contribution rate shall be computed for each participating municipality or participating instrumentality for its sheriff’s law enforcement employees.

A separate municipality contribution rate shall be computed for the sheriff’s law enforcement employees of each forest preserve district that elects to have such employees. For the period from January 1, 1986 to December 31, 1986, such rate shall be the forest preserve district's regular rate plus...
In the event that the Board determines that there is an actuarial deficiency in the account of any municipality with respect to a person who has elected to participate in the Fund under Section 3-109.1 of this Code, the Board may adjust the municipality's contribution rate so as to make up that deficiency over such reasonable period of time as the Board may determine.

(d) The Board may establish a separate municipality contribution rate for all employees who are program participants employed under the federal Comprehensive Employment Training Act by all of the participating municipalities and instrumentalities. The Board may also provide that, in lieu of a separate municipality rate for these employees, a portion of the municipality contributions for such program participants shall be refunded or an extra charge assessed so that the amount of municipality contributions retained or received by the fund for all CETA program participants shall be an amount equal to that which would be provided by the separate municipality contribution rate for all such program participants. Refunds shall be made to prime sponsors of programs upon submission of a claim therefor and extra charges shall be assessed to participating municipalities and instrumentalities. In establishing the municipality contribution rate as provided in paragraph (b) of this Section, the use of a separate municipality contribution rate for program participants or the refund of a portion of the municipality contributions, as the case may be, may be considered.

(e) Computations of municipality contribution rates for the following calendar year shall be made prior to the beginning of each year, from the information available at the time the computations are made, and on the assumption that the employees in each participating municipality or participating instrumentality at such time will continue in service until the end of such calendar year at their respective rates of earnings at such time.

(f) Any municipality which is the recipient of State allocations representing that municipality's contributions for retirement annuity purposes on behalf of its employees as provided in Section 12-21.16 of the Illinois Public Aid Code shall pay the allocations so received to the Board for such purpose. Estimates of State allocations to be received during any taxable year shall be considered in the determination of the municipality's tax rate for that year under Section 7-171. If a special tax is levied under Section 7-171, none of the proceeds may be used to reimburse the municipality for the amount of State allocations received and paid to the Board. Any multiple-county or consolidated health department which receives contributions from a county under Section 11.2 of "An Act in relation to establishment and maintenance of county and multiple-county health departments", approved July 9, 1943, as amended, or distributions under Section 3 of the Department of Public Health Act, shall use these only for municipality contributions by the health department.

(g) Municipality contributions for the several purposes specified shall, for township treasurers and employees in the offices of the township treasurers who meet the qualifying conditions for coverage hereunder, be allocated among the several school districts and parts of school districts serviced by such treasurers and employees in the proportion which the amount of school funds of each district or part of a district handled by the treasurer bears to the total amount of all school funds handled by the treasurer.

From the funds subject to allocation among districts and parts of districts pursuant to the School Code, the trustees shall withhold the proportionate share of the liability for municipality contributions imposed upon such districts by this Section, in respect to such township treasurers and employees and remit the same to the Board.

The municipality contribution rate for an educational service center shall initially be the same rate for each year as the regional office of education or school district which serves as its administrative agent. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

The municipality contribution rate for a public agency, other than a vocational education cooperative, formed under the Intergovernmental Cooperation Act shall initially be the average rate for the municipalities which are parties to the intergovernmental agreement. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

(h) Each participating municipality and participating instrumentality shall make the contributions in the amounts provided in this Section in the manner prescribed from time to time by the Board and all such contributions shall be obligations of the respective participating municipalities and participating instrumentalities to this fund. The failure to deduct any employee contributions shall
not relieve the participating municipality or participating instrumentality of its obligation to this fund. Delinquent payments of contributions due under this Section may, with interest, be recovered by civil action against the participating municipalities or participating instrumentalities. Municipality contributions, other than the amount necessary for employee contributions and Social Security contributions, for periods of service by employees from whose earnings no deductions were made for employee contributions to the fund, may be charged to the municipality reserve for the municipality or participating instrumentality.

(i) Contributions by participating instrumentalities shall be determined as provided herein except that the percentage derived under subparagraph 2 of paragraph (b) of this Section, and the amount payable under subparagraph 5 of paragraph (a) of this Section, shall be based on an amortization period of 10 years.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/15-148) (from Ch. 108 1/2, par. 15-148)

Sec. 15-148. Survivors insurance benefits - General provisions. The survivors annuity is payable monthly. Any annuity due but unpaid upon the death of the annuitant, shall be paid to the annuitant's estate.

A person who becomes entitled to more than one survivors insurance benefit because of the death of 2 or more persons shall receive only the largest of the benefits; except that this limitation does not apply to a survivors insurance beneficiary who is entitled to a survivor’s annuity by reason of a mental or physical disability.

A survivors insurance beneficiary or the personal representative of the estate of a deceased survivors insurance beneficiary or the personal representative of a survivors insurance beneficiary who is under a legal disability may waive the right to receive survivorship benefits, provided written notice of the waiver is given by the beneficiary or representative to the board within 6 months after the death of the participant or annuitant and before any payment is made pursuant to an application filed by such person.

(Source: P.A. 83-1440.)

(40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)

Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional and survivors insurance contributions, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2 years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the
refund was received to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date. Notwithstanding Section 1-103.1 and the other provisions of this Section, a person who was a participant in the System from February 14, 1966 until March 13, 1981 may restore credits previously forfeited by acceptance of a refund, without returning to service, by applying in writing and repaying to the System by July 1, 2002 the amount of the refund plus interest at the effective rate calculated from the date of the refund to the date of repayment.

(c) If a participant covered under the traditional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall be entitled to elect a refund of the accumulated survivors insurance contributions, or to elect an additional annuity the value of which is equal to the accumulated survivors insurance contributions. This election must be made prior to the date the person's retirement annuity is approved by the Board of Trustees.

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3, 4, or 5 of Section 15-136, or under Section 15-136.4, that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the accumulated contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates.

(Source: P.A. 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98; 91-887 (Sections 10 and 25), eff. 7-6-00; revised 9-1-00.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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


PUBLIC ACT 92-0425
(House Bill No. 2440)

AN ACT in relation to criminal law.

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

Section 5. The Humane Care for Animals Act is amended by changing Sections 4.01, 4.02, and 16 as follows:

Sec. 4.01. (a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional

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killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and a human.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection shall apply only when such dog is intended to be used in a dog fight.

(510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
Sec. 4.02. (a) Any law enforcement officer making an arrest for an offense involving one or more animals under Section 4.01 of this Act shall lawfully take possession of all animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed in the violation of any of the provisions of Section 4.01 of this Act. Such officer, after taking possession of such animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of Section 4.01 of this Act. He shall thereupon deliver the property so taken to the court, which shall, by order, place the same in custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the State's attorney of the county and the Department. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.

(b) Any veterinarian in this State who is presented with an animal for treatment of injuries or

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wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners’ names, dates and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), shall have immunity from any liability, civil, criminal or that otherwise might result by reason of such actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

(Source: P.A. 84-723.)

(510 ILCS 70/16) (from Ch. 8, par. 716)
Sec. 16. Violations; punishment; injunctions.
(a) Any person convicted of violating Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor.
(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.
(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.
(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.
(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor.
(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.
(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.
(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000. A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony if any of the following factors is present:
   (i) the dogfight is performed in the presence of a person under 18 years of age;
   (ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or
   (iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
(3) Any person convicted of violating subsection (d), or (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor, if such person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b).
(3.5) Any person convicted of violating subsection (f) of Section 4.01 is guilty of a Class 4 felony.
(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.
(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d), or (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class 3 felony,
if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d); or (e) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class C misdemeanor. A second conviction for a violation of Section 3.01 is a Class B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(7) Any person convicted of violating Section 4.03 is guilty of a Class B misdemeanor.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class B misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog.

(9) Any person convicted of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class C misdemeanor with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a petty offense. A second or subsequent conviction for a violation of Section 7.1 is a Class C misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class A misdemeanor. A second or subsequent conviction is a Class 4 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 4 felony. A second or subsequent offense is a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97; 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; revised 8-30-99.)

Section 10. The Criminal Code of 1961 is amended by adding Section 26-5 as follows:

(720 ILCS 5/26-5 new)
Sec. 26-5. Dog fighting.
(a) No person may own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment.

(b) No person may promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment of any show, exhibition, program, or other activity involving a fight between 2 or more dogs or any dog and human, or the intentional killing of any dog.

(c) No person may sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or human or be intentionally killed for purposes of sport, wagering, or entertainment.

(d) No person may manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.

(e) No person may own, possess, sell or offer for sale, ship, transport, or otherwise move any
equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment.

(f) No person may knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and human.

(g) No person may attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.

(h) No person may tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. This subsection (h) applies only when the dog is intended to be used in a dog fight.

(i)(1) Any person convicted of violating subsection (a), (b) or (c) of this Section is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000. A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony if any of the following factors is present:

   (i) the dogfight is performed in the presence of a person under 18 years of age;
   (ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity;
   (iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(2) Any person convicted of violating subsection (d) or (e) of this Section is guilty of Class A misdemeanor if he or she knew or should have known that the device or equipment under subsection (d) or (e) of this Section was to be used to carry out a violation where the only animals involved were dogs. If the person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty is a Class B misdemeanor.

(2.5) Any person convicted of violating subsection (f) of this Section is guilty of a Class 4 felony.

(3) Any person convicted of violating subsection (g) of this Section is guilty of a Class C misdemeanor.

(4) A second or subsequent violation of subsection (a), (b), or (c) of this Section is a Class 3 felony. A second or subsequent violation of subsection (d) or (e) of this Section is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of this Section was to be used to carry out a violation where the only animals involved were dogs. If the person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d) or (e) of this Section is a Class A misdemeanor. A second or subsequent violation of subsection (g) of this Section is a Class B misdemeanor.

Effective January 1, 2002.

PUBLIC ACT 92-0426
(House Bill No. 2602)

AN ACT with regard to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 6-305 as follows:
(625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)
Sec. 6-305. Renting motor vehicle to another.
(a) No person shall rent a motor vehicle to any other person unless the latter person, or a

New matter indicated by italics - deletions by strikeout.
driver designated by a nondriver with disabilities and meeting any minimum age and driver's record requirements that are uniformly applied by the person renting a motor vehicle, is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence unless the State or country of his residence does not require that a driver be licensed.  

(b) No person shall rent a motor vehicle to another until he has inspected the driver's license of the person to whom the vehicle is to be rented, or by whom it is to be driven, and compared and verified the signature thereon with the signature of such person written in his presence unless, in the case of a nonresident, the State or country wherein the nonresident resides does not require that a driver be licensed.

(c) No person shall rent a motorcycle to another unless the latter person is then duly licensed hereunder as a motorcycle operator, and in the case of a nonresident, then duly licensed under the laws of the State or country of his residence, unless the State or country of his residence does not require that a driver be licensed.

(d) (Blank).

(e) (Blank).

(f) Any person who rents a motor vehicle to another shall only advertise, quote, and charge a rental rate that includes the entire amount except taxes and a mileage charge, if any, which a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. Such person shall not charge in addition to the rental rate, taxes, and mileage charge, if any, any fee which must be paid by the renter as a condition of hiring or leasing the vehicle, such as, but not limited to, required fuel or airport surcharges, nor any fee for transporting the renter to the location where the rented vehicle will be delivered to the renter. In addition to the rental rate, taxes, and mileage charge, if any, such person may charge for an item or service provided in connection with a particular rental transaction if the renter can avoid incurring the charge by choosing not to obtain or utilize the optional item or service. Items and services for which such person may impose an additional charge include, but are not limited to, optional insurance and accessories requested by the renter, service charges incident to the renter's optional return of the vehicle to a location other than the location where the vehicle was hired or leased, and charges for refueling the vehicle at the conclusion of the rental transaction in the event the renter did not return the vehicle with as much fuel as was in the fuel tank at the beginning of the rental.

(g) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license, if any, of said latter person, and the date and place when and where the license, if any, was issued. Such record shall be open to inspection by any police officer or designated agent of the Secretary of State.

(h) A person licensed as a new car dealer under Section 5-101 of this Code shall not be subject to the provisions of this Section regarding the rental of private passenger motor vehicles when providing, free of charge, temporary substitute vehicles for customers to operate during a period when a customer's vehicle, which is either leased or owned by that customer, is being repaired, serviced, replaced or otherwise made unavailable to the customer in accordance with an agreement with the licensed new car dealer or vehicle manufacturer, so long as the customer orally or in writing is made aware that the temporary substitute vehicle will be covered by his or her insurance policy and the customer shall only be liable to the extent of any amount deductible from such insurance coverage in accordance with the terms of the policy.

(i) This Section, except the requirements of subsection (g), also applies to rental agreements of 30 continuous days or less involving a motor vehicle that was delivered by an out of State person or business to a renter in this State.

(j) A public airport may, if approved by its local government corporate authorities or its airport authority, impose a customer facility charge upon customers of rental car companies for the purposes of financing, designing, constructing, operating, and maintaining consolidated car rental facilities and common use transportation equipment and facilities, which are used to transport the customer, connecting consolidated car rental facilities with other airport facilities.

Notwithstanding subsection (f) of this Section, the customer facility charge shall be collected by the rental car company as a separate charge, and clearly indicated as a separate charge on the rental agreement and invoice. Facility charges shall be immediately deposited into a trust account.
for the benefit of the airport and remitted at the direction of the airport, but not more often than once per month. The charge shall be uniformly calculated on a per-contract or per-day basis. Facility charges imposed by the airport may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and common use transportation equipment and facilities and may not be used for any other purpose.

Notwithstanding any other provision of law, the charges collected under this Section are not subject to retailer occupation, sales, use, or transaction taxes.

(k) When a rental car company states a rental rate in any of its rate advertisements, its proprietary computer reservation systems, or its in-person quotations intended to apply to an airport rental, a company that collects from its customers a customer facility charge for that rental under subsection (j) shall do all of the following:

1. Clearly and conspicuously disclose in any radio, television, or other electronic media advertisements the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

2. Clearly and conspicuously disclose in any print rate advertising the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the print rate advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

3. Clearly and conspicuously disclose the existence and amount of the charge in any telephonic, in-person, or computer-transmitted quotation from the rental car company's proprietary computer reservation system at the time of making an initial quotation of a rental rate if the quotation is made by a rental car company location at an airport imposing the charge and at the time of making a reservation of a rental car if the reservation is made by a rental car company location at an airport imposing the charge.

4. Clearly and conspicuously display the charge in any proprietary computer-assisted reservation or transaction directly between the rental car company and the customer, shown or referenced on the same page on the computer screen viewed by the customer as the displayed rental rate and in a print size not smaller than the print size of the rental rate.

5. Clearly and conspicuously disclose and separately identify the existence and amount of the charge on its rental agreement.

6. A rental car company that collects from its customers a customer facility charge under subsection (j) and engages in a practice which does not comply with subsections (f), (j), and (k) commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 89-248, eff. 8-4-95; 90-113, eff. 7-14-97.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)
Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, or the Electronic Mail Act, or paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code commits an unlawful practice within the meaning of this Act.

(Source: P.A. 90-426, eff. 1-1-98; 91-164, eff. 7-16-99; 91-230, eff. 1-1-00; 91-233, eff. 1-1-00; 91-810, eff. 6-13-00.)


New matter indicated by italics - deletions by strikeout.
AN ACT concerning crime victims.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Crime Victims Compensation Act is amended by changing Sections 2 and 10.1 as follows:
(740 ILCS 45/2) (from Ch. 70, par. 72)
Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:
(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.
(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.
(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-30, 20-1 or 20-1.1 of the Criminal Code of 1961, and driving under the influence of intoxicating liquor or narcotic drugs as defined in Section 11-501 of the Illinois Vehicle Code, if none of the said offenses occurred during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.
(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the parent of a child killed or injured in this State as a result of a crime of violence perpetrated or attempted against the child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person under the age of 18 who personally witnessed a violent crime perpetrated or attempted against a relative, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, or (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible.
(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.
(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.
(g) "Child" means an unmarried son or daughter who is under 18 years of age and includes a stepchild, an adopted child or an illegitimate child.
(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, expenses for care or

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counseling by a licensed clinical psychologist or licensed clinical social worker and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1000 per month; dependents replacement services loss, to a maximum of $1000 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a full-time student prior to the injury, or college or graduate school when the victim had been enrolled as a full-time day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, and burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed expenses to a maximum of $5,000 and loss of support of the dependents of the victim. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1000 per month, whichever is less. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the permanently injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been permanently injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

Sec. 10.1. Amount of compensation. The amount of compensation to which an applicant and other persons is entitled shall be based on the following factors:

(a) a victim may be compensated for his or her pecuniary loss;

(b) a dependent may be compensated for loss of support;

(c) any person related to the victim, even though not dependent upon the victim for his or her support, may be compensated for reasonable funeral, medical and hospital expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime;

(d) an award shall be reduced or denied according to the extent to which the victim's acts or conduct provoked or contributed to his or her injury or death, or the extent to which any prior criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim;

New matter indicated by italics - deletions by strikeout.
(e) an award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.

(f) A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to the effective date of this amendatory Act of 1998, or $27,000 for a crime committed on or after the effective date of this amendatory Act of 1998. If the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation;

(g) compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including, but not limited to Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, Veterans Administration burial benefits, and life, health, accident or liability insurance.

(Source: P.A. 90-708, eff. 8-7-98.)
Effective January 1, 2002.

PUBLIC ACT 92-0428
(House Bill No. 3214)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 16-17 as follows:
(720 ILCS 5/16-17 new)
Sec. 16-17. Theft of advertising services.
(a) In this Section, "unauthorized advertisement" means any form of representation or communication, including any handbill, newsletter, pamphlet, or notice that contains any letters, words, or pictorial representation that is attached to or inserted in a newspaper or periodical without a contractual agreement between the publisher and an advertiser.
(b) Any person who knowingly attaches or inserts an unauthorized advertisement in a newspaper or periodical, and who redistributes it to the public or who has the intent to redistribute it to the public, is guilty of the offense of theft of advertising services.
(c) Sentence. Theft of advertising services is a Class A misdemeanor.
(d) This Section applies to any newspaper or periodical that is offered for retail sale or is distributed without charge.
(e) This Section does not apply if the publisher or authorized distributor of the newspaper or periodical consents to the attachment or insertion of the advertisement.

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

PUBLIC ACT 92-0429
(Senate Bill No. 0020)

AN ACT to amend the Illinois Vehicle Code by changing Section 11-501.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:
(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.
(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.
(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.
(c) Except as provided under paragraphs (c-3) and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of $500 and a mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of $500 and 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.
(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.
(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.
(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.
(c-2) (Blank).
(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of...
imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of
imprisonment for a fourth or subsequent offense, in addition to the fine and community service
required under subsection (c) and the possible imprisonment required under subsection (d). The
imprisonment or assignment under this subsection shall not be subject to suspension nor shall the
person be eligible for probation in order to reduce the sentence or assignment.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of
aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or
compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of
another state or a local ordinance when the cause of action is the same as or substantially
similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with
children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle
accident that resulted in great bodily harm or permanent disability or disfigurement to
another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been
previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to
reckless homicide in which the person was determined to have been under the influence of
alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the
offense or the person has previously been convicted under subparagraph (C) of this paragraph
(1); or:

(E) the person, in committing a violation of paragraph (a) while driving at any speed in
a school speed zone at a time when a speed limit of 20 miles per hour was in effect under
subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that
resulted in bodily harm, other than great bodily harm or permanent disability or
disfigurement, to another person, when the violation of paragraph (a) was a proximate cause
of the bodily harm.

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating
compound or compounds, or any combination thereof is a Class 4 felony for which a person, if
sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than
3 years for a violation of subparagraph (A), (B), (D), or (E) of paragraph (1) of this subsection (d)
and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph
(1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving
abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for
an offense based upon an arrest for a violation of this Section or a similar provision of a local
ordinance, individuals shall be required to undergo a professional evaluation to determine if an
alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs
conducting these evaluations shall be licensed by the Department of Human Services. The cost of any
professional evaluation shall be paid for by the individual required to undergo the professional
evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle
while in violation of this Section proximately caused any incident resulting in an appropriate
emergency response, shall be liable for the expense of an emergency response as provided under
Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under
this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of
probation or conditional discharge shall be required to serve a minimum term of either 30 days
community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition
of the probation or conditional discharge. This mandatory minimum term of imprisonment or
assignment of community service shall not be suspended and shall not be subject to reduction by the
court.

(i) The Secretary of State may use ignition interlock device requirements when granting

New matter indicated by italics - deletions by strikeout.
driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the court clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

Section 99. Effective date. This Act takes effect January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0430
(Senate Bill No. 0042)

AN ACT in relation to health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Genetic Information Privacy Act is amended by changing Section 20 as follows:

(410 ILCS 513/20)

Sec. 20. Use of genetic testing information for insurance purposes.
(a) An insurer may not seek information derived from genetic testing for use in connection with a policy of accident and health insurance. Except as provided in subsection (b), an insurer that receives information derived from genetic testing, regardless of the source of that information, may not use the information for a nontherapeutic purpose as it relates to a policy of accident and health insurance.
(b) An insurer may consider the results of genetic testing in connection with a policy of accident and health insurance if the individual voluntarily submits the results and the results are favorable to the individual.
(c) An insurer that possesses information derived from genetic testing may not release the information to a third party, except as specified in Section 30.

(Source: P.A. 90-25, eff. 1-1-98.)

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

PUBLIC ACT 92-0431
(Senate Bill No. 0064)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 10. The Illinois Vehicle Code is amended by changing Sections 11-501 and 16-104b as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

New matter indicated by italics - deletions by strikeout.
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3) and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of $500 and a mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of $500 and 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a second time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service.
required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 30 days community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than
one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys
received by a law enforcement agency under this subsection (j) shall be used to purchase law
enforcement equipment that will assist in the prevention of alcohol related criminal violence
throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser
speed detection devices, and alcohol breath testers. Any moneys received by the Department of State
Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used
to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal
violence throughout the State.
(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98;
90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff.
4-13-00; 91-822, eff. 6-13-00.)
(625 ILCS 5/16-104b)

Sec. 16-104b. Amounts for Trauma Center Fund. In counties that have elected not to distribute
moneys under the disbursement formulas in Sections 27.5 and 27.6 of the Clerks of Courts Act, the
Circuit Clerk of the County, when collecting fees, fines, costs, additional penalties, bail balances
assessed or forfeited, and any other amount imposed upon a conviction of or an order of supervision
for a violation of laws or ordinances regulating the movement of traffic that amounts to $55 or more,
shall remit $5 of the total amount collected, less 2 1/2% of the $5 to help defray the administrative
costs incurred by the Clerk, except that upon a conviction or order of supervision for driving under
the influence of alcohol or drugs the Clerk shall remit $105 of the total amount collected ($5 for
a traffic violation that amounts to $55 or more and an additional fee of $100 to be collected by
the Circuit Clerk for a conviction or order of supervision for driving under the influence of alcohol
or drugs), less the 2 1/2%, within 60 days to the State Treasurer to be deposited into the Trauma
Center Fund. Of the amounts deposited into the Trauma Center Fund under this Section, 50% shall
be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of
Public Aid. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount
of funds remitted to the State Treasurer under this Section during the preceding calendar year.
(Source: P.A. 88-667, eff. 9-16-94; 89-105, eff. 1-1-96.)

Section 15. The Clerks of Courts Act is amended by changing Section 27.6 as follows:
(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited,
and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except
the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified
Code of Corrections, reimbursement for the costs of an emergency response as provided under Section
5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program
under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney
under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code,
or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for
convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and
12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the
Child Passenger Protection Act, or a similar provision of a local ordinance, shall be disbursed within
60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized
by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and
38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the
State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims
Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge
Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into
the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825%
disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50%
shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the
Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the
Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal
year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be
disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized
by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk
shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act or the Illinois Controlled Substances Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

Section 20. The Unified Code of Corrections is amended by changing Sections 5-9-1 and 5-9-1.1 as follows:

(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
Sec. 5-9-1. Authorized fines.
(a) An offender may be sentenced to pay a fine which shall not exceed for each offense:
   (1) for a felony, $25,000 or the amount specified in the offense, whichever is greater, or

New matter indicated by italics - deletions by strikeout.
where the offender is a corporation, $50,000 or the amount specified in the offense, whichever is greater;
(2) for a Class A misdemeanor, $2,500 or the amount specified in the offense, whichever is greater;
(3) for a Class B or Class C misdemeanor, $1,500;
(4) for a petty offense, $1,000 or the amount specified in the offense, whichever is less;
(5) for a business offense, the amount specified in the statute defining that offense.
(b) A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment.
(c) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $5 for each $40, or fraction thereof, of fine imposed. The additional penalty of $5 for each $40, or fraction thereof, of fine imposed, if not otherwise assessed, shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit $1 for each $40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $100 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.

The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be
considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(d) In determining the amount and method of payment of a fine, except for those fines established for violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

1. the financial resources and future ability of the offender to pay the fine; and
2. whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and
3. in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.

(e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.

(f) All fines, costs and additional amounts imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

Sec. 5-9-1.1. Drug related offenses.

(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, as amended, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substances seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of $100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of $5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

Effective January 1, 2002.
for a newborn infant to be relinquished to a safe environment and for the parents of the infant to remain anonymous if they choose and to avoid civil or criminal liability for the act of relinquishing the infant. It is recognized that establishing an adoption plan is preferable to relinquishing a child using the procedures outlined in this Act, but to reduce the chance of injury to a newborn infant, this Act provides a safer alternative.

A public information campaign on this delicate issue shall be implemented to encourage parents considering abandonment of their newborn child to relinquish the child under the procedures outlined in this Act, to choose a traditional adoption plan, or to parent a child themselves rather than place the newborn infant in harm's way.

Section 10. Definitions. In this Act:
"Abandon" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Abused child" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents.
"Department" or "DCFS" means the Illinois Department of Children and Family Services.
"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act.
"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act.
"Fire station" means a fire station within the State that is staffed with at least one full-time emergency medical professional.
"Hospital" has the same meaning as in the Hospital Licensing Act.
"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities.
"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.
"Newborn infant" means a child who a licensed physician reasonably believes is 72 hours old or less at the time the child is initially relinquished to a hospital, fire station, or emergency medical facility, and who is not an abused or a neglected child.
"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 72 hours old or less, to a hospital, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.
"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

Section 15. Presumptions.
(a) There is a presumption that by relinquishing a newborn infant in accordance with this Act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.
(b) There is a presumption that a person relinquishing a newborn infant in accordance with this Act:
(1) is the newborn infant's biological parent; and
(2) either without expressing an intent to return for the infant or expressing an intent not to return for the infant, did intend to relinquish the infant to the hospital, fire station, or emergency medical facility to treat, care for, and provide for the infant in accordance with this Act.
(c) A parent of a relinquished newborn infant may rebut the presumption set forth in either subsection (a) or subsection (b) pursuant to Section 55, at any time before the termination of the parent's parental rights.
Section 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or the Department.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the parent of a newborn infant returns to reclaim the child within 72 hours after relinquishing the child to a fire station or emergency medical facility, the fire station or emergency medical facility must inform the parent of the name and location of the hospital to which the infant was transported.

Section 25. Immunity for relinquishing person.

(a) The act of relinquishing a newborn infant to a hospital, fire station, or emergency medical facility in accordance with this Act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

(b) If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a hospital, fire station, or emergency medical facility, the personnel of the hospital, fire station, or emergency medical facility who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

(c) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this Act.

Section 27. Immunity of facility and personnel. A hospital, fire station, or emergency medical facility, and any personnel of a hospital, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with this Act. Nothing in this Act limits liability for negligence for care and medical treatment.

Section 30. Anonymity of relinquishing person. If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the hospital, fire station, or emergency medical facility at any time and not be pursued or followed. Before the relinquishing person leaves the hospital, fire station, or emergency medical facility, the hospital, fire station, or emergency medical facility personnel shall i) verbally inform the relinquishing person that by relinquishing the child anonymously, he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child and ii) shall offer the relinquishing person the information packet described in Section 35 of this Act. However, nothing in this Act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the hospital, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

Section 35. Information for relinquishing person. A hospital, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act must offer an information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary, that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the

New matter indicated by italics - deletions by strikeout.
option to provide medical information only and still remain anonymous. The information packet must include all of the following:

(1) All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Registry.

(2) Written notice of the following:
   (A) No sooner than 60 days following the date of the initial relinquishment of the infant to a hospital, fire station, or emergency medical facility, the child-placing agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.
   (B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.

(3) A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange to hospitals, fire stations, and emergency medical facilities.

Section 40. Reporting requirements.

(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a fire station or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department.

(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child-placing agency to accept physical custody of the relinquished newborn infant.

(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

Section 45. Medical assistance. Notwithstanding any other provision of law, a newborn infant relinquished in accordance with this Act shall be deemed eligible for medical assistance under the Illinois Public Aid Code, and a hospital providing medical services to such an infant shall be reimbursed for those services in accordance with the payment methodologies authorized under that Code. In addition, for any day that a hospital has custody of a newborn infant relinquished in accordance with this Act and the infant does not require medically necessary care, the hospital shall be reimbursed by the Illinois Department of Public Aid at the general acute care per diem rate, in accordance with 89 Ill. Adm. Code 148.270(c).

Section 50. Child-placing agency procedures.

(a) The Department's State Central Registry must maintain a list of licensed child-placing agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child-placing agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn infant has been relinquished in accordance with this Act.

(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child-placing agency must accept the newborn infant if the agency has the accommodations to do so. The child-placing agency must seek an order for legal custody of the infant upon its acceptance of the infant.

(c) Within 3 business days after assuming physical custody of the infant, the child-placing agency shall file a petition in the division of the circuit court in which petitions for adoption would normally be heard. The petition shall allege that the newborn infant has been relinquished in accordance with this Act and shall state that the child-placing agency intends to place the infant in an adoptive home.

(d) If no licensed child-placing agency is able to accept the relinquished newborn infant, then
the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall remain in effect until a final adoption order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child-placing agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child-placing agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the hospital, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights, the Department or child-placing agency must do the following:

(1) Search its Putative Father Registry for the purpose of determining the identity and location of the putative father of the relinquished newborn infant who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth; earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with Section 12a of the Adoption Act.

(2) Verify with law enforcement officials, using the National Crime Information Center, that the relinquished newborn infant is not a missing child.

Section 55. Petition for return of custody.

(a) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child-placing agency and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending.

(c) If a petition for the termination of parental rights has not been filed by the Department or the child-placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.

(d) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a hospital, fire station, or emergency medical facility in accordance with this Act.

(e) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a hospital, fire station, or emergency medical facility.

Section 60. Department's duties. The Department must implement a public information program to promote safe placement alternatives for newborn infants. The public information program...
must inform the public of the following:

(1) The relinquishment alternative provided for in this Act, which results in the adoption of a newborn infant under 72 hours of age and which provides for the parent's anonymity, if the parent so chooses.

(2) The alternative of adoption through a public or private agency, in which the parent's identity may or may not be known to the agency, but is kept anonymous from the adoptive parents, if the birth parent so desires, and which allows the parent to be actively involved in the child's adoption plan.

The public information program may include, but need not be limited to, the following elements:

(i) Educational and informational materials in print, audio, video, electronic or other media.
(ii) Establishment of a web site.
(iii) Public service announcements and advertisements.
(iv) Establishment of toll-free telephone hotlines to provide information.

Section 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under this Act. Fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child-placing agencies; and the services provided by child-placing agencies and the disposition of the cases of the children placed under this Act.

(c) The Department shall submit a report by January 1, 2002, and on January 1 of each year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of children under this Act. The report shall include, but need not be limited to, a summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

Section 70. Construction of Act. Nothing in this Act shall be construed to preclude the courts of this State from exercising their discretion to protect the health and safety of children in individual cases. The best interests and welfare of a child shall be a paramount consideration in the construction and interpretation of this Act. It is in the child's best interests that this Act be construed and interpreted so as not to result in extending time limits beyond those set forth in this Act.

Section 75. Repeal. This Act is repealed on July 1, 2007.

Section 90. The Illinois Public Aid Code is amended by changing Section 4-1.2 as follows:

(305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

Sec. 4-1.2. Living Arrangements - Parents - Relatives - Foster Care.

(a) The child or children must (1) be living with his or their father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, or other relative approved by the Illinois Department, in a place of residence maintained by one or more of such relatives as his or their own home, or (2) have been (a) removed from the home of the parents or other relatives by judicial order under the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, (b) placed under the guardianship of the Department of Children and Family Services, and (c) under such guardianship, placed in a foster family home, group home or child care institution licensed pursuant to the "Child Care Act of 1969", approved May 15, 1969, as amended, or approved by that Department as meeting standards established for licensing under that Act, or (3) have been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child so placed in

New matter indicated by italics - deletions by strikeout.
foster care who was not receiving aid under this Article in or for the month in which the court proceedings leading to that placement were initiated may qualify only if he lived in the home of his parents or other relatives at the time the proceedings were initiated, or within 6 months prior to the month of initiation, and would have received aid in and for that month if application had been made therefor.

(b) The Illinois Department may, by rule, establish those persons who are living together who must be included in the same assistance unit in order to receive cash assistance under this Article and the income and assets of those persons in an assistance unit which must be considered in determining eligibility.

(c) The conditions of qualification herein specified shall not prejudice aid granted under this Code for foster care prior to the effective date of this 1969 Amendatory Act.

(Source: P.A. 90-17, eff. 7-1-97.)

Section 92. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)
Sec. 3. As used in this Act unless the context otherwise requires:
"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.
"Department" means Department of Children and Family Services.
"Local law enforcement agency" means the police of a city, town, village or other unincorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.
"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

a. inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
b. creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
c. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;
d. commits or allows to be committed an act or acts of torture upon such child;
e. inflicts excessive corporal punishment;
f. commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child;
g. causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act.
Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. *A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.* A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

(Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98; 91-802, eff. 1-1-01.)

Section 95. The Juvenile Court Act of 1987 is amended by changing Section 2-3 as follows:

(705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

Sec. 2-3. Neglected or abused minor.

(1) Those who are neglected include:

(a) any minor under 18 years of age who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative for any period of time; or

(b) any minor under 18 years of age whose environment is injurious to his or her welfare; or

(c) any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of

New matter indicated by italics - deletions by strikeout.
which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant; or

(d) any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor.

Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including but not limited to:

1. The age of the minor;
2. The number of minors left at the location;
3. Special needs of the minor, including whether the minor is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
4. The duration of time in which the minor was left without supervision;
5. The condition and location of the place where the minor was left without supervision;
6. The time of day or night when the minor was left without supervision;
7. The weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;
8. The location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
9. Whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
10. Whether the minor was given a phone number of a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;
11. Whether there was food and other provision left for the minor;
12. Whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the minor;
13. The age and physical and mental capabilities of the person or persons who provided supervision for the minor;
14. Whether the minor was left under the supervision of another person;
15. Any other factor that would endanger the health and safety of that particular minor.

A minor shall not be considered neglected for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;
(iii) commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include minors under 18 years of age;
(iv) commits or allows to be committed an act or acts of torture upon such minor; or
(v) inflicts excessive corporal punishment.

A minor shall not be considered abused for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(3) This Section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.

(Source: P.A. 89-21, eff. 7-1-95; 90-239, eff. 7-28-97.)

New matter indicated by italics - deletions by strikeout.
Section 96. The Criminal Code of 1961 is amended by changing Sections 12-21.5 and 12-21.6 as follows:

(720 ILCS 5/12-21.5)
(a) A person commits the offense of child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more, except that a person does not commit the offense of child abandonment when he or she relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act.
(b) For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors:
   (1) the age of the child;
   (2) the number of children left at the location;
   (3) special needs of the child, including whether the child is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
   (4) the duration of time in which the child was left without supervision;
   (5) the condition and location of the place where the child was left without supervision;
   (6) the time of day or night when the child was left without supervision;
   (7) the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light;
   (8) the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision;
   (9) whether the child's movement was restricted, or the child was otherwise locked within a room or other structure;
   (10) whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;
   (11) whether there was food and other provision left for the child;
   (12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child;
   (13) the age and physical and mental capabilities of the person or persons who provided supervision for the child;
   (14) any other factor that would endanger the health or safety of that particular child;
   (15) whether the child was left under the supervision of another person.
(d) Child abandonment is a Class 4 felony. A second or subsequent offense after a prior conviction is a Class 3 felony.
(Source: P.A. 88-479.)

(720 ILCS 5/12-21.6)
Sec. 12-21.6. Endangering the life or health of a child.
(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health, except that it is not unlawful for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.
(b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.
(Source: P.A. 90-687, eff. 7-31-98.)

Section 96.5. The Neglected Children Offense Act is amended by changing Section 2 as follows:

(720 ILCS 130/2) (from Ch. 23, par. 2361)

New matter indicated by italics - deletions by strikeout.
Sec. 2. Any parent, legal guardian or person having the custody of a child under the age of 18 years, who knowingly or wilfully causes, aids or encourages such person to be or to become a dependent and neglected child as defined in section 1, who knowingly or wilfully does acts which directly tend to render any such child so dependent and neglected, or who knowingly or wilfully fails to do that which will directly tend to prevent such state of dependency and neglect is guilty of the Class A misdemeanor of contributing to the dependency and neglect of children, except that a person who relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act is not guilty of that misdemeanor. Instead of imposing the punishment hereinbefore provided, the court may release the defendant from custody on probation for one year upon his or her entering into recognizance with or without surety in such sum as the court directs. The conditions of the recognizance shall be such that if the defendant appears personally in court whenever ordered to do so within the year and provides and cares for such neglected and dependent child in such manner as to prevent a continuance or repetition of such state of dependency and neglect or as otherwise may be directed by the court then the recognizance shall be void, otherwise it shall be of full force and effect. If the court is satisfied by information and due proof under oath that at any time during the year the defendant has violated the terms of such order it may forthwith revoke the order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall at the end of the year be discharged. In case of forfeiture on the recognizance the sum recovered thereon may in the discretion of the court be paid in whole or in part to someone designated by the court for the support of such dependent and neglected child.

(Source: P.A. 77-2350.)

Section 97. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.

(a-1) Abandonment of a newborn infant in a hospital.

(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.

(d) Substantial neglect of the child if continuous or repeated.

(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.

(e) Extreme or repeated cruelty to the child.

(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity
resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting...
Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.
(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10; or

(d) an adult who meets the conditions set forth in Section 3 of this Act; or

(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory
outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible
condition which will lead to death.
(Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97; 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff. 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00; revised 8-31-99.)
Section 999. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0433
(Senate Bill No. 0252)

AN ACT concerning unemployment insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unemployment Insurance Act is amended by adding Section 232.2 as follows:
(820 ILCS 405/232.2 new)
Sec. 232.2. Students; organized camps.
A. The term "employment" does not include service performed by a full-time student in the employ of an organized camp if:
1. the camp:
   (a) did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or
   (b) had average gross receipts for any 6 months in the preceding calendar year which were not more than 33 1/3% of its average gross receipts for the other 6 months in the preceding calendar year; and
2. the full-time student performs services in the employ of the camp for less than 13 calendar weeks in the calendar year.
B. For the purposes of this Section, an individual shall be treated as a full-time student for any period:
1. during which the individual is enrolled as a full-time student at an educational institution; or
2. which is between academic years or terms if:
   (a) the individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term; and
   (b) there is a reasonable assurance that the individual will be so enrolled for the immediately succeeding academic year or term after the period described in clause (a) of this subdivision 2.
Effective January 1, 2002.

PUBLIC ACT 92-0434
(Senate Bill No. 0401)

AN ACT to amend certain Acts in relation to mentally retarded persons.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 2-10.1, 10-2, 10-5, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, and 12-16 as follows:
(720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)
Sec. 2-10.1. "Institutionalized Severely or profoundly mentally retarded person" means a person who is institutionalized in a developmental disability facility, nursing home facility, or long term care facility and either (i) whose the person's intelligence quotient does not exceed 40 or (ii) whose the person's intelligence quotient does not exceed 55 and who the person suffers from significant mental illness to the extent that the person's ability to exercise rational judgment is

New matter indicated by italics - deletions by strikeout.
impaired. In any proceeding in which the defendant is charged with committing a violation of Section 10-2, 10-5, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16 of this Code against a victim who is alleged to be a severely or profoundly mentally retarded person, any findings concerning the victim's status as a severely or profoundly mentally retarded person, made by a court after a judicial admission hearing concerning the victim under Articles V and VI of Chapter 4 of the Mental Health and Developmental Disabilities Code shall be admissible.

(Source: P.A. 87-1198.)

(720 ILCS 5/10-2) (from Ch. 38, par. 10-2)
Sec. 10-2. Aggravated kidnaping.

(a) A kidnaper within the definition of paragraph (a) of Section 10-1 is guilty of the offense of aggravated kidnaping when he:

(1) Kidnaps for the purpose of obtaining ransom from the person kidnaped or from any other person, or
(2) Takes as his victim a child under the age of 13 years, or a severely or profoundly mentally retarded person, or
(3) Inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his victim, or
(4) Wears a hood, robe or mask or conceals his identity, or
(5) Commits the offense of kidnaping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of the "Criminal Code of 1961"., or
(6) Commits the offense of kidnaping while armed with a firearm, or
(7) During the commission of the offense of kidnaping, personally discharged a firearm, or
(8) During the commission of the offense of kidnaping, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

As used in this Section, "ransom" includes money, benefit or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

A person who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; provided, however, that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.

(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/10-5) (from Ch. 38, par. 10-5)
Sec. 10-5. Child Abduction.

(a) For purposes of this Section, the following terms shall have the following meanings:

(1) "Child" means a person under the age of 18 or a severely or profoundly mentally retarded person at the time the alleged violation occurred; and
(2) "Detains" means taking or retaining physical custody of a child, whether or not the child resists or objects; and
(3) "Lawful custodian" means a person or persons granted legal custody of a child or entitled to physical possession of a child pursuant to a court order. It is presumed that, when the parties have never been married to each other, the mother has legal custody of the child unless a valid court order states otherwise. If an adjudication of paternity has been completed and the father has been assigned support obligations or visitation rights, such a paternity order should, for the purposes of this Section be considered a valid court order granting custody to the mother.

(b) A person commits child abduction when he or she:

New matter indicated by italics - deletions by strikeout.
(1) Intentionally violates any terms of a valid court order granting sole or joint custody, care or possession to another, by concealing or detaining the child or removing the child from the jurisdiction of the court; or

(2) Intentionally violates a court order prohibiting the person from concealing or detaining the child or removing the child from the jurisdiction of the court; or

(3) Intentionally conceals, detains or removes the child without the consent of the mother or lawful custodian of the child if the person is a putative father and either: (A) the paternity of the child has not been legally established or (B) the paternity of the child has been legally established but no orders relating to custody have been entered. However, notwithstanding the presumption created by paragraph (3) of subsection (a), a mother commits child abduction when she intentionally conceals or removes a child, whom she has abandoned or relinquished custody of, from an unadjudicated father who has provided sole ongoing care and custody of the child in her absence; or

(4) Intentionally conceals or removes the child from a parent after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody; or

(5) At the expiration of visitation rights outside the State, intentionally fails or refuses to return or impedes the return of the child to the lawful custodian in Illinois; or

(6) Being a parent of the child, and where the parents of such child are or have been married and there has been no court order of custody, conceals the child for 15 days, and fails to make reasonable attempts within the 15 day period to notify the other parent as to the specific whereabouts of the child, including a means by which to contact such child, or to arrange reasonable visitation or contact with the child. It is not a violation of this Section for a person fleeing domestic violence to take the child with him or her to housing provided by a domestic violence program; or

(7) Being a parent of the child, and where the parents of the child are or have been married and there has been no court order of custody, conceals, detains, or removes the child with physical force or threat of physical force; or

(8) Conceals, detains, or removes the child for payment or promise of payment at the instruction of a person who has no legal right to custody; or

(9) Retains in this State for 30 days a child removed from another state without the consent of the lawful custodian or in violation of a valid court order of custody; or

(10) Intentionally lures or attempts to lure a child under the age of 16 into a motor vehicle, building, housetrailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose.

For the purposes of this subsection (b), paragraph (10), the luring or attempted luring of a child under the age of 16 into a motor vehicle, building, housetrailer, or dwelling place for a lawful purpose in prosecutions under subsection (b), paragraph (10).

(c) It shall be an affirmative defense that:

(1) The person had custody of the child pursuant to a court order granting legal custody or visitation rights which existed at the time of the alleged violation; or

(2) The person had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control, and the person notified and disclosed to the other parent or legal custodian the specific whereabouts of the child and a means by which such child can be contacted or made a reasonable attempt to notify the other parent or lawful custodian of the child of such circumstances and make such disclosure within 24 hours after the visitation period had expired and returned the child as soon as possible; or

(3) The person was fleeing an incidence or pattern of domestic violence; or

(4) The person lured or attempted to lure a child under the age of 16 into a motor vehicle, building, housetrailer, or dwelling place for a lawful purpose in prosecutions under subsection (b), paragraph (10).

d) A person convicted of child abduction under this Section is guilty of a Class 4 felony. A person convicted of a second or subsequent violation of paragraph (10) of subsection (b) of this
Section is guilty of a Class 3 felony. It shall be a factor in aggravation for which a court may impose a more severe sentence under Section 5-8-1 of the Unified Code of Corrections, if upon sentencing the court finds evidence of any of the following aggravating factors:

(1) that the defendant abused or neglected the child following the concealment, detention or removal of the child; or
(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause such parent or lawful custodian to discontinue criminal prosecution of the defendant under Section 5-8-1; or
(3) that the defendant demanded payment in exchange for return of the child or demanded that he or she be relieved of the financial or legal obligation to support the child in exchange for return of the child; or
(4) that the defendant has previously been convicted of child abduction; or
(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another; or
(6) that the defendant committed the abduction while in a school, regardless of the time of day or time of year; in a playground; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school or playground. For purposes of this paragraph (6), "playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation; and "school" means a public or private elementary or secondary school, community college, college, or university.

(e) The court may order the child to be returned to the parent or lawful custodian from whom the child was concealed, detained or removed. In addition to any sentence imposed, the court may assess any reasonable expense incurred in searching for or returning the child against any person convicted of violating this Section.

(f) Nothing contained in this Section shall be construed to limit the court's contempt power.

(g) Every law enforcement officer investigating an alleged incident of child abduction shall make a written police report of any bona fide allegation and the disposition of such investigation. Every police report completed pursuant to this Section shall be compiled and recorded within the meaning of Section 5.1 of "An Act in relation to criminal identification and investigation", approved July 2, 1931, as now or hereafter amended.

(h) Whenever a law enforcement officer has reasons to believe a child abduction has occurred, he shall provide the lawful custodian a summary of her or his rights under this Act, including the procedures and relief available to her or him.

(i) If during the course of an investigation under this Section the child is found in the physical custody of the defendant or another, the law enforcement officer shall return the child to the parent or lawful custodian from whom the child was concealed, detained or removed, unless there is good cause for the law enforcement officer or the Department of Children and Family Services to retain temporary protective custody of the child pursuant to the Abused and Neglected Child Reporting Act, as now or hereafter amended.

(Source: P.A. 90-494, eff. 1-1-98.)

(720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)
Sec. 11-15.1. Soliciting for a Juvenile Prostitute.
(a) Any person who violates any of the provisions of Section 11-15(a) of this Act commits soliciting for a juvenile prostitute where the prostitute for whom such person is soliciting is under 16 years of age or is a severely or profoundly mentally retarded person.
(b) It is an affirmative defense to a charge of soliciting for a juvenile prostitute that the accused reasonably believed the person was of the age of 16 years or over or was not a severely or profoundly mentally retarded person at the time of the act giving rise to the charge.
(c) Sentence.
Soliciting for a juvenile prostitute is a Class 1 felony.

(Source: P.A. 85-1392.)

(720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)
Sec. 11-19.1. Juvenile Pimping.
(a) Any person who receives any money, property, token, object, or article or anything of value from a prostitute under 16 years of age or from a prostitute who is an institutionalized severely or profoundly mentally retarded person, not for a lawful consideration, knowing it was earned in whole or in part from the practice of prostitution, commits juvenile pimping.
(b) It is an affirmative defense to a charge of juvenile pimping that the accused reasonably believed the person was of the age of 16 years or over or was not an institutionalized severely or profoundly mentally retarded person at the time of the act giving rise to the charge.
(c) Sentence.
Juvenile pimping is a Class 1 felony.
(Source: P.A. 91-696, eff. 4-13-00.)

(720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)
Sec. 11-19.2. Exploitation of a child.
(A) A person commits exploitation of a child when he or she confines a child under the age of 16 or an institutionalized severely or profoundly mentally retarded person against his or her will by the infliction or threat of imminent infliction of great bodily harm, permanent disability or disfigurement or by administering to the child or an institutionalized severely or profoundly mentally retarded person without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act and:
(1) compels the child or an institutionalized severely or profoundly mentally retarded person to become a prostitute; or
(2) arranges a situation in which the child or an institutionalized severely or profoundly mentally retarded person may practice prostitution; or
(3) receives any money, property, token, object, or article or anything of value from the child or an institutionalized severely or profoundly mentally retarded person knowing it was obtained in whole or in part from the practice of prostitution.
(B) For purposes of this Section, administering drugs, as defined in subsection (A), or an alcoholic intoxicant to a child under the age of 13 or an institutionalized severely or profoundly mentally retarded person shall be deemed to be without consent if such administering is done without the consent of the parents or legal guardian.
(C) Exploitation of a child is a Class X felony.
(D) Any person convicted under this Section is subject to the forfeiture provisions of Section 11-20.1A of this Act.
(Source: P.A. 91-357, eff. 7-29-99; 91-696, eff. 4-13-00.)
(720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)
Sec. 11-20.1. Child pornography.
(a) A person commits the offense of child pornography who:
(1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depictions by computer any child whom he knows or reasonably should know to be under the age of 18 or an institutionalized severely or profoundly mentally retarded person where such child or institutionalized severely or profoundly mentally retarded person is:
(i) actually or by simulation engaged in any act of sexual intercourse with any person or animal; or
(ii) actually or by simulation engaged in any act of sexual contact involving the sex organs of the child or institutionalized severely or profoundly mentally retarded person and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or institutionalized severely or profoundly mentally retarded person and the sex organs of another person or animal; or
(iii) actually or by simulation engaged in any act of masturbation; or
(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or
(v) actually or by simulation engaged in any act of excretion or urination within a
sexual context; or
   (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to
sadistic, masochistic, or sadomasochistic abuse in any sexual context; or
   (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition
of the unclothed genitals, pubic area, buttocks, or, if such person is female, a fully or
partially developed breast of the child or other person; or
(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers
to disseminate, exhibits or possesses with intent to disseminate any film, videotape,
photograph or other similar visual reproduction or depiction by computer of any child or
institutionalized severely or profoundly mentally retarded person whom the person knows or
reasonably should know to be under the age of 18 or to be an institutionalized severely or
profoundly mentally retarded person, engaged in any activity described in subparagraphs (i)
through (vii) of paragraph (1) of this subsection; or
   (3) with knowledge of the subject matter or theme thereof, produces any stage play, live
performance, film, videotape or other similar visual portrayal or depiction by computer which
includes a child whom the person knows or reasonably should know to be under the age of
18 or an institutionalized severely or profoundly mentally retarded person engaged in any
activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or
   (4) solicits, uses, persuades, induces, entices, or coerces any child whom he knows or
reasonably should know to be under the age of 18 or an institutionalized severely or
profoundly mentally retarded person to appear in any stage play, live performance, film, videotape,
photograph or other similar visual presentation, portrayal or simulation or depiction by
computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1)
of this subsection; or
   (5) is a parent, step-parent, legal guardian or other person having care or custody of a
child whom the person knows or reasonably should know to be under the age of 18 or an
institutionalized severely or profoundly mentally retarded person and who knowingly permits,
induces, promotes, or arranges for such child or institutionalized severely or profoundly
mentally retarded person to appear in any stage play, live performance, film, videotape,
photograph or other similar visual presentation, portrayal or simulation or depiction by
computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1)
of this subsection; or
   (6) with knowledge of the nature or content thereof, possesses any film, videotape,
photograph or other similar visual reproduction or depiction by computer of any child or
institutionalized severely or profoundly mentally retarded person whom the person knows or
reasonably should know to be under the age of 18 or to be an institutionalized severely or
profoundly mentally retarded person, engaged in any activity described in subparagraphs (i)
through (vii) of paragraph (1) of this subsection; or
   (7) solicits, uses, persuades, induces, entices, or coerces a person to provide a child under
the age of 18 or an institutionalized severely or profoundly mentally retarded person to
appear in any videotape, photograph, film, stage play, live presentation, or other similar visual
reproduction or depiction by computer in which the child or institutionalized severely or
profoundly mentally retarded person will be depicted, actually or by simulation, in any act,
pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this
subsection.
(b) (1) It shall be an affirmative defense to a charge of child pornography that the defendant
reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that
the person was not an institutionalized severely or profoundly mentally retarded person but only
where, prior to the act or acts giving rise to a prosecution under this Section, he took some affirmative
action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older
or that the person was not an institutionalized severely or profoundly mentally retarded person and
his reliance upon the information so obtained was clearly reasonable.
   (2) (Blank).
   (3) The charge of child pornography shall not apply to the performance of official duties

New matter indicated by italics - deletions by strikeout.
by law enforcement or prosecuting officers, court personnel or attorneys, nor to bonafide
treatment or professional education programs conducted by licensed physicians, psychologists
or social workers.

(4) Possession by the defendant of more than one of the same film, videotape or visual
reproduction or depiction by computer in which child pornography is depicted shall raise a
rebuttable presumption that the defendant possessed such materials with the intent to
disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily
possess a film, videotape, or visual reproduction or depiction by computer in which child
pornography is depicted. Possession is voluntary if the defendant knowingly procures or
receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able
to terminate his or her possession.

(c) Violation of paragraph (1), (4), (5), or (7) of subsection (a) is a Class 1 felony with a
mandatory minimum fine of $2,000 and a maximum fine of $100,000. Violation of paragraph (3)
of subsection (a) is a Class 1 felony with a mandatory minimum fine of $1500 and a maximum fine of
$100,000. Violation of paragraph (2) of subsection (a) is a Class 1 felony with a mandatory minimum
fine of $1000 and a maximum fine of $100,000. Violation of paragraph (6) of subsection (a) is a Class
3 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years
of a prior conviction, the court shall order a presentence psychiatric examination of the person. The
examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by
computer which includes a child under the age of 18 or a severely or profoundly
mentally retarded person engaged in any activity described in subparagraphs (i) through (vii) or
paragraph 1 of subsection (a), and any material or equipment used or intended for use in
photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting,
depiction by computer, or disseminating such material shall be seized and forfeited in the manner,
method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels,
vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all
evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and
viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown
and in the discretion of the court. The motion must expressly set forth the purpose for viewing the
material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the
hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this
subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether
with or without consideration or (ii) to make a depiction by computer available for
distribution or downloading through the facilities of any telecommunications network or
through any other means of transferring computer programs or data to a computer;

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present
or show;

(3) "Reproduce" means to make a duplication or copy;

(4) "Depict by computer" means to generate or create, or cause to be created or generated,
a computer program or data that, after being processed by a computer either alone or in
conjunction with one or more computer programs, results in a visual depiction on a computer
monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being
processed by a computer either alone or in conjunction with one or more computer programs,
results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in
Section 16D-2 of this Code.

(7) "Child" includes a film, videotape, photograph, or other similar visual medium or
reproduction or depiction by computer that is, or appears to be, that of a person, either in part,
or in total, under the age of 18, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18.

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:

   (iii) On September 22, 1998, the Third District Appellate Court in People v. Dainty, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, People v. Dainty was still subject to appeal.

   (iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, People v. Dainty was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(Source: P.A. 90-68, eff. 7-8-97; 90-678, eff. 7-31-98; 90-786, eff. 1-1-99; 91-54, eff. 6-30-99; 91-229, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-30-99.)

(720 ILCS 5/12-4.3) (from Ch. 38, par. 12-4.3)
Sec. 12-4.3. Aggravated battery of a child.
(a) Any person of the age 18 years and upwards who intentionally or knowingly, and without legal justification and by any means, causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years or to any institutionalized severely or profoundly mentally retarded person, commits the offense of aggravated battery of a child.
(b) Aggravated battery of a child is a Class X felony, except that:
   (1) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;
   (2) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;
   (3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.
(Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00.)
(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.
(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:
   (1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or
   (2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or
   (3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or
   (4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or
   (5) the victim was 60 years of age or over when the offense was committed; or
   (6) the victim was a physically handicapped person; or
   (7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or
   (8) the accused was armed with a firearm; or
   (9) the accused personally discharged a firearm during the commission of the offense; or
   (10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.
(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.
(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.
(d) Sentence.
   (1) Aggravated criminal sexual assault in violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (a) is a Class X felony. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the
term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 90-396, eff. 1-1-98; 90-735, eff. 8-11-98; 91-404, eff. 1-1-00.)

(720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

Sec. 12-16. Aggravated Criminal Sexual Abuse.

(a) The accused commits aggravated criminal sexual abuse if he or she commits criminal sexual abuse as defined in subsection (a) of Section 12-15 of this Code and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use or used a dangerous weapon or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or
(2) the accused caused bodily harm to the victim; or
(3) the victim was 60 years of age or over when the offense was committed; or
(4) the victim was a physically handicapped person; or
(5) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or
(6) the criminal sexual abuse was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or
(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was under 18 years of age when the act was committed and the accused was a family member.

(c) The accused commits aggravated criminal sexual abuse if:

(1) the accused was 17 years of age or over and (i) commits an act of sexual conduct with a victim who was under 13 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 13 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act; or
(2) the accused was under 17 years of age and (i) commits an act of sexual conduct with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 9 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act.

(d) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was at least 5 years older than the victim.

(e) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was an institutionalized severely or profoundly mentally retarded person at the time the act was committed.

(f) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(g) Sentence. Aggravated criminal sexual abuse is a Class 2 felony.
Section 10. The Code of Criminal Procedure of 1963 is amended by changing Sections 106B-5 and 115-10 and by adding Section 102-23 as follows:

(725 ILCS 5/102-23 new)
Sec. 102-23. "Moderately mentally retarded person" means a person whose intelligence quotient is between 41 and 55 and who does not suffer from significant mental illness to the extent that the person's ability to exercise rational judgment is impaired.

(725 ILCS 5/106B-5)
Sec. 106B-5. Testimony by a victim who is a child or a moderately, severely, or profoundly mentally retarded person.

(a) In a proceeding in the prosecution of an offense of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse, a court may order that the testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly mentally retarded person be taken outside the courtroom and shown in the courtroom by means of a closed circuit television if:

(1) the testimony is taken during the proceeding; and
(2) the judge determines that testimony by the child victim or the moderately, severely, or profoundly mentally retarded victim in the courtroom will result in the child or moderately, severely, or profoundly mentally retarded person suffering serious emotional distress such that the child or moderately, severely, or profoundly mentally retarded person cannot reasonably communicate or that the child or moderately, severely, or profoundly mentally retarded person will suffer severe emotional distress that is likely to cause the child or moderately, severely, or profoundly mentally retarded person to suffer severe adverse effects.

(b) Only the prosecuting attorney, the attorney for the defendant, and the judge may question the child or moderately, severely, or profoundly mentally retarded person.

(c) The operators of the closed circuit television shall make every effort to be unobtrusive.

(d) Only the following persons may be in the room with the child or moderately, severely, or profoundly mentally retarded person when the child or moderately, severely, or profoundly mentally retarded person testifies by closed circuit television:

(1) the prosecuting attorney;
(2) the attorney for the defendant;
(3) the judge;
(4) the operators of the closed circuit television equipment; and
(5) any person or persons whose presence, in the opinion of the court, contributes to the well-being of the child or moderately, severely, or profoundly mentally retarded person, including a person who has dealt with the child in a therapeutic setting concerning the abuse, a parent or guardian of the child or moderately, severely, or profoundly mentally retarded person, and court security personnel.

(e) During the child's or moderately, severely, or profoundly mentally retarded person's testimony by closed circuit television, the defendant shall be in the courtroom and shall not communicate with the jury if the cause is being heard before a jury.

(f) The defendant shall be allowed to communicate with the persons in the room where the child or moderately, severely, or profoundly mentally retarded person is testifying by any appropriate electronic method.

(g) The provisions of this Section do not apply if the defendant represents himself pro se.

(h) This Section may not be interpreted to preclude, for purposes of identification of a defendant, the presence of both the victim and the defendant in the courtroom at the same time.

(i) This Section applies to prosecutions pending on or commenced on or after the effective date of this amendatory Act of 1994.

(725 ILCS 5/115-10) (from Ch. 38, par. 115-10)
Sec. 115-10. Certain hearsay exceptions.

(a) In a prosecution for a physical or sexual act perpetrated upon or against a child under the age of 13, or a person who was a moderately, an institutionalized severely, or profoundly mentally...
retarded person as defined in this Code and in Section 2-10.1 of the Criminal Code of 1961 at the time the act was committed, including but not limited to prosecutions for violations of Sections 12-13 through 12-16 of the Criminal Code of 1961 and prosecutions for violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.7, 12-5, 12-6, 12-6.1, 12-7.1, 12-7.3, 12-7.4, 12-10, 12-11, 12-21.5, 12-21.6 and 12-32 of the Criminal Code of 1961, the following evidence shall be admitted as an exception to the hearsay rule:

1. testimony by the victim of an out of court statement made by the victim that he or she complained of such act to another; and
2. testimony of an out of court statement made by the victim describing any complaint of such act or matter or detail pertaining to any act which is an element of an offense which is the subject of a prosecution for a sexual or physical act against that victim.

(b) Such testimony shall only be admitted if:

1. The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
2. The child or moderately, institutionalized severely, or profoundly mentally retarded person either:
   A) testifies at the proceeding; or
   B) is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement; and
3. In a case involving an offense perpetrated against a child under the age of 13, the out of court statement was made before the victim attained 13 years of age or within 3 months after the commission of the offense, whichever occurs later, but the statement may be admitted regardless of the age of the victim at the time of the proceeding.
4. If a statement is admitted pursuant to this Section, the court shall instruct the jury that it is for the jury to determine the weight and credibility to be given the statement and that, in making the determination, it shall consider the age and maturity of the child, or the intellectual capabilities of the moderately, institutionalized severely, or profoundly mentally retarded person, the nature of the statement, the circumstances under which the statement was made, and any other relevant factor.
5. The proponent of the statement shall give the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.

(e) Statements described in paragraphs (1) and (2) of subsection (a) shall not be excluded on the basis that they were obtained as a result of interviews conducted pursuant to a protocol adopted by a Child Advocacy Advisory Board as set forth in subsections (c), (d), and (e) of Section 3 of the Children's Advocacy Center Act or that an interviewer or witness to the interview was or is an employee, agent, or investigator of a State's Attorney's office.

(Example: P.A. 90-656, eff. 7-30-98; 90-786, eff. 1-1-99; 91-357, eff. 7-29-99.)
Effective January 1, 2002.

AN ACT concerning public utilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Utilities Act is amended by changing Section 8-403.1 as follows:
Sec. 8-403.1. Electricity purchased from qualified solid waste energy facility; tax credit; distributions for economic development.
(a) It is hereby declared to be the policy of this State to encourage the development of alternate energy production facilities in order to conserve our energy resources and to provide for their most efficient use.
(b) For the purpose of this Section and Section 9-215.1, "qualified solid waste energy facility" means a facility determined by the Illinois Commerce Commission to qualify as such under the Local
Solid Waste Disposal Act, to use methane gas generated from landfills as its primary fuel, and to possess characteristics that would enable it to qualify as a cogeneration or small power production facility under federal law.

(c) In furtherance of the policy declared in this Section, the Illinois Commerce Commission shall require electric utilities to enter into long-term contracts to purchase electricity from qualified solid waste energy facilities located in the electric utility's service area, for a period beginning on the date that the facility begins generating electricity and having a duration of not less than 10 years in the case of facilities fueled by landfill-generated methane, or 20 years in the case of facilities fueled by methane generated from a landfill owned by a forest preserve district. The purchase rate contained in such contracts shall be equal to the average amount per kilowatt-hour paid from time to time by the unit or units of local government in which the electricity generating facilities are located, excluding amounts paid for street lighting and pumping service.

(d) Whenever a public utility is required to purchase electricity pursuant to subsection (c) above, it shall be entitled to credits in respect of its obligations to remit to the State taxes it has collected under the Electricity Excise Tax Law equal to the amounts, if any, by which payments for such electricity exceed (i) the then current rate at which the utility must purchase the output of qualified facilities pursuant to the federal Public Utility Regulatory Policies Act of 1978, less (ii) any costs, expenses, losses, damages or other amounts incurred by the utility, or for which it becomes liable, arising out of its failure to obtain such electricity from such other sources. The amount of any such credit shall, in the first instance, be determined by the utility, which shall make a monthly report of such credits to the Illinois Commerce Commission and, on its monthly tax return, to the Illinois Department of Revenue. Under no circumstances shall a utility be required to purchase electricity from a qualified solid waste energy facility at the rate prescribed in subsection (c) of this Section if such purchase would result in estimated tax credits that exceed, on a monthly basis, the utility's estimated obligation to remit to the State taxes it has collected under the Electricity Excise Tax Law. The owner or operator shall negotiate facility operating conditions with the purchasing utility in accordance with that utility's posted standard terms and conditions for small power producers. If the Department of Revenue disputes the amount of any such credit, such dispute shall be decided by the Illinois Commerce Commission. Whenever a qualified solid waste energy facility has paid or otherwise satisfied in full the capital costs or indebtedness incurred in developing and implementing the qualified facility, the qualified facility shall reimburse the Public Utility Fund and the General Revenue Fund in the State treasury for the actual reduction in payments to those Funds caused by this subsection (d) in a manner to be determined by the Illinois Commerce Commission and based on the manner in which revenues for those Funds were reduced.

(e) The Illinois Commerce Commission shall not require an electric utility to purchase electricity from any qualified solid waste energy facility which is owned or operated by an entity that is primarily engaged in the business of producing or selling electricity, gas, or useful thermal energy from a source other than one or more qualified solid waste energy facilities.

(f) This Section does not require an electric utility to construct additional facilities unless those facilities are paid for by the owner or operator of the affected qualified solid waste energy facility.

(g) The Illinois Commerce Commission shall require that: (1) electric utilities use the electricity purchased from a qualified solid waste energy facility to displace electricity generated from nuclear power or coal mined and purchased outside the boundaries of the State of Illinois before displacing electricity generated from coal mined and purchased within the State of Illinois, to the extent possible, and (2) electric utilities report annually to the Commission on the extent of such displacements.

(h) Nothing in this Section is intended to cause an electric utility that is required to purchase power hereunder to incur any economic loss as a result of its purchase. All amounts paid for power which a utility is required to purchase pursuant to subparagraph (c) shall be deemed to be costs prudently incurred for purposes of computing charges under rates authorized by Section 9-220 of this Act. Tax credits provided for herein shall be reflected in charges made pursuant to rates so authorized to the extent such credits are based upon a cost which is also reflected in such charges.

(i) Beginning in February 1999 and through January 2009, each qualified solid waste energy facility that sells electricity to an electric utility at the purchase rate described in subsection (c) shall
file with the Department of Revenue on or before the 15th of each month a form, prescribed by the Department of Revenue, that states the number of kilowatt hours of electricity for which payment was received at that purchase rate from electric utilities in Illinois during the immediately preceding month. This form shall be accompanied by a payment from the qualified solid waste energy facility in an amount equal to six-tenths of a mill ($0.0006) per kilowatt hour of electricity stated on the form. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, a qualified solid waste energy facility must file the form required under this subsection (i) before the 15th of each month regardless of whether the facility received any payment in the previous month. Payments received by the Department of Revenue shall be deposited into the Municipal Economic Development Fund, a trust fund created outside the State treasury. The State Treasurer may invest the moneys in the Fund in any investment authorized by the Public Funds Investment Act, and investment income shall be deposited into and become part of the Fund. Moneys in the Fund shall be used by the State Treasurer as provided in subsection (j). The obligation of a qualified solid waste energy facility to make payments into the Municipal Economic Development Fund shall terminate upon either: (1) expiration or termination of a facility's contract to sell electricity to an electric utility at the purchase rate described in subsection (c); or (2) entry of an enforceable, final, and non-appealable order by a court of competent jurisdiction that Public Act 89-448 is invalid. Payments by a qualified solid waste energy facility into the Municipal Economic Development Fund do not relieve the qualified solid waste energy facility of its obligation to reimburse the Public Utility Fund and the General Revenue Fund for the actual reduction in payments to those Funds as a result of credits received by electric utilities under subsection (d).

A qualified solid waste energy facility that fails to timely file the requisite form and payment as required by this subsection (i) shall be subject to penalties and interest in conformance with the provisions of the Illinois Uniform Penalty and Interest Act.

Every qualified solid waste energy facility subject to the provisions of this subsection (i) shall keep and maintain records and books of its sales pursuant to subsection (c), including payments received from those sales and the corresponding tax payments made in accordance with this subsection (i), and for purposes of enforcement of this subsection (i) all such books and records shall be subject to inspection by the Department of Revenue or its duly authorized agents or employees.

When a qualified solid waste energy facility fails to file the form or make the payment required under this subsection (i), the Department of Revenue, to the extent that it is practical, may enforce the payment obligation in a manner consistent with Section 5 of the Retailers' Occupation Tax Act, and if necessary may impose and enforce a tax lien in a manner consistent with Sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, and 5i of the Retailers' Occupation Tax Act. No tax lien may be imposed or enforced, however, unless a qualified solid waste energy facility fails to make the payment required under this subsection (i). Only to the extent necessary and for the purpose of enforcing this subsection (i), the Department of Revenue may secure necessary information from a qualified solid waste energy facility in a manner consistent with Section 10 of the Retailers' Occupation Tax Act.

All information received by the Department of Revenue in its administration and enforcement of this subsection (i) shall be confidential in a manner consistent with Section 11 of the Retailers' Occupation Tax Act. The Department of Revenue may adopt rules to implement the provisions of this subsection (i).

For purposes of implementing the maximum aggregate distribution provisions in subsections (j) and (k), when a qualified solid waste energy facility makes a late payment to the Department of Revenue for deposit into the Municipal Economic Development Fund, that payment and deposit shall be attributed to the month and corresponding quarter in which the payment should have been made, and the Treasurer shall make retroactive distributions or refunds, as the case may be, whenever such late payments so require.

(j) The State Treasurer, without appropriation, must make distributions immediately after January 15, April 15, July 15, and October 15 of each year, up to maximum aggregate distributions of $500,000 for the distributions made in the 4 quarters beginning with the April distribution and ending with the January distribution, from the Municipal Economic Development Fund to each city, village, or incorporated town that has within its boundaries an incinerator that: (1) uses or, on the effective date of Public Act 90-813, used municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy
facility prior to the effective date of Public Act 89-448; and (3) commenced operation prior to January 1, 1998. Total distributions in the aggregate to all qualified cities, villages, and incorporated towns in the 4 quarters beginning with the April distribution and ending with the January distribution shall not exceed $500,000. The amount of each distribution shall be determined pro rata based on the population of the city, village, or incorporated town compared to the total population of all cities, villages, and incorporated towns eligible to receive a distribution. Distributions received by a city, village, or incorporated town must be held in a separate account and may be used only to promote and enhance industrial, commercial, residential, service, transportation, and recreational activities and facilities within its boundaries, thereby enhancing the employment opportunities, public health and general welfare, and economic development within the community, including administrative expenditures exclusively to further these activities. These funds, however, shall not be used by the city, village, or incorporated town, directly or indirectly, to purchase, lease, operate, or in any way subsidize the operation of any incinerator, and these funds shall not be paid, directly or indirectly, by the city, village, or incorporated town to the owner, operator, lessee, shareholder, or bondholder of any incinerator. Moreover, these funds shall not be used to pay attorneys fees in any litigation relating to the validity of Public Act 89-448. Nothing in this Section prevents a city, village, or incorporated town from using other corporate funds for any legitimate purpose. For purposes of this subsection, the term "municipal waste" has the meaning ascribed to it in Section 3.21 of the Environmental Protection Act.

(k) If maximum aggregate distributions of $500,000 under subsection (j) have been made after the January distribution from the Municipal Economic Development Fund, then the balance in the Fund shall be refunded to the qualified solid waste energy facilities that made payments that were deposited into the Fund during the previous 12-month period. The refunds shall be prorated based upon the facility's payments in relation to total payments for that 12-month period.

(l) Beginning January 1, 2000, and each January 1 thereafter, each city, village, or incorporated town that received distributions from the Municipal Economic Development Fund, continued to hold any of those distributions, or made expenditures from those distributions during the immediately preceding year shall submit to a financial and compliance and program audit of those distributions performed by the Auditor General at no cost to the city, village, or incorporated town that received the distributions. The audit should be completed by June 30 or as soon thereafter as possible. The audit shall be submitted to the State Treasurer and those officers enumerated in Section 3-14 of the Illinois State Auditing Act. If the Auditor General finds that distributions have been expended in violation of this Section, the Auditor General shall refer the matter to the Attorney General. The Attorney General may recover, in a civil action, 3 times the amount of any distribution illegally expended. For purposes of this subsection, the terms "financial audit," "compliance audit", and "program audit" have the meanings ascribed to them in Sections 1-13 and 1-15 of the Illinois State Auditing Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-901, eff. 1-1-01.)

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

PUBLIC ACT 92-0435

An act concerning prizes and gifts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Prizes and Gifts Act.
Section 5. Legislative intent. The General Assembly finds that deceptive promotional advertising of prizes is a matter vitally affecting the public interest in this State.
Section 10. Definitions. As used in this Act:
"Catalog seller" means an entity (and its subsidiaries) or a person at least 50% of whose annual revenues are derived from the sale of products sold in connection with the distribution of catalogs of at least 24 pages, which contain written descriptions or illustrations and sale prices for each

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item of merchandise and which are distributed in more than one state with a total annual distribution of at least 250,000.

"Person" means a corporation, partnership, limited liability company, sole proprietorship, or natural person.

"Prize" means a gift, award, or other item or service of value that is offered or awarded to a participant in a real or purported contest, competition, sweepstakes, scheme, plan, or other selection process that involves an element of chance.

"Retail value" of a prize means:
- (1) a price at which the sponsor can substantiate that a substantial quantity of the item or service offered as a prize has been sold to the public; or
- (2) if the sponsor is unable to satisfy the requirement in subdivision (1), no more than 3 times the amount the sponsor paid for the prize in a bona fide purchase from an unaffiliated seller.

"Sponsor" means a person on whose behalf a promotion is conducted to promote or advertise goods, services, or property of that person. "Sponsor" includes a person who conducts a promotion on behalf of another sponsor.

Section 15. Application of Act. Except as otherwise provided in this Act, this Act applies only to a written promotional offer that is:
- (1) made to a person in this State;
- (2) used to induce or invite a person to come to this State to claim a prize, attend a sales presentation, meet a promoter, sponsor, salesperson, or agent, or conduct any business in this State; or
- (3) used to induce or invite a person to contact by any means a promoter, sponsor, salesperson, or agent in this State.

Section 20. No payment required.

(a) No sponsor may require a person in this State to pay the sponsor money as a condition of awarding the person a prize, or as a condition of allowing the person to receive, use, compete for, or obtain information about a prize.

(b) A sponsor shall not represent that a person has won or unconditionally will be the winner of a prize or represent that he or she has won a prize, unless all of the following conditions are met:
- (1) the person is given the prize without obligation;
- (2) the person is notified at no expense to him or her within 15 days of winning the prize; and
- (3) the representation is not false, deceptive, or misleading.

Section 25. Disclosures required. A written promotional prize offer must contain each of the following in a clear and conspicuous statement at the onset of the offer:
- (1) the true name or names of the sponsor and the address of the sponsor's actual principal place of business;
- (2) the retail value of each prize the person receiving the notice has been selected to receive or may be eligible to receive;
- (3) a disclosure that no purchase is necessary to enter such written promotional offer;
- (4) a disclosure that a purchase will not improve the person's chances of winning with an entry;
- (5) a statement of the person's odds of receiving each prize identified in the notice;
- (6) any requirement that the person pay the actual shipping or handling fees or any other charges to obtain or use a prize, including the nature and amount of the charges;
- (7) if receipt of the prize is subject to a restriction, a description of the restriction;
- (8) any limitations on eligibility; and
- (9) if a sponsor represents that the person is a "finalist", has been "specially selected", is in "first place", or is otherwise among a limited group of persons with an enhanced likelihood of receiving a prize, the written prize notice must contain a statement of the maximum number of persons in the group or purported group with this enhanced likelihood of receiving a prize.

Section 30. Prize award required. A sponsor who represents that a person has been awarded a prize shall, not later than 30 days after making the representation, provide the person with:
- (1) the prize;

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(2) a voucher, certificate, or other document giving the person the prize; or
(3) the retail value of the prize, as stated in the written prize notice, in the form of cash, a money order, or a certified check.

Section 32. Advertising media exempt. Nothing in this Act creates liability for acts by the publisher, owner, agent, or employee of a newspaper, periodical, radio station, television station, cable television system, or other advertising medium arising out of the publication or dissemination of a solicitation, notice, or promotion governed by this Section unless the publisher, owner agent, or employee had knowledge that the solicitation, notice, or promotion violated the requirements of this Section, or had a financial interest in the solicitation, notice, or promotion.

Section 35. Exemptions. This Act does not apply to solicitations or representations in connection with:

(1) the sale or purchase of books, recordings, video cassettes, periodicals, and similar goods through a membership group or club that is regulated by the Federal Trade Commission under Code of Federal Regulations, Title 16, part 425.1, concerning the use of negative option plans by sellers in commerce;
(2) the sale or purchase of goods ordered through a contractual plan or arrangement such as a continuity plan, subscription arrangement, or a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive the goods and after the receipt of the goods is given the opportunity to examine the goods and to receive a full refund of charges for the goods upon return of the goods in an undamaged condition;
(3) sales by a catalog seller;
(4) the State lottery created and regulated under the Illinois Lottery Law;
(5) the sale or purchase of membership camping contracts in accordance with the Illinois Membership Campground Act; or
(6) the sale or purchase of time-shares created and regulated under the Illinois Real Estate Time-Share Act.

Section 40. Violations.
(a) Nothing in this Act may be construed to permit an activity otherwise prohibited by law.
(b) Enforcement by consumer. A consumer who suffers loss by reason of any intentional violation of any provision of this Act may bring a civil action to enforce that provision. A consumer who is successful in such an action shall recover the greater of $500 or twice the amount of the pecuniary loss, reasonable attorney's fees, and court costs incurred by bringing such action.
(c) Enforcement by Attorney General or State's Attorney. Violation of any of the provisions of this Act is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General or State's Attorney by that Act shall be available to him or her for the enforcement of this Act.

Section 90. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.

Effective January 1, 2002.

PUBLIC ACT 92-0437
(Senate Bill No. 0827)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 3-704 as follows:
(625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)
Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.
(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate

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of title, registration card, registration sticker, registration plate, person with disabilities parking decal or device, or any nonresident or other permit in any of the following events:
1. When the Secretary of State is satisfied that such registration or that such certificate, card, plate, registration sticker or permit was fraudulently or erroneously issued;
2. When a registered vehicle has been dismantled or wrecked or is not properly equipped;
3. When the Secretary of State determines that any required fees have not been paid to either the Secretary of State or the Illinois Commerce Commission and the same are not paid upon reasonable notice and demand;
4. When a registration card, registration plate, registration sticker or permit is knowingly displayed upon a vehicle other than the one for which issued;
5. When the Secretary of State determines that the owner has committed any offense under this Chapter involving the registration or the certificate, card, plate, registration sticker or permit to be suspended or revoked;
6. When the Secretary of State determines that a vehicle registered not-for-hire is used or operated for-hire unlawfully, or used or operated for purposes other than those authorized;
7. When the Secretary of State determines that an owner of a for-hire motor vehicle has failed to give proof of financial responsibility as required by this Act;
8. When the Secretary determines that the vehicle is not subject to or eligible for a registration;
9. When the Secretary determines that the owner of a vehicle registered under the mileage weight tax option fails to maintain the records specified by law, or fails to file the reports required by law, or that such vehicle is not equipped with an operable and operating speedometer or odometer;
10. When the Secretary of State is so authorized under any other provision of law; or
11. When the Secretary of State determines that the holder of a person with disabilities parking decal or device has committed any offense under Chapter 11 of this Code involving the use of a person with disabilities parking decal or device.

(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows:
1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid.
2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code.

(Source: P.A. 90-106, eff. 1-1-98.)

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

PUBLIC ACT 92-0438
(Senate Bill No. 0898)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Sections 17-1.2 and 34-43a as follows:
(105 ILCS 5/17-1.2 new)
Sec. 17-1.2. Post annual budget on web site. If a school district has an Internet web site, the school district shall post its current annual budget, itemized by receipts and expenditures, on the district's Internet web site. The school district shall notify the parents or guardians of its students that the budget has been posted on the district's web site and what the web site's address is.
(105 ILCS 5/34-43a new)
Sec. 34-43a. Post annual budget on web site. The school district shall post its current annual school budget, itemized by receipts and expenditures, on the district's Internet web site. The school
district shall notify the parents or guardians of its students that the budget has been posted on the
district's web site and what the web site's address is.
Effective January 1, 2002.

PUBLIC ACT 92-0439
(Senate Bill No. 0902)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:
(15 ILCS 505/16.5)
Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College
Savings Pool to supplement and enhance the investment opportunities otherwise available to persons
seeking to finance the costs of higher education. The State Treasurer, in administering the College
Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent
of that participant for the purpose of holding and investing those moneys.
"Participant", as used in this Section, means any person who makes investments in the
pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account
is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may
be participants and designated beneficiaries in the College Savings Pool.
New accounts in the College Savings Pool shall be processed through participating financial
institutions. "Participating financial institution", as used in this Section, means any financial institution
insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of
Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State
of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial
institutions may charge a processing fee to participants to open an account in the pool that shall not
exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit
shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region
as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately
preceding calendar year. Every contribution received by a financial institution for investment in the
College Savings Pool shall be transferred from the financial institution to a location selected by the
State Treasurer within one business day following the day that the funds must be made available in
accordance with federal law. All communications from the State Treasurer to participants shall
reference the participating financial institution at which the account was processed.
The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the
same types of investments, and subject to the same limitations provided for the investment of moneys
by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings
Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep
investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account
available for investment in participating financial institutions doing business in the State. The State
Treasurer shall deposit with the participating financial institution at which the account was processed
the following percentage of each account at a prevailing rate offered by the institution, provided that
the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of
the total amount of each account for which the current age of the beneficiary is less than 7 years of
age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and
less than 12 years of age, and 50% of the total amount of each account for which the current age of
the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least
annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement
an investment policy covering the investment of the moneys in the College Savings Pool. The policy
shall be published (i) at least once each year in at least one newspaper of general circulation in both
Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the
Auditor General, which shall be distributed to all participants. The Treasurer shall notify all
participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both

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Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529 52). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly
to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; revised 7-3-00.)

Section 10. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201; and by deducting from the total so obtained the sum of the following amounts:

(E) Any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code.

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Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under
the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);  

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;  

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;  

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250; and  

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250; and
adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201; and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b)(5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from
taxation by this State either by reason of its statutes or Constitution or by reason of the
Constitution, treaties or statutes of the United States; provided that, in the case of any
statute of this State that exempts income derived from bonds or other obligations from the
tax imposed under this Act, the amount exempted shall be the interest net of bond
premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a
corporation which conducts business operations in an Enterprise Zone or zones created
under the Illinois Enterprise Zone Act and conducts substantially all of its operations in
an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a
corporation that conducts business operations in a federally designated Foreign Trade
Zone or Sub-Zone and that is designated a High Impact Business located in Illinois;
provided that dividends eligible for the deduction provided in subparagraph (K) of
paragraph 2 of this subsection shall not be eligible for the deduction provided under this
subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section
304(c) of this Act, an amount included in such total as interest income from a loan or
loans made by such taxpayer to a borrower, to the extent that such a loan is secured by
property which is eligible for the Enterprise Zone Investment Credit. To determine the
portion of a loan or loans that is secured by property eligible for a Section 201(j)
investment credit to the borrower, the entire principal amount of the loan or loans
between the taxpayer and the borrower should be divided into the basis of the Section
201(j) investment credit property which secures the loan or loans, using for this
purpose the original basis of such property on the date that it was placed in service in the
Enterprise Zone. The subtraction modification available to taxpayer in any year under this
subsection shall be that portion of the total interest paid by the borrower with respect to
such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section
304(c) of this Act, an amount included in such total as interest income from a loan or
loans made by such taxpayer to a borrower, to the extent that such a loan is secured by
property which is eligible for the High Impact Business Investment Credit. To determine the
portion of a loan or loans that is secured by property eligible for a Section 201(h)
investment credit to the borrower, the entire principal amount of the loan or loans
between the taxpayer and the borrower should be divided into the basis of the Section
201(h) investment credit property which secures the loan or loans, using for this
purpose the original basis of such property on the date that it was placed in service in a
federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that
is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this
subsection shall be eligible for the deduction provided under this subparagraph (M-1).
The subtraction modification available to taxpayers in any year under this subsection shall
be that portion of the total interest paid by the borrower with respect to such loan
attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone
organization to the extent that the contribution (i) qualifies as a charitable contribution
under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its
terms, be used for a project approved by the Department of Commerce and Community
Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31,
1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the
Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the
amount by which dividends included in taxable income and received from a corporation
that is not created or organized under the laws of the United States or any state or political
subdivision thereof, including, for taxable years ending on or after December 31, 1988,
dividends received or deemed received or paid or deemed paid under Sections 951
through 964 of the Internal Revenue Code, exceed the amount of the modification

New matter indicated by italics - deletions by strikeout.
provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss deduction carried over from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (c) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986;
shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a
corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or
statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b)(3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

New matter indicated by italics - deletions by strikeout.
(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily
ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98; 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; revised 1-15-01.)

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


PUBLIC ACT 92-0440
(Senate Bill No. 0935)

AN ACT concerning insurance.

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

Section 3. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, and 356x of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(215 ILCS 5/155.37 new)

Sec. 155.37. Drug formulary; notice. Insurance companies that transact the kinds of insurance authorized under Class 1(b) or Class 2(a) of Section 4 of this Code and provide coverage for prescription drugs through the use of a drug formulary must notify insureds of any change in the formulary. A company may comply with this Section by posting changes in the formulary on its website.

(215 ILCS 5/370t new)

New matter indicated by italics - deletions by strikeout.
Sec. 370t. Drug formulary; notice. All administrators must comply with Section 155.37 of this Code.

(215 ILCS 5/511.114 new)

Sec. 511.114. Drug formulary; notice. All administrators must comply with Section 155.37 of this Code.

Section 10. The Comprehensive Health Insurance Plan Act is amended by adding Section 8.7 as follows:

(215 ILCS 105/8.7 new)

Sec. 8.7. Drug formulary; notice. The plan must comply with Section 155.37 of the Illinois Insurance Code.

Section 15. The Health Maintenance Organization Act is amended by changing Section 4-6.5 as follows:

(215 ILCS 125/4-6.5)

Sec. 4-6.5. Required health benefits; Illinois Insurance Code requirements. A health maintenance organization is subject to the provisions of Sections 155.37, 356t, and 356u of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97.)

Section 20. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 356v, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another state, 30% of more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 90-25, eff. 1-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

Section 25. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97; 90-25, eff. 1-1-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

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


PUBLIC ACT 92-0441
(Senate Bill No. 0969)

AN ACT in relation to unemployment insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unemployment Insurance Act is amended by changing Section 220 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 220. A. The term "employment" shall not include service performed prior to 1972 in the employ of this State, or of any political subdivision thereof, or of any wholly owned instrumentality of this State or its political subdivisions.

B. The term "employment" shall not include service, performed after 1971 and before 1978, in the employ of this State or any of its instrumentalities:
1. In an elective position;
2. Of a professional or consulting nature, compensated on a per diem or retainer basis;
3. For a State prison or other State correctional institution, by an inmate of the prison or correctional institution;
4. As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of this State, by an individual receiving such work-relief or work-training;
5. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;
6. Directly for the Illinois State Fair during its active duration (including the week immediately preceding and the week immediately following the Fair);
7. Directly and solely in connection with an emergency, in fire-fighting, snow removal, flood control, control of the effects of wind or flood, and the like, by an individual hired solely for the period of such emergency;
8. In the Illinois National Guard, directly and solely in connection with its summer training camps or during emergencies, by an individual called to duty solely for such purposes.

C. Except as provided in Section 302, the term "employment" shall not include service performed in the employ of a political subdivision or a municipal corporation, or an instrumentality of one or more of the foregoing or of this State and one or more of the foregoing. This subsection shall not apply to service performed after December 31, 1977.

D. The term "employment" shall not include service performed after December 31, 1977:
1. In the employ of a governmental entity referred to in clause (B) of Section 211.1 if such service is performed in the exercise of duties
   a. As an elected official;
   b. As a member of a legislative body, or a member of the judiciary, of this State or a political subdivision or municipal corporation;
   c. As a member of the Illinois National Guard or Air National Guard;
   d. As a worker serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;
   e. In a position which, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position, or as a policymaking position the performance of the duties of which ordinarily does not require more than 8 hours per week.
2. As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of this State, or a political subdivision or municipal corporation, by an individual receiving such work-relief or work-training.
3. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.
4. By an inmate of a custodial or penal institution.

E. The term "employment" shall not include service performed on or after January 1, 2002 in the employ of a governmental entity referred to in clause (B) of Section 211.1 if the service is performed in the exercise of duties as an election official or election worker and the amount of
remuneration received by the individual during the calendar year for service as an election official or election worker is less than $1,000.
(Source: P.A. 84-1438.)
Effective January 1, 2002.

PUBLIC ACT 92-0442
(Senate Bill No. 1065)
AN ACT concerning firearms.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 3, 4, 6, 10, and 14 as follows:
(430 ILCS 65/3) (from Ch. 38, par. 83-3)
Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.
(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.
(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 87-299.)
(430 ILCS 65/4) (from Ch. 38, par. 83-4)
Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:
(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and
(2) Submit evidence under penalty of perjury to the Department of State Police that:
(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;
(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;
(iii) He or she is not addicted to narcotics;
(iv) He or she has not been a patient in a mental institution within the past 5 years;
(v) He or she is not mentally retarded;
(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;
(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;
(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

New matter indicated by italics - deletions by strikeout.
(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997; and

(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(b) Each application form shall include the following statement printed in bold type:

"Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act. False statements of the applicant shall result in prosecution for perjury in accordance with Section 32-2 of the Criminal Code of 1961."

(c) Upon such written consent, pursuant to Section 4, paragraph (a) (2) (i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00; 91-694, eff. 4-13-00.)

(430 ILCS 65/6) (from Ch. 38, par. 83-6)

Sec. 6. Contents of Firearm Owner's Identification Card.

(a) A Firearm Owner's Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and signature such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have the expiration date boldly and conspicuously displayed on the face of the card. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION - This card does not permit bearer to UNLAWFULLY carry or use firearms." Before December 1, 2002, the Department may use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. On and after December 1, 2002, the Department shall use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. The Department shall decline to use a person's digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

(b) A person applying for a Firearm Owner's Identification Card shall consent to the Department of State Police using the applicant's digital driver's license or Illinois Identification Card photograph, if available, and signature on the applicant's Firearm Owner's Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a Firearm Owner's Identification Card.

(c) The Secretary of State shall conduct a study to determine the cost and feasibility of creating a method of adding an identifiable code, background, or other means on the driver's license or Illinois Identification Card to show that an individual is not disqualified from owning or possessing a firearm under State or federal law. The Secretary shall report the findings of this study 12 months after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 91-694, eff. 4-13-00.)

(430 ILCS 65/10) (from Ch. 38, par. 83-10)
Sec. 10. (a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of the Department of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card. Whenever, upon the receipt of such an appeal for a hearing, the Director is satisfied that substantial justice has not been done, he may order a hearing to be held by the Department upon the denial or revocation.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of the Department of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

1. when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

2. the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and

3. granting relief would not be contrary to the public interest.

(Source: P.A. 85-920.)

(430 ILCS 65/14) (from Ch. 38, par. 83-14)

Sec. 14. Sentence.

(a) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or

(2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.

(d) A violation of subsection (a) of Section 3 is a Class 4 felony. A third or subsequent conviction is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application,
or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Any other violation of this Act is a Class A misdemeanor.

(Source: P.A. 91-694, eff. 4-13-00.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 110-10 as follows:

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)
Sec. 110-10. Conditions of bail bond.
(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;
(2) Submit himself or herself to the orders and process of the court;
(3) Not depart this State without leave of the court;
(4) Not violate any criminal statute of any jurisdiction;
(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon that person completing a sentence for a conviction on a misdemeanor domestic battery, upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and
(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.
(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

(1) Report to or appear in person before such person or agency as the court may direct;
(2) Refrain from possessing a firearm or other dangerous weapon;
(3) Refrain from approaching or communicating with particular persons or classes of persons;
(4) Refrain from going to certain described geographical areas or premises;
(5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in

New matter indicated by italics - deletions by strikeout.
certain drugs;
   (6) Undergo treatment for drug addiction or alcoholism;
   (7) Undergo medical or psychiatric treatment;
   (8) Work or pursue a course of study or vocational training;
   (9) Attend or reside in a facility designated by the court;
   (10) Support his or her dependents;
   (11) If a minor resides with his or her parents or in a foster home, attend school, attend
        a non-residential program for youths, and contribute to his or her own support at home or in
        a foster home;
   (12) Observe any curfew ordered by the court;
   (13) Remain in the custody of such designated person or organization agreeing to
        supervise his release. Such third party custodian shall be responsible for notifying the court
        if the defendant fails to observe the conditions of release which the custodian has agreed to
        monitor, and shall be subject to contempt of court for failure so to notify the court;
   (14) Be placed under direct supervision of the Pretrial Services Agency, Probation
        Department or Court Services Department in a pretrial bond home supervision capacity with
        or without the use of an approved electronic monitoring device subject to Article 8A of
        Chapter V of the Unified Code of Corrections;
   (14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis
        or controlled substance violation and is placed under direct supervision of the Pretrial
        Services Agency, Probation Department or Court Services Department in a pretrial bond
        home supervision capacity with the use of an approved monitoring device, as a condition of
        such bail bond, a fee that represents costs incidental to the electronic monitoring for each day
        of such bail supervision ordered by the court, unless after determining the inability of the
        defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee
        shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all
        monies collected from this fee to the county treasurer for deposit in the substance abuse
        services fund under Section 5-1086.1 of the Counties Code;
   (14.2) The court shall impose upon all defendants, including those defendants subject to
        paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency,
        Probation Department or Court Services Department in a pretrial bond home supervision
        capacity with the use of an approved monitoring device, as a condition of such bail bond, a
        fee which shall represent costs incidental to such electronic monitoring for each day of such
        bail supervision ordered by the court, unless after determining the inability of the defendant
        to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be
        collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies
        collected from this fee to the county treasurer who shall use the monies collected to defray
        the costs of corrections. The county treasurer shall deposit the fee collected in the county
        working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the
        case may be;
   (15) Comply with the terms and conditions of an order of protection issued by the court
        under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court
        of another state, tribe, or United States territory;
   (16) Under Section 110-6.5 comply with the conditions of the drug testing program; and
   (17) Such other reasonable conditions as the court may impose.
(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or
     12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living
     in the same household with the defendant at the time of the offense, in granting bail or releasing the
     defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access
     to the victim which may include, but are not limited to conditions that he will:
     1. Vacate the Household.
     2. Make payment of temporary support to his dependents.
     3. Refrain from contact or communication with the child victim, except as ordered by the court.
(d) When a person is charged with a criminal offense and the victim is a family or household

New matter indicated by italics - deletions by strikeout.
member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

1. refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
2. refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

1. Duly prosecute his appeal;
2. Appear at such time and place as the court may direct;
3. Not depart this State without leave of the court;
4. Comply with such other reasonable conditions as the court may impose; and,
5. If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:
1. not violate any criminal statute of any jurisdiction;
2. report to or appear in person before such person or agency as directed by the court;
3. refrain from possessing a firearm or other dangerous weapon;
4. not leave the State without the consent of the court or, in circumstances in which the reason for the absence is such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer;
5. permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
6. perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;
7. if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on
probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program; and

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; and:

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

2) pay a fine and costs;

3) work or pursue a course of study or vocational training;

4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

5) attend or reside in a facility established for the instruction or residence of defendants on probation;

6) support his dependents;

7) and in addition, if a minor:

   i) reside with his parents or in a foster home;

   ii) attend school;

   iii) attend a non-residential program for youth;

   iv) contribute to his own support at home or in a foster home;

8) make restitution as provided in Section 5-5-6 of this Code;

9) perform some reasonable public or community service;

10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

   i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

   ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

   iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

   iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser

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fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) The court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence...
to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts, or to another state under an Interstate Probation Reciprocal Agreement as provided in Section 3-3-11. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

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

PUBLIC ACT 92-0443
(Senate Bill No. 1098)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 4-107 as follows:
(625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)
Sec. 4-107. Stolen, converted, recovered and unclaimed vehicles.
(a) Every Sheriff, Superintendent of police, Chief of police or other police officer in command of any Police department in any City, Village or Town of the State, shall, by the fastest means of communications available to his law enforcement agency, immediately report to the State Police, in Springfield, Illinois, the theft or recovery of any stolen or converted vehicle within his district or jurisdiction. The report shall give the date of theft, description of the vehicle including color, year of

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manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license registration number, including the state in which the license was issued and the year of issuance, together with the name, residence address, business address, and telephone number of the owner. The report shall be routed by the originating law enforcement agency through the State Police District in which such agency is located.

(b) A registered owner or a lienholder may report the theft by conversion of a vehicle, to the State Police, or any other police department or Sheriff's office. Such report will be accepted as a report of theft and processed only if a formal complaint is on file and a warrant issued.

(c) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed, after being left for the purpose of garaging, repairing, parking or storage, for a period of 15 days, shall, within 5 days after the expiration of that period, report the vehicle as unclaimed to the municipal police when the vehicle is within the corporate limits of any City, Village or incorporated Town, or the County Sheriff, or State Police when the vehicle is outside the corporate limits of a City, Village or incorporated Town. This Section does not apply to any vehicle:

(1) removed to a place of storage by a law enforcement agency having jurisdiction, in accordance with Sections 4-201 and 4-203 of this Act; or
(2) left under a garaging, repairing, parking, or storage order signed by the owner, lessor, or other legally entitled person.

Failure to comply with this Section will result in the forfeiture of storage fees for that vehicle involved.

(d) The State Police shall keep a complete record of all reports filed under this Section of the Act. Upon receipt of such report, a careful search shall be made of the records of the office of the State Police, and where it is found that a vehicle reported recovered was stolen in a County, City, Village or Town other than the County, City, Village or Town in which it is recovered, the State Police shall immediately notify the Sheriff, Superintendent of police, Chief of police, or other police officer in command of the Sheriff's office or Police department of the County, City, Village or Town in which the vehicle was originally reported stolen, giving complete data as to the time and place of recovery.

(e) Notification of the theft or conversion of a vehicle will be furnished to the Secretary of State by the State Police. The Secretary of State shall place the proper information in the license registration and title registration files to indicate the theft or conversion of a motor vehicle or other vehicle. Notification of the recovery of a vehicle previously reported as a theft or a conversion will be furnished to the Secretary of State by the State Police. The Secretary of State shall remove the proper information from the license registration and title registration files that has previously indicated the theft or conversion of a vehicle. The Secretary of State shall suspend the registration of a vehicle upon receipt of a report from the State Police that such vehicle was stolen or converted.

(f) When the Secretary of State receives an application for a certificate of title or an application for registration of a vehicle and it is determined from the records of the office of the Secretary of State that such vehicle has been reported stolen or converted, the Secretary of State shall immediately notify the State Police and shall give the State Police the name and address of the person or firm titling or registering the vehicle, together with all other information contained in the application submitted by such person or firm.

(g) During the usual course of business the manufacturer of any vehicle shall place an original manufacturer's vehicle identification number on all such vehicles manufactured and on any part of such vehicles requiring an identification number.

(h) If a manufacturer's vehicle identification number is missing or has been removed, changed or mutilated on any vehicle, or any part of such vehicle requiring an identification number, the State Police shall restore, restamp or reaffix the vehicle identification number plate, or affix a new plate bearing the original manufacturer's vehicle identification number on each such vehicle and on all necessary parts of the vehicles. A vehicle identification number so affixed, restored, restamped, reaffixed or replaced is not falsified, altered or forged within the meaning of this Act.

(i) If a vehicle or part of any vehicle is found to have the manufacturer's identification number removed, altered, defaced or destroyed, the vehicle or part shall be seized by any law enforcement agency having jurisdiction and held for the purpose of identification. In the event that the manufacturer's identification number of a vehicle or part cannot be identified, the vehicle or part shall
be considered contraband, and no right of property shall exist in any person owning, leasing or possess- ing such property, unless the person owning, leasing or possessing the vehicle or part acquired such without knowledge that the manufacturer's vehicle identification number has been removed, altered, defaced, falsified or destroyed.

Either the seizing law enforcement agency or the State's Attorney of the county where the seizure occurred may make an application for an order of forfeiture to the circuit court in the county of seizure. The application for forfeiture shall be independent from any prosecution arising out of the seizure and is not subject to any final determination of such prosecution. The circuit court shall issue an order forfeiting the property to the seizing law enforcement agency if the court finds that the property did not at the time of seizure possess a valid manufacturer's identification number and that the original manufacturer's identification number cannot be ascertained. The seizing law enforcement agency may:

(1) retain the forfeited property for official use; or
(2) sell the forfeited property and distribute the proceeds in accordance with Section 4-211 of this Code, or dispose of the forfeited property in such manner as the law enforcement agency deems appropriate.

(i-1) If a motorcycle is seized under subsection (i), the motorcycle must be returned within 45 days of the date of seizure to the person from whom it was seized, unless (i) criminal charges are pending against that person or (ii) an application for an order of forfeiture has been submitted to the circuit in the county of seizure or (iii) the circuit court in the county of seizure has received from the seizing law enforcement agency and has granted a petition to extend, for a single 30 day period, the 45 days allowed for return of the motorcycle. Except as provided in subsection (i-2), a motorcycle returned to the person from whom it was seized must be returned in essentially the same condition it was in at the time of seizure.

(i-2) If any part or parts of a motorcycle seized under subsection (i) are found to be stolen and are removed, the seizing law enforcement agency is not required to replace the part or parts before returning the motorcycle to the person from whom it was seized.

(j) The State Police shall notify the Secretary of State each time a manufacturer's vehicle identification number is affixed, reaffixed, restored or restamped on any vehicle. The Secretary of State shall make the necessary changes or corrections in his records, after the proper applications and fees have been submitted, if applicable.

(k) Any vessel, vehicle or aircraft used with knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of the Criminal Code of 1961, an offense prohibited by Section 4-103 of this Chapter, including transporting of a stolen vehicle or stolen vehicle parts, shall be seized by any law enforcement agency. The seizing law enforcement agency may:

(1) return the vehicle to its owner if such vehicle is stolen; or
(2) confiscate the vehicle and retain it for any purpose which the law enforcement agency deems appropriate; or
(3) sell the vehicle at a public sale or dispose of the vehicle in such other manner as the law enforcement agency deems appropriate.

If the vehicle is sold at public sale, the proceeds of the sale shall be paid to the law enforcement agency.

The law enforcement agency shall not retain, sell or dispose of a vehicle under paragraphs (2) or (3) of this subsection (k) except upon an order of forfeiture issued by the circuit court. The circuit court may issue such order of forfeiture upon application of the law enforcement agency or State's Attorney of the county where the law enforcement agency has jurisdiction, or in the case of the Department of State Police or the Secretary of State, upon application of the Attorney General.

The court shall issue the order if the owner of the vehicle has been convicted of transporting stolen vehicles or stolen vehicle parts and the evidence establishes that the owner's vehicle has been used in the commission of such offense.

The provisions of subsection (k) of this Section shall not apply to any vessel, vehicle or aircraft, which has been leased, rented or loaned by its owner, if the owner did not have knowledge of and consent to the use of the vessel, vehicle or aircraft in the commission of, or in an attempt to commit, an offense prohibited by Section 4-103 of this Chapter.
AN ACT concerning the Department of Corrections.

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

Section 5. The Unified Code of Corrections is amended by changing Section 3-2-2 as follows:

Sec. 3-2-2. Powers and Duties of the Department.
(1) In addition to the powers, duties and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment and rehabilitation.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Department of State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law (20 ILCS 405/405-300). The Department shall designate those institutions which shall constitute the State Penitentiary System.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.
Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation and employment of committed persons within its institutions.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Director of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or agrivated kidnapping, or criminal sexual assault, agrivated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics and planning.

(h) To investigate the grievances of any person committed to the Department, to inquire into any alleged misconduct by employees or committed persons, and to investigate the assets of committed persons to implement Section 3-7-6 of this Code; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those

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purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking and confining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(l) To report annually to the Governor on the committed persons, institutions and programs of the Department.

(l-5) In a confidential annual report to the Governor, the Department shall identify all inmate gangs by specifying each current gang's name, population and allied gangs. The Department shall further specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. The Department shall further report the current status of leaders identified and segregated in previous years. All leaders described in the report shall be identified by inmate number or other designation to enable tracking, auditing, and verification without revealing the names of the leaders. Because this report contains law enforcement intelligence information collected by the Department, the report is confidential and not subject to public disclosure.

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of good conduct credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Illinois Department of Public Aid for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

1. The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.
2. Participants shall be required to maintain employment.
3. Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.
4. Each participant shall:
   A. provide restitution to victims in accordance with any court order;
   B. provide financial support to his dependents; and
   C. make appropriate payments toward any other court-ordered obligations.
5. Each participant shall complete community service in addition to employment.
6. Participants shall take part in such counseling, educational and other programs as the Department may deem appropriate.
7. Participants shall submit to drug and alcohol screening.
8. The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) To enter into intergovernmental cooperation agreements under which minors

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adjudicated delinquent and committed to the Department of Corrections, Juvenile Division, may participate in a county juvenile impact incarceration program established under Section 3-6039 of the Counties Code.

(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

(i) are members of a criminal streetgang;
(ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and
(iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.

"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(Public Act 92-0445)

AN ACT relating to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

Sec. 5.545. The Illinois Future Teacher Corps Scholarship Fund.

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as follows:

(110 ILCS 947/65.65 new)

Sec. 65.65. Illinois Future Teacher Corps Scholarships.

(a) In this Section:
"Fees" means matriculation, graduation, activity, term, or incidental fees. "Fees" does not include any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of an institution of higher learning.

"Shortage" means an unfilled teaching position or one that is filled but is occupied by a person who is not fully certified by the State for that teaching position at the start of the school year.

"Scholarship" means an Illinois Future Teacher Corps Scholarship.

"Tuition and other necessary fees" includes the customary charge for instruction and use of facilities in general and the additional fixed fees charged for specified purposes that are required generally of non-scholarship recipients for each academic term for which the recipient of a scholarship under this Section actually enrolls. "Tuition and other necessary fees" does not include fees payable only once or breakage fees and other contingent deposits that are refundable in whole or in part. "Tuition and other necessary fees" does not include expenses for any sectarian or denominational instruction, for the construction or maintenance of sectarian or denominational facilities, or for any other sectarian or denominational purposes or activity.

(b) A program is created to provide new teacher training scholarships, to be known as Illinois Future Teacher Corps Scholarships. The scholarships are for full-time undergraduate and graduate students pursuing studies at qualified institutions of higher learning leading to teacher certification in this State. To receive a scholarship, a graduate student must be seeking retraining, from another field, to enter a teaching career. No more than half of the scholarships shall be awarded to graduate students seeking retraining.

(c) The Commission, in accordance with rules adopted for the program created under this Section, shall provide funding, determine the eligibility of applicants, and designate each year's new recipients from among those applicants who qualify for consideration by showing:

(1) that he or she is a resident of this State and a citizen or a lawful permanent resident alien of the United States;

(2) that he or she (i) has successfully completed the program of instruction at an approved high school or (ii) is a student in good standing at that school and is enrolled in a program of instruction that will be completed by the end of the school year and, in either event, that his or her cumulative grade point average was or is in the upper one-third of his or her high school class;

(3) that he or she has a superior capacity to profit by a higher education; and

(4) that he or she intends to teach in an elementary or secondary school in this State.

(d) If for any academic year the number of qualified applicants exceeds the number of scholarships to be awarded, the Commission shall prioritize the awarding of scholarships to applicants by considering (i) identified teacher shortage areas established by the State Board of Education and (ii) an applicant's cumulative class rank in high school or, for graduate student applicants, total undergraduate cumulative grade point average.

(e) Unless otherwise indicated, scholarships shall be good for a period of up to 4 academic years while the recipient is enrolled for full-time residence credit at a qualified institution of higher learning. Each academic year, the scholarship shall cover tuition and other necessary fees for 2 semesters plus the summer session or 4 quarters; however, the amount of a scholarship in a single academic year may not exceed $5,000. For purposes of calculating scholarship assistance for recipients attending private institutions of higher learning, tuition and other necessary fees for students at private institutions shall not exceed the average tuition and other necessary fees for students at State universities for the academic year in which the scholarship is made.

(f) Before receiving scholarship assistance, a scholarship recipient shall be required by the Commission to sign an agreement under which the recipient pledges that, within the 5-year period following the completion of the academic program for which the recipient was awarded a scholarship, the recipient (i) shall teach for a period of not less than one year for each academic year of

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scholarship assistance that he or she was awarded, (ii) shall fulfill this teaching obligation at a public or nonprofit private preschool, elementary school, or secondary school in this State, and (iii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection (f).

(g) If a scholarship recipient fails to fulfill the teaching obligation set forth in subsection (f) of this Section, the Commission shall require the recipient to repay the amount of the scholarship assistance received, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission may establish rules relating to its collection activities for the repayment of scholarships. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the General Revenue Fund.

A scholarship recipient shall not be considered in violation of the agreement entered into pursuant to subsection (f) of this Section if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at a qualified institution of higher learning, (ii) is serving as a member of the armed services of the United States for a period of time not to exceed 3 years, (iii) is temporarily totally disabled for a period of time not to exceed 3 years, as established by sworn affidavit of a qualified physician, (iv) is seeking and unable to find full-time employment as a teacher at a public or nonprofit private preschool, elementary school, or secondary school that satisfies the criteria set forth in subsection (f) of this Section and is able to provide evidence of that fact, or (v) becomes permanently totally disabled, as established by sworn affidavit of a qualified physician. No claim for repayment may be filed against the estate of a decedent or incompetent. Each person applying for a scholarship shall be provided with a copy of this subsection (g) at the time he or she applies for the scholarship.

(h) The Commission may prescribe, by rule, detailed provisions concerning the computation of tuition and other necessary fees, which must not be inconsistent with this Section.

(i) If an applicant for a scholarship under this Section accepts another teacher preparation scholarship administered by the Commission for the same academic year as the scholarship under this Section, that applicant shall not be eligible for a scholarship under this Section.

(j) To continue receiving scholarship assistance, a scholarship recipient must remain a full-time student and must maintain a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale.

(k) A scholarship shall not be awarded to or continued for anyone who has been convicted of a criminal offense that would disqualify that person from receiving teacher certification in this State.

(l) If an applicant for a scholarship under this Section accepts another teacher preparation scholarship administered by the Commission for the same academic year as the scholarship under this Section, that applicant shall not be eligible for a scholarship under this Section.

(m) Scholarship amounts due to an institution of higher learning shall be payable by the Comptroller to that institution on vouchers approved by the Commission.

(n) The Commission shall administer the program created under this Section and shall adopt all necessary and proper rules not inconsistent with this Section for the program's effective implementation. All applications for scholarship assistance shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth in the application shall be determined by the Commission, and the Commission shall require applicants to submit with their applications any supporting documents that the Commission deems necessary.

(o) If an appropriation to the Commission for a given fiscal year is insufficient to provide scholarships to all qualified applicants, then the Commission shall allocate the available scholarship funds for that fiscal year on the basis of the date the Commission receives a complete application form from a qualified applicant.

Section 15. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:

(625 ILCS 5/3-648 new)
Sec. 3-648. Education license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 65.65 of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code.

Section 99. Effective date. This Act takes effect upon becoming law.
(b) The State Board of Education and the Department of Veterans' Affairs may issue rules consistent with the provisions of this Section that are necessary to implement this Section.
Effective January 1, 2002.

PUBLIC ACT 92-0447
(House Bill No. 1887)

AN ACT in relation to environmental protection.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Lead Poisoning Prevention Act is amended by changing Sections 11.2 and 12 as follows:

(410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)
Sec. 11.2. Administrative action Revocation of License. Pursuant to the Illinois Administrative Procedure Act and rules promulgated thereunder, the Department may deny, suspend, or revoke any license if the Department finds failure or refusal to comply with provisions of this Act or rules promulgated pursuant to the Act.

The Department may assess civil penalties against any licensed lead worker, licensed lead professional, licensed lead contractor, or approved lead training provider for violations of this Act and the rules promulgated hereunder, pursuant to rules for penalties established by the Department.

Any penalties collected shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund.
(Source: P.A. 87-1144.)

(410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)
(a) Violation of any Section of this Act other than Section 7 shall be punishable as a Class A misdemeanor.
(b) In cases where a person is found to have mislabeled, possessed, offered for sale or transfer, sold or transferred, or given away lead-bearing substances, a representative of the Department shall confiscate the lead-bearing substances and retain the substances until they are shown to be in compliance with this Act.
(c) In addition to any other penalty provided under this Act, the court in an action brought under subsection (e) may impose upon any person who violates or does not comply with a notice of deficiency and a mitigation order issued under subsection (7) of Section 9 of this Act a civil penalty not exceeding $2,500 for each violation, plus $250 for each day that the violation continues.

Any civil penalties collected in a court proceeding shall be deposited into a delegated county lead poisoning screening, prevention, and abatement fund or, if no delegated county or lead poisoning screening, prevention, and abatement fund exists, into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2.
(d) Whenever the Department finds that an emergency exists that requires immediate action to protect the health of children under this Act, it may, without administrative procedure or notice, cause an action to be brought by the Attorney General or the State's Attorney of the county in which a violation has occurred for a temporary restraining order or a preliminary injunction to require such action as is required to meet the emergency and protect the health of children.
(e) The State's Attorney of the county in which a violation occurs or the Attorney General may bring an action for the enforcement of this Act and the rules adopted and orders issued under this Act, in the name of the People of the State of Illinois, and may, in addition to other remedies provided in this Act, bring an action for a temporary restraining order or preliminary injunction as described in subsection (d) or an injunction to restrain any actual or threatened violation or to impose or collect a civil penalty for any violation.
(Source: P.A. 87-175.)

Section 10. The Environmental Protection Act is amended by adding Section 22.28a as follows:

(415 ILCS 5/22.28a new)

New matter indicated by italics - deletions by strikeout.
Sec. 22.28a. White goods handled by scrap dealership or junkyard.
(a) No owner, operator, agent, or employee of a junkyard or scrap dealership may knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any white good that contains any white good components in violation of this Act or any other applicable State or federal law.

(b) For the purposes of this Section, the terms "white goods" and "white goods components" have the same meaning as in Section 22.28.

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

PUBLIC ACT 92-0448
(House Bill No. 1908)

AN ACT concerning schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 5-1 as follows:
(105 ILCS 5/5-1) (from Ch. 122, par. 5-1)
Sec. 5-1. County school units.
(a) The territory in each county, exclusive of any school district governed by any special act which requires the district to appoint its own school treasurer, shall constitute a county school unit. County school units of less than 2,000,000 inhabitants shall be known as Class I county school units and the office of township trustees, where existing on July 1, 1962, in such units shall be abolished on that date and all books and records of such former township trustees shall be forthwith thereafter transferred to the county board of school trustees. County school units of 2,000,000 or more inhabitants shall be known as Class II county school units and shall retain the office of township trustees unless otherwise provided in subsection (b) or (c).

(b) Notwithstanding subsections (a) and (c), the school board of any elementary school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of a high school district, and the school board of any high school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of an elementary school district, may, whenever the territory of such school district forms a part of a Class II county school unit, by proper resolution withdraw such school district from the jurisdiction and authority of the trustees of schools of the township in which such school district is located and from the jurisdiction and authority of the township treasurer in such Class II county school unit; provided that the school board of any such school district shall, upon the adoption and passage of such resolution, thereupon elect or appoint its own school treasurer as provided in Section 8-1. Upon the adoption and passage of such resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in such township shall no longer have or exercise any powers and duties with respect to the school district governed by such school board or with respect to the school business, operations or assets of such school district; and (2) all books and records of the township trustees relating to the school business and affairs of such school district shall be transferred and delivered to the school board of such school district. Upon the effective date of this amendatory Act of 1993, the legal title to, and all right, title and interest formerly held by the township trustees in any school buildings and school sites used and occupied by the school board of such school district for school purposes, that legal title, right, title and interest thereafter having been transferred to and vested in the regional board of school trustees under P.A. 87-473 until the abolition of that regional board of school trustees by P.A. 87-969, shall be deemed transferred by operation of law to and shall vest in the school board of that school district.

(c) Notwithstanding the provisions of subsection (a), the offices of township treasurer and trustee of schools of any township located in a Class II county school unit shall be abolished as provided in this subsection if all of the following conditions are met:

(1) During the same 30 day period, each school board of each elementary and unit school
district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished gives written notice by certified mail, return receipt requested to the township treasurer and trustees of schools of that township of the date of a meeting of the school board, to be held not more than 90 nor less than 60 days after the date when the notice is given, at which meeting the school board is to consider and vote upon the question of whether there shall be submitted to the electors of the school district a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the notices given under this paragraph to the township treasurer and trustees of schools of a township shall be deemed sufficient or in compliance with the requirements of this paragraph unless all of those notices are given within the same 30 day period.

(2) Each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished, by the affirmative vote of at least 5 members of the school board at a school board meeting of which notice is given as required by paragraph (1) of this subsection, adopts a resolution requiring the secretary of the school board to certify to the proper election authorities for submission to the electors of the school district at the next consolidated nonpartisan election in accordance with the general election law a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the resolutions adopted under this paragraph by any elementary or unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished shall be deemed in compliance with the requirements of this paragraph or sufficient to authorize submission of the proposition to abolish those offices to a referendum of the electors in any such school district unless all of the school boards of all of the elementary and unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township adopt such a resolution in accordance with the provisions of this paragraph.

(3) The school boards of all of the elementary and unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished submit a proposition to abolish the offices of township treasurer and trustee of schools of that township to the electors of their respective school districts at the same consolidated nonpartisan election in accordance with the general election law, the ballot in each such district to be in substantially the following form:

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OFFICIAL BALLOT
Shall the offices of township              YES
treasurer and trustee of
schools of Township ......           NO
Range ..... be abolished?
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(4) At the consolidated nonpartisan election at which the proposition to abolish the offices of township treasurer and trustee of schools of a township is submitted to the electors of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustee of schools of that township, a majority of the electors voting on the proposition in each such elementary and unit school district votes in favor of the proposition as submitted to them.

If in each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished a majority of the electors in each such district voting at the consolidated nonpartisan election on the proposition to abolish the offices of township treasurer and trustee of schools of that township votes in favor of the proposition as submitted to them, the proposition shall be deemed to have passed; but if in any such elementary or unit school district a majority of the electors voting on that proposition in that district fails to vote in favor of the proposition as submitted to them, then notwithstanding the vote of the electors in any other such elementary or unit school district on that proposition the proposition shall not be deemed to have passed in any of those elementary or unit

New matter indicated by italics - deletions by strikeout.
school districts, and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless in each of those elementary and unit school districts remaining subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township proceedings are again initiated to abolish those offices and all of the proceedings and conditions prescribed in paragraphs (1) through (4) of this subsection are repeated and met in each of those elementary and unit school districts.

Notwithstanding the foregoing provisions of this Section or any other provision of the School Code, the offices of township treasurer and trustee of schools of a township that has a population of less than 200,000 and that contains a unit school district and is located in a Class II county school unit shall also be abolished as provided in this subsection if all of the conditions set forth in paragraphs (1), (2), and (3) of this subsection are met and if the following additional condition is met:

The electors in all of the school districts subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished shall vote at the consolidated nonpartisan election on the proposition to abolish the offices of township treasurer and trustee of schools of that township. If a majority of the electors in all of the school districts combined voting on the proposition vote in favor of the proposition, then the proposition shall be deemed to have passed; but if a majority of the electors voting on the proposition in all of the school district fails to vote in favor of the proposition as submitted to them, then the proposition shall not be deemed to have passed and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless and until the proceedings detailed in paragraphs (1) through (3) of this subsection and the conditions set forth in this paragraph are met.

If the proposition to abolish the offices of township treasurer and trustee of schools of a township is deemed to have passed at the consolidated nonpartisan election as provided in this subsection, those offices shall be deemed abolished by operation of law effective on January 1 of the calendar year immediately following the calendar year in which that consolidated nonpartisan election is held, provided that if after the election, the trustees of schools by resolution elect to abolish the offices of township treasurer and trustee of schools effective on July 1 immediately following the election, then the offices shall be abolished on July 1 immediately following the election. On the date that July 1 of the calendar year in which the offices of township treasurer and trustee of schools of a township are deemed abolished by operation of law, the school board of each elementary and unit school district and the school board of each high school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices are abolished: (i) shall appoint its own school treasurer as provided in Section 8-1; and (ii) unless the term of the contract of a township treasurer expires on the date that the office of township treasurer is abolished, shall pay to the former township treasurer its proportionate share of any aggregate compensation that, were the office of township treasurer not abolished at that time on July 1 of that calendar year, would have been payable to the former township treasurer after that date over the remainder of the term of the contract of the former township treasurer that began prior to but ends after that date. In addition, on the date that July 1 of the calendar year in which the offices of township treasurer and trustee of schools of a township are deemed abolished as provided in this subsection, the school board of each elementary school, high school and unit school district that until that date is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township shall be deemed by operation of law to have agreed and assumed to pay and, when determined, shall pay to the Illinois Municipal Retirement Fund a proportionate share of the unfunded liability existing in that Fund at the time these offices are abolished on July 1 of that calendar year for all annuities or other benefits then or thereafter to become payable from that Fund with respect to all periods of service performed prior to that date as a participating employee in that Fund by persons serving during those periods of service as a trustee of schools, township treasurer or regular employee in the office of the township treasurer of that township. That unfunded liability shall be actuarially determined by the board of trustees of the Illinois Municipal Retirement Fund, and the board of trustees shall thereupon notify each school board required to pay a proportionate share of that unfunded liability to the aggregate amount of the unfunded liability so determined. The amount so paid to the Illinois Municipal Retirement Fund by each of those school districts shall be credited to

New matter indicated by italics - deletions by strikeout.
the account of the township in that Fund. For each elementary school, high school and unit school
district under the jurisdiction and authority of a township treasurer and trustees of schools of a
township in which those offices are abolished as provided in this subsection, each such district's
proportionate share of the aggregate compensation payable to the former township treasurer as
provided in this paragraph and each such district's proportionate share of the aggregate amount of the
unfunded liability payable to the Illinois Municipal Retirement Fund as provided in this paragraph
shall be computed in accordance with the ratio that the number of pupils in average daily attendance
in each such district as reported in schedules prepared under Section 24-19 for the school year last
ending prior to the date on which the offices of township treasurer and trustee of schools of that
township are abolished bears to the aggregate number of pupils in average daily attendance in all of
those districts as so reported for that school year.

Upon abolition of the offices of township treasurer and trustee of schools of a township as
provided in this subsection: (i) the regional board of school trustees, in its corporate capacity, shall
be deemed the successor in interest to the former trustees of schools of that township with respect to
the common school lands and township loanable funds of the township; (ii) all right, title and interest
existing or vested in the former trustees of schools of that township in the common school lands and
township loanable funds of the township, and all records, moneys, securities and other assets, rights
of property and causes of action pertaining to or constituting a part of those common school lands or
township loanable funds, shall be transferred to and deemed vested by operation of law in the regional
board of school trustees, which shall hold legal title to, manage and operate all common school lands
and township loanable funds of the township, receive the rents, issues and profits therefrom, and have
and exercise with respect thereto the same powers and duties as are provided by this Code to be
exercised by regional boards of school trustees when acting as township land commissioners in
counties having at least 220,000 but fewer than 2,000,000 inhabitants; (iii) the regional board of
school trustees shall select to serve as its treasurer with respect to the common school lands and
township loanable funds of the township a person from time to time also serving as the appointed
school treasurer of any school district that was subject to the jurisdiction and authority of the township
treasurer and trustees of schools of that township at the time those offices were abolished, and the
person selected to also serve as treasurer of the regional board of school trustees shall have his
compensation for services in that capacity fixed by the regional board of school trustees, to be paid
from the township loanable funds, and shall make to the regional board of school trustees the reports
required to be made by treasurers of township land commissioners, give bond as required by treasurers
of township land commissioners, and perform the duties and exercise the powers of treasurers of
township land commissioners; (iv) the regional board of school trustees shall designate in the manner
provided by Section 8-7, insofar as applicable, a depository for its treasurer, and the proceeds of all
rents, issues and profits from the common school lands and township loanable funds of that township
shall be deposited and held in the account maintained for those purposes with that depository and shall
be expended and distributed therefrom as provided in Section 15-24 and other applicable provisions
of this Code; and (v) whenever there is vested in the trustees of schools of a township at the time that
office is abolished under this subsection the legal title to any school buildings or school sites used or
occupied for school purposes by any elementary school, high school or unit school district subject to
the jurisdiction and authority of those trustees of school at the time that office is abolished, the legal
title to those school buildings and school sites shall be deemed transferred by operation of law to and
invested in the school board of that school district, in its corporate capacity Section 7-28, the same to
be held, sold, exchanged leased or otherwise transferred in accordance with applicable provisions of
this Code.

Notwithstanding Section 2-3.25g of this Code, a waiver of a mandate established under this
Section may not be requested.
(Source: P.A. 91-269, eff. 7-23-99.)

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

PUBLIC ACT 92-0449

New matter indicated by italics - deletions by strikeout.
AN ACT concerning animal control.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Humane Euthanasia in Animal Shelters Act.

Section 5. Definitions. The following terms have the meanings indicated, unless the context requires otherwise:
"Animal" means any bird, fish, reptile, or mammal other than man.
"DEA" means the United States Department of Justice Drug Enforcement Administration.
"Department" means the Department of Professional Regulation.
"Director" means the Director of the Department of Professional Regulation.
"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act.
"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act that are used by a euthanasia agency for the purpose of animal euthanasia.
"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to humanely euthanize animals.
"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of 1994.

Section 10. Certification requirement, exemptions.
(a) Except as otherwise provided in this Section, no person shall euthanize animals in an animal shelter or animal control facility without possessing a certificate issued by the Department under this Act.
(b) Nothing in this Act shall be construed as preventing a licensed veterinarian or an instructor during an approved course from humanely euthanizing animals in animal shelters or animal control facilities.
(c) Nothing in this Act prevents a veterinarian who is employed by the Department of Agriculture, or any other person who is employed by the Department of Agriculture and acting under the supervision of such a veterinarian, from humanely euthanizing animals in the course of that employment.

Section 15. Powers and duties of the Department.
(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensure Acts and shall exercise other powers and duties necessary for effectuating the purposes of this Act.
(b) The Department may adopt rules to administer and enforce this Act including, but not limited to, setting fees for original certification and renewal and restoration of certification and any other administrative fees, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for certification and for professional conduct and discipline.

Section 20. Application for original certification. Applications for original certification shall be made to the Department in writing, shall be signed by the applicant on forms prescribed by the Department, and shall be accompanied by a nonrefundable fee set by rule. The Department may require information from the applicant that, in its judgment, will enable the Department to determine the qualifications of the applicant for certification.

Section 25. Euthanasia agency.
(a) To be certified as a euthanasia agency, an entity must apply to the Department, hold an active license under the Animal Welfare Act as an animal control facility or an animal shelter, pay the required fee, and agree to:
(1) Keep euthanasia drugs in a securely locked cabinet or a metal safe that meets the requirements of the Illinois Controlled Substances Act and rules adopted under that Act when not in use. A temporary storage cabinet may be used when a euthanasia technician is on duty.
and animals are being euthanized during the workday.


(3) Keep the conditions of the euthanasia area clean and sanitary with adequate equipment and supplies to enable the humane disposition of animals.

(b) A euthanasia agency may purchase, store, and possess Schedule II and Schedule III (nonnarcotic controlled substances) drugs for the euthanization of animals upon obtaining from the Department an Illinois controlled substances license pursuant to the Illinois Controlled Substances Act and a controlled substance license issued by the Drug Enforcement Administration pursuant to the federal Controlled Substances Act.

(c) The Department shall inspect the facility prior to the issuance of the controlled substance license.

(d) The euthanasia agency shall notify the Department in writing within 30 days of the time that the employment of a euthanasia technician is terminated from the euthanasia agency.

Section 35. Technician certification; duties.

(a) An applicant for certification as a euthanasia technician shall file an application with the Department and shall:

(1) Be 18 years of age.

(2) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act.

(3) Submit fingerprints to the Illinois State Police or its designated vendor as set forth by rule. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases. A separate fee shall be charged to the applicant for fingerprinting, payable either to the Department or the Illinois State Police or its designated vendor.

(4) Hold a current license or certification from the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States.

(5) Pay the required fee.

(b) The duties of a euthanasia technician shall include but are not limited to:

(1) preparing animals for euthanasia and scanning each animal, prior to euthanasia, for microchips;

(2) accurately recording the dosages administered and the amount of drugs wasted;

(3) ordering supplies;

(4) maintaining the security of all controlled substances and drugs;

(5) humanely euthanizing animals via intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, intracardiac injection only on comatose animals by hypodermic needle, or carbon monoxide in a commercially manufactured chamber; and

(6) properly disposing of euthanized animals after verification of death.

(c) A euthanasia technician employed by a euthanasia agency may perform euthanasia by the administration of a Schedule II or Schedule III nonnarcotic controlled substance. A euthanasia technician may not personally possess, order, or administer a controlled substance except as an agent of the euthanasia agency.

(d) Upon termination from a euthanasia agency, a euthanasia technician shall not perform animal euthanasia until he or she is employed by another certified euthanasia agency.

(e) A certified euthanasia technician or an instructor in an approved course does not engage in the practice of veterinary medicine when performing duties set forth in this Act.

Section 40. Issuance of certificate. The Department shall begin issuing certificates under this Act within one year after the effective date of this Act. The Department shall issue a certificate to an applicant who has met the requirements and has paid the required application fee.

Section 45. Certifications; renewal; restoration; person in military service; inactive status.

(a) The expiration date, renewal period, renewal fees, and procedures for renewal of each
certification issued under this Act shall be set by rule.

(b) Any person who has permitted a euthanasia technician certification to expire or who has a certification on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the certification restored, including, if appropriate, evidence that is satisfactory to the Department certifying active practice in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status.

(d) Any person whose euthanasia technician certification expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service, however, may have his or her certification restored without paying any renewal fees if, within 2 years after the termination of that service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training, or education has been so terminated.

(e) A euthanasia technician certificate holder may place his or her certification on inactive status and shall be excused from paying renewal fees until he or she notifies the Department in writing of the intention to resume active practice. A certificate holder who is on inactive status shall not practice while the certificate is in inactive status.

(f) The Department shall set by rule the requirements for restoration of a euthanasia agency certification and the requirements for a change of location.

Section 50. Grandfathering provision. The Department may issue certification to a euthanasia technician who presents proof in a manner established by the Department that he or she has been licensed or certified by the American Humane Association, the National Animal Control Association, the Illinois Federation of Humane Societies, or the Humane Society of the United States, within the 5 years preceding the effective date of this Act.

Section 55. Endorsement. An applicant, who is a euthanasia technician registered or licensed under the laws of another state or territory of the United States that has requirements that are substantially similar to the requirements of this Act, may be granted certification as a euthanasia technician in this State without examination, upon presenting satisfactory proof to the Department that the applicant has been engaged in the practice of euthanasia for a period of not less than one year and upon payment of the required fee.

Section 57. Procedures for euthanasia.

(a) Only euthanasia drugs and commercially compressed carbon monoxide, subject to the limitations imposed under subsection (b) of this Section, shall be used for the purpose of humanely euthanizing injured, sick, homeless, or unwanted companion animals in an animal shelter or an animal control facility licensed under the Illinois Animal Welfare Act.

(b) Commercially compressed carbon monoxide may be used as a permitted method of euthanasia provided that it is performed in a commercially manufactured chamber pursuant to the guidelines set forth in the most recent report of the AVMA Panel on Euthanasia. A chamber that is designed to euthanize more than one animal at a time must be equipped with independent sections or cages to separate incompatible animals. The interior of the chamber must be well lit and equipped with view-ports, a regulator, and a flow meter. Monitoring equipment must be used at all times during the operation. Animals that are under 4 months of age, old, injured, or sick may not be euthanized by carbon monoxide. Animals shall remain in the chamber and be exposed for a minimum of 20 minutes. Staff members shall be fully notified of potential health risks.

Section 60. Fees; returned checks. An agency or person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

Section 65. Refused issuance, suspension or revocation of certification. The Department may refuse to issue, renew, or restore a certification or may revoke or suspend a certification, or place on

New matter indicated by italics - deletions by strikeout.
probation, reprimand, impose a fine not to exceed $1,000 for each violation, or take other disciplinary action as the Department may deem proper with regard to a certified euthanasia agency or a certified euthanasia technician for any one or combination of the following reasons: 
(1) failing to carry out the duties of a euthanasia technician; 
(2) abusing the use of any chemical substance; 
(3) selling, stealing, or giving chemical substances away; 
(4) abetting anyone in the activities listed in this subsection; or
(5) violating any provision of this Act, the Illinois Controlled Substances Act, the rules adopted under these Acts or any rules adopted by the Department of Professional Regulation concerning the euthanizing of animals. 

Section 80. Exemption from liability. An instructor of euthanasia techniques or a veterinarian who engages in the instructing of euthanasia technicians, in a course approved by the Department, shall not incur any civil or criminal liability for any subsequent misuse or malpractice of a euthanasia technician who has attended the course. 

Any veterinarian, who in good faith administers euthanasia drugs to an animal in an animal control facility or an animal shelter, has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed. 

Section 85. Cease and desist order. 
(a) If an agency or person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation, and if it is established that the agency or person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act. 
(b) Whenever, in the opinion of the Department, an agency violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against the agency. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. 

Section 90. Uncertified practice; civil penalty. 
(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out as a certified euthanasia technician or a certified euthanasia agency without being certified under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a certified euthanasia technician or a certified euthanasia agency. The civil penalty must be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record. 
(b) The Department may investigate any uncertified activity.
(c) Instructors teaching humane euthanasia techniques are exempt from the certification process. 

Section 95. Inspections. The Department may conduct random inspections upon renewal, for cause, or as necessary to assure the integrity and effectiveness of the certification process. Upon failure to pass inspection, a euthanasia agency's certificate shall be suspended or denied, as applicable, pending review by the Department. Upon the failure of an agency to pass an inspection, animal euthanasia must be performed by a licensed veterinarian or at another certified euthanasia agency. A euthanasia agency that fails to pass an inspection is subject to penalty. Upon notice of failure to pass an inspection, a euthanasia agency shall have 30 days to appeal the inspection results. On appeal, the euthanasia agency shall have the right to an inspection review or to a new inspection in accordance with procedures adopted by the Department.
Section 100. Investigations; notice and hearing.

(a) The Department may investigate the actions of an applicant or an animal shelter or animal control facility holding or claiming to hold a certificate.

(b) Before refusing to issue or renew a certificate or disciplining a certified euthanasia agency or technician, the Department shall notify in writing the applicant, the agency, or technician of the nature of the charges and that a hearing will be held on the date designated, which shall be at least 30 days after the date of the notice. The Department shall direct the applicant, agency, or technician to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant, agency, or technician that failure to file an answer will result in default being taken against the applicant, agency, or technician and that the certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of business as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail sent to the respondent at the most recent address on record with the Department.

If the applicant, agency, or technician fails to file an answer after receiving notice, the certification may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action it deems proper including imposing a civil penalty, without a hearing if the act or acts charged constitute sufficient ground for such action under this Act.

At the time and place fixed in the notice, the Department shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time.

Section 105. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a certificate or the discipline of a certified euthanasia technician. The notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer, and the order of the Department shall be the record of the proceeding.

Section 110. Compelling testimony. A circuit court may, upon application of the Department or its designee or of the applicant, agency, or technician against whom proceedings are pending, enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 115. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused applicant, agency, or technician violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Director.

The report of the findings and recommendations of the hearing officer shall be the basis for the Department's order of refusal or for the granting of certification unless the Director determines that the hearing officer's report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the hearing officer's report. The finding is not admissible in evidence against the applicant, agency, or technician in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Section 120. Rehearing on motion. In a case involving the refusal to issue or renew a certificate or the discipline of a certified agency or technician, a copy of the hearing officer's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the hearing officer except as provided in Section 125 of this Act. If the respondent shall order from the reporting service and pay for a transcript of the
Section 125. Rehearing on order of Director. Whenever the Director is satisfied that substantial justice has not been done in the revocation or suspension of a certification or refusal to issue or renew a certificate, the Director may order a rehearing.

Section 130. Hearing Officer. The Director has the authority to appoint an attorney duly licensed to practice law in this State to serve as the hearing officer in an action for refusal to issue or renew a certificate or for the discipline of a certified euthanasia agency or technician. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Director.

Section 135. Order or certified copy. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:

1. the signature is the genuine signature of the Director; and
2. the Director is duly appointed and qualified. This proof may be rebutted.

Section 140. Restoration of certificate. Any time after the suspension or revocation of a certificate, the Department may restore the certificate to the accused agency upon the written recommendation of the Department unless, after an investigation and a hearing, the Department determines that restoration is not in the public interest.

Section 145. Surrender of certificate. Upon the revocation or suspension of a certificate, the agency or technician shall immediately surrender the certificate to the Department, and if the agency or technician fails to do so, the Department shall have the right to seize the certificate.

Section 150. Temporary suspension of a certificate. The Director may temporarily suspend the certificate of a euthanasia agency or euthanasia technician without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that the continued practice of the certified euthanasia agency or technician would constitute cruelty or an imminent danger to the public. If the Director temporarily suspends the certificate without a hearing, a hearing by the hearing officer must be held within 30 days of the suspension.

Section 155. Administrative Law Review. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law, as now or hereafter amended, and all rules adopted pursuant to that Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for relief resides, but if the party is not a resident of this State, the venue shall be Sangamon County.

Section 160. Certification of record; costs. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in a court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 165. Criminal penalties. An agency or technician who is found to have violated a provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.

Section 170. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of a license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 175. Home rule. The regulation and certification of euthanasia agencies and euthanasia technicians are exclusive powers and functions of the State. A home rule unit may not regulate or certify euthanasia agencies or euthanasia technicians. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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Section 180. Deposit of fees and fines. All of the fees and civil penalties collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be used by the Department for the ordinary and contingent expenses of the Department.

Section 800. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Section 4 as follows:

(225 ILCS 115/4) (from Ch. 111, par. 7004)
Sec. 4. Exemptions. Nothing in this Act shall apply to any of the following:
(1) Veterinarians employed by the Federal Government while actually engaged in their official duties.
(2) Licensed veterinarians from other states who are invited to Illinois for consultation or lecturing.
(3) Veterinarians employed by colleges or universities or by state agencies, while engaged in the performance of their official duties.
(4) Veterinary students in an approved college, university, department of a university or other institution of veterinary medicine and surgery while in the performance of duties assigned by their instructors.
(5) Any person engaged in bona fide scientific research which requires the use of animals.
(6) The dehorning, castration, emasculation or docking of cattle, horses, sheep, goats and swine in the course or exchange of work for which no monetary compensation is paid or to artificial insemination and the drawing of semen. Nor shall this Act be construed to prohibit any person from administering, in a humane manner, medicinal or surgical treatment to any animal belonging to such person, unless title has been transferred for the purpose of circumventing this Act. However, any such services shall comply with the Humane Care for Animals Act.
(7) Members of other licensed professions or any other individuals when called for consultation and assistance by a veterinarian licensed in the State of Illinois and who act under the supervision, direction, and control of the veterinarian, as further defined by rule of the Department.
(8) Certified euthanasia technicians.
(Source: P.A. 90-52, eff. 7-3-97.)

Section 900. The Animal Control Act is amended by changing Section 11 as follows:

(510 ILCS 5/11) (from Ch. 8, par. 361)
Sec. 11. When not redeemed by the owner, a dog that has been impounded for failure to be inoculated and registered, if applicable, in accordance with the provisions of this Act or a cat that has been impounded shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption, or otherwise disposed of by the pound as a stray dog in accordance with laws that exist or may hereafter exist. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed within a specified period of time not to exceed 60 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal by the animal pound or shelter, and any monies which have been deposited shall be forfeited. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. Any person purchasing or adopting such dog, with or without charge or donation, must pay for the rabies inoculation of such dog and registration if applicable.
(Source: P.A. 83-740.)

Section 905. The Illinois Controlled Substances Act is amended by changing Section 102 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)
Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:
(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.
(b) "Administer" means the direct application of a controlled substance, whether by injection,
inhalation, ingestion, or any other means, to the body of a patient or research subject by:

1. a practitioner (or, in his presence, by his authorized agent), or
2. the patient or research subject at the lawful direction of the practitioner.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

1. (i) boldenone,
2. (ii) chlorotestosterone,
3. (iii) chostebol,
4. (iv) dehydrochormethyltestosterone,
5. (v) dihydrotestosterone,
6. (vi) drolanolone,
7. (vii) ethylestrenol,
8. (viii) fluoxymesterone,
9. (ix) formebulone,
10. (x) mesterolone,
11. (xi) methandienone,
12. (xii) methandranone,
13. (xiii) methandriol,
14. (xiv) methandrostenolone,
15. (xv) methenolone,
16. (xvi) methyltestosterone,
17. (xvii) mibolerone,
18. (xviii) nandrolone,
19. (xix) norethandrolone,
20. (xx) oxandrolone,
21. (xxi) oxymesterone,
22. (xxii) oxymetholone,
23. (xxiii) stanolone,
24. (xxiv) stanozolol,
25. (xxv) testolactone,
26. (xxvi) testosterone,
27. (xxvii) trenbolone, and
28. (xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the

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person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:
   (1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or
   (2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or
   (3) lysergic acid diethylamide; or
   (4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(n) (Blank).

(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein; and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making
the judgment:
(1) lack of consistency of doctor-patient relationship,
(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,
(3) quantities beyond those normally prescribed,
(4) unusual dosages,
(5) unusual geographic distances between patient, pharmacist and prescriber,
(6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:
(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and
(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:
(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;
(b) statements made to the buyer or recipient that the substance may be resold for profit;
(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;
(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

New matter indicated by italics - deletions by strikeout.
(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or
(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:
   (a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
   (b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) "Methamphetamine manufacturing chemical" means any of the following chemicals or substances containing any of the following chemicals: benzyl methyl ketone, ephedrine, methyl benzyl ketone, phenylacetone, phenyl-2-propanone, or pseudoephedrine or any of the salts, optical isomers, or salts of optical isomers of the above-listed chemicals.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.
(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 90-116, eff. 7-14-97; 90-742, eff. 8-13-98; 90-818, eff. 3-23-99; 91-403, eff. 1-1-00; 91-714, eff. 6-2-00.)

Effective January 1, 2002.

PUBLIC ACT 92-0450
(House Bill No. 2392)

AN ACT concerning conveyances.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Conveyances Act is amended by adding Section 35d as follows:
(765 ILCS 5/35d new)
Sec. 35d. Execution; permanent index number. In a county with 3,000,000 or more inhabitants, whenever any deed or instrument of conveyance is executed, the grantor of residential property shall provide the grantee of the property with an individual permanent index number or numbers that specifically represent the legal description provided for in the deed or instrument of conveyance. If the individual permanent index number or numbers do not specifically represent the legal description in the deed or instrument of conveyance, the grantor shall provide one of the following:

(1) proof that a proper application for division which requests division of property, a portion of which would result in a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance, has been filed with the county assessor;

(2) a recorded plat of subdivision that would result in the issuance of a permanent index number or numbers as described in subdivision (1); or

(3) a recorded condominium declaration that would result in the issuance of a permanent index number or numbers as described in subdivision (1).

New matter indicated by italics - deletions by strikeout.
If the grantor fails to provide the grantee with either a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3), the grantor shall be personally liable to the grantee for taxes pursuant to Section 1-145 of the Property Tax Code and attorney's fees. The grantor's liability shall continue to accrue until the permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3) is delivered to the grantee. The grantor's failure to provide the permanent index number or numbers shall not invalidate the deed or instrument of conveyance. A receipt from the county assessor confirming that a proper application has been filed and that it meets the requirements set by the county assessor shall be deemed to be evidence of proper application for division.

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

PUBLIC ACT 92-0451
(House Bill No. 2595)

AN ACT in relation to the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 12, 16, 17, and 22 as follows:

(225 ILCS 80/12) (from Ch. 111, par. 3912)
Sec. 12. Applications for licenses and certificates. Applications for original licenses and certificates shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license or certificate.
An applicant for initial licensure in Illinois shall apply for and be qualified to receive and shall maintain certification to use diagnostic and therapeutic ocular pharmaceuticals.
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
Applicants who meet all other conditions for licensure and who will be practicing optometry in a residency program approved by the Board may apply for and receive a limited one year license to practice optometry as a resident in the program. A licensee who receives a limited license under this Section shall have the same privileges and responsibilities as a therapeutically certified licensee.
(Source: P.A. 91-141, eff. 7-16-99.)
(225 ILCS 80/16) (from Ch. 111, par. 3916)
Sec. 16. Renewal, reinstatement or restoration of licenses; military service. The expiration date and renewal period for each license and certificate issued under this Act shall be set by rule.
All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived in cases of extreme hardship as defined by rules of the Department.
The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.
Any optometrist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored.
license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period for the applicant's level of certification that has been completed during the 2 years prior to the application for license restoration.

The Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of his or her license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 80/17) (from Ch. 111, par. 3917)
Sec. 17. Inactive status. Any optometrist who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall be excused from payment of renewal fees until he or she notifies the Department in writing of his intent to restore his or her license.

Any optometrist requesting restoration from inactive status shall be required to pay the current renewal fee, to provide proof of completion of the continuing education requirements specified in the rules for the preceding license renewal period for the applicant's level of certification that has been completed during the 2 years prior to the application for restoration, and shall be required to restore his or her license as provided by rule of the Department.

Any optometrist whose license is in an inactive status shall not practice optometry in the State of Illinois.

Any licensee who shall practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under Section 24 subsection (a) of this Act.

(Source: P.A. 89-702, eff. 7-1-97.)
(225 ILCS 80/22) (from Ch. 111, par. 3922)
Sec. 22. Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered provided that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department.

It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public.

(Source: P.A. 85-896.)

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

PUBLIC ACT 92-0452
(House Bill No. 3192)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Disabled Persons Rehabilitation Act is amended by changing Section 13a as follows:

(20 ILCS 2405/13a) (from Ch. 23, par. 3444a)
Sec. 13a. (a) The Department shall be responsible for coordinating the establishment of local Transition Planning Committees. Members of the committees shall consist of representatives from

New matter indicated by italics - deletions by strikeout.
special education; vocational and regular education; post-secondary education; parents of youth with
disabilities; persons with disabilities; local business or industry; the Department of Human Services;
public and private adult service providers; case coordination; and other consumer, school, and adult
services as appropriate. The Committee shall elect a chair and shall meet at least quarterly. Each
Transition Planning Committee shall:

(1) identify current transition services, programs, and funding sources provided within
the community for secondary and post-secondary aged youth with disabilities and their
families as well as the development of strategies to address unmet needs;

(2) facilitate the development of transition interagency teams to address present and future
transition needs of individual students on their individual education plans;

(3) develop a mission statement that emphasizes the goals of integration and participation
in all aspects of community life for persons with disabilities;

(4) provide for the exchange of information such as appropriate data, effectiveness
studies, special projects, exemplary programs, and creative funding of programs;

(5) develop consumer in-service and awareness training programs in the local community;

and

(6) assist in staff training for individual transition planning and student transition needs

(b) Each Transition Planning Committee shall select a chair from among its members who
shall serve for a term of one year. Each committee shall meet at least quarterly, or at such other times
at the call of the chair.

(c) Each Transition Planning Committee shall annually prepare and submit to the Interagency
Coordinating Council a report summary which assesses the level of currently available services in the
community as well as the level of unmet needs of secondary students with disabilities, makes
recommendations to address unmet needs, and summarizes the steps taken to address unmet needs
based on the recommendations made in previous reports.

(d) The name and affiliation of each local Transition Planning Committee member and the
annual report required under subsection (c) of this Section shall be filed with the administrative office
of each school district served by the local Transition Planning Committee, be made available to the
public upon request, and be sent to each member of the General Assembly whose district encompasses
the area served by the Transition Planning Committee.

(2) Sec. 3. Scope and Functions. The Interagency Coordinating Council shall:

(a) gather and coordinate data on services for secondary age youth with disabilities in
transition from school to employment, post-secondary education and training, and community living;

(b) provide information, consultation, and technical assistance to State and local agencies and
local school districts involved in the delivery of services to youth with disabilities in transition from

New matter indicated by italics - deletions by strikeout.
secondary school programs to employment and other post-secondary programs;

(c) assist State and local agencies and school districts, through local transition planning committees, in establishing interagency agreements to assure the necessary services for efficient and appropriate transition from school to employment, post-secondary education and training, and community living;

(d) conduct an annual statewide evaluation of student transition outcomes and needs from information collected from local transition planning committees, school districts, and other appropriate sources; indicators used to evaluate outcomes shall include (i) high school graduation or passage of the Test of General Educational Development, (ii) participation in post-secondary education, including continuing and adult education, (iii) involvement in integrated employment, supported employment, and work-based learning activities, including vocational training, and (iv) independent living, community participation, adult services, and other post-secondary activities assessment of transition needs and post-secondary school outcomes from information supplied by local transition planning committees; and

(e) provide periodic in-service training to consumers in developing and improving awareness of transition services.

(Source: P.A. 86-1218.)

Section 10. The School Code is amended by changing Section 14-8.03 as follows:

(105 ILCS 5/14-8.03) (from Ch. 122, par. 14-8.03)

Sec. 14-8.03. Transition goals, supports, and services.

(a) A school district shall consider, and develop when needed, the transition goals and supports for eligible students with disabilities not later than by the school year in which the student reaches age 14 1/2 at the individualized education plan meeting and provide services as identified on the student's individualized education plan. Transition goals shall be based on appropriate evaluation procedures and information, take into consideration the preferences of the student and his or her parents or guardian, be outcome-oriented, and include employment, post-secondary education, and community living alternatives. Consideration of these goals shall result in the clarification of a school district's responsibility to deliver specific educational services such as vocational training and community living skills instruction.

(b) To appropriately assess and plan for the student's transition needs, additional individualized education plan members may be necessary and may be asked by the school district to assist in the planning process. Additional individualized education plan members may include a representative from the Department of Human Services, a case coordinator, or persons representing other community agencies or services. The individualized education plan shall specify each person who is responsible for coordinating and delivering transition services. The public school's responsibility for delivering educational services does not extend beyond the time the student leaves school or when the student reaches age 21.

(c) A school district shall submit annually a summary of each eligible student's transition goals and needed supports resulting from the multidisciplinary staff conference and individualized education plan meeting to the appropriate local Transition Planning Committee. If students with disabilities who are ineligible for special education services request transition services, local public school districts shall assist those students by identifying post-secondary school goals, delivering appropriate education services, and coordinating with other agencies and services for assistance.

(Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

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

PUBLIC ACT 92-0453
(Senate Bill No. 0263)

AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.12 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 4.12. The following Acts are repealed December 31, 2001:
The Professional Boxing and Wrestling Act.
The Interior Design Profession Title Act.
The Detection of Deception Examiners Act.
The Water Well and Pump Installation Contractor's License Act.
(Source: P.A. 86-1404; 86-1475; 87-703.)
Section 10. The Regulatory Sunset Act is amended by adding Section 4.22 as follows:
(5 ILCS 80/4.22 new)
Sec. 4.22. Act repealed on January 1, 2012. The following Act is repealed on January 1, 2012:
The Detection of Deception Examiners Act.
Section 15. The Detection of Deception Examiners Act is amended by changing Sections 1, 11, 17, 18, 22, 23, 24, 25, 26.1, 29, and 30 and adding Sections 7.2 and 7.3 as follows:
(225 ILCS 430/7.2 new)
Sec. 7.2. Detection of Deception Examiners Act Coordinator. The Director shall appoint a
Detection of Deception Examiners Act Coordinator to assist the Department in the administration of
this Act. The Detection of Deception Examiners Act Coordinator shall be a person licensed under this
Act and shall have no less than 10 years of experience as an Illinois licensed Detection of Deception
Examiner. The Detection of Deception Examiners Act Coordinator shall perform such administrative
functions on a full or part-time basis as may be delegated to him or her by the Director, including,
but not limited to, revision of the licensing examination and review of the training and qualifications
of applicants from a jurisdiction outside of Illinois.
Whenever the Director is satisfied that substantial justice has not been done in an
examination, he may order a re-examination by the same or other examiners.
(225 ILCS 430/7.3 new)
Sec. 7.3. Appointment of a Hearing Officer. The Director has the authority to appoint an
attorney, licensed to practice law in the State of Illinois, to serve as a Hearing Officer in any action
for refusal to issue or renew a license or to discipline a license. The Hearing Officer has full authority
to conduct the hearing. The appointed Detection of Deception Coordinator may attend hearings and
advise the Hearing Officer on technical matters involving Detection of Deception examinations.
(225 ILCS 430/11) (from Ch. 111, par. 2412)
Sec. 11. Qualifications for licensure as an examiner. A person is qualified to receive a license
as an examiner:
A. Who establishes that he is a person of good moral character; and
B. Who has passed an examination approved by the Department conducted by the Examiner
Committee, or under its supervision, to determine his competency to obtain a license to practice as an
examiner; and
C. Who has had conferred upon him an academic degree, at the baccalaureate level, from an
accredited college or university; and
D. Who has satisfactorily completed 6 months of study in detection of deception, as prescribed
by rule.
Conviction of a misdemeanor involving moral turpitude or a felony may be considered, but
shall not be determinative, in determining whether an applicant is of good moral character.
Sec. 17. Complaints; investigations. The Department may upon its own motion and shall, upon the verified complaint in writing of any person setting forth facts which if proved would constitute grounds for refusal, suspension or revocation of a license under this Act, investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue and before suspension or revocation of a license, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer with the Department Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The hearing shall determine whether the applicant or holder, hereinafter called the respondent is privileged to hold a license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference thereto. Written notice may be served by delivery of the same personally to the respondent at the address of his last notification to the Department. At the time and place fixed in the notice, the Department Committee shall proceed to hear the charges and both the respondent and Department complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department Committee may continue the hearing from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Director shall continue the hearing for a period not to exceed 30 days, unless extended by stipulation of both parties.

Sec. 18. Stenographer; transcript; Hearing Officer Committee report. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Hearing Officer Committee and orders of the Department shall be the records of the proceedings. The Department shall furnish a transcript of the record to any person or persons interested in the hearing upon the payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

At the conclusion of the hearing, the Hearing Officer shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Director and to all parties to the proceeding.

The Hearing Officer's findings of fact, conclusions of law, and recommendations shall be served upon the licensee in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Director a motion, in writing, specifying the particular grounds for a rehearing.

The Director, following the time allowed for filing a motion for rehearing, shall review the Hearing Officer's findings of fact, conclusions of law, and recommendations and any subsequently filed motions. After review of the information, the Director may hear oral arguments and thereafter shall issue the order. The report of findings of fact, conclusions of law, and recommendations of the Hearing Officer shall be the basis for the Department's order. If the Director finds that substantial justice was not done, the Director may issue an order in contravention of the Hearing Officer's recommendations. The Director shall promptly provide a written explanation to all parties to the
proceeding of any disagreement with the Hearing Officer's recommendations. In any case involving the refusal to issue or the suspension or revocation of a license, a copy of the Committee's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial the Director may enter an order in accordance with recommendations of the Committee. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 430/22) (from Ch. 111, par. 2423)
Sec. 22. Regulations; forms. The Director, on the recommendation of the Committee, may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be issued in connection therewith.
(Source: Laws 1963, p. 3300.)

(225 ILCS 430/23) (from Ch. 111, par. 2424)
Sec. 23. Action or counterclaim. No action or counterclaim shall be maintained by any person in any court in this State with respect to any agreement or services for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for such services for which a license is required by this Act without alleging and proving providing that such person had a valid license at the time of making such agreement or doing such work.
(Source: Laws 1963, p. 3300.)

(225 ILCS 430/24) (from Ch. 111, par. 2425)
Sec. 24. Injunctions; cease and desist orders. If any person violates a the provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, apply, in the circuit court, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified complaint in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may enter a temporary restraining order or preliminary injunction, without notice or bond, enjoining such continued violation, and if it is established that such person has violated or is violating this Act, the Court may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act. The Department may conduct hearings and issue cease and desist orders with respect to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation in an amount up to $10,000.
(Source: P.A. 83-334.)

(225 ILCS 430/25) (from Ch. 111, par. 2426)
Sec. 25. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:
(a) the signature is the genuine signature of the Director; and
(b) the Director is duly appointed and qualified; and
(c) the Committee and the members thereof are qualified to act.
(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)
Sec. 26.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the

New matter indicated by italics - deletions by strikeout.
person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

(225 ILCS 430/29) (from Ch. 111, par. 2430)
Sec. 29. Restoration of license. At any time after the suspension or revocation of any license, the Department may restore it to the accused person, upon the written recommendation of the Committee.

(Source: Laws 1963, p. 3300.)

(225 ILCS 430/30) (from Ch. 111, par. 2431)
Sec. 30. An applicant who is an Examiner, licensed under the laws of another state or territory of the United States, may be issued a license without examination by the Department, in its discretion, upon payment of a fee as set by rule of $50.00, and the production of satisfactory proof:
(a) that he is of good moral character; and
(b) that the requirements for the licensing of Examiners in such particular state or territory of the United States were, at the date of licensing, substantially equivalent to the requirements then in force in this State.

(Source: P.A. 82-200.)

(225 ILCS 430/7 rep.)
Section 20. The Detection of Deception Examiners Act is amended by repealing Section 7.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0454
(Senate Bill No. 0629)

AN ACT concerning animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Humane Care for Animals Act is amended by changing Sections 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10, 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.01e, 2.01f, 2.01g, 2.01h, 2.09, 2.10, 3.04, 3.05, 3.06, 3.07, 16.1, 16.2, 16.3, and 16.4 as follows:
(510 ILCS 70/2.01a)
Sec. 2.01a. Companion animal. "Companion animal" means an animal that is commonly considered to be, or is considered by the owner to be to be used as, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.
(Source: P.A. 88-600, eff. 9-1-94.)
(510 ILCS 70/2.01b new)
Sec. 2.01b. Exigent circumstances. "Exigent circumstances" means a licensed veterinarian cannot be secured without undue delay and, in the opinion of the animal control warden, animal control administrator, Department of Agriculture investigator, approved humane investigator, or animal shelter employee, the animal is so severely injured, diseased, or suffering that it is unfit for any useful purpose and to delay humane euthanasia would continue to cause the animal extreme suffering.
(510 ILCS 70/2.01c new)
Sec. 2.01c. Service animal. "Service animal" means an animal trained in obedience and task skills to meet the needs of a disabled person.
(510 ILCS 70/2.01d new)
Sec. 2.01d. Search and rescue dog. "Search and rescue dog" means any dog that is trained or is certified to locate persons lost on land or in water.

(510 ILCS 70/2.01e new)

Sec. 2.01e. Animal Control Administrator. "Animal Control Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to the Animal Control Act, or his duly authorized representative.

(510 ILCS 70/2.01f new)

Sec. 2.01f. Animal control facility. "Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals.

(510 ILCS 70/2.01g new)

Sec. 2.01g. Animal Control Warden. "Animal Control Warden" means any person appointed by the Administrator and approved by the Board to perform duties as assigned by the Administrator to effectuate the Animal Control Act.

(510 ILCS 70/2.01h new)

Sec. 2.01h. Animal shelter. "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 1994 which operates for the above mentioned purpose in addition to its customary purposes.

(510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

Sec. 2.07. Person. "Person" means any individual, minor, firm, corporation, partnership, other business unit, society, association, or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

(Source: P.A. 78-905.)

(510 ILCS 70/2.09 new)

Sec. 2.09. Humanely euthanized. "Humanely euthanized" means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that Report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.

(510 ILCS 70/2.10 new)

Sec. 2.10. Companion animal hoarder. "Companion animal hoarder" means a person who (i) possesses a large number of companion animals; (ii) fails to or is unable to provide what he or she is required to provide under Section 3 of this Act; (iii) keeps the companion animals in a severely overcrowded environment; and (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

(510 ILCS 70/3.04 new)

Sec. 3.04. Arrests and seizures.

(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, or 3.03 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested. The officer, after taking possession of the companion animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the companion animal or companion animals taken, and the time and place the companion animal or companion animals were taken, together with the name of the person from whom the companion animal or companion animals were taken and name of the person who claims to own the companion animal or companion animals if different from the person from whom the companion animal or companion animals were seized. He or she must at the same time deliver an inventory of the companion animal or companion animals taken to the court of competent jurisdiction. The officer must place the companion animal or companion animals in the custody of an animal

New matter indicated by italics - deletions by strikeout.
control or animal shelter and the agency must retain custody of the companion animal or companion animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. The State's Attorney may, within 14 days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges, asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, or 4.01.

(b) An owner whose companion animal or companion animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the companion animal or companion animals were seized, delivered by registered mail to his or her last known address.

(510 ILCS 70/3.05 new)

Sec. 3.05. Security for companion animals and animals used for fighting purposes.

(a) In the case of companion animals as defined in Section 2.01a or animals used for fighting purposes pursuant to Section 4.01, the animal control or animal shelter having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control or animal shelter in caring for and providing for the animal or animals pending the disposition of the charges. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal or animals for 30 days. The amount of the security shall be determined by the court after taking into consideration all of the facts and circumstances of the case, including, but not limited to, the recommendation of the impounding organization having custody and care of the seized animal or animals and the cost of caring for the animal or animals. If security has been posted in accordance with this Section, the animal control or animal shelter may draw from the security the actual costs incurred by the agency in caring for the seized animal or animals.

(b) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant and the State's Attorney for the county in which the animal or animals were seized. The petitioner must also serve a true copy of the petition on any interested person. For the purposes of this subsection, "interested person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity that the court determines may have a pecuniary interest in the animal or animals that are the subject of the petition. The court must set a hearing date to determine any interested parties. The court may waive for good cause shown the posting of security.

(c) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the animal or animals are forfeited by operation of law and the animal control or animal shelter having control of the animal or animals must dispose of the animal or animals through adoption or must humanely euthanize the animal. In no event may the defendant or any person residing in the defendant's household adopt the animal or animals.

(d) The impounding organization may file a petition with the court upon the expiration of the 30-day period requesting the posting of additional security. The court may order the person from whom the animal or animals were seized, or the owner of the animal or animals, to post additional security with the clerk of the court to secure payment of reasonable expenses for an additional period of time pending a determination by the court of the charges against the person from whom the animal or animals were seized.

(e) In no event may the security prevent the impounding organization having custody and care of the animal or animals from disposing of the animal or animals before the expiration of the 30-day period covered by the security if the court makes a final determination of the charges against the person from whom the animal or animals were seized. Upon the adjudication of the charges, the...
person who posted the security is entitled to a refund of the security, in whole or in part, for any expenses not incurred by the impounding organization.

(f) Notwithstanding any other provision of this Section to the contrary, the court may order
a person charged with any violation of this Act to provide necessary food, water, shelter, and care for
any animal or animals that are the basis of the charge without the removal of the animal or animals
from their existing location and until the charges against the person are adjudicated. Until a final
determination of the charges is made, any law enforcement officer, animal control officer, Department
investigator, or an approved humane investigator may be authorized by an order of the court to make
regular visits to the place where the animal or animals are being kept to ascertain if the animal or
animals are receiving necessary food, water, shelter, and care. Nothing in this Section prevents any
law enforcement officer, Department investigator, or approved humane investigator from applying
for a warrant under this Section to seize any animal or animals being held by the person charged
pending the adjudication of the charges if it is determined that the animal or animals are not receiving
the necessary food, water, shelter, or care.

(g) Nothing in this Act shall be construed to prevent the voluntary, permanent relinquishment
of any animal by its owner to an animal control or animal shelter in lieu of posting security or
proceeding to a forfeiture hearing. Voluntary relinquishment shall have no effect on the criminal
charges that may be pursued by the appropriate authorities.

(h) If an owner of a companion animal is acquitted by the court of charges made pursuant to
this Act, the court shall further order that any security that has been posted for the animal shall be
returned to the owner by the impounding organization.

(i) The provisions of this Section only pertain to companion animals and animals used for
fighting purposes.

(510 ILCS 70/3.06 new)
Sec. 3.06. Disposition of seized companion animals and animals used for fighting purposes.
(a) Upon the conviction of the person charged, all animals seized, if not previously ordered
forfeited or previously forfeited by operation of law, are forfeited to the facility impounding the
animals and must be humanely euthanized or adopted. Any outstanding costs incurred by the
impounding facility for boarding and treating the animals pending the disposition of the case and any
costs incurred in disposing of the animals must be borne by the person convicted.

(b) Any person authorized by this Section to care for an animal or animals, to treat an animal
or animals, or to attempt to restore an animal or animals to good health and who is acting in good
faith is immune from any civil or criminal liability that may result from his or her actions.

(c) The provisions of this Section only pertain to companion animals and animals used for
fighting purposes.

(510 ILCS 70/3.07 new)
Sec. 3.07. Veterinarian reports; humane euthanasia. Any veterinarian in this State who
observes or is presented with an animal or animals for the treatment of aggravated cruelty under
Section 3.02 or torture under Section 3.03 of this Act must file a report with the Department and
cooperate with the Department by furnishing the owner's name, the date of receipt of the animal or
animals and any treatment administered, and a description of the animal or animals involved,
including a microchip number if applicable. Any veterinarian who in good faith makes a report, as
required by this Section, has immunity from any liability, civil, criminal, or otherwise, that may result
from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the
veterinarian shall be presumed.

An animal control warden, animal control administrator, approved humane investigator, or
animal shelter employee may humanely euthanize severely injured, diseased, or suffering animals in
exigent circumstances.

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)
Sec. 4.01. Prohibitions.
(a) No person may own, capture, breed, train, or lease any animal which he or she knows or
should know is intended for use in any show, exhibition, program, or other activity featuring or
otherwise involving a fight between such animal and any other animal or human, or the intentional
killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other
manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall conspire or solicit a minor to violate this Section.

(Source: P.A. 87-819.)

(510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
Sec. 4.02. Arrests; reports.

(a) Any law enforcement officer making an arrest for an offense involving one or more dogs under Section 4.01 of this Act shall lawfully take possession of all dogs and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of Section 4.01 of this Act. When a law enforcement officer has taken such officer, after taking possession of such dogs, paraphernalia, implements or other property or things, he or she shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in the such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person

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from whom the same was taken and name of the person who claims to own such property, if different from the person from whom the dogs were seized and if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the dogs and property so taken were used or employed, or were about to be used or employed, in a violation of Section 4.01 of this Act. He or she shall thereupon deliver an inventory of the property so taken to the court of competent jurisdiction. A law enforcement officer may humanely euthanize dogs that are severely injured.

An owner whose dogs are removed for a violation of Section 4.01 of this Act must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the dogs were seized, delivered by registered mail to his or her last known address.

The animal control or animal shelter having custody of the dogs may file a petition with the court requesting that the person from whom the dogs were seized or the owner of the dogs be ordered to post security pursuant to Section 3.05 of this Act, which shall, by order, place the same in custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the State's attorney of the county and the Department. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial.

Upon the conviction of the person so charged, all dogs shall be adopted or humanely euthanized and property so seized shall be adjudged by the court to be forfeited. Any outstanding costs incurred by the impounding facility in boarding and treating the dogs pending the disposition of the case and disposing of the dogs upon a conviction must be borne by the person convicted and shall thereupon be destroyed or otherwise disposed of as the court may order. In no event may the dogs be adopted by the defendant or anyone residing in his or her household. If the court finds that the State either failed to prove the criminal allegations or that the dogs were used in fighting, the court must direct the delivery of the dogs and the other property not previously forfeited to the owner of the dogs and property.

Any person authorized by this Section to care for a dog, to treat a dog, or to attempt to restore a dog to good health and who is acting in good faith is immune from any civil or criminal liability that may result from his or her actions.

An animal control warden, animal control administrator, animal shelter employee, or approved humane investigator may humanely euthanize severely injured, diseased, or suffering dog in exigent circumstances. In the event of the acquittal or final discharge without conviction of the person so charged such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.

(b) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, date of receipt of the animal or animals and treatment administered, dates and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), is immune from any liability, civil, criminal, or that otherwise, resulting from his or her might result by reason of such actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.

(Source: P.A. 84-723.)

Sec. 4.03. Teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to (i) any animal used by a law enforcement officer in the performance of his or her functions or duties, or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any police, service, or search and rescue animal in training. It is unlawful for any person to interfere or meddle with (i) any such animal used by a law enforcement department or agency or any handler
thereof in the performance of the functions or duties of the department or agency, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training.

(Source: P.A. 90-80, eff. 7-10-97.)

(510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

Sec. 4.04. Injuring or killing police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, or kill (i) any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the animal undue suffering and pain.

(Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

(510 ILCS 70/10) (from Ch. 8, par. 710)

Sec. 10. Investigation of complaints.

(a) Upon receiving a complaint of a suspected violation of this Act, a Department investigator, any law enforcement official, or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order. Institutions operating under federal license to conduct laboratory experimentation utilizing animals for research or medical purposes are, however, exempt from the provisions of this Section. State's Attorneys and law enforcement officials shall provide such assistance as may be required in the conduct of such investigations. Any such investigation requiring legal procedures shall be immediately reported to the Department. No employee or representative of the Department shall enter a livestock management facility unless sanitized footwear is used, or unless the owner or operator of the facility waives this requirement. The employee or representative must also use any other reasonable disease prevention procedures or equipment provided by the owner or operator of the facility. The animal control administrator and animal control wardens appointed under the Animal Control Act shall be authorized to make investigations complying with this Section for alleged violations of Sections 3, 3.01, 3.02, and 3.03 pertaining to small companion animals. If impoundments are made by wardens, public pounds operated by a political entity shall be utilized. The animals impounded shall remain under the jurisdiction of the animal control administrator and be held in an animal shelter licensed under the Animal Welfare Act. All litigation, appeal, and disposition of the animals so held will remain with the governmental agency operating the facility.

(b) Any veterinarian acting in good faith is immune from any civil or criminal liability resulting from his or her actions under this Section. The good faith on the part of the veterinarian is presumed.

(Source: P.A. 87-157.)

(510 ILCS 70/12) (from Ch. 8, par. 712)

Sec. 12. Impounding animals; notice of impoundment.

(a) When an approved humane investigator, a Department investigator or a veterinarian finds that a violation of this Act has rendered an animal in such a condition that no remedy or corrective action by the owner is possible or the violator fails or refuses to take corrective action necessary for compliance pursuant to Section 11 of this Act, the Department may impound or order the impoundment of the animal. If the violator fails or refuses to take corrective action necessary for compliance with Section 11 of this Act, the Department may impound the animal. If the animal is ordered impounded, it shall be impounded in a facility or at another location where which will provide the elements of good care as set forth in Section 3 of this Act can be provided, and where such animals shall be examined and treated by a licensed veterinarian or, if the animal is severely injured, diseased, or suffering, humanely euthanized. Any expense incurred in the impoundment shall become a lien on the animals.

(b) Emergency impoundment may be exercised in a life-threatening situation and the subject animals shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian. If such emergency procedure is

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taken by an animal control officer, the Department shall be notified.

(c) A notice of impoundment shall be given by the investigator to the violator, if known, in person or sent by certified or registered mail. If the investigator is not able to serve the violator in person or by registered or certified mail, the notice may be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. A copy of the notice shall be retained by the investigator and a copy forwarded immediately to the Department. The notice of impoundment shall include the following:

1. A number assigned by the Department which will also be given to the impounding facility accepting the responsibility of the animal or animals.
2. Listing of deficiencies noted.
3. An accurate description of the animal or animals involved.
4. Date on which the animal or animals were impounded.
5. Signature of the investigator.
6. A statement that: "The violator may request a hearing to appeal the impoundment. A person desiring a hearing shall contact the Department of Agriculture within 7 days from the date of impoundment and the Department must hold an administrative hearing within 7 business days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the 7-day impoundment period, the Department shall notify the impounding facility that it cannot sell, offer for adoption, or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired."

If a hearing is requested by any owner of impounded animals, the Hearing Officer shall, have the authority after hearing the testimony of all interested parties, to render a decision as to the disposition of the impounded animals. This decision by the Hearing Officer shall have no effect on the criminal charges that may be filed with the appropriate authorities.

If an owner of a companion animal or animal used for fighting purposes requests a hearing, the animal control or animal shelter having control of the animal or animals may file a petition with the court in the county where the impoundment took place requesting that the person from whom the animal or animals were seized or the owner of the animal or animals be ordered to post security pursuant to subsections (a) and (b) of Section 3.05 of this Act.

If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the court must order the Department of Agriculture to hold a hearing on the impoundment within 5 business days. If, upon final administrative or judicial determination, it is found that it is not in the best interest of the animal or animals to be returned to the person from whom it was seized, the animal or animals are forfeited to the animal control or animal shelter having control of the animal or animals. If no petition for the posting of security is filed or a petition was filed and granted but the person failed to post security, any expense incurred in the impoundment shall remain outstanding until satisfied by the owner or the person from whom the animal or animals were impounded.

Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from the facility. When the impoundment is not appealed, the animal or animals are forfeited and the animal control or animal shelter in charge of the animal or animals may lawfully and without liability provide for adoption of the animal or animals by a person other than the person who forfeited the animal or animals, or any person or persons dwelling in the same household as the person who forfeited the animal or animals, or it may humanely euthanize the animal or animals. If the animal is not claimed by its owner and all impoundment costs satisfied within 7 days, it may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Act, with the proceeds of that sale applied first to discharge the lien and any balance to be paid over to the owner. If no purchaser is found, the animal may be offered for adoption or disposed of in a manner not inconsistent with this or any other Act.

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 70/16) (from Ch. 8, par. 716)

Sec. 16. Violations; punishment; injunctions.

(a) Any person convicted of violating subsection (l) of Section 4.01 or Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A
C misdemeanor. A second or subsequent violation of Section 5, 5.01, or 6 is a Class 4 felony.

(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000.

(3) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class A misdemeanor, if such person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b).

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent conviction for a violation of Section 3.01 is a Class 4 felony. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of Section 3.01 is a Class B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor.

(7) Any person convicted of violating Section 4.03 is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class A misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog

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is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog. A second or subsequent violation is a Class 4 felony.

(9) Any person convicted of any other act of abuse or neglect or of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a Class C misdemeanor. A second or subsequent conviction for a violation of Section 7.1 is a Class B misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class C misdemeanor. A second or subsequent violation is a Class 4 felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 3 felony. A second or subsequent offense is a Class 4 felony.

(h) In addition to any other penalty provided by law, upon a conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(i) In addition to any other penalty provided by law, upon conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

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of any action under this Section.

The remedies provided in this Section are in addition to any other remedies allowed by law.

In an action under this Section, the court may enter any injunctive orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant.

The statute of limitations for cruelty to animals is 2 years.

(510 ILCS 70/16.4 new)

Sec. 16.4. Illinois Animal Abuse Fund. The Illinois Animal Abuse Fund is created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, by the Department of Agriculture to investigate animal abuse and neglect under this Act.

Section 10. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section

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16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 89-234, eff. 1-1-96.)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equaling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 5.052/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within
60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of the Humane Care for Animals Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 5-615, 5-710, and 5-715 as follows:

(705 ILCS 405/5-615)
Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) pay costs;

New matter indicated by italics - deletions by strikeout.
(h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(i) permit the probation officer to visit him or her at his or her home or elsewhere;
(j) reside with his or her parents or in a foster home;
(k) attend school;
(l) attend a non-residential program for youth;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of this Section;
(p) comply with curfew requirements as designated by the court;
(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;
(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(8.5) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of

New matter indicated by italics - deletions by strikeout.
paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; revised 10-7-99.)

(705 ILCS 405/5-710)
Sec. 5-710. Kinds of sentencing orders.
(1) The following kinds of sentencing orders may be made in respect of wards of the court:
(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:
   (i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Corrections, Juvenile Division under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;
   (ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;
   (iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;
   (iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;
   (v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;
   (vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act;
   (vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;
   (viii) put on probation or conditional discharge and placed in detention under Section
3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act or the Cannabis Control Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated
criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual
abuse if committed by an adult to undergo medical testing to determine whether the defendant has any
sexually transmissible disease including a test for infection with human immunodeficiency virus
(HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any
medical test shall be performed only by appropriately licensed medical practitioners and may include
an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise
provided by law, the results of the test shall be kept strictly confidential by all medical personnel
involved in the testing and must be personally delivered in a sealed envelope to the judge of the court
in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance
with the best interests of the victim and the public, the judge shall have the discretion to determine to
whom the results of the testing may be revealed. The court shall notify the minor of the results of the
test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim
if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's
parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results
of the test for infection with the human immunodeficiency virus (HIV). The court shall provide
information on the availability of HIV testing and counseling at the Department of Public Health
facilities to all parties to whom the results of the testing are revealed. The court shall order that the
cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order
under this Section, make a finding whether the offense committed either: (a) was related to or in
furtherance of the criminal activities of an organized gang or was motivated by the minor's
membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of
Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal
Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court
determines the question in the affirmative, and the court does not commit the minor to the Department
of Corrections, Juvenile Division, the court shall order the minor to perform community service for
not less than 30 hours nor more than 120 hours, provided that community service is available in the
jurisdiction and is funded and approved by the county board of the county where the offense was
committed. The community service shall include, but need not be limited to, the cleanup and repair
of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar
damage to property located in the municipality or county in which the violation occurred. When
possible and reasonable, the community service shall be performed in the minor's neighborhood. This
order shall be in addition to any other order authorized by this Section except for an order to place the
minor in the custody of the Department of Corrections, Juvenile Division. For the purposes of this
Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang
Terrorism Omnibus Prevention Act.

(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)
(705 ILCS 405/5-715)
Sec. 5-715. Probation.
(1) The period of probation or conditional discharge shall not exceed 5 years or until the
minor has attained the age of 21 years, whichever is less, except as provided in this Section for a
minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a
forcible felony. The juvenile court may terminate probation or conditional discharge and discharge
the minor at any time if warranted by the conduct of the minor and the ends of justice; provided,
evertheless, that the period of probation for a minor who is found to be guilty for an offense which is first
degree murder, a Class X felony, or a forcible felony shall be at least 5 years.
(2) The court may as a condition of probation or of conditional discharge require that the
minor:
(a) not violate any criminal statute of any jurisdiction;
(b) make a report to and appear in person before any person or agency as directed by the
court;
(c) work or pursue a course of study or vocational training;
(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological
treatment rendered by a clinical psychologist or social work services rendered by a clinical
social worker, or treatment for drug addiction or alcoholism;

New matter indicated by italics - deletions by strikeout.
(e) attend or reside in a facility established for the instruction or residence of persons on probation;
(f) support his or her dependents, if any;
(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
(h) permit the probation officer to visit him or her at his or her home or elsewhere;
(i) reside with his or her parents or in a foster home;
(j) attend school;
(k) attend a non-residential program for youth;
(l) make restitution under the terms of subsection (4) of Section 5-710;
(m) contribute to his or her own support at home or in a foster home;
(n) perform some reasonable public or community service;
(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;
(p) pay costs;
(q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:

(i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;
(ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and
(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;
(r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;
(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;
(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;
(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or
(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a
condition of the probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act. The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

Section 20. The Criminal Code of 1961 is amended by changing Section 21-1 as follows:

(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)
Sec. 21-1. Criminal damage to property.
(1) A person commits an illegal act when he:
(a) knowingly damages any property of another without his consent; or
(b) recklessly by means of fire or explosive damages property of another; or
(c) knowingly starts a fire on the land of another without his consent; or
(d) knowingly injures a domestic animal of another without his consent; or
(e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or
(f) damages any property, other than as described in subsection (b) of Section 20-1, with intent to defraud an insurer; or
(g) knowingly shoots a firearm at any portion of a railroad train.
When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(2) The acts described in items (a), (b), (c), (e), and through (f) are Class A misdemeanors if the damage to property does not exceed $300. The acts described in items (a), (b), (c), (e), and through (f) are Class 4 felonies if the damage to property exceeds $300 but does not exceed $10,000. The act described in item (d) is a Class 4 felony if the damage to property exceeds $10,000. The acts described in items (a) through (f) are Class 4 felonies if the damage to property exceeds $10,000 but does not exceed $100,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $100,000 but does not exceed $200,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $200,000 but does not exceed $1,000,000. The acts described in items (a) through (f) are Class 1 felonies if the damage to property exceeds $1,000,000.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved.
by the county board of the county where the offense was committed. In addition, whenever any person
is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned
upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 91-360, eff. 7-29-99.)

Section 25. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Illinois Animal Abuse Fund.

Section 30. Severability. The provisions of this Act are severable under Section 1.31 of the
Statute on Statutes.

Section 99. Effective date. This Act takes effect on January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0455
(Senate Bill No. 0933)

AN ACT concerning health facilities.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Hospital Licensing Act is amended by adding Section 10.8 as follows:
(210 ILCS 85/10.8 new)

Sec. 10.8. Requirements for employment of physicians.

(a) Physician employment by hospitals and hospital affiliates. Employing entities may employ
physicians to practice medicine in all of its branches provided that the following requirements are
met:

(1) The employed physician is a member of the medical staff of either the hospital or
hospital affiliate. If a hospital affiliate decides to have a medical staff, its medical staff shall
be organized in accordance with written bylaws where the affiliate medical staff is
responsible for making recommendations to the governing body of the affiliate regarding all
quality assurance activities and safeguarding professional autonomy. The affiliate medical
staff bylaws may not be unilaterally changed by the governing body of the affiliate. Nothing
in this Section requires hospital affiliates to have a medical staff.

(2) Independent physicians, who are not employed by an employing entity, periodically
review the quality of the medical services provided by the employed physician to continuously
improve patient care.

(3) The employing entity and the employed physician sign a statement acknowledging that
the employer shall not unreasonably exercise control, direct, or interfere with the employed
physician's exercise and execution of his or her professional judgment in a manner that
adversely affects the employed physician's ability to provide quality care to patients. This
signed statement shall take the form of a provision in the physician's employment contract or
a separate signed document from the employing entity to the employed physician. This
statement shall state: "As the employer of a physician, (employer's name) shall not
unreasonably exercise control, direct, or interfere with the employed physician's exercise and
execution of his or her professional judgment in a manner that adversely affects the employed
physician's ability to provide quality care to patients."

(4) The employing entity shall establish a mutually agreed upon independent review
process with criteria under which an employed physician may seek review of the alleged
violation of this Section by physicians who are not employed by the employing entity. The
affiliate may arrange with the hospital medical staff to conduct these reviews. The
independent physicians shall make findings and recommendations to the employing entity and
the employed physician within 30 days of the conclusion of the gathering of the relevant
information.

(b) Definitions. For the purpose of this Section:
"Employing entity" means a hospital licensed under the Hospital Licensing Act or a hospital
"Employed physician" means a physician who receives an IRS W-2 form, or any successor federal income tax form, from an employing entity.

"Hospital" means a hospital licensed under the Hospital Licensing Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Public Aid Code.

"Hospital affiliate" means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. "Control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health maintenance organization regulated under the Health Maintenance Organization Act.

"Physician" means an individual licensed to practice medicine in all its branches in Illinois. "Professional judgment" means the exercise of a physician's independent clinical judgment in providing medically appropriate diagnoses, care, and treatment to a particular patient at a particular time. Situations in which an employing entity does not interfere with an employed physician's professional judgment include, without limitation, the following:

(1) practice restrictions based upon peer review of the physician's clinical practice to assess quality of care and utilization of resources in accordance with applicable bylaws;
(2) supervision of physicians by appropriately licensed medical directors, medical school faculty, department chairpersons or directors, or supervising physicians;
(3) written statements of ethical or religious directives; and
(4) reasonable referral restrictions that do not, in the reasonable professional judgment of the physician, adversely affect the health or welfare of the patient.

(c) Private enforcement. An employed physician aggrieved by a violation of this Act may seek to obtain an injunction or reinstatement of employment with the employing entity as the court may deem appropriate. Nothing in this Section limits or abrogates any common law cause of action. Nothing in this Section shall be deemed to alter the law of negligence.

(d) Department enforcement. The Department may enforce the provisions of this Section, but nothing in this Section shall require or permit the Department to license, certify, or otherwise investigate the activities of a hospital affiliate not otherwise required to be licensed by the Department.

(e) Retaliation prohibited. No employing entity shall retaliate against any employed physician for requesting a hearing or review under this Section. No action may be taken that affects the ability of a physician to practice during this review, except in circumstances where the medical staff bylaws authorize summary suspension.

(f) Physician collaboration. No employing entity shall adopt or enforce, either formally or informally, any policy, rule, regulation, or practice inconsistent with the provision of adequate collaboration, including medical direction of licensed advanced practice nurses or supervision of licensed physician assistants and delegation to other personnel under Section 54.5 of the Medical Practice Act of 1987.

(g) Physician disciplinary actions. Nothing in this Section shall be construed to limit or prohibit the governing body of an employing entity or its medical staff, if any, from taking disciplinary actions against a physician as permitted by law.

(h) Physician review. Nothing in this Section shall be construed to prohibit a hospital or hospital affiliate from making a determination not to pay for a particular health care service or to prohibit a medical group, independent practice association, hospital medical staff, or hospital governing body from enforcing reasonable peer review or utilization review protocols or determining whether the employed physician complied with those protocols.

(i) Review. Nothing in this Section may be used or construed to establish that any activity of a hospital or hospital affiliate is subject to review under the Illinois Health Facilities Planning Act.

(j) Rules. The Department shall adopt any rules necessary to implement this Section.

Section 99. Effective date. This Act takes effect on September 30, 2001.

AN ACT in relation to audits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Civil Administrative Code of Illinois is amended by adding Article 2510 as follows:
(20 ILCS 2510/Art. 2510 heading new)
ARTICLE 2510. CERTIFIED AUDIT PROGRAM
(20 ILCS 2510/2510-1 new)
Sec. 2510-1. Short title. This Article 2510 of the Civil Administrative Code of Illinois may be cited as the Certified Audit Program Law.
(20 ILCS 2510/2510-3 new)
Sec. 2510-3. Findings. The General Assembly finds that:
(1) Voluntary compliance is the cornerstone of an effective tax system.
(2) Despite attempts by the General Assembly, State taxes are not simple.
(3) Even the most diligent taxpayers through mistake or inadvertence may not pay all taxes due.
(4) The Illinois Department of Revenue lacks the resources to audit the compliance of all taxpayers.
(5) Illinois certified public accountants provide valuable advice and assistance to Illinois taxpayers on State tax issues.
(6) A pilot program establishing a partnership between taxpayers, Illinois certified public accountants, and the Illinois Department of Revenue will provide guidance to taxpayers and enhance voluntary compliance.
(20 ILCS 2510/2510-5 new)
Sec. 2510-5. Definitions. As used in this Article:
"Certification program" means an instructional curriculum, examination, and process for certification, recertification, and revocation of certification of certified public accountants that is administered by the Illinois CPA Society and that is officially approved by the Department to ensure that a certified public accountant possesses the necessary skills and abilities to successfully perform an attestation engagement for tax compliance review in a certified audit project.
"Department" means the Illinois Department of Revenue.
"Participating taxpayer" means any person subject to the revenue laws administered by the Department who enters into an engagement with a qualified practitioner for tax compliance review and who is approved by the Department under the certified audit project.
"Qualified practitioner" means a certified public accountant who is licensed to practice in Illinois and who has completed the certification program. The phrase "completed the certification program" means the participant has met all requirements for the certified audit training course, achieved the required score on the certification test as approved by the Department, and has been certified by the Department.
(20 ILCS 2510/2510-10 new)
Sec. 2510-10. Certified audit project.
(a) Subject to appropriation, the Department is authorized to initiate a certified audit pilot project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their sales tax and use tax compliance. The nature of the certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the Department is the specified user of the resulting report.
(b) As an incentive for taxpayers to incur the costs of a certified audit, the Department shall abate penalties and interest due on any tax liabilities revealed by a certified audit, except that this authority to abate penalties or interest shall not apply to any liability for taxes that were collected by

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the participating taxpayer but not remitted to the Department nor shall the Department have the
authority to abate fraud penalties.
(c) The certified audit pilot project shall apply only to occupation and use taxes administered
and collected by the Department.
(d) The certified audit pilot project shall not extend beyond July 1, 2004.

(20 ILCS 2510/2510-15 new)
Sec. 2510-15. Practitioner responsibilities. Any practitioner responsible for planning,
directing, or conducting a certified audit or reporting on a participating taxpayer's tax compliance
shall be a qualified practitioner. For purposes of this Section, a practitioner is responsible for:
(1) Planning a certified audit when performing work that involves determining the
objectives, scope, and methodology of the certified audit, when establishing criteria to
evaluate matters subject to the review as part of the certified audit, when gathering
information used in planning the certified audit, or when coordinating the certified audit with
the Department.
(2) Directing a certified audit when the work involves supervising the efforts or reviewing
the work of others to determine whether it is properly accomplished and complete.
(3) Conducting a certified audit when performing tests and procedures or field audit work
necessary to accomplish the audit objectives in accordance with applicable standards.
(4) Reporting on a participating taxpayer's tax compliance in a certified audit when
determining report contents and substance or reviewing reports for technical content and
substance prior to issuance.

(20 ILCS 2510/2510-20 new)
Sec. 2510-20. Notification.
(a) A qualified practitioner shall notify the Department of an engagement to perform a
certified audit and shall provide the Department with the information the Department deems
necessary to identify the taxpayer, to confirm that the taxpayer is not already under audit by the
Department, and to establish the basic nature of the taxpayer's business and the taxpayer's potential
exposure to Illinois occupation and use tax laws. The information provided in the notification shall
include the taxpayer's name, federal employer identification number or social security number, Illinois
business tax number, mailing address, business location, and the specific occupation and use taxes
and period proposed to be covered by the engagement for the certified audit. In addition, the notice
shall include the name, address, identification number, contact person, and telephone number of the
engaged firm.
(b) If the taxpayer has not been issued a written notice of intent to conduct an audit, the
taxpayer shall be a participating taxpayer and the Department shall so advise the qualified
practitioner in writing within 10 days after receipt of the engagement notice. However, the
Department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject
to the certified audit on the basis that the Department has previously conducted an audit, that it is in
the process of conducting an investigation or other examination of the taxpayer's records, or for just
cause.
(c) Notice of the qualification of a taxpayer for a certified audit shall toll the statute of
limitations provided with respect to the taxpayer for the tax and periods covered by the engagement.
(d) Within 30 days after receipt of the notice of qualification from the Department, the
qualified practitioner shall contact the Department and submit a proposed audit plan and procedures
for review and agreement by the Department. The Department may extend the time for submission of
the plan and procedures for reasonable cause. The qualified practitioner shall initiate action to advise
the Department that amendment or modification of the plan and procedures is necessary in the event
that the qualified practitioner's inspection reveals that the taxpayer's circumstances or exposure to
the revenue laws is substantially different than as described in the engagement notice.

(20 ILCS 2510/2510-25 new)
Sec. 2510-25. Audit performance and review.
(a) Upon the Department's designation of the agreed-upon procedures to be followed by a
practitioner in a certified audit, the qualified practitioner shall perform the engagement and shall
timely submit a completed report to the Department. The report shall affirm completion of the
agreed-upon procedures and shall provide any required disclosures.
(b) The Department shall review the report of the certified audit and shall accept it when it is determined to be complete. Once the report is accepted by the Department, the Department shall issue a notice of proposed assessment reflecting the determination of any additional liability reflected in the report and shall provide the taxpayer with all the normal payment, protest, and appeal rights with respect to the liability, including the right to a review by the Informal Conference Board. In cases where the report indicates an overpayment has been made, the taxpayer shall submit a properly executed claim for refund to the Department. Otherwise, the certified audit report is a final and conclusive determination with respect to the tax and period covered. No additional assessment may be made by the Department for the specific taxes and period referenced in the report, except upon a showing of fraud or material misrepresentation. This determination shall not prevent the Department from collecting liabilities not covered by the report or from conducting an audit or investigation and making an assessment for additional tax, penalty, or interest for any tax or period not covered by the report.

(20 ILCS 2510/2510-30 new)
Sec. 2510-30. Rules. To implement the certified audit project, the Department shall have authority to adopt rules including, but not limited to:

(1) The availability of the certification program required for participation in the project;
(2) The requirements and basis for establishing just cause for approval or rejection of participation by taxpayers;
(3) Procedures for assessment, collection, and payment of liabilities or refund of overpayments and provisions for taxpayers to obtain informal and formal review of certified audit results;
(4) The nature, frequency, and basis for the Department's review of certified audits conducted by qualified practitioners, including the requirements for documentation, work-paper retention and access, and reporting; and
(5) Requirements for conducting certified audits and for review of agreed-upon procedures.

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

PUBLIC ACT 92-0457
(Senate Bill No. 1284)

AN ACT in relation to accounting.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.14 and adding Section 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)
(a) The following Acts are repealed December 31, 2003:
The Illinois Occupational Therapy Practice Act.
(b) The following Acts are repealed January 1, 2004:
The Illinois Public Accounting Act.
(Source: P.A. 87-261; 87-481; 87-576; 87-895; 88-36; 88-363; 88-424; 88-670, eff. 12-2-94.)
(5 ILCS 80/4.24 new)
Sec. 4.24. Act repealed on January 1, 2014. The following Act is repealed on January 1, 2014:
The Illinois Public Accounting Act.
Section 10. The Illinois Public Accounting Act is amended by changing Sections 0.03, 1, 2, 3, 6, 7, 8, 9, 9.1, 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19, 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 27, 28, 30, 30.1, and 32 and adding Section 9.02 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:
(a) "Certified Public Accountant" means any person who has been issued a certificate as a certified public accountant from the Board of Examiners University of Illinois.
(b) "Licensed Certified Public Accountant" means any person licensed under this Act.
(c) (Blank).
(d) "Department" means the Department of Professional Regulation.
(e) (Blank).
(f) "Committee" means the Illinois Public Accountants Registration Committee appointed by the Director.
(g) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.
(h) "University" means the University of Illinois.
(j) "Board" means the Board of Examiners established under Section 2.

Sec. 1. Any person, eighteen years of age or older, who has received from the Board University of Illinois, hereinafter called the University, a certificate of his qualifications as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other person shall assume such title or use the abbreviation "C. P. A." or any words or letters to indicate that the person using the same is a certified public accountant.

Sec. 2. Examinations. The Governor University shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications. The Board shall consist of not less than 9 nor more than 11 examiners, as determined by Board rule, including 2 public members. The remainder of whom shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one thereof shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 92nd General Assembly 1993, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, one additional examiner for a term of 2 years, and any 2 additional examiners for terms of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. The Governor may terminate the term of any member of the Board at any time for cause.

The time and place of holding the examinations shall be determined by the Board and shall be duly advertised by the Board. The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in New matter indicated by italics - deletions by strikeout.
each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of the Sections of this Act for which it is charged with administering. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

(Source: P.A. 88-36.)

(225 ILCS 450/3) (from Ch. 111, par. 5504)

Sec. 3. Qualifications of applicants. To be admitted to take the examination given before January 1, 2001, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 120 college or university semester hours of study or their equivalent from a school or schools acceptable to the Board. Of the 120 semester hours, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided that of the 27 hours not more than 6 shall be in business law. To be admitted to take the examination after the year 2000, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 150 college or university semester hours of study or their equivalent, to include a baccalaureate or higher degree conferred by a college or university acceptable to the Board of Examiners, the total educational program to include an accounting concentration or equivalent as determined by Board rules to be appropriate. In adopting those rules, the Board shall consider, among other things, any impediments to the interstate practice of public accounting that may result from differences in the requirements in other states.

Candidates who have taken the examination at least once before January 1, 2001, may take the examination under the qualifications in effect when they first took the examination.

(Source: P.A. 87-726; 88-36.)

(225 ILCS 450/6) (from Ch. 111, par. 5507)

Sec. 6. Fees; pay of examiners; expenses. The Board shall charge a fee in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate provided for in Section 3 and for the issuance of a certificate provided for in Section 5. This fee shall be payable by the applicant at the time of filing an application.

The Board appointed by the Governor in accordance with the provisions of Section 2 shall receive reasonable compensation, to be set determined by Board rule the University, for the time actually expended in pursuance of the duties imposed upon them by this Act, and they shall be further entitled to their necessary traveling expenses. All expenses provided for by this Act shall be paid from the fees received under this Act, and no expense incurred under this Act shall be charged against other funds of the University.

From the fees collected, the Board shall pay all the expenses incident to the examinations, the expenses of issuing certificates, the traveling expenses of the examiners, and their compensation while

New matter indicated by italics - deletions by strikeout.
performing their duties, and other necessary expenses in the administration of this Act.
(Source: P.A. 88-36.)

(225 ILCS 450/7) (from Ch. 111, par. 5508)
Sec. 7. Licensure. A holder of a certificate as certified public accountant issued by the Board shall not be entitled to practice public accounting, as defined in Section 8, in this State until the person has been licensed as a licensed certified public accountant by the Board Department of Professional Regulation of this State, and has received a registration card from the Department.

The Board Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.
(Source: P.A. 88-36.)

(225 ILCS 450/8) (from Ch. 111, par. 5509)
Sec. 8. Practicing as licensed certified public accountant. Persons, either individually, as members of a partnership or limited liability company, or as officers of a corporation, who sign, affix or associate their names or any trade or assumed names used by them in a profession or business to any report expressing or disclaiming an opinion on a financial statement based on an audit or examination of that statement, or expressing assurance on a financial statement, shall be deemed to be in practice as licensed certified public accountants within the meaning and intent of this Act.
(Source: P.A. 87-435; 88-36.)

(225 ILCS 450/9.01)
Sec. 9.01. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Board Department in an amount not to exceed $5,000 for each offense as determined by the Board Department. The civil penalty shall be assessed by the Board Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Board Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 450/9.02 new)
Sec. 9.02. Unauthorized use of title; violation; civil penalty.
(a) Any person who shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a certificate under the provisions of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Board in an amount not to exceed $5,000 for each offense as determined by the Board. The civil penalty shall be assessed by the Board after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Board has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)
Sec. 9.2. Powers and duties of the Board.
(a) The Board Department shall exercise the powers and duties prescribed by "The Civil Administrative Code of Illinois" for the administration of licensing acts and shall exercise such other powers and duties invested by this Act.

(b) The Board Director may promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and for the payment of fees connected therewith and may
prescribe forms which shall be issued in connection therewith. The rules shall include standards and
criteria for licensure and professional conduct and discipline. The Department shall consult with the
Committee in promulgating rules. Notice of proposed rulemaking shall be transmitted to the
Committee and the Department shall review the Committee's response and any recommendations
made therein. The Department shall notify the Committee in writing with explanation of deviations
from the Committee's recommendations and responses:

(c) The Department may solicit the advice and expert knowledge of the Committee on any
matter relating to the administration and enforcement of this Act:

(d) The Department shall issue quarterly to the Committee a report of the status of all
complaints related to the profession received by the Department.

(Source: P.A. 83-291.)

(225 ILCS 450/11) (from Ch. 111, par. 5512)

Sec. 11. Exemption from Act. Nothing in this Act shall prohibit any person who may be
engaged by one or more persons, partnerships or corporations, from keeping books, or from making
trial balances or statements, or, as an employee, from making audits or preparing reports, provided
that the person does not indicate or in any manner imply that the trial balances, statements, or reports have
been prepared or examined by a certified public accountant or a licensed certified public accountant
or that they represent the independent opinion of a certified public accountant or a licensed certified
public accountant. Nothing in this Act shall prohibit any person from preparing tax and information
returns or from acting as representative or agent at tax inquiries, examinations or proceedings, or from
preparing and installing accounting systems, or from reviewing accounts and accounting methods for
the purpose of determining the efficiency of accounting methods or appliances, or from studying
matters of organization, provided that the person does not indicate or in any manner imply that the
reports have been prepared by, or that the representation or accounting work has been performed by
a certified public accountant or a licensed certified public accountant. Unlicensed accountants are not
prohibited from performing any services that they may have performed prior to this Amendatory Act
of 1983.

(Source: P.A. 88-36.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)

Sec. 13. Application for licensure. A person, partnership, limited liability company, or
corporation desiring to practice public accounting in this State shall make application to the Board
Department for licensure as a licensed certified public accountant and shall pay the fee required by
Section 17.

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

(Source: P.A. 88-36.)

(225 ILCS 450/14) (from Ch. 111, par. 5515)

Sec. 14. Qualifications. The Board Department shall license as licensed certified public
accountants the following:

(a) All persons who have received or who hereafter receive certificates as certified public
accountants from the Board, who have had at least one year of full-time experience, or its equivalent,
providing any type of service or advice involving the use of accounting, attest, management advisory,
financial advisory, tax, or consulting skills, which may be gained through employment in government,
industry, academia, or public practice.

If the applicant's certificate was issued more than 4 years prior to the application for an
internal license under this Section, the applicant shall submit any evidence the Board Department may
require showing the applicant has completed not less than 90 hours of continuing professional
education acceptable to the Board Department within the 3 years immediately preceding the date of
application.

The Committee shall be the sole and final judge of the qualification of experience under this
section:

(b) All partnerships, limited liability companies, or corporations, or other entities engaged in
the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).
(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Board Department may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

The Director shall appoint a Public Accountant Registration Committee as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. Six members must be licensed public accountants, in good standing, and must be actively engaged in the practice of public accounting in this State, and one member of the public, who is not licensed under this Act, or a similar Act of another jurisdiction, and, who has no connection with the accounting or public accounting profession. Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. The membership of the Committee should reasonably reflect representation from the geographic areas in this State:

The members of the Committee appointed by the Director shall receive reasonable compensation, to be determined by the Department, for the necessary, legitimate, and authorized expenses approved by the Department. All expenses shall be paid from the Registered Certified Public Accountants' Administration and Disciplinary Fund.

The Director may terminate the appointment of any member for cause.

The Director shall consider the advice and recommendations of the Committee on questions involving standards of professional conduct, discipline and qualifications of candidates and licensees under this Act.

(Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00.)

(225 ILCS 450/14.1)
Sec. 14.1. Foreign accountants. The Board Department shall issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The applicant is the holder of a certificate from the Board issued under Section 2, 5, or 5.1 of this Act; and

(b) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) The applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements prescribed by the Board Department by rule, within the 10 years immediately preceding the application.

(Source: P.A. 88-36.)

(225 ILCS 450/14.2)
Sec. 14.2. Licensure by endorsement.

(a) The Board Department shall issue a license as a licensed certified public accountant to any
applicant who holds a certificate as a certified public accountant issued by the Board and who holds a valid unrevoked license or permit to practice as a licensed certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) the individual applicant is determined by the Board to possess personal qualifications substantially equivalent to this State's current licensing requirements;
(2) at the time the applicant received his or her current valid and unrevoked license or permit, the applicant possessed qualifications substantially equivalent to the qualifications for licensure then in effect in this State; or
(3) the applicant has, after passing the examination upon which his or her license or other permit to practice was based, not less than 4 years of experience in the practice of public accounting within the 10 years immediately before the application.

(b) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Board may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm who are not licensed shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, unrevoked license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Board in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

(Source: P.A. 91-508, eff. 8-13-99.)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every application for renewal of a license by any person who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Board shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of qualifying continuing professional education programs. Applications for renewal by any person who has been licensed less than 3 years shall be accompanied or supported by evidence of completion of 20 hours of qualifying continuing professional education programs for each full 6 months since the date of licensure or last renewal. Qualifying continuing education programs include those given by continuing education sponsors registered with the Board, those given by the American Institute of CPAs, the Illinois CPA Foundation, and programs given by sponsors approved by national accrediting organizations approved by the Board.

All continuing education sponsors applying to the Board for registration shall be required to submit an initial nonrefundable application fee set by Board rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Board rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Board under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal.
of the sponsor's registration. All other courses or programs may qualify upon presentation by the licensee of evidence satisfactory to the Board that the course or program meets all Board rules for qualifying education programs.

Notwithstanding the preceding paragraph, the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy; provided, however, that the sponsor must register with the Department and pay the required fee if its courses are presented in the State of Illinois.

Failure by an applicant for renewal of a license as a public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Board in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for content, duration, and organization of courses; shall take into account the accessibility to applicants of continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Board shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Board; or by other means established by the Board.

The Board may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(225 ILCS 450/17) (from Ch. 111, par. 5518)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Board which allows the Board to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Board, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Board that is returned unpaid by the financial institution upon which it is drawn shall pay to the Board, in addition to the amount already owed to the Board, a fine in an amount to be established by Board rule of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine in an amount to be established by Board rule of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Board shall notify the person that payment of fees and fines shall be paid to the Board by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Board shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Board for restoration or issuance of the license or certificate and pay all fees and fines due to the Board. The Board may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Board may waive the fines due under this Section in individual cases where the Board finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-36.)

New matter indicated by italics - deletions by strikeout.
Sec. 17.1. Any licensed certified public accountant who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Board and filing proof acceptable to the Board of his fitness to have his license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Board and by paying the required restoration fee and by submitting proof of the required continuing education.

If the licensed certified public accountant has not maintained an active practice in another jurisdiction satisfactory to the Board, the Board shall determine, by an evaluation program established by rule, fitness to resume active status and may require the applicant to complete a period of supervised auditing experience.

However, any licensed certified public accountant whose license expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training or education except under conditions other than honorable, he furnished the Board with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 84-1299.)

Sec. 17.2. Any licensed certified public accountant who notifies the Board in writing on forms prescribed by the Board, may elect to place his license on an inactive status and shall, subject to rules of the Board, be excused from payment of renewal fees until he notifies the Board in writing of his desire to resume active status.

Any licensed certified public accountant requesting restoration from inactive status shall be required to pay the current renewal fee, shall be required to submit proof of the required continuing education, and shall be required to restore his license, as provided in this Act.

Any licensed certified public accountant whose license is in an inactive status shall not practice public accounting in this State of Illinois.

The Board may, in its discretion, license as a licensed certified public accountant, on payment of the required fee, an applicant who is a licensed certified public accountant licensed under the laws of another jurisdiction if the requirements for licensure of licensed certified public accountants in the jurisdiction in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.

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

(Source: P.A. 86-615.)

Sec. 20.01. Grounds for discipline; license.
(a) The Board may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any
conditions the Board Committee may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

1. Violation of any provision of this Act.
2. Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.
3. Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, the District of Columbia, or any United States territory or country. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.
4. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting.
5. Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant.
6. Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.
7. Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.
8. Violation of any rule adopted under this Act.
9. Practicing on a revoked, suspended, or inactive license.
10. Suspension or revocation of the right to practice before any State.
11. Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as essential element, or of any crime that is directly related to the practice of the profession.
12. Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Board Department.
13. Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.
14. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Board Department.
15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.
16. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.
17. Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.
18. Solicitation of professional services by using false or misleading advertising.
19. Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.
20. Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.
(21) A finding by the Board Department that a licensee has not complied with a provision of any lawful order issued by the Board Department.

(22) Making a false statement to the Board Department regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Board Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Board Director shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Board Department shall reissue the license upon a showing certification by the Committee that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Board Department shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Board Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and, the issuance of an order so finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume professional practice.

(Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

Sec. 20.1. Investigations; notice; hearing. The Board Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Board Department may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Board Department, but shall not be considered determinative and the Board Department shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Board, Department before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. The Board Department shall notify the applicant or the licensed person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Board Department, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Board Director may deem proper. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Board Department, be suspended, revoked, or placed on probationary status, or the Board Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the

New matter indicated by italics - deletions by strikeout.
imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Board Department shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. Following At the conclusion of the hearing the Board Committee shall issue present to the Director a written order setting forth report of its finding of facts, conclusions of law, and penalties to be imposed recommendations. The order report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Committee shall specify the nature of the violation or failure to comply, and make its recommendations to the Director.

The report of findings of fact, conclusions of law and recommendations of the Committee shall be the basis for the Department's disciplinary action. If the Director disagrees in any regard with the report, he may issue an order in contravention of the report. The Director shall provide a written explanation to the Committee of any deviations from their report, and shall specify with particularity the reasons of that action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 87-1031; 88-36.)

(225 ILCS 450/20.2) (from Ch. 111, par. 5523)
Sec. 20.2. The Board Department may either directly or through its Committee subpoena and bring before it at any hearing any person in this State and take testimony through the Committee either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Chairman of the Board Director, or any member of the Board Committee designated by the Chairman, or any hearing officer appointed pursuant to Section 20.6, Director may administer oaths to witnesses at any hearing which the Board Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board Department.

(Source: P.A. 83-338.)

(225 ILCS 450/20.3) (from Ch. 111, par. 5524)
Sec. 20.3. Any circuit court in the State of Illinois, upon the application of the accused person, partnership or corporation, of the complainant or of the Board Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board Department at any hearing relative to a disciplinary action and the court may compel obedience to the order by proceedings for contempt.

(Source: P.A. 83-291; 83-334.)

(225 ILCS 450/20.4) (from Ch. 111, par. 5525)
Sec. 20.4. The Board Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at disciplinary hearings. The Board Department shall furnish a transcript of that record to any person interested in that hearing upon payment of the reasonable cost established by the Board Department.

(Source: P.A. 83-291.)

(225 ILCS 450/20.5) (from Ch. 111, par. 5526)
Sec. 20.5. Rehearing. In any disciplinary proceeding, a copy of the Board's order Committee's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Board Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion or rehearing is denied, then upon such denial the determination of the Board shall be final. Director may enter an order in accordance with recommendations of the Committee except as provided in Section 20.6 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent. Whenever the Director is satisfied that substantial justice has not been done in the disciplinary proceeding, the Director may order a rehearing by the Committee or designated hearing officer.

Upon the suspension or revocation of a certificate or license the licensee shall be required to surrender to the Board Department the certificate or license issued by the Board Department, and
upon failure or refusal so to do, the Board Department may seize it.

The Board Department may exchange information relating to proceedings resulting in disciplinary action against licensees with the regulatory licensing bodies of other states, or with other public authorities or private organizations having regulatory interest in such matter.

(Source: P.A. 88-36.)

(225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

Sec. 20.6. Notwithstanding the provisions of Section 20.2 of this Act, the Board Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action. The Director shall notify the Committee of such appointment.

The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board Committee and the Director. If the Committee fails to present its report within the 60 day period, the Director shall issue an order based on the report of the hearing officer unless it is determined that the Director disagrees in any regard with the report of the Committee or hearing officer, in which case he may issue an order in contravention thereof, which order may require a new hearing as to some or all of the facts in dispute or may issue findings of fact and conclusions of law contrary to the findings and conclusions of the hearing officer. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for said action in the final order.

(Source: P.A. 83-291.)

(225 ILCS 450/21) (from Ch. 111, par. 5527)

Sec. 21. Judicial review; cost of record; order as prima facie proof.

(a) All final administrative decisions of the Board Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon, Champaign, or Cook County.

(b) The Board Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Board Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be established by the Board Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(c) An order of disciplinary action or a certified copy thereof, over the seal of the Board Department and purporting to be signed by the Chairman or authorized agent of the Board Director, shall be prima facie proof, subject to being rebutted, that:

(1) the signature is the genuine signature of the Chairman or authorized agent of the Board Director;

(2) the Chairman or authorized agent of the Board Director is duly appointed and qualified; and

(3) the Board Committee and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 450/26) (from Ch. 111, par. 5532)

Sec. 26. Rules and regulations. The Board and the Department shall adopt all necessary and reasonable rules and regulations for the effective administration and enforcement of the provisions of this Act; and without limiting the foregoing the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. All Department university rules in effect on the effective date of this amendatory Act of the 92nd General Assembly 1993 shall continue in effect under the jurisdiction of
the Board until changed by the Board.
(Source: P.A. 88-36.)

(225 ILCS 450/27) (from Ch. 111, par. 5533)

Sec. 27. A licensed certified public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as a public accountant. This Section shall not apply to any investigation or hearing undertaken pursuant to this Act.
(Source: P.A. 83-291.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.
(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;
(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant by fraud;
(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating the user is a certified public accountant, by any person who has not received a certificate as a certified public accountant from the Board;
(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as licensed certified public accountants by the Board Department, and are holders of an effective unrevoked license, and the partnership is licensed as licensed certified public accountants by the Board Department with an effective unrevoked license;
(e) The use of the title "licensed certified public accountant", "licensed CPA", "Public Accountant", or the abbreviation "P.A." or any similar words or letters indicating such person is a licensed certified public accountant by any person not licensed as a licensed certified public accountant by the Board Department, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;
(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants" or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Board Department and are holders of effective unrevoked licenses, and the partnership is licensed as accounting firm accountants by the Board Department with an effective unrevoked licenses;
(g) Making false statements to the Board Department regarding compliance with continuing professional education requirements.
(Source: P.A. 88-36.)

(225 ILCS 450/30) (from Ch. 111, par. 5535)

Sec. 30. The practice of public accounting, as described in Section 8 of this Act, by any person in violation of this Act is hereby declared to be inimical to the public welfare and to be a public nuisance. An action to perpetually enjoin from such unlawful practice any person who has been or is engaged therein may be maintained in the name of the people of the State of Illinois by the Attorney General of the State of Illinois, by the State's Attorney of any county in which the action is brought, by the Board Department or by any resident citizen. The injunction proceeding shall be in addition to and not in lieu of any penalties or other remedies provided by this Act. No injunction shall issue under this section against any person for any act exempted under Section 11 of this Act.

If any person shall practice as a licensed certified public accountant or hold himself out as a licensed certified public accountant without being licensed under the provision of this Act then any licensed certified public accountant, any interested party or any person injured thereby may, in addition to the Board Director, petition for relief as provided in subsection (a) of this Section.

Whenever in the opinion of the Board Department any person violates any provision of this Act, the Board Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Board Department.

New matter indicated by italics - deletions by strikeout.
Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Board Department. Failure to answer to the satisfaction of the Board Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 83-291.)

(225 ILCS 450/30.1) (from Ch. 111, par. 5535.1)

Sec. 30.1. No person, partnership, or corporation, or other entity licensed or authorized to practice under this Act or any of its employees, partners, members, officers or shareholders shall be liable to persons not in privity of contract with such person, partnership, or corporation, or other entity for civil damages resulting from acts, omissions, decisions or other conduct in connection with professional services performed by such person, partnership, or corporation, or other entity, except for:

(1) such acts, omissions, decisions or conduct that constitute fraud or intentional misrepresentations, or
(2) such other acts, omissions, decisions or conduct, if such person, partnership or corporation was aware that a primary intent of the client was for the professional services to benefit or influence the particular person bringing the action; provided, however, for the purposes of this subparagraph (2), if such person, partnership, or corporation, or other entity identifies in writing to the client those persons who are intended to rely on the services, and (ii) sends a copy of such writing or similar statement to those persons identified in the writing or statement, then such person, partnership, or corporation, or other entity or any of its employees, partners, members, officers or shareholders may be held liable only to such persons intended to so rely, in addition to those persons in privity of contract with such person, partnership, or corporation, or other entity.

(Source: P.A. 84-1251.)

(225 ILCS 450/32) (from Ch. 111, par. 5537)

Sec. 32. (a) This subsection (a) applies only until July 1, 2004.

All moneys received by the Department of Professional Regulation under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, which is hereby created as a special fund in the State Treasury. The funds in the account shall be used by the Department or the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation, and the Public Accountants' Registration Committee, or the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation or the Board. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(b) This subsection (b) applies beginning July 1, 2004.

All moneys received by the Board under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, a special fund in the State treasury. The moneys in the Fund shall be used by the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation and the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 99. Effective date. This Section, Section 5, and the changes to Section 32 of the Illinois Public Accounting Act take effect upon becoming law; all of the other provisions take effect July 1, 2004.


New matter indicated by italics - deletions by strikeout.
AN ACT regarding vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 2-118.1, 5-103, 6-117, 6-118, 6-204, 6-206, 6-208, and 7-604 as follows:

(625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)
Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension.

(a) A statutory summary suspension of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension. The hearings shall proceed in the court in the same manner as in other civil proceedings. The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:
1. Whether the person was placed under arrest for an offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of state as provided in subsection (a) of Section 11-501.1; and
2. Whether the officer had reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and
3. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol or drug concentration; or
4. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the use of Intoxicating Compounds Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

(Source: P.A. 89-156, eff. 1-1-96; 90-43, eff. 7-2-97.)
(625 ILCS 5/5-103) (from Ch. 95 1/2, par. 5-103)
Sec. 5-103. (a) Every new vehicle manufacturer shall specify the delivery and preparation obligations of its vehicle dealers prior to delivery of new vehicles to retail buyers. A copy of the delivery and preparation obligations of its dealers shall be filed with the Secretary of State by every

New matter indicated by italics - deletions by strikeout.
vehicle manufacturer and shall constitute the vehicle dealer's only responsibility for product liability as between the dealer and the manufacturer. A manufacturer's product or warranty liability to the dealer shall extend to any mechanical, body or parts defect constituting a breach of any express or implied warranty of the manufacturer. The manufacturer shall reasonably compensate any authorized dealer who rectifies a defect which constitutes a breach of any express or implied warranty of the manufacturer and for preparation and delivery obligations. Every dealer shall perform the preparation and get ready services specified by the manufacturer to be performed prior to the delivery of the new vehicle to the buyer.

(b) The owner of the vehicle may cause the vehicle to be inspected according to this Section and have the original manufacturer's warranty reinstated if the vehicle is a theft recovery that has been salvaged and is recovered without structural damage or missing essential parts, excluding wheels, damage to the steering column, and radios provided the owner:

(1) Submits the vehicle to a franchised dealer for a complete inspection, including fluids, frame, essential parts, and other items deemed by the manufacturer as essential for verification of the condition of the vehicle at the time of recovery.

(2) Submits a copy of the police recovery report to the inspecting dealer.

(3) Paid the inspection fee charged by the franchised dealer.

The manufacturer shall reinstate the original manufacturer's warranty if a vehicle is certified by a franchised dealer as having complied with the provisions of this Section. The manufacturer shall, in addition to reinstating the warranty, provide the owner with a written statement indicating that the original manufacturer's warranty has been reinstated.

(c) Any licensed vehicle dealer that offers, provides or sells in-house and or self-insured extended warranties or service contracts, other than those of the vehicle manufacturer, shall retain adequate reserves or insurance for the protection of the purchasing consumer. The Secretary of State shall provide by rule and regulation for the implementation of this requirement.

Nothing in this Section shall affect a cause of action a buyer may have against a dealer or manufacturer under present applicable statutory or case law.

(Source: P.A. 89-189, eff. 1-1-96.)

Sec. 6-117. Records to be kept by the Secretary of State.

(a) The Secretary of State shall file every application for a license or permit accepted under this Chapter, and shall maintain suitable indexes thereof. The records of the Secretary of State shall indicate the action taken with respect to such applications.

(b) The Secretary of State shall maintain appropriate records of all licenses and permits refused, cancelled, revoked or suspended and of the revocation and suspension of driving privileges of persons not licensed under this Chapter, and such records shall note the reasons for such action.

(c) The Secretary of State shall maintain appropriate records of convictions reported under this Chapter. Records of conviction may be maintained in a computer processible medium.

(d) The Secretary of State may also maintain appropriate records of any accident reports received.

(e) The Secretary of State shall also maintain appropriate records of any disposition of supervision or records relative to a driver's referral to a driver remedial or rehabilitative program, as required by the Secretary of State or the courts. Such records shall only be available for use by the Secretary, law enforcement agencies, the courts, and the affected driver or, upon proper verification, such affected driver's attorney.

(f) The Secretary of State shall also maintain or contract to maintain appropriate records of all photographs and signatures obtained in the process of issuing any driver's license, permit, or identification card. The record shall be confidential and shall not be disclosed except to those entities listed under Section 6-110.1 of this Code.

(Source: P.A. 90-191, eff. 1-1-98.)

Sec. 6-118. Fees.

(a) The fee for licenses and permits under this Article is as follows:

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original driver's license</td>
<td>$10</td>
</tr>
<tr>
<td>Original or renewal driver's license</td>
<td>$10</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
issued to 18, 19 and 20 year olds.................. 5
All driver's licenses for persons
  age 69 through age 80......................... 5
All driver's licenses for persons
  age 81 through age 86........................ 2
All driver's licenses for persons
  age 87 or older.............................. 0
Renewal driver's license (except for
  applicants ages 18, 19 and 20 or
  age 69 and older)............................ 10
Original instruction permit issued to
  persons (except those age 69 and older)
  who do not hold or have not previously
  held an Illinois instruction permit or
  driver's license.............................. 20
Instruction permit issued to any person
  holding an Illinois driver's license
  who wishes a change in classifications,
  other than at the time of renewal..........  5
Any instruction permit issued to a person
  age 69 and older............................  5
Instruction permit issued to any person,
  under age 69, not currently holding a
  valid Illinois driver's license or
  instruction permit but who has
  previously been issued either document
  in Illinois..................................  8
Restricted driving permit.......................  8
Duplicate or corrected driver's license
  or permit....................................  5
Duplicate or corrected restricted
  driving permit................................  5
Original or renewal M or L endorsement.......  5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:
  $6 for the CDLIS/AAMVAnet Fund
  (Commercial Driver's License Information
  System/American Association of Motor Vehicle
  Administrators network Trust Fund);
  $20 for the Motor Carrier Safety Inspection Fund;
  $10 for the driver's license;
  and $24 for the CDL: $60

Renewal commercial driver's license:
  $6 for the CDLIS/AAMVAnet Trust Fund;
  $20 for the Motor Carrier Safety Inspection Fund;
  $10 for the driver's license; and
  $24 for the CDL: $60

Commercial driver instruction permit
  issued to any person holding a valid
  Illinois driver's license for the
  purpose of changing to a
  CDL classification: $6 for the
  CDLIS/AAMVAnet Trust Fund;
  $20 for the Motor Carrier Safety Inspection
  Fund; and
  $24 for the CDL: $60

New matter indicated by italics - deletions by strikeout.
Safety Inspection Fund; and
$24 for the CDL classification....................... $50
Commercial driver instruction permit
issued to any person holding a valid
Illinois CDL for the purpose of
making a change in a classification,
endorsement or restriction......................... $5
CDL duplicate or corrected license.................. $5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

- Summary suspension under Section 11-501.1.............. $60
- Other suspension...................................... $30
- Revocation........................................... $60

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

- Summary suspension under Section 11-501.1.............. $250
- Revocation........................................... $250

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:
   (A) $16 of the $20 fee for an original driver's instruction permit;
   (B) $5 of the $10 fee for an original driver's license;
   (C) $5 of the $10 fee for a 4 year renewal driver's license; and
   (D) $4 of the $8 fee for a restricted driving permit.

2. $30 of the $60 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, $190 of the $250 fee for reinstatement of a license summarily suspended under Section 11-501.1, and $190 of the $250 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of such original or renewal fee for a commercial driver's license and $6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. The fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the

New matter indicated by italics - deletions by strikeout.
Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

(Source: P.A. 90-622, eff. 3-1-99; 90-738, eff. 1-1-99; 91-357, eff. 7-29-99; 91-537, eff. 8-13-99.)

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

Sec. 6-204. When Court to forward License and Reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 10 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads operated on highways), 12-710 (splash guards and replacements), 13-101 (safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), 15-318 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259 (coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflector on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the
court in which such conviction is had within 10 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide. The reporting requirements of this subsection shall also apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It shall be the duty of the clerk of the court in which adjudication is had within 10 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 10 days thereafter to forward to the Secretary of State a report of the vacation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503 and 11-504 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic
law offenders, the clerk of the court shall forward to the Secretary of State, on either on paper or in an electronic format, in a form prescribed by the Secretary, records of any disposition of court supervision for any traffic violation, excluding those listed in paragraph (a)(2) of this Section, or records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 10 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 10 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver and (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State.

(Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of at least 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;
12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for

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the purpose of obtaining a license, identification card, or permit for some other person;
13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;
15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;
16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;
17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;
18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;
19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;
20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;
22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;
23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;
24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;
25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
27. Has violated Section 6-16 of the Liquor Control Act of 1934;
28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;
29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;
30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall
be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, or a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; or

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges
revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant under the age of 18 years before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff. 1-1-98; 90-655, eff. 7-30-98.)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 relating to the offense of reckless homicide, after the expiration of 2 years from the effective date of the revocation.

2. If such person is convicted of committing a second violation within a 20 year period of:

(A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
(B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local
ordinance; or
(C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
(D) any combination of the above offenses committed at different instances;
then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, paragraph (b) of Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses if the original revocation or suspension was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99; 91-357, eff. 7-29-99.)

(625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)
Sec. 7-604. Verification of liability insurance policy.
(a) The Secretary of State may select random samples of registrations of motor vehicles subject to Section 7-601 of this Code, or owners thereof, for the purpose of verifying whether or not the motor vehicles are insured.
In addition to such general random samples of motor vehicle registrations, the Secretary may select for verification other random samples, including, but not limited to registrations of motor vehicles owned by persons:
(1) whose motor vehicle registrations during the preceding 4 years have been suspended pursuant to Section 7-606 or 7-607 of this Code;
(2) who during the preceding 4 years have been convicted of violating Section 3-707, 3-708 or 3-710 of this Code while operating vehicles owned by other persons;
(3) whose driving privileges have been suspended during the preceding 4 years;
(4) who during the preceding 4 years acquired ownership of motor vehicles while the registrations of such vehicles under the previous owners were suspended pursuant to Section 7-606 or 7-607 of this Code;
(5) who during the preceding 4 years have received a disposition of supervision under subsection (c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of this Code.
(b) Upon receiving certification from the Department of Transportation under Section 7-201.2 of this Code of the name of an owner or operator of any motor vehicle involved in an accident, the Secretary may verify whether or not at the time of the accident such motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.
(c) In preparation for selection of random samples and their verification, the Secretary may send to owners of randomly selected motor vehicles, or to randomly selected motor vehicle owners, requests for information about their motor vehicles and liability insurance coverage. The request shall require the owner to state whether or not the motor vehicle was insured on the verification date stated.
in the Secretary's request and the request may require, but is not limited to, a statement by the owner of the names and addresses of insurers, policy numbers, and expiration dates of insurance coverage.

(d) Within 30 days after the Secretary mails a request, the owner to whom it is sent shall furnish the requested information to the Secretary above the owner's signed affirmation that such information is true and correct. Proof of insurance in effect on the verification date, as prescribed by the Secretary, may be considered by the Secretary to be a satisfactory response to the request for information.

Any owner whose response indicates that his or her vehicle was not covered by a liability insurance policy in accordance with Section 7-601 of this Code shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Section. Any owner who fails to respond to such a request shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 7-601 of this Code.

(e) If the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the Secretary's request, the Secretary may conduct a verification of the response by furnishing necessary information to the insurer named in the response. The insurer shall within 45 days inform the Secretary whether or not on the verification date stated the motor vehicle was insured by the insurer in accordance with Section 7-601 of this Code. The Secretary may by rule and regulation prescribe the procedures for verification.

(f) No random sample selected under this Section shall be categorized on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, economic status or geography.

(Source: P.A. 88-315; 88-685, eff. 1-24-95.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-6-3.1 as follows:

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

1. make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
2. pay a fine and costs;
3. work or pursue a course of study or vocational training;
4. undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; and
(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
(10) perform some reasonable public or community service;
(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;
(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;
(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;
(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;
(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;
(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.
(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.
(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.
(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any
time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant’s ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992, as a condition of supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the person placed on supervision to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who willfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State court shall require anyone a defendant placed on court supervision
for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance; as a condition of supervision, to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual defendant in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff. 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

Section 15. The Illinois Vehicle Code is amended by repealing Section 6-205.1.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 92-0459
(House Bill No. 2228)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 33-5 as follows:
(720 ILCS 5/33-5)
Sec. 33-5. Preservation of evidence Chain of custody.
(a) It is unlawful for a law enforcement agency or an agent acting on behalf of the law enforcement agency, a State's Attorney, an Assistant State's Attorney, or other employee of the Office of the State's Attorney or for a peace officer or other employee of a law enforcement agency to intentionally fail to comply with the provisions of subsection (a) of Section 116-4 of the Code of Criminal Procedure of 1963.
(b) Sentence. A person who violates this Section is guilty of a Class 4 felony.
(c) For purposes of this Section, "law enforcement agency" has the meaning ascribed to it in subsection (e) of Section 116-4 clause (a)(4) of Section 107-4 of the Code of Criminal Procedure of 1963.
(Source: P.A. 91-871, eff. 1-1-01.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 116-4 as follows:
(725 ILCS 5/116-4)
Sec. 116-4. Preservation of evidence for forensic testing Chain of custody.
(a) Before or after the trial in a prosecution for a violation of Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or in a prosecution for an offense defined in Article 9 of that Code, or in a prosecution for an attempt in violation of Section 8-4 of that Code of any of the above-enumerated offenses, unless otherwise provided herein under subsection (b) or (c), a law enforcement agency or an agent acting on behalf of the law enforcement agency and the State's Attorney's Office shall preserve, subject to a continuous chain of custody, any physical evidence in their possession or control that is reasonably likely to contain forensic evidence, including, but not limited to, fingerprints or biological material secured in relation to a trial and with sufficient official documentation to locate that evidence.
(b) After a trial resulting in a judgment of conviction is entered, the evidence shall either be impounded with the Clerk of the Circuit Court or shall be securely retained by a law enforcement agency. Retention shall be permanent in cases where a sentence of death is imposed. Retention shall be until the completion of the sentence, including the period of mandatory supervised release for the offense, or January 1, 2006, whichever is later, for any conviction for an offense or an attempt of an offense defined in Article 9 of the Criminal Code of 1961 or in Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for:

(f) Permanent following any conviction for an offense defined in Article 9 of the
Criminal Code of 1961:

(2) For 25 years following any conviction for a violation of Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

(3) For 7 years following any conviction for any other felony for which the defendant's genetic profile may be taken by a law enforcement agency and submitted for comparison in a forensic DNA database for unsolved offenses.

(c) After a judgment of conviction is entered, the State's Attorney or law enforcement agency required to retain having custody of evidence described in subsection (a) may petition the court with notice to the defendant or, in cases where the defendant has died, his estate, his attorney of record, or an attorney appointed for that purpose by the court for entry of an order allowing it to dispose of evidence if, after a hearing, the court determines by a preponderance of the evidence that:

(1) it has no significant value for forensic science analysis and should must be returned to its rightful owner, destroyed, used for training purposes, or as otherwise provided by law; or

(2) it has no significant value for forensic science analysis and is of a size, bulk, or physical character not usually retained by the law enforcement agency and cannot practicably be retained by the law enforcement agency; or

(3) there no longer exists a reasonable basis to require the preservation of the evidence because of the death of the defendant; however, this paragraph (3) does not apply if a sentence of death was imposed.

(d) The court may order the disposition of the evidence if the defendant is allowed the opportunity to take reasonable measures to remove or preserve portions of the evidence in question for future testing.

(d-5) Any order allowing the disposition of evidence pursuant to subsection (c) or (d) shall be a final and appealable order. No evidence shall be disposed of until 30 days after the order is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the appellate court.

(d-10) All records documenting the possession, control, storage, and destruction of evidence and all police reports, evidence control or inventory records, and other reports cited in this Section, including computer records, must be retained for as long as the evidence exists and may not be disposed of without the approval of the Local Records Commission.

(e) In for purposes of this Section, "law enforcement agency" includes any of the following or an agent acting on behalf of any of the following: a municipal police department, county sheriff's office, any prosecuting authority, the Department of State Police, or any other State, university, county, federal, or municipal police unit or police force.

"Biological material" includes, but is not limited to, any blood, hair, saliva, or semen from which genetic marker groupings may be obtained. has the meaning ascribed to it in clause (a)(4) of Section 107-4 of this Code.

(Source: P.A. 91-871, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
every parole and mandatory supervised release are that the subject:

(1) not violate any criminal statute of any jurisdiction during the parole or release term; and

(2) refrain from possessing a firearm or other dangerous weapon;

(3) report to an agent of the Department of Corrections;

(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections; and

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;

(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;

(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;

(4) support his dependents;

(5) report to an agent of the Department of Corrections;

(6) permit the agent to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and

(8) in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth; or

(iv) contribute to his own support at home or in a foster home.

New matter indicated by italics - deletions by strikeout.
(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 91-903, eff. 1-1-01.)

(730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole or mandatory supervised release; revocation hearing.

(a) If prior to expiration or termination of the term of parole or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or
(2) parole or release the person to a half-way house; or
(3) revoke the parole or mandatory supervised release and reconfine the person for a term computed in the following manner:

(i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of imprisonment or confinement which had not been served at the time of parole and the parole term, less the time elapsed between the parole of the person and the commission of the violation for which parole was revoked;
(B) For those subject to mandatory supervised release under paragraph (d) of Section 5-8-1 of this Code, the recommitment shall be for the total mandatory supervised release term, less the time elapsed between the release of the person and the commission of the violation for which mandatory supervised release is revoked. The Board may also order that a prisoner serve up to one year of the sentence imposed by the court which was not served due to the accumulation of good conduct credit.
(ii) the person shall be given credit against the term of reimprisonment or reconfinement for time spent in custody since he was paroled or released which has not been credited against another sentence or period of confinement;
(iii) persons committed under the Juvenile Court Act or the Juvenile Court Act of 1987 shall be recommitted until the age of 21;
(iv) this Section is subject to the release under supervision and the reparole and rerelease provisions of Section 3-3-10.

(b) The Board may revoke parole or mandatory supervised release for violation of a condition for the duration of the term and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration. The issuance of a warrant of arrest for an alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge, but where parole or mandatory supervised release is not revoked that period shall be credited to the term.

(c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action
of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Juvenile Division, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

(1) appear and answer the charge; and
(2) bring witnesses on his behalf.

(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless the Board determines that such failure is due to the offender's willful refusal to pay.

(Source: P.A. 85-1209.)

Effective January 1, 2002.

PUBLIC ACT 92-0461
(House Bill No. 2845)

AN ACT concerning police officers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Police Training Act is amended by changing Section 3 as follows:

Sec. 3. Board - composition - appointments - tenure - vacancies. The Board shall be composed of 19 members selected as follows: The Attorney General of the State of Illinois, the Director of State Police, the Director of Corrections, the Superintendent of the Chicago Police Department, the Sheriff of Cook County, the Director of the Illinois Police Training Institute, the Special Agent in Charge of the Springfield, Illinois, division of the Federal Bureau of Investigation, the Executive Director of the Illinois Board of Higher Education and the following to be appointed by the Governor: 2 mayors or village presidents of Illinois municipalities, 2 Illinois county sheriffs from counties other than Cook County, 2 managers of Illinois municipalities, 3 chiefs of municipal police departments in Illinois having no Superintendent of the Police Department on the Board and 2 citizens of Illinois who shall be members of an organized enforcement officers' association which has no other members on the Board other than the chief of a municipal police department, the Special Agent of the Federal Bureau of Investigation, the Director of State Police, a county sheriff or deputy sheriff. The appointments of the Governor shall be made on the first Monday of August in 1965 with 3 of the appointments to be for a period of one year, 3 for 2 years, and 3 for 3 years. Their successors shall be appointed in like manner for terms to expire the first Monday of August each 3 years thereafter. All members shall serve until their respective successors are appointed and qualify. Vacancies shall be filled by the Governor for the unexpired terms.

(Source: P.A. 88-586, eff. 8-12-94.)

Effective January 1, 2002.

PUBLIC ACT 92-0462
(House Bill No. 2911)

AN ACT concerning redistricting.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Cook County Board of Review Districts Act of 2001.

Section 5. Applicability. This Act applies to the election of members of the board of review in Cook County beginning with members elected in 2002.

Section 10. Districts created. Cook County is divided into 3 board of review districts as
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follows:
District No. 1 shall be comprised of the following units of census geography: Within the
County of Cook: MCD/CCD of: Barrington; Within the MCD/CCD of Berwyn: Within Tract/BNA
815200: Within block group 3: Block(s): 3012, 3014, 3015, 3016, 3020, 3021, 3022, 3023, 3024,
3025, 3026, 3027, 3028, 3029; Within block group 4: Block(s): 4013; Within Tract/BNA 815400:
Block groups: 1, 2, 3; Within block group 4: Block(s): 4010; Tract/BNA(s): 815500; Within the
MCD/CCD of Bloom: Tract/BNA(s): 828503, 828504, 828505, 828506, 828601, 828602; Within
Tract/BNA 828701: Block groups: 1, 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007,
3008, 3009; Within block group 4: Block(s): 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016,
4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4027, 4028, 4029, 4032, 4033, 4034, 4035, 4036,
4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047; Within Tract/BNA 828702:
Within block group 3: Block(s): 3072, 3073; Tract/BNA(s): 828801, 828802, 828900; Within
Tract/BNA 829000: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,
Block(s): 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,
1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040,
1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055; Within
2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033,
2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049,
2050, 2051, 2052, 2053, 2054, 2055, 2056; Tract/BNA(s): 829200, 829301, 829302, 829401, 829402,
829500, 829600; Within Tract/BNA 829700: Within block group 2: Block(s): 2020, 2021, 2022,
2024, 2025, 2026, 2027, 2028; Within block group 4: Block(s): 4024, 4025, 4028, 4029, 4030, 4031,
4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047,
4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063,
4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079,
4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095,
4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111,
4112, 4113, 4114; Within the MCD/CCD of Bremen: Within Tract/BNA 824400: Block groups: 2;
Tract/BNA(s): 824503, 824505, 824506, 824507, 824601, 824602, 824701, 824702; Within
Tract/BNA 824800: Block groups: 4; Within Tract/BNA 824900: Block groups: 1, 2; Tract/BNA(s):
825000, 825200, 825301, 825302, 825400; Within Tract/BNA 825503: Block groups: 3, 4;
Tract/BNA(s): 829901; Within the MCD/CCD of Chicago: Within Tract/BNA 090100: Within block
group 3: Block(s): 3007; Within Tract/BNA 090200: Within block group 2: Block(s): 2004, 2005,
4012, 4013, 4014, 4015, 4016, 4017, 4018; Tract/BNA(s): 090300; Within Tract/BNA 100200:
3, 4, 5, 6; Within block group 7: Block(s): 7006, 7007, 7008, 7009, 7010; Tract/BNA(s): 100300,
100400, 100500, 100600; Within Tract/BNA 100700: Block groups: 1, 2; Within block group 3:
Block(s): 3000, 3001, 3002; Within block group 4: Block(s): 4000, 4001, 4002; Within block group
5: Block(s): 5000, 5001, 5002, 5003, 5004; Within Tract/BNA 110300: Within block group 5:
Block(s): 5011; Within Tract/BNA 720300: Within block group 1: Block(s): 1004, 1005, 1006, 1007;
Within block group 2: Block(s): 2001, 2002, 2003, 2004; Within block group 3: Block(s): 3001, 3002,
3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010; Block group(s): 4; Within block group 5: Block(s):
5002, 5003, 5008, 5009; Tract/BNA(s): 720400; Within Tract/BNA 720500: Block groups: 1; Within
3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009; Within Tract/BNA 740100:
Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2007; Within Tract/BNA
2008, 2009, 2010; Block group(s): 3, 4, 5, 6; Within Tract/BNA 740300: Within block group 1:
Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007; Block group(s): 2, 3, 4, 5, 6; Within Tract/BNA
740400: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005; Block group(s): 2, 3, 4, 5;
Within Tract/BNA 750400: Block groups: 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009,
3010, 3011, 3012, 3013; Within Tract/BNA 760800: Block groups: 1; Tract/BNA(s): 760900, 770500,
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Within block group 3: Block(s): 3000, 3001; Within Tract/BNA 243200: Block groups: 1, 2; Within
block group 3: Block(s): 3000, 3006, 3007; Block group(s): 4; Tract/BNA(s): 243300, 243400; Within
block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012,
3013, 3014; Within block group 4: Block(s): 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4011, 4012,
4013, 4014, 4015, 4016; Within Tract/BNA 250100: Within block group 1: Block(s): 1000, 1001,
1002, 1003, 1004, 1005; Tract/BNA(s): 250500, 282000; Within Tract/BNA 282600: Within block
group 1: Block(s): 1013, 1015, 1016, 1017; Tract/BNA(s): 282800; Within Tract/BNA 282900: Block
groups: 4; Within Tract/BNA 283000: Within block group 1: Block(s): 1006, 1007; Within block
283600, 283700; Within Tract/BNA 283800: Within block group 2: Block(s): 2002, 2005, 2006,
Block(s): 2001, 2002, 2003, 2004, 2005, 2006; Block group(s): 3; Tract/BNA(s): 284200; Within
Tract/BNA 291400: Within block group 1: Block(s): 1009, 1010, 1011; Tract/BNA(s): 291600;
Within Tract/BNA 291700: Within block group 1: Block(s): 1000, 1001, 1010; Tract/BNA(s):
300100, 300200; Within Tract/BNA 300300: Within block group 1: Block(s): 1000, 1006, 1007;
Tract/BNA(s): 300700, 300800, 300900, 301000, 301100, 301200, 301300, 301400, 301500, 301600;
Within Tract/BNA 301700: Block groups: 1, 2, 3; Within Tract/BNA 302000: Block groups: 1, 3;
Tract/BNA(s): 310100, 310200, 310300, 310400, 310500, 310600, 310700, 310800, 310900, 311000,
311100, 311200, 311300, 311400, 311500, 320100; Within Tract/BNA 320200: Block groups: 1, 2;
Within block group 3: Block(s): 3000, 3003, 3004, 3005, 3006, 3007, 3012, 3013, 3017, 3018; Within
Tract/BNA 320300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010;
Within Tract/BNA 320400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005,
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013; Block group(s): 2; Within Tract/BNA 320500:
Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4005, 4006, 4007, 4012, 4018, 4019,
4020, 4023; Tract/BNA(s): 320600; Within Tract/BNA 330100: Block groups: 1; Within block group
2: Block(s): 2004, 2005; Within block group 3: Block(s): 3006, 3007, 3008, 3009, 3010, 3011; Within
Tract/BNA 330200: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003;
Within Tract/BNA 340100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005,
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021,
1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030; Within Tract/BNA 340200: Within block group 1:
Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015,
1024, 1025, 1026, 1027, 1028; Block group(s): 2; Within block group 3: Block(s): 3002, 3003, 3004,
3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020,
3021, 3022, 3023, 3024; Block group(s): 4; Tract/BNA(s): 340300, 340400, 340500; Within
Tract/BNA 340600: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,
1014, 1015, 1016; Block group(s): 2; Within Tract/BNA 370200: Within block group 2: Block(s):
2004, 2005; Within block group 3: Block(s): 3013; Within Tract/BNA 560100: Within block group
1: Block(s): 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029,
1030, 1031; Within Tract/BNA 560200: Within block group 3: Block(s): 3000, 3001, 3002, 3003;
Block group(s): 4; Tract/BNA(s): 560300, 560400, 560500, 560600, 560700; Within Tract/BNA
560800: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3005, 3010, 3011;
Within Tract/BNA 561100: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002,
4004, 4005, 4006, 4010, 4011; Tract/BNA(s): 561200, 561300, 570100, 570300, 570400, 570500,
580100, 580200, 580300, 580400, 580500, 580600, 580700, 580800, 580900, 581000, 581100,
590100, 590200, 590300, 590400, 590500, 590600, 590700, 600100, 600200, 600300, 600400,
600500, 600600, 600700, 600800, 600900, 601000, 601100, 601200, 601300, 601400, 601500,
601600; Within Tract/BNA 610100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004,
1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021; Block
group(s): 2; Tract/BNA(s): 610200, 610300, 610400, 610500, 610600, 610700, 610800; Within
Tract/BNA 610900: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011;
Within Tract/BNA 611500: Block groups: 2; Tract/BNA(s): 620100, 620200, 620300, 620400,
630200, 630300, 630400, 630500, 630800, 630900, 640100, 640200; Within Tract/BNA 640300:
Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4004, 4005, 4006, 4007,
4008; Within block group 5: Block(s): 5000, 5001, 5002, 5005, 5006, 5007; Within block group 6:
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Section 15. Definitions and exceptions.

(a) All counties, townships, census tracts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census. The term "tract" means census tract. Districts created by this Act for the purpose of electing members of the board of review in Cook County shall not be altered by operation of any other statute, ordinance, or resolution.

(b) Any part of Cook County that has not been described as included in one of the districts described in this Act is included within the district that (i) is contiguous to the part and (ii) contains the least population of all districts contiguous to the part according to the 2000 decennial census of Illinois.

(c) If any part of Cook County is described in this Act as being in more than one district, the part is included within the district that (i) is one of the districts in which that part is listed in this Act, (ii) is contiguous to that part, and (iii) contains the least population according to the 2000 decennial census of Illinois.

(d) If any part of Cook County (i) is described in this Act as being in one district and (ii) is entirely surrounded by another district, then the part shall be incorporated into the district that surrounds the part.

(e) If any part of Cook County (i) is described in this Act as being in one district and (ii) is not contiguous to another part of that district, then the part is included with the contiguous district that contains the least population according to the 2000 decennial census of Illinois.

(f) The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit into the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this Act.

(g) The State Board of Elections shall prepare and make available to the public a metes and bounds description of the districts created under this Act.

New matter indicated by italics - deletions by strikeout.
Section 95. The Cook County Board of Review Districts Act is amended by adding Section 15 as follows:

(10 ILCS 105/15 new)

Sec. 15. Applicability. This Act does not apply to the election of members of the board of review in Cook County in 2002 or any election thereafter.

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


PUBLIC ACT 92-0463

(AN ACT in relation to support.

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

Section 5. The Illinois Public Aid Code is amended by changing Sections 10-10.5, 10-11.2, and 10-27 as follows:

(305 ILCS 5/10-10.5)

Sec. 10-10.5. Information to State Case Registry.

(a) In this Section:

"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.

"State Case Registry" means the State Case Registry established under Section 10-27 of this Code.

(b) Each order for support entered or modified by the circuit court under Section 10-10 shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.

If either the obligor or the obligee receives child support enforcement services from the Illinois Department under Article X of this Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The names of the obligee and the child or children covered by the order for support.
(2) The dates of birth of the obligee and the child or children covered by the order for support.
(3) The social security numbers of the obligee and the child or children covered by the order for support.
(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department under Article X of this Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Illinois Department for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

(1) The obligee's telephone and driver's license numbers.
(2) The obligee's residential address, if different from the obligee's mailing address.
(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the

New matter indicated by italics - deletions by strikeout.
Illinois Department within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of this Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department:

1. The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.
2. Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of this Code, and Title IV, Part D of the Social Security Act.

(a) When an order for support is entered or modified by the circuit court under Section 10-10, the clerk of the circuit court shall, within 5 business days, provide to the Illinois Department's State Case Registry established under Section 10-27 of this Code the court docket number and county in which the order is entered or modified and the following information, which the parties shall disclose to the court:

1. The names of the custodial and non-custodial parents and the child or children covered by the order.
2. The dates of birth of the custodial and non-custodial parents and of the child or children covered by the order.
3. The social security numbers of the custodial and non-custodial parents and of the child or children covered by the order.
4. The residential and mailing addresses for the custodial and non-custodial parents.
5. The telephone numbers for the custodial and non-custodial parents.
6. The driver's license numbers for the custodial and non-custodial parents.
7. The name, address, and telephone number of each parent's employer or employers.

(b) When a child support order is entered or modified for a case in which a party is receiving child and spouse support services under Article X of this Code, the clerk shall provide the State Case Registry with the following information:

1. The information specified in subsection (a) of this Section.
2. The amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order.
3. Any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk.
4. The distribution of the amounts received by the clerk.
5. A party shall report to the clerk of the circuit court changes in information required to be disclosed under this Section within 5 business days of the change.
6. To the extent that updated information is in the clerk's possession, the clerk shall provide updates of the information specified in subsection (b) of this Section within 5 business days after the Illinois Department's request for that updated information.

(Source: P.A. 91-212, eff. 7-20-99.)

(305 ILCS 5/10-11.2)

Sec. 10-11.2. Administrative support order information for State Case Registry.

(a) In this Section, "business day" is defined as set forth in the Income Withholding for Support Act.

(b) Each administrative support order entered or modified under Section 10-8.1 or Section 10-11 shall require the following:

1. That the non-custodial parent file with the Illinois Department the information

New matter indicated by italics - deletions by strikeout.
required by subsection (c) of this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) within 5 business days after entry or modification of the administrative support order, and that the parent file updated information with the Illinois Department within 5 business days of any change.

(2) That the custodial parent file with the Illinois Department the information required by subsection (d) of this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) within 5 business days after entry or modification of the administrative support order (unless the custodial parent already filed the information during the child support case intake process), and that the parent file updated information with the Illinois Department within 5 business days of any change.

(c) The non-custodial parent shall file the following information:

1. The name and date of birth of the non-custodial parent.
2. The non-custodial parent's social security number, driver's license number, and telephone number.
3. The mailing address (and the residential address, if different from the mailing address) of the non-custodial parent.
4. The name, address, and telephone number of the non-custodial parent's employer or employers.

(d) The custodial parent shall file the following information:

1. The names and dates of birth of the custodial parent and the child or children covered by the administrative support order.
2. The social security numbers of the custodial parent and the child or children covered by the administrative support order.
3. The custodial parent's driver's license number and telephone number.
4. The custodial parent's mailing address (and residential address, if different from the mailing address).
5. The name, address, and telephone number of the custodial parent's employer or employers.

(e) The information filed with the Illinois Department under this Section shall be included in the State Case Registry established under Section 10-27 of this Code.

(f) Information filed by the non-custodial parent and custodial parent under this Section that is not specifically required to be included in the body of an administrative support order under other laws or under rules of the Illinois Department shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of this Code, and Title IV, Part D of the Social Security Act.

When the Illinois Department enters an administrative support order under Section 10-8.1 or Section 10-11, or modifies such an order, the custodial parent and the non-custodial parent shall provide to the Illinois Department, and update as appropriate, the following information to be included in the State Case Registry established under Section 10-27:

1. The names of the custodial and non-custodial parents and of the child or children covered by the order.
2. The dates of birth of the custodial and non-custodial parents and of the child or children covered by the order.
3. The social security numbers of the custodial and non-custodial parents and of the child or children covered by the order.
4. The residential and mailing addresses for the custodial and non-custodial parents.
5. The telephone numbers for the custodial and non-custodial parents.
6. The driver's license numbers for the custodial and non-custodial parents.
7. The name, address, and telephone number of each parent's employer or employers.
8. Any other information that may be required under Title IV, Part D of the Social Security Act or regulations promulgated thereunder.

(Source: P.A. 91-212, eff. 7-20-99.)
(305 ILCS 5/10-27)
Sec. 10-27. State Case Registry.

New matter indicated by italics - deletions by strikeout.
(a) The Illinois Department shall establish an automated State Case Registry to contain records concerning child support orders for parties receiving child support enforcement services under this Article X, and for all child support orders entered or modified on or after October 1, 1998. The State Case Registry shall include (i) the information filed with the Illinois Department, or filed with the clerk of the circuit court and provided to the Illinois Department, under the provisions of Sections 10-10.5 and 10-11.2 of this Code, Section 505.3 of the Illinois Marriage and Dissolution of Marriage Act, Section 30 of the Non-Support Punishment Act, and Section 14.1 of the Illinois Parentage Act of 1984, and (ii) any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services. The Illinois Department shall establish an automated State Case Registry to contain records concerning child support orders for parties receiving child and spouse support services under this Article X, and for all child support orders entered or modified on or after October 1, 1998, pursuant to Sections 10-10 and 10-11 of this Code, and pursuant to the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) (Blank). The Illinois Department shall maintain the following information in the Registry for all cases described in subsection (a):

1. The names of the custodial and non-custodial parents, and of the child or children covered by the order;
2. The dates of birth of the custodial and non-custodial parents, and of the child or children covered by the order;
3. The social security numbers of the custodial and non-custodial parents and, if available, of the child or children covered by the order;
4. The residential and mailing addresses for the custodial and non-custodial parents;
5. The telephone numbers for the custodial and non-custodial parents;
6. The driver's license numbers for the custodial and non-custodial parents;
7. The name, address, and telephone number of each parent's employer or employers;
8. The case identification number;
9. The court docket number, if applicable; and
10. Any other information that may be required under Title IV, Part D of the Social Security Act or regulations promulgated thereunder.

(c) The Illinois Department shall maintain the following payment information on child support orders for parties receiving child and spouse support enforcement services under this Article X:

1. The amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest or late payment penalties, and fees, due or overdue under the order;
2. Any amounts described in subdivision (1) of subsection (d) that have been collected;
3. The distribution of the collected amounts; and
4. The amount of any lien imposed with respect to the order pursuant to Section 10-25 or Section 10-25.5 of this Code.

(d) The Illinois Department shall establish, update, maintain, and monitor case records in the Registry of parties receiving child and spouse support enforcement services under this Article X, on the bases of:

1. Information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;
2. Information obtained from comparison with federal, State, and local sources of information;
3. Information on support collections and distribution; and
4. Any other relevant information.

(e) The Illinois Department shall use the automated State Case Registry to share and compare information with, and receive information from, other data bases and information comparison services in order to obtain (or provide) information necessary to enable the Illinois Department (or the federal Department of Health and Human Services or other State or federal agencies) to carry out the requirements of the child support enforcement program established under Title IV, Part D of the Social Security Act. Such information comparison activities shall include the following:

New matter indicated by italics - deletions by strikeout.
(1) Furnishing to the Federal Case Registry of Child Support Orders (and updating as necessary, with information including notice of expiration of orders) the information specified by the federal Department of Health and Human Services in regulations.

(2) Exchanging information with the Federal Parent Locator Service for the purposes specified in Section 453 of the Social Security Act.

(3) Exchanging information with State agencies (of this State and of other states) administering programs funded under Title IV, Part A and Title XIX of the Social Security Act and other programs designated by the federal Department of Health and Human Services, as necessary to perform responsibilities under Title IV, Part D of the Social Security Act and under such other programs.

(4) Exchanging information with other agencies of this State, agencies of other states, and interstate information networks, as necessary and appropriate to carry out (or assist other states to carry out) the purposes of Title IV, Part D of the Social Security Act.

(5) Disclosing information to any other entities as required under Title IV, Part D of the Social Security Act.

(f) The Illinois Department shall adopt rules establishing safeguards, applicable to all confidential information included in the State Case Registry, that are designed to protect the privacy rights of persons concerning whom information is on record in the State Case Registry. Such safeguards shall include, but not be limited to the following:

(1) Prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered.

(2) Prohibitions against the release of information on the whereabouts of one party or the child to another party if the Illinois Department has reasonable evidence of domestic violence or child abuse (that is, allegations of domestic violence or child abuse, unless the Illinois Department has an independent, reasonable basis to find the person making the allegation not credible) to the former party or child by the party requesting information.

(3) Prohibitions against the release of information on the whereabouts of one party or the child to another person if the Illinois Department has reason to believe the release of information to that person may result in physical or emotional harm to the party or child.

(Source: P.A. 90-790, eff. 8-14-98.)

Section 10. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505.3 as follows:

(750 ILCS 5/505.3)
Sec. 505.3. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 3 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.
(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.
If either the obligor or the obligee receives child support enforcement services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

New matter indicated by italics - deletions by strikeout.
(d) The obligee shall file the following information:
   (1) The names of the obligee and the child or children covered by the order for support.
   (2) The dates of birth of the obligee and the child or children covered by the order for support.
   (3) The social security numbers of the obligee and the child or children covered by the order for support.
   (4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the order for support shall
   (i) require that the obligee file the information required under subsection (d) with the Illinois Department of Public Aid for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:
   (1) The obligee's telephone and driver's license numbers.
   (2) The obligee's residential address, if different from the obligee's mailing address.
   (3) The name, address, and telephone number of the obligee's employer or employers.
   The order for support shall also require that the obligee update the information filed with the Illinois Department of Public Aid within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Public Aid:
   (1) The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.
   (2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(a) When an order for support is entered or modified under this Act, the clerk of the circuit court shall, within 5 business days, provide to the State Case Registry established under Section 10-27 of the Illinois Public Aid Code the court docket number and county in which the order is entered or modified and the following information, which the parties shall disclose to the court:
   (1) The names of the custodial and non-custodial parents and of the child or children covered by the order.
   (2) The dates of birth of the custodial and non-custodial parents and of the child or children covered by the order.
   (3) The social security numbers of the custodial and non-custodial parents and of the child or children covered by the order.
   (4) The residential and mailing addresses for the custodial and non-custodial parents.
   (5) The telephone numbers for the custodial and non-custodial parents.
   (6) The driver's license numbers for the custodial and non-custodial parents.
   (7) The name, address, and telephone number of each parent's employer or employers.

(b) When a child support order is entered or modified for a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall provide the State Case Registry with the following information:
   (1) The information specified in subsection (a) of this Section.
   (2) The amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue

New matter indicated by italics - deletions by strikeout.
public act 92-0463

Section 15. The Non-Support Punishment Act is amended by changing Section 30 as follows:

(750 ILCS 16/30)
Sec. 30. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the
Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the
Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require
that the obligor and obligee (i) file with the clerk of the circuit court the information required by this
Section (and any other information required under Title IV, Part D of the Social Security Act or by
the federal Department of Health and Human Services) at the time of entry or modification of the
order for support and (ii) file updated information with the clerk within 5 business days of any change.
Failure of the obligor or obligee to file or update the required information shall be punishable as in
cases of contempt. The failure shall not prevent the court from entering or modifying the order for
support, however.
(c) The obligor shall file the following information: the obligor's name, date of birth, social
security number, and mailing address.
If either the obligor or the obligee receives child support enforcement services from the
Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the obligor shall
also file the following information: the obligor's telephone number, driver's license number, and
residential address (if different from the obligor's mailing address), and the name, address, and
television number of the obligor's employer or employers.
(d) The obligee shall file the following information:
(1) The names of the obligee and the child or children covered by the order for support.
(2) The dates of birth of the obligee and the child or children covered by the order for
support.
(3) The social security numbers of the obligee and the child or children covered by the
order for support.
(4) The obligee's mailing address.
(e) In cases in which the obligee receives child support enforcement services from the Illinois
Department of Public Aid under Article X of the Illinois Public Aid Code, the order for support shall
(i) require that the obligee file the information required under subsection (d) with the Illinois
Department of Public Aid for inclusion in the State Case Registry, rather than file the information with
the clerk, and (ii) require that the obligee include the following additional information:
(1) The obligee's telephone and driver's license numbers.
(2) The obligee's residential address, if different from the obligee's mailing address.
(3) The name, address, and telephone number of the obligee's employer or employers.
The order for support shall also require that the obligee update the information filed with the
Illinois Department of Public Aid within 5 business days of any change.
(f) The clerk shall provide the information filed under this Section, together with the court
docket number and county in which the order for support was entered, to the State Case Registry
within 5 business days after receipt of the information.
(g) In a case in which a party is receiving child support enforcement services under Article
X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the
State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Public Aid:

(1) The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.

(2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(a) When an order for support is entered or modified under Section 20 of this Act, the clerk of the court shall, within 5 business days, provide to the State Case Registry established under Section 10-27 of the Illinois Public Aid Code the court docket number and county in which the order is entered or modified and the following information, which the parents involved in the case shall disclose to the court:

(1) the names of the custodial and noncustodial parents and of the child or children covered by the order;

(2) the dates of birth of the custodial and noncustodial parents and of the child or children covered by the order;

(3) the social security numbers of the custodial and noncustodial parents and, if available, of the child or children covered by the order;

(4) the residential and mailing address for the custodial and noncustodial parents;

(5) the telephone numbers for the custodial and noncustodial parents;

(6) the driver's license numbers for the custodial and noncustodial parents; and

(7) the name, address, and telephone number of each parent's employer or employers.

(b) When an order for support is entered or modified under Section 20 in a case in which a party is receiving child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall provide the State Case Registry with the following information within 5 business days:

(1) the information specified in subsection (a);

(2) the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest, or late payment penalties and fees, due or overdue under the order;

(3) any amounts described in subdivision (2) of this subsection (b) that have been received by the clerk; and

(4) the distribution of the amounts received by the clerk.

(c) A party shall report to the clerk of the circuit court changes in information required to be disclosed under this Section within 5 business days of the change.

(d) To the extent that updated information is in the clerk’s possession, the clerk shall provide updates of the information specified in subsection (b) within 5 business days after the Illinois Department of Public Aid’s request for that updated information.

(750 ILCS 22/602)

Sec. 602. Procedure to register order for enforcement.
(a) A support order or income-withholding order of another state may be registered in this State by sending the following documents and information to the appropriate tribunal:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) 2 copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

New matter indicated by italics - deletions by strikeout.
(4) the name of the obligor and, if known:
   (i) the obligor's address and social security number;
   (ii) the name and address of the obligor's employer and any other source of income
       of the obligor; and
   (iii) a description and the location of property of the obligor in this State not exempt
       from execution; and
(5) the name and address of the obligee and, if applicable, the agency or person to whom
    support payments are to be remitted.
(b) On receipt of a request for registration, the registering tribunal shall cause the order to be
    filed as a foreign judgment, together with one copy of the documents and information, regardless of
    their form.
(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought
    under other law of this State may be filed at the same time as the request for registration or later. The
    pleading must specify the grounds for the remedy sought.
(Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)
Section 20. The Illinois Parentage Act of 1984 is amended by changing Section 14.1 as
follows:
(750 ILCS 45/14.1)
Sec. 14.1. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the
Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the
Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require
that the obligor and obligee (i) file with the clerk of the circuit court the information required by this
Section (and any other information required under Title IV, Part D of the Social Security Act or by
the federal Department of Health and Human Services) at the time of entry or modification of the
order for support and (ii) file updated information with the clerk within 5 business days of any change.
Failure of the obligor or obligee to file or update the required information shall be punishable as in
cases of contempt. The failure shall not prevent the court from entering or modifying the order for
support, however.
(c) The obligor shall file the following information: the obligor's name, date of birth, social
security number, and mailing address.
If either the obligor or the obligee receives child support enforcement services from the
Illinois Department of Public Aid under Article X of the Illinois Public Aid Code, the obligor shall
also file the following information: the obligor's telephone number, driver's license number, and
residential address (if different from the obligor's mailing address), and the name, address, and
telephone number of the obligor's employer or employers.
(d) The obligee shall file the following information:
   (1) The names of the obligee and the child or children covered by the order for support.
   (2) The dates of birth of the obligee and the child or children covered by the order for
       support.
   (3) The social security numbers of the obligee and the child or children covered by the
       order for support.
   (4) The obligee's mailing address.
(e) In cases in which the obligee receives child support enforcement services from the Illinois
Department of Public Aid under Article X of the Illinois Public Aid Code, the order for support shall
(i) require that the obligee file the information required under subsection (d) with the Illinois
Department of Public Aid for inclusion in the State Case Registry, rather than file the information with
the clerk, and (ii) require that the obligee include the following additional information:
   (1) The obligee's telephone and driver's license numbers.
   (2) The obligee's residential address, if different from the obligee's mailing address.
   (3) The name, address, and telephone number of the obligee's employer or employers.
The order for support shall also require that the obligee update the information filed with the
Illinois Department of Public Aid within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court
docket number and county in which the order for support was entered, to the State Case Registry
within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article
X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the
State Case Registry within 5 business days after entry or modification of an order for support or
request from the Illinois Department of Public Aid:

1. The amount of monthly or other periodic support owed under the order for support
and other amounts, including arrearage, interest, or late payment penalties and fees, due or
overdue under the order.

2. Any such amounts that have been received by the clerk, and the distribution of those
amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically
required to be included in the body of an order for support under other laws is not a public record
and shall be treated as confidential and subject to disclosure only in accordance with the provisions
of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social
Security Act.

(a) When an order for support is entered or modified under this Act, the clerk of the circuit
court shall, within 5 business days, provide to the State Case Registry established under Section 10-27
of the Illinois Public Aid Code the court docket number and county in which the order is entered or
modified and the following information, which the parties shall disclose to the court:

1. The names of the custodial and non-custodial parents and of the child or children
covered by the order.

2. The dates of birth of the custodial and non-custodial parents and of the child or
children covered by the order.

3. The social security numbers of the custodial and non-custodial parents and of the child
or children covered by the order.

4. The residential and mailing addresses for the custodial and non-custodial parents.

5. The telephone numbers for the custodial and non-custodial parents.

6. The driver's license numbers for the custodial and non-custodial parents.

7. The name, address, and telephone number of each parent's employer or employers.

(b) When a child support order is entered or modified for a case in which a party is receiving
child and spouse support services under Article X of the Illinois Public Aid Code, the clerk shall
provide the State Case Registry with the following information:

1. The information specified in subsection (a) of this Section.

2. The amount of monthly or other periodic support owed under the order and other
amounts, including arrearages, interest, or late payment penalties and fees, due or overdue
under the order.

3. Any amounts described in subdivision (2) of this subsection (b) that have been
received by the clerk.

4. The distribution of the amounts received by the clerk.

(c) The parties affected by the order shall inform the clerk of court of any change of address
or of other condition that may affect the administration of the order.

(d) To the extent that updated information is in the clerk's possession, the clerk shall provide
updates of the information specified in subsection (b) of this Section within 5 business days after the
Illinois Department of Public Aid's request for that updated information.

(Source: P.A. 91-212, eff. 7-20-99.)

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

PUBLIC ACT 92-0464
(Senate Bill No. 0103)

New matter indicated by italics - deletions by strikeout.
AN ACT to amend the Downstate Public Transportation Act by changing Sections 2-2.02, 2-2.04, and 2-7.

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

Section 5. The Downstate Public Transportation Act is amended by changing Sections 2-2.02, 2-2.04, and 2-7 as follows:

(30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)
Sec. 2-2.02. "Participant" means:
(1) a city, village, or incorporated town, or a local mass transit district organized under the Local Mass Transit District Act (a) serving an urbanized area of over 50,000 population on December 28, 1989, (b) receiving State mass transportation operating assistance pursuant to the Downstate Public Transportation Act during Fiscal Year 1979, or (c) serving a nonurbanized area and receiving federal rural public transportation assistance on or before June 30, 2002 on the effective date of this amendatory Act of 1993; or
(2) any Metro-East Transit District established pursuant to Section 3 of the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe, and St. Clair during Fiscal Year 1989, all located outside the boundaries of the Regional Transportation Authority as established pursuant to the Regional Transportation Authority Act.
(Source: P.A. 91-357, eff. 7-29-99.)

(30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)
Sec. 2-2.04. "Eligible operating expenses" means all expenses required for public transportation, including employee wages and benefits, materials, fuels, supplies, rental of facilities, taxes other than income taxes, payment made for debt service (including principal and interest) on publicly owned equipment or facilities, and any other expenditure which is an operating expense according to standard accounting practices for the providing of public transportation. Eligible operating expenses shall not include allowances: (a) for depreciation whether funded or unfunded; (b) for amortization of any intangible costs; (c) for debt service on capital acquired with the assistance of capital grant funds provided by the State of Illinois; (d) for profits or return on investment; (e) for excessive payment to associated entities; (f) for Comprehensive Employment Training Act expenses; (g) for costs reimbursed under Sections 6 and 8 of the "Urban Mass Transportation Act of 1964", as amended; (h) for entertainment expenses; (i) for charter expenses; (j) for fines and penalties; (k) for charitable donations; (l) for interest expense on long term borrowing and debt retirement other than on publicly owned equipment or facilities; (m) for income taxes; or (n) for such other expenses as the Department may determine consistent with federal Department of Transportation regulations or requirements.

With respect to participants other than any Metro-East Transit District participant and those receiving federal research development and demonstration funds pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980 the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1980 is based.

With respect to participants receiving federal research development and demonstration operating assistance funds for operating assistance pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall not exceed such participant's eligible operating expenses for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980, the maximum eligible operating expenses for any such participant shall be the eligible operating expenses incurred during such fiscal year, or projected operating expenses upon which the appropriation for such participant for the Fiscal Year 1980 is based; whichever is less.

With respect to all participants other than any Metro-East Transit District participant, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1985...
shall be the amount appropriated for such participant for the fiscal year ending June 30, 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

With respect to any mass transit district participant that has increased its district boundaries by annexing counties since 1998 and is maintaining a level of local financial support, including all income and revenues, equal to or greater than the level in the State fiscal year ending June 30, 2001, the maximum eligible operating expenses for any State fiscal year after 2002 shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2002, plus, in each State fiscal year, a 10% increase over the preceding State fiscal year. For State fiscal year 2002, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2002 is based. For that participant, eligible operating expenses for State fiscal year 2002 in excess of the eligible operating expenses for the State fiscal year ending June 30, 2001, plus 10%, must be attributed to the provision of services in the newly annexed counties.

With respect to a participant that receives an initial appropriation in State fiscal year 2002, the maximum eligible operating expenses for any State fiscal year after 2003 shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2003, plus, in each year, a 10% increase over the preceding year. For State fiscal year 2003, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2003 is based. The 10% maximum increase over the amount appropriated for the preceding year, however, may be exceeded for a participant that received an initial appropriation in Fiscal Year 1994 or Fiscal Year 1998. For any such participant, a 10% maximum increase over the amount appropriated in the preceding year is established in each subsequent year following the Fiscal Year when the amount appropriated is equal to or greater than the maximum allowable under Section 2-7 of this Act.

(Source: P.A. 90-508, eff. 8-22-97; 90-694, eff. 8-7-98.)

(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

Sec. 2-7. Quarterly reports; annual audit.

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter month of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the operating deficits were incurred in conformity with the program of proposed expenditures approved by the Department pursuant to Section 2-11. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6, of the amounts transferred into the Metro-East Public Transportation Fund, pay to any Metro-East Transit District participant such portion of such operating deficit as funds have been transferred to the Metro-East Transit Public Transportation Fund and allocated to that Metro-East Transit District participant.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to one-third of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Year 2001 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

New matter indicated by italics - deletions by strikeout.
Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. Any discrepancy between the grants paid and one-third of the eligible operating expenses or in the case of the Bi-State Metropolitan Development District the approved program amount shall be reconciled by appropriate payment or credit. Beginning in Fiscal Year 1985, for those participants other than a Metro-East Transit District the Bi-State Metropolitan Development District, any discrepancy between the grants paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

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

PUBLIC ACT 92-0465
(Senate Bill No. 0188)

AN ACT with regard to elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Sections 4-8, 5-7, 6-35, 11-4.1, and 16-6.1 as follows:
(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)
Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:
Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.
Sex.
Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.
Nativity. The state or country in which the applicant was born.
Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court,
place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.

Mother's first name.

From what address did the applicant last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS
COUNTY OF .......

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

..............................

(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

..............................

Signature of registration officer.

(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10
days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, etc. for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of.... County, Illinois. (or)
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ......................
Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at ...., Illinois, on (insert date).

........................................
(Signature of Voter)

Attest: ................., County Clerk, .............
County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/5-7) (from Ch. 46, par. 5-7)
Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .......................
Mother's first name .......................
From what address did you last register?
Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
)ss
County of )

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

........................................
(His or her signature or mark)
Subscribed and sworn to before me on (insert date).

........................................
Signature of Registration Officer.
(To be signed in presence of Registrant.)

New matter indicated by italics - deletions by strikeout.
Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $0.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for
uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form: To the County Clerk of .... County, Illinois. To the Election Commission of the City of .... Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .... Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office. Dated at .... Illinois, on (insert date).

....................

(Signature of Voter)

Attest ......, County Clerk, ....... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at
the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:
Father's first name ........................
Mother's first name ........................
From what address did you last register? ....
Reason for inability to sign name ..........

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois )
)ss
County of ...... )

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next
election I shall have resided in the State of Illinois and in the election precinct 30 days and that I
intend that this location is my residence; that I am fully qualified to vote, and that the above statements
are true.

..............................
(His or her signature or mark)
Subscribed and sworn to before me on (insert date).

......................................
Signature of registration officer
(to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the
voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case
may be, and may be serially or otherwise marked for identification in such manner as the Board of
Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during
regular business hours, except during the 28 days immediately preceding any election. On written
request of any candidate or objector or any person intending to object to a petition, the election
authority shall extend its hours for inspection of registration cards and other records of the election
authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or
28-3 and continuing through the termination of electoral board hearings on any objections to petitions
containing signatures of registered voters in the jurisdiction of the election authority. The extension
shall be for a period of hours sufficient to allow adequate opportunity for examination of the records
but the election authority is not required to extend its hours beyond the period beginning at its normal
opening for business and ending at midnight. If the business hours are so extended, the election
authority shall post a public notice of such extended hours. Registration record cards may also be
inspected, upon approval of the officer in charge of the cards, during the 28 days immediately
preceding any election. Registration record cards shall also be open to inspection by certified judges
and poll watchers and challengers at the polling place on election day, but only to the extent necessary
to determine the question of the right of a person to vote or to serve as a judge of election. At no time
shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing
information containing voter registration information shall be furnished by the Board of Election
Commissioners within 10 days after December 15 and May 15 each year and within 10 days after
each registration period is closed to the State Board of Elections in a form prescribed by the State
Board. For the purposes of this Section, a registration period is closed 28 days before the date of any
regular or special election. Registration information shall include, but not be limited to, the following
information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable,
precinct, ward, township, county, and representative, legislative and congressional districts. In the
event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with
this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court
of the county in which the election authority maintains the registration information. The costs of
furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered
voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from
appropriations made to the State Board of Elections for reimbursement to the election authority for
such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, etc. for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:
To the County Clerk of .... County, Illinois.
To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

................................
(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of ...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)
Sec. 11-4.1. (a) In appointing polling places under this Article, the county board or board of election commissioners shall, insofar as they are convenient and available, use schools and other public buildings as polling places.

(b) Upon request of the county board or board of election commissioners, the proper agency of government (including school districts and units of local government) shall make a public building under its control available for use as a polling place on an election day and for a reasonably necessary time before and after election day, without charge, unless such use is impossible. If the county board or board of election commissioners chooses a school to be a polling place, then the school district must make the school available for use as a polling place. However, for the day of the election, a school district may choose to (i) keep the school open or (ii) hold a teachers institute on that day.

(c) A government agency which makes a public building under its control available for use
as a polling place shall ensure the portion of the building to be used as the polling place is accessible
to handicapped and elderly voters.
(Source: P.A. 84-1467.)
(10 ILCS 5/16-6.1) (from Ch. 46, par. 16-6.1)
Sec. 16-6.1. In elections held pursuant to the provisions of Section 12 of Article VI of the
Constitution relating to retention of judges in office, the form of the proposition to be submitted for
each candidate shall be as provided in paragraph (1) or (2), as the election authority may choose.
(1) The names of all persons seeking retention in the same office shall be listed, in the
order provided in this Section, with one proposition that reads substantially as follows: "Shall
each of the persons listed be retained in office as (insert name of office and court)?". To the
right of each candidate's name must be places for the voter to mark "Yes" or "No". If the list
of candidates for retention in the same office exceeds one page of the ballot, the proposition
must appear on each page upon which the list of candidates continues.
(2) The form of the proposition for each candidate shall be substantially as follows:

<table>
<thead>
<tr>
<th>Shall ...... (insert name of candidate) be retained in office as ...... (insert name of office and Court)?</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NO</td>
</tr>
</tbody>
</table>

The names of all candidates thus submitting their names for retention in office in any
particular judicial district or circuit shall appear on the same ballot which shall be separate from all
other ballots voted on at the general election.

Propositions on Supreme Court judges, if any are seeking retention, shall appear on the ballot
in the first group, for judges of the Appellate Court in the second group immediately under the first,
and for circuit judges in the last group. The grouping of candidates for the same office shall be
preceded by a heading describing the office and the court. If there are two or more candidates for each
office, the names of such candidates in each group shall be listed in the order determined as follows:
The name of the person with the greatest length of time served in the specified office of the specified
court shall be listed first in each group. The rest of the names shall be listed in the appropriate order
based on the same seniority standard. If two or more candidates for each office have served identical
periods of time in the specified office, such candidates shall be listed alphabetically at the appropriate
place in the order of names based on seniority in the office as described. Circuit judges shall be
credited for the purposes of this section with service as associate judges prior to July 1, 1971 and with
service on any court the judges of which were made associate judges on January 1, 1964 by virtue of
Paragraph 4, subparagraphs (c) and (d) of the Schedule to Article VI of the former Illinois
Constitution.

At the top of the ballot on the same side as the propositions on the candidates are listed shall
be printed an explanation to read substantially as follows: "Vote on the proposition with respect to all
or any of the judges listed on this ballot. No judge listed is running against any other judge. The sole
question is whether each judge shall be retained in his present office".

Such separate ballot shall be printed on paper of sufficient size so that when folded once it
shall be large enough to contain the following words, which shall be printed on the back, "Ballot for
judicial candidates seeking retention in office". Such ballot shall be handed to the elector at the same
time as the ballot containing the names of other candidates for the general election and shall be
returned therewith by the elector to the proper officer in the manner designated by this Act. All
provisions of this Act relating to ballots shall apply to such separate ballot, except as otherwise
specifically provided in this section. Such separate ballot shall be printed upon paper of a green color.
No other ballot at the same election shall be green in color.

In precincts in which voting machines are used, the special ballot containing the propositions
on the retention of judges may be placed on the voting machines if such voting machines permit the
casting of votes on such propositions.

An electronic voting system authorized by Article 24A may be used in voting and tabulating
the judicial retention ballots. When an electronic voting system is used which utilizes a ballot label
booklet and ballot card, there shall be used in the label booklet a separate ballot label page or pages

New matter indicated by italics - deletions by strikeout.
as required for such proposition, which page or pages for such proposition shall be of a green color separate and distinct from the ballot label page or pages used for any other proposition or candidates.  
(Source: P.A. 79-201.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Section and the provisions changing Section 11-4.1 of the Election Code take effect upon becoming law.

Effective August 22, 2001 and January 1, 2002.

PUBLIC ACT 92-0466
(Senate Bill No. 0265)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 6-3 as follows:

(720 ILCS 5/6-3) (from Ch. 38, par. 6-3)

Sec. 6-3. Intoxicated or drugged condition.
A person who is in an intoxicated or drugged condition is criminally responsible for conduct unless such condition either:

(a) Is so extreme as to suspend the power of reason and render him incapable of forming a specific intent which is an element of the offense; or

(b) is involuntarily produced and deprives him of substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

(Source: P.A. 85-670.)

Effective January 1, 2002.

PUBLIC ACT 92-0467
(Senate Bill No. 0267)

AN ACT in relation to vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Marine Corps Scholarship Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:

(625 ILCS 5/3-648 new)

Sec. 3-648. U.S. Marine Corps license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Marine Corps license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Marine Corps emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates

New matter indicated by italics - deletions by strikeout.
in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $20 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $5 shall be deposited into the Marine Corps Scholarship Fund. For each registration renewal period, a $20 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $18 shall be deposited into the Marine Corps Scholarship Fund.

(d) The Marine Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Marine Corps Scholarship Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Marine Corps Scholarship Foundation, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education. The scholarship recipients must be the children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation. In addition, the recipients must be Illinois residents and must attend a college or university located within the State of Illinois.

The State Treasurer shall require the Marine Corps Scholarship Foundation to establish a separate account for receipt of the proceeds of the Marine Corps Scholarship Fund. That account shall be subject to audit either annually or at another interval, as determined by the State Treasurer. Proceeds from the Marine Corps Scholarship Fund shall be transferred on a quarterly basis by the State Treasurer's office to this separate account.

Effective January 1, 2002.

PUBLIC ACT 92-0468
(Senate Bill No. 0373)

AN ACT concerning children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Open Meetings Act is amended by changing Section 1.02 as follows:
(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)
Sec. 1.02. For the purposes of this Act:
"Meeting" means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.
"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission, ethics officer, or ultimate jurisdictional authority acting under the State Gift Ban Act as provided by Section 80 of that Act.
(Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99; 91-782, eff. 6-9-00.)
Section 10. The Freedom of Information Act is amended by changing Section 2 as follows:
(5 ILCS 140/2) (from Ch. 116, par. 202)
Sec. 2. Definitions. As used in this Act:

New matter indicated by italics - deletions by strikeout.
(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution’s adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code and (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person’s duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97; 90-670, eff. 7-31-98.)

(Text of Section after amendment by P.A. 91-935)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

New matter indicated by italics - deletions by strikeout.
(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98; 91-935, eff. 6-1-01.)

Section 15. The Children and Family Services Act is amended by changing Section 5.15 as follows:

(20 ILCS 505/5.15)

Sec. 5.15. Daycare; Department of Human Services.

(a) For the purpose of ensuring effective statewide planning, development, and utilization of resources for the day care of children, operated under various auspices, the Department of Human Services is designated to coordinate all day care activities for children of the State and shall develop or continue, and shall update every year, a State comprehensive day-care plan for submission to the Governor that identifies high-priority areas and groups, relating them to available resources and identifying the most effective approaches to the use of existing day care services. The State comprehensive day-care plan shall be made available to the General Assembly following the Governor's approval of the plan.

The plan shall include methods and procedures for the development of additional day care resources for children to meet the goal of reducing short-run and long-run dependency and to provide

New matter indicated by italics - deletions by strikeout.
necessary enrichment and stimulation to the education of young children. Recommendations shall be
made for State policy on optimum use of private and public, local, State and federal resources,
including an estimate of the resources needed for the licensing and regulation of day care facilities.

A written report shall be submitted to the Governor and the General Assembly annually on
April 15. The report shall include an evaluation of developments over the preceding fiscal year,
including cost-benefit analyses of various arrangements. Beginning with the report in 1990 submitted
by the Department’s predecessor agency and every 2 years thereafter, the report shall also include the
following:

(1) An assessment of the child care services, needs and available resources throughout the
State and an assessment of the adequacy of existing child care services, including, but not
limited to, services assisted under this Act and under any other program administered by other
State agencies.

(2) A survey of day care facilities to determine the number of qualified caregivers, as
defined by rule, attracted to vacant positions and any problems encountered by facilities in
attracting and retaining capable caregivers. The report shall include an assessment, based on
the survey, of improvements in employee benefits that may attract capable caregivers.

(3) The average wages and salaries and fringe benefit packages paid to caregivers
throughout the State, computed on a regional basis, compared to similarly qualified
employees in other but related fields.

(4) The qualifications of new caregivers hired at licensed day care facilities during the
previous 2-year period.

(5) Recommendations for increasing caregiver wages and salaries to ensure quality care
for children.

(6) Evaluation of the fee structure and income eligibility for child care subsidized by the
State.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of
the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, the
President, the Minority Leader, and the Secretary of the Senate, and the Legislative Research Unit,
as required by Section 3.1 of the General Assembly Organization Act, and filing such additional
copies with the State Government Report Distribution Center for the General Assembly as is required
under paragraph (t) of Section 7 of the State Library Act.

(b) The Department of Human Services shall establish policies and procedures for developing
and implementing interagency agreements with other agencies of the State providing child care
services or reimbursement for such services. The plans shall be annually reviewed and modified for
the purpose of addressing issues of applicability and service system barriers.

(c) In cooperation with other State agencies, the Department of Human Services shall develop
and implement, or shall continue, a resource and referral system for the State of Illinois either within
the Department or by contract with local or regional agencies. Funding for implementation of this
system may be provided through Department appropriations or other inter-agency funding
arrangements. The resource and referral system shall provide at least the following services:

(1) Assembling and maintaining a data base on the supply of child care services.

(2) Providing information and referrals for parents.

(3) Coordinating the development of new child care resources.

(4) Providing technical assistance and training to child care service providers.

(5) Recording and analyzing the demand for child care services.

(d) The Department of Human Services shall conduct day care planning activities with the
following priorities:

(1) Development of voluntary day care resources wherever possible, with the provision
for grants-in-aid only where demonstrated to be useful and necessary as incentives or
supports. By January 1, 2002, the Department shall design a plan to create more child care
slots as well as goals and timetables to improve quality and accessibility of child care.

(2) Emphasis on service to children of recipients of public assistance when such service
will allow training or employment of the parent toward achieving the goal of independence.

(3) (Blank). Maximum employment of recipients of public assistance in day care centers
and day care homes, operated in conjunction with short-term work training programs.
(4) Care of children from families in stress and crises whose members potentially may become, or are in danger of becoming, non-productive and dependent.

(5) Expansion of family day care facilities wherever possible.

(6) Location of centers in economically depressed neighborhoods, preferably in multi-service centers with cooperation of other agencies. The Department shall coordinate the provision of grants, but only to the extent funds are specifically appropriated for this purpose, to encourage the creation and expansion of child care centers in high need communities to be issued by the State, business, and local governments.

(7) Use of existing facilities free of charge or for reasonable rental whenever possible in lieu of construction.

(8) Development of strategies for assuring a more complete range of day care options, including provision of day care services in homes, in schools, or in centers, which will enable a parent or parents to complete a course of education or obtain or maintain employment and the creation of more child care options for swing shift, evening, and weekend workers and for working women with sick children. The Department shall encourage companies to provide child care in their own offices or in the building in which the corporation is located so that employees of all the building's tenants can benefit from the facility.

(9) Development of strategies for subsidizing students pursuing degrees in the child care field.

(10) Continuation and expansion of service programs that assist teen parents to continue and complete their education.

Emphasis shall be given to support services that will help to ensure such parents' graduation from high school and to services for participants in any programs the Project Chance program of job training conducted by the Department.

(e) The Department of Human Services shall actively stimulate the development of public and private resources at the local level. It shall also seek the fullest utilization of federal funds directly or indirectly available to the Department. Where appropriate, existing non-governmental agencies or associations shall be involved in planning by the Department.

(f) To better accommodate the child care needs of low income working families, especially those who receive Temporary Assistance for Needy Families (TANF) or who are transitioning from TANF to work, or who are at risk of depending on TANF in the absence of child care, the Department shall complete a study using outcome-based assessment measurements to analyze the various types of child care needs, including but not limited to: child care homes; child care facilities; before and after school care; and evening and weekend care. Based upon the findings of the study, the Department shall develop a plan by April 15, 1998, that identifies the various types of child care needs within various geographic locations. The plan shall include, but not be limited to, the special needs of parents and guardians in need of non-traditional child care services such as early mornings, evenings, and weekends; the needs of very low income families and children and how they might be better served; and strategies to assist child care providers to meet the needs and schedules of low income families.

(Source: P.A. 89-507, eff. 7-1-97; 90-236, eff. 7-28-97; 90-590, eff. 1-1-99.)

Section 20. The Child Death Review Team Act is amended by changing Sections 10, 15, 30, and 35 and by adding Section 40 as follows:

(20 ILCS 515/10)
Sec. 10. Definitions. As used in this Act, unless the context requires otherwise:
"Child" means any person under the age of 18 years unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.
"Department" means the Department of Children and Family Services.
"Director" means the Director of Children and Family Services.

(Source: P.A. 90-239, eff. 7-28-97.)

(20 ILCS 515/15)
Sec. 15. Child death review teams; establishment.
(a) The Director, in consultation with the Executive Council, law enforcement, and other

New matter indicated by italics - deletions by strikeout.
professionals who work in the field of investigating, treating, or preventing child abuse or neglect in that subregion, shall appoint members to a child death review team in each of the Department's administrative subregions of the State outside Cook County and at least one child death review team in Cook County. The members of a team shall be appointed for 2-year terms and shall be eligible for reappointment upon the expiration of the terms.

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

1. Pediatrician or other physician knowledgeable about child abuse and neglect.
2. Representative of the Department.
3. State's attorney or State's attorney's representative.
4. Representative of a local law enforcement agency.
5. Psychologist or psychiatrist.
6. Representative of a local health department.
7. Representative of a school district or other education or child care interests.
8. Coroner or forensic pathologist.
9. Representative of a child welfare agency or child advocacy organization.
10. Representative of a local hospital, trauma center, or provider of emergency medical services.

Each child death review team may make recommendations to the Director concerning additional appointments.

Each child death review team member must have demonstrated experience and an interest in investigating, treating, or preventing child abuse or neglect.

(c) Each child death review team shall select a chairperson from among its members. The chairperson shall also serve on the Illinois Child Death Review Teams Executive Council.

(20 ILCS 515/30)
Sec. 30. Public access to information.

(a) Meetings of the child death review teams and the Executive Council shall be closed to the public. Meetings of the child death review teams and the Executive Council are not subject to the Open Meetings Act (5 ILCS 120/1 et seq.), as provided in that Act.

(b) Records and information provided to a child death review team and the Executive Council, and records maintained by a team or the Executive Council, are confidential and not subject to the Freedom of Information Act (5 ILCS 140/1 et seq.), as provided in that Act.

Nothing contained in this subsection (b) prevents the sharing or disclosure of records, other than those produced by a Child Death Review Team or the Executive Council, relating or pertaining to the death of a minor under the care of or receiving services from the Department of Children and Family Services and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.

(c) Members of a child death review team and the Executive Council are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the team or the Executive Council or opinions formed by members of the team or the Executive Council based on that information. A person may, however, be examined concerning information provided to a child death review team or the Executive Council that is otherwise available to the public.

(d) Records and information produced by a child death review team and the Executive Council are not subject to discovery or subpoena and are not admissible as evidence in any civil or criminal proceeding. Those records and information are, however, subject to discovery or a subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.

(20 ILCS 515/35)
Sec. 35. Indemnification. The State shall indemnify and hold harmless members of a child death review team and the Executive Council for all their acts, omissions, decisions, or other conduct arising out of the scope of their service on the team or Executive Council, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act (5 ILCS 350/1 et seq.).

(Source: P.A. 88-614, eff. 9-7-94.)

New matter indicated by italics - deletions by strikeout.

(a) The Illinois Child Death Review Teams Executive Council, consisting of the chairpersons of the 9 child death review teams in Illinois, is the coordinating and oversight body for child death review teams and activities in Illinois. The vice-chairperson of a child death review team, as designated by the chairperson, may serve as a back-up member or an alternate member of the Executive Council, if the chairperson of the child death review team is unavailable to serve on the Executive Council. The Inspector General of the Department, ex officio, is a non-voting member of the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term.

The Executive Council must meet at least 4 times during each calendar year.

(b) The Department must provide or arrange for the staff support necessary for the Executive Council to carry out its duties. The Director, in cooperation and consultation with the Executive Council, shall appoint, reappoint, and remove team members.

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

1. To serve as the voice of child death review teams in Illinois.
2. To oversee the regional teams in order to ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.
3. To ensure that the data, results, findings, and recommendations of the teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect children in a timely manner.
4. To collaborate with the General Assembly, the Department, and others in order to develop any legislation needed to prevent child fatalities and to protect children.
5. To assist in the development of quarterly and annual reports based on the work and the findings of the teams.
6. To ensure that the regional teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.
7. To serve as a link with child death review teams throughout the country and to participate in national child death review team activities.
8. To develop an annual statewide symposium to update the knowledge and skills of child death review team members and to promote the exchange of information between teams.
9. To provide the child death review teams with the most current information and practices concerning child death review and related topics.
10. To perform any other functions necessary to enhance the capability of the child death review teams to reduce and prevent child injuries and fatalities.

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

Section 25. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-480 as follows:

Sec. 2605-480. Statewide kidnapping alert program. The Department of State Police shall develop a coordinated program for a statewide emergency alert system when a child is missing or kidnapped.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 3-15-3 and
adding Section 3-15-4 as follows:
(730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)
Sec. 3-15-3. Persons with mental illness and developmental disabilities.
(a) The Department must, by rule, establish standards and procedures for the provision
of mental health and developmental disability services to persons with mental illness and persons with
a developmental disability confined in a local jail or juvenile detention facility as set forth under
Section 3-7-7 of this Code.
Those standards and procedures must address screening and classification, the use
of psychotropic medications, suicide prevention, qualifications of staff, staffing levels, staff training,
discharge, linkage and aftercare, the confidentiality of mental health records, and such other issues
as are necessary to ensure that inmates with mental illness receive adequate and humane care and
services.
(b) At least once each year, the Department must inspect each local jail and juvenile detention
facility for compliance with the standards and procedures established. The results of the inspection
must be made available by the Department for public inspection. If any jail or juvenile detention
facility does not comply with the standards and procedures established, the Director of Corrections
must give notice to the county board and the sheriff of such noncompliance, specifying the particular
standards and procedures that have not been met by the jail or juvenile detention facility. If the jail
or juvenile detention facility is not in compliance with the standards and procedures when 6 months
have elapsed from the giving of such notice, the Director of Corrections may petition the appropriate
court for an order requiring the jail or juvenile detention facility to comply with the standards and
procedures established by the Department or for other appropriate relief.
(Source: P.A. 88-380.)
(730 ILCS 5/3-15-4 new)
Sec. 3-15-4. Task force on mental health services in municipal jails and lockups.
(a) The Department of Corrections shall convene a special task force to develop and propose
model standards for the delivery of mental health services and the prevention of suicides in municipal
jails and lockups. The task force shall be composed of no more than 22 members appointed by the
Director of Corrections as follows:
(1) Not more than 8 members representing municipalities.
(2) Not more than 8 members representing community mental health service providers
and State operated and private psychiatric hospitals, including no more than 3
representatives of the Office of Mental Health, Department of Human Services.
(3) Three members of the general public, at least one of whom must be a primary
consumer of mental health services.
(4) Not more than 3 representatives of the following groups: the National Commission
on Correctional Health Care, the American Correctional Association, the Joint Commission
on the Accreditation of Health Care Organizations, the American Association of
Correctional Psychology, the John Howard Association.
The Director of Corrections shall in appointing the task force attempt to ensure that the membership
on the task force represents the geographic diversity of the State.
(b) The members of the task force shall serve without compensation and may not receive
reimbursement for any expenses incurred in performing their duties as members of the task force.
(c) The task force may, without limitation, (i) determine what services and screening should
be provided in municipal pre-trial detention facilities and what training and resources are necessary
to provide those services and (ii) recommend changes in the Department's standards for municipal
jails and lockups.
(d) Before the Department acts upon any recommendation of the task force, the Department
must hold a public hearing to provide individuals with mental illnesses and their family members,
mental health advocacy organizations, and the public to review, comment upon, and suggest any changes to the proposed standards for municipal jails and lockups.

(e) The task force must submit its recommendations as to any changes in the standards for municipal jails and lockups to the General Assembly by January 15, 2002.

Section 99. Effective date. This Section and Section 3-15-4 of the Unified Code of Corrections take effect upon becoming law.


Effective August 22, 2001 and January 1, 2002.

PUBLIC ACT 92-0470
(Senate Bill No. 0699)

AN ACT concerning highways.

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

Section 5. The Illinois Highway Code is amended by changing Section 9-113 as follows:

(605 ILCS 5/9-113) (from Ch. 121, par. 9-113)

Sec. 9-113. (a) No ditches, drains, track, rails, poles, wires, pipe line or other equipment of any public utility company, municipal corporation or other public or private corporation, association or person shall be located, placed or constructed upon, under or along any highway, or upon any township or district road, without first obtaining the written consent of the appropriate highway authority as hereinafter provided for in this Section.

(b) The State and county highway authorities are authorized to promulgate reasonable and necessary rules, regulations, and specifications for State highways for the administration of this Section. In addition to rules promulgated under this subsection (b), the State highway authority shall and a county highway authority may adopt coordination strategies and practices designed and intended to establish and implement effective communication respecting planned highway projects that the State or county highway authority believes may require removal, relocation, or modification in accordance with subsection (f) of this Section. The strategies and practices adopted shall include but need not be limited to the delivery of 5 year programs, annual programs, and the establishment of coordination councils in the locales and with the utility participation that will best facilitate and accomplish the requirements of the State and county highway authority acting under subsection (f) of this Section. The utility participation shall include assisting the appropriate highway authority in establishing a schedule for the removal, relocation, or modification of the owner's facilities in accordance with subsection (f) of this Section. In addition, each utility shall designate in writing to the Secretary of Transportation or his or her designee an agent for notice and the delivery of programs. The coordination councils must be established on or before January 1, 2002. The 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be enforceable upon the establishment of a coordination council in the district or locale where the property in question is located. The coordination councils organized by a county highway authority shall include the county engineer, the County Board Chairman or his or her designee, and with such utility participation as will best facilitate and accomplish the requirements of a highway authority acting under subsection (f) of this Section. Should a county highway authority decide not to establish coordination councils, the 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be waived for those highways.

(c) In the case of non-toll federal-aid fully access-controlled State highways, the State highway authority shall not grant consent to the location, placement or construction of ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along any such non-toll federal-aid fully access-controlled State highway, which:

(1) would require cutting the pavement structure portion of such highway for installation or, except in the event of an emergency, would require the use of any part of such highway right-of-way for purposes of maintenance or repair. Where, however, the State highway authority determines prior to installation that there is no other access available for

New matter indicated by italics - deletions by strikeout.
maintenance or repair purposes, use by the entity of such highway right-of-way shall be permitted for such purposes in strict accordance with the rules, regulations and specifications of the State highway authority, provided however, that except in the case of access to bridge structures, in no such case shall an entity be permitted access from the through-travel lanes, shoulders or ramps of the non-toll federal-aid fully access-controlled State highway to maintain or repair its accommodation; or

(2) would in the judgment of the State highway authority, endanger or impair any such ditches, drains, track, rails, poles, wires, pipe lines or other equipment already in place; or

(3) would, if installed longitudinally within the access control lines of such highway, be above ground after installation except that the State highway authority may consent to any above ground installation upon, under or along any bridge, interchange or grade separation within the right-of-way which installation is otherwise in compliance with this Section and any rules, regulations or specifications issued hereunder; or

(4) would be inconsistent with Federal law or with rules, regulations or directives of appropriate Federal agencies.

(d) In the case of accommodations upon, under or along non-toll federal-aid fully access-controlled State highways the State highway authority may charge an entity reasonable compensation for the right of that entity to longitudinally locate, place or construct ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along such highway. Such compensation may include in-kind compensation.

Where the entity applying for use of a non-toll federal-aid fully access-controlled State highway right-of-way is a public utility company, municipal corporation or other public or private corporation, association or person, such compensation shall be based upon but shall not exceed a reasonable estimate by the State highway authority of the fair market value of an easement or leasehold for such use of the highway right-of-way. Where the State highway authority determines that the applied-for use of such highway right-of-way is for private land uses by an individual and not for commercial purposes, the State highway authority may charge a lesser fee than would be charged a public utility company, municipal corporation or other public or private corporation or association as compensation for the use of the non-toll federal-aid fully access-controlled State highway right-of-way. In no case shall the written consent of the State highway authority give or be construed to give any entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the non-toll federal-aid fully access-controlled State highway right-of-way.

Where the compensation from any entity is in whole or in part a fee, such fee may be reasonably set, at the election of the State highway authority, in the form of a single lump sum payment or a schedule of payments. All such fees charged as compensation may be reviewed and adjusted upward by the State highway authority once every 5 years provided that any such adjustment shall be based on changes in the fair market value of an easement or leasehold for such use of the non-toll federal-aid fully access-controlled State highway right-of-way. All such fees received as compensation by the State highway authority shall be deposited in the Road Fund.

(e) Any entity applying for consent shall submit such information in such form and detail to the appropriate highway authority as to allow the authority to evaluate the entity's application. In the case of accommodations upon, under or along non-toll federal-aid fully access-controlled State highways the entity applying for such consent shall reimburse the State highway authority for all of the authority's reasonable expenses in evaluating that entity's application, including but not limited to engineering and legal fees.

(f) Any ditches, track, rails, poles, wires, pipe line, or other equipment located, placed, or constructed upon, under, or along a State highway with the consent of the State or county highway authority under this Section shall, upon written notice by the State or county highway authority be removed, relocated, or modified by the owner, the owner's agents, contractors, or employees subject to removal, relocation or modification at no expense to the State or county highway authority when and as deemed necessary by the State or county highway authority for highway or highway safety purposes. The notice shall be properly given after the completion of engineering plans, the receipt of the necessary permits issued by the appropriate State and county highway authority to begin work, and the establishment of sufficient rights-of-way for a given utility authorized by the State or county highway authority to remain on the highway right-of-way such that the unit of local government or
other owner of any facilities receiving notice in accordance with this subsection (f) can proceed with relocating, replacing, or reconstructing the ditches, drains, track, rails, poles, wires, pipe line, or other equipment. If a permit application to relocate on a public right-of-way is not filed within 15 days of the receipt of final engineering plans, the notice precondition of a permit to begin work is waived. However, under no circumstances shall this notice provision be construed to require the State or any government department or agency to purchase additional rights-of-way to accommodate utilities. If, within 90 days after receipt of such written notice, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the reasonable satisfaction of the State or county highway authority, or if arrangements are not made satisfactory to the State or county highway authority for such removal, relocation, or modification, the State or county highway authority may remove, relocate, or modify such ditches, drains, track, rails, poles, wires, pipe line, or other equipment and bill the owner thereof for the total cost of such removal, relocation, or modification. The scope of the project shall be taken into consideration by the State or county highway authority in determining satisfactory arrangements. The State or county highway authority shall determine the terms of payment of those costs provided that all costs billed by the State or county highway authority shall not be made payable over more than a 5 year period from the date of billing. The State and county highway authority shall have the power to extend the time of payment in cases of demonstrated financial hardship by a unit of local government or other public owner of any facilities removed, relocated, or modified from the highway right-of-way in accordance with this subsection (f). This paragraph shall not be construed to prohibit the State or county highway authority from paying any part of the cost of removal, relocation, or modification where such payment is otherwise provided for by State or federal statute or regulation. At any time within 90 days after written notice was given, the owner of the drains, track, rails, poles, wires, pipe line, or other equipment may request the district engineer or, if appropriate, the county engineer for a waiver of the 90 day deadline. The appropriate district or county engineer shall make a decision concerning waiver within 10 days of receipt of the request and may waive the 90 day deadline if he or she makes a written finding as to the reasons for waiving the deadline. Reasons for waiving the deadline shall be limited to acts of God, war, the scope of the project, the State failing to follow the proper notice procedure, and any other cause beyond reasonable control of the owner of the facilities. Waiver must not be unreasonably withheld. If 90 days after written notice was given, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the satisfaction of the State or county highway authority, no waiver of deadline has been requested or issued by the appropriate district or county engineer, and no satisfactory arrangement has been made with the appropriate State or county highway authority, the State or county highway authority or the general contractor of the building project may file a complaint in the circuit court for an emergency order to direct and compel the owner to remove, relocate, or modify the drains, track, rails, poles, wires, pipe line, or other equipment to the satisfaction of the appropriate highway authority. The complaint for an order shall be brought in the circuit in which the subject matter of the complaint is situated or, if the subject matter of the complaint is situated in more than one circuit, in any one of those circuits.

(g) It shall be the sole responsibility of the entity, without expense to the State highway authority, to maintain and repair its ditches, drains, track, rails, poles, wires, pipe line or other equipment after it is located, placed or constructed upon, under or along any State highway and in no case shall the State highway authority thereafter be liable or responsible to the entity for any damages or liability of any kind whatsoever incurred by the entity or to the entity's ditches, drains, track, rails, poles, wires, pipe line or other equipment.

(h) Upon receipt of an application therefor, consent to so use a highway may be granted subject to such terms and conditions not inconsistent with this Code as the highway authority deems for the best interest of the public. The terms and conditions required by the appropriate highway authority may include but need not be limited to participation by the party granted consent in the strategies and practices adopted under subsection (b) of this Section. The petitioner shall pay to the owners of property abutting upon the affected highways established as though by common law plat all damages the owners may sustain by reason of such use of the highway, such damages to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

(i) Such consent shall be granted by the Department in the case of a State highway; by the
county board or its designated county superintendent of highways in the case of a county highway; by either the highway commissioner or the county superintendent of highways in the case of a township or district road, provided that if consent is granted by the highway commissioner, the petition shall be filed with the commissioner at least 30 days prior to the proposed date of the beginning of construction, and that if written consent is not given by the commissioner within 30 days after receipt of the petition, the applicant may make written application to the county superintendent of highways for consent to the construction. This Section does not vitiate, extend or otherwise affect any consent granted in accordance with law prior to the effective date of this Code to so use any highway.

(j) Nothing in this Section shall limit the right of a highway authority to permit the location, placement or construction or any ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along any highway or road as a part of its highway or road facilities or which the highway authority determines is necessary to service facilities required for operating the highway or road, including rest areas and weigh stations.

(k) Paragraphs (c) and (d) of this Section shall not apply to any accommodation located, placed or constructed with the consent of the State highway authority upon, under or along any non-toll federal-aid fully access-controlled State highway prior to July 1, 1984, provided that accommodation was otherwise in compliance with the rules, regulations and specifications of the State highway authority.

(l) The consent to be granted pursuant to this Section by the appropriate highway authority shall be effective only to the extent of the property interest of the State or government unit served by that highway authority. Such consent shall not be binding on any owner of the fee over or under which the highway or road is located and shall not otherwise relieve the entity granted that consent from obtaining by purchase, condemnation or otherwise the necessary approval of any owner of the fee over or under which the highway or road is located. This paragraph shall not be construed as a limitation on the use for highway or road purposes of the land or other property interests acquired by the public for highway or road purposes, including the space under or above such right-of-way.

(m) The provisions of this Section apply to all permits issued by the Department of Transportation and the appropriate State or county highway authority.

(Source: P.A. 85-540.)

Effective January 1, 2002.

PUBLIC ACT 92-0471
(Senate Bill No. 0843)

AN ACT concerning child welfare services.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Children and Family Services Act is amended by changing Section 5c and adding Section 5d as follows:

Sec. 5c. Direct child welfare service employee license. By January 1, 2000, the Department, in consultation with private child welfare agencies, shall develop and implement a direct child welfare service employee license. By January 1, 2001 all child protective investigators and supervisors and child welfare specialists and supervisors employed by the Department or its contractors shall be required to demonstrate sufficient knowledge and skills to obtain and maintain the license. The Direct Child Welfare Service Employee License Board of the Department shall have the authority to revoke or suspend the license of anyone who after a hearing is found to be guilty of misfeasance. The Department shall promulgate such rules as necessary to implement this Section.

On or before January 1, 2000, and every year thereafter, the Department shall submit an annual report to the General Assembly on the implementation of this Section.

New matter indicated by italics - deletions by strikeout.
Sec. 5d. The Direct Child Welfare Service Employee License Board.

(a) For purposes of this Section:

(1) "Board" means the Direct Child Welfare Service Employee License Board.

(2) "Director" means the Director of Children and Family Services.

(b) The Direct Child Welfare Service Employee License Board is created within the Department of Children and Family Services and shall consist of 9 members appointed by the Director. The membership of the Board must be composed as follows: (i) 5 licensed professionals from the field of human services with a human services degree or equivalent course work as required by rule of the Department and who are in good standing within their profession, at least 2 of which must be employed in the private not-for-profit sector and at least one of which in the public sector; (ii) 2 faculty members of an accredited university who have child welfare experience and are in good standing within their profession and (iii) 2 members of the general public who are not licensed under this Act or a similar rule and will represent consumer interests.

In making the first appointments, the Director shall appoint 3 members to serve for a term of one year, 3 members to serve for a term of 2 years, and 3 members to serve for a term of 3 years, or until their successors are appointed and qualified. Their successors shall be appointed to serve 3-year terms, or until their successors are appointed and qualified. Appointments to fill unexpired vacancies shall be made in the same manner as original appointments. No member may be reappointed if a reappointment would cause that member to serve on the Board for longer than 6 consecutive years. Board membership must have reasonable representation from different geographic areas of Illinois, and all members must be residents of this State.

The Director may terminate the appointment of any member for good cause, including but not limited to (i) unjustified absences from Board meetings or other failure to meet Board responsibilities, (ii) failure to recuse himself or herself when required by subsection (c) of this Section or Department rule, or (iii) failure to maintain the professional position required by Department rule. No member of the Board may have a pending or indicated report of child abuse or neglect or a pending complaint or criminal conviction of any of the offenses set forth in paragraph (b) of Section 4.2 of the Child Care Act of 1969.

The members of the Board shall receive no compensation for the performance of their duties as members, but each member shall be reimbursed for his or her reasonable and necessary expenses incurred in attending the meetings of the Board.

(c) The Board shall make recommendations to the Director regarding licensure rules. Board members must recuse themselves from sitting on any matter involving an employee of a child welfare agency at which the Board member is an employee or contractual employee. The Board shall make a final determination concerning revocation, suspension, or reinstatement of an employee's direct child welfare service license after a hearing conducted under the Department's rules. Upon notification of the manner of the vote to all the members, votes on a final determination may be cast in person, by telephonic or electronic means, or by mail at the discretion of the chairperson. A simple majority of the members appointed and serving is required when Board members vote by mail or by telephonic or electronic means. A majority of the currently appointed and serving Board members constitutes a quorum. A majority of a quorum is required when a recommendation is voted on during a Board meeting. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all the duties of the Board. Board members are not personally liable in any action based upon a disciplinary proceeding or otherwise for any action taken in good faith as a member of the Board.

(d) The Director may assign Department employees to provide staffing services to the Board. The Department must promulgate any rules necessary to implement and administer the requirements of this Section.


New matter indicated by italics - deletions by strikeout.
AN ACT in relation to human rights.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Human Rights Act is amended by changing Sections 8A-102 and 8B-102 as follows:
(775 ILCS 5/8A-102) (from Ch. 68, par. 8A-102)
Sec. 8A-102. Hearing on Complaint.
(A) Services. Within five days after a complaint is filed by the Department, or the aggrieved party, as the case may be, the Commission shall cause it to be served on the respondent together with a notice of hearing before a hearing officer of the Commission at a place therein fixed.
(B) Time and Location of Hearing. An initial hearing date shall be scheduled for not less than thirty nor more than ninety days after service of the complaint at a place that is within one hundred miles of the place at which the civil rights violation is alleged to have occurred. The hearing officer may, for good cause shown, extend the date of the hearing.
(C) Amendment.
(1) A complaint may be amended under oath by leave of the presiding hearing officer, for good cause shown, upon timely written motion and reasonable notice to all interested parties at any time prior to the issuance of a recommended order pursuant to Section 8A-102(I) or 8B-102(J). The amended complaint shall be served upon all parties of record and the Department of Human Rights by the complainant, or by the Department if it prepared and filed the amended complaint, within 7 days of the date of the order permitting its filing or such additional time as the hearing officer may order. Amendments to the complaint may encompass any unlawful discrimination which is like or reasonably related to the charge and growing out of the allegations in such charge, including, but not limited to, allegations of retaliation.
(2) A motion that the complaint be amended to conform to the evidence, made prior to the close of the public hearing, may be addressed orally on the record to the hearing officer, and shall be granted for good and sufficient cause.
(D) Answer.
(1) The respondent shall file an answer under oath or affirmation to the original or amended complaint within 30 days of the date of service thereof, but the hearing officer may, for good cause shown, grant further time for the filing of an answer.
(2) When the respondent files a motion to dismiss the complaint within 30 days and the motion is denied by the hearing officer, the time for filing the answer shall be within 15 days of the date of denial of the motion.
(3) Any allegation in the complaint which is not denied or admitted in the answer is deemed admitted unless the respondent states in the answer that he is without sufficient knowledge or information to form a belief with respect to such allegation.
(4) The failure to file an answer is deemed to constitute an admission of the allegations contained in the complaint.
(5) The respondent has the right to amend his answer, upon leave of the hearing officer, for good cause shown.
(E) Proceedings In Forma Pauperis.
(1) If the hearing officer is satisfied that the complainant or respondent is a poor person, and unable to prosecute or defend the complaint and pay the costs and expenses thereof, the hearing officer may permit the party to commence and prosecute or defend the action as a poor person. Such party shall have all the necessary subpoenas, appearances, and proceedings without prepayment of witness fees or charges. Witnesses shall attend as in other cases under this Act and the same remedies shall be available for failure or refusal to obey the subpoena as are provided for in Section 8-104 of this Act.
(2) A person desiring to proceed without payment of fees or charges shall file with the hearing officer an affidavit stating that he is a poor person and unable to pay costs, and that
the action is meritorious.

(F) Discovery. The procedure for obtaining discovery of information from parties and witnesses shall be specified by the Commission in rules. If no rule has been promulgated by the Commission on a particular type of discovery, the Code of Civil Procedure may be considered persuasive authority. The types of discovery shall be the same as in civil cases in the circuit courts of this State, provided, however, that a party may take discovery depositions only upon leave of the hearing officer and for good cause shown.

(G) Hearing.

(1) Both the complainant and the respondent may appear at the hearing and examine and cross-examine witnesses.

(2) The testimony taken at the hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Commission.

(3) The testimony taken at the hearing is subject to the same rules of evidence that apply in courts of this State in civil cases.

(H) Compelling Appearance of Parties at Hearing. The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear. The notice also may require the production at the hearing of documents or tangible things. If the party or person is a nonresident of the county, the hearing officer may order any terms and conditions in connection with his appearance at the hearing that are just, including payment of his reasonable expenses. Upon a failure to comply with the notice, the hearing officer may enter any order that is just.

(I) Decision.

(1) When all the testimony has been taken, the hearing officer shall determine whether the respondent has engaged in or is engaging in the civil rights violation with respect to the person aggrieved as charged in the complaint. A determination sustaining a complaint shall be based upon a preponderance of the evidence.

(2) The hearing officer shall make findings of fact in writing and, if the finding is against the respondent, shall issue and cause to be served on the parties and the Department a recommended order for appropriate relief as provided by this Act.

(3) If, upon all the evidence, the hearing officer finds that a respondent has not engaged in the discriminatory practice charged in the complaint or that a preponderance of the evidence does not sustain the complaint, he shall state his findings of fact and shall issue and cause to be served on the parties and the Department a recommended order dismissing the complaint.

(4) The findings and recommended order of the hearing officer shall be filed with the Commission. The findings and recommended order may need not be authored by a hearing officer other than the hearing officer who presides at the public hearing if:

   (a) the hearing officer who presides at the public hearing is unable to author the findings and recommended order by reason of death, disability, or separation from employment; and

   (b) all parties to a complaint file a joint motion agreeing agree to have the findings and recommended order decision written by a hearing officer who did not preside at the public hearing:

      (b) the presiding hearing officer transmits his or her impression of witness credibility to the hearing officer who authors the findings and recommended order; and

      (c) there are no questions of witness credibility presented by the record as found by the presiding officer.

(5) A recommended order dismissing a complaint may include an award of reasonable attorneys fees in favor of the respondent against the complainant or the complainant's attorney, or both, if the hearing officer concludes that the complaint was frivolous, unreasonable or groundless or that the complainant continued to litigate after it became clearly so.

(6) The hearing officer may issue a recommended order of dismissal with prejudice or a recommended order of default as a sanction for the failure of a party to prosecute his or her case, file a required pleading, appear at a hearing, or otherwise comply with this Act, the rules

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of the Commission, or a previous order of the hearing officer.

(Source: P.A. 89-370, eff. 8-18-95.)

(775 ILCS 5/8B-102) (from Ch. 68, par. 8B-102)

Sec. 8B-102. Hearing on complaint.

(A) Election of Judicial Determination. When a complaint is filed under Section 7B-102(F) a complainant, a respondent, or an aggrieved party on whose behalf the complaint was filed, may elect to have the claims asserted in that complaint decided in a civil action in a circuit court of Illinois, in which case the Illinois Code of Civil Procedure shall apply. The election must be made not later than 20 days after the receipt by the electing person of service of the complaint by the Commission. The person making such election shall file it with the Commission and shall give notice of doing so to the Department and to all other complainants and respondents to whom the charge relates. If an election is made, the Commission shall act no further on the complaint and shall administratively close the file on the complaint. If an election is not made, the Commission shall continue proceedings on the complaint in accordance with this Act and the hearing shall be before a hearing officer.

(B) Services. Within 5 days after a complaint is filed by the Department, the Commission shall cause it to be served on the respondent and complainant together with a notice of hearing before a hearing officer of the Commission at a place therein fixed and with information as to how to make an election under subsection (A) and the effect of such an election.

(C) Time and Location of Hearing. An initial hearing date shall be scheduled for not less than 30 nor more than 90 days after service of the complaint at a place that is within 100 miles of the place at which the civil rights violation is alleged to have occurred. The hearing officer may, for good cause shown, extend the date of the hearing.

(D) Amendment.

(1) A complaint may be amended under oath by leave of the presiding hearing officer, for good cause shown, upon timely written motion and reasonable notice to all interested parties at any time prior to the issuance of a recommended order pursuant to Section 8A-102(I) or 8B-102(J). The amended complaint shall be served upon all parties of record by the Department within 7 days of the date of the order permitting its filing or such additional time as the hearing officer may order. Amendments to the complaint may encompass any unlawful discrimination which is like or reasonably related to the charge and growing out of the allegations in such charge, including, but not limited to, allegations of retaliation.

(2) A motion that the complaint be amended to conform to the evidence, made prior to the close of the public hearing, may be addressed orally on the record to the hearing officer, and shall be granted for good and sufficient cause.

(E) Answer.

(1) The respondent shall file an answer under oath or affirmation to the original or amended complaint within 30 days of the date of service thereof, but the hearing officer may, for good cause shown, grant further time for the filing of an answer.

(2) When the respondent files a motion to dismiss the complaint within 30 days and the motion is denied by the hearing officer, the time for filing the answer shall be within 15 days of the date of denial of the motion.

(3) Any allegation in the complaint which is not denied or admitted in the answer is deemed admitted unless the respondent states in the answer that he is without sufficient knowledge or information to form a belief with respect to such allegation.

(4) The failure to file an answer is deemed to constitute an admission of the allegations contained in the complaint.

(5) The respondent has the right to amend his answer, upon leave of the hearing officer, for good cause shown.

(F) Proceedings In Forma Pauperis.

(1) If the hearing officer is satisfied that the complainant or respondent is a poor person, and unable to prosecute or defend the complaint and pay the costs and expenses thereof, the hearing officer may permit the party to commence and prosecute or defend the action as a poor person. Such party shall have all the necessary subpoenas, appearances, and proceedings without prepayment of witness fees or charges. Witnesses shall attend as in other cases under this Act and the same remedies shall be available for failure or refusal to obey the subpoena

New matter indicated by italics - deletions by strikeout.
as are provided for in Section 8-104 of this Act.

(2) A person desiring to proceed without payment of fees or charges shall file with the hearing officer an affidavit stating that he is a poor person and unable to pay costs, and that the action is meritorious.

(G) Discovery. The procedures for obtaining discovery of information from parties and witnesses shall be specified by the Commission in rules. If no rule has been promulgated by the Commission on a particular type of discovery, the Code of Civil Procedure may be considered persuasive authority. The types of discovery shall be the same as in civil cases in the circuit courts of this State, provided, however, that a party may take discovery depositions only upon leave of the hearing officer and for good cause shown.

(H) Hearing.

(1) The Department and the respondent shall be parties in hearings under this Article. The Department shall seek appropriate relief for the complainant and vindication of the public interest. Any complainant may intervene as a party. All parties have the right to examine and cross examine witnesses.

(2) The testimony taken at the hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Commission.

(3) The testimony taken at the hearing is subject to the same rules of evidence that apply in courts of this State in civil cases.

(I) Compelling Appearance of Parties at Hearing. The appearance at the hearing of a party or a person who at the time of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear. The notice also may require the production at the hearing of documents or tangible things. If the party or person is a nonresident of the county, the hearing officer may order any terms and conditions in connection with his appearance at the hearing that are just, including payment of his reasonable expenses. Upon a failure to comply with the notice, the hearing officer may enter any order that is just.

(J) Decision.

(1) When all the testimony has been taken, the hearing officer shall determine whether the respondent has engaged in or is engaging in the civil rights violation with respect to the aggrieved party as charged in the complaint. A determination sustaining a complaint shall be based upon a preponderance of the evidence.

(2) The hearing officer shall make findings of fact in writing and, if the finding is against the respondent, shall issue and cause to be served on the parties and the Department a recommended order for appropriate relief as provided by this Act.

(3) If, upon all the evidence, the hearing officer finds that a respondent has not engaged in the civil rights violation charged in the complaint or that a preponderance of the evidence does not sustain the complaint, he shall state his findings of fact and shall issue and cause to be served on the parties and the Department a recommended order dismissing the complaint.

(4) The findings and recommended order of the hearing officer shall be filed with the Commission. The findings and recommended order may need not be authored by a hearing officer other than the hearing officer who presides at the public hearing if:

(a) the hearing officer who presides at the public hearing is unable to author the findings and recommended order by reason of death, disability, or separation from employment; and

(b) (a) all parties to a complaint file a joint motion agreeing to have the findings and recommended order decision written by a hearing officer who did not preside at the public hearing;

(b) the presiding hearing officer transmits his or her impression of witness credibility to the hearing officer who authorizes the findings and recommended order decision;

(c) there are no questions of witness credibility presented by the record as found by the presiding officer;

(5) The hearing officer may issue a recommended order of dismissal with prejudice or a recommended order of default as a sanction for the failure of a party to prosecute his or her case, file a required pleading, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous order of the hearing officer.

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to health care.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 7.3 as follows:

Sec. 7.3. Nurse aide registry; finding of abuse or neglect. The Department shall require that no facility, service agency, or support agency providing mental health or developmental disability services that is licensed, certified, operated, or funded by the Department shall employ a person, in any capacity, who is identified by the nurse aide registry as having been subject of a substantiated finding of abuse or neglect of a service recipient. The Department shall establish and maintain the rules that are necessary or appropriate to effectuate the intent of this Section. The provisions of this Section shall not apply to any facility, service agency, or support agency licensed or certified by a State agency other than the Department, unless operated by the Department of Human Services.

Section 10. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6.2 as follows:

Sec. 6.2. Inspector General.
(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations.
of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

The Inspector General shall be appointed for a term of 4 years.

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) The Inspector General shall within 24 hours after receiving a report of suspected abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police. The Department of State Police shall investigate any report indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General’s determination must be given to the person who claims to be the victim of the abuse or neglect, the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State’s attorneys in imposing such sanctions.

(e) The Inspector General shall establish and conduct periodic training programs for Department employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or
developmental disabilities facility operated by the Department, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to any facility or program funded by the Department that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health's nurse aide registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services' hearing under subsection (c), that is separate and distinct from the Office of the Inspector General's appeals process, has concluded. Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(h) This Section is repealed on January 1, 2002.

New matter indicated by italics - deletions by strikeout.
Section 15. The Nursing Home Care Act is amended by changing Section 3-206.1 as follows:

Sec. 3-206.01. Nurse aide registry.

(a) The Department shall establish and maintain a registry of all individuals who have satisfactorily completed the training required by Section 3-206. The registry shall include the name of the nursing assistant, habilitation aide, or child care aide, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide unless the facility has inquired of the Department as to information in the registry concerning the individual and shall not employ anyone not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act.

If the Department finds that a nursing assistant, habilitation aide, or child care aide has abused a resident, neglected a resident, or misappropriated resident property in a facility, the Department shall notify the individual of this finding by certified mail sent to the address contained in the registry. The notice shall give the individual an opportunity to contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a brief statement from the individual, if he or she chooses to make such a statement. The Department shall make information in the registry available to the public. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any statement in the registry relating to the finding or a clear and accurate summary of the statement.

(b) The Department shall add to the nurse aide registry records of findings as reported by the Inspector General or remove from the nurse aide registry records of findings as reported by the Department of Human Services, under Section 6.2 of the Abuse and Neglected Long Term Care Facility Residents Reporting Act.

(Source: P.A. 91-598, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect on January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0474
(House Bill No. 0843)

AN ACT concerning telecommunications.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Mobile Telecommunications Sourcing Conformity Act.

Section 5. Legislative intent. The General Assembly recognizes that the Mobile Telecommunications Sourcing Act, Public Law 106-252, codified at 4 U.S.C Sections 116 through 126, was passed by the United States Congress to establish sourcing requirements for state and local taxation of mobile telecommunication services. In general, the rules provide that taxes on mobile telecommunications services shall be collected and remitted to the jurisdiction where the customer's primary use of the services occurs, irrespective of where the mobile telecommunications services originate, terminate, or pass through. By passing this legislation in the State of Illinois, the General Assembly desires to implement that Act in this State by establishing the Mobile Telecommunications Sourcing Conformity Act and to inform State and local government officials of its provisions as it applies to the taxes of this State.

Section 10. Definitions. As used in this Act:

"Charges for mobile telecommunications services" means any charge for, or associated with,
the provision of commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

"Customer" means (i) the person or entity that contracts with the home service provider for mobile telecommunications services or (ii) if the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications services, but this clause (ii) applies only for the purpose of determining the place of primary use. "Customer" does not include (i) a reseller of mobile telecommunications service or (ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

"Designated database provider" means a corporation, association, or other entity representing all the political subdivisions of a State that is:

(i) responsible for providing an electronic database prescribed in Section 25 if the State has not provided such electronic database; and

(ii) approved by municipal and county associations or leagues of the State whose responsibility it would otherwise be to provide such database prescribed by Sections 116 through 126 of Title 4 of the United States Code.

"Enhanced zip code" means a United States postal zip code of 9 or more digits.

"Home service provider" means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

"Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

"Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

"Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be:

(i) the residential street address or the primary business street address of the customer; and

(ii) within the licensed service area of the home service provider.

"Prepaid telephone calling services" means the right to purchase exclusively telecommunications services that must be paid for in advance that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

"Reseller" means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service. "Reseller" does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

"Serving carrier" means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

"Taxing jurisdiction" means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

Section 15. Application of this Act. The provisions of this Act shall apply as follows:

(a) General provisions. This Act shall apply to any tax, charge, or fee levied by the State or a taxing jurisdiction within this State as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services, regardless of whether the tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee.

(b) General exceptions. This Act does not apply to:

(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not
determined on a transactional basis;

(3) any tax, charge, or fee that represents compensation for a mobile telecommunications service provider's use of public rights of way or other public property, provided that such tax, charge, or fee is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services;

(4) any generally applicable business and occupation tax that is imposed by a State, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this Act;

(5) any fee related to obligations under Section 254 of the federal Communications Act of 1934; or

(6) any tax, charge, or fee imposed by the Federal Communications Commission.

(c) Specific exceptions. The provisions of this Act:

(1) do not apply to the determination of the taxing situs of prepaid telephone calling services;

(2) do not affect the taxability of either the initial sale of mobile telecommunications services or subsequent resale of such services, whether as sales of such services alone or as a part of a bundled product, if the federal Internet Tax Freedom Act would preclude a taxing jurisdiction from subjecting the charges of the sale of such services to a tax, charge, or fee, but this Section provides no evidence of the intent of the General Assembly with respect to the applicability of the federal Internet Tax Freedom Act to such charges; and

(3) do not apply to the determination of the taxing situs of air-ground radiotelephone service as defined in Section 22.99 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

(d) Date of applicability. The provisions of this Act apply to customer bills issued on or after August 1, 2002.

Section 20. Sourcing rules for mobile telecommunications services.

(a) Notwithstanding the law of this State or any political subdivision of this State, mobile telecommunications services provided in a taxing jurisdiction to a customer, the charges for which are billed by or for the customer's home service provider, shall be deemed to be provided by the customer's home service provider.

(b) All charges for mobile telecommunications services that are deemed to be provided by the customer's home service provider under this Act are authorized to be subjected to tax, charge, or fee by the taxing jurisdictions whose territorial limits encompass the customer's place of primary use, regardless of where the mobile telecommunications services originate, terminate, or pass through, and no other taxing jurisdiction may impose taxes, charges, or fees on charges for such mobile telecommunications services.


(a) The State may provide an electronic database to a home service provider or, if the State does not provide such an electronic database to home service providers, then the designated database provider may provide an electronic database to a home service provider.

(b) The electronic database, whether provided by the State or the designated database provider, shall:

(1) be provided in a format approved by the American National Standards Institute's Accredited Standards Committee X12, that, allowing for de minimis deviations, designates for each street address in the State, including to the extent practical, any multiple postal street addresses applicable to one street location, the appropriate taxing jurisdictions, and the appropriate code for each taxing jurisdiction, for each level of taxing jurisdiction, identified by one nationwide standard numeric code described in subsection (c); and

(2) also provide the appropriate code for each street address with respect to political subdivisions that are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction.

(c) The nationwide standard numeric codes shall contain the same number of numeric digits with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States using a format similar to FIPS 55-3 or other appropriate standard approved by the
Federation of Tax Administrators and the Multistate Tax Commission, or their successors. Each address shall be provided in standard postal format.

Section 30. Notice; updates. If the State or a designated database provider provides or maintains an electronic database described in Section 25, then the State or the electronic database provider shall provide notice of the availability of the then current electronic database, and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in the State.

Section 35. User held harmless. A home service provider using the data contained in an electronic database described in Section 25 shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in the database provided by the State or designated database provider. The home service provider shall reflect changes made to the database during a calendar quarter not later than 30 days after the end of the calendar quarter if the State or an electronic database provider issues notice of the availability of an electronic database reflecting the changes under Section 30.

Section 40. Safe harbor.

(a) If neither the State nor a designated database provider provides an electronic database under Section 25, a home service provider shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction if, subject to Section 60, the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction for each level of taxing jurisdiction and exercises due diligence at each level of taxing jurisdiction to ensure that each such street address is assigned to the correct taxing jurisdiction. If an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider must designate one specific jurisdiction within the enhanced zip code for use in taxing the activity for the enhanced zip code for each level of taxing jurisdiction. Any enhanced zip code assignment changed in accordance with Section 60 is deemed to be in compliance with this Section.

(b) For purposes of this Section, there is a rebuttable presumption that a home service provider has exercised due diligence if the home service provider demonstrates that it has:

(1) expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;
(2) implemented and maintained reasonable internal controls to promptly correct misassignments of street addresses to taxing jurisdictions; and
(3) used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations, and any other changes in jurisdictional boundaries that materially affect the accuracy of the database.

Section 45. Termination of safe harbor. Section 40 applies to a home service provider that is in compliance with the requirements of Section 40 until the later of:

(1) Eighteen months after the nationwide standard numeric code described in Section 25 has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or
(2) Six months after the State or a designated database provider in the State provides such database as prescribed in Section 25.

Section 50. Home service provider required to obtain and maintain customer's place of primary use. A home service provider shall be responsible for obtaining and maintaining the customer's place of primary use, as defined in this Act. Subject to Section 60, and if the home service provider's reliance on information provided by its customer is in good faith, a taxing jurisdiction shall:

(1) allow a home service provider to rely on the applicable residential or business street address supplied by the home service provider's customer; and
(2) not hold a home service provider liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges, or fees that are customarily passed on to the customer as a separate itemized charge.

Section 55. Primary place of use for service contracts in effect on or before July 28, 2002. Except as provided in Section 60, a taxing jurisdiction shall allow a home service provider to treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect on or before July 28, 2002 as that customer's place of primary use for the remaining term of the service contract or agreement, excluding any extension or renewal of the service...
contract or agreement, for purposes of determining the taxing jurisdictions to which taxes, charges, or fees on charges for mobile telecommunications services are remitted.

Section 60. Determination by taxing jurisdiction or State concerning place of primary use; notice to home service provider. A taxing jurisdiction or the State, on behalf of any taxing jurisdiction or taxing jurisdictions within this State, may:

(a) determine that the address used for purposes of determining the taxing jurisdictions to which taxes, charges, or fees for mobile telecommunications services are remitted does not meet the definition of place of primary use in this Act and give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination if:

(1) the taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving the notice of determination (if the taxing jurisdiction making the determination is not the State); and

(2) before the taxing jurisdiction gives the notice of determination, the customer is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the address is the customer's place of primary use.

(b) determine that the assignment of a taxing jurisdiction by a home service provider under Section 40 does not reflect the correct taxing jurisdiction and give binding notice to the home service provider to change the assignment on a prospective basis from the date of notice of determination if:

(1) the taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving the notice of determination (if the taxing jurisdiction making the determination is not the State); and

(2) the home service provider is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the assignment reflects the correct taxing jurisdiction.

Section 65. No change to authority of taxing jurisdiction to collect tax if customer fails to provide place of primary use. Nothing in this Act modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of, any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.

Section 70. Tax may be imposed on items not subject to taxation if those items not separately stated. If a taxing jurisdiction does not otherwise subject charges for mobile telecommunications services to taxation and if these charges are aggregated with and not separately stated from charges that are subject to taxation, then the charges for nontaxable mobile telecommunications services may be subject to taxation unless the home service provider can reasonably identify charges not subject to such tax, charge, or fee from its books and records that are kept in the regular course of business.

Section 75. Customers and otherwise nontaxable charges. If a taxing jurisdiction does not subject charges for mobile telecommunications services to taxation, a customer may not rely upon the nontaxability of charges for mobile telecommunications services unless the customer's home service provider separately states the charges for nontaxable mobile telecommunications services from taxable charges or the home service provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business that reasonably identifies the nontaxable charges.

Section 80. Customers' procedures and remedies for correcting taxes and fees.

(a) If a customer believes that an amount of tax or assignment of place of primary use or taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider in writing. The customer shall include in this written notification the street address for her or his place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer, and any other information that the home service provider reasonably requires to process the request. Within 60 days after receiving a notice under this subsection (a), the home service provider shall review its records and the electronic database or enhanced zip code used pursuant to Section 25 or 40 to determine the customer's taxing jurisdiction. If this review shows that the amount of tax, assignment of place of primary use, or taxing jurisdiction is in error, the home service provider shall correct the error and refund or credit the amount of tax erroneously collected from the customer for a period of up to 2 years. If this review shows that the amount of tax, assignment of place of primary use, or taxing jurisdiction is correct, the

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home service provider shall provide a written explanation to the customer.

(b) If the customer is dissatisfied with the response of the home service provider under this Section, the customer may seek a correction or refund or both from the taxing jurisdiction affected.

(c) The procedures in this Section shall be the first course of remedy available to customers seeking correction of assignment of place of primary use or taxing jurisdiction or a refund of or other compensation for taxes, charges, and fees erroneously collected by the home service provider, and no cause of action based upon a dispute arising from these taxes, charges, or fees shall accrue until a customer has reasonably exercised the rights and procedures set forth in this Section.

Section 85. Inseverability clause. If a court of competent jurisdiction enters a final judgment on the merits that (i) is based on federal law, (ii) is no longer subject to appeal, and (iii) substantially limits or impairs the essential elements of Sections 116 through 126 of Title 4 of the United States Code, then the provisions of this Act are invalid and have no legal effect as of the date of entry of such judgment.

Section 905. The Telecommunications Excise Tax Act is amended by changing Section 2 as follows:

(35 ILCS 630/2) (from Ch. 120, par. 2002)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; or (iii) the tax imposed by Section 4251 of the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside of the State;

(3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or
uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made;

(8) charges paid by inserting coins in coin-operated telecommunication devices;

(9) amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for

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telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications services using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan.

(Source: P.A. 90-562, eff. 12-16-97; 91-870, eff. 6-22-00.)

Section 910. The Telecommunications Municipal Infrastructure Maintenance Fee Act is amended by changing Section 10 as follows:

(35 ILCS 635/10)
Sec. 10. Definitions.
(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State or the municipality imposing the fee under this Act, as the context requires, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State or the municipality imposing the fee under this Act, charges for the channel mileage between each channel point within this State or the municipality imposing the fee under this Act, and charges for that portion of the interstate inter-office channel provided within Illinois or the municipality imposing the fee under this Act. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
(2) charges for a sent collect telecommunication received outside of this State or the municipality imposing the fee, as the context requires;
(3) charges for leased time on equipment or charges for the storage of data or information

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or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs or by the municipality imposing the fee under the Act, as the context requires;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) charges for telecommunications and all services and equipment provided to a municipality imposing the infrastructure maintenance fee.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Illinois Department of Revenue or the municipality imposing the fee, as the case may be, may, in its
discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department or municipality, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the State or municipality imposing the fee.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97; 91-870, eff. 6-22-00.)

Section 915. The Emergency Telephone System Act is amended by changing Section 15.3 as follows:

(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

Sec. 15.3. (a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to Section 8-11-2 of the Illinois Municipal Code, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c).

For mobile telecommunications services, if a surcharge is imposed it shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance imposing a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.
(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

Shall the county (or city, village or incorporated town) of....impose a surcharge of up to...¢ per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System? YES NO

If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) A municipality with a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of these obligations, the proceeds of these obligations shall be credited and used only for the purpose of paying the surcharge described in this Section.
of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunication carrier.

(Source: P.A. 86-101; 86-1344.)

Section 920. The Illinois Municipal Code is amended by changing Section 8-11-2 as follows:
(65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)
Sec. 8-11-2. The corporate authorities of any municipality may tax any or all of the following occupations or privileges:

1. Persons engaged in the business of transmitting messages by means of electricity or radio magnetic waves, or fiber optics, at a rate not to exceed 5% of the gross receipts from that business originating within the corporate limits of the municipality. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be subject to the tax imposed under this Section. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

2. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of 500,000 or fewer population, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

2a. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of over 500,000 population, and not for resale, at a rate not to exceed 8% of the gross receipts therefrom. If imposed, this tax shall be paid in monthly payments.

3. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

   (i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;
   (ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;
   (iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour;
   (iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour;
   (v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour;
   (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour;
   (vii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.31 cents per kilowatt-hour;
   (viii) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and
   (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

   If a municipality imposes a tax at rates lower than either the maximum rates specified in this Section or the alternative maximum rates promulgated by the Illinois Commerce Commission, the tax shall be paid in monthly payments.

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Commission, as provided below, the tax rates shall be imposed upon the kilowatt hour categories set forth above with the same proportional relationship as that which exists among such maximum rates. Notwithstanding the foregoing, until December 31, 2008, no municipality shall establish rates that are in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues such municipality could have received under the tax authorized by this subparagraph in the last full calendar year prior to the effective date of Section 65 of this amendatory Act of 1997; provided that this shall not be a limitation on the amount of tax revenues actually collected by such municipality.

Upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission shall, within 90 days after receipt of such request, promulgate alternative rates for each of these kilowatt-hour categories that will reflect, as closely as reasonably practical for that municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. A municipality that has adopted an ordinance imposing a tax pursuant to subparagraph 3 as it existed prior to the effective date of Section 65 of this amendatory Act of 1997 may, rather than imposing the tax permitted by this amendatory Act of 1997, continue to impose the tax pursuant to that ordinance with respect to gross receipts received from residential customers through July 31, 1999, and with respect to gross receipts from any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such customer before December 31, 2000. No ordinance imposing the tax permitted by this amendatory Act of 1997 shall be applicable to any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such non-residential customer before December 31, 2000.

4. Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any of the taxes enumerated in this Section may be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(a) If the corporate authorities of any home rule municipality have adopted an ordinance that imposed a tax on public utility customers, between July 1, 1971, and October 1, 1981, on the good faith belief that they were exercising authority pursuant to Section 6 of Article VII of the 1970 Illinois Constitution, that action of the corporate authorities shall be declared legal and valid, notwithstanding a later decision of a judicial tribunal declaring the ordinance invalid. No municipality shall be required to rebate, refund, or issue credits for any taxes described in this paragraph, and those taxes shall be deemed to have been levied and collected in accordance with the Constitution and laws of this State.

(b) In any case in which (i) prior to October 19, 1979, the corporate authorities of any municipality have adopted an ordinance imposing a tax authorized by this Section (or by the predecessor provision of the "Revised Cities and Villages Act") and have explicitly or in practice interpreted gross receipts to include either charges added to customers' bills pursuant to the provision of paragraph (a) of Section 36 of the Public Utilities Act or charges added to customers' bills by
taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such paragraph (a) of Section 36 of that Act, and (ii) on or after October 19, 1979, a judicial tribunal has construed gross receipts to exclude all or part of those charges, then neither those municipality nor any taxpayer who paid the tax shall be required to rebate, refund, or issue credits for any tax imposed or charge collected from customers pursuant to the municipality's interpretation prior to October 19, 1979. This paragraph reflects a legislative finding that it would be contrary to the public interest to require a municipality or its taxpayers to refund taxes or charges attributable to the municipality's more inclusive interpretation of gross receipts prior to October 19, 1979, and is not intended to prescribe or limit judicial construction of this Section. The legislative finding set forth in this subsection does not apply to taxes imposed after the effective date of this amendatory Act of 1995.

(c) The tax authorized by subparagraph 3 shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to an ordinance authorized by subparagraph 3 and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this subsection (c), any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, in the manner prescribed by the municipality. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to subparagraph 3.

(d) For the purpose of the taxes enumerated in this Section:

"Gross receipts" means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include that portion of the consideration received for distributing, supplying, furnishing, or selling gas or water to, or for the transmission of messages for, business enterprises described in paragraph (e) of this Section to the extent and during the period in which the exemption authorized by paragraph (e) is in effect or for school districts or units of local government described in paragraph (f) during the period in which the exemption authorized in paragraph (f) is in effect. "Gross receipts" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

For utility bills issued on or after May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1997, but before May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include two-thirds of (i) amounts added to customers' bills under Section
9-222 of the Public Utilities Act, or (ii) amount added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act.

For purposes of this Section "gross receipts" shall not include (i) amounts added to customers' bills under Section 9-221 of the Public Utilities Act, or (ii) charges added to customers' bills to recover the surcharge imposed under the Emergency Telephone System Act. This paragraph is not intended to nor does it make any change in the meaning of "gross receipts" for the purposes of this Section, but is intended to remove possible ambiguities, thereby confirming the existing meaning of "gross receipts" prior to the effective date of this amendatory Act of 1995.

The words "transmitting messages", in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where those persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by those persons to other persons, for the transmission of messages.

"Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Person maintaining a place of business in this State" shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public utility" shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in Section 13-202 of that Act and alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchase at retail" shall mean any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" shall mean any person who uses or consumes, within the corporate limits of the municipality, electricity acquired in a purchase at retail.

In the case of persons engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, the gross receipts from the business shall be deemed to originate within the corporate limits of a municipality only if the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act address to which the bills for the service are sent is within those corporate limits. If, however, that address is not located within a municipality that imposes a tax under this Section, then (i) if the party responsible for the bill is not an individual, the gross receipts from the business shall be deemed to originate within the corporate limits of the municipality where that party's principal place of business in Illinois is located, and (ii) if the party responsible for the bill is an individual, the gross receipts from the business shall be deemed to originate within the corporate limits of the municipality where that party's principal residence in Illinois is located.

(e) Any municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity pursuant to this Section whose territory includes any part of an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone may, by a majority vote of its corporate authorities, exempt from those taxes for a period not exceeding 20 years any specified percentage of
gross receipts of public utilities received from, or electricity used or consumed by, business enterprises that:

1. either (i) make investments that cause the creation of a minimum of 200 full-time equivalent jobs in Illinois, (ii) make investments of at least $175,000,000 that cause the creation of a minimum of 150 full-time equivalent jobs in Illinois, or (iii) make investments that cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

2. are either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) Department of Commerce and Community Affairs designated High Impact Businesses located in a federally designated Foreign Trade Zone or Sub-Zone; and

3. are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this paragraph (e).

Upon adoption of the ordinance authorizing the exemption, the municipal clerk shall transmit a copy of that ordinance to the Department of Commerce and Community Affairs. The Department of Commerce and Community Affairs shall determine whether the business enterprises located in the municipality meet the criteria prescribed in this paragraph. If the Department of Commerce and Community Affairs determines that the business enterprises meet the criteria, it shall grant certification. The Department of Commerce and Community Affairs shall act upon certification requests within 30 days after receipt of the ordinance.

Upon certification of the business enterprise by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of the gross receipts received from, and the electricity used or consumed by, the certified business enterprises. Such exemption status shall be effective within 3 months after certification.

(f) A municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity under this Section and whose territory includes part of another unit of local government or a school district may by ordinance exempt the other unit of local government or school district from those taxes.

(g) The amendment of this Section by Public Act 84-127 shall take precedence over any other amendment of this Section by any other amendatory Act passed by the 84th General Assembly before the effective date of Public Act 84-127.

(h) In any case in which, before July 1, 1992, a person engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, has determined the municipality within which the gross receipts from the business originated by reference to the location of its transmitting or switching equipment, then (i) neither the municipality to which tax was paid on that basis nor the taxpayer that paid tax on that basis shall be required to rebate, refund, or issue credits for any such tax or charge collected from customers to reimburse the taxpayer for the tax and (ii) no municipality to which tax would have been paid with respect to those gross receipts if the provisions of this amendatory Act of 1991 had been in effect before July 1, 1992, shall have any claim against the taxpayer for any amount of the tax.

(Source: P.A. 90-16, eff. 6-16-97; 90-561, eff. 8-1-98; 90-562, eff. 12-16-97; 90-655, eff. 7-30-98; 91-870, eff. 6-22-00.)

Section 999. Effective date. This Act takes effect on August 1, 2002.
Effective August 1, 2002.

PUBLIC ACT 92-0475
(House Bill No. 0922)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 18-101.25 and 21-30 as follows:

(35 ILCS 200/18-101.25)

New matter indicated by italics - deletions by strikeout.
Sec. 18-101.25. Intent to adopt an aggregate levy; hearing required. Upon making the estimate as provided in Section 18-101.15, the corporate authority shall hold a hearing on its intent to adopt an aggregate levy. Except as otherwise provided in this Section, hearings shall be held at the first regularly scheduled meeting of the taxing district in the month of December or according to the following schedule:

1. First Monday in December: Park districts and municipalities.
2. First Tuesday in December: Townships, road districts, and all school districts except high school districts.
3. First Wednesday in December: High school districts and libraries.
4. First Thursday in December: Counties and forest preserve districts.
5. First Friday in December: All other taxing districts.

All hearings shall be open to the public. The corporate authority of the taxing district shall explain the reasons for the levy and any proposed increase and shall permit persons desiring to be heard an opportunity to present testimony within such reasonable time limits as it shall determine. The hearing shall not coincide with the hearing on the proposed budget. The corporate authority may, however, conduct any other business of the taxing district on the same day. Failure of a taxing district to convene or complete a public hearing on the day prescribed in this Section due to good cause unrelated to inadvertence, including, but not limited to, physical perils such as natural disasters or acts of God, shall not constitute a failure to hold a public hearing under this Division 2.1. In this event, a taxing district may either hold a separate public hearing on its proposed tax levy, or place the hearing on its proposed tax levy on the agenda of the taxing district's next scheduled meeting. In either case, a taxing district shall give notice of the hearing pursuant to Sections 2.02, 2.03, and 2.04 of the Open Meetings Act.

For the purpose of permitting the issuance of warrants or notes in anticipation of the taxes to be levied, a taxing district may hold (on any date prior to the first week in December) a hearing on its intent to adopt an aggregate levy. If the estimate of the aggregate levy is more than the amount extended or estimated to be extended, plus any amount abated by the corporate authority prior to the extension, upon the final aggregate levy of the preceding year, exclusive of election costs, notice of this hearing shall be given in the same manner as provided in this Division 2.1. This earlier hearing shall be in addition to, and not instead of, the mandatory December hearing, but may be conducted in conjunction with a regular meeting of the taxing district.

Any taxing district with a fiscal year beginning on December 1 or any taxing district that is required to adopt a levy ordinance by the first Tuesday in December, for which the hearing day requirement of this Section would conflict with the adoption of its tax levy or annual appropriation ordinance, or both, may hold a public hearing on its proposed tax levy prior to and instead of the day prescribed in this Section. This public hearing shall be restricted to the proposed tax levy, and no other business of the taxing district shall be discussed or transacted. Notice of the hearing shall be given as provided in Section 18-101.35 of this Division 2.1.

(35 ILCS 200/21-30)
Sec. 21-30. Accelerated billing. Except as provided in this Section and Section 21-40, in counties with 3,000,000 or more inhabitants, by January 31 annually, estimated tax bills setting out the first installment of property taxes for the preceding year, payable in that year, shall be prepared and mailed. The first installment of taxes on the estimated tax bills shall be computed at 50% of the total of each tax bill for the preceding year. If, prior to the preparation of the estimated tax bills, a certificate of error has been either approved by a court on or before November 30 of the preceding year or certified pursuant to Section 14-15 on or before November 30 of the preceding year, then the first installment of taxes on the estimated tax bills shall be computed at 50% of the total taxes for the preceding year as corrected by the certificate of error. By June 30 annually, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first installment, and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the first installment from the total taxes due for that year.

The county board may provide by ordinance, in counties with 3,000,000 or more inhabitants, for taxes to be paid in 4 installments. For the levy year for which the ordinance is first effective and

New matter indicated by italics - deletions by strikeout.
each subsequent year, estimated tax bills setting out the first, second, and third installment of taxes for the preceding year, payable in that year, shall be prepared and mailed not later than the date specified by ordinance. Each installment on estimated tax bills shall be computed at 25% of the total of each tax bill for the preceding year. By the date specified in the ordinance, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first, second, and third installments and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the estimated installments from the total taxes due for that year.

The county board of any county with less than 3,000,000 inhabitants may, by ordinance or resolution, adopt an accelerated method of tax billing. The county board may subsequently rescind the ordinance or resolution and revert to the method otherwise provided for in this Code.

Taxes levied on homestead property in which a member of the National Guard or reserves of the armed forces of the United States who was called to active duty on or after August 1, 1990, and who has an ownership interest shall not be deemed delinquent and no interest shall accrue or be charged as a penalty on such taxes due and payable in 1991 or 1992 until one year after that member returns to civilian status.

(Source: P.A. 87-17; 87-340; 87-895; 88-455.)

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

PUBLIC ACT 92-0476
(House Bill No. 1030)

AN ACT concerning banking.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Banking Act is amended by changing Sections 16 and 46 as follows:
(205 ILCS 5/16) (from Ch. 17, par. 323)
Sec. 16. Directors. The business and affairs of a State bank shall be managed by its board of directors that shall exercise its powers as follows:
(1) Directors shall be elected as provided in this Act. Any omission to elect a director or directors shall not impair any of the rights and privileges of the bank or of any person in any way interested. The existing directors shall hold office until their successors are elected and qualify.

(2) (a) Notwithstanding the provisions of any charter heretofore or hereafter issued, the number of directors, not fewer than 5 nor more than 25, may be fixed from time to time by the stockholders at any meeting of the stockholders called for the purpose of electing directors or changing the number thereof by the affirmative vote of at least two-thirds of the outstanding stock entitled to vote at the meeting, and the number so fixed shall be the board regardless of vacancies until the number of directors is thereafter changed by similar action.

(b) Notwithstanding the minimum number of directors specified in paragraph (a) of this subsection, a State bank that has been in existence for 10 years or more and has less than $20,000,000 in assets, as of the December 31 immediately preceding the annual meeting of shareholders at which directors are elected, may, subject to the approval of the Commissioner, have a minimum of 3 directors; provided that if a State bank has fewer than 5 directors, at least one director shall not be an officer or employee of the bank. The Commissioner shall annually review the appropriateness of the grant of authority to have a reduced minimum number of directors pursuant to this paragraph (b).

(3) Except as otherwise provided in this paragraph (3), directors shall hold office until the next annual meeting of the stockholders succeeding their election or until their successors are elected and qualify. If the board of directors consists of 6 or more members, in lieu of electing the membership of the whole board of directors annually, the charter or by-laws of a State bank may provide that the directors shall be divided into either 2 or 3 classes, each class to be as nearly equal in number as is possible. The term of office of directors of the first class shall expire at the first annual meeting of the stockholders after their election, that of the second class shall expire at the second annual meeting after
their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after classification, the number of directors equal to the number of the class whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting, if there be 2 classes, or until the third succeeding annual meeting, if there be 3 classes. Vacancies may be filled by stockholders at a special meeting called for the purpose. If authorized by the bank's by-laws or an amendment thereto, the directors of a State bank may properly fill a vacancy or vacancies arising between shareholders' meetings, but at no time may the number of directors selected to fill a vacancy in this manner during any interim period between shareholders' meetings exceed 33 1/3% of the total membership of the board of directors.

(4) The board of directors shall hold regular meetings at least once each month, provided that, upon prior written approval by the Commissioner, the board of directors may hold regular meetings less frequently than once each month but at least once each calendar quarter. A special meeting of the board of directors may be held as provided by the by-laws. A special meeting of the board of directors may also be held upon call by the Commissioner or a bank examiner appointed under the provisions of this Act upon not less than 12 hours notice of the meeting by personal service of the notice or by mailing the notice to each of the directors at his residence as shown by the books of the bank. A majority of the board of directors shall constitute a quorum for the transaction of business unless a greater number is required by the charter or the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the charter or by the by-laws.

(5) A member of the board of directors shall be elected president. The board of directors may appoint other officers, as the by-laws may provide, and fix their salaries to carry on the business of the bank. The board of directors may make and amend by-laws (not inconsistent with this Act) for the government of the bank and may, by the affirmative vote of a majority of the board of directors, establish reasonable compensation of all directors for services to the corporation as directors, officers, or otherwise. An officer, whether elected or appointed by the board of directors or appointed pursuant to the by-laws, may be removed by the board of directors at any time.

(6) The board of directors shall cause suitable books and records of all the bank's transactions to be kept.

(7) (a) In discharging the duties of their respective positions, the board of directors, committees of the board, and individual directors may, in considering the best long term and short term interests of the bank, consider the effects of any action (including, without limitation, action that may involve or relate to a merger or potential merger or to a change or potential change in control of the bank) upon employees, depositors, suppliers, and customers of the corporation or its subsidiaries, communities in which the main banking premises, branches, offices, or other establishments of the bank or its subsidiaries are located, and all pertinent factors.

(b) In discharging the duties of their respective positions, the board of directors, committees of the board, and individual directors shall be entitled to rely on advice, information, opinions, reports or statements, including financial statements and financial data, prepared or presented by: (i) one or more officers or employees of the bank whom the director believes to be reliable and competent in the matter presented; (ii) one or more counsels, accountants, or other consultants as to matters that the director believes to be within that person's professional or expert competence; or (iii) a committee of the board upon which the director does not serve, as to matters within that committee's designated authority; provided that the director's reliance under this paragraph (b) is placed in good faith, after reasonable inquiry if the need for such inquiry is apparent under the circumstances and without knowledge that would cause such reliance to be unreasonable.

(Source: P.A. 90-301, eff. 8-1-97; 91-452, eff. 1-1-00.)
(205 ILCS 5/46) (from Ch. 17, par. 357)
Sec. 46. Misleading practices and names prohibited; penalty. (a) No person, firm, partnership, or corporation that is not a bank shall transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or shall use the word "bank", "banker", or "banking" in connection with the business. Any person, firm, partnership or corporation violating this Section shall be deemed guilty
(b) If the Commissioner is of the opinion and finds that a person, firm, partnership, or corporation that is not a bank has transacted or intends to transact business in this State in a manner which has a substantial likelihood of misleading the public by implying that the business is a bank, or has used or intends to use the word "bank", "banker", or "banking" in connection with the business, then the Commissioner may direct that person, firm, partnership, or corporation to cease and desist from transacting the business or using the word "bank", "banker", or "banking". If that person, firm, partnership, or corporation persists in transacting the business or using the word "bank", "banker", or "banking", then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each day that the person, firm, partnership, or corporation continues transacting the business or using the word "bank", "banker", or "banking" in connection with the business shall constitute a separate violation of these provisions.

(c) A person, firm, partnership, or corporation that is not a bank, and is not transacting or intending to transact business in this State in a manner that has a substantial likelihood of misleading the public by implying that such business is a bank, may apply to the Commissioner for permission to use the word "bank", "banker", or "banking" in connection with the business. If the Commissioner determines that there is no substantial likelihood of misleading the public, and upon such conditions as the Commissioner may impose to prevent the person, firm, partnership, or corporation from holding itself out in a misleading manner, then such person, firm, partnership, or corporation may use the word "bank", "banker", or "banking".

(d) (1) No person, firm, partnership, or corporation may use the name of an existing bank, or a name deceptively similar to that of an existing bank, when marketing to or soliciting business from customers or prospective customers if the reference to the existing bank is made (i) without the consent of the existing bank and (ii) in a manner that could cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing bank or that the existing bank is in any other way responsible for the marketing material or solicitation.

(2) An existing bank may, in addition to any other remedies available under the law, report an alleged violation of this subsection (d) to the Commissioner. If the Commissioner finds the marketing material or solicitation in question to be in violation of this subsection, the Commissioner may direct the person, firm, partnership, or corporation to cease and desist from using that marketing material or solicitation in Illinois. If that person, firm, partnership, or corporation persists in the use of the marketing material or solicitation, then the Commissioner may impose a civil penalty of up to $10,000 for each violation. Each instance in which the marketing material or solicitation is sent to a customer or prospective customer shall constitute a separate violation of these provisions.

(3) Nothing in this subsection (d) prohibits the use of or reference to the name of an existing bank in marketing materials or solicitations, provided that the use or reference would not deceive or confuse a reasonable person regarding whether the marketing material or solicitation originated from or was endorsed by the existing bank or whether the existing bank was in any other way responsible for the marketing material or solicitation. The Commissioner is authorized to promulgate rules to administer these provisions.

(Source: P.A. 89-567, eff. 7-26-96.)

Section 99. Effective date. This Act takes effect upon becoming law.
Section 10. The Illinois Vehicle Code is amended by adding Sections 3-648 and 3-649 as follows:

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

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Chicago and Northeast Illinois District Council of Carpenters Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Chicago and Northeast Illinois District Council of Carpenters Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Chicago and Northeast Illinois District Council of Carpenters Fund is created as a special fund in the State treasury. All moneys in the Chicago and Northeast Illinois District Council of Carpenters Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants for charitable purposes sponsored by the Chicago and Northeast Illinois District Council of Carpenters.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

Effective January 1, 2002.

PUBLIC ACT 92-0478

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to business transactions.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2N as follows:  

(815 ILCS 505/2N) (from Ch. 121 1/2, par. 262N)  
Sec. 2N. Non-English language transaction.  
(a) If (i) a person conducts, in a language other than English, a retail transaction or negotiations related to a retail transaction resulting in a written contract and (ii) the consumer used an interpreter other than the retailer or an employee of the retailer in conducting the transaction or negotiations, the retailer must have the consumer and the interpreter sign the following forms:  

I, (name of consumer), used (name of interpreter) to act as my interpreter during this retail transaction or these negotiations. The obligations of the contract or other written agreement were explained to me in my native language by the interpreter. I understand the contract or other written agreement.  

(signature of consumer)  

relationship of interpreter to consumer)  

I, (name of interpreter), acted as interpreter during this retail transaction or these negotiations. The obligations of the contract or other written agreement were explained to (name of consumer) in the consumer's native language. I understand the contract or other written agreement.  

(signature of interpreter)  

relationship of interpreter to consumer)  

(b) If (i) a person conducts, in a language other than English, a retail transaction or negotiations related to a retail transaction resulting in a written contract and (ii) the retailer or an employee of the retailer acted as the consumer's interpreter in conducting the transaction or negotiations, the retailer must have the consumer sign the following form in the consumer's native language (except as provided in subsection (c)):  

This retail transaction or these negotiations were conducted in (language), which is my native language. I voluntarily choose to have the retailer act as my interpreter during the negotiations. The obligations of the contract or other written agreement were explained to me in my native language. I understand the contract or other written agreement.  

(signature of consumer)  

(signature of retailer)  

(c) If a language that cannot be written is used in the retail transaction or in negotiations related to a retail transaction, then the form set forth in subsection (b) shall be in the English language.  

(d) If a person used forms substantially similar to the forms prescribed in subsections (a) and (b) in the regular course of business before January 1, 2002, the person may continue to use those forms instead of the forms prescribed in subsections (a) and (b). It is an unlawful practice for any person who conducts a retail transaction or negotiations related to a retail transaction in a language other than English to fail to give each consumer prior to entering into any contract or any other written agreement with respect to said transaction, an unexecuted copy of the contract or other written agreement in such language.  

(e) The terms of this Section do not apply to transactions made pursuant to a credit card issued to the buyer, whether such card is issued by the seller or by a third party.  

(Source: P.A. 79-926.)  

Section 99. Effective date. This Act takes effect upon becoming law.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Construction Bond Act is amended by changing Section 3 as follows:

(30 ILCS 550/3)
Sec. 3. Builder or developer cash bond or other surety.
(a) A county or municipality may not require a cash bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company from a builder or developer to guarantee completion of a project improvement when the builder or developer has filed with the county or municipal clerk a current, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed good and sufficient by the county or municipality accepting such security, in an amount equal to or greater than 110% of the amount of the bid on each project improvement. A builder or developer has the option to utilize a cash bond, an irrevocable letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, deemed good and sufficient by the county or municipality, to satisfy any cash bond requirement established by a county or municipality. Except for a municipality or county with a population of 1,000,000 or more, the county or municipality must approve and deem a surety or insurance company good and sufficient for the purposes set forth in this Section if the surety or insurance company is authorized by the Illinois Department of Insurance to sell and issue sureties in the State of Illinois.

(b) If a county or municipality receives a cash bond, irrevocable letter of credit, or surety bond from a builder or developer to guarantee completion of a project improvement, the county or municipality shall (i) register the bond under the address of the project and the construction permit number and (ii) give the builder or developer a receipt for the bond. The county or municipality shall establish and maintain a separate account for all cash bonds received from builders and developers to guarantee completion of a project improvement.

(c) The county or municipality shall refund a cash bond to a builder or developer, or release the irrevocable letter of credit or surety bond, within 60 days after the builder or developer notifies the county or municipality in writing of the completion of the project improvement for which the bond was required. For these purposes, "completion" means that the county or municipality has determined that the project improvement for which the bond was required is complete or a licensed engineer or licensed architect has certified to the builder or developer and the county or municipality that the project improvement has been completed to the applicable codes and ordinances. The county or municipality shall pay interest to the builder or developer, beginning 60 days after the builder or developer notifies the county or municipality in writing of the completion of the project improvement, on any bond not refunded to a builder or developer, at the rate of 1% per month.

(d) A home rule county or municipality may not require or maintain cash bonds, irrevocable letters of credit, surety bonds, or letters of commitment issued by a bank, savings and loan association, surety, or insurance company from builders or developers in a manner inconsistent with this Section. This Section supercedes and controls over other provisions of the Counties Code or Illinois Municipal Code as they apply to and guarantee completion of a project improvement that is required by the county or municipality, regardless of whether the project improvement is a condition of annexation agreements. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by a home rule county or municipality of powers and functions exercised by the State.

(Source: P.A. 89-518, eff. 1-1-97; 90-558, eff. 12-12-97.)

Section 10. The Counties Code is amended by changing Sections 5-1041 and 5-1123 as follows:

(55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)
Sec. 5-1041. Maps, plats and subdivisions. A county board may prescribe, by resolution or ordinance, reasonable rules and regulations governing the location, width and course of streets and highways and of floodplain, stormwater and floodwater runoff channels and basins, and the provision of necessary public grounds for schools, public libraries, parks or playgrounds, in any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land, not being within any city, village or incorporated town. The rules and regulations may include such reasonable requirements with respect to water supply and sewage collection and treatment as may be established

New matter indicated by italics - deletions by strikeout.
by the Environmental Protection Agency, and such reasonable requirements with respect to floodplain
and stormwater management as may be established by the County Stormwater Management
Committee established under Section 5-1062 of this Code, and such reasonable requirements with
respect to street drainage and surfacing as may be established by the county engineer or superintendent
of highways and which by resolution shall be deemed to be the minimum requirements in the interest
of the health, safety, education and convenience of the public of the county; and may provide by
resolution that the map, plat or subdivision shall be submitted to the county board or to some officer
to be designated by the county board for their or his approval. The county board shall have a qualified
engineer make an estimate of the probable expenditures necessary to enable any person to conform
with the standards of construction established by the board pursuant to the provisions of this Section.
Except as provided in Section 3 of the Public Construction Bond Act, each person who seeks the
county board's approval of a map, plat or subdivision shall post a good and sufficient *cash* bond,
*irrevocable letter of credit*, *surety bond*, or other adequate security with the county clerk, in a penal
sum sufficient to cover the estimate of expenditures made by the estimating engineer. The *cash* bond,
*irrevocable letter of credit*, *surety bond*, or other adequate security shall be conditioned upon faithful
adherence to the rules and regulations of the county board promulgated pursuant to the authorization
granted to it by this Section or by Section 5-1062 of this Code, and in such cases no such map, plat
or subdivision shall be entitled to record in the proper county or have any validity until it has been so
approved. *If the county board requires a cash bond, letter of credit, surety, or any other method to
cover the costs and expenses and to insure completion of the requirements, the requirements shall be
subject to the provisions of Section 5-1123 of this Code.* This Section is subject to the provisions of
Section 5-1123.

The county board may, by resolution, provide a schedule of fees sufficient to reimburse the
county for the costs incurred in reviewing such maps, plats and subdivisions submitted for approval
to the county board. The fees authorized by this Section are to be paid into the general corporate fund
of the county by the party desiring to have the plat approved.

No officer designated by a county board for the approval of plats shall engage in the business
of surveying, and no map, plat or subdivision shall be received for record or have any validity which
has been prepared by or under the direction of such plat officer.

It is the intention of this amendatory Act of 1990 to repeal the language added to Section
25.09 of "An Act to revise the law in relation to counties", approved March 31, 1874, by P.A. 86-614,
Section 25.09 of that Act being the predecessor of this Section.
(Source: P.A. 90-558, eff. 12-12-97; 91-328, eff. 1-1-00.)

(55 ILCS 5/5-1123)
Sec. 5-1123. Builder or developer cash bond or other surety.
(a) A county may not require a cash bond, *irrevocable letter of credit*, *surety bond*, or letter
of commitment issued by a bank, savings and loan association, *surety*, or insurance company from
a builder or developer to guarantee completion of a project improvement when the builder or
developer has filed with the county clerk a current, *irrevocable letter of credit*, *surety bond*, or letter
of commitment, issued by a bank, savings and loan association, *surety*, or insurance company, deemed
good and sufficient by the county accepting such security, in an amount equal to or greater than 110% of
the amount of the bid on each project improvement. A builder or developer *may elect* to utilize a *cash bond*, an
*irrevocable letter of credit*, *surety bond*, or letter of commitment issued by a bank, savings and loan association, *surety*, or insurance company, deemed good and sufficient by
the county, to satisfy any cash bond requirement established by a county. *The county must approve
and deem a surety or insurance company good and sufficient for the purposes set forth in this Section
if the surety or insurance company is authorized by the Illinois Department of Insurance to sell and
issue sureties in the State of Illinois.*
(b) If a county receives a cash bond, *irrevocable letter of credit*, *surety bond* from a builder
or developer to guarantee completion of a project improvement, the county shall (i) register the bond
under the address of the project and the construction permit number and (ii) give the builder or
developer a receipt for the bond. The county shall establish and maintain a separate account for all
cash bonds received from builders and developers to guarantee completion of a project improvement.
(c) The county shall refund a cash bond to a builder or developer, *or release the irrevocable
letter of credit or surety bond*, within 60 days after the builder or developer notifies the county in

New matter indicated by italics - deletions by strikeout.
writing of the completion of the project improvement for which the bond was required. For these purposes, "completion" means that the county has determined that the project improvement for which the bond was required is complete or a licensed engineer or licensed architect has certified to the builder or developer and the county that the project improvement has been completed to the applicable codes and ordinances. The county shall pay interest to the builder or developer, beginning 60 days after the builder or developer notifies the county in writing of the completion of the project improvement, on any bond not refunded to a builder or developer, at the rate of 1% per month.

(d) A home rule county may not require or maintain cash bonds, irrevocable letters of credit, surety bonds, or other adequate securities from builders or developers in a manner inconsistent with this Section. This Section supercedes and controls over other provisions of this Code as they apply to and guarantee completion of a project improvement that is required by the county. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by a home rule county of powers and functions exercised by the State.

(Source: P.A. 89-518, eff. 1-1-97; 90-14, eff. 7-1-97; 90-558, eff. 12-12-97.)

Section 15. The Illinois Municipal Code is amended by changing Sections 11-12-8 and 11-39-3 as follows:

(65 ILCS 5/11-12-8) (from Ch. 24, par. 11-12-8)

Sec. 11-12-8. Compliance of plat with map; designation of public lands; approval; bond; order; failure to act upon plat. The corporate authorities of the municipality shall determine whether a proposed plat of subdivision or resubdivision complies with the official map. To secure such determination, the person requesting the subdivision or resubdivision shall file four copies of a plat thereof with the clerk of the municipality, and shall furnish therewith four copies of all data necessary to show compliance with all applicable municipal regulations and shall make application for preliminary or final approval of the proposed plat.

Whenever the reasonable requirements provided by the ordinance including the official map shall indicate the necessity for providing for a school site, park site, or other public lands within any proposed subdivision for which approval has been requested, and no such provision has been made therefor, the municipal authority may require that lands be designated for such public purpose before approving such plat. Whenever a final plat of subdivision, or part thereof, has been approved by the corporate authorities as complying with the official map and there is designated therein a school site, park site or other public land, the corporate authorities having jurisdiction of such use, be it a school board, park board or other authority, such authority shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation within one year from the date of approval of such plat; and if it does not do so within such period of one year, the land so designated may then be used by the owners thereof in any other manner consistent with the ordinance including the official map and the zoning ordinance of the municipality.

The corporate authorities may by ordinance provide that a plat of subdivision may be submitted initially to the plan commission for preliminary approval. The application for preliminary approval shall show location and width of proposed streets and public ways, shall indicate proposed location of sewers and storm drains, proposed dedication of public grounds, if any, lot sizes, proposed easements for public utilities, and proposed method of sewage and waste disposal, but need not contain specifications for proposed improvements.

The plan Commission shall approve or disapprove the application for preliminary approval within 90 days from the date of the application or the filing by the applicant of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent. If such plat is disapproved, then within said 90 days the plan commission shall furnish to applicant in writing a statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to the ordinances including official map. If such plat is approved the corporate authority shall accept or reject said plat within 30 days after its next regular stated meeting following the action of the plan commission. Preliminary approval shall not qualify a plat for recording.

Application for final approval of a plat shall be made not later than one year after preliminary approval has been granted. This application must be supported by such drawings, specifications and bond as may be necessary to demonstrate compliance with all requirements of this statute and such regulations as the corporate authorities may provide by ordinance under authority of this statute. This
Section is subject to the provisions of Section 11-39-3 of this Code.

The applicant may elect to have final approval of a geographic part or parts of the plat that received preliminary approval, and may delay application for approval of other parts until a later date or dates beyond one year with the approval of the municipal authorities; provided, all facilities required to serve the part or parts for which final approval is sought have been provided. In such case only such part or parts of the plat as have received final approval shall be recorded.

When a person submitting a plat of subdivision or resubdivision for final approval has supplied all drawings, maps and other documents required by the municipal ordinances to be furnished in support thereof, and if all such material meets all municipal requirements, the corporate authorities shall approve the proposed plat within 60 days from the date of filing the last required document or other paper or within 60 days from the date of filing application for final approval of the plat, whichever date is later. The applicant and the corporate authorities may mutually agree to extend the 60 day period.

Except as provided in Section 3 of the Public Construction Bond Act, the corporate authorities may provide that any person, firm or corporation seeking approval of a subdivision or resubdivision map or plat shall post a good and sufficient cash bond, irrevocable letter of credit, or surety bond with the municipal clerk in a penal sum sufficient to cover the estimate made by the municipal engineer, or other authorized person, of expenditures, including but not limited to reasonable inspection fees to be borne by the applicant, necessary to conform to the requirements established and conditioned upon completion of said requirements in a reasonable time. The corporate authorities may, by ordinance, prescribe the form of the cash bond, irrevocable letter of credit, or surety bond and may require surety to be approved by the corporate authorities; provided, that a municipality may permit the depositing of cash or other security acceptable to the corporate authorities, to complete the improvements required in lieu of a bond if it shall so provide by ordinance; and further provided, that no bond or security shall be required to be filed until the corporate authorities have approved the plat in all other respects and have notified the applicant of such approval. If the corporate authorities require a cash bond, letter of credit, surety, or any other method to cover the costs and expenses and to insure completion of the requirements the requirements shall be subject to the provisions of Section 11-39-3 of this Code.

If the preliminary or final plat is approved, the municipal clerk shall attach a certified copy of the order or resolution of approval to a copy of the plat. If the proposed plat is disapproved, the order or resolution shall state the reasons for the disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to the official map. A copy of the order or resolution shall be filed in the office of the municipal clerk.

If the corporate authorities fail to act upon the final plat within the time prescribed the applicant may, after giving 5 days written notice to the corporate authorities, file a complaint for summary judgment in the circuit court and upon showing that the corporate authorities have failed to act within the time prescribed the court shall enter an order authorizing the recorder to record the plat as finally submitted without the approval of the corporate authorities. A plat so recorded shall have the same force and effect as though that plat had been approved by the corporate authorities. If the corporate authorities refuse to act upon the final plat within the time prescribed and if their failure to act thereon is wilful, upon such showing and upon proof of damages the municipality shall be liable therefor.

(Source: P.A. 90-558, eff. 12-12-97; 91-328, eff. 1-1-00.)

Sec. 11-39-3. Builder or developer cash bond or other surety.

(a) A municipality may not require a cash bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company from a builder or developer to guarantee completion of a project improvement when the builder or developer has filed with the municipal clerk a current, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed good and sufficient by the municipality accepting such security, in an amount equal to or greater than 110% of the amount of the bid on each project improvement. A builder or developer has the option may elect to utilize a cash bond, an irrevocable letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, deemed good and
sufficient by the municipality, to satisfy any cash bond requirement established by a municipality. Except for a municipality or county with a population of 1,000,000 or more, the municipality must approve and deem a surety or insurance company good and sufficient for the purposes set forth in this Section if the surety or insurance company is authorized by the Illinois Department of Insurance to sell and issue sureties in the State of Illinois.

(b) If a municipality receives a cash bond, irrevocable letter of credit, or surety bond from a builder or developer to guarantee completion of a project improvement, the municipality shall (i) register the bond under the address of the project and the construction permit number and (ii) give the builder or developer a receipt for the bond. The municipality shall establish and maintain a separate account for all cash bonds received from builders and developers to guarantee completion of a project improvement.

(c) The municipality shall refund a cash bond to a builder or developer, or release the irrevocable letter of credit or surety bond within 60 days after the builder or developer notifies the municipality in writing of the completion of the project improvement for which the bond was required. For these purposes, "completion" means that the municipality has determined that the project improvement for which the bond was required is complete or a licensed engineer or licensed architect has certified to the builder or developer and the municipality that the project improvement has been completed to the applicable codes and ordinances. The municipality shall pay interest to the builder or developer, beginning 60 days after builder or developer notifies the municipality in writing of the completion of the project improvement, on any bond not refunded to a builder or developer, at the rate of 1% per month.

(d) A home rule municipality may not require or maintain cash bonds, irrevocable letters of credit, surety bonds, or letters of commitment issued by a bank, savings and loan association, surety, or insurance company from builders or developers in a manner inconsistent with this Section. This Section supercedes and controls over other provisions of this Code as they apply to and guarantee completion of a project improvement that is required by the municipality, regardless of whether the project improvement is a condition of annexation agreements. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by a home rule municipality of powers and functions exercised by the State.

(215 ILCS 5/155.37 new)

Sec. 155.37. Use of credit reports in connection with certain policies.

(a) This Section applies to policies of insurance defined in subsections (a), (b), and (c) of Section 143.13, except that this Section does not apply to those personal lines policies defined in subsection (c) of Section 143.13 that could be classified under clause (g) or (i) of Class 2 of Section 4 or to policies of insurance subject to Article IX 1/2.

(b) An insurance company authorized to do business in this State may not refuse to issue or renew a policy of insurance solely on the basis of a credit report. An offer by an insurance company to write a policy through an insurer that is an affiliate, as defined in Section 131.1 of this Code, with continuous coverage does not constitute a refusal to issue a policy or a nonrenewal within the meaning of this Section. "Credit report" means a collection of data regarding a consumer's credit history, credit capacity, or credit worthiness that has been assembled or evaluated by a consumer reporting agency as defined in 15 USC 1681a(f).

(c) If a credit report is used in conjunction with other criteria to underwrite an application or renewal of a policy of insurance, it may not include or be based upon the race, income, gender,
(d) If a credit report is used in conjunction with other criteria to refuse to issue or renew a policy of insurance, the insurer shall provide the applicant or policyholder with a notice of the underwriting action taken. For purposes of this Section, compliance with the notification requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., shall be considered to be in compliance with this Section.

Section 99. Effective date. This Act takes effect on October 1, 2001.
Effective October 1, 2001.

AN ACT in relation to housing.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Housing Authorities Act is amended by adding Section 8.4a and changing Sections 11, 17, and 21 as follows:

(310 ILCS 10/8.4a new)
Sec. 8.4a. Additional powers. In addition to powers conferred by this Act and other laws concerning housing authorities, generally, an Authority for a municipality having a population in excess of 1,000,000 may do any of the following:
(a) Issue revenue bonds for the purpose of financing the construction, equipping, or rehabilitation or refinancing of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing located within the municipality having a population in excess of 1,000,000.
(b) Make or undertake commitments to make loans to finance the construction, equipping, or rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000.
(c) Purchase or undertake, directly or indirectly through lending institutions, commitments to purchase, construction loans, and mortgage loans originated in accordance with a financing agreement with the Authority to finance the construction, equipping, or rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000, or make loans to lending institutions under terms and conditions which, in addition to other provisions determined by the Authority, shall require the lending institutions to use the net proceeds of the loans for the making, directly or indirectly, of construction loans or mortgage loans to finance the construction, equipping, rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000.

(310 ILCS 10/11) (from Ch. 67 1/2, par. 11)
Sec. 11. An Authority shall have power to issue bonds from time to time in its discretion to finance in whole or in part the cost of acquisition, purchase, construction, reconstruction, improvement, alteration, extension or repair of any project or undertaking hereunder. An Authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An Authority may issue such types of bonds as it may determine by resolution, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds (including, without limitation, income and revenues derived from a loan agreement with respect to a project located within the municipality having a population in excess of 1,000,000), or with such proceeds together with a grant from the Federal Government or any political subdivision of the State in aid of such project; (b) exclusively from the income and revenues of certain designated housing projects of such Authority whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any housing project, projects or other property of the Authority.

In addition to powers conferred by this Act and other laws concerning housing authorities in general, an Authority for a municipality having a population in excess of 1,000,000 may grant a specific pledge or assignment of, and lien on or security interest in, the income and revenues of the

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Authority derived from the loan agreement with respect to the project or projects, as well as in any reserves, funds, or accounts established in the resolution authorizing the bonds or the indenture or other instrument under which the bonds are issued. As evidence of such pledge, assignment, lien, and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture, security agreement, or an assignment thereof. The provisions of this amendatory Act of the 92nd General Assembly create additional powers for housing authorities having a population in excess of 1,000,000; these provisions do not limit the powers conferred on housing authorities in general.

Neither the commissioners of an Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an Authority (and such bonds and obligations shall so state on their face) shall not be a debt of any city, village, incorporated town, county, the State or any political subdivision thereof and neither the city, village, incorporated town or the county, nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

(Source: Laws 1937, p. 679.)

(310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

Sec. 17. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean a municipal corporation organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions herein set forth.

(b) "Area" or "area of operation" shall mean: (1) in the case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated town may continue to operate any project developed in whole or in part in an area previously a part of its area of operation, or may contract with the county housing authority with respect to the sale, lease, development or administration of such project. When an authority is created for a city, village or incorporated town subsequent to the creation of a county housing authority which previously included such city, village or incorporated town within its area of operation, such county housing authority shall have no power to create any additional project within the city, village or incorporated town, but any existing project in the city, village or incorporated town currently owned and operated by the county housing authority shall remain in the ownership, operation, custody and control of the county housing authority.

(c) "Presiding officer" shall mean the presiding officer of the board of a county, or the mayor or president of a city, village or incorporated town, as the case may be, for which an Authority is created hereunder.

(d) "Commissioner" shall mean one of the members of an Authority appointed in accordance with the provisions of this Act.

(e) "Government" shall include the State and Federal governments and the governments of any subdivisions, agency or instrumentality, corporate or otherwise, of either of them.

(f) "Department" shall mean the Department of Commerce and Community Affairs.

(g) "Project" shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, whether or not acquired or constructed at one time even though all or a portion of the buildings are not contiguous or adjacent to one another; and the planning of buildings and improvements, the
acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction, and repair of buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas in accordance with an approved conservation plan. "Project" shall also include (1) acquisition of (i) a slum or blighted area or a deteriorated or deteriorating area which is predominantly residential in character, or (ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or (iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or (v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses; (2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and (3) making the land available for development or redevelop by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself). If in any city, village or incorporated town there exists a land clearance commission created under the "Blighted Areas Redevelopment Act of 1947" having the same area of operation as a housing authority created in and for any such municipality such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv) or (v) of paragraph 1 of the definition of "project" for the purpose of development or redevelopment by private enterprise.

(h) "Community facilities" shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder.

(i) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(j) The term "governing body" shall include the city council of any city, the president and board of trustees of any village or incorporated town, the council of any city or village, and the county board of any county.

(k) The phrase "individual, association, corporation or organization" shall include any individual, private corporation, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association, educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

(l) "Conservation area", for the purpose of the exercise of the powers granted in Sections 8.14 to 8.18, inclusive, for housing authorities for municipalities of less than 500,000 population and for counties, means an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area is not yet a slum or blighted area as defined in the Blighted Areas Redevelopment Act of 1947, but such an area by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become a slum and blighted area.

(m) "Conservation plan" means the comprehensive program for the physical development and replanning of a "Conservation Area" as defined in paragraph (l) embodying the steps required to prevent such Conservation Area from becoming a slum and blighted area.

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.

(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants
which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(p) "Loan agreement" means any agreement pursuant to which an Authority agrees to loan the proceeds of its revenue bonds issued with respect to a multifamily rental housing project or other funds of the Authority to any person upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, premium, if any, and interest on the revenue bonds of the Authority issued with respect to the multifamily rental housing project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

(q) "Multifamily rental housing" means any rental project designed for mixed-income or low-income occupancy.

(Source: P.A. 87-200.)

Sec. 21. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an Authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or allowing any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(c) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(d) To covenant (subject to the limitations contained in this Act) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(e) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(f) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(g) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(h) To vest in a trustee or trustees or the holders of bonds or any specified proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by the Authority, to take possession of any housing project or part thereof, and (so long as the Authority shall continue in default) to retain such possession and use, operate and manage the project, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with the trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(i) In the case of an Authority for a municipality having a population in excess of 1,000,000, to enter into loan agreements, regulatory agreements, and all other instruments or documentation with private borrowers of the proceeds of the Authority's multifamily housing revenue bonds and to
accept guaranties from persons of its loans or the resultant evidences of obligations to the Authority. The provisions of this amendatory Act of the 92nd General Assembly create additional powers for housing authorities having a population in excess of 1,000,000; these provisions do not limit the powers conferred on housing authorities in general.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(Source: P.A. 84-551.)

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

PUBLIC ACT 92-0482
(House Bill No. 2439)

AN ACT concerning the use of State funds.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as follows:
(15 ILCS 520/7) (from Ch. 130, par. 26)
Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depositary for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositaries for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to 10% of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys and (ii) existing home loans of Illinois citizens who have failed to make payments on the home loan as a result of a temporary layoff or disability, but who have resumed making payments on the home loan and have made at least 2 consecutive payments, when under the institution's prevailing policies it would commence or pursue foreclosure proceedings if it were not for the incentive of a reduced rate of interest on deposits of State moneys.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of one family and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning certain financial institutions.

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

Section 5. The Office of Banks and Real Estate Act is amended by changing Sections 5 and 6 as follows:

(20 ILCS 3205/5) (from Ch. 17, par. 455)

Sec. 5. Powers. In addition to all the other powers and duties provided by law, the Commissioner shall have the following powers:

(a) To exercise the rights, powers and duties formerly vested by law in the Director of Financial Institutions under the Illinois Banking Act.

(b) To exercise the rights, powers and duties formerly vested by law in the Department of Financial Institutions under "An act to provide for and regulate the administration of trusts by trust companies", approved June 15, 1887, as amended.

(c) To exercise the rights, powers and duties formerly vested by law in the Director of Financial Institutions under "An act authorizing foreign corporations, including banks and national banking associations domiciled in other states, to act in a fiduciary capacity in this state upon certain conditions herein set forth", approved July 13, 1953, as amended.

(d) Whenever the Commissioner is authorized or required by law to consider or to make findings regarding the character of incorporators, directors, management personnel, or other relevant individuals under the Illinois Banking Act, the Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at other times as the Commissioner deems necessary for the purpose of carrying out the Commissioner's statutory powers and responsibilities, the Commissioner shall consider criminal history record information, including nonconviction information, pursuant to the Criminal Identification Act. The Commissioner shall, in the form and manner required by the Department of State Police and the Federal Bureau of Investigation, cause to be conducted a criminal history record investigation to obtain information currently contained in the files of the Department of State Police or the Federal Bureau of Investigation, provided that the Commissioner need not cause additional criminal history record investigations to be conducted on individuals for whom the Commissioner, a federal bank regulatory agency, or any other government agency has caused such investigations to have been conducted previously unless such additional investigations are otherwise required by law or unless the Commissioner deems such additional investigations to be necessary for the purposes of carrying out the Commissioner's statutory powers and responsibilities. The Department of State Police shall provide, on the Commissioner's request, information concerning criminal charges and their disposition currently on file with respect to a relevant individual. Information obtained as a result of an investigation under this Section shall be used in determining eligibility to be an incorporator, director, management personnel, or other relevant individual in relation to a financial institution or other entity supervised by the Commissioner. Upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(e) When issuing charters, permits, licenses, or other authorizations, the Commissioner may impose such terms and conditions on the issuance as he deems necessary or appropriate. Failure to abide by those terms and conditions may result in the revocation of the issuance, the imposition of corrective orders, or the imposition of civil money penalties.

(f) If the Commissioner has reasonable cause to believe that any entity that has not submitted an application for authorization or licensure is conducting any activity that would otherwise require authorization or licensure by the Commissioner, the Commissioner shall have the power to subpoena...
witnesses, to compel their attendance, and to require the production of any relevant books, papers, accounts, and documents in order to determine whether the entity is subject to authorization or licensure by the Commissioner or the Office of Banks and Real Estate.

(g) The Commissioner may, through the Attorney General, request the circuit court of any county to issue an injunction to restrain any person from violating the provisions of any Act administered by the Commissioner.

(h) Whenever the Commissioner is authorized to take any action or required by law to consider or make findings, the Commissioner may delegate or appoint, in writing, an officer or employee of the Office of Banks and Real Estate to take that action or make that finding.

(Source: P.A. 90-301, eff. 8-1-97; 90-602, eff. 7-1-98; 91-239, eff. 1-1-00.)

(20 ILCS 3205/6) (from Ch. 17, par. 456)
Sec. 6. Duties. The Commissioner shall direct and supervise all the administrative and technical activities of the Office and shall:
(a) Apply and carry out this Act and the law and all rules adopted in pursuance thereof.
(b) Appoint, subject to the provisions of the Personnel Code, such employees, experts, and special assistants as may be necessary to carry out effectively the provisions of this Act and, if the rate of compensation is not otherwise fixed by law, fix their compensation; but neither the Commissioner nor any deputy commissioner shall be subject to the Personnel Code.
(c) Serve as Chairman of the State Banking Board of Illinois.
(d) Serve as Chairman of the Board of Trustees of the Illinois Bank Examiners' Education Foundation.
(e) Issue guidelines in the form of rules or regulations which will prohibit discrimination by any State chartered bank against any individual, corporation, partnership, association or other entity because it appears in a so-called blacklist issued by any domestic or foreign corporate or governmental entity.
(f) Make an annual report to the Governor regarding the work of the Office as the Commissioner may consider desirable or as the Governor may request.
(g) Perform such other acts as may be requested by the State Banking Board of Illinois pursuant to its lawful powers and perform any other lawful act that the Commissioner considers to be necessary or desirable to carry out the purposes and provisions of this Act.
(h) Adopt, in accordance with the Illinois Administrative Procedure Act, reasonable rules that the Commissioner deems necessary for the proper administration and enforcement of any Act the administration of which is vested in the Commissioner or the Office of Banks and Real Estate.

(Source: P.A. 89-508, eff. 7-3-96.)

Section 10. The Illinois Banking Act is amended by changing Sections 2, 5, 5b, 7, 8, 10, 12, 13, 13.5, 14, 15, 16.1, 17, 18, 22, 25, 30.5, 31, 33, 37, 47, 48, 48.1, 48.5, 49, 51, and 53 as follows:

(205 ILCS 5/2) (from Ch. 17, par. 302)
Sec. 2. General definitions. In this Act, unless the context otherwise requires, the following words and phrases shall have the following meanings:
"Accommodation party" shall have the meaning ascribed to that term in Section 3-419 of the Uniform Commercial Code.
"Action" in the sense of a judicial proceeding includes recoupments, counterclaims, set-off, and any other proceeding in which rights are determined.
"Affiliate facility" of a bank means a main banking premises or branch of another commonly owned bank. The main banking premises or any branch of a bank may be an "affiliate facility" with respect to one or more other commonly owned banks.
"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago, or the Federal Reserve Bank of St. Louis, as determined by federal law.
"Bank" means any person doing a banking business whether subject to the laws of this or any other jurisdiction.
A "banking house", "branch", "branch bank" or "branch office" shall mean any place of business of a bank at which deposits are received, checks paid, or loans made, but shall not include any place at which only records thereof are made, posted, or kept. A place of business at which deposits are received, checks paid, or loans made shall not be deemed to be a branch, branch bank,

New matter indicated by italics - deletions by strikeout.
or branch office if the place of business is adjacent to and connected with the main banking premises, or if it is separated from the main banking premises by not more than an alley; provided always that (i) if the place of business is separated by an alley from the main banking premises there is a connection between the two by public or private way or by subterranean or overhead passage, and (ii) if the place of business is in a building not wholly occupied by the bank, the place of business shall not be within any office or room in which any other business or service of any kind or nature other than the business of the bank is conducted or carried on. A place of business at which deposits are received, checks paid, or loans made shall not be deemed to be a branch, branch bank, or branch office (i) of any bank if the place is a terminal established and maintained in accordance with paragraph (17) of Section 5 of this Act, or (ii) of a commonly owned bank by virtue of transactions conducted at that place on behalf of the other commonly owned bank under paragraph (23) of Section 5 of this Act if the place is an affiliate facility with respect to the other bank.

"Branch of an out-of-state bank" means a branch established or maintained in Illinois by an out-of-state bank as a result of a merger between an Illinois bank and the out-of-state bank that occurs on or after May 31, 1997, or any branch established by the out-of-state bank following the merger. "Call report fee" means the fee to be paid to the Commissioner by each State bank pursuant to paragraph (a) of subsection (3) of Section 48 of this Act. "Capital" includes the aggregate of outstanding capital stock and preferred stock. "Cash flow reserve account" means the account within the books and records of the Commissioner of Banks and Real Estate used to record funds designated to maintain a reasonable Bank and Trust Company Fund operating balance to meet agency obligations on a timely basis. "Charter" includes the original charter and all amendments thereto and articles of merger or consolidation. "Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead. "Commonly owned banks" means 2 or more banks that each qualify as a bank subsidiary of the same bank holding company pursuant to Section 18 of the Federal Deposit Insurance Act; "commonly owned bank" refers to one of a group of commonly owned banks but only with respect to one or more of the other banks in the same group. "Community" means a city, village, or incorporated town and also includes the area served by the banking offices of a bank, but need not be limited or expanded to conform to the geographic boundaries of units of local government in this State. "Company" means a corporation, limited liability company, partnership, business trust, association, or similar organization and, unless specifically excluded, includes a "State bank" and a "bank". "Consolidating bank" means a party to a consolidation. "Consolidation" takes place when 2 or more banks, or a trust company and a bank, are extinguished and by the same process a new bank is created, taking over the assets and assuming the liabilities of the banks or trust company passing out of existence. "Continuing bank" means a merging bank, the charter of which becomes the charter of the resulting bank. "Converting bank" means a State bank converting to become a national bank, or a national bank converting to become a State bank. "Converting trust company" means a trust company converting to become a State bank. "Court" means a court of competent jurisdiction. "Eligible depository institution" means an insured savings association that is in default, an insured savings association that is in danger of default, a State or national bank that is in default or a State or national bank that is in danger of default, as those terms are defined in this Section, or a new bank as that term defined in Section 11(m) of the Federal Deposit Insurance Act or a bridge bank as that term is defined in Section 11(n) of the Federal Deposit Insurance Act or a new federal savings association authorized under Section 11(d)(2)(f) of the Federal Deposit Insurance Act. "Fiduciary" means trustee, agent, executor, administrator, committee, guardian for a minor or for a person under legal disability, receiver, trustee in bankruptcy, assignee for creditors, or any holder of similar position of trust. New matter indicated by italics - deletions by strikeout.
"Financial institution" means a bank, savings and loan association, credit union, or any licensee under the Consumer Installment Loan Act or the Sales Finance Agency Act and, for purposes of Section 48.3, any proprietary network, funds transfer corporation, or other entity providing electronic funds transfer services, or any corporate fiduciary, its subsidiaries, affiliates, parent company, or contractual service provider that is examined by the Commissioner.

"Foundation" means the Illinois Bank Examiners' Education Foundation.

"General obligation" means a bond, note, debenture, security, or other instrument evidencing an obligation of the government entity that is the issuer that is supported by the full available resources of the issuer, the principal and interest of which is payable in whole or in part by taxation.

"Guarantee" means an undertaking or promise to answer for payment of another's debt or performance of another's duty, liability, or obligation whether "payment guaranteed" or "collection guaranteed".

"In danger of default" means a State or national bank, a federally chartered insured savings association or an Illinois state chartered insured savings association with respect to which the Commissioner or the appropriate federal banking agency has advised the Federal Deposit Insurance Corporation that:

(1) in the opinion of the Commissioner or the appropriate federal banking agency,
   (A) the State or national bank or insured savings association is not likely to be able to meet the demands of the State or national bank's or savings association's obligations in the normal course of business; and
   (B) there is no reasonable prospect that the State or national bank or insured savings association will be able to meet those demands or pay those obligations without federal assistance; or

(2) in the opinion of the Commissioner or the appropriate federal banking agency,
   (A) the State or national bank or insured savings association has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and
   (B) there is no reasonable prospect that the capital of the State or national bank or insured savings association will be replenished without federal assistance.

"In default" means, with respect to a State or national bank or an insured savings association, any adjudication or other official determination by any court of competent jurisdiction, the Commissioner, the appropriate federal banking agency, or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for a State or national bank or an insured savings association.

"Insured savings association" means any federal savings association chartered under Section 5 of the federal Home Owners' Loan Act and any State savings association chartered under the Illinois Savings and Loan Act of 1985 or a predecessor Illinois statute, the deposits of which are insured by the Federal Deposit Insurance Corporation. The term also includes a savings bank organized or operating under the Savings Bank Act.

"Insured savings association in recovery" means an insured savings association that is not an eligible depository institution and that does not meet the minimum capital requirements applicable with respect to the insured savings association.

"Issuer" means for purposes of Section 33 every person who shall have issued or proposed to issue any security; except that (1) with respect to certificates of deposit, voting trust certificates, collateral-trust certificates, and certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions), "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust, agreement, or instrument under which the securities are issued; (2) with respect to trusts other than those specified in clause (1) above, where the trustee is a corporation authorized to accept and execute trusts, "issuer" means the entrusters, depositors, or creators of the trust and any manager or committee charged with the general direction of the affairs of the trust pursuant to the provisions of the agreement or instrument creating the trust; and (3) with respect to equipment trust certificates or like securities, "issuer" means the person to whom the equipment or property is or is to be leased or conditionally sold.

"Letter of credit" and "customer" shall have the meanings ascribed to those terms in Section 5-102 of the Uniform Commercial Code.

New matter indicated by italics - deletions by strikeout.
"Main banking premises" means the location that is designated in a bank's charter as its main office."
"Maker or obligor" means for purposes of Section 33 the issuer of a security, the promisor in a
debenture or other debt security, or the mortgagor or grantor of a trust deed or similar conveyance of a security interest in real or personal property.
"Merged bank" means a merging bank that is not the continuing, resulting, or surviving bank in a consolidation or merger.
"Merger" includes consolidation.
"Merging bank" means a party to a bank merger.
"Merging trust company" means a trust company party to a merger with a State bank.
"Mid-tier bank holding company" means a corporation that (a) owns 100% of the issued and outstanding shares of each class of stock of a State bank, (b) has no other subsidiaries, and (c) 100% of the issued and outstanding shares of the corporation are owned by a parent bank holding company.
"Municipality" means any municipality, political subdivision, school district, taxing district, or agency.
"National bank" means a national banking association located in this State and after May 31, 1997, means a national banking association without regard to its location.
"Out-of-state bank" means a bank chartered under the laws of a state other than Illinois, a territory of the United States, or the District of Columbia.
"Parent bank holding company" means a corporation that is a bank holding company as that term is defined in the Illinois Bank Holding Company Act of 1957 and owns 100% of the issued and outstanding shares of a mid-tier bank holding company.
"Person" means an individual, corporation, limited liability company, partnership, joint venture, trust, estate, or unincorporated association.
"Public agency" means the State of Illinois, the various counties, townships, cities, towns, villages, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, the Illinois Bank Examiners' Education Foundation, the Chicago Park District, and all other political corporations or subdivisions of the State of Illinois, whether now or hereafter created, whether herein specifically mentioned or not, and shall also include any other state or any political corporation or subdivision of another state.
"Public funds" or "public money" means current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to, in the custody of, or subject to the control or regulation of the United States or a public agency. "Public funds" or "public money" shall include funds held by any of the officers, agents, or employees of the United States or of a public agency in the course of their official duties and, with respect to public money of the United States, shall include Postal Savings funds.
"Published" means, unless the context requires otherwise, the publishing of the notice or instrument referred to in some newspaper of general circulation in the community in which the bank is located at least once each week for 3 successive weeks. Publishing shall be accomplished by, and at the expense of, the bank required to publish. Where publishing is required, the bank shall submit to the Commissioner evidence that evidence of the publication as the Commissioner shall deem appropriate.
"Qualified financial contract" means any security contract, commodity contract, forward contract, including spot and forward foreign exchange contracts, repurchase agreement, swap agreement, and any similar agreement, any option to enter into any such agreement, including any combination of the foregoing, and any master agreement for such agreements. A master agreement, together with all supplements thereto, shall be treated as one qualified financial contract. The contract, option, agreement, or combination of contracts, options, or agreements shall be reflected upon the books, accounts, or records of the bank, or a party to the contract shall provide documentary evidence of such agreement.
"Recorded" means the filing or recording of the notice or instrument referred to in the office of the Recorder of the county wherein the bank is located.
"Resulting bank" means the bank resulting from a merger or conversion.
"Securities" means stocks, bonds, debentures, notes, or other similar obligations.
"Stand-by letter of credit" means a letter of credit under which drafts are payable upon the
condition the customer has defaulted in performance of a duty, liability, or obligation.

"State bank" means any banking corporation that has a banking charter issued by the Commissioner under this Act.

"State Banking Board" means the State Banking Board of Illinois.

"Subsidiary" with respect to a specified company means a company that is controlled by the specified company. For purposes of paragraphs (8) and (12) of Section 5 of this Act, "control" means the exercise of operational or managerial control of a corporation by the bank, either alone or together with other affiliates of the bank.

"Surplus" means the aggregate of (i) amounts paid in excess of the par value of capital stock and preferred stock; (ii) amounts contributed other than for capital stock and preferred stock and allocated to the surplus account; and (iii) amounts transferred from undivided profits.

"Tier 1 Capital" and "Tier 2 Capital" have the meanings assigned to those terms in regulations promulgated for the appropriate federal banking agency of a state bank, as those regulations are now or hereafter amended.

"Trust company" means a limited liability company or corporation incorporated in this State for the purpose of accepting and executing trusts.

"Undivided profits" means undistributed earnings less discretionary transfers to surplus.

"Unimpaired capital and unimpaired surplus", for the purposes of paragraph (21) of Section 5 and Sections 32, 33, 34, 35.1, 35.2, and 47 of this Act means the sum of the state bank's Tier 1 Capital and Tier 2 Capital plus such other shareholder equity as may be included by regulation of the Commissioner. Unimpaired capital and unimpaired surplus shall be calculated on the basis of the date of the last quarterly call report filed with the Commissioner preceding the date of the transaction for which the calculation is made, provided that: (i) when a material event occurs after the date of the last quarterly call report filed with the Commissioner that reduces or increases the bank's unimpaired capital and unimpaired surplus by 10% or more, then the unimpaired capital and unimpaired surplus shall be calculated from the date of the material event for a transaction conducted after the date of the material event; and (ii) if the Commissioner determines for safety and soundness reasons that a state bank should calculate unimpaired capital and unimpaired surplus more frequently than provided by this paragraph, the Commissioner may by written notice direct the bank to calculate unimpaired capital and unimpaired surplus at a more frequent interval. In the case of a state bank newly chartered under Section 13 or a state bank resulting from a merger, consolidation, or conversion under Sections 21 through 26 for which no preceding quarterly call report has been filed with the Commissioner, unimpaired capital and unimpaired surplus shall be calculated for the first calendar quarter on the basis of the effective date of the charter, merger, consolidation, or conversion.

(Source: P.A. 89-208, eff. 9-29-95; 89-364, eff. 8-18-95; 89-508, eff. 7-3-96; 89-534, eff. 1-1-97; 89-567, eff. 7-26-96; 89-626, eff. 8-9-96; 90-14, eff. 7-1-97; 90-301, eff. 8-1-97.)

(205 ILCS 5/5) (from Ch. 17, par. 311)

Sec. 5. General corporate powers. A bank organized under this Act or subject hereto shall be a body corporate and politic and shall, without specific mention thereof in the charter, have all the powers conferred by this Act and the following additional general corporate powers:

1. To sue and be sued, complain, and defend in its corporate name.

2. To have a corporate seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced, provided that the affixing of a corporate seal to an instrument shall not give the instrument additional force or effect, or change the construction thereof, and the use of a corporate seal is not mandatory.

3. To make, alter, amend, and repeal bylaws, not inconsistent with its charter or with law, for the administration of the affairs of the bank. If this Act does not provide specific guidance in matters of corporate governance, the provisions of the Business Corporation Act of 1983 may be used if so provided in the bylaws.

4. To elect or appoint and remove officers and agents of the bank and define their duties and fix their compensation.

5. To adopt and operate reasonable bonus plans, profit-sharing plans, stock-bonus plans, stock-option plans, pension plans and similar incentive plans for its directors, officers and employees.

5.1 To manage, operate and administer a fund for the investment of funds by a public agency or agencies, including any unit of local government or school district, or any person. The fund for a

New matter indicated by italics - deletions by strikeout.
public agency shall invest in the same type of investments and be subject to the same limitations provided for the investment of public funds. The fund for public agencies shall maintain a separate ledger showing the amount of investment for each public agency in the fund. "Public funds" and "public agency" as used in this Section shall have the meanings ascribed to them in Section 1 of the Public Funds Investment Act.

(6) To make reasonable donations for the public welfare or for charitable, scientific, religious or educational purposes.

(7) To borrow or incur an obligation; and to pledge its assets:

(a) to secure its borrowings, its lease of personal or real property or its other nondeposit obligations;

(b) to enable it to act as agent for the sale of obligations of the United States;

(c) to secure deposits of public money of the United States, whenever required by the laws of the United States, including without being limited to, revenues and funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees and Postal Savings funds;

(d) to secure deposits of public money of any state or of any political corporation or subdivision thereof including, without being limited to, revenues and funds the deposit of which is subject to the control or regulation of any state or of any political corporation or subdivisions thereof or of any of their officers, agents, or employees;

(e) to secure deposits of money whenever required by the National Bankruptcy Act;

(f) (blank); and

(g) to secure trust funds commingled with the bank's funds, whether deposited by the bank or an affiliate of the bank, pursuant to Section 2-8 of the Corporate Fiduciary Act.

(8) To own, possess, and carry as assets all or part of the real estate necessary in or with which to do its banking business, either directly or indirectly through the ownership of all or part of the capital stock, shares or interests in any corporation, association, trust engaged in holding any part or parts or all of the bank premises, engaged in such business and in conducting a safe deposit business in the premises or part of them, or engaged in any activity that the bank is permitted to conduct in a subsidiary pursuant to paragraph (12) of this Section 5.

(9) To own, possess, and carry as assets other real estate to which it may obtain title in the collection of its debts or that was formerly used as a part of the bank premises, but title to any real estate except as herein permitted shall not be retained by the bank, either directly or by or through a subsidiary, as permitted by subsection (12) of this Section for a total period of more than 10 years after acquiring title, either directly or indirectly.

(10) To do any act, including the acquisition of stock, necessary to obtain insurance of its deposits, or part thereof, and any act necessary to obtain a guaranty, in whole or in part, of any of its loans or investments by the United States or any agency thereof, and any act necessary to sell or otherwise dispose of any of its loans or investments to the United States or any agency thereof, and to acquire and hold membership in the Federal Reserve System.

(11) Notwithstanding any other provisions of this Act or any other law, to do any act and to own, possess, and carry as assets property of the character, including stock, that is at the time authorized or permitted to national banks by an Act of Congress, but subject always to the same limitations and restrictions as are applicable to national banks by the pertinent federal law and subject to applicable provisions of the Financial Institutions Insurance Sales Law.

(12) To own, possess, and carry as assets stock of one or more corporations that is, or are, engaged in one or more of the following businesses:

(a) holding title to and administering assets acquired as a result of the collection or liquidating of loans, investments, or discounts; or

(b) holding title to and administering personal property acquired by the bank, directly or indirectly through a subsidiary, for the purpose of leasing to others, provided the lease or leases and the investment of the bank, directly or through a subsidiary, in that personal property otherwise comply with Section 35.1 of this Act; or

(c) carrying on or administering any of the activities excepting the receipt of deposits or the payment of checks or other orders for the payment of money in which a bank may engage in carrying on its general banking business; provided, however, that nothing contained in this

New matter indicated by italics - deletions by strikeout.
paragraph (c) shall be deemed to permit a bank organized under this Act or subject hereto to do, either directly or indirectly through any subsidiary, any act, including the making of any loan or investment, or to own, possess, or carry as assets any property that if done by or owned, possessed, or carried by the State bank would be in violation of or prohibited by any provision of this Act.

The provisions of this subsection (12) shall not apply to and shall not be deemed to limit the powers of a State bank with respect to the ownership, possession, and carrying of stock that a State bank is permitted to own, possess, or carry under this Act.

Any bank intending to establish a subsidiary under this subsection (12) shall give written notice to the Commissioner 60 days prior to the subsidiary's commencing of business or, as the case may be, prior to acquiring stock in a corporation that has already commenced business. After receiving the notice, the Commissioner may waive or reduce the balance of the 60 day notice period. The Commissioner may specify the form of the notice and may promulgate rules and regulations to administer this subsection (12).

(13) To accept for payment at a future date not exceeding one year from the date of acceptance, drafts drawn upon it by its customers; and to issue, advise, or confirm letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents.

(14) To own and lease personal property acquired by the bank at the request of a prospective lessee and upon the agreement of that person to lease the personal property provided that the lease, the agreement with respect thereto, and the amount of the investment of the bank in the property comply with Section 35.1 of this Act.

(15) (a) To establish and maintain, in addition to the main banking premises, branches offering any banking services permitted at the main banking premises of a State bank.

(b) To establish and maintain, after May 31, 1997, branches in another state that may conduct any activity in that state that is authorized or permitted for any bank that has a banking charter issued by that state, subject to the same limitations and restrictions that are applicable to banks chartered by that state.

(16) (Blank).

(17) To establish and maintain terminals, as authorized by the Electronic Fund Transfer Act.

(18) To establish and maintain temporary service booths at any International Fair held in this State which is approved by the United States Department of Commerce, for the duration of the international fair for the sole purpose of providing a convenient place for foreign trade customers at the fair to exchange their home countries' currency into United States currency or the converse. This power shall not be construed as establishing a new place or change of location for the bank providing the service booth.

(19) To indemnify its officers, directors, employees, and agents, as authorized for corporations under Section 8.75 of the Business Corporation Act of 1983.

(20) To own, possess, and carry as assets stock of, or be or become a member of, any corporation, mutual company, association, trust, or other entity formed exclusively for the purpose of providing directors' and officers' liability and bankers' blanket bond insurance or reinsurance to and for the benefit of the stockholders, members, or beneficiaries, or their assets or businesses, or their officers, directors, employees, or agents, and not to or for the benefit of any other person or entity or the public generally.

(21) To make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all of these corporations and in all of these projects does not exceed 10% of the unimpaired capital and unimpaired surplus of the bank and provided that this limitation shall not apply to creditworthy loans by the bank to those corporations or projects. Upon written application to the Commissioner, a bank may make an investment that would, when aggregated with all other such investments, exceed 10% of the unimpaired capital and unimpaired surplus of the bank. The Commissioner may approve the investment if he is of the opinion and finds that the proposed investment will not have a material adverse effect on the safety and soundness of the bank.

(22) To own, possess, and carry as assets the stock of a corporation engaged in the ownership or operation of a travel agency or to operate a travel agency as a part of its business, provided that the bank either owned, possessed, and carried as assets the stock of such a corporation or operated a travel agency.
agency as part of its business before July 1, 1994.

(23) With respect to affiliate facilities:

(a) to conduct at affiliate facilities for and on behalf of another commonly owned bank, if so authorized by the other bank, all transactions that the other bank is authorized or permitted to perform; and

(b) to authorize a commonly owned bank to conduct for and on behalf of it any of the transactions it is authorized or permitted to perform at one or more affiliate facilities.

Any bank intending to conduct or to authorize a commonly owned bank to conduct at an affiliate facility any of the transactions specified in this paragraph (23) shall give written notice to the Commissioner at least 30 days before any such transaction is conducted at the affiliate facility.

(24) To act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and to receive for services so rendered such fees or commissions as may be agreed upon between the bank and the insurance company for which it may act as agent; provided, however, that no such bank shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

(25) Notwithstanding any other provisions of this Act or any other law, to offer any product or service that is at the time authorized or permitted to any insured savings association or out-of-state bank by applicable law, provided that powers conferred only by this subsection (25):

(a) shall always be subject to the same limitations and restrictions that are applicable to the insured savings association or out-of-state bank for the product or service by such applicable law;

(b) shall be subject to applicable provisions of the Financial Institutions Insurance Sales Law;

(c) shall not include the right to own or conduct a real estate brokerage business for which a license would be required under the laws of this State; and

(d) shall not be construed to include the establishment or maintenance of a branch, nor shall they be construed to limit the establishment or maintenance of a branch pursuant to subsection (11).

(205 ILCS 5/5b) (from Ch. 17, par. 312.1)
Sec. 5b. Deposits in outside depository.

(a) Except as provided in subsection (b), every bank is liable for deposits made in an outside depository from the time the deposit is made.

(b) A bank may adopt a policy that its liability for deposits made in outside depositories will be delayed until the deposits are recorded, and, if such a policy is adopted and depositors are notified in writing at least 21 days in advance of the effective date of such policy, the bank's liability will be delayed in accordance with the policy. In case of deposit accounts opened after such a policy is adopted, the policy shall be effective if the depositor is given written notice of the policy at the time the deposit account is opened.

(c) For the purposes of this Section "outside depository" means any receptacle attached to a main banking premise, or branch, as allowed in subsection (15) of Section 5 of this Act, or other location for the purpose of making deposits either during or after regular banking hours, but does not include an automatic teller machine or point of sale terminal, as defined in the Electronic Fund Transfer Act.

(205 ILCS 5/7) (from Ch. 17, par. 314)
Sec. 7. Organization capital requirements. A bank may be organized to exercise the powers conferred by this Act with minimum capital and surplus as determined by the Commissioner. The Commissioner shall record such organization capital requirements in the Office of the Secretary of State.

(205 ILCS 5/8) (from Ch. 17, par. 315)
Sec. 8. Incorporators. A State bank may be organized on application by 5 or more incorporators who shall be individuals except that a bank holding company may be the sole incorporator of a State bank. Each incorporator shall undertake to subscribe and pay in full in cash for stock having a value of not less than one per cent of the minimum capital and surplus requirements as set forth in Section 7, except that incorporators of a State bank that will be owned by a bank holding company may subscribe and pay in full in cash for stock of the bank holding company, provided that the incorporator's investment in the bank holding company must at least equal the amount of money that would have been needed for the incorporator to acquire shares of the bank's stock pursuant to this Section.

(Source: P.A. 90-301, eff. 8-1-97.)

(205 ILCS 5/10) (from Ch. 17, par. 317)

Sec. 10. Permit to organize.

(a) Upon the filing of an application for a permit to organize, the Commissioner shall investigate the truth of the statements therein and shall consider the proposed bank's capital structure, its future earnings prospects, the general character, experience, and qualifications of its proposed management, its proposed plan of operation, and the convenience and needs of the area sought to be served, and notwithstanding the provisions of Section 7 of this Act, the Commissioner shall not approve the application and issue a permit to organize unless he shall be of the opinion and finds:

(1) that the proposed capital at least meets the minimum requirements of this Act determined by the Commissioner pursuant to Section 7 of this Act including additional capital necessitated by the circumstances of the proposed bank including its size, scope of operations and market in which it proposes to operate;

(2) that the future earnings prospects are favorable;

(3) that the general character, experience, and qualifications of its proposed management and its proposed plan of operation are such as to assure reasonable promise of successful, safe and sound operation;

(4) that the name of the proposed bank is not the same as or deceptively similar to a name reserved with the Commissioner's office under Section 9.5 or to the name of any other bank then operating in this State; and

(5) that the convenience and needs of the area sought to be served by the proposed bank will be promoted.

(b) The Commissioner shall revoke the permit to organize and order liquidation of any funds collected in the event that the organizers do not obtain a charter from the Commissioner authorizing the bank to commence business within 6 months from the date of the issuance of the permit, unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved.

(c) The Commissioner may impose such terms and conditions, if any, on the issuance of the permit to organize as the Commissioner deems appropriate and necessary for the organization of the bank.

(Source: P.A. 90-665, eff. 7-30-98; 91-452, eff. 1-1-00.)

(205 ILCS 5/12) (from Ch. 17, par. 319)

Sec. 12. Organization.

(a) The directors so elected shall may proceed to organize in conformity with this Act and as follows:

(1) To qualify themselves as directors.

(2) To elect one of their number as president.

(3) To make and adopt by-laws not inconsistent with its charter or with law for the administration of the affairs of the bank.

(4) To appoint such officers as the by-laws may provide, and fix the salaries of all officers.

(5) To furnish to the Commissioner lists of the stockholders and copies of any other records the Commissioner may require.

(6) To collect the subscriptions to the capital stock and to the preferred stock, if any, including the surplus and the reserves for operating expenses.

(6.5) To notify the Commissioner of any significant deviation or change from the original

New matter indicated by italics - deletions by strikeout.
plan of operation or proposed business activities submitted with the application for a permit to organize.

(7) To report the organization to the Commissioner.

(b) Subscriptions to the capital stock and to the preferred stock, if any, collected pursuant to item (6) of subsection (a) of this Section must be placed in escrow.

(Source: P.A. 85-204.)

(205 ILCS 5/13) (from Ch. 17, par. 320)

Sec. 13. Issuance of charter.

(a) When the directors have organized as provided in Section 12 of this Act, and the capital stock and the preferred stock, if any, together with a surplus of not less than 50% of the capital, has been all fully paid in and a record of the same filed with the Commissioner, the Commissioner or some competent person of the Commissioner's appointment shall make a thorough examination into the affairs of the proposed bank, and if satisfied (i) that all the requirements of this Act have been complied with, (ii) that no intervening circumstance has occurred to change the Commissioner's findings made pursuant to Section 10 of this Act, and (iii) that the prior involvement by any stockholder who will own a sufficient amount of stock to have control, as defined in Section 18 of this Act, of the proposed bank with any other financial institution, whether as stockholder, director, officer, or customer, was conducted in a safe and sound manner, upon payment into the Commissioner's office of the reasonable expenses of the examination, as determined by the Commissioner, the Commissioner shall issue a charter authorizing the bank to commence business as authorized in this Act. All charters issued by the Commissioner or any predecessor agency which chartered State banks, including any charter outstanding as of September 1, 1989, shall be perpetual. For the 2 years after the Commissioner has issued a charter to a bank, the bank shall request and obtain from the Commissioner prior written approval before it may change senior management personnel or directors.

The original charter, duly certified by the Commissioner, or a certified copy shall be evidence in all courts and places of the existence and authority of the bank to do business. Upon the issuance of the charter by the Commissioner, the bank shall be deemed fully organized and may proceed to do business. The Commissioner may, in the Commissioner's discretion, withhold the issuing of the charter when the Commissioner has reason to believe that the bank is organized for any purpose other than that contemplated by this Act or that a commission or fee has been paid in connection with the sale of the stock of the bank. The Commissioner shall revoke the charter and order liquidation in the event that the bank does not commence a general banking business within one year from the date of the issuance of the charter, unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved. After commencing a general banking business, a bank may change its name by filing written notice with the Commissioner at least 30 days prior to the effective date of such change. A bank chartered under this Act may change its main banking premises by filing written application with the Commissioner, on forms prescribed by the Commissioner, provided (i) the change shall not be a removal to a new location without complying with the capital requirements of Section 7 and of subsection (1) of Section 10 of this Act; (ii) the Commissioner approves the relocation or change; and (iii) the bank complies with any applicable federal law or regulation. The application shall be deemed to be approved if the Commissioner has not acted on the application within 30 days after receipt of the application, unless within the 30-day time frame the Commissioner informs the bank that an extension of time is necessary prior to the Commissioner's action on the application.

(b) (1) The Commissioner may also issue a charter to a bank that is owned exclusively by other depository institutions or depository institution holding companies and is organized to engage exclusively in providing services to or for other depository institutions, their holding companies, and the officers, directors, and employees of such institutions and companies, and in providing correspondent banking services at the request of other depository institutions or their holding companies (also referred to as a "bankers' bank").

(2) A bank chartered pursuant to paragraph (1) shall, except as otherwise specifically determined or limited by the Commissioner in an order or pursuant to a rule, be vested with the same rights and privileges and subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed under this Act.

(c) A bank chartered under this Act after November 1, 1985, and an out-of-state bank that
merges with a State bank and establishes or maintains a branch in this State after May 31, 1997, shall
obtain from and, at all times while it accepts or retains deposits, maintain with the Federal Deposit
Insurance Corporation, or such other instrumentality of or corporation chartered by the United States,
deposit insurance as authorized under federal law.

(d) (i) A bank that has a banking charter issued by the Commissioner under this Act may,
pursuant to a written purchase and assumption agreement, transfer substantially all of its assets to
another State bank or national bank in consideration, in whole or in part, for the transferee banks'
asumption of any part or all of its liabilities. Such a transfer shall in no way be deemed to impair the
charter of the transferor bank or cause the transferor bank to forfeit any of its rights, powers, interests,
franchises, or privileges as a State bank, nor shall any voluntary reduction in the transferor bank's
activities resulting from the transfer have any such effect; provided, however, that a State bank that
transfers substantially all of its assets pursuant to this subsection (d) and following the transfer does
not accept deposits and make loans, shall not have any rights, powers, interests, franchises, or
privileges under subsection (15) of Section 5 of this Act until the bank has resumed accepting deposits
and making loans.

(ii) The fact that a State bank does not resume accepting deposits and making loans for a
period of 24 months commencing on September 11, 1989 or on a date of the transfer of substantially
all of a State bank's assets, whichever is later, or such longer period as the Commissioner may allow
in writing, may be the basis for a finding by the Commissioner under Section 51 of this Act that the
bank is unable to continue operations.

(iii) The authority provided by subdivision (i) of this subsection (d) shall terminate on May
31, 1997, and no bank that has transferred substantially all of its assets pursuant to this subsection (d)
shall continue in existence after May 31, 1997.

(Source: P.A. 90-14, eff. 7-1-97; 90-301, eff. 8-1-97; 90-665, eff. 7-30-98; 91-322, eff. 1-1-00.)

Sec. 13.5. Formation and merger of interim banks.

(a) An interim bank may be chartered as a State bank for the exclusive purpose of
accomplishing a corporate restructuring through merger with an existing State bank, national bank,
trust company, or an insured savings association. An interim bank shall be chartered and merged
pursuant to the provisions of this Section. The interim bank shall not accept deposits, make loans, pay
checks, or engage in the general banking business or any part thereof, and shall not be subject to the
provisions of this Act other than those set forth in this Section; provided, however, that if the interim
bank becomes the resulting bank in a merger, such resulting bank shall have all of the powers, rights,
and duties of a State bank and must comply with all applicable provisions of this Act.

(b) An interim State bank may be organized upon application by 5 or more incorporators or
by a bank holding company. The application shall be made on forms prescribed by the Commissioner
which shall request, at a minimum, the following information:

(1) the names and addresses of the incorporators;
(2) the proposed name and address of the interim bank;
(3) the name and address of all banks with which the interim bank will be merging;
(4) a copy of the merger agreement by which the interim bank will be merged with the
banks identified in item (3) containing the same information required in merger agreements
pursuant to subsection (1) of Section 22 of this Act; and
(5) an acknowledgement that the interim bank shall not engage in the general banking
business or any part thereof unless and until the interim bank becomes the resulting bank in
a merger.

(c) The merger agreement must be approved by all of the incorporators of the interim bank
and must be approved by the existing State bank with which the interim bank will merge, as required
by Section 22 of this Act.

(d) Upon receipt of the application to organize the interim bank and the merger agreement
submitted pursuant to this Section and Section 22 of this Act, the Commissioner may issue a charter
to the interim bank and approve the merger agreement if the Commissioner makes the findings set
forth in subsection (3) of Section 22 of this Act. The interim bank's charter shall not take effect until,
and shall only be effective for purposes of, the merger.

(e) Nothing in this Section affects the obligations of an existing State bank with which the
interim bank will merge, or the rights of minority or dissenting shareholders of the existing State bank,
in connection with the approval, execution, and accomplishment of a merger agreement as provided
elsewhere in this Act.
(Source: P.A. 90-301, eff. 8-1-97.)
(205 ILCS 5/14) (from Ch. 17, par. 321)
Sec. 14. Stock. Unless otherwise provided for in this Act provisions of general application to
stock of a state bank shall be as follows:
(1) All banks shall have their capital divided into shares of a par value of not less than $1 one
dollar each and not more than $100 one hundred dollars each, however, the par value of shares of a
bank effecting a reverse stock split pursuant to item (8) of subsection (a) of Section 17 may
temporarily exceed this limit provided it conforms to the limits immediately after the reverse stock split
is completed. No issue of capital stock or preferred stock shall be valid until not less than the par value
of all such stock so issued shall be paid in and notice thereof by the president, a vice-president or
cashier of the bank has been transmitted to the Commissioner. In the case of an increase in capital
stock by the declaration of a stock dividend, the capitalization of retained earnings effected by such
stock dividend shall constitute the payment for such shares required by the preceding sentence,
provided that the surplus of said bank after such stock dividend shall be at least equal to fifty per cent
of the capital as increased. The charter shall not limit or deny the voting power of the shares of any
class of stock except as provided in Section 15(3) of this Act.
(2) Pursuant to action taken in accordance with the requirements of Section 17, a bank may
issue preferred stock of one or more classes as shall be approved by the Commissioner as hereinafter
provided, and make such amendment to its charter as may be necessary for this purpose; but in the
case of any newly organized bank which has not yet issued capital stock the requirements of Section
17 shall not apply.
(3) Without limiting the authority herein contained a bank, when so provided in its charter and
when approved by the Commissioner, may issue shares of preferred stock:
(a) Subject to the right of the bank to redeem any of such shares at not exceeding the price
fixed by the charter for the redemption thereof;
(b) Subject to the provisions of subsection (8) of this Section 14 entitling the holders
thereof to cumulative or noncumulative dividends;
(c) Having preference over any other class or classes of shares as to the payment of
 dividends;
(d) Having preference as to the assets of the bank over any other class or classes of shares
upon the voluntary or involuntary liquidation of the bank;
(e) Convertible into shares of any other class of stock, provided that preferred shares shall
not be converted into shares of a different par value unless that part of the capital of the bank
represented by such preferred shares is at the time of the conversion equal to the aggregate
par value of the shares into which the preferred shares are to be converted.
(4) If any part of the capital of a bank consists of preferred stock, the determination of whether
or not the capital of such bank is impaired and the amount of such impairment shall be based upon the
par value of its stock even though the amount which the holders of such preferred stock shall be
entitled to receive in the event of retirement or liquidation shall be in excess of the par value of such
preferred stock.
(5) Pursuant to action taken in accordance with the requirements of Section 17 of this Act, a
state bank may provide for a specified number of authorized but unissued shares of capital stock for
one or more of the following purposes:
(a) Reserved for issuance under stock option plan or plans to directors, officers or
employees;
(b) Reserved for issuance upon conversion of convertible preferred stock issued pursuant
to and in compliance with the provisions of subsections (2) and (3) of this Section 14.
(c) Reserved for issuance upon conversion of convertible debentures or other convertible
evidences of indebtedness issued by a state bank, provided always that the terms of such
conversion have been approved by the Commissioner;
(d) Reserved for issuance by the declaration of a stock dividend. If and when any shares
of stock capital are proposed to be authorized and reserved for any of the purposes set forth.
in subparagraphs (a), (b) or (c) above, the notice of the meeting, whether special or annual, of stockholders at which such proposition is to be considered shall be accompanied by a statement setting forth or summarizing the terms upon which the shares of capital stock so reserved are to be issued, and the extent to which any preemptive rights of stockholders are inapplicable to the issuance of the shares so reserved or to the convertible preferred stock or convertible debentures or other convertible evidences of indebtedness, and the approving vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting of the terms of such issuance shall be requisite for the adoption of any amendment providing for the reservation of authorized but unissued shares for any of said purposes. Nothing in this subsection (5) contained shall be deemed to authorize the issuance of any capital stock for a consideration less than the par value thereof.

(6) Upon written application to the Commissioner 60 days prior to the proposed purchase and receipt of the written approval of the Commissioner, a state bank may purchase and hold as treasury stock such amounts of the total number of issued and outstanding shares of its capital and preferred stock outstanding as the Commissioner determines is consistent with safety and soundness of the bank. The Commissioner may specify the manner of accounting for the treasury stock and the form of notice prior to ultimate disposition of the shares. Except as authorized in this subsection, it shall not be lawful for a state bank to purchase or hold any additional such shares or securities described in subsection (2) of Section 37 unless necessary to prevent loss upon a debt previously contracted in good faith, in which event such shares or securities so purchased or acquired shall, within 6 months from the time of purchase or acquisition, be sold or disposed of at public or private sale. Any state bank which intends to purchase and hold treasury stock as authorized in this subsection (6) shall file a written application with the Commissioner 60 days prior to any such proposed purchase. The application shall state the number of shares to be purchased, the consideration for the shares, the name and address of the person from whom the shares are to be purchased, if known, and the total percentage of its issued and outstanding shares to be held by the bank after the purchase. The total consideration paid by a state bank for treasury stock shall reduce capital and surplus of the bank for purposes of Sections of this Act relating to lending and investment limits which require computation of capital and surplus. After considering and approving an application to purchase and hold treasury stock under this subsection, the Commissioner may waive or reduce the balance of the 60 day application period. The Commissioner may specify the form of the application for approval to acquire treasury stock and promulgate rules and regulations for the administration of this subsection (6). A state bank may, acquire or resell its own shares as treasury stock pursuant to this subsection (6) without a change in its charter pursuant to Section 17. Such stock may be held for any purpose permitted in subsection (5) of this Section 14 or may be resold upon such reasonable terms as the board of directors may determine provided notice is given to the Commissioner prior to the resale of such stock.

(7) During the time that a state bank shall continue its banking business, it shall not withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital, but nothing in this subsection shall prevent a reduction or change of the capital stock or the preferred stock under the provisions of Sections 17 through 30 of this Act, a purchase of treasury stock under the provisions of subsection (6) of this Section 14 or a redemption of preferred stock pursuant to charter provisions therefor.

(8) (a) Subject to the provisions of this Act, the board of directors of a state bank from time to time may declare a dividend of so much of the net profits of such bank as it shall judge expedient, but each bank before the declaration of a dividend shall carry at least one-tenth of its net profits since the date of the declaration of the last preceding dividend, or since the issuance of its charter in the case of its first dividend, to its surplus until the same shall be equal to its capital.

(b) No dividends shall be paid by a state bank while it continues its banking business to an amount greater than its net profits then on hand, deducting first therefrom its losses and bad debts. All debts due to a state bank on which interest is past due and unpaid for a period of 6 months or more, unless the same are well secured and in the process of collection, shall be considered bad debts.

(9) A State bank may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu thereof, pay cash equal to the value of the fractional

New matter indicated by italics - deletions by strikeout.
share. A certificate for a fractional share shall entitle the holder to exercise fractional voting rights, to receive dividends, and to participate in any of the assets of the bank in the event of liquidation. (Source: P.A. 90-160, eff. 7-23-97; 90-301, eff. 8-1-97; 90-655, eff. 7-30-98.)

Sec. 15. Stock and stockholders. Unless otherwise provided for in this Act, provisions of general application to capital stock, preferred stock, and stockholders of a State bank shall be as follows:

(1) There shall be an annual meeting of the stockholders for the election of directors each year on the first business day in January, unless some other date shall be fixed by the by-laws. A special meeting of the stockholders may be called at any time by the board of directors, and otherwise as may be provided in the bylaws.

(2) Written or printed notice stating the place, day, and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 nor more than 40 days before the date of the meeting either personally or by mail, by or at the direction of the president, or the secretary, or the officer or persons calling the meeting, to each stockholder of record entitled to vote at the meeting. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail with postage thereon prepaid addressed to the stockholder at his address as it appears on the records of the bank.

(3) Except as provided below in this paragraph (3), each outstanding share shall be entitled to one vote on each matter submitted to a vote at a meeting of stockholders. Shares of its own stock belonging to a bank shall not be voted, directly or indirectly, at any meeting and shall not be counted in determining the total number of outstanding shares at any given time, but shares of its own stock held by it in a fiduciary capacity may be voted and shall be counted in determining the total number of outstanding shares at any given time. A stockholder may vote either in person or by proxy executed in writing by the stockholder or by his duly authorized attorney-in-fact. No proxy shall be valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Except as provided below in this paragraph (3), in all elections for directors every stockholder (or subscriber to the stock prior to the issuance of a charter) shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors to be elected, or to cumulate the shares and give one candidate as many votes as the number of directors multiplied by the number of his or her shares of stock shall equal, or to distribute them on the same principle among as many candidates as he or she shall think fit. The bank charter of any bank organized on or after January 1, 1984 may limit or eliminate cumulative voting rights in all or specified circumstances, or may eliminate voting rights entirely, as to any class or classes or series of stock of the bank; provided that one class of shares or series thereof shall always have voting rights in respect of all matters in the bank. A bank organized prior to January 1, 1984 may amend its charter to eliminate cumulative voting rights under all or specified circumstances, or to eliminate voting rights entirely, as to any class or classes or series of stock of the bank; provided that one class of shares or series thereof shall always have voting rights in respect of all matters in the bank, and provided further that the proposal to eliminate the voting rights receives the approval of the holders of 70% of the outstanding shares of stock entitled to vote as provided in paragraph (b) (7) of Section 17. A majority of the outstanding shares represented in person or by proxy shall constitute a quorum at a meeting of stockholders. In the absence of a quorum a meeting may be adjourned from time to time without notice to the stockholders.

(4) Whenever additional stock of a class is offered for sale, stockholders of record of the same class on the date of the offer shall have the right to subscribe to the proportion of the shares as the stock of the class held by them bears to the total of the outstanding stock of the class, and the price thereof may be in excess of par value. This right shall be transferable but shall terminate if not exercised within 60 days of the offer, unless the Commissioner shall authorize a shorter time. If the right is not exercised, the stock shall not be re-offered for sale to others at a lower price without the stockholders of the same class again being accorded a preemptive right to subscribe at the lower price. Notwithstanding any of the provisions of this paragraph (4) or any other provision of law, stockholders shall not have any preemptive or other right to subscribe for or to purchase or acquire shares of capital stock issued or to be issued under a stock-option plan or upon conversion of preferred stock or convertible debentures or other convertible indebtedness that has been approved by stockholders in the manner required by the provisions of subsection (5) of Section 14 hereof or to
Public Act 92-0483

For the purpose of determining stockholders entitled to notice of or to vote at any meeting of stockholders, or stockholders entitled to receive payment of any dividend, or in order to make a determination of stockholders for any other proper purpose, the board of directors of a bank may provide that the stock transfer books shall be closed for a stated period not to exceed, in any case, 40 days. In lieu of closing the stock transfer books, the board of directors may fix in advance a date as the record date for any determination of stockholders, the date in any case to be not more than 40 days, and in case of a meeting of stockholders, not less than 10 days prior to the date on which the particular action, requiring the determination of stockholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of stockholders entitled to notice of or to vote at a meeting of stockholders, or stockholders entitled to receive payment of a dividend, the date on which notice of a meeting is mailed or the date on which the resolution of the board of directors declaring the dividend is adopted, as the case may be, shall be the record date for the determination of stockholders.

Stock standing in the name of another corporation, domestic or foreign, may be voted by the officer, agent, or proxy as the by-laws of the corporation may prescribe, or, in the absence of such provision, as the board of directors of the corporation may determine. Stock standing in the name of a deceased person may be voted by the administrator or executor, either in person or by proxy. Stock standing in the name of a guardian or trustee may be voted by that fiduciary either in person or by proxy. Shares standing in the name of a receiver may be voted by the receiver, and shares held by or under control of a receiver may be voted by the receiver without the transfer thereof into his or her name, if authority so to do be contained in an appropriate order of the court by which the receiver was appointed. A stockholder whose shares of stock are pledged shall be entitled to vote those shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

Shares of stock shall be transferable in accordance with the general laws of this State governing the transfer of corporate shares.

The president and cashier of every State bank shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the State bank and the number of shares held by each in the office where its business is transacted. The list shall be subject to the inspection of all the shareholders of the State bank and the officers authorized to assess taxes under State authority during business hours of each day in which business may be legally transacted. A copy of the list, verified by the oath of the president or cashier, shall be transmitted to the Commissioner of Banks and Real Estate within 10 days of any demand therefor made by the Commissioner.

Any number of shareholders of a bank may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares for a period of not to exceed 10 years by entering into a written voting trust agreement specifying the terms and conditions of the voting trust and by transferring their shares to the trustee or trustees for the purposes of the agreement. The trust agreement shall not become effective until a counterpart of the agreement is deposited with the bank at its main banking premises registered office. The counterpart of the voting trust agreement so deposited with the bank shall be subject to the same right of examination by a shareholder of the bank, in person or by agent or attorney, as is the record of shareholders of the bank and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose.

Voting agreements. Shareholders may provide for the voting of their shares by signing an agreement for that purpose. A voting agreement created under this paragraph is not subject to the provisions of paragraph (9).

A voting agreement created under this paragraph is specifically enforceable in accordance with the principles of equity.

(Source: P.A. 89-508, eff. 7-3-96.)

Sec. 16.1. One or more of the directors may be removed, with or without cause, at a meeting of shareholders by the affirmative vote of the holders of a majority of the outstanding shares then entitled to vote at an election of directors, except as follows:

(1) No director shall be removed at a meeting of shareholders unless the notice of the meeting

New matter indicated by italics - deletions by strikeout.
shall state that a purpose of the meeting is to vote upon the removal of one or more directors named in the notice. Only the named director or directors may be removed at that meeting.

(2) In the case of a bank having cumulative voting, if less than the entire board is to be removed, no director may be removed if the votes cast against his or her removal would be sufficient to elect him or her if then cumulatively voted at an election of the entire board of directors.

(3) If a director is elected by a class or series of shares, he or she may be removed only by the shareholders of that class or series.

(4) In the case of a State bank whose board is classified as provided in paragraph (3) of Section 16 of this Act, the charter or the by-laws may provide that directors may be removed only for cause.

(Source: P.A. 86-368; 87-269.)

(205 ILCS 5/17) (from Ch. 17, par. 324)

Sec. 17. Changes in charter.

(a) By compliance with the provisions of this Act a State bank may:

(1) (blank);

(2) increase, decrease or change its capital stock, whether issued or unissued, provided that in no case shall the capital be diminished to the prejudice of its creditors;

(3) provide for authorized but unissued capital stock reserved for issuance for one or more of the purposes provided for in subsection (5) of Section 14 hereof;

(4) authorize preferred stock, or increase, decrease or change the preferences, qualifications, limitations, restrictions or special or relative rights of its preferred stock, whether issued or unissued, provided that in no case shall the capital be diminished to the prejudice of its creditors;

(5) increase, decrease or change the par value of its shares of its capital stock or preferred stock, whether issued or unissued;

(6) (blank) extend the duration of its charter;

(7) eliminate cumulative voting rights under all or specified circumstances, or eliminate voting rights entirely, as to any class or classes or series of stock of the bank pursuant to paragraph (3) of Section 15, provided that one class of shares or series thereof shall always have voting in respect to all matters in the bank, and provided further that the proposal to eliminate such voting rights receives the approval of the holders of 70% of the outstanding shares of stock entitled to vote as provided in paragraph (7) of subsection (b) of this Section 17;

(8) increase, decrease, or change its capital stock or preferred stock, whether issued or unissued, for the purpose of eliminating fractional shares or avoiding the issuance of fractional shares, provided that in no case shall the capital be diminished to the prejudice of its creditors; or

(9) make such other change in its charter as may be authorized in this Act.

(b) To effect a change or changes in a State bank's charter as provided for in this Section 17:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of stockholders, which may be either an annual or special meeting.

(2) If the meeting is a special meeting, written or printed notice setting forth the proposed amendment or summary thereof shall be given to each stockholder of record entitled to vote at such meeting at least 30 days before such meeting and in the manner provided in this Act for the giving of notice of meetings of stockholders.

(3) At such special meeting, a vote of the stockholders entitled to vote shall be taken on the proposed amendment. Except as provided in paragraph (7) of this subsection (b), the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote at such meeting. Any number of amendments may be submitted to the stockholders and voted upon by them at one
meeting. A certificate of the amendment, or amendments, verified by the president, or a vice-president, or the cashier, shall be filed immediately in the office of the Commissioner.

(4) At any annual meeting without a resolution of the board of directors and without a notice and prior publication, as hereinabove provided, a proposition for a change in the bank's charter as provided for in this Section 17 may be submitted to a vote of the stockholders entitled to vote at the annual meeting, except that no proposition for authorized but unissued capital stock reserved for issuance for one or more of the purposes provided for in subsection (5) of Section 14 hereof shall be submitted without complying with the provisions of said subsection. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and the total outstanding shares entitled to vote at such meeting. A certificate of the amendment, or amendments, verified by the president, or a vice-president or cashier, shall be filed immediately in the office of the Commissioner.

(5) If an amendment or amendments shall be approved in writing by the Commissioner, the amendment or amendments so adopted and so approved shall be accomplished in accordance with the vote of the stockholders. The Commissioner may impose such terms and conditions on the approval of the amendment or amendments as he deems necessary or appropriate. The Commissioner shall revoke such approval in the event such amendment or amendments are not effected within one year from the date of the issuance of the Commissioner's certificate and written approval except for transactions permitted under subsection (5) of Section 14 of this Act.

(6) No amendment or amendments shall affect suits in which the bank is a party, nor affect causes of action, nor affect rights of persons in any particular, nor shall actions brought against such bank by its former name be abated by a change of name.

(7) A proposal to amend the charter to eliminate cumulative voting rights under all or specified circumstances, or to eliminate voting rights entirely, as to any class or classes or series or stock of a bank, pursuant to paragraph (3) of Section 15 and paragraph (7) of subsection (a) of this Section 17, shall be adopted only upon such proposal receiving the approval of the holders of 70% of the outstanding shares of stock entitled to vote at the meeting where the proposal is presented for approval, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the approval of the holders of 70% of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote at the meeting where the proposal is presented for approval. The proposal to amend the charter pursuant to this paragraph (7) may be voted upon at the annual meeting or a special meeting.

(8) Written or printed notice of a stockholders' meeting to vote on a proposal to increase, decrease or change the capital stock or preferred stock pursuant to paragraph (8) of subsection (a) of this Section 17 and to eliminate fractional shares or avoid the issuance of fractional shares shall be given to each stockholder of record entitled to vote at the meeting at least 30 days before the meeting and in the manner provided in this Act for the giving of notice of meetings of stockholders, and shall include all of the following information:

(A) A statement of the purpose of the proposed reverse stock split.
(B) A statement of the amount of consideration being offered for the bank's stock.
(C) A statement that the bank considers the transaction fair to the stockholders, and a statement of the material facts upon which this belief is based.
(D) A statement that the bank has secured an opinion from a third party with respect to the fairness, from a financial point of view, of the consideration to be paid, the identity and qualifications of the third party, how the third party was selected, and any material relationship between the third party and the bank.
(E) A summary of the opinion including the basis for and the methods of arriving at the findings and any limitation imposed by the bank in arriving at fair value and a
statement making the opinion available for reviewing or copying by any stockholder.  

(F) A statement that objecting stockholders will be entitled to the fair value of those shares that are voted against the charter amendment, if a proper demand is made on the bank and the requirements are satisfied as specified in this Section.

If a stockholder shall file with the bank, prior to or at the meeting of stockholders at which the proposed charter amendment is submitted to a vote, a written objection to the proposed charter amendment and shall not vote in favor thereof, and if the stockholder, within 20 days after receiving written notice of the date the charter amendment was accomplished pursuant to paragraph (5) of subsection (a) of this Section 17, shall make written demand on the bank for payment of the fair value of the stockholder's shares as of the day prior to the date on which the vote was taken approving the charter amendment, the bank shall pay to the stockholder, upon surrender of the certificate or certificates representing the stock, the fair value thereof. The demand shall state the number of shares owned by the objecting stockholder. The bank shall provide written notice of the date on which the charter amendment was accomplished to all stockholders who have filed written objections in order that the objecting stockholders may know when they must file written demand if they choose to do so. Any stockholder failing to make demand within the 20-day period shall be conclusively presumed to have consented to the charter amendment and shall be bound by the terms thereof. If within 30 days after the date on which a charter amendment was accomplished the value of the shares is agreed upon between the objecting stockholders and the bank, payment therefor shall be made within 90 days after the date on which the charter amendment was accomplished, upon the surrender of the stockholder's certificate or certificates representing the shares. Upon payment of the agreed value the objecting stockholder shall cease to have any interest in the shares or in the bank. If within such period of 30 days the stockholder and the bank do not so agree, then the objecting stockholder may, within 60 days after the expiration of the 30-day period, file a complaint in the circuit court asking for a finding and determination of the fair value of the shares, and shall be entitled to judgment against the bank for the amount of the fair value as of the day prior to the date on which the vote was taken approving the charter amendment with interest thereon to the date of the judgment. The practice, procedure and judgment shall be governed by the Civil Practice Law. The judgment shall be payable only upon and simultaneously with the surrender to the bank of the certificate or certificates representing the shares. Upon payment of the judgment, the objecting stockholder shall cease to have any interest in the shares or the bank. The shares may be held and disposed of by the bank. Unless the objecting stockholder shall file such complaint within the time herein limited, the stockholder and all persons claiming under the stockholder shall be conclusively presumed to have approved and ratified the charter amendment, and shall be bound by the terms thereof. The right of an objecting stockholder to be paid the fair value of the stockholder's shares of stock as herein provided shall cease if and when the bank shall abandon the charter amendment.

(c) The purchase and holding and later resale of treasury stock of a state bank pursuant to the provisions of subsection (6) of Section 14 may be accomplished without a change in its charter reflecting any decrease or increase in capital stock.

Sec. 18. Change in control.

(a) Before a change may occur in the ownership of outstanding stock of any State bank, whether by sale and purchase, gift, bequest or inheritance, or any other means, including the acquisition of stock of the State bank by any bank holding company, which will result in control or a change in the control of the bank or before a change in the control of a holding company having control of the outstanding stock of a State bank whether by sale and purchase, gift, bequest or inheritance, or any other means, including the acquisition of stock of such holding company by any other bank holding company, which will result in control or a change in control of the bank or holding company, or before a transfer of substantially all the assets or liabilities of the State bank, the Commissioner shall be of the opinion and find:

(1) that the general character of the proposed management or of the person desiring to purchase substantially all the assets or to assume substantially all the liabilities of the State bank, after the change in control, is such as to assure reasonable promise of successful, safe and sound operation;

New matter indicated by italics - deletions by strikeout.
(1.1) that depositors' interests will not be jeopardized by the purchase or assumption and that adequate provision has been made for all liabilities as required for a voluntary liquidation under Section 68 of this Act;

(2) that the future earnings prospects of the person desiring to purchase substantially all assets or to assume substantially all the liabilities of the State bank, after the proposed change in control, are favorable;

(3) that any prior involvement by the persons proposing to obtain control, to purchase substantially all the assets, or to assume substantially all the liabilities of the State bank or by the proposed management personnel with any other financial institution, whether as stockholder, director, officer or customer, was conducted in a safe and sound manner; and

(4) that if the acquisition is being made by a bank holding company, the acquisition is authorized under the Illinois Bank Holding Company Act of 1957.

(b) Persons desiring to purchase control of an existing state bank, to purchase substantially all the assets, or to assume substantially all the liabilities of the State bank shall, prior to that purchase, submit to the Commissioner:

(1) a statement of financial worth;

(2) satisfactory evidence that any prior involvement by the persons and the proposed management personnel with any other financial institution, whether as stockholder, director, officer or customer, was conducted in a safe and sound manner; and

(3) such other relevant information as the Commissioner may request to substantiate the findings under subsection (a) of this Section.

A person who has submitted information to the Commissioner pursuant to this subsection (b) is under a continuing obligation until the Commissioner takes action on the application to immediately supplement that information if there are any material changes in the information previously furnished or if there are any material changes in any circumstances that may affect the Commissioner's opinion and findings. In addition, a person submitting information under this subsection shall notify the Commissioner of the date when the change in control is finally effected. The Commissioner may impose such terms and conditions on the approval of the change in control application as he deems necessary or appropriate.

If an applicant, whose application for a change in control has been approved pursuant to subsection (a) of this Section, fails to effect the change in control within 180 days after the date of the Commissioner's approval, the Commissioner shall revoke that approval unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved.

As used in this Section, the term "control" means the ownership of such amount of stock or ability to direct the voting of such stock as to give power to, directly or indirectly, direct or cause the direction of the management or policies of the bank. A change in ownership of stock which would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders or a holding company of less than 10 percent of the outstanding stock shall not be considered a change of control. A change in ownership of stock which would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders or a holding company of 20 percent or such lesser amount which would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section. If there is any doubt as to whether a change in the ownership or control of the outstanding stock is sufficient to result in obtaining control thereof or to effect a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the Commissioner.

As used in this Section, "substantially all" the assets or liabilities of a State bank means that portion of the assets or liabilities of a State bank such that their purchase or transfer will materially impair the ability of the State bank to continue successful, safe, and sound operations or to continue as a going concern or would cause the bank to lose its federal deposit insurance.

(b) Any person who obtains ownership of stock of an existing State bank or stock of a holding company that controls the State bank by gift, bequest, or inheritance such that ownership of the stock would constitute control of the State bank or holding company may obtain title and ownership of the stock, but may not exercise management or control of the business and affairs of the bank or vote his or her shares so as to exercise management or control unless and until the Commissioner approves an application for the change of control as provided in subsection (b) of this

New matter indicated by italics - deletions by strikeout.
Section.

(c) Whenever a state bank makes a loan or loans, secured, or to be secured, by 25% or more of the outstanding stock of a state bank, the president or other chief executive officer of the lending bank shall promptly report such fact to the Commissioner upon obtaining knowledge of such loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the stock for a period of one year or more, or the stock is that of a newly organized bank prior to its opening.

(d) The reports required by subsections (b) and (c) of this Section 18, other than those relating to a transfer of assets or assumption of liabilities, shall contain the following information to the extent that it is known by the person making the report: (1) the number of shares involved; (2) the names of the sellers (or transferors); (3) the names of the purchasers (or transferees); (4) the names of the beneficial owners if the shares are registered in another name; (5) the purchase price, if applicable; (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction; and, (7) in the case of a loan, the name of the borrower, the amount of the loan, the name of the bank issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information which is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon control of the bank whose stock is involved.

(d-1) The reports required by subsection (b) of this Section 18 that relate to purchase of assets and assumption of liabilities shall contain the following information to the extent that it is known by the person making the report: (1) the value, amount, and description of the assets transferred; (2) the amount, type, and to whom each type of liabilities are owed; (3) the names of the purchasers (or transferees); (4) the names of the beneficial owners if the shares of a purchaser or transferee are registered in another name; (5) the purchase price, if applicable; and, (6) in the case of a loan obtained to effect a purchase, the name of the borrower, the amount and terms of the loan, and the description of the assets securing the loan. In addition to the foregoing, these reports shall contain any other information that is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon the bank from which assets are purchased or liabilities are transferred.

(e) Whenever such a change as described in subsection (a) of this Section 18 occurs, each state bank shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next 12 month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

(Blank).

(g) (1) Except as otherwise expressly provided in this subsection (g), the Commissioners shall not approve an application for a change in control if upon consummation of the change in control the persons applying for the change in control, including any affiliates of the persons applying, would control 30% or more of the total amount of deposits which are located in this State at insured depository institutions. For purposes of this subsection (g), the words "insured depository institution" shall mean State banks, national banks, and insured savings associations. For purposes of this subsection (g), the word "deposits" shall have the meaning ascribed to that word in Section 3(1) of the Federal Deposit Insurance Act. For purposes of this subsection (g), the total amount of deposits which are considered to be located in this State at insured depository institutions shall equal the sum of all deposits held at the main banking premises and branches in the State of Illinois of State banks, national banks, or insured savings associations. For purposes of this subsection (g), the word "affiliates" shall have the meaning ascribed to that word in Section 35.2 of this Act.

(2) Notwithstanding the provisions of subsection (g)(1) of this Section, the Commissioner may approve an application for a change in control for a bank that is in default or in danger of default. Except in those instances in which an application for a change in control is for a bank that is in default or in danger of default, the Commissioner may not approve a change in control which does not meet the requirements of subsection (g)(1) of this Section. The Commissioner may not waive the provisions of subsection (g)(1) of this Section, whether pursuant to Section 3(d) of the federal Bank Holding Company Act of 1956 or Section 44(d) of the Federal Deposit Insurance Act, except as expressly provided in this subsection (g)(2).
(h) As used in this Section, the term "control" means the ownership of such amount of stock or ability to direct the voting of such stock as to, directly or indirectly, give power to direct or cause the direction of the management or policies of the bank. A change in ownership of stock that would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders, or a holding company of less than 10% of the outstanding stock shall not be considered a change in control. A change in ownership of stock that would result in direct or indirect ownership by a stockholder, an affiliated group of stockholders, or a holding company of 20% or such lesser amount that would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section 18. If there is any question as to whether a change in the ownership or control of the outstanding stock is sufficient to result in obtaining control thereof or to effect a change in the control thereof, the question shall be resolved in favor of reporting the facts to the Commissioner.

As used in this Section, "substantially all" the assets or liabilities of a State bank means that portion of the assets or liabilities of a State bank such that their purchase or transfer will materially impair the ability of the State bank to continue successful, safe, and sound operations or to continue as a going concern or would cause the bank to lose its federal deposit insurance.

As used in this Section, "purchase" includes a transfer by gift, bequest, inheritance, or any other means.

(Source: P.A. 89-567, eff. 7-26-96; 90-226, eff. 7-25-97.)

(205 ILCS 5/22) (from Ch. 17, par. 329)

Sec. 22. Merger procedure; resulting State bank. The merger procedure required of a State bank where there is to be a resulting State bank by consolidation or merger shall be:

(1) The board of directors of each merging bank or insured savings association shall, by a majority of the entire board, approve a merger agreement that shall contain:

(a) The name of each merging bank or insured savings association and its location and a list of each merging bank's or insured savings association's stockholders as of the date of the merger agreement;

(b) With respect to the resulting bank (i) its name and place of business; (ii) the amount of Tier 1 capital, surplus and reserve for operating expenses; (iii) the classes and the number of shares of stock and the par value of each share; (iv) the designation of the continuing bank and the charter which is to be the charter of the resulting bank, together with the amendments to the continuing charter and to the continuing by-laws; and (v) a detailed financial Statement showing the assets and liabilities after the proposed merger or consolidation;

(c) Provisions stating the method, terms and conditions of carrying the merger into effect, including the manner of converting the shares of the merging banks or insured savings association into the cash, shares of stock or other securities of any corporation or other property, or any combination of the foregoing, Stated in the merger agreement as to be received by the stockholders of each merging bank or insured savings association;

(d) A Statement that the agreement is subject to approval by the Commissioner and by the stockholders of each merging bank or insured savings association and that whether approved or disapproved the merging banks or insured savings association will pay the Commissioner's expenses of examination;

(e) Provisions governing the manner of disposing of the shares of the resulting bank not taken by the dissenting stockholders of the merging banks or insured savings association; and

(f) Such other provisions as the Commissioner may reasonably require to enable him to discharge his duties with respect to the merger.

(2) After approval by the board of directors of each bank or insured savings association, the merger agreement shall be submitted to the Commissioner for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board of each bank or insured savings association.

(3) After receipt by the Commissioner of the papers specified in paragraph (2), he shall approve or disapprove the merger agreement. The Commissioner shall not approve the merger agreement unless he shall be of the opinion and shall find:

(a) That the resulting bank meets the requirements of this Act for the formation of a new bank at the proposed main banking premises of the resulting bank;
(b) That the same matters exist with respect to the resulting bank which would have been required under Section 10 of this Act for the organization of a new bank;
(c) That the merger agreement is fair to all persons affected; and
(d) That the resulting bank will be operated in a safe and sound manner.

If the Commissioner disapproves an agreement he shall state his objections and give an opportunity to the merging banks to amend the merger agreement to obviate such objections.

(4) The Commissioner may impose such terms and conditions on the approval of the merger agreement as he deems necessary or appropriate.

(5) If the Commissioner approves a merger agreement, he may revoke that approval if the merger has not been approved by the shareholders in accordance with Section 23 within 180 days after the date of the Commissioner's approval, unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved.

(6) The board of directors of a bank or insured savings association is under a continuing obligation until the Commissioner takes action on the application to furnish additional information if there are any material changes in circumstances after the merger agreement has been submitted which may affect the Commissioner's opinions and findings.

(Source: P.A. 87-1226.)

(205 ILCS 5/25) (from Ch. 17, par. 332)

Sec. 25. Conversion of national bank or insured savings association into State bank. A national bank or insured savings association located in this State which follows the procedure prescribed by the laws of the United States or of the State of Illinois to convert into a State bank may be granted a charter by the Commissioner. The national bank or insured savings association may apply for such charter by filing with the Commissioner:

(1) A certificate signed by its president, or a vice-president, or the cashier, and by a majority of the entire board of directors setting forth the corporate action taken in compliance with the provisions of the laws of the United States or of the State of Illinois governing the conversion of a national bank or insured savings association to a State bank;

(2) The plan of conversion and the proposed charter approved by the stockholders for the operation of the bank or insured savings association as a State bank;

(3) The name proposed for the converting bank or insured savings association, its location and a list of its stockholders as of the date of the stockholders' approval of the plan of conversion;

(4) The amount of its Tier 1 capital, surplus and reserve for operation expenses, the classes and the number of the shares of stock and the par value of each share, and a detailed statement showing the assets and liabilities of the converting bank or insured savings association; and

(5) A statement that the plan of conversion is subject to the approval of the Commissioner and that whether approved or disapproved the converting bank or insured savings association will pay the Commissioner's expenses of examination.

For purposes of this Section, a national bank or insured savings association is located in the State where its main banking premises or main office is located.

(Source: P.A. 89-567, eff. 7-26-96.)

(205 ILCS 5/30.5)

Sec. 30.5. Mid-tier bank holding company merger with State bank. Upon approval by the Commissioner, a mid-tier bank holding company having power so to do under the law under which it is organized may merge into its subsidiary State bank as prescribed by this Act; except that the action by the mid-tier bank holding company shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law under which it is organized. The merger procedure shall be as follows:

(1) The board of directors of the parent bank holding company shall, by resolution, approve a merger agreement which shall contain:

(a) the name and location of the merging bank and of the mid-tier bank holding company;
(b) with respect to the merging bank (i) the amount of Tier 1 capital, surplus, and reserve for operation expenses; (ii) the classes and the number of shares of stock and the par value of each share; (iii) a detailed financial statement showing the assets and liabilities after the proposed merger; and (iv) any amendments to the charter or by-laws;
(c) provisions governing the manner of converting the shares of the merging bank and the
mid-tier bank holding company into shares of the merging bank and the manner of
transferring the converted shares to the parent bank holding company;
(d) a statement that the merger agreement is subject to approval by the Commissioner and
that whether approved or disapproved, the parties thereto will pay the Commissioner's
expenses of examination; and
(e) such other provisions as the Commissioner may reasonably require to enable him to
dischage his duties with respect to the merger.
(2) After approval by the board of directors of the parent bank holding company, the merger
agreement shall be submitted to the Commissioner for approval.
(3) After receipt by the Commissioner of the papers specified in item (2), he shall approve or
disapprove the merger agreement. The Commissioner shall not approve the agreement unless he shall
be of the opinion and finds that the same matters exist in respect of the continuing bank which would
have been required under Section 10 of this Act for the organization of a new bank, that the mid-tier
bank holding company has no known liabilities that will become liabilities of the continuing bank, and
that the parent bank holding company will indemnify the continuing bank for any known and
unknown contingent liabilities for which the continuing bank may become liable as a result of the
merger. Nothing in this Section shall authorize a resulting State bank to acquire, hold, or invest any
asset or to assume or incur any liability that does not conform to the legal requirements for assets
acquired, held, or invested or liabilities assumed or incurred by State banks, or to engage in any
activity in which a State bank is not authorized to engage as part of a general banking business. If the
Commissioner disapproves the merger agreement, he shall state his objections in writing and give an
opportunity to the merging bank and mid-tier bank holding company to obviate the objections.
(4) To be effective, if approved by the Commissioner, a copy of the merger agreement
executed by the duly authorized president of the mid-tier bank holding company and president of the
merging State bank, together with copies of the resolution of the board of directors of the parent bank
holding company, approving the merger agreement, certified by the parent bank holding company's
president or vice-president and attested by the secretary, must be filed with the Commissioner. The
merger shall, unless a later date is specified in the agreement, become effective when the
Commissioner has approved the agreement and issued a certificate of merger to the continuing bank,
which shall specify the name of the mid-tier bank holding company, the name of the continuing bank,
and the amendments to the charter of the continuing bank provided for by the merger agreement. The
charter of the mid-tier bank holding company shall thereupon automatically terminate. Such certificate
shall be conclusive evidence of the merger and of the correctness of all proceedings therefor in all
courts and places including the office of the Secretary of State, and the certificate shall be recorded.
(Source: P.A. 89-364, eff. 8-18-95.)
(205 ILCS 5/31) (from Ch. 17, par. 338)
Sec. 31. Emergency sale of assets, change in control, or merger.
(a) With the prior written approval of the Commissioner, any State bank in danger of default
may, by vote of a majority of its board of directors, and without a vote of its shareholders, and any
State bank in default may, by appropriate action of its receiver or conservator, and without a vote of
its shareholders, sell all or any part of its assets to another State bank that is not an eligible depository
institution, to a national bank that is not an eligible depository institution, to an insured savings
association that is not an eligible depository institution, to the Federal Deposit Insurance Corporation,
or to any one or more of them, provided that a State bank that is not an eligible depository institution,
a national bank that is not an eligible depository institution, an insured savings association that is not
an eligible depository institution, the Federal Deposit Insurance Corporation, or any one or more of
them assumes in writing all of the liabilities of the selling bank as shown by its records, other than the
liabilities of the selling bank to its shareholders as such.
(b) If the Commissioner has made one or more of the findings provided in Section 51, and the
finding that an emergency exists as provided in Section 52, and if, in addition, the Commissioner gives
his approval in writing, any State bank may, by vote of a majority of its board of directors and without
a vote of its shareholders, merge with another State bank that is not an eligible depository institution,
a national bank that is not an eligible depository institution, or an insured savings association located
in Illinois that is not an eligible depository institution, and after May 31, 1997, an out-of-state bank
that is not an eligible depository institution, with such other State bank, out-of-state bank, national

New matter indicated by italics - deletions by strikeout.
bank, or insured savings association being the resulting or continuing bank or resulting insured savings association in such a merger.

(c) With the prior written approval of the Commissioner, any State bank may either purchase, assume, or both purchase and assume all or any part of the assets or liabilities, or act as paying agent for the payment of deposit insurance to the depositors of an eligible depository institution.

(d) With the prior written approval of the Commissioner, a State bank may, by vote of a majority of its board of directors and without a vote of its shareholders, merge with an insured savings association, national bank, or after May 31, 1997, out-of-state bank, in default or in danger of default, provided such State bank results from such merger, and provided further that such resulting bank shall conform all assets acquired or liabilities incurred as a result of such merger to the legal requirements for such assets acquired, held or invested or liabilities assumed or incurred by State banks, and that such resulting or continuing bank shall conform all of its activities to those activities in which a State bank is authorized to engage as part of a general banking business.

(d-5) If the Commissioner has made one or more of the findings provided in Section 51 or the finding that an emergency exists as provided in Section 52, and if, in addition, the Commissioner gives his approval in writing, a change in the ownership of outstanding stock of any State bank, including the acquisition of stock of the State bank by any bank holding company, may occur that will result in control or a change in the control of the State bank or a change in the control of a holding company having control of the outstanding stock of a State bank, including the acquisition of stock of such holding company by any other bank holding company, which will result in control or a change in control of the bank or holding company.

(e) Nothing in this Section shall authorize a State bank to acquire, hold, or invest any asset or to assume or incur any liability that does not conform to the legal requirements for assets acquired, held, or invested or liabilities assumed or incurred by State banks, or to engage in any activity in which a State bank is not authorized to engage as part of a general banking business.

(f) Nothing in this Section shall authorize a bank holding company to own or control, directly or indirectly, a State bank or a national bank having its main banking premises in Illinois unless such ownership or control is expressly authorized under the provisions of the Illinois Bank Holding Company Act of 1957.

(205 ILCS 5/33) (from Ch. 17, par. 341)

Sec. 33. Marketable investment securities limit. Any State bank may purchase for its own account marketable investment securities without regard to any other liability to the bank of the issuer, maker, obligor, or guarantor of any marketable investment securities, but the total amount of the marketable investment securities of any one issuer, maker or obligor held by the bank or for its account at any one time shall not exceed 20% of its unimpaired capital and unimpaired surplus. As used in this Section the term "marketable investment securities" means marketable obligations evidencing indebtedness of any person in the form of bonds, notes, or debentures commonly known as investment securities; obligations identified by certificates of participation in investments the bank could have invested in directly; and includes certificates of participation in open end investment companies registered with the Securities and Exchange Commission pursuant to the Investment Company Act of 1940 and Securities Act of 1933 commonly referred to as mutual or money market funds, provided the portfolios of those investment companies consist of investments that a bank could invest in directly. Marketable investment securities shall be rated in the top 4 rating categories by national rating services and designated as "investment grade" or "bank quality investments" securities. The rating restriction on marketable investment securities does not apply to securities that are issued by a public agency as defined in Section 1 of the Public Funds Investment Act.

(205 ILCS 5/37) (from Ch. 17, par. 347)

Sec. 37. Loans to officers and loans on and purchases of bank's own stock.

(1) No state bank shall make any loan or extension of credit in excess of the limits, as determined by the Commissioner, at any one time outstanding each to its president, or to any of its vice presidents or its salaried officers or employees or directors or to corporations or firms, controlled by them, or in the management of which any of them are actively engaged, unless such loan or extension of credit shall have been first approved, by the board of directors. The Commissioner shall

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(2) It shall not be lawful for a state bank to make any loan or discount on the security of the shares of its own capital stock or preferred stock or on the security of its own debentures or evidences of debt which are either convertible into capital stock or are junior or subordinate in right of payment to deposit or other liabilities of the bank.

(3) (a) For purposes of this Section, "control" means (i) ownership, control, or power to vote 25% or more of the outstanding shares of any class of voting security of the corporation or firm, directly or indirectly, or acting through or in concert with one or more other persons; (ii) control in any manner over the election of a majority of the directors of the corporation or firm; or (iii) the power to exercise a controlling influence over the management or policies of the corporation or firm, directly or indirectly, or acting through or in concert with one or more persons.

(3)(b) A person does not have the power to exercise a controlling influence over the management or policies of a corporation or firm solely by virtue of the person's position as an officer or director of the corporation or firm.

(3)(c) A person is presumed to have control, including the power to exercise a controlling influence over the management or policies, of a corporation or firm if:

(i) the person:

(A) is an executive officer, director, or individual exercising similar functions of the corporation or firm; and

(B) directly or indirectly owns, controls, or has the power to vote more than 10% of any class of voting securities of the corporation or firm; or

(ii) (A) the person directly or indirectly owns, controls, or has the power to vote more than 10% of any class of voting securities of the corporation or firm; and

(B) no other person directly or indirectly owns, controls, or has the power to vote a greater percentage of that class of voting securities.

(3)(d) A person may rebut a presumption established under subdivision (3)(c) of this Section by submitting written materials that, in the Commissioner's judgment, demonstrate an absence of control.

(Source: P.A. 86-754.)

(205 ILCS 5/47) (from Ch. 17, par. 358)

Sec. 47. Reports to Commissioner.

(a) All State banks shall make a full and accurate statement of their affairs at least 1 time during each calendar quarter which shall be certified to, under oath by the president, a vice-president or the cashier of such bank. If the statement is submitted in electronic form, the Commissioner may, in the call for the report, specify the manner in which the appropriate officer of the bank shall certify the statement of affairs. The statement shall be according to the form which may be prescribed by the Commissioner and shall exhibit in detail information concerning such bank at the close of business of any day the Commissioner may choose and designate in a call for such report. Each bank shall deliver its quarterly statement to the location specified by the Commissioner within 30 calendar days of the date of the call for such reports. If the quarterly statement is mailed, it must be postmarked within the period prescribed for delivery, and if the quarterly statement is delivered in electronic form, the bank shall generate and retain satisfactory proof that it has caused the report to be delivered within the period prescribed for delivery. Within 60 calendar days after the Commissioner's call for the fourth calendar quarter statement of affairs, a State bank shall publish an annual disclosure statement setting forth the information required by rule of the Commissioner. The disclosure statement shall contain the required information as of the close of the business day designated by the Commissioner for the fourth quarter statement of affairs. Any bank failing to make and deliver such statement or to comply with any provisions of this Section may be subject to a penalty payable to the Commissioner of $100 for each day of noncompliance.

(b) In addition to the foregoing reports, any bank which is the victim of a shortage of funds in excess of $10,000, an apparent misapplication of the bank's funds by an officer, employee or director, or any adverse legal action in an amount in excess of 10% of total unimpaired capital and unimpaired surplus of the bank, including but not limited to, the entry of an adverse money judgment against the bank or a write-off of assets of the bank, shall report that information in writing to the Commissioner within 7 days of the occurrence. Compliance with the time frames prescribed by the
United States Department of Treasury's Financial Crimes Enforcement Network shall be deemed compliance with this Section. Neither the bank, its directors, officers, employees or its agents, in the preparation or filing of the reports required by subsection (b) of this Section, shall be subject to any liability for libel, slander, or other charges resulting from information supplied in such reports, except when the supplying of such information is done in a corrupt or malicious manner or otherwise not in good faith.

(Source: P.A. 89-505, eff. 6-28-96; 89-567, eff. 7-26-96; 90-14, eff. 7-1-97.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of
subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

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

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. The amount from time to time deposited into the Bank and Trust Company Fund shall be used to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash
Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

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

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

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

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

(6) The Commissioner shall have the power:

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

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

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

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

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

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

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

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

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

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

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

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

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

(12) (Blank).

(Source: P.A. 90-14, eff. 7-1-97; 90-301, eff. 8-1-97; 90-665, eff. 7-30-98; 91-16, eff. 7-1-99.)

(205 ILCS 5/48.1) (from Ch. 17, par. 360)
Sec. 48.1. Customer financial records; confidentiality.
(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of:

(1) a document granting signature authority over a deposit or account;

(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;

(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or

(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a bank to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

New matter indicated by italics - deletions by strikeout.
(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:
(A) servicing or processing a financial product or service requested or authorized by
the customer;
(B) maintaining or servicing a customer's account with the bank; or
(C) a proposed or actual securitization or secondary market sale (including sales of
servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the financial records or
information of a customer without the consent of the customer.

(18) The disclosure of financial records or information as necessary to protect against
actual or potential fraud, unauthorized transactions, claims, or other liability.

(c) Except as otherwise provided by this Act, a bank may not disclose to any person, except
to the customer or his duly authorized agent, any financial records or financial information obtained
from financial records relating to that customer of that bank unless:

(1) the customer has authorized disclosure to the person;
(2) the financial records are disclosed in response to a lawful subpoena, summons,
warrant or court order which meets the requirements of subsection (d) of this Section; or
(3) the bank is attempting to collect an obligation owed to the bank and the bank complies
with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices
Act.

(d) A bank shall disclose financial records under paragraph (2) of subsection (c) of this
Section under a lawful subpoena, summons, warrant, or court order only after the bank mails a copy
of the subpoena, summons, warrant, or court order to the person establishing the relationship with the
bank, if living, and, otherwise his personal representative, if known, at his last known address by first
class mail, postage prepaid, unless the bank is specifically prohibited from notifying the person by
order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any
person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide
Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial
records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined
not more than $1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or
employee of a bank to disclose financial records in violation of this Section is guilty of a business
offense and, upon conviction, shall be fined not more than $1,000.

(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been
directly incurred in searching for, reproducing, or transporting books, papers, records, or other data
of a customer required or requested to be produced pursuant to a lawful subpoena, summons, warrant,
or court order. The Commissioner shall determine the rates and conditions under which payment may
be made.

(Source: P.A. 90-18, eff. 7-1-97; 90-665, eff. 7-30-98; 91-330, eff. 7-29-99; 91-929, eff. 12-15-00.)

(205 ILCS 5/48.5)
Sec. 48.5. Reliance on Commissioner.

(a) The Commissioner may issue an opinion in response to a specific request from a member
of the public or the banking industry or on his own initiative. The opinion may be in the form of an
interpretive letter, no-objection letter, or other issuance the Commissioner deems appropriate.

(b) No bank or other person shall be liable under this Act for any act done or omitted in good
faith in conformity with any rule, interpretation, or opinion issued by the Commissioner of Banks and
Real Estate, notwithstanding that after the act or omission has occurred, the rule, opinion, or
interpretation upon which reliance is placed is amended, rescinded, or determined by judicial or other
authority to be invalid for any reason.

(Source: P.A. 90-161, eff. 7-23-97; 90-655, eff. 7-30-98.)

(205 ILCS 5/49) (from Ch. 17, par. 361)
Sec. 49. False statements; penalty. It is unlawful for any officer, director, or employee of any
State bank or subsidiary or holding company of that bank or, after May 31, 1997, branch out of an
out-of-state bank subject to examination by the Commissioner or any person filing an application or
notice or submitting information in connection with an application or notice with the Commissioner
to whom they shall willfully and knowingly subscribe to or make, or cause to be made, any false statement.

New matter indicated by italics - deletions by strikeout.
or false entry with intent to deceive any person or persons authorized to examine into the affairs of the bank or the subsidiary or holding company of that bank, or the branch of an out-of-state bank, or the applicant or with intent to deceive the Commissioner or his administrative officers in the performance of their duties under this Act. A person who violates this Section is, upon conviction thereof, shall be guilty of a Class 3 felony.

(Source: P.A. 89-208, eff. 9-29-95.)

(205 ILCS 5/51) (from Ch. 17, par. 363)
Sec. 51. Capital impairment, etc.; correction.
(a) If the Commissioner with respect to a State bank shall find:
(1) its capital is impaired or it is otherwise in an unsound condition; or
(2) its business is being conducted in an unlawful, including, without limitation, in violation of any provisions of this Act, or in a fraudulent or unsafe manner; or
(3) it is unable to continue operations; or
(4) its examination has been obstructed or impeded; the Commissioner may give notice to the board of directors or his finding or findings. If the situation so found by the Commissioner shall not be corrected to his satisfaction within a period of at least sixty but no more than one hundred and eighty days after receipt of such notice, which period shall be determined by the Commissioner and set forth in the notice, the Commissioner at the termination of said period shall take possession and control of the bank and its assets as in this Act provided for the purpose of examination, reorganization or liquidation through receivership.
(b) If the Commissioner has given notice to the board of directors of his findings, as provided in subsection (a), and the time period prescribed in that notice has expired, the Commissioner may extend the time period prescribed in that notice for such period as the Commissioner deems appropriate.

(Source: P.A. 87-841.)

(205 ILCS 5/53) (from Ch. 17, par. 365)
Sec. 53. Commissioner's possession; power. The Commissioner may take possession and control of a state bank and its assets, by posting upon the premises a notice reciting that he is assuming possession pursuant to this Act, and the time when his possession shall be deemed to commence, which time shall not pre-date the posting of the notice. Promptly after taking possession and control of a bank, if the Federal Deposit Insurance Corporation is not appointed as receiver, the Commissioner shall file a copy of the notice posted upon the premises in the circuit court in the county in which the bank is located, and thereupon the clerk of such court shall note the filing thereof upon the records of the court, and shall enter such cause as a court action upon the dockets of such court under the name and style of "In the matter of the possession and control of the Commissioner of Banks and Real Estate of ...." (inserting the name of such bank), and thereupon the court wherein such cause is docketed shall be vested with jurisdiction to hear and determine all issues and matters pertaining to or connected with the Commissioner's possession and control of such bank as provided in this Act, and such further issues and matters pertaining to or connected with the Commissioner's possession and control as may be submitted to such court for its adjudication by the Commissioner. When the Commissioner has taken possession and control of a bank and its assets, he shall be vested with the full powers of management and control, including without limiting the generality thereof, the following:
(1) the power to continue or to discontinue the business;
(2) the power to stop or to limit the payment of its obligations, provided, however with respect to a qualified financial contract between any party and a bank or banking office, the branch or agency of which the Commissioner has taken possession and control, which party has a perfected security interest in collateral or other valid lien or security interest in collateral enforceable against third parties pursuant to a security arrangement related to that qualified financial contract, the party may retain all of the collateral and upon repudiation or termination of that qualified financial contract in accordance with its terms apply the collateral in satisfaction of any claims secured by the collateral; in no event shall the total amount so applied exceed the global net payment obligation, if any;
(3) the power to collect and to use its assets and to give valid receipts and acquittances therefor;
(4) the power to employ and to pay any necessary assistants;
(5) the power to execute any instrument in the name of the bank;
(6) the power to commence, defend and conduct in its name any action or proceeding in which it may be a party;
(7) the power, upon the order of the court, to sell and convey its assets in whole or in part, and to sell or compound bad or doubtful debts upon such terms and conditions as may be fixed in such order;
(8) the power, upon the order of the court, to make and to carry out agreements with other banks or with the United States or any agency thereof which shall have insured the bank's deposits, in whole or in part, for the payment or assumption of the bank's liabilities, in whole or in part, and to transfer assets and to make guaranties, in whole or in part, and to transfer assets and to make guaranties in connection therewith;
(9) the power, upon the order of the court, to borrow money in the name of the bank and to pledge its assets as security for the loan;
(10) the power to terminate his possession and control by restoring the bank to its board of directors;
(11) the power to reorganize the bank as provided in this Act;
(12) the power to appoint a receiver and to order liquidation of the bank as provided in this Act; and
(13) the power, upon the order of the court and without the appointment of a receiver, to determine that the bank has been closed for the purpose of liquidation without adequate provision being made for payment of its depositors, and the bank shall be deemed to have been closed on account of inability to meet the demands of its depositors.

As soon as practical after taking possession, the Commissioner shall make his examination of the condition of the bank and an inventory of the assets. Unless the time shall be extended by order of the court and, unless the Commissioner shall have otherwise settled the affairs of a bank pursuant to the provisions of this Act, at the termination of thirty days from the time of taking possession and control of a bank for the purpose of examination, reorganization or liquidation through receivership, the Commissioner shall either terminate his possession and control by restoring the bank to its board of directors or appoint a receiver and order the liquidation of the bank as provided in this Act. All necessary and reasonable expenses of the Commissioner's possession and control and of its reorganization shall be borne by the bank and may be paid by the Commissioner from its assets. If the Federal Deposit Insurance Corporation is appointed by the Commissioner as receiver of a State bank, or the Federal Deposit Insurance Corporation takes possession of such State bank, the receivership proceedings and the powers and duties of the Federal Deposit Insurance Corporation shall be governed by the Federal Deposit Insurance Act and regulations promulgated thereunder rather than the provisions of this Act.

(Source: P.A. 89-364, eff. 8-18-95; 89-508, eff. 7-3-96.)

Section 15. The Illinois Bank Holding Company Act of 1957 is amended by changing Section 3.074 as follows:

(205 ILCS 10/3.074) (from Ch. 17, par. 2510.04)
Sec. 3.074. Powers; administrative review.
(a) The Commissioner shall have the power and authority:
(1) to promulgate reasonable procedural rules for the purposes of administering the provisions of this Act. The Commissioner shall specify the form of any application, report or document that is required to be filed with the Commissioner pursuant to this Act;
(2) to issue orders for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act;
(3) to appoint hearing officers to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act or any rule promulgated in accordance with this Act; and
(4) to subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath and to require the production of any relevant books, papers, accounts and documents in the course of and pursuant to any investigation or hearing being conducted or any action being taken by the Commissioner in respect to any matter relating

New matter indicated by italics - deletions by strikeout.
to the duties imposed upon or the powers vested in the Commissioner under the provisions of this Act or any rule promulgated in accordance with this Act.

(b) Whenever, in the opinion of the Commissioner, any director, officer, employee, or agent of any bank holding company or subsidiary or affiliate of that company shall have violated any law, rule, or order relating to that bank holding company or subsidiary or affiliate of that company, shall have obstructed or impeded any examination or investigation by the Commissioner, shall have engaged in an unsafe or unsound practice in conducting the business of that bank holding company or subsidiary or affiliate of that company, or shall have violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the bank holding company, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, employee, or agent of a bank holding company or subsidiary or affiliate of that company, prior to the termination of his or her service with that holding company or subsidiary or affiliate of that company, violated any law, rule, or order relating to that bank holding company or subsidiary or affiliate of that company, obstructed or impeded any examination or investigation by the Commissioner, engaged in an unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent would not have assured reasonable promise of safe and sound operation of the bank holding company, the Commissioner may issue an order prohibiting that person from further service with a bank holding company or subsidiary or affiliate of that company as a director, officer, employee, or agent.

An order issued pursuant to this subsection shall be served upon the director, officer, employee, or agent. A copy of the order shall be sent to each director of the bank holding company affected by registered mail. The person affected by the action may request a hearing before the State Banking Board within 10 days after receipt of the order. The hearing shall be held by the State Banking Board within 30 days after the request has been received by the State Banking Board. The State Banking Board shall make a determination approving, modifying, or disapproving the order of the Commissioner as its final administrative decision. If a hearing is held by the State Banking Board, the State Banking Board shall make its determination within 60 days from the conclusion of the hearing. Any person affected by a decision of the State Banking Board under this subsection may have the decision reviewed only under and in accordance with the Administrative Review Law and the rules adopted pursuant thereto. A copy of the order shall also be served upon the bank holding company of which he is a director, officer, employee, or agent, whereupon he shall cease to be a director, officer, employee, or agent of that bank holding company.

The Commissioner may institute a civil action against the director, officer, employee, or agent of the bank holding company, against whom any order provided for by this subsection has been issued, to enforce compliance with or to enjoin any violation of the terms of the order.

Any person who has been the subject of an order of removal or an order of prohibition issued by the Commissioner under this subsection, subdivision (7) of Section 48 of the Illinois Banking Act, or Section 5-6 of the Corporate Fiduciary Act may not thereafter serve as director, officer, employee, or agent of any holding company, State bank, or branch of any out-of-state bank, of any corporate fiduciary, as defined in Section 1-5.05 of the Corporate Fiduciary Act, or of any other entity that is subject to licensure or regulation by the Commissioner or the Office of Banks and Real Estate unless the Commissioner has granted prior approval in writing.

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

(Source: P.A. 86-754.)

Section 20. The Illinois Savings and Loan Act of 1985 is amended by changing Sections 1-6, 2B-2, 2B-5, 3-8, and 5-16 and adding Section 7-3.2 as follows:

(205 ILCS 105/1-6) (from Ch. 17, par. 3301-6)
Sec. 1-6. General corporate powers. An association operating under this Act shall be a body corporate and politic and shall have all of the powers conferred by this Act including, but not limited

New matter indicated by italics - deletions by strikeout.
to, the following powers:

(a) To sue and be sued, complain and defend in its corporate name, and to have a common seal, which it may alter or renew at pleasure;
(b) To obtain and maintain insurance of the association's withdrawable capital by an insurance corporation as defined in this Act;
(c) Notwithstanding anything to the contrary contained in this Act, to become a member of the Federal Home Loan Bank, and to have all of the powers granted to a savings or thrift institution organized under the laws of the United States and which is located and doing business in the State of Illinois, subject to regulations of the Commissioner;
(d) To act as a fiscal agent for the United States, the State of Illinois or any department, branch, arm or agency of the State or any unit of local government or school district in the State when duly designated for that purpose, and as agent to perform the reasonable functions as may be required of it;
(e) To become a member of or deal with any corporation or agency of the United States or the State of Illinois, to the extent that the agency assists in furthering or facilitating the association's purposes or powers and to that end to purchase stock or securities thereof or deposit money therewith, and to comply with any other conditions of membership or credit;
(f) To make donations in reasonable amounts for the public welfare or for charitable, scientific, religious or educational purposes;
(g) To adopt and operate reasonable insurance, bonus, profit sharing, and retirement plans for officers and employees; likewise, directors who are not officers, including, but not limited to, advisory, honorary, and emeritus directors, may participate in those plans;
(h) To reject any application for membership, to retire withdrawable capital by enforced retirement as provided in this Act and the by-laws, and to limit the issuance of or payments on withdrawable capital, subject, however, to contractual obligations;
(i) To purchase stock in service corporations and to invest in any form of indebtedness of any service corporation as defined in this Act, subject to regulations of the Commissioner;
(j) To purchase stock of a corporation whose principal purpose is to operate a safe deposit company or escrow service company;
(k) To act as Trustee or Custodian under the Federal Self-Employed Individuals' Tax Retirement Act of 1962 or any amendments thereto or any other retirement account and invest any funds held in such capacity in a savings account of the institution;
(l) (Blank);
(m) To establish, maintain and operate terminals as authorized by the Electronic Fund Transfer Act and by Section 5 of the Illinois Banking Act. The establishment, maintenance, operation and location of such terminals shall be subject to the approval of the Commissioner;
(n) Subject to the approval and regulations of the Commissioner, an association may purchase or assume all or any part of the assets or liabilities of an eligible insured bank;
(o) To purchase from a bank, as defined in Section 2 of the Illinois Banking Act, an insubstantial portion of the total deposits of an insured bank. For the purpose of this subparagraph, "insubstantial portion of the total deposits" shall have the same meaning as provided in Section 5(d)(2)(D) of the Federal Deposit Insurance Act;
(p) To effect an acquisition of or conversion to another financial institution pursuant to Section 205 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989;
(q) To pledge its assets:
   (1) to enable it to act as an agent for the sale of obligations of the United States;
   (2) to secure deposits;
   (3) to secure deposits of money whenever required by the National Bankruptcy Act;
   (4) (Blank) to qualify under Section 2-9 of the Corporate Fiduciary Act, and
   (5) to secure trust funds commingled with the institution's funds, whether deposited by the institution or an affiliate of the institution, as required under Section 2-8 of the Corporate Fiduciary Act;
(r) To provide temporary periodic service to persons residing in a bona fide nursing home, senior citizens' retirement home, or long-term care facility;
(s) To purchase for its own account shares of stock of a bankers' bank, described in Section 7.5.
13(b)(1) of the Illinois Banking Act, on the same terms and conditions as a bank may purchase such shares. In no event shall the total amount of such stock held by an association in such bankers' bank exceed 10% of its capital and surplus (including undivided profits) and in no event shall an association acquire more than 5% of any class of voting securities of such bankers' bank;

(t) To effect a conversion to a State bank pursuant to the provisions of the Illinois Banking Act;

(u) Subject to Article XLIV of the Illinois Insurance Code, to act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said association and the insurance company for which it may act as agent; provided, however, that no such association shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the association shall not guarantee the truth of any statement made by an assured in filing his application for insurance; and

(v) To exercise all powers necessary to qualify as a trustee or custodian under federal or State law, however, the authority to accept and execute trusts is subject to the Corporate Fiduciary Act and to the supervision of those activities by the Commissioner.

(Source: P.A. 90-14, eff. 7-1-97; 90-41, eff. 10-1-97; 91-97, eff. 7-9-99.)

(205 ILCS 105/2B-2) (from Ch. 17, par. 3302B-2)

Sec. 2B-2. Notice of filing of application; hearing; renewal of certificate.

(a) Whenever such association has complied with the provisions of this Act; and the Commissioner is satisfied that such association and any subsidiary operating in this State are doing business according to the laws of this State, and are in sound financial condition, he shall authorize the association to publish in newspapers of general circulation in the State of Illinois, notice of filing of its application, provided that subsections (a) through (e) of this Section shall not apply in the case of merger, consolidation, or purchase as set forth in paragraph (c) of Section 2B-1. Publication in the manner and on forms prescribed by the Commissioner in the county of the proposed office of the association shall be made within 15 days of authorization.

(b) Within 10 days following the date of publication of notice of application any association or person wishing to object to any application filed pursuant to Section 2B-1 shall:

(1) file in triplicate, on forms prescribed by the Commissioner, its verified objections at the Springfield Office of the Commissioner; and

(2) serve the applicant or its attorney of record with a copy of the objections and show proof of service of said copy.

(c) If the Commissioner considers the verified objections to be substantial, he shall so advise the objector and the applicant within 15 calendar days after receipt of the objections and shall issue notice of intent to conduct a hearing on the application. Such notice shall provide for public examination of the application. A determination that an objection is substantial shall be based only on data showing undue injury to properly conducted existing associations or data disputing the propriety of information set forth in the application, or both.

(d) The Commissioner shall conduct a hearing upon receipt of an objection filed on time and containing the following:

(1) a summary of the reasons for the objection;

(2) the specific matters in the application to which objection is raised and the reasons for each objection;

(3) facts supporting the objection, including relevant economic or financial data; and

(4) adverse effects on the objector which may result from approval of the application.

The time and place of said hearing shall be established by the Commissioner and 20 days notice shall be given to all parties of record. The hearing shall be conducted in conformance with administrative hearing procedures established pursuant to rules and regulations adopted by the Commissioner. A transcript of any such hearing shall be taken and made a part of the record in the matter.

(e) A certificate of authority shall not be issued unless the Commissioner finds that a need exists for savings and loan association services in the community or area of operations of the applicant association and the applicant association will satisfy said need or that the association can be
maintained without undue injury to properly conducted existing associations.

(f) Annually thereafter, upon the filing of the annual statement herein provided for, if the Commissioner finds that the association and any subsidiary operating in this State are doing business in accordance with this Act and are otherwise in sound financial condition, he shall issue a renewal of such certificate of Authority.

(Source: P.A. 86-210; 86-952.)

(205 ILCS 105/2B-5) (from Ch. 17, par. 3302B-5)

Sec. 2B-5. Cancellation of authority; notice. Should the Commissioner find, upon examination, that any foreign association or any subsidiary operating in Illinois does not conduct its business in accordance with the law, or that the affairs of any such association or subsidiary are in an unsound condition, or if such association refuses to permit examination to be made, he may cancel the authority of such association to do business in this State, and cause a notice thereof to be sent to the home office of the association, and to be published in at least one newspaper in the City of Springfield. After the publication of such notice, it shall be unlawful for any agent of the association to receive any further stock deposits from members residing in this State, except payments on stock on which a loan has been taken.

(Source: P.A. 85-1143.)

(205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

Sec. 3-8. Access to books and records; communication with members.

(a) Every member or holder of capital shall have the right to inspect the books and records of the association that pertain to his account. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records or shall be entitled to a list of the members.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (i) a document granting signature authority over a deposit or account; (ii) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (iii) a check, draft, or money order drawn on an association or issued and payable by an association; or (iv) any other item containing information pertaining to any relationship established in the ordinary course of an association's business between an association and its customer, including financial statements or other financial information provided by the member or holder of capital.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of an association having custody of those records or the examination of those records by a certified public accountant engaged by the association to perform an independent audit;

(2) The examination of any financial records by, or the furnishing of financial records by an association to, any officer, employee, or agent of the Commissioner of Banks and Real Estate, Federal Savings and Loan Insurance Corporation and its successors, Federal Deposit Insurance Corporation, Resolution Trust Corporation and its successors, Federal Home Loan Bank Board and its successors, Office of Thrift Supervision, Federal Housing Finance Board, Board of Governors of the Federal Reserve System, any Federal Reserve Bank, or the Office of the Comptroller of the Currency for use solely in the exercise of his duties as an officer, employee, or agent;

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, holder of capital, or account;

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986;

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code;

(6) The exchange in the regular course of business of (i) credit information between an association and other associations or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between an association and other associations or financial institutions or

New matter indicated by italics - deletions by strikeout.
commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the association or assets or liabilities of the association;

(7) The furnishing of information to the appropriate law enforcement authorities where the association reasonably believes it has been the victim of a crime;

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act;


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.);

(11) The furnishing of information pursuant to any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order;

(12) The exchange of information between an association and an affiliate of the association; as used in this item, "affiliate" includes any company, partnership, or organization that controls, is controlled by, or is under common control with an association.

(13) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any association governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the association a reasonable fee not to exceed its actual cost incurred. An association providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the association in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. An association shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(14) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the association suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (14), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the association to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. An association or person furnishing information pursuant to this item (14) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(15) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the association; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (15), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.
(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability. (d) An association may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or holder of capital of that association unless:

(1) The member or holder of capital has authorized disclosure to the person; or
(2) The financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) An association shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the association mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship with the association, if living, and, otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the association is specifically prohibited from notifying that person by order of court.

(f) (1) Any officer or employee of an association who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of an association to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) However, if any member desires to communicate with the other members of the association with reference to any question pending or to be presented at a meeting of the members, the association shall give him upon request a statement of the approximate number of members entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member then shall submit the communication to the Commissioner who, if he finds it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's payment or adequate provision for payment of the expenses of preparation and mailing.

(h) An association shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(205 ILCS 105/5-16) (from Ch. 17, par. 3305-16)

Sec. 5-16. Limitation on loans to a single borrower. Except for loans to its wholly owned service corporations, an association may not at any one time hold, directly or indirectly, loans to any one corporation or person in a total amount equal to or in excess of 10% of the association's total withdrawable accounts or an amount equal to the total net worth of the association, whichever is less. An association may make loans to a wholly owned service corporation in an amount equal to the association's net worth or in an amount that exceeds an association's net worth if such excess amount is secured by collateral, of a type upon which the association itself could lend, of a value determined in accordance with rules and regulations promulgated by the Commissioner.

(a) In computing the total mortgage loans made by an association to an individual, there shall be included all mortgage loans made by the association to a partnership or other unincorporated association of which he is a member, the unpaid balance of mortgage loans made either for his benefit or for the benefit of such partnership or other unincorporated association and all mortgage loans to or for the benefit of a corporation of which he owns or controls 25% or more of the capital stock.

(b) In computing the total mortgage loans made by an association to a partnership or other unincorporated association, there shall be included the unpaid balance of mortgage loans to its individual members, the unpaid balance of mortgage loans made for the benefit of such partnership or other unincorporated association, or of any member thereof, and all mortgage loans to or for the benefit of any corporation of which the partnership or unincorporated association, or any member thereof, owns or controls 25% or more of the capital stock.

(c) In computing the total mortgage loans made by an association to a corporation, there shall be included the unpaid balance of mortgage loans made for the benefit of the corporation and all mortgage loans to or for the benefit of any individual who owns or controls 25% or more of the capital stock.

New matter indicated by italics - deletions by strikeout.
stock of such corporation.

(d) This Section does not apply to the obligations as endorser, whether with or without recourse, or as guarantor, whether conditional or unconditional, of negotiable or nonnegotiable installment consumer paper of the person transferring the same if the association's files or the knowledge of its officers of the financial condition of each maker of those obligations is reasonably adequate and if an officer of the association, designated for that purpose by the board of directors of the association, certifies that the responsibility of each maker of the obligations has been evaluated and that the association is relying primarily upon each maker for the payment of the obligations. The certification shall be in writing and shall be retained as part of the records of the association.

(Source: P.A. 86-137.)

(205 ILCS 105/7-3.2 new)

Sec. 7-3.2. Reliance on Commissioner.

(a) The Commissioner may issue an opinion in response to a specific request from a member of the public or the savings association industry or on his own initiative. The opinion may be in the form of an interpretive letter, no-objection letter, or other issuance the Commissioner deems appropriate.

(b) If the Commissioner determines that the opinion is useful for the general guidance of the public or associations, the Commissioner may disseminate the opinion by newsletter, via an electronic medium such as the internet, in a volume of statutes or related materials published by the Commissioner or others, or by other means reasonably calculated to notify persons affected by the opinion. A published opinion must be redacted to preserve the confidentiality of the requesting party unless the requesting party consents to be identified in the published opinion.

(c) No association or other person shall be liable under this Act for any act done or omitted in good faith in conformity with any rule, interpretation, or opinion issued by the Commissioner, notwithstanding that after the act or omission has occurred, the rule, opinion, or interpretation upon which reliance is placed is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(205 ILCS 105/11-5 rep.)

Section 22. The Illinois Savings and Loan Act of 1985 is amended by repealing Section 11-5. Section 25. The Savings Bank Act is amended by changing Sections 1007.35, 1008, 4005, 4013, 6013, 8015, 10001, 11003, 11004, and 11008 and adding Section 9019 as follows:

(205 ILCS 205/1007.35) (from Ch. 17, par. 7301-7.35)

Sec. 1007.35. "Control", unless specified otherwise in this Act, shall mean:

(1) the ability of any person, entity, persons, or entities acting alone or in concert with one or more persons or entities, to own, hold, or direct with power to vote, or to hold proxies representing, 10% or more of the voting shares or rights of a savings bank, savings bank subsidiary, savings bank affiliate, or savings bank holding company; or

(2) the ability to achieve in any manner the election or appointment of a majority of the directors of a savings bank; or

(3) the power to direct or exercise significant influence over the management or policies of the savings bank or savings bank affiliate.

"Control" does not include this definition shall not apply to the voting of proxies obtained from depositors if the proxies are voted as directed by a majority of the board of directors of the savings bank or of a committee of directors when the committee's composition and powers may be revoked by a majority vote of the board of directors.

(Source: P.A. 86-1213.)

(205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

Sec. 1008. General corporate powers.

(a) A savings bank operating under this Act shall be a body corporate and politic and shall have all of the powers conferred by this Act including, but not limited to, the following powers:

(1) To sue and be sued, complain, and defend in its corporate name and to have a common seal, which it may alter or renew at pleasure.

(2) To obtain and maintain insurance by a deposit insurance corporation as defined in this Act.

(3) To act as a fiscal agent for the United States, the State of Illinois or any department,
branch, arm, or agency of the State or any unit of local government or school district in the State, when duly designated for that purpose, and as agent to perform reasonable functions as may be required of it.

(4) To become a member of or deal with any corporation or agency of the United States or the State of Illinois, to the extent that the agency assists in furthering or facilitating its purposes or powers and to that end to purchase stock or securities thereof or deposit money therewith, and to comply with any other conditions of membership or credit.

(5) To make donations in reasonable amounts for the public welfare or for charitable, scientific, religious, or educational purposes.

(6) To adopt and operate reasonable insurance, bonus, profit sharing, and retirement plans for officers and employees and for directors including, but not limited to, advisory, honorary, and emeritus directors, who are not officers or employees.

(7) To reject any application for membership; to retire deposit accounts by enforced retirement as provided in this Act and the bylaws; and to limit the issuance of, or payments on, deposit accounts, subject, however, to contractual obligations.

(8) To purchase stock in service corporations and to invest in any form of indebtedness of any service corporation as defined in this Act, subject to regulations of the Commissioner.

(9) To purchase stock of a corporation whose principal purpose is to operate a safe deposit company or escrow service company.

(10) To exercise all the powers necessary to qualify as a trustee or custodian under federal or State law, provided that the authority to accept and execute trusts is subject to the provisions of the Corporate Fiduciary Act and to the supervision of those activities by the Commissioner.

(11) (Blank).

(12) To establish, maintain, and operate terminals as authorized by the Electronic Fund Transfer Act.

(13) To pledge its assets:

- (A) to enable it to act as agent for the sale of obligations of the United States;
- (B) to secure deposits;
- (C) to secure deposits of money whenever required by the National Bankruptcy Act;
- (D) (blank) to qualify under Section 2-9 of the Corporate Fiduciary Act; and
- (E) to secure trust funds commingled with the savings bank's funds, whether deposited by the savings bank or an affiliate of the savings bank, as required under Section 2-8 of the Corporate Fiduciary Act.

(14) To accept for payment at a future date not to exceed one year from the date of acceptance, drafts drawn upon it by its customers; and to issue, advise, or confirm letters of credit authorizing holders thereof to draw drafts upon it or its correspondents.

(15) Subject to the regulations of the Commissioner, to own and lease personal property acquired by the savings bank at the request of a prospective lessee and, upon the agreement of that person, to lease the personal property.

(16) To establish temporary service booths at any International Fair in this State that is approved by the United States Department of Commerce for the purpose of providing a convenient place for foreign trade customers to exchange their home countries' currency into United States currency or the converse. To provide temporary periodic service to persons residing in a bona fide nursing home, senior citizens' retirement home, or long-term care facility. These powers shall not be construed as establishing a new place or change of location for the savings bank providing the service booth.

(17) To indemnify its officers, directors, employees, and agents, as authorized for corporations under Section 8.75 of the Business Corporations Act of 1983.

(18) To provide data processing services to others on a for-profit basis.

(19) To utilize any electronic technology to provide customers with home banking services.

(20) Subject to the regulations of the Commissioner, to enter into an agreement to act as a surety.

New matter indicated by italics - deletions by strikeout.
(21) Subject to the regulations of the Commissioner, to issue credit cards, extend credit therewith, and otherwise engage in or participate in credit card operations.

(22) To purchase for its own account shares of stock of a bankers' bank, described in Section 13(b)(1) of the Illinois Banking Act, on the same terms and conditions as a bank may purchase such shares. In no event shall the total amount of such stock held by a savings bank in such bankers' bank exceed 10% of its capital and surplus (including undivided profits) and in no event shall a savings bank acquire more than 5% of any class of voting securities of such bankers' bank.

(23) With respect to affiliate facilities:
   (A) to conduct at affiliate facilities any of the following transactions for and on behalf of any affiliated depository institution, if so authorized by the affiliate or affiliates: receiving deposits; renewing deposits; cashing and issuing checks, drafts, money orders, travelers checks, or similar instruments; changing money; receiving payments on existing indebtedness; and conducting ministerial functions with respect to loan applications, servicing loans, and providing loan account information; and
   (B) to authorize an affiliated depository institution to conduct for and on behalf of it, any of the transactions listed in this subsection at one or more affiliate facilities.

A savings bank intending to conduct or to authorize an affiliated depository institution to conduct at an affiliate facility any of the transactions specified in this subsection shall give written notice to the Commissioner at least 30 days before any such transaction is conducted at an affiliate facility. All conduct under this subsection shall be on terms consistent with safe and sound banking practices and applicable law.

(24) Subject to Article XLIV of the Illinois Insurance Code, to act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said savings bank and the insurance company for which it may act as agent; provided, however, that no such savings bank shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the savings bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

(25) To become a member of the Federal Home Loan Bank and to have the powers granted to a savings association organized under the Illinois Savings and Loan Act of 1985 or the laws of the United States, subject to regulations of the Commissioner.

(26) To offer any product or service that is at the time authorized or permitted to a bank by applicable law, but subject always to the same limitations and restrictions that are applicable to the bank for the product or service by such applicable law and subject to the applicable provisions of the Financial Institutions Insurance Sales Law and rules of the Commissioner.

(b) If this Act or the regulations adopted under this Act fail to provide specific guidance in matters of corporate governance, the provisions of the Business Corporation Act of 1983 may be used.

(Source: P.A. 90-14, eff. 7-1-97; 90-41, eff. 10-1-97; 90-270, eff. 7-30-97; 90-301, eff. 8-1-97; 90-655, eff. 7-30-98; 90-665, eff. 7-30-98; 91-97, eff. 7-9-99; 91-357, eff. 7-29-99.)

(205 ILCS 205/4005) (from Ch. 17, par. 7304-5)

Sec. 4005. Voting.

(a) Voting at a meeting may be either in person or by proxy executed in writing by the member or stockholder or by his duly authorized attorney-in-fact.

(b) In the determination of all questions requiring ascertainment of who is entitled to vote and of the number of outstanding shares, the following rules shall apply:

(1) The date of determination shall be the record date for voting provided in this Act.

(2) Each person holding one or more withdrawable accounts in a mutual savings bank shall have the vote of one share for each $100 of the aggregate withdrawal value of the accounts and shall have the vote of one share for any fraction of $100; however, subject to regulation of the Commissioner, a mutual savings bank may in its by-laws limit the number of votes a person may cast to 1,000 votes. A mutual savings bank may adopt a different voting
arrangement if the Commissioner finds that the arrangement would not be inequitable to members and if the members approve the arrangement by an affirmative vote of at least two-thirds of the votes entitled to be cast, however, the voting arrangement need not obtain the foregoing member approval if such voting arrangement is otherwise approved as part of a corporate change under this Act.

(3) Each holder of capital stock held shall have one vote for each share held.

(4) Shares owned by the savings bank shall not be counted or voted.

(5) A savings bank authorized to issue stock shall provide in its articles of incorporation that voting rights shall may be vested exclusively in stockholders.

(Source: P.A. 91-97, eff. 7-9-99.)

(205 ILCS 205/4013) (from Ch. 17, par. 7304-13)
Sec. 4013. Access to books and records; communication with members and shareholders.
(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

(1) The preparation examination, handling, or maintenance of any financial records by any officer, employee, or agent of a savings bank having custody of records or examination of records by a certified public accountant engaged by the savings bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by a savings bank to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, shareholder, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a savings bank and other savings banks or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a savings bank and other savings banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the savings bank or assets or liabilities of the savings bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the savings bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute which by its terms or by
regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any savings bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the savings bank a reasonable fee not to exceed its actual cost incurred. A savings bank providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the savings bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A savings bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the savings bank suspects that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the savings bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A savings bank or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;
(B) maintaining or servicing an account of a member or holder of capital with the savings bank; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(15) The exchange in the regular course of business of information between a savings bank and any commonly owned affiliate of the savings bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or
(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, or court order only after the savings bank mails a copy of the subpoena, summons, warrant, or court order to the person establishing the relationship.

New matter indicated by italics - deletions by strikeout.
with the savings bank, if living, and otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account are subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

(205 ILCS 205/6013) (from Ch. 17, par. 7306-13)

Sec. 6013. Loans to one borrower.

(a) Except as provided in subsection (c), the total loans and extensions of credit, both direct and indirect, by a savings bank to any person, other than a municipal corporation for money borrowed, outstanding at one time shall not exceed 20% of the savings bank's total capital plus general loan loss reserves.

(b) Except as provided in subsection (c), the total loans and extensions of credit, both direct and indirect, by a savings bank to any person, other than a municipal corporation for money borrowed, outstanding at one time shall not exceed 10% of the savings bank's total capital plus general loan loss reserves. This limitation shall be separate from and in addition to the limitation contained in subsection (a).

(c) If the limit under subsection (a) or (b) on total loans to one borrower is less than $500,000, a savings bank that meets its minimum capital requirement under this Act may have loan and extensions of credit, both direct and indirect, outstanding to any person at one time not to exceed $500,000. With the prior written approval of the Commissioner, a savings bank that has capital in excess of 6% of assets may make loans and extensions of credit to one borrower for the development of residential housing properties, located or to be located in this State, not to exceed 30% of the savings bank's total capital plus general loan loss reserves.

(d) For purposes of this Section, the term "person" shall be deemed to include an individual, firm, corporation, business trust, partnership, trust, estate, association, joint venture, pool, syndicate, sole proprietorship, unincorporated association, any political subdivision, or any similar entity or organization.

(e) For the purposes of this Section any loan or extension of credit granted to one person, the proceeds of which are used for the direct benefit of a second person, shall be deemed a loan or extension of credit to the second person as well as the first person. In addition, a loan or extension of credit to one person shall be deemed a loan or extension of credit to others when a common enterprise exists between the first person and such other persons.

(f) For the purposes of this Section, the total liabilities of a firm, partnership, pool, syndicate,
or joint venture shall include the liabilities of the members of the entity.

(g) For the purposes of this Section, the term "readily marketable collateral" means financial instruments or bullion that are salable under ordinary circumstances with reasonable promptness at a fair market value on an auction or a similarly available daily bid-and-ask price market. "Financial instruments" include stocks, bonds, notes, debentures traded on a national exchange or over the counter, commercial paper, negotiable certificates of deposit, bankers' acceptances, and shares in money market or mutual funds.

(h) Each savings bank shall institute adequate procedures to ensure that collateral fully secures the outstanding loan or extension of credit at all times.

(i) If collateral values fall below 100% of the outstanding loan or extension of credit to the extent that the loan or extension of credit no longer is in conformance with subsection (b) and exceeds the 20% limitation of subsection (a), the loan must be brought into conformance with this Section within 5 business days except where judicial proceedings or other similar extraordinary occurrences prevent the savings bank from taking action.

(j) This Section shall not apply to loans or extensions of credit to the United States of America or its agencies or this State or its agencies or to any loan, investment, or extension of credit made pursuant to Section 6003 of this Act.

(k) This Section does not apply to the obligations as endorser, whether with or without recourse, or as guarantor, whether conditional or unconditional, of negotiable or nonnegotiable installment consumer paper of the person transferring the same if the bank's files or the knowledge of its officers of the financial condition of each maker of those obligations is reasonably adequate and if an officer of the bank, designated for that purpose by the board of directors of the bank, certifies that the responsibility of each maker of the obligations has been evaluated and that the bank is relying primarily upon each maker for the payment of the obligations. The certification shall be in writing and shall be retained as part of the records of the bank.

(l) The Commissioner may prescribe rules to carry out the purposes of this Section and to establish limits or requirements other than those specified in this Section for particular types of loans and extensions of credit.

(205 ILCS 205/8015) (from Ch. 17, par. 7308-15)
Sec. 8015. Change in control.

(a) Any person, whether acting directly or indirectly or through or in concert with one or more persons, shall give the Commissioner 60 days written notice of intent to acquire control of 10% or more of a savings bank or savings bank affiliate operating under this Act. The Commissioner shall promulgate rules to implement this provision including definitions, application, procedures, standards for approval or disapproval.

(b) The Commissioner may examine the books and records of any person giving notice of intent to acquire control of 10% or more of a savings bank operating under this Act.

(c) The Commissioner may approve or disapprove an application for change of control. In either case, the decision must be issued within 30 days of the filing of the initial application or the date of receipt of any additional information requested by the Commissioner that is necessary for his decision to be made. The request for additional information must be made within 20 days of the filing of the initial application.

(205 ILCS 205/9019 new)
Sec. 9019. Reliance on the Commissioner.

(a) The Commissioner may issue an opinion in response to a specific request from a member of the public or the banking or thrift industry or on his own initiative. The opinion may be in the form of an interpretive letter, no-objection letter, or other issuance the Commissioner deems appropriate.

(b) If the Commissioner determines that the opinion is useful for the general guidance of the public or savings banks, the Commissioner may disseminate the opinion by newsletter, via an electronic medium such as the internet, in a volume of statutes or related materials published by the Commissioner or others, or by other means reasonably calculated to notify persons affected by the opinion. A published opinion must be redacted to preserve the confidentiality of the requesting party unless the requesting party consents to be identified in the published opinion.
(c) No savings bank or other person shall be liable under this Act for any act done or omitted in good faith in conformity with any rule, interpretation, or opinion issued by the Commissioner, notwithstanding that after the act or omission has occurred, the rule, interpretation, or opinion upon which reliance is placed is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(205 ILCS 205/10001) (from Ch. 17, par. 7310-1)
Sec. 10001. Commissioner's authority to take custody and appoint a conservator or a receiver.
(a) The Commissioner, in his discretion, may take custody of and appoint a conservator for the property, liabilities, books, records, business, and assets of every kind and character of any savings bank for any of the purposes hereinafter enumerated if it appears from reports made to the Commissioner or from examination made by or on behalf of the Commissioner:

(1) That the savings bank has failed to produce an annual audited financial statement, after receiving one extension from the Commissioner as permitted by this Act.

(2) That the savings bank's books and records, after at least 2 consecutive notices from the Commissioner spanning at least 2 consecutive calendar quarters, are in an inaccurate and incomplete condition to the extent that the Commissioner is unable, through the normal supervisory process, to determine the financial condition of the savings bank or the details or purpose of any transaction that may materially affect the savings bank's financial condition.

(3) That the savings bank has failed or is about to fail to meet its capital requirement and can meet its requirements and restore its capital only with assistance from its federal insurer.

(4) That the savings bank is insolvent in that its assets are less than its obligations to its creditors, including its depositors.

(5) That the savings bank has experienced substantial dissipation of assets due to any violation of a law, regulation, or order of the Commissioner or due to any unsafe or unsound practice.

(6) That there is a likelihood that the savings bank will not be able to meet the demands of its depositors or pay its obligations in the normal course of business.

(7) That losses have occurred or are likely to occur that have or will deplete all or substantially all of the savings bank's capital and that there is no reasonable prospect for replenishment of the savings bank's capital without federal assistance.

(8) That the savings bank or its officers, directors, or employees, or persons in control of the savings bank are violating a law, regulation, or supervisory order of the Commissioner or of another of its financial regulators.

(9) That the savings bank is in an unsafe or unsound condition likely to cause insolvency or a substantial dissipation of assets or earnings that will weaken the condition of the savings bank and will prejudice the interests of its depositors.

(10) That the directors, officers, trustees, or liquidators have neglected, failed, or refused to take any action that the Commissioner may deem necessary for the protection of the savings bank, including production of an annual audited financial statement after an extension was granted, have continued to maintain the savings bank's books and records in an inaccurate and incomplete condition for 2 consecutive quarters after 2 notices from the Commissioner, or have impeded or obstructed an examination.

(11) That the deposit accounts of the savings bank are impaired to the extent that the realizable value of its assets is insufficient to pay in full its creditors and holders of its deposit accounts or meet its obligations in the normal course of business; or that its capital stock is impaired.

(12) That the savings bank is unable to continue operation.

(13) That the business of the savings bank or savings bank in liquidation is being conducted in a fraudulent, illegal, or unsafe or unsound manner.

(14) That the officers, employees, trustees, or liquidators have continued to assume duties or perform acts without giving bond as required by the provisions of this Act.

(b) If any condition exists that would give the Commissioner authority to take custody of an insured depository institution, the action of the Commissioner may be withheld pending a satisfactory resolution of the condition as suggested by the insurance corporation, provided the savings bank has sufficient liquidity and has adopted and implemented an operating plan considered prudent by the

New matter indicated by italics - deletions by strikeout.
(c) No action or inaction of the Commissioner taken under this Article shall cause the Commissioner to be personally liable for that action or inaction unless the Commissioner's action or inaction is found to be in violation of a criminal statute.

(d) The Commissioner shall promulgate rules and regulations to govern the determination of a need for a conservator or receiver, the selection and appointment of a conservator or receiver, and the conduct of a conservatorship or receivership, including allocation of the payment of costs.

(e) The proceedings pursuant to this Article shall be the exclusive remedy and, except for the Federal Deposit Insurance Corporation acting pursuant to the Federal Deposit Insurance Act, shall be the only proceedings commenced in any court for the taking of custody, the dissolution, the winding up of the affairs, or the appointment of a receiver for a savings bank.

(Source: P.A. 90-301, eff. 8-1-97.)

(205 ILCS 205/11003) (from Ch. 17, par. 7311-3)

Sec. 11003. Removal and prohibition authority.

(a) In addition to other provisions of this Act concerning officers and directors, the Commissioner may remove or suspend from any savings bank operating under this Act any officer, director, employee, or agent of a savings bank, and the Commissioner may prohibit participation in the affairs of any savings bank by any current, former, or prospective officer, director, employee, or agent of a savings bank, if he finds that:

(1) The person or persons have directly or indirectly violated any law, regulation, or order including orders, conditions, and agreements between the savings bank and the Commissioner or between the savings bank and its federal regulators.

(2) The person or persons have breached their fiduciary or professional responsibilities to the savings bank.

(3) The person or persons have similarly behaved towards any other insured depository institution or otherwise regulated entity or that the person or persons are the subject of any final order issued by the federal insurer, the Office of the Comptroller of the Currency, the Federal Reserve Board, a state financial institutions regulator, the Securities and Exchange Commission, or by a state or federal court of law.

(b) The Commissioner may serve upon a party a written notice of the Commissioner's intention to remove or suspend the party from office in the savings bank or to prohibit any further participation in any manner by the party in the conduct of the affairs of any savings bank, if the Commissioner finds because of a violation of subsection (a) that:

(1) Any savings bank, other insured depository institution, or other regulated entity has or probably will suffer financial loss or other damage.

(2) The interests of savings bank's depositors or other insured depository institution's depositors have been or could be prejudiced.

(3) The party has received financial gain or other benefit by reason of the violation.

(4) The violation or breach involves personal dishonesty on the part of the party or demonstrates willful or continuing disregard by the party for the safety and soundness of the savings bank or other insured depository institution.

(Source: P.A. 86-1213.)

(205 ILCS 205/11004) (from Ch. 17, par. 7311-4)

Sec. 11004. Industrywide prohibition.

(a) Except as provided in regulations of the Commissioner, any person who has been removed or suspended from office in a savings bank operating under this Act or prohibited from participating in the conduct of the affairs of a savings bank operating under this Act may not, while an order is in effect, continue or begin to hold any office in, or participate in any manner in the conduct of the affairs of any savings bank regulated by the State of Illinois, another insured depository institution regulated by the State of Illinois, or any other financial services entity regulated by the State of Illinois.

(b) Any violation of subsection (a) by any person who is subject to an order described in that subsection shall be treated as violation of the order.

(Source: P.A. 86-1213.)

(205 ILCS 205/11008) (from Ch. 17, par. 7311-8)

Sec. 11008. Unauthorized participation by convicted individual.

New matter indicated by italics - deletions by strikeout.
(a) Except with the prior written consent of the Commissioner, no person who has been convicted of any criminal offense involving dishonesty or a breach of trust may own or control directly or indirectly more than 0.001% of the capital stock of, receive benefit directly or indirectly from, or participate directly or indirectly in any manner in the conduct of the affairs of a savings bank.

(b) A savings bank may not permit participation by a person described in subsection (a).

(c) Whoever knowingly violates subsection (a) or (b) is guilty of a Class 3 felony and may be fined not more than $10,000 for each day of violation.

(Source: P.A. 91-97, eff. 7-9-99.)

(205 ILCS 205/11012 rep.)

Section 27. The Savings Bank Act is amended by repealing Section 11012.

Section 28. The Illinois Credit Union Act is amended by changing Section 10 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)

Sec. 10. Credit union records; member financial records.

(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.

(3) (a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit;

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent;

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account;

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954;

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code;

(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union;

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime;

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act;


(10) The furnishing of information pursuant to the federal "Currency and Foreign
Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia.; or

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians, if the credit union suspects that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term:
(i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act and the Illinois Domestic Violence Act of 1986.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member;
(B) maintaining or servicing a member's account with the credit union; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly authorized agent, any financial records relating to that member of the credit union unless:

(1) the member has authorized disclosure to the person;
(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant or court order that meets the requirements of subparagraph (d) of this Section; or
(3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 21 of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2) of this Section

New matter indicated by italics - deletions by strikeout.
pursuant to a lawful subpoena, summons, warrant or court order only after the credit union mails a
copy of the subpoena, summons, warrant or court order to the person establishing the relationship with
the credit union, if living, and otherwise his personal representative, if known, at his last known
address by first class mail, postage prepaid unless the credit union is specifically prohibited from
notifying the person by order of court or by applicable State or federal law. In the case of a grand jury
subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection
if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person

(e) (1) Any officer or employee of a credit union who knowingly and wilfully furnishes
financial records in violation of this Section is guilty of a business offense and upon
conviction thereof shall be fined not more than $1,000.

(2) Any person who knowingly and wilfully induces or attempts to induce any officer or
employee of a credit union to disclose financial records in violation of this Section is guilty
of a business offense and upon conviction thereof shall be fined not more than $1,000.

(f) A credit union shall be reimbursed for costs which are reasonably necessary and which
have been directly incurred in searching for, reproducing or transporting books, papers, records or
other data of a member required or requested to be produced pursuant to a lawful subpoena, summons,
warrant or court order. The Director may determine, by rule, the rates and conditions under which
payment shall be made. Delivery of requested documents may be delayed until final reimbursement
of all costs is received.

(Source: P.A. 90-18, eff. 7-1-97; 91-929, eff. 12-15-00.)

Section 30. The Interest Act is amended by changing Sections 4 and 4a as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) In all written contracts it shall be lawful for the parties to stipulate or agree that 9% per
annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in
any manner due and owing from any person to any other person or corporation in this state, and after
that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law
applicable thereto at the time the contract is made. Any provision in any contract, whether made
before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in
the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate
at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in
Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and
charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a
savings bank chartered under the Savings Bank Act or a savings association chartered under the
Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and
charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized
by this Act and as authorized by the Consumer Installment Loan Act and by the "Consumer Finance
Act", approved July 10, 1935, as now or hereafter amended. It is lawful to charge, contract for, and
receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which
are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit,
bills of exchange, bonds or other negotiable instruments pledged as collateral security for
such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business
loan to a business association or copartnership or to a person owning and operating a business
as sole proprietor or to any persons owning and operating a business as joint venturers, joint
tenants or tenants in common, or to any limited partnership, or to any trustee owning and
operating a business or whose beneficiaries own and operate a business, except that any loan
which is secured (1) by an assignment of an individual obligor's salary, wages, commissions
or other compensation for services, or (2) by his household furniture or other goods used for

New matter indicated by italics - deletions by strikeout.
his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(l) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraphs (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate...
of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(Source: P.A. 89-208, eff. 9-29-95.)

(815 ILCS 205/4a) (from Ch. 17, par. 6410)

Sec. 4a. Installment loan rate.

(a) On money loaned to or in any manner owing from any person, whether secured or unsecured, except where the money loaned or in any manner owing is directly or indirectly for the purchase price of real estate or an interest therein and is secured by a lien on or retention of title to that real estate or interest therein, to an amount not more than $25,000 (excluding interest) which is evidenced by a written instrument providing for the payment thereof in 2 or more periodic installments over a period of not more than 181 months from the date of the execution of the written instrument, it is lawful to receive or to contract to receive and collect either:

(i) interest in an amount equivalent to interest computed at a rate not exceeding 9% per year on the entire principal amount of the money loaned or in any manner owing for the period from the date of the making of the loan or the incurring of the obligation for the amount owing evidenced by the written instrument until the date of the maturity of the last installment thereof, and to add that amount to the principal, except that there shall be no limit on the rate of interest which may be received or contracted to be received and collected by (1) any bank that has its main office or, after May 31, 1997, a branch in this State; (2) a savings and loan association chartered under the Illinois Savings and Loan Act of 1985, a savings bank chartered under the Savings Bank Act, or a federal savings and loan association established under the laws of the United States and having its main office in this State; or (3) any lender licensed under either the Consumer Finance Act or the Consumer Installment Loan Act, but in any case in which interest is received, contracted for or collected on the basis of this clause (i), the debtor may satisfy in full at any time before maturity the debt evidenced
by the written instrument, and in so satisfying must receive a refund credit against the total
amount of interest added to the principal computed in the manner provided under Section
15(f)(3) of the Consumer Installment Loan Act for refunds or credits of applicable interest on
payment in full of precomputed loans before the final installment due date; or

(ii) interest accrued on the principal balance from time to time remaining unpaid, from
the date of making of the loan or the incurring of the obligation to the date of the payment of
the debt in full, at a rate not exceeding the annual percentage rate equivalent of the rate
permitted to be charged under clause (i) above, but in any such case the debtor may, provided
that the debtor shall have paid in full all interest and other charges accrued to the date of such
prepayment, prepay the principal balance in full or in part at any time, and interest shall, upon
any such prepayment, cease to accrue on the principal amount which has been prepaid.

(b) Whenever the principal amount of an installment loan is $300 or more and the repayment
period is 6 months or more, a minimum charge of $15 may be collected instead of interest, but only
one minimum charge may be collected from the same person during one year. When the principal
amount of the loan (excluding interest) is $800 or less, the lender or creditor may contract for and
receive a service charge not to exceed $5 in addition to interest; and that service charge may be
collected when the loan is made, but only one service charge may be contracted for, received, or
collected from the same person during one year.

(c) Credit life insurance and credit accident and health insurance, and any charge therefor
which is deducted from the loan or paid by the obligor, must comply with Article IX 1/2 of the Illinois
Insurance Code and all lawful requirements of the Director of Insurance related thereto. When there
are 2 or more obligors on the loan contract, only one charge for credit life insurance and credit
accident and health insurance may be made and only one of the obligors may be required to be
insured. Insurance obtained from, by or through the lender or creditor must be in effect when the loan
is transacted. The purchase of that insurance from an agent, broker or insurer specified by the lender
or creditor may not be a condition precedent to the granting of the loan.

d) The lender or creditor may require the obligor to provide property insurance on security
other than household goods, furniture and personal effects. The amount and term of the insurance must
be reasonable in relation to the amount and term of the loan contract and the type and value of the
security, and the insurance must be procured in accordance with the insurance laws of this State. The
purchase of that insurance from an agent, broker or insurer specified by the lender or creditor may not
be a condition precedent to the granting of the loan.

(e) The lender or creditor may, if the contract provides, collect a delinquency and collection
charge on each installment in default for a period of not less than 10 days in an amount not exceeding
5% of the installment on installments in excess of $200 or $10 on installments of $200 or less, but
only one delinquency and collection charge may be collected on any installment regardless of the
period during which it remains in default. In addition, the contract may provide for the payment by
the borrower or debtor of attorney's fees incurred by the lender or creditor. The lender or creditor may
enforce such a provision to the extent of the reasonable attorney's fees incurred by him in the
collection or enforcement of the contract or obligation. Whenever interest is contracted for or received
under this Section, no amount in addition to the charges authorized by this Section may be directly
or indirectly charged, contracted for or received, except lawful fees paid to a public officer or agency
to record, file or release security, and except costs and disbursements including reasonable attorney's
fees, incurred in legal proceedings to collect a loan or to realize on a security after default. This
Section does not prohibit the receipt of any commission, dividend or other benefit by the creditor or
an employee, affiliate or associate of the creditor from the insurance authorized by this Section.

(f) When interest is contracted for or received under this Section, the lender must disclose the
following items to the obligor in a written statement before the loan is consummated:

(1) the amount and date of the loan contract;
(2) the amount of loan credit using the term "amount financed";
(3) every deduction from the amount financed or payment made by the obligor for
insurance and the type of insurance for which each deduction or payment was made;
(4) every other deduction from the loan or payment made by the obligor in connection
with obtaining the loan;
(5) the date on which the finance charge begins to accrue if different from the date of the

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transaction;

(6) the total amount of the loan charge for the scheduled term of the loan contract with a description of each amount included using the term "finance charge";

(7) the finance charge expressed as an annual percentage rate using the term "annual percentage rate". "Annual percentage rate" means the nominal annual percentage rate of finance charge determined in accordance with the actuarial method of computation with an accuracy at least to the nearest 1/4 of 1%; or at the option of the lender by application of the United States rule so that it may be disclosed with an accuracy at least to the nearest 1/4 of 1%;

(8) the number, amount and due dates or periods of payments scheduled to repay the loan and the sum of such payments using the term "total of payments";

(9) the amount, or method of computing the amount of any default, delinquency or similar charges payable in the event of late payments;

(10) the right of the obligor to prepay the loan and the fact that such prepayment will reduce the charge for the loan;

(11) a description or identification of the type of any security interest held or to be retained or acquired by the lender in connection with the loan and a clear identification of the property to which the security interest relates. If after-acquired property will be subject to the security interest, or if other or future indebtedness is or may be secured by any such property, this fact shall be clearly set forth in conjunction with the description or identification of the type of security interest held, retained or acquired;

(12) a description of any penalty charge that may be imposed by the lender for prepayment of the principal of the obligation with an explanation of the method of computation of such penalty and the conditions under which it may be imposed;

(13) unless the contract provides for the accrual and payment of the finance charge on the balance of the amount financed from time to time remaining unpaid, an identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the loan.

The terms "finance charge" and "annual percentage rate" shall be printed more conspicuously than other terminology required by this Section.

(g) At the time disclosures are made, the lender shall deliver to the obligor a duplicate of the instrument or statement by which the required disclosures are made and on which the lender and obligor are identified and their addresses stated. All of the disclosures shall be made clearly, conspicuously and in meaningful sequence and made together on either:

(i) the note or other instrument evidencing the obligation on the same side of the page and above or adjacent to the place for the obligor's signature; however, where a creditor elects to combine disclosures with the contract, security agreement, and evidence of a transaction in a single document, the disclosures required under this Section shall be made on the face of the document, on the reverse side, or on both sides, provided that the amount of the finance charge and the annual percentage rate shall appear on the face of the document, and, if the reverse side is used, the printing on both sides of the document shall be equally clear and conspicuous, both sides shall contain the statement, "NOTICE: See other side for important information", and the place for the customer's signature shall be provided following the full content of the document; or

(ii) one side of a separate statement which identifies the transaction.

The amount of the finance charge shall be determined as the sum of all charges, payable directly or indirectly by the obligor and imposed directly or indirectly by the lender as an incident to or as a condition to the extension of credit, whether paid or payable by the obligor, any other person on behalf of the obligor, to the lender or to a third party, including any of the following types of charges:

(1) Interest, time price differential, and any amount payable under a discount or other system of additional charges.

(2) Service, transaction, activity, or carrying charge.

(3) Loan fee, points, finder's fee, or similar charge.

(4) Fee for an appraisal, investigation, or credit report.

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(5) Charges or premiums for credit life, accident, health, or loss of income insurance, written in connection with any credit transaction unless (a) the insurance coverage is not required by the lender and this fact is clearly and conspicuously disclosed in writing to the obligor; and (b) any obligor desiring such insurance coverage gives specific dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance.

(6) Charges or premiums for insurance, written in connection with any credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property, unless a clear, conspicuous, and specific statement in writing is furnished by the lender to the obligor setting forth the cost of the insurance if obtained from or through the lender and stating that the obligor may choose the person through which the insurance is to be obtained.

(7) Premium or other charges for any other guarantee or insurance protecting the lender against the obligor's default or other credit loss.

(8) Any charge imposed by a lender upon another lender for purchasing or accepting an obligation of an obligor if the obligor is required to pay any part of that charge in cash, as an addition to the obligation, or as a deduction from the proceeds of the obligation.

A late payment, delinquency, default, reinstatement or other such charge is not a finance charge if imposed for actual unanticipated late payment, delinquency, default or other occurrence.

(h) Advertising for loans transacted under this Section may not be false, misleading, or deceptive. That advertising, if it states a rate or amount of interest, must state that rate as an annual percentage rate of interest charged. In addition, if charges other than for interest are made in connection with those loans, those charges must be separately stated. No advertising may indicate or imply that the rates or charges for loans are in any way "recommended", "approved", "set" or "established" by the State government or by this Act.

(i) A lender or creditor who complies with the federal Truth in Lending Act, amendments thereto, and any regulations issued or which may be issued thereunder, shall be deemed to be in compliance with the provisions of subsections (f), (g) and (h) of this Section.

(Source: P.A. 89-208, eff. 9-29-95; 90-437, eff. 1-1-98.)

Section 35. The Banking Emergencies Act is amended by changing Sections 1 and 2 as follows:

(205 ILCS 610/1) (from Ch. 17, par. 1001)
Sec. 1. Definitions. A. As used in this Act, unless the context otherwise requires:
(1) "Commissioner" means the officer of this State designated by law to exercise supervision over banks and trust companies, and any other person lawfully exercising such powers.
(2) "Bank" includes commercial banks, trust companies and any branch thereof lawfully carrying on the business of banking and, to the extent that the provisions hereof are not inconsistent with and do not infringe upon paramount Federal law, also includes national banks.
(3) "Officers" means the person or persons designated by the board of directors, to act for the bank in carrying out the provisions of this Act or, in the absence of any such designation or of the officer or officers so designated, the president or any other officer currently in charge of the bank or of the office or offices in question.
(4) "Office" means any place at which a bank transacts its business or conducts operations related to its business.
(5) "Emergency" means any condition or occurrence which may interfere physically with the conduct of normal business operations at one or more or all of the offices of a bank, or which poses an imminent or existing threat to the safety or security of persons or property, or both at one or more or all of the offices of a bank.

Without limiting the generality of the foregoing, an emergency may arise as a result of any one or more of the following: natural disasters; civil strife; power failures; computer failures; interruption of communication facilities; robbery or attempted robbery.

(Source: P.A. 85-204.)
(205 ILCS 610/2) (from Ch. 17, par. 1002)
Sec. 2. Power of Commissioner. Whenever the Commissioner is notified by any officer of a bank or by any other means becomes aware that an emergency exists, or is impending, in the county
or municipality or any part thereof, he may, by proclamation, authorize all banks in the State of Illinois located in the affected area or areas to close any or all of their offices, or if only a bank or banks, or offices thereof, in a particular area or areas of the State of Illinois are affected by the emergency or impending emergency, the Commissioner may authorize only the affected bank, banks, or offices thereof, to close. The office or offices so closed may remain closed until the Commissioner declares, by further proclamation, that the emergency or impending emergency has ended. The Commissioner during an emergency or while an impending emergency exists, which affects, or may affect, a particular bank or banks, or a particular office or offices thereof, but not banks located in the area generally of the said county or municipality, may authorize the particular bank or banks, or office or offices so affected, to close. The office or offices so closed shall remain closed until the Commissioner is notified by a bank officer of the closed bank that the emergency has ended. The Commissioner shall notify, at such time, the officers of the bank that one or more offices, heretofore closed because of the emergency, should reopen and, in either event, for such further time thereafter as may reasonably be required to reopen.

(Source: P.A. 77-1782.)

Section 40. The Corporate Fiduciary Act is amended by changing Sections 1-8, 3-1, 3-2, 4-3, 4-4, 4-5, 5-3, 5-6, and 6-2 and adding Article 4A as follows:

(205 ILCS 620/1-8) (from Ch. 17, par. 1551-8)

Sec. 1-8. Change of name or location. A corporate fiduciary holding a certificate of authority issued pursuant to this Act must notify and receive written approval from the Commissioner before changing its name or changing the location of its corporate headquarters. A corporate fiduciary which is a State bank chartered by the Commissioner and which accomplishes a change of name in compliance with Section 13 of the Illinois Banking Act or a change of location in compliance with Section 13 +17 of the Illinois Banking Act, as now or hereafter amended, shall be deemed to have complied with this Section 1-8.

(Source: P.A. 90-301, eff. 8-1-97.)

(205 ILCS 620/3-1) (from Ch. 17, par. 1553-1)

Sec. 3-1. Merger. The merger procedure required of a trust company where there is to be a resulting trust company by consolidation or merger shall be:

(1) The board of directors of each party to the merger merging trust company shall, by a majority of the entire board, approve a merger agreement which shall contain:

(a) The name of each party to the merger merging trust company and its location and a list of each merging party's trust company's stockholders as of the date of the merger agreement;

(b) With respect to the resulting trust company (i) its name and place of business; (ii) the amount of capital, surplus and reserve for operating expenses; (iii) the classes and the number of shares of stock and the par value of each share; (iv) the designation of the continuing trust company and the charter which is to be the charter of the resulting trust company, together with the amendments to the continuing charter and to the continuing by-laws; and (v) a detailed financial statement showing the assets and liabilities after the proposed merger or consolidation;

(c) Provisions stating the method, terms and conditions of carrying the merger into effect, including the manner of converting the shares of the merging parties trust companies into the cash, shares of stock or other securities of any corporation or other property, or any combination of the foregoing, stated in the merger agreement as to be received by the stockholders of each merging party trust company;

(d) A statement that the agreement is subject to approval by the Commissioner and by the stockholders of each party to the merger merging trust company and that whether approved or disapproved, the parties to the merger merging trust companies will pay the Commissioner's expenses of examination;

(e) Provisions governing the manner of disposing of the shares of the resulting trust company not taken by the dissenting stockholders of the parties to the merger merging trust companies; and

(f) Such other provisions as the Commissioner may reasonably require to enable him to discharge his duties with respect to the merger.

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(2) After approval by the board of directors of each party to the merger trust company, the merger agreement shall be submitted to the Commissioner for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board of each party to the merger trust company.

(3) After receipt by the Commissioner of the papers specified in paragraph (2), he shall approve or disapprove the merger agreement. The Commissioner shall not approve the merger agreement unless he shall be of the opinion and shall find:

(a) That the resulting trust company meets the requirements of this Act for the formation of a new trust company at the proposed place of business of the resulting trust company;

(b) That the same matters exist in respect of the resulting trust company which would have been required under Section 2-6 of this Act for the organization of a new trust company.

If the Commissioner disapproves an agreement, he shall state his objection and give an opportunity to the parties to the merger merging trust companies to amend the merger agreement to obviate such objections.

(Source: P.A. 88-408.)

Sec. 3-2. Change in control.

(a) Before a change may occur in the ownership of outstanding stock or membership interests of any trust company whether by sale and purchase, gift, bequest or inheritance, or any other means, which will result in control or a change in the control of the trust company or before a change in the control of a holding company having control of the outstanding stock or membership interests of a trust company whether by sale and purchase, gift, bequest or inheritance, or any other means, which will result in control or a change in control of the trust company or holding company, the Commissioner shall be of the opinion and find:

(1) that the general character of its proposed management, after the change in control, is such as to assure reasonable promise of competent, successful, safe and sound operation;

(2) that the future earnings prospects, after the proposed change in control, are favorable; and

(3) that the prior business affairs of the persons proposing to obtain control or by the proposed management personnel, whether as stockholder, director, member, officer, or customer, were conducted in a safe, sound, and lawful manner.

(b) Persons desiring to purchase control of an existing trust company and persons obtaining control by gift, bequest or inheritance, or any other means shall submit to the Commissioner:

(1) A statement of financial worth; and

(2) Satisfactory evidence that the prior business affairs of the persons and the proposed management personnel, whether as stockholder, director, officer, or customer, were conducted in a safe, sound, and lawful manner.

As used in this Section, the term "control" means the ownership of such amount of stock or membership interests or ability to direct the voting of such stock or membership interests as to give power to, directly or indirectly, direct or cause the direction of the management or policies of the trust company. A change in ownership of stock which would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of less than 10% of the outstanding stock or membership interests shall not be considered a change of control. A change in ownership of stock or membership interests which would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of 20% or such lesser amount which would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section. If there is any doubt as to whether a change in the ownership or control of the outstanding stock or membership interests is sufficient to result in obtaining control thereof or to effect a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the Commissioner.

(c) Whenever a bank makes a loan or loans, secured, or to be secured, by 25% or more of the outstanding stock of a trust company, the president or other chief executive officer of the lending bank shall promptly report such fact to the Commissioner upon obtaining knowledge of such loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the stock for a period of one year or more, or the stock is that of a newly-organized trust company.
(d) (1) Before a purchase of substantially all the assets and an assumption of substantially all the liabilities of a trust company or before a purchase of substantially all the trust assets and an assumption of substantially all the trust liabilities of a trust company, the Commissioner shall be of the opinion and find:

(i) that the general character of the acquirer's proposed management, after the transfer, is such as to assure reasonable promise of competent, successful, safe, and sound operation;
(ii) that the acquirer's future earnings prospects, after the proposed transfer, are favorable;
(iii) that any prior involvement by the acquirer or by the proposed management personnel, whether as stockholder, director, officer, agent, or customer, was conducted in a safe, sound, and lawful manner;
(iv) that customers' interests will not be jeopardized by the purchase and assumption; and
(v) that adequate provision has been made for all obligations and trusts as required under Section 7-1 of this Act.

(2) Persons desiring to purchase substantially all the assets and assume substantially all the liabilities of a trust company or to purchase substantially all the trust assets and assume substantially all the trust liabilities of a trust company shall submit to the Commissioner:

(i) a statement of financial worth; and
(ii) satisfactory evidence that the prior business affairs of the persons and the proposed management personnel, whether as stockholder, director, officer, or customer, were conducted in a safe, sound, and lawful manner.

As used in this Section, "substantially all" the assets or liabilities of a trust company means that portion such that their transfer will materially impair the ability of the trust company to continue successful, safe, and sound operations or to continue as a going concern.

(e) The reports required by subsections (a), (b), (c), and (d) of this Section 3-2 shall contain the following information to the extent that it is known by the person making the report: (1) the number of shares involved; (2) the names of the sellers (or transferors); (3) the names of the purchasers (or transferees); (4) the names of the beneficial owners if the shares are registered in another name; (5) the purchase price; (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction; and, (7) in the case of a loan, the name of the borrower, the amount of the loan, and the name of the trust company issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information as may be available and which is requested by the Commissioner to inform the Commissioner of the effect of the transaction upon the trust company or trust companies whose stock or assets and liabilities are involved.

(f) Whenever such a change as described in subsection (a) of this Section 3-2 occurs, each trust company shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next 12 month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

(g) The provisions of this Section do not apply when the change in control is the result of organizational restructuring under a holding company.

(h) As used in this Section, the term "control" means the ownership of such amount of stock or membership interests or ability to direct the voting of such stock or membership interests as to, directly or indirectly, give power to direct or cause the direction of the management or policies of the trust company. A change in ownership of stock that would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of less than 10% of the outstanding stock or membership interests shall not be considered a change of control. A change in ownership of stock or membership interests that would result in direct or indirect ownership by a stockholder or member, an affiliated group of stockholders or members, or a holding company of 20% or such lesser amount which would entitle the holder by applying cumulative voting to elect one director shall be presumed to constitute a change of control for purposes of this Section. If there is any question as to whether a change in the ownership or control of the outstanding stock

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or membership interests is sufficient to result in obtaining control thereof or to effect a change in the
control thereof, the question shall be resolved in favor of reporting the facts to the Commissioner.

As used in this Section, "substantially all" the assets or liabilities or the trust assets or trust
liabilities of a trust company means that portion such that their transfer will materially impair the
ability of the trust company to continue successful, safe, and sound operations or to continue as a
going concern.

(Source: P.A. 89-364, eff. 8-18-95; 90-424, eff. 1-1-98.)

Sec. 4-3. Service of process upon Secretary of State. Any foreign corporation acting in this
State in a fiduciary capacity pursuant to the provisions of Article IV and Article IVA of this Act shall
be deemed to have appointed the Secretary of State to be its true and lawful attorney upon whom may
be served all legal process in any action or proceeding against it relating to or growing out of any trust,
estate or matter in respect of which such foreign corporation has acted or is acting in this state in any
such fiduciary capacity, and the acceptance of or engagement in this State in any acts in any such
fiduciary capacity shall be signification of its agreement that any such process against it which is so
served, shall be of the same legal force and validity as though served upon it personally. Service of
such process shall be made by delivering to the Secretary of State, the corporation department of the
office a copy of such process, together with the fee for service of process required by the Secretary
of State, and such service shall be sufficient service upon said foreign corporation if notice of such
service and a copy of the process are, within 10 days thereafter, sent by registered mail by the plaintiff
to the defendant at its principal office in such other state or territory and the plaintiff's affidavit of
compliance herewith is appended to the summons. The court in which the action is pending may order
such continuances as may be necessary to afford the defendant reasonable opportunity to defend the
action. The fee paid by the plaintiff to the Secretary of State at the time of the service may be
recovered as taxable costs by the plaintiff if such party prevails in the action. The Secretary of State
shall keep a record of all process served upon him under this section and shall record therein the time
of such service.

(Source: P.A. 85-858.)

Sec. 4-4. Place of business not to be established in State; not deemed transacting business.

(a) A foreign corporation, as defined in Section 1-5.08 of this Act, shall not establish in this
State a place of business, branch office, or agency for the conduct of business as a fiduciary and
because it is not permitted to establish in this State a place of business, branch office or agency, a
foreign corporation insofar as it acts in a fiduciary capacity in this State pursuant to the provisions of
this Act shall not be deemed to be transacting business in this State. The foreign corporation may
apply for, and procure from the Commissioner, a license to establish a representative office pursuant
to the Foreign Bank Representative Office Act.

The provisions of this subsection (a) do not apply to foreign corporations establishing or
acquiring and maintaining a place of business in this State to conduct business as a fiduciary in
accordance with Article IVA of this Act.

(b) Notwithstanding subsection (a) of this Section 4-4, after May 31, 1997, a branch of an
out-of-state bank, as defined in Section 2 of the Illinois Banking Act, and a foreign association, as
defined in Section 1-10.31 of the Illinois Savings and Loan Act of 1985, may establish an office in
this State for the conduct of business as a fiduciary, provided: (i) fiduciary business conducted in this
State by a branch of an out-of-state bank is subject to examination by the Commissioner; and (ii) the
trust activities of the branch of the out-of-state bank are subject to regulation, including enforcement
actions, by the Commissioner to the same extent as Illinois corporate fiduciaries.

(Source: P.A. 90-665, eff. 7-30-98; 91-97, eff. 7-9-99.)

Sec. 4-5. Certificate of authority; fees; certificate of reciprocity.

(a) Prior to the time any foreign corporation acts in this State as testamentary trustee, trustee
appointed by any court, trustee under any written agreement, declaration or instrument of trust,
executor, administrator, administrator to collect, guardian or in any other like fiduciary capacity, such
foreign corporation shall apply to the Commissioner of Banks and Real Estate for a certificate of
authority with reference to the fiduciary capacity or capacities in which such foreign corporation

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proposes to act in this State, and the Commissioner of Banks and Real Estate shall issue a certificate of authority to such corporation concerning only the fiduciary capacity or such of the fiduciary capacities to which the application pertains and with respect to which he has been furnished satisfactory evidence that such foreign corporation meets the requirements of Section 4-2 of this Act. The certificate of authority shall set forth the fiduciary capacity or capacities, as the case may be, for which the certificate is issued, and shall recite and certify that such foreign corporation is eligible to act in this State in such fiduciary capacity or capacities, as the case may be, pursuant to the provisions of this Act. The certificate of authority shall remain in full force and effect until such time as such foreign corporation ceases to be eligible so to act under the provisions of this Act.

(b) Each foreign corporation making application for a certificate of authority shall pay reasonable fees to the Commissioner of Banks and Real Estate as determined by the Commissioner for the services of his office.

(c) Any foreign corporation holding a certificate of reciprocity which recites and certifies that such foreign corporation is eligible to act in this State in any such fiduciary capacity pursuant to the provisions of Article IV of this Act or any predecessor Act upon the same subject, issued prior to the effective date of this amendatory Act of 1987 may act in this State under such certificate of reciprocity in any such fiduciary capacity without applying for a new certificate of authority. Such certificate of reciprocity shall remain in full force and effect until such time as such foreign corporation ceases to be eligible so to act under the provisions of Article IV of this Act.

(d) Any foreign corporation acting in Illinois under a certificate of authority or a certificate of reciprocity shall report changes in its name or address to the Commissioner and shall notify the Commissioner when it is no longer serving as a corporate fiduciary in Illinois.

(e) The provisions of this Section shall not apply to a foreign corporation establishing or acquiring and maintaining a place of business in this State to conduct business as a fiduciary in accordance with Article IVA of this Act.

(Source: P.A. 89-508, eff. 7-3-96.)

(205 ILCS 620/Art. IVA heading new)

ARTICLE IVA MULTISTATE TRUST ACTIVITIES

(205 ILCS 620/4A-1 new)

Sec. 4A-1. Corporate fiduciaries establishing offices in other states.

(a) A corporate fiduciary may act as a fiduciary or otherwise engage in fiduciary activities in this or any other state or foreign country, subject to complying with applicable laws of that state or foreign country, at an office established and maintained pursuant to this Act, at a branch, or at any location other than an office or branch. A corporate fiduciary seeking to establish or acquire a branch in another state or foreign country must comply with the notice provisions in Section 1-7 of this Act.

(b) A corporate fiduciary may also conduct any activities at any office outside Illinois that are permissible for a trust institution chartered by the state where the office is located, except to the extent those activities are expressly prohibited by the laws of Illinois or by any regulation or order of the Commissioner. However, the Commissioner may waive any such prohibition if he determines, by order or regulation, that the involvement of out-of-state offices of state corporate fiduciaries in particular activities would not threaten the safety or soundness of those state corporate fiduciaries.

(205 ILCS 620/4A-5 new)

Sec. 4A-5. Foreign corporations establishing places of business to conduct fiduciary activities in Illinois.

(a) A foreign corporation may establish or acquire and maintain a place of business for the conduct of business as a fiduciary in this State provided that a corporate fiduciary that has its principal place of business in Illinois is permitted to establish or acquire and maintain a similar place of business that may engage in activities substantially similar to those permitted to foreign corporations under this Act in the state where the foreign corporation has its principal place of business.

(b) A foreign corporation desiring to establish or acquire and maintain a place of business to conduct business as a fiduciary in Illinois under this Section shall provide, or cause its home state regulator to provide, written notice of the proposed transaction to the Commissioner on or after the date on which the foreign corporation applies to its home state regulator for approval to establish or acquire and maintain a place of business in Illinois. The filing of the notice shall be preceded or
accompanied by a copy of the resolution adopted by the board authorizing the additional place of business and the filing fee required by the Commissioner. The Commissioner may prescribe the form of the notice required under this Section. In the Commissioner's discretion, the application or notice submitted to the foreign corporation's home state regulator may be sufficient notice under this Section.

(c) A foreign corporation desiring to establish or acquire a place of business to conduct business as a fiduciary shall (i) confirm in writing to the Commissioner that for as long as it maintains a place of business in Illinois, it will comply with the laws of this State and (ii) provide satisfactory evidence to the Commissioner of compliance with any applicable requirements of state foreign corporation qualification laws and applicable requirements of its home state regulator for acquiring or establishing and maintaining the office.

(d) A foreign corporation submitting a notice to the Commissioner in accordance with subsection (b) may commence fiduciary business at the place of business listed in its notice on the 61st day after the date the Commissioner receives the notice unless the Commissioner specifies an earlier or later date. However, if the foreign corporation is not a depository institution and the Commissioner approves the foreign corporation to conduct a fiduciary business in Illinois subject to specific conditions, the foreign corporation shall not commence a fiduciary business in Illinois until it has satisfied those conditions and provided evidence satisfactory to the Commissioner that it has done so. The Commissioner may extend the 60-day review period if additional time or information is needed for approval of the notice. The Commissioner may deny approval of the notice if he finds that the foreign corporation lacks sufficient financial resources to undertake the proposed expansion without adversely affecting its safety or soundness or that the place of business is contrary to the public interest.

(205 ILCS 620/4A-10 new)
Sec. 4A-10. Additional places of business for foreign corporations. A foreign corporation that establishes or acquires and maintains a place of business to conduct business as a fiduciary in Illinois pursuant to Section 4A-5 may establish or acquire additional trust offices or representative offices in this State to the same extent that a corporate fiduciary may establish or acquire additional offices in Illinois under Section 1-7 of this Act.

(205 ILCS 620/4A-15 new)
Sec. 4A-15. Representative offices. A foreign corporation not conducting fiduciary activities may establish a representative office under the Foreign Bank Representative Office Act. At these offices, the foreign corporation may market and solicit fiduciary services and provide bank office and administrative support to the foreign corporation's fiduciary activities, but it may not engage in fiduciary activities.

(205 ILCS 620/4A-20 new)
Sec. 4A-20. Examination of foreign corporations.
(a) To the extent consistent with subsection (c) of this Section, the Commissioner may make such examinations of any place of business established or maintained under Section 4A-5 by a foreign corporation as the Commissioner may deem necessary to determine whether the place of business is being operated in compliance with the laws of this State and in accordance with safe and sound banking practices. The provisions of Section 5-2 of this Act shall apply to the examinations.

(b) The Commissioner may require periodic reports regarding any foreign corporation that has maintained a place of business in this State under Section 4A-5. The required reports shall be provided by the foreign corporation or by the home state regulator. Any reporting requirements prescribed by the Commissioner under this Section shall be consistent with Section 5-9 of this Act.

(c) The Commissioner may enter into cooperative, coordinating, and information-sharing agreements with any other bank supervisory agencies or any organization affiliated with or representing one or more bank supervisory agencies with respect to the periodic examination or other supervision of any office in this State of a foreign corporation or any office of a corporate fiduciary in a host state. The Commissioner may accept a report of examination or report of investigation in lieu of the Commissioner conducting an examination or investigation.

(d) The Commissioner may enter into contracts with any bank supervisory agency that has concurrent jurisdiction over a corporate fiduciary or foreign corporation maintaining a place of business under Section 4A-5 of this Act to engage the services of that agency's examiners at a reasonable rate of compensation or to provide the services of the Commissioner's examiners to that
agency at a reasonable rate of compensation.

(e) The Commissioner may enter joint examinations or joint enforcement actions with other bank supervisory agencies having concurrent jurisdiction over any place of business established under Section 4A-5 or any office of a corporate fiduciary in any host state. The Commissioner may at any time take such actions independently if the Commissioner deems such actions to be necessary or appropriate to ensure compliance with the laws of this State. However, in the case of a foreign corporation, the Commissioner shall recognize the exclusive authority of the home state regulator over corporate governance matters and the primary responsibility of the home state regulator over safety and soundness matters.

(f) A foreign corporation that maintains one or more offices pursuant to Section 4A-5 may be assessed, and if assessed, shall pay supervisory and examination fees in accordance with Section 5-10 of this Act. The fees may be shared with other bank supervisory agencies or any organization affiliated with or representing one or more bank supervisory agencies in accordance with agreements between such parties and the Commissioner.

(205 ILCS 620/4A-25 new)

Sec. 4A-25. Notice to Commissioner. A corporate fiduciary that maintains a place of business in this State under Section 4A-5, or the home state regulator of such foreign corporation, shall give at least 30 days prior written notice or, in the case of an emergency transaction, such shorter notice as is consistent with applicable state or federal law, to the Commissioner of:

(1) any merger, consolidation, or other transaction that would cause a change in control with respect to the foreign corporation or any bank holding company that controls the corporation;

(2) any transfer of all or substantially all of the trust accounts or trust assets of the foreign corporation to another person; or

(3) the closing or disposition of any place of business in this State.

(205 ILCS 620/5-3) (from Ch. 17, par. 1555-3)

Sec. 5-3. Violations; orders.

(a) Whenever it appears to the Commissioner from any examination, statement of condition or report, that any corporate fiduciary has committed any violation of law, has made or published a false statement of condition or is conducting its business in an unsafe, unsound or unauthorized manner, he shall, by an order under his signature, direct the discontinuance of such illegal and unsafe, unsound or unauthorized practices and that the corporate fiduciary strictly conform with the requirements of the law, and with safety and security in its transactions.

(b) If a corporate fiduciary refuses or neglects to make a required statement of condition or any report required under this Act, or to comply with an order as above stated, or if it appears to the Commissioner that it is unsafe or inexpedient for the such corporate fiduciary to continue to transact business, or that extraordinary withdrawals of money are jeopardizing the interests of remaining depositors, or that any corporate fiduciary or officer of a corporate fiduciary has abused his trust or is guilty of misconduct in his official position, injurious to the corporate fiduciary, or that it has suffered a serious loss, he shall enter an order appropriate to the circumstances, which may include the appointment of a receiver as hereinafter provided, the taking of possession of the corporate fiduciary, or the removal of a director, officer, employee, or agent of the corporate fiduciary, or he may, represented by the Attorney General, seek an injunction or other appropriate order from the court.

(c) No dividends shall be paid by a corporate fiduciary while it continues its business as a corporate fiduciary to an amount greater than its net profits then on hand, deducting first therefrom its losses and bad debts.

(Source: P.A. 86-754.)

(205 ILCS 620/5-6) (from Ch. 17, par. 1555-6)

Sec. 5-6. Removal orders. Whenever, in the opinion of the Commissioner, any director, officer, employee, or agent of a corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary shall have violated any law, rule, or order relating to the corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, shall have engaged in an unsafe or unsound practice in conducting the business of the corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, or shall have violated any law or engaged or participated in any unsafe or
unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, the Commissioner may issue an order of removal. If in the opinion of the Commissioner, any former director, officer, employee, or agent of a corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, engaged in an unsafe or unsound practice in conducting the business of the corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary or violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent would not have assured reasonable promise of safe and sound operation of the corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, the Commissioner may issue an order prohibiting that person from further service with a corporate fiduciary or subsidiary or corporate parent of the corporate fiduciary, as a director, officer, employee, or agent. An order issued pursuant to this Section shall be served upon the director, officer, employee, or agent. A copy of the order shall be sent to each director of the corporate fiduciary affected by personal service, certified mail return receipt requested, or any other method that provides proof of service and receipt. The person affected by the action may request a hearing before the State Banking Board of Illinois, hereafter "the Board", within 10 days after receipt of the order of removal or prohibition. The hearing shall be held by the Board according to the same procedures used pursuant to Section 48 of the Illinois Banking Act, and the hearing shall be held within 30 days after the request has been received by the Board. After concluding the hearing, the Board shall make a determination approving, modifying, or disapproving the order of the Commissioner as its final administrative decision. A copy of the order shall be served upon the corporate fiduciary of which the person is a director, officer, employee, or agent, whereupon the person shall cease to be a director, officer, employee, or agent of the corporate fiduciary. Any person who has been removed or prohibited by an order of the Commissioner under this Section or subsection (7) of Section 48 of the Illinois Banking Act may not thereafter serve as director, officer, employee, or agent of any State bank or corporate fiduciary, or of any other entity that is subject to licensure or regulation by the Commissioner or the Office of Banks and Real Estate unless the Commissioner has granted prior approval in writing. The Commissioner may institute a civil action against the director, officer, employee, or agent subject to an order issued under this Section and against the corporate fiduciary to enforce compliance with or to enjoin any violation of the terms of the order.

(Source: P.A. 90-301, eff. 8-1-97; 90-665, eff. 7-30-98.)

(205 ILCS 620/6-2) (from Ch. 17, par. 1556-2)

Sec. 6-2. Control by Commissioner.

(a) If the Commissioner with respect to a corporate fiduciary shall find:

(1) Its capital is impaired or it is otherwise in an unsound condition; or

(2) Its business is being conducted in an unlawful manner, including, without limitation, in violation of any provisions of this Act or of an order of the Commissioner, or in a fraudulent or unsafe manner; or

(3) It is unable to continue operations; or

(4) Its examination has been obstructed or impeded; the Commissioner may give notice to the board of directors of the corporate fiduciary of his finding or findings. If the situation so found by the Commissioner shall not be corrected to his satisfaction within 60 days after receipt of such notice, the Commissioner shall take possession and control of the corporate fiduciary, its assets, and assets held for beneficiaries of its fiduciary obligations, as in this Act provided for the purpose of examination, reorganization or liquidation through receivership.

(b) If, in addition to a finding as provided in subsection (a) of this Section, the Commissioner shall be of the opinion and shall find that an emergency exists which may result in serious losses to the beneficiaries of fiduciary relationships with the corporate fiduciary, he may, in his discretion, without having given the notice provided for in subsection (a) of this Section, and whether or not proceedings under subsection (a) of this Section have been instituted or are then pending, forthwith
take possession and control of the corporate fiduciary and its assets for the purpose of examination, reorganization or liquidation through receivership.

(Source: P.A. 85-858.)

Section 45. The Foreign Banking Office Act is amended by changing Sections 11 and 12 as follows:

(205 ILCS 645/11) (from Ch. 17, par. 2718)

Sec. 11. Pledging requirements; discretion of Commissioner. A foreign banking corporation holding a certificate of authority issued pursuant to this Act may be required, when deemed necessary and appropriate in the opinion of the Commissioner, to keep on deposit with the Federal Reserve Bank of Chicago or such State bank or national bank as such foreign banking corporation may designate and the Commissioner may approve, interest-bearing stocks and bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof or guaranteed by the United States, or of this State, or of a city, county, town, village, school district, or instrumentality of this State or guaranteed by this State, or dollar deposits, or obligations of the International Bank for Reconstruction and Development, or obligations issued by the Inter-American Development Bank, or obligations of the Asian Development Bank, or obligations of the African Development Bank, or obligations of the International Finance Corporation, or such other assets as the Commissioner shall permit, to an aggregate amount, based upon principal amount or market value, whichever is lower, in the case of the above-described securities, and subject to such limitations as he shall prescribe, such amount as the Commissioner deems necessary for the protection of depositors or the costs of taking possession and control of not less than the greater of $100,000 or 5% of the total liabilities (including contingent liabilities of such banking office, including acceptances, but excluding (i) accrued expenses, (ii) amounts due and other liabilities to other offices, agencies or branches of, and wholly-owned (except for a nominal number of directors' shares) subsidiaries of, such foreign banking corporation, and (iii) such contingent liabilities as the Commissioner may exclude. The deposit shall be maintained with the Federal Reserve Bank of Chicago or any such State bank or national bank pursuant to a deposit agreement in such form and containing such conditions and limitations (including a deposit in the name of the Commissioner in trust for the depositors of such banking office) as the Commissioner may prescribe. So long as it continues business in the ordinary course such banking office shall, however, be permitted to collect interest on the securities so deposited and from time to time exchange, examine and compare such securities.

(Source: P.A. 89-208, eff. 6-1-97; 90-301, eff. 8-1-97.)

(205 ILCS 645/12) (from Ch. 17, par. 2719)

Sec. 12. Control by Commissioner.

(a) Upon the Commissioner's taking possession, pursuant to Section 53 of the Illinois Banking Act, of the business and property in this State of the banking office of a foreign banking corporation whose deposit liabilities in this State are not insured by the Federal Deposit Insurance Corporation, the amounts deposited pursuant to Section 11 shall thereupon become the property of the Commissioner, free and clear of any and all liens and other claims, and shall be held by the Commissioner in trust for the depositors of such banking office. The Commissioner may, without regard to any priorities, preferences, or adverse claims and without obtaining the approval of any court, reduce such property to cash and, as soon as practicable, utilize the cash to cover initial liquidation costs, if any, and then distribute any excess it to such depositors on a pro rata basis; but no depositor may receive an amount in excess of his account balances. For purposes of this Section, the term "depositor" does not include any other offices or branches of, or wholly-owned (except for a nominal number of directors' shares) subsidiaries of, such foreign banking corporation, but includes those to whom such banking office is indebted by virtue of money or its equivalent received by such banking office (i) for which it has given credit or is obligated to give credit to a time or demand deposit or which is evidenced by a check or draft against a deposit account and certified by such banking office, or (ii) for which it has issued a letter of credit for cash or a traveler's check on which such banking office is primarily liable, or (iii) for which it has issued an outstanding draft (including advice or authorization to charge the banking office's balance at another bank), cashier's check or money order, or other officer's check.

(b) Whenever the Commissioner takes possession of the property and business of a foreign bank pursuant to Section 53 of the Illinois Banking Act, the Commissioner shall conserve or liquidate

New matter indicated by italics - deletions by strikeout.
the property and business of the foreign bank pursuant to the laws of this State as if the foreign bank were an Illinois bank, with absolute preference and priority given to the creditors of the foreign bank arising out of transactions with, and recorded on the books of, its Illinois state branch or Illinois state agency over the creditors of the foreign bank’s offices located outside this State. When the Commissioner has completed the liquidation of the property and business of a foreign bank, the Commissioner shall transfer any remaining assets to the foreign bank in accordance with such orders as the court may issue. However, in case the foreign bank has an office in another state of the United States which is in liquidation and the assets of such office appear to be insufficient to pay in full the creditors of that office, the court shall order the Commissioner to transfer to the liquidator of that office such amount of any such remaining assets as appears to be necessary to cover the insufficiency; if there are 2 or more such offices and the amount of remaining assets is less than the aggregate amount of insufficiencies with respect to the offices, the court shall order the Commissioner to distribute the remaining assets among the liquidators of those offices in such manner as the court finds equitable.

(Source: P.A. 84-1308.)

Section 50. The Foreign Bank Representative Office Act is amended by changing Sections 4, 6, and 8 as follows:

(205 ILCS 650/4) (from Ch. 17, par. 2854)
Sec. 4. Application; fees.
(a) The application for a license shall contain information and be accompanied by a reasonable fee as determined, by rule, by the Commissioner but in no event shall such fee exceed $300 per year.
(b) The Commissioner shall issue a license to a foreign bank to establish and maintain a representative office if the Commissioner finds:
(1) the foreign bank is of good character and sound financial standing;
(2) the management of the foreign bank and the proposed management of the representative office are adequate; and
(3) the convenience and needs of persons to be served by the proposed representative office will be promoted.
(Source: P.A. 85-204.)

(205 ILCS 650/6) (from Ch. 17, par. 2856)
Sec. 6. Revocation of license. If the Commissioner finds:
(a) the licensee or its representative has violated any provision of this Act or other law, rule, or regulation of this State; or
(b) any fact or condition exists which, if it had existed at the time of the original application for such license, would have resulted in the Commissioner refusing to issue such license; then the Commissioner, after granting the licensee or representative a reasonable opportunity to be heard before the Board, upon a majority vote of all its members, may revoke such license.
(Source: P.A. 85-204.)

(205 ILCS 650/8)
Sec. 8. Powers of the Commissioner. The Commissioner shall have under this Act all of the powers granted to him under the Illinois Banking Act, including the authority to impose a reasonable charge to recover the cost of an examination conducted by the Commissioner, to the extent necessary to enable the Commissioner to supervise the representative office of a foreign bank holding a license.
(Source: P.A. 90-301, eff. 8-1-97; 90-655, eff. 7-30-98.)

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

PUBLIC ACT 92-0484
(House Bill No. 3289)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout.
Section 5. The Use Tax Act is amended by changing Sections 3-5, 3-45 and 3-50 and adding Section 3-10.5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. *Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.*

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or

New matter indicated by italics - deletions by strikeout.
overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

New matter indicated by italics - deletions by strikeout.
(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,
technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01.)

(35 ILCS 105/3-10.5 new)

Sec. 3-10.5. Direct payment of retailers' occupation tax and applicable local retailers' occupation tax by purchaser; purchaser relieved of paying use tax and local retailers' occupation tax reimbursement liabilities to retailer.

(a) A retailer who makes a retail sale of tangible personal property to a purchaser who provides the retailer with a copy of the purchaser's valid Direct Pay Permit issued under Section 2-10.5 of the Retailers' Occupation Tax Act is not required under Section 3-45 of this Act to collect the tax imposed by this Act on that sale.

(b) A purchaser who makes a purchase from a retailer who would otherwise incur retailers' occupation tax liability on the transaction and who provides the retailer with a copy of a valid Direct Pay Permit issued under Section 2-10.5 of the Retailers' Occupation Tax Act does not incur the tax imposed by this Act on the purchase. The purchaser assumes the retailer's obligation to pay the retailers' occupation tax directly to the Department, including all local retailers' occupation tax liabilities applicable to that retail sale.

(c) A purchaser who makes a purchase from a retailer who would not incur retailers' occupation tax liability on the transaction and who provides the retailer with a copy of a valid Direct Pay Permit issued under Section 2-10.5 of the Retailers' Occupation Tax Act incurs the tax imposed by this Act on the purchase. If, on any transaction, the retailer is entitled under this Act to a discount for collecting and remitting the tax imposed under this Act to the Department, the right to the discount provided in Section 9 of this Act shall be transferred to the Permit holder. If the retailer would not be entitled to a discount as provided in Section 9 of this Act, then the Permit holder is not entitled to a discount.

(35 ILCS 105/3-45) (from Ch. 120, par. 439.3-45)

Sec. 3-45. Collection. The tax imposed by this Act shall be collected from the purchaser by a retailer maintaining a place of business in this State or a retailer authorized by the Department under Section 6 of this Act, and shall be remitted to the Department as provided in Section 9 of this Act, except as provided in Section 3-10.5 of this Act.

The tax imposed by this Act that is not paid to a retailer under this Section shall be paid to the Department directly by any person using the property within this State as provided in Section 10 of this Act.

Retailers shall collect the tax from users by adding the tax to the selling price of tangible personal property, when sold for use, in the manner prescribed by the Department. The Department may adopt and promulgate reasonable rules and regulations for the adding of the tax by retailers to

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selling prices by prescribing bracket systems for the purpose of enabling the retailers to add and collect, as far as practicable, the amount of the tax.

If a seller collects use tax measured by receipts that are not subject to use tax, or if a seller, in collecting use tax measured by receipts that are subject to tax under this Act, collects more from the purchaser than the required amount of the use tax on the transaction, the purchaser shall have a legal right to claim a refund of that amount from the seller. If, however, that amount is not refunded to the purchaser for any reason, the seller is liable to pay that amount to the Department. This paragraph does not apply to an amount collected by the seller as use tax on receipts that are subject to tax under this Act as long as the collection is made in compliance with the tax collection brackets prescribed by the Department in its rules and regulations.

(Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 105/3-50) (from Ch. 120, par. 439.3-50)

Sec. 3-50. Manufacturing and assembly exemption. The manufacturing and assembling machinery and equipment exemption includes machinery and equipment that replaces machinery and equipment in an existing manufacturing facility as well as machinery and equipment that are for use in an expanded or new manufacturing facility. The machinery and equipment exemption also includes machinery and equipment used in the general maintenance or repair of exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of this exemption, terms have the following meanings:

(1) "Manufacturing process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by a procedure commonly regarded as manufacturing, processing, fabricating, or refining that changes some existing material into a material with a different form, use, or name. In relation to a recognized integrated business composed of a series of operations that collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process commences with the first operation or stage of production in the series and does not end until the completion of the final product in the last operation or stage of production in the series. For purposes of this exemption, photoprocessing is a manufacturing process of tangible personal property for wholesale or retail sale.

(2) "Assembling process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling that results in an article or material of a different form, use, or name.

(3) "Machinery" means major mechanical machines or major components of those machines contributing to a manufacturing or assembling process.

(4) "Equipment" includes an independent device or tool separate from machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's operating exempt machinery and equipment in a computer assisted design, computer assisted manufacturing (CAD/CAM) system; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns, and molds; and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease.

The manufacturing and assembling machinery and equipment exemption includes the sale of materials to a purchaser who produces exempted types of machinery, equipment, or tools and who rents or leases that machinery, equipment, or tools to a manufacturer of tangible personal property. This exemption also includes the sale of materials to a purchaser who manufactures those materials into an exempted type of machinery, equipment, or tools that the purchaser uses himself or herself in the manufacturing of tangible personal property. This exemption includes the sale of exempted types of machinery or equipment to a purchaser who is not the manufacturer, but who rents or leases the use of the property to a manufacturer. The purchaser of the machinery and equipment who has an active
resale registration number shall furnish that number to the seller at the time of purchase. A user of the machinery, equipment, or tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, and that certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. Informal rulings, opinions, or letters issued by the Department in response to an inquiry or request for an opinion from any person regarding the coverage and applicability of this exemption to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion, or letter contains trade secrets or other confidential information, where possible, the Department shall delete that information before publication. Whenever informal rulings, opinions, or letters contain a policy of general applicability, the Department shall formulate and adopt that policy as a rule in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 91-51, eff. 6-30-99.)

Section 10. The Service Use Tax Act is amended by changing Sections 2 and 3-5 as follows:

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or

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employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller’s engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also
made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's operating exempt machinery and equipment in a computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.
"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.
"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.
"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;
2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;
3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;
4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;
5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;
6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;
7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or
8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 91-51, eff. 6-30-99.)
(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

1. Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.
2. Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.
3. Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.
4. Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.
5. Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals

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acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who

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leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through

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fundraising events for the benefit of a public or private elementary or secondary school, a group of
those schools, or one or more school districts if the events are sponsored by an entity recognized by
the school district that consists primarily of volunteers and includes parents and teachers of the school
children. This paragraph does not apply to fundraising events (i) for the benefit of private home
instruction or (ii) for which the fundraising entity purchases the personal property sold at the events
from another individual or entity that sold the property for the purpose of resale by the fundraising
entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the
provisions of Section 3-75.

(22) Beginning January 1, 2000, new or used automatic vending machines that prepare
and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for
these machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold
(other than alcoholic beverages, soft drinks, and food that has been prepared for immediate
consumption) and prescription and nonprescription medicines, drugs, medical appliances, and
insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when
purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid
Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.
(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99;
91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 12. The Service Occupation Tax Act is amended by changing Sections 2 and 3-5 as
follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)
Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property
whether or not the transferor retains title as security for the payment of amounts due him from the
transferee.

"Cost Price" means the consideration paid by the servicer for a purchase valued in money,
whether paid in money or otherwise, including cash, credits and services, and shall be determined
without any deduction on account of the supplier's cost of the property sold or on account of any other
expense incurred by the supplier. When a servicer contracts out part or all of the services required
in his sale of service, it shall be presumed that the cost price to the servicer of the property
transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the
servicer in the absence of proof of the consideration paid by the subcontractor for the purchase of
such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company,
joint venture, public or private corporation, limited liability company, and any receiver, executor,
trustee, guardian or other representative appointed by order of any court.

"Sale of Service" means any transaction except:
(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act
or under the Use Tax Act.
(b) A sale of tangible personal property for the purpose of resale made in compliance with
Section 2c of the Retailers' Occupation Tax Act.
(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an
incident to the rendering of service for or by any governmental body or for or by any corporation,
society, association, foundation or institution organized and operated exclusively for charitable,
religious or educational purposes or any not-for-profit corporation, society, association, foundation,
institution or organization which has no compensated officers or employees and which is organized
and operated primarily for the recreation of persons 55 years of age or older. A limited liability
company may qualify for the exemption under this paragraph only if the limited liability company is
organized and operated exclusively for educational purposes.
(d) A sale or transfer of tangible personal property as an incident to the rendering of service
for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under
leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire
for use as rolling stock moving in interstate commerce, and equipment operated by a
telecommunications provider, licensed as a common carrier by the Federal Communications

New matter indicated by italics - deletions by strikeout.
Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) The sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (e) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (e), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures...
commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "manufacturing" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's operating exempt machinery and equipment in a computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

The rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service. "Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act. "Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

(Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

New matter indicated by italics - deletions by strikeout.
(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both
new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

New matter indicated by italics - deletions by strikeout.
(22) (21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) (20) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 15. The Retailers’ Occupation Tax Act is amended by changing Sections 2-5, 2-45, 3, and 5k and by adding Section 2-10.5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2).

Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the New matter indicated by italics - deletions by strikeout.
driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

New matter indicated by italics - deletions by strikeout.
(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a
manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) Beginning January 1, 2000, a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 2-70.

(36) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

New matter indicated by italics - deletions by strikeout.
the retailers' occupation tax laws and the use tax laws in effect in this State and that the applicant's accounting system will reflect the proper amount of tax due, (2) that the applicant has a valid business purpose for participating in the Direct Payment Program, and (3) how the applicant's participation in the Direct Payment Program will benefit tax compliance. Application shall be made on forms provided by the Department and shall contain information as the Department may reasonably require. The Department shall approve or deny an applicant within 90 days after the Department's receipt of the application, unless the Department makes a written request for additional information from the applicant.

(b) A person who has been approved for the Direct Payment Program and who has been issued a Direct Pay Permit by the Department is relieved of paying tax to a retailer when purchasing tangible personal property for use or consumption, except as provided in subsection (d), by providing that retailer a copy of that Direct Pay Permit. A retailer who accepts a copy of a customer's Direct Pay Permit is relieved of the obligation to remit the tax imposed by this Act on the transaction. References in this Section to "the tax imposed by this Act" include any local occupation taxes administered by the Department that would be incurred on the retail sale.

(c) Once the holder of a Direct Pay Permit uses that Permit to relieve the Permit holder from paying tax to a particular retailer, the holder must use its Permit for all purchases, except as provided in subsection (d), from that retailer for so long as the Permit is valid.

(d) Direct Pay Permits are not valid and shall not be used for sales or purchases of:
   (1) food or beverage;
   (2) tangible personal property required to be titled or registered with an agency of government; or
   (3) any transactions subject to the Service Occupation Tax Act or Service Use Tax Act.

(e) Direct Pay Permits are not assignable and are not transferable. As an illustration, a construction contractor shall not make purchases using a customer's Direct Pay Permit.

(f) A Direct Pay Permit is valid until it is revoked by the Department or until the holder notifies the Department in writing that the holder is withdrawing from the Direct Payment Program. A Direct Pay Permit can be revoked by the Department, after notice and hearing, if the holder violates any provision of this Act, any provision of the Illinois Use Tax Act, or any provision of any Act imposing a local retailers' occupation tax administered by the Department.

(g) The holder of a Direct Pay Permit who has been relieved of paying tax to a retailer on a purchase for use or consumption by representing to that retailer that it would pay all applicable taxes directly to the Department shall pay those taxes to the Department not later than the 20th day of the month following the month in which the purchase was made. Permit holders making such purchases are subject to all provisions of this Act, and the tax must be reported and paid as retailers' occupation tax in the same manner that the retailer from whom the purchases were made would have reported and paid it, including any local retailers' occupation taxes applicable to that retail sale. Notwithstanding any other provision of this Act, Permit holders shall make all payments to the Department through the use of electronic funds transfer.

(35 ILCS 120/2-45) (from Ch. 120, par. 441-45)

Sec. 2-45. Manufacturing and assembly exemption. The manufacturing and assembly machinery and equipment exemption includes machinery and equipment that replaces machinery and equipment in an existing manufacturing facility as well as machinery and equipment that are for use in an expanded or new manufacturing facility.

The machinery and equipment exemption also includes machinery and equipment used in the general maintenance or repair of exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of this exemption, terms have the following meanings:

(1) "Manufacturing process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by a procedure commonly regarded as manufacturing, processing, fabricating, or refining that changes some existing material or materials into a material with a different form, use, or name. In relation to a recognized integrated business composed of a series of operations that collectively constitute manufacturing, or individually constitute manufacturing operations, the
manufacturing process commences with the first operation or stage of production in the series and does not end until the completion of the final product in the last operation or stage of production in the series. For purposes of this exemption, photoprocessing is a manufacturing process of tangible personal property for wholesale or retail sale.

(2) "Assembling process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling that results in a material of a different form, use, or name.

(3) "Machinery" means major mechanical machines or major components of those machines contributing to a manufacturing or assembling process.

(4) "Equipment" includes an independent device or tool separate from machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's operating exempt machinery and equipment in a computer assisted design, computer assisted manufacturing (CAD/CAM) system; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns, and molds; and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease.

The manufacturing and assembling machinery and equipment exemption includes the sale of materials to a purchaser who produces exempted types of machinery, equipment, or tools and who rents or leases that machinery, equipment, or tools to a manufacturer of tangible personal property. This exemption also includes the sale of materials to a purchaser who manufactures those materials into an exempted type of machinery, equipment, or tools that the purchaser uses himself or herself in the manufacturing of tangible personal property. The purchaser of the machinery and equipment who has an active resale registration number shall furnish that number to the seller at the time of purchase. A purchaser of the machinery, equipment, and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, and that certificate shall be available to the Department for inspection or audit. Informal rulings, opinions, or letters issued by the Department in response to an inquiry or request for an opinion from any person regarding the coverage and applicability of this exemption to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion, or letter contains trade secrets or other confidential information, where possible, the Department shall delete that information before publication. Whenever informal rulings, opinions, or letters contain a policy of general applicability, the Department shall formulate and adopt that policy as a rule in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;

New matter indicated by italics - deletions by strikeout.
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.
The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in
Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the
time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarterly monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest
liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

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previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer’s 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

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</table>

New matter indicated by italics - deletions by strikeout.
and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
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<td>2006</td>
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</table>

New matter indicated by italics - deletions by strikeout.
Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as “Total Deposit”, has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the
taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 1-15-01.)

(35 ILCS 120/5k) (from Ch. 120, par. 444k)

(Text of Section before amendment by P.A. 91-954)

Sec. 5k. Each retailer whose place a business is within a county or municipality which has established an Enterprise Zone pursuant to the "Illinois Enterprise Zone Act" and who makes a sale of building materials to be incorporated into real estate in such enterprise zone by remodeling,
rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone. The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution.

(Source: P.A. 91-51, eff. 6-30-99.)

(Text of Section after amendment by P.A. 91-954)

Sec. 5k. Each retailer in Illinois who makes a sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone in which the retailer’s place of business is located. The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution. The provisions of this Section are exempt from Section 2-70.

(Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

PUBLIC ACT 92-0485
(Senate Bill No. 0048)

AN ACT concerning corporate fiduciaries.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Corporate Fiduciary Act is amended by changing Sections 5-10 and 8-1 and adding Sections 2-6.5, 6-13.5, and 9-6 as follows:
(205 ILCS 620/2-6.5 new)
Sec. 2-6.5. Directors.
(a) The business and affairs of a corporate fiduciary shall be managed by its board of directors, which shall exercise its powers in accordance with this Section.
(b) The directors shall be elected as provided in this Act. Any omission to elect a director or directors shall not impair any of the rights and privileges of the corporate fiduciary or of any person in any way interested. The existing directors shall hold office until their successors are elected and qualify.
(c) Notwithstanding the provisions of any certificate of authority herefore issued, the number of directors, not fewer than 5, may be fixed from time to time by the stockholders at any meeting of the stockholders called for the purpose of electing directors or changing the number thereof by the affirmative vote of at least two-thirds of the outstanding stock entitled to vote at the
meeting, and the number so fixed shall be the board regardless of vacancies until the number of directors is thereafter changed by similar action.

(d) Except as otherwise provided in this subsection, directors shall hold office until the next annual meeting of the stockholders succeeding their election or until their successors are elected and qualify. If the board of directors consists of 6 or more members, in lieu of electing the membership of the whole board of directors annually, the by-laws of a corporate fiduciary may provide that the directors shall be divided into either 2 or 3 classes, each class to be as nearly equal in number as is possible. The term of office of directors of the first class shall expire at the first annual meeting of the stockholders after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after classification, the number of directors equal to the number of the class whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. Vacancies may be filled by stockholders at a special meeting called for the purpose. If authorized by the corporate fiduciary’s by-laws or an amendment thereto, the directors of a corporate fiduciary may properly fill a vacancy or vacancies arising between stockholders’ meetings, but at no time may the number of directors selected to fill a vacancy in this manner during any interim period between stockholders’ meetings exceed one-third of the total membership of the board of directors.

(e) The board of directors shall hold regular meetings at least once each month, provided that, upon prior written approval by the Commissioner, the board of directors may hold regular meetings less frequently than once each month but at least once each calendar quarter. A special meeting of the board of directors may also be held as provided in Section 5-5 of this Act. A majority of the board of directors shall constitute a quorum for the transaction of business unless a greater number is required by the by-laws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the by-laws.

(f) A member of the board of directors shall be elected president. The board of directors may appoint other officers, as the by-laws may provide, and fix their salaries to carry on the business of the corporate fiduciary. The board of directors may make and amend by-laws (not inconsistent with this Act) for the government of the corporate fiduciary and may, by the affirmative vote of a majority of the board of directors, establish reasonable compensation of all directors for services to the corporation as directors, officers, or otherwise. An officer, whether elected or appointed by the board of directors or appointed pursuant to the by-laws, may be removed by the board of directors at any time.

(g) The board of directors shall cause suitable books and records of all the corporate fiduciary’s transactions to be kept.

(h) The provisions of this Section do not apply to a corporate fiduciary that is a trust department of a bank, savings bank, savings and loan association, or foreign banking corporation issuing a certificate of authority pursuant to the Foreign Banking Office Act.

New matter indicated by italics - deletions by strikeout.
expenditures from this account, assessments may be reinstituted until the balance in the Corporate Fiduciary Receivership account arising from assessments is restored to $4,000,000 $350,000.

(c) The Commissioner may, by rule, establish a reasonable manner of assessing the receivership assessments under this Section.
(Source: P.A. 86-754; 86-952.)

(205 ILCS 620/6-13.5 new)
Sec. 6-13.5. Pledging requirements.
(a) The Commissioner may require a trust company holding a certificate of authority under this Act to pledge to the Commissioner securities or a surety bond which shall run to the Commissioner in an amount, not to exceed $1,000,000, that the Commissioner deems appropriate for costs associated with the receivership of the trust company. In the event of a receivership of a trust company, the Commissioner may, without regard to any priorities, preferences, or adverse claims, reduce the pledged securities or the surety bond to cash and, as soon as practicable, utilize the cash to cover costs associated with the receivership.

(b) If the trust company chooses to pledge securities to satisfy the provisions of this Section, the securities shall be held at a depository institution or a Federal Reserve Bank approved by the Commissioner. The Commissioner may specify the types of securities that may be pledged in accordance with this Section. Any fees associated with holding such securities shall be the responsibility of the trust company.

(c) If the trust company chooses to purchase a surety bond to satisfy the provisions of this Section, the bond shall be issued by a bonding company, approved by the Commissioner, that is authorized to do business in this State and that has a rating in one of the 3 highest grades as determined by a national rating service. The bond shall be in a form approved by the Commissioner. The trust company may not obtain a surety bond from any entity in which the trust company has a financial interest.

(205 ILCS 620/8-1) (from Ch. 17, par. 1558-1)
Sec. 8-1. False statements. It is unlawful for any officer, director, employee, or agent of any corporate fiduciary subject to examination by the Commissioner or any person filing an application or submitting information in connection with an application to the Commissioner to willfully and knowingly subscribe to or make, or cause to be made, any false statement or false entry with intent to deceive any person or persons authorized to examine into the affairs of the such corporate fiduciary or applicant or with intent to deceive the Commissioner or his administrative officers in the performance of their duties under this Act. A person who violates this Section is upon conviction thereof shall be guilty of a Class 3 felony.
(Source: P.A. 85-858.)

(205 ILCS 620/9-6 new)
Sec. 9-6. Audits.
(a) At least once in each calendar year a corporate fiduciary must cause its books and records to be audited by an independent licensed public accountant. The Commissioner may prescribe the scope of the audit within generally accepted audit principles and standards.

(b) The independent licensed public accountant shall provide a written audit report to the corporate fiduciary's board of directors or to a committee appointed by the corporate fiduciary's board of directors. If the audit report is given to a committee appointed by the corporate fiduciary's board of directors, the committee shall, within 30 days after the date of receipt of the audit report, provide the board of directors with a written summary of the audit findings as detailed in the audit report.

(c) The corporate fiduciary's board of directors or committee appointed by the board of directors shall cause a copy of the audit report and any written summary pursuant to paragraph (b) of this Section to be filed with the Commissioner within 45 days after receipt of the audit report.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning the environment.

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

Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Brownfields Site Restoration Program Fund. Subsections (b) and (c) of Section 5 of this Act do not apply to this Fund.

Section 10. The Environmental Protection Act is amended by changing Sections 58.3 and 58.13 and by adding Section 58.18 as follows:

(415 ILCS 5/58.3)

Sec. 58.3. Site Investigation and Remedial Activities Program; Brownfields Redevelopment Fund.

(a) The General Assembly hereby establishes by this Title a Site Investigation and Remedial Activities Program for sites subject to this Title. This program shall be administered by the Illinois Environmental Protection Agency under this Title XVII and rules adopted by the Illinois Pollution Control Board.

(b) (1) The General Assembly hereby creates within the State Treasury a special fund to be known as the Brownfields Redevelopment Fund, consisting of 2 programs to be known as the "Municipal Brownfields Redevelopment Grant Program" and the "Brownfields Redevelopment Loan Program", which shall be used and administered by the Agency as provided in Sections 58.13 and 58.15 of this Act and the rules adopted under those Sections. The Brownfields Redevelopment Fund ("Fund") shall contain moneys transferred from the Response Contractors Indemnification Fund and other moneys made available for deposit into the Fund.

(2) The State Treasurer, ex officio, shall be the custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Agency. The Treasurer shall credit to the Fund interest earned on moneys contained in the Fund. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, reimbursements or payments for services, or other moneys made available to the State from any source for purposes of the Fund. Those moneys shall be deposited into the Fund, unless otherwise required by the Environmental Protection Act or by federal law.

(3) Pursuant to appropriation, all moneys in the Fund shall be used by the Agency for the purposes set forth in subdivision (b)(4) of this Section and Sections 58.13 and 58.15 of this Act and to cover the Agency's costs of program development and administration under those Sections.

(4) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Brownfields Redevelopment Fund. Moneys on deposit in the Brownfields Redevelopment Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to Section 58.15 of this Act. For the purpose of obtaining capital for deposit into the Brownfields Redevelopment Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Brownfields Redevelopment Fund, including any reserve fund or pledged fund, shall be deposited into the Brownfields Redevelopment Fund.

(Source: P.A. 90-123, eff. 7-21-97; 91-36, eff. 6-15-99.)

(415 ILCS 5/58.13)

Sec. 58.13. Municipal Brownfields Redevelopment Grant Program.

(a)(1) The Agency shall establish and administer a program of grants to be known as the Municipal Brownfields Redevelopment Grant Program to provide municipalities in Illinois...
with financial assistance to be used for coordination of activities related to brownfields redevelopment, including but not limited to identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans, but not including the implementation of remedial action plans and remedial action completion reports. The plans and reports shall be developed in accordance with Title XVII of this Act.

(2) Grants shall be awarded on a competitive basis subject to availability of funding. Criteria for awarding grants shall include, but shall not be limited to the following:

(A) problem statement and needs assessment;
(B) community-based planning and involvement;
(C) implementation planning; and
(D) long-term benefits and sustainability.

(3) The Agency may give weight to geographic location to enhance geographic distribution of grants across this State.

(4) Grants shall be limited to a maximum of $240,000 and no municipality shall receive more than one grant under this Section.

(5) Grant amounts shall not exceed 70% of the project amount, with the remainder to be provided by the municipality as local matching funds.

(b) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to adopt rules setting forth procedures and criteria for administering the Municipal Brownfields Redevelopment Grant Program. The rules adopted by the Agency may include but shall not be limited to the following:

(1) purposes for which grants are available;
(2) application periods and content of applications;
(3) procedures and criteria for Agency review of grant applications, grant approvals and denials, and grantee acceptance;
(4) grant payment schedules;
(5) grantee responsibilities for work schedules, work plans, reports, and record keeping;
(6) evaluation of grantee performance, including but not limited to auditing and access to sites and records;
(7) requirements applicable to contracting and subcontracting by the grantee;
(8) penalties for noncompliance with grant requirements and conditions, including stop-work orders, termination of grants, and recovery of grant funds;
(9) indemnification of this State and the Agency by the grantee; and
(10) manner of compliance with the Local Government Professional Services Selection Act.

(Source: P.A. 90-123, eff. 7-21-97.)

(415 ILCS 5/58.18 new)

Sec. 58.18. Brownfields Site Restoration Program.

(a) (1) The Agency, with the assistance of the Department of Commerce and Community Affairs, must establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program. The Agency, subject to appropriation, through the Program, shall provide Remediation Applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. The investigation and remediation shall be performed in accordance with this Title XVII of this Act.

(2) For each State fiscal year in which funds are made available to the Agency for payment under this Section, the Agency must allocate 20% of the funds to be available to counties with populations over 2,000,000. The remaining funds must be made available to all other counties in the State.

(3) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. Eligibility must be determined based on a minimum capital investment in the redevelopment of the site, and payment amounts must not exceed the net economic benefit to the State of the remediation project. In addition to these limitations, the total payment to be made to an applicant must not exceed...
an amount equal to 20% of the capital investment at the site.

(4) Only those remediation projects for which a No Further Remediation Letter is issued by the Agency after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites that have received a No Further Remediation Letter prior to December 31, 2001 or for costs incurred prior to the Department of Commerce and Community Affairs approving a site eligible for the Brownfields Site Restoration Program.

(b) Prior to applying to the Agency for payment, a Remediation Applicant must first submit to the Department of Commerce and Community Affairs an application for review of eligibility. The Department must review the eligibility application to determine whether the Remediation Applicant is eligible for the payment. The application must be on forms prescribed and provided by the Department of Commerce and Community Affairs. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance into the Site Remediation Program.

(2) Information demonstrating that the site for which the payment is being sought is abandoned or underutilized property. "Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department of Commerce and Community Affairs. "Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

(3) Information demonstrating that remediation of the site for which the payment is being sought will result in a net economic benefit to the State of Illinois. The "net economic benefit" must be determined based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures, and other factors established by the Department of Commerce and Community Affairs. Priority must be given to sites located in areas with high levels of poverty, where the unemployment rate exceeds the State average, where an enterprise zone exists, or where the area is otherwise economically depressed as determined by the Department of Commerce and Community Affairs.

(4) An application fee in the amount set forth in subsection (c) for each site for which review of an application is being sought.

(c) The fee for eligibility reviews conducted by the Department of Commerce and Community Affairs under this Section is $1,000 for each site reviewed. The application fee must be made payable to the State of Illinois for deposit into the Brownfields Site Restoration Program Fund.

(d) Within 60 days after receipt by the Department of Commerce and Community Affairs of an application meeting the requirements of subsection (b), the Department of Commerce and Community Affairs must issue a letter to the applicant approving or disapproving the application. If the application is approved, the Department of Commerce and Community Affairs' letter must also include its determination of the "net economic benefit" of the remediation project and the maximum amount of the payment to be made available to the applicant for remediation costs. The payment by the Agency under this Section must not exceed the "net economic benefit" of the remediation project, as determined by the Department of Commerce and Community Affairs.

(e) An application for a review of remediation costs must not be submitted to the Agency unless the Department of Commerce and Community Affairs has determined the Remediation Applicant is eligible under subsection (d). If the Department of Commerce and Community Affairs has determined that a Remediation Applicant is eligible under subsection (d), the Remediation Applicant may submit an application for payment to the Agency under this Section. Except as provided in
subsection (f), an application for review of remediation costs must not be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued.

(3) A demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter.

(8) An application fee in the amount set forth in subsection (j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(f) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remedial Action Plan.

(8) An application fee in the amount set forth in subsection (j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(g) For a Remediation Applicant seeking a payment under subsection (f), until the Agency
issues a No Further Remediation Letter for the site, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a payment under subsection (e), until the Agency issues a No Further Remediation Letter for the site, no payment may be claimed by the Remediation Applicant.

(h) (1) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (e) or (f), the Agency must issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

(2) If a preliminary review of a budget plan has been obtained under subsection (i), the Remediation Applicant may submit, with the application and supporting documentation under subsections (e) or (f), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

(i) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

(3) The budget plan must be accompanied by the applicable fee as set forth in subsection (j).

(4) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and rules adopted under this Section.

(5) Within the applicable period of review, the Agency must issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter must set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(j) The fees for reviews conducted by the Agency under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and are as follows:

(1) The fee for an application for review of remediation costs is $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (i) is $500 for
each site reviewed.

The application fee must be made payable to the State of Illinois, for deposit into the Brownfields Site Restoration Program Fund.

(k) The Brownfields Site Restoration Program Fund.

(1) The Brownfields Site Restoration Program Fund is created as a special fund in the State treasury to be used by the Agency, subject to appropriation, exclusively for the purposes of this Section, including payment for the costs of administering this Act.

(2) The Fund consists of collected fees, appropriations from the General Assembly, and gifts and grants to the Fund.

(3) The State Treasurer must invest the money in the Fund not currently needed to meet the obligations of the Fund in the same manner as other public funds may be invested. All interest earned on moneys in the Fund must be deposited into the Fund.

(4) The money in the Fund at the end of a State fiscal year must remain in the Fund to be used exclusively for the purposes of this Section. Expenditures from the Fund are subject to appropriation by the General Assembly.

(l) The Department and the Agency are authorized to enter into any contracts or agreements that may be necessary to carry out their duties and responsibilities under this Section.

(m) Within 6 months after the effective date of this amendatory Act of 2001, the Department of Commerce and Community Affairs and the Agency must propose rules prescribing procedures and standards for the administration of this Section. Within 9 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedures Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Department of Commerce and Community Affairs and the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

Section 15. The Response Action Contractor Indemnification Act is amended by changing Section 5 as follows:

(415 ILCS 100/5) (from Ch. 111 1/2, par. 7205)
Sec. 5. Response Contractors Indemnification Fund.

(a) There is hereby created the Response Contractors Indemnification Fund. The State Treasurer, ex officio, shall be custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Attorney General in accordance with Section 4. The Treasurer shall credit interest on the Fund to the Fund.

(b) Every State response action contract shall provide that 5% of each payment to be made by the State under the contract shall be paid by the State directly into the Response Contractors Indemnification Fund rather than to the contractor, except that when there is more than $2,000,000 in the Fund at the beginning of a State fiscal year, State response action contracts during that fiscal year need not provide that 5% of each payment made under the contract be paid into the Fund. When only a portion of a contract relates to a remedial or response action, or to the identification, handling, storage, treatment or disposal of a pollutant, the contract shall provide that only that portion is subject to this subsection.

(c) Within 30 days after the effective date of this amendatory Act of 1997, the Comptroller shall order transferred and the Treasurer shall transfer $1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund. The Comptroller shall order transferred and the Treasurer shall transfer $1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund on the first day of fiscal years 1999, 2000, 2001, 2002, 2003, 2004, and 2005.

(d) Within 30 days after the effective date of this amendatory Act of the 91st General Assembly, the Comptroller shall order transferred and the Treasurer shall transfer $2,000,000 from the Response Contractors Indemnification Fund to the Asbestos Abatement Fund.

(Source: P.A. 90-123, eff. 7-21-97; 91-704, eff. 7-1-00.)

Effective January 1, 2002.
PUBLIC ACT 92-0487  
(Senate Bill No. 0076)

An Act to amend the Uniform Disposition of Unclaimed Property Act by adding Section 10.6.

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

Section 5. The Uniform Disposition of Unclaimed Property Act is amended by adding Section 10.6 as follows:

(765 ILCS 1025/10.6 new)
Sec. 10.6. Gift certificates and gift cards.
(a) This Act applies to a gift certificate or gift card only if:
(i) the gift certificate or gift card contains an expiration date or expiration period; and
(ii) none of the exceptions in this Section apply.
(b) This Act does not apply to a gift certificate or gift card that contains an expiration date or expiration period if:
(i) the gift certificate or gift card was issued before the effective date of this amendatory Act of the 92nd General Assembly; and
(ii) it is the policy and practice of the issuer of the gift certificate or gift card to honor the gift certificate or gift card after its expiration date or the end of its expiration period and the issuer posts written notice of the policy and practice at locations at which the issuer sells gift certificates or gift cards. The written notice shall be an original or a copy of a notice that the State Treasurer shall produce and provide to issuers free of charge.
(c) Nothing in this Section applies to a gift certificate or gift card if the value of the gift certificate or gift card was reported and remitted under this Act before the effective date of this amendatory Act of the 92nd General Assembly.

Section 99. This Act takes effect upon becoming law.

PUBLIC ACT 92-0488  
(Senate Bill No. 0730)

An Act in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Use Tax Act is amended by changing Section 3-55 as follows:
(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)
Sec. 3-55. Multistate exemption. The tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:
(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.
(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.
(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.
(d) The use, in this State, of tangible personal property that is acquired outside this State and
caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) The use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (j). The permit issued under this subsection (j) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 90-519, eff. 6-1-98; 90-552, eff. 12-12-97; 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; revised 9-29-99.)
(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(e) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-75.

(f) Beginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (f). The permit issued under this subsection (f) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; revised 9-29-99.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)
Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.
husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessee who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department
under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(22) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (24). The permit issued under this

New matter indicated by italics - deletions by strikeout.
paragraph (24) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2).

Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

New matter indicated by italics - deletions by strikeout.
(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and
drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a driveaway decal permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the driveaway decal permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after

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the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 2-70.

(36) Beginning January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (36). The permit issued under this paragraph (36) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 90-14, eff. 7-1-97; 90-519, eff. 6-1-98; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-28-99.)

Section 99. Effective date. This Act takes effect upon becoming law.
Sec. 55. Identification of local building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, a municipality with a population of less than 1,000,000 or a county adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Commission. The Commission must identify the proposed code, by the title and edition, or the amendment to the public on the Internet through the State of Illinois World Wide Web site.

The Commission may adopt any rules necessary to implement this Section.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in a municipality or county, as the case may be.

Section 10. The Counties Code is amended by changing Sections 5-1063 and 5-1064 as follows:

(55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

Sec. 5-1063. Building construction, alteration and maintenance. For the purpose of promoting and safeguarding the public health, safety, comfort and welfare, a county board may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings, structures and camps or parks accommodating persons in house trailers, house cars, cabins or tents and parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from hazards of fire, explosion, collapse, electrocution, flooding, asphyxiation, contagion and the spread of infectious disease, where such buildings, structures and camps or parks are located outside the limits of cities, villages and incorporated towns, but excluding those for agricultural purposes on farms including farm residences, but any such resolution or ordinance shall be subject to any rule or regulation heretofore or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended; (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations; and (c) for the restraint, correction and abatement of any violations.

In addition, the county board may by resolution or ordinance require that each occupant of an industrial or commercial building located outside the limits of cities, villages and incorporated towns obtain an occupancy permit issued by the county. Such permit may be valid for the duration of the occupancy or for a specified period of time, and shall be valid only with respect to the occupant to which it is issued.

Within 30 days after its adoption, such resolution or ordinance shall be printed in book or pamphlet form, published by authority of the County Board; or it shall be published at least once in a newspaper published and having general circulation in the county; or if no newspaper is published therein, copies shall be posted in at least 4 conspicuous places in each township or Road District. No such resolution or ordinance shall take effect until 10 days after it is published or posted. Where such building or camp or park rules and regulations have been published previously in book or pamphlet form, the resolution or ordinance may provide for the adoption of such rules and regulations or portions thereof, by reference thereto without further printing, publication or posting, provided that not less than 3 copies of such rules and regulations in book or pamphlet form shall have been filed, in the office of the County Clerk, for use and examination by the public for at least 30 days prior to the adoption thereof by the County Board.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least 30 days before adopting the building code or amendment, provide an identification of the building code, by title and edition, or the amendment to the Illinois Building Commission for identification on the Internet. For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

The violation of any rule or regulation adopted pursuant to this Section, except for a violation of the provisions of this amendatory Act of the 92nd General Assembly and the rules and regulations adopted under those provisions, shall be a petty offense.
All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the County Board.

No such resolution or ordinance shall be enforced if it is in conflict with any law of this State or with any rule of the Department of Public Health.

(Source: P.A. 86-962.)

(55 ILCS 5/5-1064) (from Ch. 34, par. 5-1064)

Sec. 5-1064. Buildings in certain counties of less than 1,000,000 population. The county board in any county with a population not in excess of 1,000,000 located in the area served by the Northeastern Illinois Metropolitan Area Planning Commission may prescribe by resolution or ordinance reasonable rules and regulations (a) governing the construction and alteration of all buildings and structures and parts and appurtenances thereof and governing the maintenance thereof in a condition reasonably safe from the hazards of fire, explosion, collapse, contagion and the spread of infectious disease, but any such resolution or ordinance shall be subject to any rule or regulation now or hereafter adopted by the State Fire Marshal pursuant to "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended, (b) for prohibiting the use for residential purposes of buildings and structures already erected or moved into position which do not comply with such rules and regulations, and (c) for the restraint, correction and abatement of any violations. However, the county shall exempt all municipalities located wholly or partly within the county where the municipal building code is equal to the county regulation and where the local authorities are enforcing the municipal building code. Such rules and regulations shall be applicable throughout the county but this Section shall not be construed to prevent municipalities from establishing higher standards nor shall such rules and regulations apply to the construction or alteration of buildings and structures used or to be used for agricultural purposes and located upon a tract of land which is zoned and used for agricultural purposes.

In the adoption of rules and regulations under this Section the county board shall be governed by the publication and posting requirements set out in Section 5-1063.

Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any county adopting a new building code or amending an existing building code under this Section must, at least 30 days before adopting the building code or amendment, provide an identification of the building code, by title and edition, or the amendment to the Illinois Building Commission for identification on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

Violation of any rule or regulation adopted pursuant to this Section, except for a violation of the provisions of this amendatory Act of the 92nd General Assembly and the rules and regulations adopted under those provisions, shall be deemed a petty offense.

All rules and regulations enacted by resolution or ordinance under the provisions of this Section shall be enforced by such officer of the county as may be designated by resolution of the county board.

(Source: P.A. 86-962.)

Section 15. The Illinois Municipal Code is amended by adding Section 1-2-3.1 as follows:

(65 ILCS 5/1-2-3.1 new)

Sec. 1-2-3.1. Building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, any municipality with a population of less than 1,000,000 adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Illinois Building Commission for identification on the Internet.

For the purposes of this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the municipality.

Section 99. Effective date. This Act takes effect on July 1, 2002.


New matter indicated by italics - deletions by strikeout.
Effectived July 1, 2002.

PUBLIC ACT 92-0490
(Senate Bill No. 0846)

AN ACT concerning strategic planning.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The Department of Commerce and Community Affairs Law of the Civil
Administrative Code of Illinois is amended by changing Section 605-75 as follows:
(20 ILCS 605/605-75)
Sec. 605-75. Keep Illinois Beautiful.
(a) There is created the Keep Illinois Beautiful Program Advisory Board consisting of 7
members appointed by the Director of Commerce and Community Affairs. Of those 7, 4 shall be
appointed from a list of at least 10 names submitted by the boards of directors from the various
certified community programs. Each certified community program may submit only one
recommendation to be considered by the Director. The Director of Commerce and Community Affairs
or his or her designee shall be a member and serve as Chairman. The Board shall meet at least
annually at the discretion of the Chairman and at such other times as the Chairman or any 4 members
consider necessary. Four members shall constitute a quorum.
(b) The purpose of the Board shall be to assist local governments and community
organizations in:
   (1) Educating the public about the need for recycling and reducing solid waste.
   (2) Promoting the establishment of recycling and programs that reduce litter and other
       solid waste through re-use and diversion.
   (3) Developing local markets for recycled products.
   (4) Cooperating with other State agencies and with local governments having
       environmental responsibilities.
   (5) Seeking funding from governmental and non-governmental sources.
   (6) Beautification projects.
(c) The Department of Commerce and Community Affairs shall assist local governments and
community organizations that plan to implement programs set forth in subsection (b). The Department
shall establish guidelines for the certification of local governments and community organizations.
The Department may encourage local governments and community organizations to apply for
certification of programs by the Board. However, the Department shall give equal consideration to
newly certified programs and older certified programs.
(d) The Keep Illinois Beautiful Fund is created as a special fund in the State treasury. Moneys
from any public or private source may be deposited into the Keep Illinois Beautiful Fund. Moneys in
the Keep Illinois Beautiful Fund shall be appropriated only for the purposes of this Section. Pursuant
to action by the Board, the Department of Commerce and Community Affairs may authorize grants
from moneys appropriated from the Keep Illinois Beautiful Fund for certified community based
programs for up to 50% of the cash needs of the program; provided, that at least 50% of the needs of
the program shall be contributed to the program in cash, and not in kind, by local sources.
Moneys appropriated for certified community based programs in municipalities of more than
1,000,000 population shall be itemized separately and may not be disbursed to any other community.
(e) On the effective date of this amendatory Act of the 91st General Assembly, the Lieutenant
Governor shall transfer to the Department of Commerce and Community Affairs, and the Department
shall receive, all assets and property possessed by the Lieutenant Governor under this Section and all
liabilities and obligations for which the Lieutenant Governor was responsible under this Section.
Nothing in this subsection affects the validity of certifications and grants issued under this Section
before the effective date of this amendatory Act of the 91st General Assembly.
(Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00; 91-853, eff. 7-1-00.)
Section 5. The State and Regional Development Strategy Act is amended by changing Section
20-10 as follows:
(20 ILCS 695/20-10)
Sec. 20-10. Strategic Planning. The Department of Commerce and Community Affairs may
has the following powers: By no later than February 1, 2000, the Department shall prepare an economic development strategy for Illinois for the period beginning on July 1, 2000 and ending on June 30, 2005, and for the 4 years next ensuing. By no later than February 1, 2001 and biennially thereafter, the Department may make modifications in the economic development strategy for the 4 years beginning on the next ensuing July 1 as the modifications are warranted by changes in economic conditions or by other factors, including changes in policy, and shall prepare an economic development strategy for the fifth year beginning after the next ensuing July 1. In preparing the strategy and in making modifications to the strategy, the Department may take cognizance of the special economic attributes of the various component areas of the State.

(1) The "component areas" shall be determined by the Department after a county by county economic analysis and may group counties that are close in geographical proximity and share common economic traits such as commuting zones, labor market areas, or other economically integrated regions.

(2) The strategy may recommend actions specific legislative, administrative, and programmatic action at both the State and area level for promoting sustained economic growth at or above national rates of economic growth while keeping the rate of unemployment below national levels of unemployment.

(3) The strategy may include an assessment of historical patterns of economic activity for the State as a whole and by area, and projections of future economic trends using national economic trends and projections for comparative purposes shall be considered in the formulation of the State and area projections. All assumptions made in the formulation of the economic State and area projections shall be clearly and explicitly set forth in the strategy.

(4) The strategy may identify, for each area, those community economic improvement characteristics that most likely will positively influence whether the area will exceed or fall below the rate of overall State economic growth.

(5) The strategy may recommend actions programmatic action to be taken to foster and promote economic growth in specific areas, taking into account indigenous the resources and prevalent economic factors indigenous to the areas.

(A) The strategy may identify for the State and each region the critical business development approaches being considered or to be considered. The approaches may include, but are not limited to: investment recruitment, such as industry attraction, expansion and retention; trade development efforts including international trade, support for small businesses' efforts to export products and services, tourism attraction and development including cultural tourism; technology development efforts including technology commercialization and manufacturing modernization; and business development efforts, including entrepreneurship and entrepreneurial education, small business management assistance, and business financing.

(B) The strategy may identify for the State and each region the critical workforce training and development approaches being considered or to be considered. The approaches may include, but are not limited to: customized job training, retraining and skill upgrading, economic adjustment, job creation and addressing labor shortages in areas of high demand; the market for and quality of the local labor force; the quality of the education and workforce infrastructure; and related issues.

(C) The strategy may identify for the State and each region the critical community development approaches being considered or to be considered. The approaches may include, but are not limited to: community growth management such as regional planning and smart growth; area revitalization including brownfields redevelopment and facility reuse; and family self-sufficiency such as through housing conservation and economic opportunity.

(D) The strategy may identify for the State and each region the critical public facilities development approaches being considered or to be considered. The approaches may include, but are not limited to: local public services; the local, regional, and State tax and regulatory climate; the physical infrastructure, including communications and transportation systems; the capacity of area utilities; and the quality of public institutions.
such as schools.

(E) The strategy may identify for the State and each region the other critical marketplace systems, including: the financial marketplace; the competitive advantages of the area in terms of natural resources, capital resources or technology resources; and other factors affecting area development.

(6) In preparing the strategy or modifications to the strategy, the Department may work with State agencies, boards, and commissions whose programs and activities significantly affect economic activity in the State, including the Illinois Development Finance Authority, the Department of Revenue, the Department of Transportation, the Department of Employment Security, the Department of Agriculture, the Department of Natural Resources, the Environmental Protection Agency, and other agencies, boards, or commissions as appropriate. The Directors of the agencies, boards, and commissions shall provide the assistance to the Department as the Governor deems appropriate.

(7) In preparing the strategy or the modifications to the strategy strategies for the component areas, the Department may consult with local and regional economic development organizations, local elected officials, community-based organizations, service delivery providers, and other organizations whose programs and activities significantly affect economic activity in the area.

(8) In preparing the economic development strategy or the modifications to the strategy, the Department may take into consideration any decisions or recommendations related to programs, services, and government regulations contained in the strategy that have been rendered as a result of a Statewide Performance Review.

(9) The strategy shall be presented to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the members of the Illinois Economic Development Board, and the Chair of the Economic and Fiscal Commission on February 1, 2000 and biennially thereafter, as warranted by changes in economic conditions or by other factors, including changes in policy.

(10) The strategy shall be published and made available to the public in both paper and electronic media.

(Source: P.A. 91-476, eff. 8-11-99.)

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

PUBLIC ACT 92-0491

(Senate Bill No. 1135)

AN ACT concerning taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly,
Section 5. The Illinois Housing Development Act is amended by adding Section 7.28 as follows:

(20 ILCS 3805/7.28 new)
Sec. 7.28. Tax credit for donation to sponsors. The Illinois Housing Development Authority may administer and adopt rules for an affordable housing tax donation credit program to provide tax credits for donations to sponsors of affordable housing projects as set forth in this Section.
(a) In this Section:
"Administrative housing agency" means either the Illinois Housing Development Authority or an agency of the City of Chicago.
"Affordable housing project" means either (i) a rental project in which at least 25% of the units have rents (including tenant-paid heat) that do not exceed, on a monthly basis, 30% of the gross monthly income of a household earning 60% of the area median income and at least 25% of the units are occupied by persons and families whose incomes do not exceed 60% of the median family income for the geographic area in which the residential unit is located or (ii) a unit for sale to homebuyers whose gross household income is at or below 60% of the area median income and who pay no more

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than 30% of their gross household income for mortgage principal, interest, property taxes, and property insurance (PITI).

"Donation" means money, securities, or real or personal property that is donated to a not-for-profit sponsor that is used solely for costs associated with either (i) purchasing, constructing, or rehabilitating an affordable housing project in this State, (ii) an employer-assisted housing project in this State, (iii) general operating support, or (iv) technical assistance as defined by this Section.

"Employer-assisted housing project" means either down-payment assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are provided by employers to employees to assist in securing affordable housing near the work place, that are restricted to housing near the work place, and that are restricted to employees whose gross household income is at or below 120% of the area median income.

"General operating support" means any cost incurred by a sponsor that is a part of its general program costs and is not limited to costs directly incurred by the affordable housing project.

"Geographical area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates.

"Median income" means the incomes that are determined by the federal Department of Housing and Urban Development guidelines and adjusted for family size.

"Sponsor" means a not-for-profit organization that (i) is organized under the General Not For Profit Corporation Act of 1986 for the purpose of constructing or rehabilitating affordable housing units in this State; (ii) is organized for the purpose of constructing or rehabilitating affordable housing units and has been issued a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under provisions of the Internal Revenue Code; or (iii) is an organization designated as a community development corporation by the United States government under Title VII of the Economic Opportunity Act of 1964.

"Technical assistance" means any cost incurred by a sponsor for project planning, assistance with applying for financing, or counseling services provided to prospective homebuyers.

(b) A sponsor must apply to the administrative housing agency that administers the program for approval of the project. The administrative housing agency must reserve a specific amount of tax credits for each approved affordable housing project for 24 months after the date of approval. The sponsor must receive an eligible donation within that 24-month time period or donations to the project made after the end of the 24-month period are not eligible for the tax credit allowed under Section 214 of the Illinois Income Tax Act.

(c) The Illinois Housing Development Authority must adopt rules establishing criteria for eligible costs and donations, issuing and verifying tax credits, and selecting affordable housing projects that are eligible for a tax credit under Section 214 of the Illinois Income Tax Act.

(d) Tax credits for employer-assisted housing are limited to that pool of tax credits that have been set aside for employer-assisted housing. Tax credits for general operating support are limited to 10% of the total tax credit allocation for a project and are also limited to that pool of tax credits that have been set aside for general operating support. Tax credits for technical assistance are limited to that pool of tax credits that have been set aside for technical assistance.

(e) The amount of tax credits reserved by the administrative housing agency for an approved project is limited to $13 million in the initial year and shall increase each year by 5%. The City of Chicago shall receive 24.5% of total tax credits authorized for each fiscal year. The Illinois Housing Development Authority shall receive the balance of the tax credits authorized for each fiscal year. The tax credits may be used anywhere in the State. The tax credits have the following set-asides:

(1) for employer-assisted housing, $2 million; and
(2) for general operating support and technical assistance, $1 million.

The balance of the funds must be used for projects that would otherwise meet the definition of affordable housing.

(f) The administrative housing agency that issues the credit must record against the land upon which the project is located an instrument to assure that the property maintains its affordable housing compliance for a minimum of 10 years. The housing authority has flexibility to assure that the instrument does not cause undue hardship on homeowners.

New matter indicated by italics - deletions by strikeout.
Section 10. The Illinois Income Tax Act is amended by adding Section 214 as follows:
(35 ILCS 5/214 new)
Sec. 214. Tax credit for affordable housing donations.
(a) Beginning with taxable years ending on or after December 31, 2001 and until the taxable year ending on December 31, 2006, a taxpayer who makes a donation under Section 7.28 of the Illinois Housing Development Act for the development of affordable housing in this State is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 50% of the value of the donation. Partners, shareholders of subchapter S corporations, and owners of limited liability companies (if the limited liability company is treated as a partnership for purposes of federal and State income taxation) are entitled a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 703 and subchapter S of the Internal Revenue Code.
(b) If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.
(c) The transfer of the tax credit allowed under this Section may be made (i) to the purchaser of land that has been designated solely for affordable housing projects in accordance with the Illinois Housing Development Act or (ii) to another donor who has also made an eligible donation to the sponsor of an affordable housing project in accordance with the Illinois Housing Development Act.
(d) A taxpayer claiming the credit provided by this Section must maintain and record any information that the Department may require by regulation regarding the affordable housing project for which the credit is claimed. When claiming the credit provided by this Section, the taxpayer must provide information regarding the taxpayer's donation to the development of affordable housing under the Illinois Housing Development Act.

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

PUBLIC ACT 92-0492
(Senate Bill No. 1176)

AN ACT in relation to taxes.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Sections 2505-210, 2505-275, and 2505-400 as follows:
(20 ILCS 2505/2505-210) (was 20 ILCS 2505/39c-1)
Sec. 2505-210. Electronic funds transfer.
(a) The Department may provide means by which persons having a tax liability under any Act administered by the Department may use electronic funds transfer to pay the tax liability.
(b) Beginning on October 1, 2002, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. Before August 1 of each year, beginning in 2002, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1. For purposes of this subsection (b), the term "annual tax liability" means, except as provided in subsections (c) and (d) of this Section, the sum of the taxpayer's liabilities under a tax Act administered by the Department, except the Motor Fuel Tax Law and the Environmental Impact Fee Law, for the immediately preceding calendar year.
(c) For purposes of subsection (b), the term "annual tax liability" means, for a taxpayer that incurs a tax liability under the Retailers' Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, Service Use Tax Act, or any other State or local occupation or use tax law that is administered by the Department, the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, Service Use Tax Act, and all other State and local

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occupation and use tax laws administered by the Department for the immediately preceding calendar year.

(d) For purposes of subsection (b), the term "annual tax liability" means, for a taxpayer that incurs an Illinois income tax liability, the greater of:

(1) the amount of the taxpayer's tax liability under Article 7 of the Illinois Income Tax Act for the immediately preceding calendar year; or
(2) the taxpayer’s estimated tax payment obligation under Article 8 of the Illinois Income Tax Act for the immediately preceding calendar year.

(e) The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

(Source: P.A. 91-239, eff. 1-1-00.)

Sec. 2505-275. Tax overpayments. In the case of overpayment of any tax liability arising from an Act administered by the Department, the Department may credit the amount of the overpayment and any interest thereon against any final tax liability arising under that or any other Act administered by the Department. The Department may enter into agreements with the Secretary of the Treasury of the United States (or his or her delegate) to offset all or part of an overpayment of such a tax liability against any liability arising from a tax imposed under Title 26 of the United States Code. The Department may collect a fee from the Secretary of the Treasury of the United States (or his or her delegate) to cover the full cost of offsets taken, to the extent allowed by federal law.

(Source: P.A. 91-239, eff. 1-1-00.)

Sec. 2505-400. Contracts for collection assistance.

(a) The Department has the power to contract for collection assistance on a contingent fee basis, with collection fees to be retained by the collection agency and the net collections to be paid to the Department.

(b) The Department has the power to enter into written agreements with State's Attorneys for pursuit of civil liability under Section 17-1a of the Criminal Code of 1961 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (d) of subsection (B) of Section 17-1 of the Criminal Code of 1961. Of the amount collected, the Department shall retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act. The balance of damages, fees, and costs collected under Section 17-1a of the Criminal Code of 1961 shall be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.

(c) The Department may issue the Secretary of the Treasury of the United States (or his or her delegate) notice, as required by Section 6402(e) of the Internal Revenue Code, of any past due, legally enforceable State income tax obligation of a taxpayer. The Department must notify the taxpayer that any fee charged to the State by the Secretary of the Treasury of the United States (or his or her delegate) under Internal Revenue Code Section 6402(e) is considered additional State income tax of the taxpayer with respect to whom the Department issued the notice, and is deemed assessed upon issuance by the Department of notice to the Secretary of the Treasury of the United States (or his or her delegate) under Section 6402(e) of the Internal Revenue Code; a notice of additional State income tax is not considered a notice of deficiency, and the taxpayer has no right of protest.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The Illinois Income Tax Act is amended by changing Section 601.1 and adding Section 911.2 as follows:

Sec. 911.2. Payment by electronic funds transfer.

(a) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of $450,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer.
Beginning October 1, 1994, a taxpayer who has an average quarterly estimated tax payment obligation of $300,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average quarterly estimated tax payment obligation of $150,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 2000, and for all liability periods thereafter, a taxpayer who has an average annual tax liability of $200,000 or more under Article 7 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an average quarterly estimated tax payment obligation of $50,000 or more under Article 8 of this Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

(b) Any taxpayer who is not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

(c) All taxpayers required to make payments by electronic funds transfer and any taxpayers who wish to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

(d) The Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers notified by the Department shall make payments by electronic funds transfer for a minimum of one year beginning on October 1. In determining the threshold amounts under subsection (a), the Department shall calculate the averages as follows:

(1) the total liability under Article 7 for the preceding tax year (and, prior to October 1, 2000, divided by 12); or

(2) for purposes of estimated payments under Article 8, the total tax obligation of the taxpayer for the previous tax year divided by 4.

(e) The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

(35 ILCS 5/911.2 new)
Sec. 911.2. Refunds withheld; tax claims of other states.
(a) Definitions. In this Section the following terms have the meanings indicated.
"Claimant state" means any state or the District of Columbia that requests the withholding of a refund pursuant to this Section and that extends a like comity for the collection of taxes owed to this State.
"Income tax" means any amount of income tax imposed on taxpayers under the laws of the State of Illinois or the claimant state, including additions to tax for penalties and interest.
"Refund" means a refund of overpaid income taxes imposed by the State of Illinois or the claimant state.
"Tax officer" means a unit or official of the claimant state, or the duly authorized agent of that unit or official, charged with the imposition, assessment, or collection of state income taxes.
"Taxpayer" means any individual person identified by a claimant state under this Section as owing taxes to that claimant state, and in the case of a refund arising from the filing of a joint return, the taxpayer's spouse.

(b) In general. Except as provided in subsection (c) of this Section, a tax officer may:
(1) certify to the Director the existence of a taxpayer's delinquent income tax liability; and
(2) request the Director to withhold any refund to which the taxpayer is entitled.

(c) Comity. A tax officer may not certify or request the Director to withhold a refund unless the laws of the claimant state:
(1) allow the Director to certify an income tax liability;
(2) allow the Director to request the tax officer to withhold the taxpayer's tax refund; and
(3) provide for the payment of the refund to the State of Illinois.

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(d) Certification. A certification by a tax officer to the Director shall include:
(1) the full name and address of the taxpayer and any other names known to be used by
the taxpayer;
(2) the social security number or federal tax identification number of the taxpayer;
(3) the amount of the income tax liability; and
(4) a statement that all administrative and judicial remedies and appeals have been
exhausted or have lapsed and that the assessment of tax, interest, and penalty has become
final.
(e) Notification. As to any taxpayer due a refund, the Director shall:
(1) notify the taxpayer that a claimant state has provided certification of the existence of
an income tax liability;
(2) inform the taxpayer of the tax liability certified, including a detailed statement for
each taxable year showing tax, interest, and penalty;
(3) inform the taxpayer that failure to file a protest in accordance with subsection (f) of
this Section shall constitute a waiver of any demand against this State for the amount certified
and will result in payment to the claimant state as provided in subsection (i) of this Section;
(4) provide the taxpayer with notice of an opportunity to request a hearing to challenge
the certification; and
(5) inform the taxpayer that the hearing may be requested (i) pursuant to Section 910 of
this Act, or (ii) with the tax officer, in accordance with the laws of the claimant state.
(f) Protest of withholding. A taxpayer may protest the withholding of a refund pursuant to
Section 910 of this Act (except that the protest shall be filed within 30 days after the date of the
Director's notice of certification pursuant to subsection (e) of this Section). If a taxpayer files a timely
protest, the Director shall:
(1) suspend the proposed withholding and impound the claimed amount of the refund;
(2) pay to the taxpayer the unclaimed amount of the refund, if any;
(3) send a copy of the protest to the claimant state for determination of the protest on its
merits in accordance with the laws of that state; and
(4) pay over to the taxpayer the impounded amount if the claimant state shall fail, within
45 days after the date of the protest, to re-certify to the Director (i) that the claimant state has
reviewed the issues raised by taxpayer, (ii) that all administrative and judicial remedies
provided under the laws of that state have been exhausted, and (iii) the amount of the income
tax liability finally determined to be due.
(g) Certification as prima facie evidence. If the taxpayer requests a hearing pursuant to
Section 910 of this Act, the certification of the tax officer shall be prima facie evidence of the
correctness of the taxpayer's delinquent income tax liability to the certifying state.
(h) Rights of spouses to refunds from joint returns. If a certification is based upon the tax debt
of only one taxpayer and if the refund is based upon a joint personal income tax return, the nondebtor
spouse shall have the right to:
(1) notification, as provided in subsection (e) of this Section;
(2) protest, as to the withholding of such spouse's share of the refund, as provided in
subsection (f) of this Section; and
(3) payment of his or her share of the refund, provided the amount of the overpayment
refunded to the spouse shall not exceed the amount of the joint overpayment.
(i) Withholding and payment of refund. Subject to the taxpayer's rights of notice and protest,
upon receipt of a request for withholding in accordance with subsection (b) of this Section, the
Director shall:
(1) withhold any refund that is certified by the tax officer;
(2) pay to the claimant state the entire refund or the amount certified, whichever is less;
(3) pay any refund in excess of the amount certified to the taxpayer; and
(4) if a refund is less than the amount certified, withhold amounts from subsequent
refunds due the taxpayer, if the laws of the claimant state provide that the claimant state shall
withhold subsequent refunds of taxpayers certified to that state by the Director.
(j) Determination that withholding cannot be made. After receiving a certification from a tax
officer, the Director shall notify the claimant state if the Director determines that a withholding

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cannot be made.

(k) Director's authority. The Director shall have the authority to enter into agreements with the tax officers of claimant state relating to:

(1) procedures and methods to be employed by a claimant state with respect to the operation of this Section;

(2) safeguards against the disclosure or inappropriate use of any information obtained or maintained pursuant to this Section that identifies, directly or indirectly, a particular taxpayer;

(3) a minimum tax debt, amounts below which, in light of administrative expenses and efficiency, shall, in the Director's discretion, not be subject to the withholding procedures set forth in this Section.

(l) Remedy not exclusive. The collection procedures prescribed by this Section are in addition to, and not in substitution for, any other remedy available by law.

Section 15. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

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Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the

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taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's
average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of the traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of the traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which
such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

New matter indicated by italics - deletions by strikeout.
is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than 1/12 of the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that if on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

New matter indicated by italics - deletions by strikeout.
Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.
As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 8-30-00.)

Section 20. The Service Use Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Department. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the...
sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

If the serviceman is otherwise required to file a monthly return and if the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereupon returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under
Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers’ Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.
Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

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| each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photo processing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund.
Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

All remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

Section 25. The Service Occupation Tax Act is amended by changing Section 9 as follows:

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in business as a serviceman in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

A serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax
liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. *Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.*

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding
such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers’ Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers’ Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if in any event the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount

New matter indicated by italics - deletions by strikeout.
required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers’ Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
</tr>
<tr>
<td>1994</td>
<td>53,000,000</td>
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<tr>
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<td>132,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>138,000,000</td>
</tr>
<tr>
<td>2013 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.</td>
<td></td>
</tr>
</tbody>
</table>

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place

New matter indicated by italics - deletions by strikeout.
Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property. Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, pay roll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability. For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act.
Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.
(Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00.)

Section 30. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:
(35 ILCS 120/3) (from Ch. 120, par. 442)
Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:
1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;
6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;
7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:
1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer.
Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle

New matter indicated by italics - deletions by strikeout.
retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.
If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year.
month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid
tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such
quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable
for penalties and interest on such difference, except insofar as the taxpayer has previously made
payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act,
the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an
original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a
credit memorandum no later than 30 days after the date of payment. The credit evidenced by such
credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax
Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules
and regulations to be prescribed by the Department. If no such request is made, the taxpayer may
credit such excess payment against tax liability subsequently to be remitted to the Department under
this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance
with reasonable rules and regulations prescribed by the Department. If the Department subsequently
determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's
2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the
credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such
difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the
taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a
return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government
Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the
preceding month from the 1% tax on sales of food for human consumption which is to be consumed
off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been
prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical
appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass
Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net
revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass
Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate
on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government
Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the
selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government
Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling
price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75%
thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after
July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any
fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received
by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section
9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation
Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as
the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount
transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less
than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall
be immediately paid into the Build Illinois Fund from other moneys received by the Department
pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
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<tr>
<td>1994</td>
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<td>2001</td>
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</tr>
<tr>
<td>2002</td>
<td>84,000,000</td>
</tr>
<tr>
<td>2003</td>
<td>89,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful.
in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; revised 1-15-01.)

Section 35. The Electricity Excise Tax Law is amended by changing Sections 2-9 and 2-11 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 2-9. Return and payment of tax by delivering supplier. Each delivering supplier who is required or authorized to collect the tax imposed by this Law shall make a return to the Department on or before the 15th day of each month for the preceding calendar month stating the following:

1. The delivering supplier's name.

2. The address of the delivering supplier's principal place of business and the address of the principal place of business (if that is a different address) from which the delivering supplier engaged in the business of delivering electricity in this State.

3. The total number of kilowatt-hours which the supplier delivered to or for purchasers during the preceding calendar month and upon the basis of which the tax is imposed.

4. Amount of tax, computed upon Item (3) at the rates stated in Section 2-4.

5. An adjustment for uncollectible amounts of tax in respect of prior period kilowatt-hour deliveries, determined in accordance with rules and regulations promulgated by the Department.

5.5 The amount of credits to which the taxpayer is entitled on account of purchases made under Section 8-403.1 of the Public Utilities Act.

6. Such other information as the Department reasonably may require.

In making such return the delivering supplier may use any reasonable method to derive reportable "kilowatt-hours" from the delivering supplier's records.

If the average monthly tax liability to the Department of the delivering supplier does not exceed $2,500, the Department may authorize the delivering supplier's returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

If the average monthly tax liability to the Department of the delivering supplier does not exceed $1,000, the Department may authorize the delivering supplier's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a delivering supplier may file a return, any such delivering supplier who ceases to engage in a kind of business which makes the person responsible for filing returns under this Law shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each delivering supplier whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such delivering supplier's actual tax liability for the month or 25% of such delivering supplier's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of such delivering supplier's return for that month. An outstanding credit approved by the Department or a credit memorandum issued by the Department arising from such delivering supplier's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such delivering supplier's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such delivering supplier shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such delivering supplier has previously made payments for that month to the Department in excess of the minimum payments previously due.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by such delivering supplier within 15 days after the close of the calendar month for which a return is to be made, the Director may grant an extension of time for the filing of

New matter indicated by italics - deletions by strikeout.
such return for a period not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by such delivering supplier with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return so extended. All such deposits shall be credited against such delivering supplier's liabilities under this Law. If the deposit exceeds such delivering supplier's present and probable future liabilities under this Law, the Department shall issue to such delivering supplier a credit memorandum, which may be assigned by such delivering supplier to a similar person under this Law, in accordance with reasonable rules and regulations to be prescribed by the Department.

The delivering supplier making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law.

*Until October 1, 2002,* a delivering supplier who has an average monthly tax liability of $10,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability" shall be the sum of the delivering supplier's liabilities under this Law for the immediately preceding calendar year divided by 12. *Beginning on October 1, 2002,* a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer. Any delivering supplier not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department. All delivering suppliers required to make payments by electronic funds transfer and any delivering suppliers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

Each month the Department shall pay into the Public Utility Fund in the State treasury an amount determined by the Director to be equal to 3.0% of the funds received by the Department pursuant to this Section. The remainder of all moneys received by the Department under this Section shall be paid into the General Revenue Fund in the State treasury.

(Source: P.A. 90-561, eff. 8-1-98; 90-813, eff. 1-29-99.)

(35 ILCS 640/2-11)

Sec. 2-11. Direct return and payment by self-assessing purchaser. When electricity is used or consumed by a self-assessing purchaser subject to the tax imposed by this Law who did not pay the tax to a delivering supplier maintaining a place of business within this State and required or authorized to collect the tax, that self-assessing purchaser shall, on or before the 15th day of each month, make a return to the Department for the preceding calendar month, stating all of the following:

1. The self-assessing purchaser's name and principal address.
2. The aggregate purchase price paid by the self-assessing purchaser for the distribution, supply, furnishing, sale, transmission and delivery of such electricity to or for the purchaser during the preceding calendar month, including budget plan and other purchaser-owned amounts applied during such month in payment of charges includible in the purchase price, and upon the basis of which the tax is imposed.
3. Amount of tax, computed upon item (2) at the rate stated in Section 2-4.
4. Such other information as the Department reasonably may require.

In making such return the self-assessing purchaser may use any reasonable method to derive reportable "purchase price" from the self-assessing purchaser's records.

If the average monthly tax liability of the self-assessing purchaser to the Department does not exceed $2,500, the Department may authorize the self-assessing purchaser's returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November and December of a given year being due by January 31 of the following year.

If the average monthly tax liability of the self-assessing purchaser to the Department does not exceed $1,000, the Department may authorize the self-assessing purchaser's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a
PUBLIC ACT 92-0492

self-assessing purchaser may file a return, any such self-assessing purchaser who ceases to be responsible for filing returns under this Law shall file a final return under this Law with the Department not more than one month thereafter.

Each self-assessing purchaser whose average monthly liability to the Department pursuant to this Section was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability during such calendar year, and which is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such self-assessing purchaser's actual tax liability for the month or 25% of such self-assessing purchaser's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of the self-assessing purchaser's return for that month. An outstanding credit approved by the Department or a credit memorandum issued by the Department arising from the self-assessing purchaser's overpayment of the self-assessing purchaser's final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such self-assessing purchaser's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by a self-assessing purchaser within 15 days after the close of the calendar month for which a return is to be made, the Director may grant an extension of time for the filing of such return for a period of not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by such self-assessing purchaser with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return so extended. All such deposits shall be credited against such self-assessing purchaser's liabilities under this Law. If the deposit exceeds such self-assessing purchaser's present and probable future liabilities under this Law, the Department shall issue to such self-assessing purchaser a credit memorandum, which may be assigned by such self-assessing purchaser to a similar person under this Law, in accordance with reasonable rules and regulations to be prescribed by the Department.

The self-assessing purchaser making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law.

Until October 1, 2002, a self-assessing purchaser who has an average monthly tax liability of $10,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability" shall be the sum of the self-assessing purchaser's liabilities under this Law for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer. Any self-assessing purchaser not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department. All self-assessing purchasers required to make payments by electronic funds transfer and any self-assessing purchasers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

Each month the Department shall pay into the Public Utility Fund in the State treasury an amount determined by the Director to be equal to 3.0% of the funds received by the Department pursuant to this Section. The remainder of all moneys received by the Department under this Section shall be paid into the General Revenue Fund in the State treasury. (Source: P.A. 90-561, eff. 8-1-98; 91-357, eff. 7-29-99.)

Section 40. The Counties Code is amended by changing Sections 3-5018, 3-9005, and 4-12002 as follows:

(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)
(Text of Section before amendment by P.A. 91-893)
Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the
same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services. No filing fee shall be charged for providing informational copies of financing statements to the recorder pursuant to subsection (8) of Section 9-403 of the Uniform Commercial Code.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinafore referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

1. The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

2. The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

3. The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

4. The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

5. The document shall not have any attachment stapled or otherwise affixed to any page. A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to computers or micrographics.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining
such a document records system.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county’s Geographic Information System. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01.)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for
a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to computers or micrographics.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination.
and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity. 
(Source: P.A. 90-300, eff. 1-1-98; 91-791, eff. 6-9-00; 91-886, eff. 1-1-01; 91-893, eff. 7-1-01; revised 9-7-00.)

(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)
Sec. 3-9005. Powers and duties of State's attorney.
(a) The duty of each State's attorney shall be:
   (1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.
   (2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his county; also, to prosecute all suits in his county against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.
   (3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.
   (4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.
   (5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.
   (6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.
   (7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned.
   (8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10 day period, then the State's attorney shall furnish such as soon as may be reasonable.
   (9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.
   (10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.
   (11) To perform such other and further duties as may, from time to time, be enjoined on him by law.
   (12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.
(b) The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas, make return of process and conduct investigations which assist the State's Attorney in the performance of his duties. A special investigator shall not carry firearms except with permission of the State's Attorney and only while carrying appropriate identification indicating his employment and in the performance of his assigned duties.

Subject to the qualifications set forth in this subsection, special investigators shall be peace officers and shall have all the powers possessed by investigators under the State's Attorneys Appellate Prosecutor's Act.

No special investigator employed by the State's Attorney shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board.

New matter indicated by italics - deletions by strikeout.
waives the training requirement by reason of the special investigator's prior law enforcement experience or training or both. Any State's Attorney appointing a special investigator shall consult with all affected local police agencies, to the extent consistent with the public interest, if the special investigator is assigned to areas within that agency's jurisdiction.

Before a person is appointed as a special investigator, his fingerprints shall be taken and transmitted to the Department of State Police. The Department shall examine its records and submit to the State's Attorney of the county in which the investigator seeks appointment any conviction information concerning the person on file with the Department. No person shall be appointed as a special investigator if he has been convicted of a felony or other offense involving moral turpitude. A special investigator shall be paid a salary and be reimbursed for actual expenses incurred in performing his assigned duties. The county board shall approve the salary and actual expenses and appropriate the salary and expenses in the manner prescribed by law or ordinance.

(c) The State's Attorney may request and receive from employers, labor unions, telephone companies, and utility companies location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this subsection, "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member.

(d) For each State fiscal year, the State's Attorney of Cook County shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing assistance in the prosecution of capital cases in Cook County. The State's Attorney may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The State's Attorney shall have the authority to enter into a written agreement with the Department of Revenue for pursuit of civil liability under Section 17-1a of the Criminal Code of 1961 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (d) of subsection (B) of Section 17-1 of the Criminal Code of 1961, with the Department to retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act, with the balance of damages, fees, and costs collected under Section 17-1a of the Criminal Code of 1961 to be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.

(55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)
Sec. 4-12002. Fees of recorder in third class counties. The fees of the recorder in counties of the third class for recording deeds or other instruments in writing and maps of plats of additions, subdivisions or otherwise, and for certifying copies of records, shall be paid in advance and shall be as follows:
For recording deeds or other instruments $20 for the first 2 pages thereof, plus $2 for each additional page thereof. The aggregate minimum fee for recording any one instrument shall not be less than $20.
For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description the recorder shall charge a fee of $4 in addition to that hereinabove referred to for each document number therein noted.
For recording deeds or other instruments wherein more than one tract, parcel or lot is described and such additional tract, or tracts, parcel or parcels, lot or lots is or are described therein as falling in a separate or different addition or subdivision the recorder shall charge as an additional fee, to that herein provided, the sum of $2 for each additional addition or subdivision referred to in such deed or instrument.
For recording maps or plats of additions, subdivisions or otherwise (including the spreading of the same of record in well bound books) $100 plus $2 for each tract, parcel or lot contained therein.
For certified copies of records the same fees as for recording, but in no case shall the fee for

New matter indicated by italics - deletions by strikeout.
a certified copy of a map or plat of an addition, subdivision or otherwise exceed $200.
  For filing of each release of any chattel mortgage or trust deed which has been filed but not recorded and for indexing the same in the book to be kept for that purpose $10.
  For processing the sworn or affirmed statement required for filing a deed or assignment of a beneficial interest in a land trust in accordance with Section 3-5020 of this Code, $2.
  The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:
  (1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.
  (2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.
  (3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used only for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.
  (4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.
  (5) The document shall not have any attachment stapled or otherwise affixed to any page.
A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.
The fee requirements of this Section apply to units of local government and school districts.
  Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.
(Source: P.A. 88-691, eff. 1-24-95; 89-160, eff. 7-19-95.)
  Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.
  Section 99. Effective date. This Act takes effect on January 1, 2002.
PUBLIC ACT 92-0493  
(Senate Bill No. 1177)  
AN ACT concerning taxation.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:  
(20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)  
Sec. 2505-305. Investigators.  
(a) The Department has the power to appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department or the Illinois Gaming Board. Except as provided in subsection (c), these investigators have and may exercise all the powers of peace officers solely for the purpose of enforcing taxing measures administered by the Department or the Illinois Gaming Board.  
(b) The Director must authorize to each investigator employed under this Section and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department.  
(c) Investigators appointed under this Section who are assigned to the Illinois Gaming Board have and may exercise all the rights and powers of peace officers, provided that these powers shall be limited to offenses or violations occurring or committed on a riverboat or dock, as defined in subsections (d) and (f) of Section 4 of the Riverboat Gambling Act.  
(Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01.)  
Effective January 1, 2002.  

PUBLIC ACT 92-0494  
(Senate Bill No. 1348)  
AN ACT in relation to State finance.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:  
Section 5. The State Finance Act is amended by changing Section 6z-27 as follows:  
(30 ILCS 105/6z-27)  
Sec. 6z-27. All moneys in the Audit Expense Fund shall be transferred, appropriated and used only for the purposes authorized by, and subject to the limitations and conditions prescribed by, the State Auditing Act.  
Within 30 days after the effective date of this amendatory Act of 2001, the State Comptroller shall order transferred and the State Treasurer shall transfer from the following funds moneys in the specified amounts for deposit into the Audit Expense Fund:  
A.G. Court Order and Voluntary Compliance  
—Payment Projects Fund.................  
The Agricultural Premium Fund......... 43,496,37,644  
Anna Veterans Home Fund...............  
Appraisal Administration Fund......... 2,605  
Asbestos Abatement Fund............... 2,894  
Bank and Trust Company Fund........... 3,258  
Board of Governors Cooperative  
—Computer Center Revolving Fund...... 75,743  
Build Illinois Capital Revolving Loan Fund.  
Capital Development Board Revolving Fund.  
Capital Litigation Fund................. 1,491  
Care Provider Fund for Persons with  
Developmental Disability............... 11,552 1,692  
Child Labor Enforcement Fund........... 1,581  

New matter indicated by italics - deletions by strikeout.
Clean Air Act (CAA) Permit Fund........ 10,226
Coal Technology Development
   — Assistance Fund..................  11,687
Common School Fund................  80,196 120,022
The Communications Revolving Fund....  8,421 13,212
Community Water Supply Laboratory Fund.
Conservation 2000 Fund............... 10,670 15,505
Conservation 2000 Projects Fund......  5,335  535
Continuing Legal Education Trust Fund...
Credit Union Fund..................  6,337
DCFS Children's Services Fund........  61,964
Department of Children and Family
   — Services Training Fund..........  5,454
Department of Corrections Reimbursement
   — Fund................................  26,502
Design Professionals Administration
   and Investigation Fund............  5,371
The Downstate Public Transportation Fund.  1,694 2,389
Dram Shop Fund....................  45,460
Drivers Education Fund...............  541
Drug Treatment Fund................  860
Drycleaner Environmental Response
   Trust Fund.......................  3,629  710
The Education Assistance Fund......... 194,078 147,154
Emergency Planning and Training Fund....  820
Energy Assistance Contribution Fund....  562
Environmental Protection Permit and
   Inspection Fund................... 10,754
Estate Tax Collection Distributive Fund.  4,350 2,900
Fair and Exposition Fund............  3,049
Federal Job Training Information
   — Systems Revolving Fund........  625
Feed Control Fund..................  1,264
Fertilizer Control Fund...............  1,102
The Fire Prevention Fund............  702 49,033
Fund for Illinois' Future............  29,101
General Assembly Computer Equipment
   — Revolving Fund..................  1,825
General Professions Dedicated Fund.....  22,665
The General Revenue Fund........... 8,399,406 7,488,372
Grade Crossing Protection Fund........  1,579 1,839
Guardianship and Advocacy Fund......  845
Hazardous Waste Fund................  3,423
Horse Racing Tax Allocation Fund.......  2,289 554
Illinois Affordable Housing
   Trust Fund....................... 1,322  574
Illinois Community College Board
   — Contracts and Grants Fund......  603
Illinois Department of Agriculture
Laboratory Services Revolving
   Fund..............................  1,028
Illinois Gaming Law Enforcement Fund....  2,885
Illinois Historic Sites Fund..........  4,775
Illinois Race Track Improvement Fund.... 15,445
Illinois Standardbred Breeders Fund....  3,783

New matter indicated by italics - deletions by strikeout.
Illinois State Dental Disciplinary Fund................................. 5,052
Illinois State Fair Fund................................. 9,433 1,034
Illinois State Medical Disciplinary Fund................................ 28,744
Illinois State Pharmacy Disciplinary Fund............................. 8,374
Illinois Tax Increment Fund........................................ 647
Illinois Thoroughbred Breeders Fund..... 5,002 623
Illinois Veterans Rehabilitation Fund................................ 1,396
IMSA Income Fund................................. 1,044 1,246
Income Tax Refund Fund................................. 43,743 15,482
Insurance Financial Regulation Fund........... 54,581
Insurance Premium Tax Refund Fund........... 4,992
Insurance Producer Administration Fund............................ 42,316
Juvenile Accountability Incentive Block Grant Fund.................... 3,235
LaSalle Veterans’ Home Fund............................... 5,932
Live and Learn Fund................................. 6,402 3,234
The Local Government Distributive Fund............................ 38,718 16,426
The Local Initiative Fund............................. 7,993 1,163
Local Tourism Fund........................................ 3,649 6,817
Mandatory Arbitration Fund.................................. 3,783
Manteno Veterans’ Home Fund.............................. 13,359
Mental Health Fund........................................... 10,814 1,522
Metro-East Public Transportation Fund..... 942 1,420
The Motor Fuel Tax Fund............................. 39,232 52,419
Motor Vehicle Theft Prevention Trust Fund............................ 13,738
Nuclear Safety Emergency Preparedness Fund.......................... 9,623
Nursing Dedicated and Professional Fund.............................. 11,142
Optometric Licensing and disciplinary Committee Fund................ 2,934
The Personal Property Tax Replacement Fund......................... 40,047 16,685
Pesticide Control Fund..................................... 3,921
Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund............................. 22,760 2,990
Professional Regulation Evidence Fund............................ 596
Professions Indirect Cost Fund............................ 89,325
Public Infrastructure Construction Loan Revolving Fund................ 995
Public Pension Regulation Fund............................. 1,424
The Public Transportation Fund........................... 11,976 18,879
Public Utility Fund........................................ 57,211
Quincy Veterans’ Home Fund.............................. 25,870
Real Estate License Administration Fund.......................... 17,398
The Road Fund........................................... 151,072 175,790

New matter indicated by italics - deletions by strikeout.
Notwithstanding any provision of the law to the contrary, the General Assembly hereby authorizes the use of such funds for the purposes set forth in this Section.

These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Bureau of the Budget of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year.

New matter indicated by italics - deletions by strikeout.
for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 90-314, eff. 8-1-97; 90-587, eff. 7-1-98; 91-152, eff. 7-16-99; 91-855, eff. 6-22-00.)

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

PUBLIC ACT 92-0495
(Senate Bill No. 0074)

November 30, 2001

The Honorable Jesse White
Secretary of State
State of Illinois
111 East Monroe Street
Springfield, Illinois

Attention: Index Division

Dear Mr. Secretary:

Attached hereto are enrolled copies of Senate Bills 74 and 720, along with certifications by the President of the Senate and the Speaker of the House of Representatives of their passage by the required Constitutional majority of three-fifths vote of the members elected to each House, the vetoes of the Governor to the contrary notwithstanding.

Sincerely,

Jim Harry
Secretary of the Senate

AN ACT in relation to vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 3-114.1 as follows:
(625 ILCS 5/3-114.1 new)
Sec. 3-114.1. Transfers to and from charitable organizations. When a charitable not-for-profit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code becomes the recipient of a motor vehicle by means of a donation from an individual, the organization need not send the certificate of title to the Secretary of State. Upon transferring the motor vehicle, the organization shall promptly and within 20 days execute the reassignment to reflect the transfer from the organization to the purchaser. The organization is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the organization is not a licensed dealer. Nothing in this Section shall be construed

New matter indicated by italics - deletions by strikeout.
AN ACT in relation to broadcasting.

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

Section 1. Short title. This Act may be cited as the Broadcast Industry Free Market Act.

Section 5. Definitions. As used in this Act:
(a) "Broadcasting industry" means television, radio, and cable stations.
(b) "Broadcast employee" means any employee of a broadcasting industry employer, other than a sales or management employee.

Section 10. Post-employment covenants not to compete are prohibited.
(a) No broadcasting industry employer may require in an employment contract that an employee or prospective employee refrain from obtaining employment in a specific geographic area for a specific period of time after termination of employment with that broadcasting industry employer.
(b) This Section does not prevent the enforcement of a covenant not to compete during the term of an employment contract or against an employee who breaches an employment contract.

Section 15. Damages. Any person or entity that violates Section 10 of this Act is liable for civil damages, attorney's fees, and costs.

Sent to the Governor May 24, 2001.
Vetoed by the Governor July 20, 2001.
Effective January 1, 2002.
PUBLIC ACT 92-0497
(House Bill No. 0198)

November 30, 2001

Honorable Jesse White
Secretary of State
111 East Monroe
Springfield, IL  62756

Attention: Index Division

Re: House Bill 198

Dear Sir:

Attached herewith is the enrolled copy of House Bill 198.

This bill, having been vetoed by the Governor and filed in your office with his objections hereto for transmittal to the House of Representatives upon reconvening on November 7, 2001. Having passed both Houses by the required constitutional majority of three-fifths of the Members elected to each House, the bill has become law, the Veto of the Governor notwithstanding.

Sincerely,

Anthony Rossi
Clerk of the House

AN ACT with regard to education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 27-23 as follows:
(105 ILCS 5/27-23) (from Ch. 122, par. 27-23)
Sec. 27-23. Motor Vehicle Code. The curriculum in all public schools shall include a course dealing with the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules and regulations adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. Instruction shall be given in safety education in each grade, 1 through 8, equivalent to 1 class period each week, and in at least 1 of the years in grades 10 through 12. The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction taught by a certified high school teacher who has acquired special qualifications as required for participation under the terms of Section 27-24.2 of this Act. Each school district maintaining grades 9 through 12: (i) shall provide the classroom course for each public and non-public high school student resident of the school district who either has received a passing grade in at least 8 courses during the previous 2 semesters or has received a waiver of that requirement from the local superintendent of schools (with respect to a public high school student) or chief school administrator (with respect to a non-public high school student), as provided in Section 27-24.2, and for each out-of-school resident of the district between the age of 15 and 21 years who requests the classroom course, and (ii) may provide such classroom course for any resident of the district over age 55 who requests the classroom course, but only if space therein remains available after all eligible public and non-public high school student residents and out-of-school residents between the age of 15 and 21 who request such course have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Each

New matter indicated by italics - deletions by strikeout.
school district (i) shall provide an approved course in practice driving consisting of a minimum of 6 clock hours of individual behind-the-wheel instruction or its equivalent in a car, as determined by the State Board of Education, for each eligible resident of the district between the age of 15 and 21 years who has started an approved high school classroom driver education course on request, and (ii) may provide such approved course in practice driving for any resident of the district over age 55 on request and without regard to whether or not such resident has started any high school classroom driver education course, but only if space therein remains available after all eligible residents of the district between the ages of 15 and 21 years who have started an approved classroom driver education course and who request such course in practice driving have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Subject to rules and regulations of the State Board of Education, the district may charge a reasonable fee, not to exceed $50, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student shall be waived; provided, that if a district provides the classroom or practice driving course or both of such courses to any residents of the district over age 55, the district may charge such residents a fee in any amount up to but not exceeding the actual cost of the course or courses in which such residents participate. The course of instruction given in grades 10 through 12 shall include an emphasis on the development of knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles including motorcycles insofar as they can be taught in the classroom, and in addition the course shall include instruction on special hazards existing at, emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto.

(Source: P.A. 87-360; 88-188.)

Section 99. Effective date. This Act takes effect upon becoming law.
Sent to the Governor May 31, 2001.
Vetoed by the Governor July 26, 2001.
under Section 5 for such labor and parts shall be either approved or disapproved within 30 days following their submission. All approved claims shall be paid within 30 days following their approval. The motor vehicle dealer who submits a claim which is disapproved shall be notified in writing of the disapproval within the same period, and each such notice shall state the specific grounds upon which the disapproval is based. The motor vehicle dealer shall be permitted to correct and resubmit such disapproved claims within 30 days of receipt of disapproval. Any claims not specifically disapproved in writing within 30 days from their submission shall be deemed approved and payment shall follow within 30 days. The manufacturer or franchiser shall have the right to require reasonable documentation for claims and to audit such claims within a one year period from the date the claim was paid or credit issued by the manufacturer or franchiser, and to charge back any false or unsubstantiated claims. The audit and charge back provisions of this Section also apply to all other incentive and reimbursement programs for a period of 18 months after the date of the transactions that are subject to audit by the franchiser. However, the manufacturer retains the right to charge back any fraudulent claim if the manufacturer establishes in a court of competent jurisdiction in this State that the claim is fraudulent.

(c) The motor vehicle franchiser shall not, by agreement, by restrictions upon reimbursement, or otherwise, restrict the nature and extent of services to be rendered or parts to be provided so that such restriction prevents the motor vehicle franchisee from satisfying the warranty by rendering services in a good and workmanlike manner and providing parts which are required in accordance with generally accepted standards. Any such restriction shall constitute a prohibited practice.

(d) For the purposes of this Section, the "prevailing retail price charged by that dealer for the same parts" means the price paid by the motor vehicle franchisee for parts, including all shipping and other charges, multiplied by the sum of 1.0 and the franchisee's average percentage markup over the price paid by the motor vehicle franchisee for parts purchased by the motor vehicle franchisee from the motor vehicle franchiser and sold at retail. The motor vehicle franchisee may establish average percentage markup under this Section by submitting to the motor vehicle franchiser 100 sequential customer paid service repair orders or 90 days of customer paid service repair orders, whichever is less, covering repairs made no more than 180 days before the submission, and declaring what the average percentage markup is. The average percentage markup so declared shall go into effect 30 days following the declaration, subject to audit of the submitted repair orders by the motor vehicle franchiser and adjustment of the average percentage markup based on that audit. Any audit must be conducted within 30 days following the declaration. Only retail sales not involving warranty repairs, parts covered by subsection (e) of this Section, or parts supplied for routine vehicle maintenance, shall be considered in calculating average percentage markup. No motor vehicle franchiser shall require a motor vehicle franchisee to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part by part or transaction by transaction calculations. A motor vehicle franchisee shall not request a change in the average percentage markup more than twice in one calendar year.

(e) If a motor vehicle franchiser supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchiser. The requirements of this subsection (e) shall not apply to entire engine assemblies and entire transmission assemblies. In the case of those assemblies, the motor vehicle franchiser shall reimburse the motor vehicle franchisee in the amount of 30% of what the motor vehicle franchisee would have paid the motor vehicle franchiser for the assembly if the assembly had not been supplied by the franchiser other than by the sale of that assembly to the motor vehicle franchiser.

(f) The obligations imposed on motor vehicle franchisers by this Section shall apply to any parent, subsidiary, affiliate, or agent of the motor vehicle franchiser, any person under common ownership or control, any employee of the motor vehicle franchiser, and any person holding 1% or more of the shares of any class of securities or other ownership interest in the motor vehicle franchiser, if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchiser.

(g) (1) Any motor vehicle franchiser and at least a majority of its Illinois franchisees of the
same line make may agree in an express written contract citing this Section upon a uniform warranty reimbursement policy used by contracting franchisees to perform warranty repairs. The policy shall only involve either reimbursement for parts used in warranty repairs or the use of a Uniform Time Standards Manual, or both. Reimbursement for parts under the agreement shall be used instead of the franchisees' "prevailing retail price charged by that dealer for the same parts" as defined in this Section to calculate compensation due from the franchiser for parts used in warranty repairs. This Section does not authorize a franchiser and its Illinois franchisees to establish a uniform hourly labor reimbursement.

Each franchiser shall only have one such agreement with each line make. Any such agreement shall:

(A) Establish a uniform parts reimbursement rate. The uniform parts reimbursement rate shall be greater than the franchiser's nationally established parts reimbursement rate in effect at the time the first such agreement becomes effective; however, any subsequent agreement shall result in a uniform reimbursement rate that is greater or equal to the rate set forth in the immediately prior agreement.

(B) Apply to all warranty repair orders written during the period that the agreement is effective.

(C) Be available, during the period it is effective, to any motor vehicle franchisee of the same line make at any time and on the same terms.

(D) Be for a term not to exceed 3 years so long as any party to the agreement may terminate the agreement upon the annual anniversary of the agreement and with 30 days' prior written notice; however, the agreement shall remain in effect for the term of the agreement regardless of the number of dealers of the same line make that may terminate the agreement.

(2) A franchiser that enters into an agreement with its franchisees pursuant to paragraph (1) of this subsection (g) may seek to recover its costs from only those franchisees that are receiving their "prevailing retail price charged by that dealer" under subsections (a) through (f) of this Section, subject to the following requirements:

(A) "costs" means the difference between the uniform reimbursement rate set forth in an agreement entered into pursuant to paragraph (1) of this subsection (g) and the "prevailing retail price charged by that dealer" received by those franchisees of the same line make;

(B) the costs shall be recovered only by increasing the invoice price on new vehicles received by those franchisees; and

(C) price increases imposed for the purpose of recovering costs imposed by this Section may vary from time to time and from model to model, but shall apply uniformly to all franchisees of the same line make in the State of Illinois that have requested reimbursement for warranty repairs at their "prevailing retail price charged by that dealer", except that a franchiser may make an exception for vehicles that are titled in the name of a consumer in another state.

(3) If a franchiser contracts with its Illinois dealers pursuant to paragraph (1) of this subsection (g), the franchiser shall certify under oath to the Motor Vehicle Review Board that a majority of the franchisees of that line make did agree to such an agreement and file a sample copy of the agreement. On an annual basis, each franchiser shall certify under oath to the Motor Vehicle Review Board that the reimbursement costs it recovers under paragraph (2) of this subsection (g) do not exceed the amounts authorized by paragraph (2) of this subsection (g). The franchiser shall maintain for a period of 3 years a file that contains the information upon which its certification is based.

(4) If a franchiser and its franchisees do not enter into an agreement pursuant to paragraph (1) of this subsection (g), and for any matter that is not the subject of an agreement, this subsection (g) shall have no effect whatsoever.

(5) For purposes of this subsection (g), a Uniform Time Standard Manual is a document created by a franchiser that establishes the time allowances for the diagnosis and performance of warranty work and service. The allowances shall be reasonable and adequate for the work and service to be performed. Each franchiser shall have a reasonable and fair process that allows a franchisee to request a modification or adjustment of a standard or standards included in such a manual.
AN ACT in relation to sports.

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

Section 5. The Professional Boxing and Wrestling Act is amended by changing the title of the
Act and Sections 0.05, 1, 2, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17.7, 17.8, 17.9, 18, 19, 19.1, 19.3, 19.4,
23, and 23.1 as follows:

Sec. 0.05. Declaration of public policy. Professional boxing and wrestling in the State of
Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to
regulation and control in the public interest. It is further declared to be a matter of public interest and
concern that boxing and wrestling, as defined in this Act, merit and receive the confidence of the
public and that only qualified persons be authorized to participate in boxing contests and wrestling
exhibitions in the State of Illinois. This Act shall be liberally construed to best carry out these objects
and purposes.

Sec. 1. Short title and definitions.
(a) This Act may be cited as the Professional Boxing and Wrestling Act.
(b) As used in this Act:
1. "Department" means the Department of Professional Regulation.
2. "Director" means the Director of Professional Regulation.
3. "Board" means the State Professional Boxing and Wrestling Board appointed by the
Director.
4. "License" means the license issued for boxing promoters, contestants, or officials in
accordance with this Act.
5. "Registration" means the registration issued to wrestling promoters in
accordance with this Act.
6. "Boxing Contests" include professional boxing matches and exhibitions.
7. "Wrestling Exhibitions" include professional wrestling contests, matches,
events, and shows.
8. "Athletic Events" include both professional boxing contests and professional
wrestling exhibitions.
9. "Permit" means the authorization from the Department to a promoter to conduct
professional boxing contests or professional wrestling exhibitions.
10. "Promoter" means a person who is licensed or registered and who holds a permit to
conduct professional boxing contests, matches or professional wrestling exhibitions.
11. Unless the context indicates otherwise, "person" includes an association, partnership,
corporation, gymnasium, or club.
12. For the purposes of this Act the term "trainer" includes what is commonly
referred to as "second", "corner man", or "coach".
13. "Ultimate fighting exhibition" has the meaning given by rule adopted by the
Department in accordance with Section 7.5.
14. "Professional boxer" means a person licensed by the Department who competes for

New matter indicated by italics - deletions by strikeout.
a money prize, purse, or other type of compensation in a boxing contest, exhibition, or match held in Illinois.

15. "Judge" means a person licensed by the Department who is at ringside during a boxing match and who has the responsibility of scoring the performance of the participants in the contest.

16. "Referee" means a person licensed by the Department who has the general supervision of a boxing contest and is present inside of the ring during the contest.

17. "Amateur" means a person who has never received or competed for any purse or other article of value, either for participating in any boxing contest or for the expenses of training therefor, other than a prize that does not exceed $50 in value.

18. "Contestant" means an individual who participates in a boxing contest or wrestling exhibition.

19. "Second" means a person licensed by the Department who is present at any boxing contest to provide assistance or advice to a boxer during the contest.

20. "Matchmaker" means a person licensed by the Department who brings together professional boxers or procures matches or contests for professional boxers.

21. "Manager" means a person licensed by the Department who is not a promoter and who, under contract, agreement, or other arrangement with any boxer, undertakes to, directly or indirectly, control or administer the boxing affairs of boxers.

22. "Timekeeper" means a person licensed by the Department who is the official timer of the length of rounds and the intervals between the rounds.

23. "Purse" means the financial guarantee or any other remuneration for which contestants are participating in a boxing contest.


A majority of the current members appointed shall constitute a quorum.

The members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

The Director may remove any member of the Board for misconduct, incapacity, or neglect of duty. The Director shall reduce to writing any causes for removal.

A majority of the current members appointed shall constitute a quorum.

The members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

The Director may remove any member of the Board for misconduct, incapacity, or neglect of duty. The Director shall reduce to writing any causes for removal.

New matter indicated by italics - deletions by strikeout.
Sec. 7. In order to conduct a boxing contest or wrestling exhibition in this State, a promoter shall obtain a permit issued by the Department in accordance with this Act and the rules and regulations adopted pursuant thereto. This permit shall authorize one or more contests or exhibitions. A permit issued under this Act is not transferable.
(Source: P.A. 82-522.)
(225 ILCS 105/8) (from Ch. 111, par. 5008)
Sec. 8. Permits.
(a) A promoter who desires to obtain a permit to conduct a boxing contest or athletic event shall apply to the Department at least 20 days prior to the event, in writing, on forms furnished by the Department. The application shall be accompanied by the required fee and shall contain at least the following information:

(1) the names and addresses of the promoter;
(2) the name of the matchmaker;
(3) the time and exact location of the boxing contest or athletic event;
(4) the seating capacity of the building where the event is to be held;
(5) a copy of the lease or proof of ownership of the building where the event is to be held;
(6) the admission charge or charges to be made; and
(7) proof of adequate security measures and adequate medical supervision, as determined by Department rule, to ensure the protection of the health and safety of the general public while attending boxing contests or athletic events and the contestants' safety while participating in the events and any other information that the Department may determine by rule in order to issue a permit.

(b) After the initial application and within 10 days of a scheduled event, a promoter shall submit to the Department all of the following information:

(1) The amount of compensation to be paid to each participant.
(2) The names of the contestants.
(3) Proof of insurance for not less than $10,000 for each contestant participating in a boxing contest or exhibition.

Insurance required under this subsection shall cover (i) hospital, medication, physician, and other such expenses as would accrue in the treatment of an injury as a result of the boxing contest or exhibition and (ii) payment to the estate of the contestant in the event of his or her death as a result of his or her participation in the boxing contest or exhibition.

(c) All boxing promoters shall provide to the Department, at least 24 hours prior to commencement of the event, the amount of the purse to be paid for the event. The Department shall promulgate rules for payment of the purse.

(d) The boxing contest shall be held in an area where adequate neurosurgical facilities are immediately available for skilled emergency treatment of an injured boxer. It is the responsibility of the promoter to ensure that the building to be used for the event complies with all laws, ordinances, and regulations in the city, town, or village where the boxing contest or athletic event is to be held. The Department may issue a permit to any promoter who meets the requirements of this Act and the rules. The permit shall only be issued for a specific date and location of a boxing contest or athletic event and shall not be transferable. In an emergency, the Department may allow a promoter to amend a permit application to hold a boxing contest or athletic event in a different location than the application specifies and may allow the promoter to substitute contestants.

(e) The Department shall be responsible for assigning the judge, timekeepers, referees, physician, and medical personnel for a boxing contest. It shall be the responsibility of the promoter to cover the cost of the individuals utilized at a boxing contest or athletic event.
(Source: P.A. 91-408, eff. 1-1-00.)
(225 ILCS 105/10) (from Ch. 111, par. 5010)
Sec. 10. Who must be licensed. In order to participate in boxing contests the following persons must each be licensed and in good standing with the Department: (a) promoters, (b) contestants, (c) seconds, (d) referees, (e) judges, (f) managers, (g) matchmakers, and (h) timekeepers.
Announcers may participate in boxing contests without being licensed under this Act. It shall be the responsibility of the promoter to ensure that announcers comply with the Act, and all rules and regulations promulgated pursuant to this Act.

New matter indicated by italics - deletions by strikeout.
A licensed promoter may not act as, and cannot be licensed as, a second, boxer, referee, timekeeper, judge, or manager. If he or she is so licensed, he or she must relinquish any of these licenses to the Department for cancellation. A person possessing a valid promoter's license may act as a matchmaker. A promoter may be licensed as a matchmaker.

Persons involved with wrestling exhibitions shall supply the Department with their name, address, telephone number, and social security number and shall meet other requirements as established by rule.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/11) (from Ch. 111, par. 5011)

Sec. 11. Qualifications for license. The Department shall grant licenses to or register the following persons if the following qualifications are met:

(A) An applicant for licensure as a contestant in a boxing contest match must: (1) be 18 years old, (2) be of good moral character, (3) file an application stating the applicant's correct name (and no assumed or ring name may be used unless such name is registered with the Department along with the applicant's correct name), date and place of birth, place of current residence, and a sworn statement that he is not currently in violation of any federal, State or local laws or rules governing boxing, (4) file a certificate of a physician licensed to practice medicine in all of its branches which attests that the applicant is physically fit and qualified to participate in boxing contests matches, and (5) pay the required fee and meet any other requirements. Applicants over age 35 who have not competed in a contest within the last 36 months may be required to appear before the Board to determine their fitness to participate in a contest. A picture identification card shall be issued to all boxers licensed by the Department who are residents of Illinois or who are residents of any jurisdiction, state, or country that does not regulate professional boxing. The identification card shall be presented to the Department or its representative upon request at weigh-ins or contests.

(B) An applicant for licensure as a boxing referee, judge, manager, second, matchmaker, or timekeeper must: (1) be of good moral character, (2) file an application stating the applicant's name, date and place of birth, and place of current residence along with a certifying statement that he is not currently in violation of any federal, State, or local laws or rules governing boxing, (3) have had satisfactory experience in his field, (4) pay the required fee, and (5) meet any other requirements as determined by rule.

(C) An applicant for licensure as a boxing promoter must: (1) be of good moral character, (2) file an application with the Department stating the applicant's name, date and place of birth, place of current residence along with a certifying statement that he is not currently in violation of any federal, State, or local laws or rules governing boxing, (3) provide proof of a surety bond of no less than $5,000 to cover financial obligations pursuant to this Act, payable to the Department and conditioned for the payment of the tax imposed by this Act and compliance with this Act and the rules promulgated pursuant to this Act, (4) provide a financial statement, prepared by a certified public accountant, showing liquid working capital of $10,000 or more, or a $10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities, and (5) pay the required fee and meet any other requirements.

(D) An applicant for registration as a wrestling promoter must: (1) be of good moral character, (2) file an application with the Department stating the applicant's name, date and place of birth, and place of current residence along with a certifying statement that he is not currently in violation of any federal, State, or local laws or rules governing wrestling, (3) provide a surety bond of no less than $10,000 to cover financial obligations pursuant to this Act, payable to the Department and conditioned for the payment of the tax imposed by this Act and compliance with this Act and the rules promulgated pursuant to this Act, (4) provide a financial statement, prepared by a certified public accountant, showing liquid working capital of $10,000 or more, or a $10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities, and (5) pay the required fee and meet any other requirements.

In determining good moral character, the Department may take into consideration any violation of any of the provisions of Section 16 of this Act and any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure. No license issued under this Act is transferable.

The Department may issue temporary licenses and registrations as provided by rule.

New matter indicated by italics - deletions by strikeout.
Sec. 12. Boxing contests. Each boxing contestant shall be examined before entering the ring and immediately after each contest by a physician licensed to practice medicine in all of its branches. The physician shall determine, prior to the contest, if each contestant is physically fit to engage in the contest. After the contest the physician shall examine the contestant to determine possible injury. If the contestant's physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician may, at any time during the contest, stop the contest to examine a boxer, and terminate the contest when, in the physician's opinion, continuing the contest could result in serious injury to the boxer. The physician shall certify to the condition of the contestant in writing, over his signature on blank forms provided by the Department. Such reports shall be submitted to the Department in a timely manner. The physician shall be paid by the promoter a fee fixed by the Department. No boxing contest shall be held unless a physician licensed to practice medicine in all of its branches is in attendance.

No contest shall be allowed to begin unless at least one physician and 2 trained paramedics or 2 nurses who are trained to administer emergency medical care are present.

No contest shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a one minute interval between them, and no boxer shall be allowed to participate in more than 12 rounds within 72 consecutive hours. At each boxing contest there shall be a referee in attendance who shall direct and control the contest. The referee, before each contest, shall learn the name of the contestant's chief second and shall hold the chief second responsible for the conduct of his assistant during the progress of the contest.

There shall be 2 judges in attendance who shall render a decision at the end of each contest. The decision of the judges, taken together with the decision of the referee, is final; or, 3 judges shall score the contest with the referee not scoring. The method of scoring shall be set forth in rules.

Judges, referees, or timekeepers for contests shall be assigned by the Department. The Department or its representative shall have discretion to declare a price, remuneration, or purse or any part of it belonging to the contestant withheld if in the judgment of the Department or its representative the contestant is not honestly competing. The Department shall have the authority to prevent a contest or exhibition from being held and shall have the authority to stop a fight for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the contestants or spectators.

(225 ILCS 105/13) (from Ch. 111, par. 5013)

Sec. 13. Tickets; tax. Tickets to boxing contests athletic events, other than a boxing contest an athletic event conducted at premises with an indoor seating capacity of more than 17,000, shall be printed in such form as the Department shall prescribe. A certified inventory of all tickets printed for any boxing contest event shall be mailed to the Department by the promoter not less than 7 days before the boxing contest event. The total number of tickets printed shall not exceed the total seating capacity of the premises in which the boxing contest event is to be held. No tickets of admission to any boxing contest event, other than a boxing contest an athletic event conducted at premises with an indoor seating capacity of more than 17,000, shall be sold except those declared on an official ticket inventory as described in this Section.

A promoter who conducts a boxing contest an athletic event under this Act, other than a boxing contest an athletic event conducted at premises with an indoor seating capacity of more than 17,000, shall, within 24 hours after a boxing contest such event: (1) furnish to the Department a written report verified by the promoter or his authorized designee showing the number of tickets sold for the boxing contest or the actual ticket stubs and the amount of the gross proceeds thereof; and (2) pay to the Department a tax of 10% of the first $500,000 of gross receipts from the sale of admission tickets, to be placed in the General Revenue Fund.

(225 ILCS 105/15) (from Ch. 111, par. 5015)

Sec. 15. Inspectors. The Director may appoint boxing inspectors to assist the Department staff.
Each boxing instructor must receive compensation for each day he or she is engaged in the transacting of business of the Department. Each inspector shall carry a card issued by the Department to authorize him or her to act in such capacity. The inspector or inspectors shall supervise each contest event to ensure that the provisions of the Act are strictly enforced. The inspectors shall also be present at the counting of the gross receipts and shall immediately deliver to the Department the official box office statement as required by Section 13.

(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 16. Discipline and sanctions.

(a) The Department may refuse to issue a permit, registration, or license, refuse to renew, suspend, revoke, reprimand, place on probation, or take such other disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $5,000 for each violation, with regard to any license or registration for any one or any combination of the following reasons:

1. gambling, betting or wagering on the result of or a contingency connected with a boxing contest or athletic event or permitting such activity to take place;
2. participating in or permitting a sham or fake boxing contest;
3. holding the boxing contest or athletic event at any other time or place than is stated on the permit application;
4. permitting any contestant other than those stated on the permit application to participate in a boxing contest or athletic event, except as provided in Section 9;
5. violation or aiding in the violation of any of the provisions of this Act or any rules or regulations promulgated thereto;
6. violation of any federal, State or local laws of the United States or other jurisdiction governing boxing contests or athletic events or any regulation promulgated pursuant thereto;
7. charging a greater rate or rates of admission than is specified on the permit application;
8. failure to obtain all the necessary permits, registrations, or licenses as required under this Act;
9. failure to file the necessary bond or to pay the gross receipts tax as required by this Act;
10. engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, or which is detrimental to honestly conducted boxing contests or athletic events;
11. employment of fraud, deception or any unlawful means in applying for or securing a permit or license, or registration under this Act;
12. permitting a physician making the physical examination to knowingly certify falsely to the physical condition of a contestant;
13. permitting contestants of widely disparate weights or abilities to engage in boxing contests or athletic events;
14. boxing while under medical suspension in this State or in any other state, territory or country;
15. physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skills which results in the inability to participate in boxing contests or athletic events with reasonable judgment, skill, or safety;
16. allowing one's license or permit, or registration issued under this Act to be used by another person;
17. failing, within a reasonable time, to provide any information requested by the Department as a result of a formal or informal complaint;
18. professional incompetence;
19. failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

New matter indicated by italics - deletions by strikeout.
(20) holding or promoting an ultimate fighting exhibition, or participating in an ultimate fighting exhibition as a promoter, contestant, referee, judge, scorer, manager, trainer, announcer, or timekeeper;

(21) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to participate in an event; or

(22) failure to stop a contest or exhibition when requested to do so by the Department.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, issuance of an order so finding and discharging the licensee, and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(c) In enforcing this Section, the Board, upon a showing of a possible violation, may compel any individual licensed or registered to practice under this Act, or who has applied for licensure or registration pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee, registrant, or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee, registrant, or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed and certified therapeutic optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

(d) If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall require the individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure or registration, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license or registration of the individual. Any individual whose license or registration was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license or registration suspended immediately, pending a hearing by the Board.

(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 17.7. Restoration of suspended or revoked license or registration. At any time after the suspension or revocation of a license, the Department may restore it to the licensee or registrant upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.

(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 17.8. Surrender of license or registration. Upon the revocation or suspension of a license or registration, the licensee or registrant shall immediately surrender his or her license or registration to the Department. If the licensee or registrant fails to do so, the Department has the right to seize the license or registration.

(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 17.9. Summary suspension of a license or registration. The Director may summarily suspend a license or registration without a hearing if the Director finds that evidence in the Director's possession indicates that the continuation of practice would constitute an imminent danger to the public or the individual involved. If the Director summarily suspends the license or registration

New matter indicated by italics - deletions by strikeout.
without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.
(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 18. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons promoting or participating in a contest or exhibition or any person holding or claiming to hold a license or registration. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license or registration may be suspended, revoked, or placed on probationary status or that other disciplinary action may be taken with regard to the license or registration, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. At the time and place fixed in the notice, the Board shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license or registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Department.
(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 19. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Director a written report of its findings, conclusions of law, and recommendations. The report shall contain a finding of whether the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Director. In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public including, but not limited to, previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a license or registration, or otherwise disciplining a licensee or registrant. If the Director disagrees with the recommendations of the Board, the Director may issue an order in contravention of the Board recommendations. The Director shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.
(Source: P.A. 91-408, eff. 1-1-00.)

Sec. 19.1. Appointment of a hearing officer. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or certificate of registration or discipline of a licensee or registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the
Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Director. If the Board fails to present its report within the 60 day period, the Director may issue an order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he may issue an order in contravention of the recommendation. The Director shall promptly provide a written report of the Board on any deviation and shall specify the reasons for the action in the final order.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/19.3)

Sec. 19.3. Compelling testimony. Any circuit court, upon application of the Department, designated hearing officer, or the applicant or registrant against whom proceedings under this Act are pending, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/19.4)

Sec. 19.4. Director; rehearing. Whenever the Director believes that justice has not been done in the revocation, suspension, refusal to issue, restore, or renew a license or registration, or other discipline of an applicant or licensee, or registrant, he or she may order a rehearing by the same or other examiners.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/23) (from Ch. 111, par. 5023)

Sec. 23. Fees. The fees for the administration and enforcement of this Act including, but not limited to, original licensure or registration, renewal, and restoration shall be set by rule. The fees shall not be refundable.

(Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00; revised 8-27-99.)

(225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

Sec. 23.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 10. The Regulatory Sunset Act is amended by changing Section 4.12 and adding Section 4.22 as follows:

(5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)

Sec. 4.12. The following Acts are repealed December 31, 2001:

The Professional Boxing and Wrestling Act.

The Interior Design Profession Title Act.

The Detection of Deception Examiners Act.

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

(Source: P.A. 86-1404; 86-1475; 87-703.)

(5 ILCS 80/4.22 new)
Sec. 4.22. The Professional Boxing Act.
Section 99. Effective date. This Act takes effect January 1, 2002.
Approved December 18, 2001.
Effective January 1, 2002.

PUBLIC ACT 92-0500
(Senate Bill No. 1089)
AN ACT concerning the regulation of professions.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.12 and adding
Section 4.22 as follows:
(5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
Sec. 4.12. The following Acts are repealed December 31, 2001:
The Professional Boxing and Wrestling Act.
The Interior Design Profession Title Act.
The Detection of Deception Examiners Act.
The Water Well and Pump Installation Contractor's License Act.
(Source: P.A. 86-1404; 86-1475; 87-703.)
(5 ILCS 80/4.22 new)
Sec. 4.22. Acts repealed on January 1, 2012. The following Act is repealed on January 1, 2012:
The Water Well and Pump Installation Contractor's License Act.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved December 18, 2001.

PUBLIC ACT 92-0501
(House Bill No. 0934)
AN ACT concerning law enforcement.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Secretary of State Police Services Fund.
Section 10. The Illinois Vehicle Code is amended by changing Section 2-116 as follows:
(625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)
Sec. 2-116. Secretary of State Department of Police. Enforcement.
(a) The Secretary of State and the officers, inspectors, and investigators appointed by him
shall cooperate with the State Police and the sheriffs and police in enforcing the laws regulating the
operation of vehicles and the use of the highways.
(b) The Secretary of State may provide training and education for members of his office in
traffic regulation, the promotion of traffic safety and the enforcement of laws vested in the Secretary
of State for administration and enforcement regulating the operation of vehicles and the use of the
highways.
(c) The Secretary of State may provide distinctive uniforms and badges for officers, inspectors
and investigators employed in the administration of laws relating to the operation of vehicles and the
use of the highways and vesting the administration and enforcement of such laws in the Secretary of
State.
(d) The Secretary of State Department of Police is authorized to:
(1) investigate the origins, activities, persons, and incidents of crime and the ways and
means, if any, to redress the victims of crimes, and study the impact, if any, of legislation
relative to the criminal laws of this State related thereto and conduct any other investigations

New matter indicated by italics - deletions by strikeout.
as may be provided by law;
(2) employ skilled experts, technicians, investigators, special agents, or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the State;
(3) cooperate with the police of cities, villages, and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests;
(4) provide, as may be required by law, assistance to local law enforcement agencies through training, management, and consultant services for local law enforcement agencies, pertaining to law enforcement activities;
(5) exercise the rights, powers, and duties which have been vested in it by the Secretary of State Act and this Code; and
(6) enforce and administer any other laws in relation to law enforcement as may be vested in the Secretary of State Department of Police.

Persons within the Secretary of State Department of Police who exercise these powers are conservators of the peace and have all the powers possessed by policemen in municipalities and sheriffs, and may exercise these powers anywhere in the State in cooperation with local law enforcement officials. These persons may use false or fictitious names in the performance of their duties under this Section, upon approval of the Director of Police-Secretary of State, and shall not be subject to prosecution under the criminal laws for that use.

c) The Secretary of State Department of Police may charge, collect, and receive fees or moneys equivalent to the cost of providing its personnel, equipment, and services to governmental agencies when explicitly requested by a governmental agency and according to an intergovernmental agreement or memoranda of understanding as provided by this Section, including but not limited to fees or moneys equivalent to the cost of providing training to other governmental agencies on terms and conditions that in the judgment of the Director of Police-Secretary of State are in the best interest of the Secretary of State. All fees received by the Secretary of State Police Department under this Act shall be deposited in a special fund in the State Treasury to be known as the Secretary of State Police Services Fund. The money deposited in the Secretary of State Police Services Fund shall be appropriated to the Secretary of State Department of Police as provided for in subsection (g).

(f) The Secretary of State Department of Police may apply for grants or contracts and receive, expend, allocate, or disburse moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning.

(g) The Secretary of State Police Services Fund is hereby created as a special fund in the State Treasury. All moneys received under this Section by the Secretary of State Department of Police shall be deposited into the Secretary of State Police Services Fund to be appropriated to the Secretary of State Department of Police for purposes as indicated by the grantor or contractor or, in the case of moneys bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police-Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

(Source: P.A. 76-1586.)

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

PUBLIC ACT 92-0502
(House Bill No. 2296)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Findings; validation.

New matter indicated by italics - deletions by strikeout.
also contained a provision amending subsection (b) of Section 2-14 of the Juvenile Court Act of 1987, relating to the commencement of civil adjudicatory hearings in abuse, neglect, and dependency cases.

(b) The Illinois Supreme Court, in People v. Sypien, Docket No. 89265, has ruled that the inclusion of the amendment to the Juvenile Court Act of 1987 violated the single subject clause of the Illinois Constitution (Article IV, Section 8(d)), and that Public Act 90-456 is therefore unconstitutional in its entirety.

(c) This Act re-enacts Section 15.2 of the Emergency Telephone System Act, Section 26-1 of the Criminal Code of 1961, and Section 108-8 of the Code of Criminal Procedure of 1963. The text of those Sections includes both the changes made by Public Act 90-456 and, where applicable, changes made by subsequent amendments. In order to avoid confusion with the changes made by subsequent amendments, the Sections that are re-enacted in this Act are shown as existing text (i.e., without striking and underscoring). This Act is not intended to supersede any other Public Act that amends the text of any of the re-enacted Sections as set forth in this Act. This Act also amends Section 12-14 of the Criminal Code of 1961.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance on or pursuant to Section 108-8 of the Code of Criminal Procedure of 1963, as set forth in Public Act 90-456, by any officer, employee, or agency of State or local government or by any other person or entity, are hereby validated.

(e) The re-enactment by this Act of Section 108-8 of the Code of Criminal Procedure of 1963 applies to warrants issued or executed on or after the effective date of Public Act 90-456 (January 1, 1998), as well as warrants issued or executed on or after the effective date of this Act.

Section 5. The Emergency Telephone System Act is amended by re-enacting Section 15.2 as follows:

(50 ILCS 750/15.2) (from Ch. 134, par. 45.2)
Sec. 15.2. Any person calling the number "911" for the purpose of making a false alarm or complaint and reporting false information is subject to the provisions of Section 26-1 of the Criminal Code of 1961.
(Source: P.A. 90-456, eff. 1-1-98.)

Section 10. The Criminal Code of 1961 is amended by re-enacting Section 26-1 and amending Section 12-14 as follows:

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)
Sec. 12-14. Aggravated Criminal Sexual Assault.
(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or
(2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or
(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or
(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or
(5) the victim was 60 years of age or over when the offense was committed; or
(6) the victim was a physically handicapped person; or
(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or
(8) the accused was armed with a firearm; or
(9) the accused personally discharged a firearm during the commission of the offense; or
(10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

New matter indicated by italics - deletions by strikeout.
(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (1), (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

Sec. 26-1. Elements of the Offense.

(a) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or

(5) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(6) While acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(7) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act"; or
(8) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act; or

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(10) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(11) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(12) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5), (a)(7), (a)(11), or (a)(12) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(4), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than $3,000 and no more than $10,000 shall be assessed in addition to any other penalty imposed.

A violation of subsection (a)(6) of this Section is a Business Offense and shall be punished by a fine not to exceed $3,000. A second or subsequent violation of subsection (a)(7), (a)(11), or (a)(12) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(5) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00; 91-121, eff. 7-15-99; 92-16, eff. 6-28-01.)

Section 15. The Code of Criminal Procedure of 1963 is amended by re-enacting Section 108-8 as follows:

(725 ILCS 5/108-8) (from Ch. 38, par. 108-8)
Sec. 108-8. Use of force in execution of search warrant.
(a) All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant.
(b) The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:
   (1) That the officer reasonably believes that if notice were given a weapon would be used:
      (i) against the officer executing the search warrant; or
      (ii) against another person.
   (2) That if notice were given there is an imminent "danger" that evidence will be destroyed.

(Source: P.A. 90-456, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT in relation to alcoholic liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 6-16 and 6-16.1 as follows:

Sec. 6-16. Prohibited sales and possession.
(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Any person who violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

However, no agent or employee of the licensee shall be disciplined or discharged for selling
or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and

(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97; 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff. 12-14-98.)

(235 ILCS 5/6-16.1)

New matter indicated by italics - deletions by strikeout.
Sec. 6-16.1. Enforcement actions.

(a) A licensee or an officer, associate, member, representative, agent, or employee of a licensee may sell, give, or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift, or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a person employed by the licensee or on any licensed premises if the licensee or officer, associate, member, representative, agent, or employee of the licensee provides written notice, at least 14 days before the "sting operation" or enforcement action, unless governing body of the municipality or county having jurisdiction sets a shorter period by ordinance, to the law enforcement agency having jurisdiction, the local liquor control commissioner, or both. Notice provided under this Section shall be valid for a "sting operation" or enforcement action conducted within 60 days of the provision of that notice, unless the governing body of the municipality or county having jurisdiction sets a shorter period by ordinance.

(b) A local liquor control commission or unit of local government that conducts alcohol and tobacco compliance operations shall establish a policy and standards for alcohol and tobacco compliance operations to investigate whether a licensee is furnishing (1) alcoholic liquor to persons under 21 years of age in violation of this Act or (2) tobacco to persons in violation of the Sale of Tobacco to Minors Act.

(c) The Illinois Law Enforcement Training Standards Board shall develop a model policy and guidelines for the operation of alcohol and tobacco compliance checks by local law enforcement officers. The Illinois Law Enforcement Training Standards Board shall also require the supervising officers of such compliance checks to have met a minimum training standard as determined by the Board. The Board shall have the right to waive any training based on current written policies and procedures for alcohol and tobacco compliance check operations and in-service training already administered by the local law enforcement agency, department, or office.

(d) The provisions of subsections (b) and (c) do not apply to a home rule unit with more than 2,000,000 inhabitants.

(e) A home rule unit, other than a home rule unit with more than 2,000,000 inhabitants, may not regulate enforcement actions in a manner inconsistent with the regulation of enforcement actions under this Section. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 90-355, eff. 8-10-97.)

Section 99. Effective date. This Act takes effect January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0504
(House Bill No. 3426)

AN ACT making appropriations.

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

Section 1. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 13 of Article 34 as follows:

(P.A. 92-8, Art. 34, Sec. 13)

Sec. 13. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

<table>
<thead>
<tr>
<th>GRANTS-IN-AID</th>
<th>PAYABLE FROM GENERAL REVENUE FUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGIONAL OFFICES</td>
<td>For Foster Homes and Specialized</td>
</tr>
<tr>
<td>Foster Care and Prevention</td>
<td>$221,100,200</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>20,907,700</td>
</tr>
<tr>
<td>For Homemaker Services</td>
<td>7,507,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout.
For Institution and Group Home Care and
Prevention .......................... 150,215,000
For Services Associated with the Foster
Care Initiative .......................... 6,413,700
For Purchase of Adoption and
Guardianship Services .......................... 150,619,000
For Health Care Network .......................... 4,657,900
For Cash Assistance and Housing
Locator Service to Families in the
Class Defined in the Norman Consent Order ... 3,565,600
For Youth in Transition Program .......................... 719,100
For Children's Personal and
Physical Maintenance .......................... 5,359,000
For MCO Technical Assistance and
Program Development .......................... 1,701,800
For Pre Admission/Post Discharge
Psychiatric Screening .......................... 8,257,600
For Counties to Assist in the Development
of Children's Advocacy Centers .......................... 2,781,800
For Psychological Assessments
including Operations and
Administrative Expenses .......................... 5,011,900
Total $588,817,700

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
Foster Care and Prevention .... $164,680,600 $156,080,600
For Counseling and Auxiliary Services .... 9,646,800
For Homemaker Services .......................... 1,119,400
For Institution and Group Home Care and
Prevention (up to $1,000,000
of this appropriation is authorized to pay expenses
from prior fiscal years) .... 97,401,500 96,401,500
For Additional Grant to the Chicago
Child Advocacy Center .......................... 540,000
For Services Associated with the Foster
Care Initiative .......................... 1,958,000
For Purchase of Adoption and
Guardianship Services .......................... 108,008,600 102,608,600
For Family Preservation Services .......................... 23,182,100
For Purchase of Children's Services .......................... 726,300
For Family Centered Services Initiative ...... 13,200,000
Total $405,463,300

Section 2. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is
amended by changing Section 81 of Article 44 as follows:
(P.A. 92-8, Art. 44, Sec. 81)
Sec. 81. The following named sums, or so much thereof as may be necessary, respectively,
herein made either independently or in cooperation with the Federal Government or any agency
thereof, any municipal corporation, or political subdivision of the State, or with any public or private
corporation, organization, or individual, are appropriated to the Department of Natural Resources for
refunds and the purposes stated:
Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs .... $ 6,200,000
Payable from Forest Reserve Fund:
For U.S. Forest Service Program .... 500,000

New matter indicated by italics - deletions by strikeout.
Payable from Federal Title IV Fire Protection Assistance Fund:
For Rural Community Fire Protection Programs ...................... 261,900
Total 161,900

Total $6,861,900

Section 3. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 13 of Article 46 as follows:
Sec. 13. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Registered Certified Public Accountants' Administration and Disciplinary Fund Public Accountants' Regulation and Disciplinary Fund to the Department of Professional Regulation to contract with the Illinois CPA Society for a feasibility study on implementation of a mandatory peer review requirement for licensure of public accounting time.

Section 4. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 3 of Article 47 as follows:
Sec. 3. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for Medical Assistance:
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from Drug Rebate Fund:
For Prescribed Drugs $200,000,000

Payable from General Revenue Fund:
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law $2,150,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended 672,000
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended 600,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended 663,000
For payments under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs 84,800,000
Total 88,885,000

Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928 48,342,700

New matter indicated by italics - deletions by strikeout.
For Allocation of the .4% Sales Tax to Units of Local Government Pursuant to P.A. 86-0928 ................ $ 31,185,300
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928 ................................ $ 122,882,400
Payable from Tobacco Settlement Recovery Fund:
For Payments under Senior Citizen and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs .... $136,700,000 $106,700,000
Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928 ....... $ 23,330,200
Payable from Senior Citizens' Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act ................. $ 4,700,000
Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts .................. $ 20,022,100
Payable from the Do-It-Yourself School Funding Fund:
For Distribution of Income Tax Exemptions Forgone pursuant to Public Act 90-0553 ....................... $ 10,000

GOVERNMENT SERVICE REFUNDS
Payable from General Revenue Fund:
For payment of refunds pursuant to the provisions of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act .............. $150,000

Section 6. "AN ACT making appropriations", Public Act 92-8, approved June 11, 2001, is amended by adding new Section 47a to Article 67 as follows:

P.A. 92-8, Art. 67, new Sec. 47a

Sec. 47a. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for all costs associated with providing assistance to public water supplies for wellhead protection, capacity development and technical assistance.

Section 7. "AN ACT making appropriations", Public Act 92-8, approved June 11, 2001, is amended by changing Sections 3 and 6a of Article 75 as follows:

P.A. 92-8, Art. 75, Sec. 3

Sec. 3. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS
Federaled-Assisted Programs

Payable from General Revenue Fund:
For Training and Education ................. $ 146,500
For Planning and Analysis .................. 75,000
Payable from Nuclear Civil Protection Planning Fund:

New matter indicated by italics - deletions by strikeout.
For Clean Air ........................................... 100,000
For Federal Projects ................................. 700,000
For Flood Mitigation ................................. 1,500,000
Payable from Federal Civil Preparedness
Administrative Fund:
For Training and Education .......................... 2,261,300
For Terrorism Preparedness and
Training ................................................... 7,800,000

Total

$6,782,800

(P.A. 92-8, Art. 75, Sec. 6a)
Sec. 6a. The sum of $1,810,000 $210,000, or so much thereof as may be necessary, and
remains unexpended at the close of business on June 30, 2001, from the appropriation heretofore made
in Article 28, Section 3 of Public Act 91-706, is reappropriated from the Federal Civil Preparedness
Administrative Fund for terrorism preparedness and training.

Section 8. "AN ACT making appropriations", Public Act 92-8, approved June 11, 2001, is
amended by changing Section 10 of Article 3 as follows:
(P.A. 92-8, Art. 3, Sec. 10)
Sec. 10. The amount of $51,042,000 $44,042,000, or so much thereof as may be necessary,
is appropriated from the General Revenue Fund to the Teachers' Retirement System of the State of
Illinois for transfer into the 'Teachers' Health Insurance Security Fund as the State's Contribution for
teachers' health benefits.

Section 9. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is
amended by adding new Section 21 to Article 32 as follows:
(P.A. 92-8, Art. 32, new Sec. 21)
Sec. 21. The sum of $340,000, or so much thereof as may be necessary, is appropriated from
the General Revenue Fund to the Department of Agriculture for a biosecurity laboratory, carcass
disposal, tanks, and other costs associated with homeland security.

Section 10. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is
amended by adding new Section 301 to Article 35 as follows:
(P.A. 92-8, Art. 35, new Sec. 301)
Sec. 301. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated
to the Department of Commerce and Community Affairs from the Tourism Promotion Fund for grants
pursuant to Section 605-710 of the Department of Commerce and Community Affairs Law of the Civil
Administrative Code of Illinois.

Section 11. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is
amended by adding new Sections 14, 15, 16 and 17 to Article 48 as follows:
(P.A. 92-8, Art. 48, new Sec. 14)
Sec. 14. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Department of Public Health for development of a consolidated
laboratory information system.

(P.A. 92-8, Art. 48, new Sec. 15)
Sec. 15. The amount of $2,850,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Department of Public Health for expanded laboratory capacity
and enhanced statewide communication capabilities associated with homeland security.

(P.A. 92-8, Art. 48, new Sec. 16)
Sec. 16. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Department of Public Health for costs associated with creating a
Pharmaceutical Cache related to homeland security purposes.

(P.A. 92-8, Art. 48, new Sec. 17)
Sec. 17. The amount of $120,000, or so much thereof as may be necessary, is appropriated
from the General Revenue Fund to the Department of Public Health for the Illinois Mobile Emergency
Response Team for costs associated with homeland security.

Section 12. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is
amended by adding new Sections 8 and 9 to Article 75 as follows:
(P.A. 92-8, Art. 75, new Sec. 8)
Sec. 8. The amount of $370,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Emergency Management Agency for additional equipment for the State Interagency Response Team for costs associated with homeland security.

(P.A. 92-8, Art. 75, new Sec. 9)

Sec. 9. The amount of $7,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Emergency Management Agency for providing services and for costs associated with Homeland Security and for grants to the Department of State Police, the Department of Military Affairs, the Office of the State Fire Marshal and other state agencies for such purposes.

Section 13. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by adding new Sections 13 and 14 to Article 89 as follows:

(P.A. 92-8, Art. 89, new Sec. 13)

Sec. 13. The amount of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Fire Marshal for radios, computers, generators, and other costs associated with homeland security.

(P.A. 92-8, Art. 89, new Sec. 14)

Sec. 14. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Fire Marshal for Fire Service Institute training costs associated with homeland security.

Section 14. "AN ACT making appropriations," Public Act 92-8, approved June 11, 2001, is amended by changing Section 35 of Article 1 as follows:

(P.A. 92-8, Art. 1, Sec. 35)

Sec. 35. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the State Board of Education for the objects and purposes named:

For all costs associated with Regional Offices of Education, including, but not limited to:
- ROE School Bus Driver Training, ROE School Services, and ROE Supervisory Expense........ $12,512,000
- ROE Services, and ROE Supervisory Expense........ $12,512,000
- ROE School Bus Driver Training, ROE School Services, and ROE Supervisory Expense........ $12,512,000

For operational costs and grants for Mathematics Statewide........ $1,000,000
For costs associated with the Reading Improvement Statewide Program........ $4,000,000
For all costs, including prior year claims, associated with Special Education lawsuits, including Corey H........................... $1,000,000
For grants for career awareness and development programs, including, but not limited to:
- Career Awareness & Development, Jobs for Illinois Graduates, and Illinois Governmental Internship Program.... $7,247,700
- Career Awareness & Development, Jobs for Illinois Graduates, and Illinois Governmental Internship Program.... $7,247,700
- Career Awareness & Development, Jobs for Illinois Graduates, and Illinois Governmental Internship Program.... $7,247,700

For operational costs and grants for Family Literacy......................... $1,000,000
For all costs associated with teacher education programs, including, but not limited to: National Board Certification, Teacher of the Year, and Teacher Framework Implementation............ $1,740,000
For costs associated with regional and local Optional Education Programs for dropouts, those at risk of dropping out, and Alternative Education Programs for chronic truants...... $19,660,000
For costs associated with the Metro East Consortium for Child Advocacy......................... $250,000
For all costs associated with

New matter indicated by italics - deletions by strikeout.
Professional Development Statewide........... $2,000,000
For costs associated with funding Vocational Education Staff Development.................. $1,299,800
For costs associated with the Certificate Renewal Administrative Payment Program........ $1,000,000
For operational costs and grants associated with the Summer Bridges Program to assist school districts that had one or more schools with a significant percentage of third and sixth grade students in the "does not meet" category on the 1998 State reading scores to achieve standards in reading........ $26,000,000
For costs associated with the Parental Involvement Campaign Program....... $1,500,000
For all costs associated with standards, assessment, and accountability programs, including, but not limited to: Arts Planning K-6, Assessment Programs, Learning Improvement and Quality Assurance and Learning Standards......................... $31,309,700
For operational costs associated with administering the Reading Improvement Block Grant................ $389,500
For costs associated with the transition of minority students to college and teaching careers........ $600,000
For funding the Golden Apple Scholars Program... $2,554,300
For all costs associated with career and technical education programs..... $53,874,500
For all costs associated with student at-risk programs, including, but not limited to: Hispanic Student Dropout Prevention Programs, Project Impact, Illinois Partnership Academy, and Urban Education Partnership Programs.............. $2,649,600
For operational costs and grants associated with Scientific Literacy, Mathematics, and the Center on Scientific Literacy............. $8,583,000
For operational costs and grants associated with the Substance Abuse and Violence Prevention Programs...... $2,750,000
For operational expenses of administering the Early Childhood Block Grant................. $685,600
For operational costs and reimbursement to a parent or guardian under the transportation provisions of Section 29-5.2 of the School Code....... $15,120,000
For funding the Teachers' Academy for Math and Science............... $7,001,900
For operational costs of the Residential Services Authority for Behavior Disorders and Severely Emotionally Disturbed Children and Adolescents............... $500,000
For all costs associated with administering Alternative Education Programs for disruptive students pursuant to Article 13A of the School Code........... $17,852,000

New matter indicated by italics - deletions by strikeout.
For operational costs and grants for the Alternative Learning Opportunities Program... $1,000,000
For operational costs and grants for schools associated with the Academic Early Warning List and other at-risk schools... $4,350,000
For all costs associated with ISBE regional services, including, but not limited to: ROE Audits, ISBE Services as ROE, ROE Technology, GED Testing, Administrators Academy, and the Leadership Development Institute... $3,444,300
For costs associated with the Association of Illinois Middle-Level Schools Program... $100,000
For funding the Illinois State Board of Education Technology Program... $256,300
For all costs associated with providing the loan of textbooks to students under Section 18-17 of the School Code... $30,192,100 $21,641,900
For Payment to the Early Intervention Revolving Fund for costs associated with Early Intervention Program at the Department of Human Services. Payments shall be made in 12 equal amounts on or about the 15th of each month... $71,480,000
For grants associated with the Illinois Economic Education program... $150,000
Total, this Section... $283,125,100

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

PUBLIC ACT 92-0505
(Senate Bill No. 1174)
AN ACT concerning government employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 6.5 and 6.6 as follows:
(5 ILCS 375/6.5)
(Section scheduled to be repealed on July 1, 2004)
Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.
(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.
(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.
(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the

New matter indicated by italics - deletions by strikeout.
transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers' Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995. For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged in Fiscal Year 2002. For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged in Fiscal Year 2003.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System.

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System.

(4) The balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code.
Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.

(h) Continuation and termination of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis through June 30, 2004. The program of health benefits provided under this Section is terminated on July 1, 2004.

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Repeal. This Section is repealed on July 1, 2004.
(Source: P.A. 89-21, eff. 6-21-95; 89-25, eff. 6-21-95.)
(5 ILCS 375/6.6)
(Section scheduled to be repealed on July 1, 2004)
Sec. 6.6. Contributions to the Teacher Health Insurance Security Fund.

(a) Beginning July 1, 1995, all active contributors of the Teachers' Retirement System (established under Article 16 of the Illinois Pension Code) who are not employees of a department as defined in Section 3 of this Act shall make contributions toward the cost of annuitant and survivor health benefits. These contributions shall be at the following rates: until January 1, 2002, rate of 0.5% of salary; beginning January 1, 2002, 0.65% of salary; beginning July 1, 2003, 0.75% of salary.

These contributions shall be deducted by the employer and paid to the System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect contributions received from school districts and other covered employers under Sections 16-154 and 16-155 of the Illinois Pension Code.

An employer may agree to pick up or pay the contributions required under this subsection on behalf of the teacher; such contributions shall be deemed to have been paid by the teacher. Beginning January 1, 2002, if the employer does not directly pay the required member contribution, then the employer shall reduce the member's salary by an amount equal to the required contribution and shall then pay the contribution on behalf of the member. This reduction shall not change the amounts reported as creditable earnings to the Teachers' Retirement System.

A person who purchases optional service credit under Article 16 of the Illinois Pension Code for a period after June 30, 1995 must also make a contribution under this subsection for that optional credit, at the rate provided in subsection (a), based on 50% of the salary used in computing the optional service credit, plus interest on this employee contribution. This contribution shall be collected by the System as service agent for the Department of Central Management Services. The contribution required under this subsection for the optional service credit must be paid in full before any annuity based on that credit begins.

(a-5) Beginning January 1, 2002, every employer of a teacher (other than an employer that is a department as defined in Section 3 of this Act) shall pay an employer contribution toward the cost

New matter indicated by italics - deletions by strikeout.
of annuitant and survivor health benefits. These contributions shall be computed as follows:

(1) Beginning January 1, 2002 through June 30, 2003, the employer contribution shall be equal to 0.4% of each teacher's salary.

(2) Beginning July 1, 2003, the employer contribution shall be equal to 0.5% of each teacher's salary.

These contributions shall be paid by the employer to the System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect contributions received from school districts and other covered employers under the Illinois Pension Code.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

(b) The Teachers' Retirement System shall promptly deposit all moneys collected under subsection (a) and (a-5) of this Section into the Teacher Health Insurance Security Fund created in Section 6.5 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.5 of this Act and shall not be considered to be assets of the Teachers' Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(c) On or before November 15 of each year, the Board of Trustees of the Teachers' Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section 6.6 for the next fiscal year. The amount certified shall be decreased or increased each year by the amount that the actual active teacher contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this amendatory Act of the 92nd General Assembly Section, the Board shall recalculate and recertify its certifications for fiscal years 2002 and 2003 submit its estimate for fiscal year 1996.

(d) Beginning in fiscal year 1996, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Teacher Health Insurance Security Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Teacher Health Insurance Security Fund under Section 1.3 of the State Pension Funds Continuing Appropriation Act.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 16 of the Illinois Pension Code apply to this Section.

(f) This Section is repealed on July 1, 2004.

(20 ILCS 405/405-22 new)

Sec. 405-22. Teacher Health Insurance Funding Task Force.

(a) A Teacher Health Insurance Funding Task Force is hereby created within the Department of Central Management Services. The Task Force shall consist of 23 members appointed as follows:

(1) Three members appointed by the President of the Senate.

(2) Three members appointed by the Minority Leader of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Minority Leader of the House of Representatives.

(5) One member appointed by the Illinois Retired Teachers Association.

(6) One member appointed by the Illinois Education Association.

(7) One member appointed by the Illinois Federation of Teachers.

(8) One member appointed by the Illinois Association of School Boards.

(9) One member appointed by the Illinois Association of School Administrators.

(10) One member appointed by the Illinois Association of School Business Officials.

(11) Three members appointed by the Governor, including one who has experience in the
insurance industry.
(12) The Director of Central Management Services, ex officio, or a person designated by the Director.
(13) The Executive Director of the Teachers' Retirement System of Illinois, ex officio, or a person designated by the Executive Director.
Entities making appointments shall do so by filing their respective designations, in writing, with the Director of Central Management Services.
One of the members appointed by the Governor shall serve as the Chair of the Task Force.
(b) The Task Force shall convene on December 1, 2001 and thereafter meet at the call of the chair. Members of the Task Force shall not be compensated for their service.
(c) The Task Force shall study the funding of the Teacher Health Insurance Security Fund and the health benefit programs that receive funding from that Fund.
The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before April 1, 2002.
(d) The Task Force is abolished and this Section is repealed on July 1, 2002.
Section 15. The State Finance Act is amended by changing Section 8g as follows:
(30 ILCS 105/8g)
Sec. 8g. Transfers from General Revenue Fund.
(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.
(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.
(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.
(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.
Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.
(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.
(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.
(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law,
at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2007, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the General Revenue Fund</td>
<td>$8,450,000</td>
</tr>
<tr>
<td>From the Public Utility Fund</td>
<td>1,700,000</td>
</tr>
<tr>
<td>From the Transportation Regulatory Fund...........</td>
<td>2,650,000</td>
</tr>
<tr>
<td>From the Title III Social Security and Employment Fund</td>
<td>3,700,000</td>
</tr>
<tr>
<td>From the Professions Indirect Cost Fund..........</td>
<td>4,050,000</td>
</tr>
<tr>
<td>From the Underground Storage Tank Fund..........</td>
<td>550,000</td>
</tr>
<tr>
<td>From the Agricultural Premium Fund.................</td>
<td>750,000</td>
</tr>
<tr>
<td>From the State Pensions Fund.......................</td>
<td>200,000</td>
</tr>
<tr>
<td>From the Road Fund.................................</td>
<td>2,000,000</td>
</tr>
<tr>
<td>From the Health Facilities Planning Fund..........</td>
<td>1,000,000</td>
</tr>
<tr>
<td>From the Savings and Residential Finance Regulatory Fund</td>
<td>130,800</td>
</tr>
<tr>
<td>From the Appraisal Administration Fund............</td>
<td>28,600</td>
</tr>
<tr>
<td>From the Pawnbroker Regulation Fund...............</td>
<td>3,600</td>
</tr>
<tr>
<td>From the Auction Regulation Administration Fund...</td>
<td>35,800</td>
</tr>
<tr>
<td>From the Bank and Trust Company Fund..............</td>
<td>634,800</td>
</tr>
<tr>
<td>From the Real Estate License Administration Fund..</td>
<td>313,600</td>
</tr>
</tbody>
</table>

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00; 92-11, eff. 6-11-01.)

Section 20. The Illinois Pension Code is amended by changing Section 16-158 as follows:
Sec. 16-158. Contributions by State and other employing units.

(a) The State shall make contributions to the System by means of appropriations from the Common School Fund and other State funds of amounts which, together with other employer contributions, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (b-3).

(a-1) Annually, on or before November 15, the board shall certify to the Governor the amount of the required State contribution for the coming fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

(b) Through State fiscal year 1995, the State contributions shall be paid to the System in accordance with Section 18-7 of the School Code.

(b-1) Beginning in State fiscal year 1996, on the 15th day of each month, or as soon thereafter as may be practicable, the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a-1). These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year.

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this subsection, the difference shall be paid from the Common School Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(b-2) Allocations from the Common School Fund apportioned to school districts not coming under this System shall not be diminished or affected by the provisions of this Article.

(b-3) For State fiscal years 2011 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2010, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a), and notwithstanding any contrary certification made under subsection (a-1) before the effective date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY 2003; 13.56% in FY 2004; 14.25% in FY 2005; 14.95% in FY 2006; 15.65% in FY 2007; 16.34% in FY 2008; 17.04% in FY 2009; and 17.74% in FY 2010.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

(c) Payment of the required State contributions and of all pensions, retirement annuities, death benefits, refunds, and other benefits granted under or assumed by this System, and all expenses in connection with the administration and operation thereof, are obligations of the State.

If members are paid from special trust or federal funds which are administered by the employing unit, whether school district or other unit, the employing unit shall pay to the System from such funds the full accruing retirement costs based upon that service, as determined by the System. Employer contributions, based on salary paid to members from federal funds, may be forwarded by the distributing agency of the State of Illinois to the System prior to allocation, in an amount
determined in accordance with guidelines established by such agency and the System.

(d) Effective July 1, 1986, any employer of a teacher as defined in paragraph (8) of Section 16-106 shall pay the employer's normal cost of benefits based upon the teacher's service, in addition to employee contributions, as determined by the System. Such employer contributions shall be forwarded monthly in accordance with guidelines established by the System.

However, with respect to benefits granted under Section 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8) of Section 16-106, the employer's contribution shall be 12% (rather than 20%) of the member's highest annual salary rate for each year of creditable service granted, and the employer shall also pay the required employee contribution on behalf of the teacher. For the purposes of Sections 16-133.4 and 16-133.5, a teacher as defined in paragraph (8) of Section 16-106 who is serving in that capacity while on leave of absence from another employer under this Article shall not be considered an employee of the employer from which the teacher is on leave.

(e) Beginning July 1, 1998, every employer of a teacher shall pay to the System an employer contribution computed as follows:

1. Beginning July 1, 1998 through June 30, 1999, the employer contribution shall be equal to 0.3% of each teacher's salary.
2. Beginning July 1, 1999 and thereafter, the employer contribution shall be equal to 0.58% of each teacher's salary.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

These employer contributions are intended to offset a portion of the cost to the System of the increases in retirement benefits resulting from this amendatory Act of 1998.

Each employer of teachers is entitled to a credit against the contributions required under this subsection (e) with respect to salaries paid to teachers for the period January 1, 2002 through June 30, 2003, equal to the amount paid by that employer under subsection (a-5) of Section 6.6 of the State Employees Group Insurance Act of 1971 with respect to salaries paid to teachers for that period.

The additional 1% employee contribution required under Section 16-152 by this amendatory Act of 1998 is the responsibility of the teacher and not the teacher's employer, unless the employer agrees, through collective bargaining or otherwise, to make the contribution on behalf of the teacher.

If an employer is required by a contract in effect on May 1, 1998 between the employer and an employee organization to pay, on behalf of all its full-time employees covered by this Article, all mandatory employee contributions required under this Article, then the employer shall be excused from paying the employer contribution required under this subsection (e) for the balance of the term of that contract. The employer and the employee organization shall jointly certify to the System the existence of the contractual requirement, in such form as the System may prescribe. This exclusion shall cease upon the termination, extension, or renewal of the contract at any time after May 1, 1998.

(Source: P.A. 90-582, eff. 5-27-98.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved December 20, 2001.
Sec. 3.70. Emergency Medical Dispatcher.

(a) "Emergency Medical Dispatcher" means a person who has successfully completed a training course in emergency medical dispatching course meeting or exceeding the national curriculum of the United States Department of Transportation in accordance with rules adopted by the Department pursuant to this Act, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. The Emergency Medical Dispatcher must use the Department-approved emergency medical dispatch priority reference system (EMDPRS) protocol selected for use by its agency and approved by its EMS medical director. This protocol must be used by an emergency medical dispatcher in an emergency medical dispatch agency to dispatch aid to medical emergencies which includes systematized caller interrogation questions; systematized prearrival support instructions; and systematized coding protocols that match the dispatcher’s evaluation of the injury or illness severity with the vehicle response mode and vehicle response configuration and includes an appropriate training curriculum and testing process consistent with the specific EMDPRS protocol used by the emergency medical dispatch agency. Prearrival support instructions shall be provided in a non-discriminatory manner and shall be provided in accordance with the EMDPRS established by the EMS medical director of the EMS system in which the EMD operates. may or may not provide prearrival medical instructions to the caller, at the discretion of the entity or agency that employs him. Such instructions shall be provided in accordance with protocols established by the EMS Medical Director of the EMS System in which the dispatcher operates. If the dispatcher operates under the authority of an Emergency Telephone System Board established under the Emergency Telephone System Act, the protocols shall be established by such Board in consultation with the EMS Medical Director. Persons who have already completed a course of instruction in emergency medical dispatch based on, equivalent to or exceeding the national curriculum of the United States Department of Transportation, or as otherwise approved by the Department, shall be considered Emergency Medical Dispatchers on the effective date of this amendatory Act.

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

(1) Require certification and recertification of a person who meets the training and other requirements as an emergency medical dispatcher pursuant to this Act.

(2) Require certification and recertification of a person, organization, or government agency that operates an emergency medical dispatch agency that meets the minimum standards prescribed by the Department for an emergency medical dispatch agency pursuant to this Act.

(3) Prescribe minimum education and continuing education requirements for the Emergency Medical Dispatcher, which meet or exceed the national curriculum of the United States Department of Transportation, through rules adopted pursuant to this Act.

(4) Require each EMS Medical Director to report to the Department whenever an action has taken place that may require the revocation or suspension of a certificate issued by the Department.

(5) Require each EMD to provide prearrival instructions in compliance with protocols selected and approved by the system's EMS medical director and approved by the Department.

(2) Require the Emergency Medical Dispatcher to notify the Department of the EMS System(s) in which he operates;

(3) Require the Emergency Medical Dispatcher who provides prearrival instructions to callers to comply with the protocols for such instructions established by the EMS Medical Director(s) and Emergency Telephone System Board or Boards, or in the absence of an Emergency Telephone System Board or Boards the governmental agency performing the duties of an Emergency Telephone System Board or Boards, of the EMS System or Systems in which he operates.

(6) Require the Emergency Medical Dispatcher to keep the Department currently informed as to the entity or agency that employs or supervises his activities as an Emergency Medical Dispatcher.

(5) Establish a mechanism for phasing in the Emergency Medical Dispatcher.
requirements over a five-year period;
(7) Establish an annual recertification requirement that requires at least 12 hours of medical dispatch-specific continuing education each year.
(8) Approve all EMDPRS protocols used by emergency medical dispatch agencies to assure compliance with national standards.
(9) Require that Department-approved emergency medical dispatch training programs are conducted in accordance with national standards.
(10) Require that the emergency medical dispatch agency be operated in accordance with national standards, including, but not limited to, (i) the use on every request for medical assistance of an emergency medical dispatch priority reference system (EMDPRS) in accordance with Department-approved policies and procedures and (ii) under the approval and supervision of the EMS medical director, the establishment of a continuous quality improvement program.
(11) Require that a person may not represent himself or herself, nor may an agency or business represent an agent or employee of that agency or business, as an emergency medical dispatcher unless certified by the Department as an emergency medical dispatcher.
(12) Require that a person, organization, or government agency not represent itself as an emergency medical dispatch agency unless the person, organization, or government agency is certified by the Department as an emergency medical dispatch agency.
(13) Require that a person, organization, or government agency may not offer or conduct a training course that is represented as a course for an emergency medical dispatcher unless the person, organization, or agency is approved by the Department to offer or conduct that course.
(14) Require that Department-approved emergency medical dispatcher training programs are conducted by instructors licensed by the Department who:
   (i) are, at a minimum, certified as emergency medical dispatchers;
   (ii) have completed a Department-approved course on methods of instruction;
   (iii) have previous experience in a medical dispatch agency; and
   (iv) have demonstrated experience as an EMS instructor.
(15) Establish criteria for modifying or waiving Emergency Medical Dispatcher requirements based on (i) the scope and frequency of dispatch activities and the dispatcher's access to training or (ii) whether the previously-attended dispatcher training program merits automatic recertification for the dispatcher.
(Source: P.A. 89-177, eff. 7-19-95.)
Section 99. Effective date. This Act takes effect on January 1, 2002.
Certified by the Governor January 1, 2002.
Effective January 1, 2002.

AN ACT in relation to schools.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-16 as follows:
(235 ILCS 5/6-16) (from Ch. 43, par. 131)
Sec. 6-16. Prohibited sales and possession.
(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled

New matter indicated by italics - deletions by strikeout.
as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Any person who violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, may refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

However, no agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or
otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and
(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and
(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(e) Except as otherwise provided in this Act, any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the alcoholic liquor (i) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor or (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

(Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97; 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff. 8-13-98.)

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


Certified by the Governor January 1, 2002.

Effective January 1, 2002.

PUBLIC ACT 92-0508
(House Bill No. 0549)

New matter indicated by italics - deletions by strikeout.
AN ACT concerning public defenders.

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

Section 5. The Counties Code is amended by changing Section 3-4007 as follows:

(55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

Sec. 3-4007. Compensation.

(a) The public defender shall be paid out of the county treasury, and the State treasury as provided in subsection (b), as the sole compensation for his or her services a salary in such amount as shall be fixed by the County Board. Which salary in counties of less than 500,000 population but in excess of 100,000 shall not be less than 40% nor more than 100% of the compensation of the State's Attorneys of such counties and in counties of 100,000 or less population shall not be less than 25% nor more than 100% of the compensation of the State's Attorneys of such counties. When a Public Defender in a county of 30,000 or more population is receiving not less than 90% of the compensation of the State's Attorney of such county, that Public Defender shall not engage in the private practice of law.

(b) The State treasury must pay 66 2/3% of the public defender's annual salary. If the public defender is employed full-time in that capacity, his or her salary must be at least 90% of that county's State's attorney's annual compensation. These amounts furnished by the State shall be payable monthly from the State treasury to the county in which each Public Defender is employed.

(c) In cases where 2 or more adjoining counties have joined to form a common office of Public Defender, the salary of the Public Defender shall be set and paid as provided by a joint resolution of the various county boards involved.

(Source: P.A. 86-962.)

Section 99. Effective date. This Act takes effect July 1, 2002.


Certified by the Governor January 1, 2002.

Effective July 1, 2002.

AN ACT concerning zoning.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-13-1 as follows:

(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

Sec. 11-13-1. To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the corporate authorities in each municipality have the following powers:

(1) To regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit, subject to the provisions of Division 14 of this Article 11, the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin; (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings,
intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings, or structures incompatible with the character of such districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13; (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage or adoption and maintaining a common household; and (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977.

The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the county in which such municipality is situated has adopted "An Act in relation to county zoning", approved June 12, 1935, as amended. Nothing in this Section prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted a zoning ordinance and the county that adopted the zoning ordinance from entering into an intergovernmental agreement that allows the municipality to exercise its zoning powers beyond its territorial limits; provided, however, that the intergovernmental agreement must be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps. No such intergovernmental agreement may authorize a municipality to exercise its zoning powers, other than powers that a county may exercise under Section 5-12001 of the Counties Code, with respect to land used for agricultural purposes. This amendatory Act of the 92nd General Assembly is declarative of existing law. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code. If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality which has been zoned in accordance with the provisions of this Division 13 is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions (a) for the elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) for the elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and (c) for the elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.

New matter indicated by italics - deletions by strikeout.
This amendatory Act of 1971 does not apply to any municipality which is a home rule unit. (Source: P.A. 90-522, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.
Certified by the Governor January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0510
(House Bill No. 1356)

AN ACT concerning speech.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 21-14 and adding Sections 14-1.09b, 14-1.09c, and 14-6.03 as follows:
(105 ILCS 5/14-1.09b new)
Sec. 14-1.09b. Speech-language pathologist. For purposes of supervision of a speech-language pathology assistant, "speech-language pathologist" means a person who has received a license pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act to engage in the practice of speech-language pathology.
(105 ILCS 5/14-1.09c new)
Sec. 14-1.09c. Speech-language pathology assistant. "Speech-language pathology assistant" means a person who has received a license to assist a speech-language pathologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act.
(105 ILCS 5/14-6.03 new)
Sec. 14-6.03. Speech-language pathology assistants.
(a) Except as otherwise provided in this subsection, on or after January 1, 2002, no person shall perform the duties of a speech-language pathology assistant without first applying for and receiving a license for that purpose from the Department of Professional Regulation. A person employed as a speech-language pathology assistant in any class, service, or program authorized by this Article may perform only those duties authorized by this Section under the supervision of a speech-language pathologist as provided in this Section. This Section does not apply to speech-language pathology paraprofessionals approved by the State Board of Education.
(b) A speech-language pathology assistant may not be assigned his or her own student caseload. The student caseload limit of a speech-language pathologist who supervises any speech-language pathology assistants shall be determined by the severity of the needs of the students served by the speech-language pathologist. A full-time speech-language pathologist's caseload limit may not exceed 80 students (60 students on or after September 1, 2003) at any time. The caseload limit of a part-time speech-language pathologist shall be determined by multiplying the caseload limit of a full-time speech-language pathologist by a percentage that equals the number of hours worked by the part-time speech-language pathologist divided by the number of hours worked by a full-time speech-language pathologist in that school district. Employment of a speech-language pathology assistant may not increase or decrease the caseload of the supervising speech-language pathologist.
(c) A school district that intends to utilize the services of a speech-language pathology assistant must provide written notification to the parent or guardian of each student who will be served by a speech-language pathology assistant.
(d) The scope of responsibility of a speech-language pathology assistant shall be limited to supplementing the role of the speech-language pathologist in implementing the treatment program established by a speech-language pathologist. The functions and duties of a speech-language pathology assistant shall be limited to the following:
(1) Conducting speech-language screening, without interpretation, and using screening protocols selected by the supervising speech-language pathologist.
(2) Providing direct treatment assistance to students under the supervision of a

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speech-language pathologist.

(3) Following and implementing documented treatment plans or protocols developed by a supervising speech-language pathologist.

(4) Documenting student progress toward meeting established objectives, and reporting the information to a supervising speech-language pathologist.

(5) Assisting a speech-language pathologist during assessments, including, but not limited to, assisting with formal documentation, preparing materials, and performing clerical duties for a supervising speech-language pathologist.

(6) Acting as an interpreter for non-English speaking students and their family members when competent to do so.

(7) Scheduling activities and preparing charts, records, graphs, and data.

(8) Performing checks and maintenance of equipment, including, but not limited to, augmentative communication devices.

(9) Assisting with speech-language pathology research projects, in-service training, and family or community education.

(e) A speech-language pathology assistant may not:

(1) perform standardized or nonstandardized diagnostic tests or formal or informal evaluations or interpret test results;

(2) screen or diagnose students for feeding or swallowing disorders;

(3) participate in parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-language pathologist;

(4) provide student or family counseling;

(5) write, develop, or modify a student's individualized treatment plan;

(6) assist with students without following the individualized treatment plan prepared by the supervising speech-language pathologist;

(7) sign any formal documents, such as treatment plans, reimbursement forms, or reports;

(8) select students for services;

(9) discharge a student from services;

(10) disclose clinical or confidential information, either orally or in writing, to anyone other than the supervising speech-language pathologist;

(11) make referrals for additional services;

(12) counsel or consult with the student, family, or others regarding the student's status or service;

(13) represent himself or herself to be a speech-language pathologist or a speech therapist;

(14) use a checklist or tabulate results of feeding or swallowing evaluations; or

(15) demonstrate swallowing strategies or precautions to students, family, or staff.

(f) A speech-language pathology assistant shall practice only under the supervision of a speech-language pathologist who has at least 2 years experience in addition to the supervised professional experience required under subsection (f) of Section 8 of the Illinois Speech-Language Pathology and Audiology Practice Act. A speech-language pathologist who supervises a speech-language pathology assistant must have completed at least 10 clock hours of training in the supervision of speech-language pathology assistants. The State Board of Education shall promulgate rules describing the supervision training requirements. The rules may allow a speech-language pathologist to apply to the State Board of Education for an exemption from this training requirement based upon prior supervisory experience.

(g) A speech-language pathology assistant must be under the direct supervision of a speech-language pathologist at least 30% of the speech-language pathology assistant's actual student contact time per student for the first 90 days of initial employment as a speech-language pathology assistant. Thereafter, the speech-language pathology assistant must be under the direct supervision of a speech-language pathologist at least 20% of the speech-language pathology assistant's actual student contact time per student. Supervision of a speech-language pathology assistant beyond the minimum requirements of this subsection may be imposed at the discretion of the supervising speech-language pathologist. A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant whenever the assistant is in contact with

New matter indicated by italics - deletions by strikeout.
a student.

(h) A speech-language pathologist that supervises a speech-language pathology assistant must document direct supervision activities. At a minimum, supervision documentation must provide (i) information regarding the quality of the speech-language pathology assistant's performance of assigned duties and (ii) verification that clinical activity is limited to duties specified in this Section.

(i) A full-time speech-language pathologist may supervise no more than 2 speech-language pathology assistants. A speech-language pathologist that does not work full-time may supervise no more than one speech-language pathology assistant.

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

Sec. 21-14. Registration and renewal of certificates.

(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;
(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing at least 8 semester hours of coursework as described in subdivision (A) of paragraph (3) of this subsection (e); (ii) earning at least 24 continuing education units as described in subdivision (B) of paragraph (3) of this subsection (e); (iii) completing the National Board for Professional Teaching Standards process as described in subdivision (C) of paragraph (3) of this subsection (e); or (iv) earning 120 continuing professional development units ("CPDU") as described in subdivision (D) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (E) through (I) of paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C) and may reflect purpose (D) of the following continuing professional development purposes:

New matter indicated by italics - deletions by strikeout.
(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(B) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(C) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of this subsection (e) of this Section;

(D) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (E) through (I) of this paragraph (3);

(E) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and
committees;
   (ii) peer review and coaching;
   (iii) mentoring in a formal mentoring program, including service as a consulting
teacher participating in a remediation process formulated under Section 24A-5 of this
Code;
   (iv) participating in site-based management or decision making teams, relevant
committees, boards, or task forces directly related to school improvement plans;
   (v) coordinating community resources in schools, if the project is a specific goal of
the school improvement plan;
   (vi) facilitating parent education programs for a school, school district, or regional
office of education directly related to student achievement or school improvement plans;
   (vii) participating in business, school, or community partnerships directly related to
student achievement or school improvement plans;
   (viii) supervising a student teacher or teacher education candidate in clinical
supervision, provided that the supervision may only be counted once during the course
of 5 years;
(F) college or university coursework related to improving the teacher's knowledge and
skills as a teacher as follows:
   (i) completing undergraduate or graduate credit earned from a regionally accredited
institution in coursework relevant to the certificate area being renewed, provided the
coursework meets Illinois Professional Teaching Standards or Illinois Content Area
Standards and supports the essential characteristics of quality professional development;
or
   (ii) teaching college or university courses in areas relevant to the certificate area
being renewed, provided that the teaching may only be counted once during the course
of 5 years;
(G) conferences, workshops, institutes, seminars, and symposiums related to improving
the teacher's knowledge and skills as a teacher, including the following:
   (i) completing non-university credit directly related to student achievement, school
improvement plans, or State priorities;
   (ii) participating in or presenting at workshops, seminars, conferences, institutes, and
symposiums;
   (iii) training as external reviewers for Quality Assurance;
   (iv) training as reviewers of university teacher preparation programs;
(H) other educational experiences related to improving the teacher's knowledge and skills
as a teacher, including the following:
   (i) participating in action research and inquiry projects;
   (ii) observing programs or teaching in schools, related businesses, or industry that is
systematic, purposeful, and relevant to certificate renewal;
   (iii) traveling related to ones teaching assignment, directly related to student
achievement or school improvement plans and approved at least 30 days prior to the
travel experience, provided that the traveling shall not include time spent commuting to
destinations where the learning experience will occur;
   (iv) participating in study groups related to student achievement or school
improvement plans;
   (v) serving on a statewide education-related committee, including but not limited to
the State Teacher Certification Board, State Board of Education strategic agenda teams,
or the State Advisory Council on Education of Children with Disabilities;
   (vi) participating in work/learn programs or internships; or
(I) professional leadership experiences related to improving the teacher's knowledge and
skills as a teacher, including the following:
   (i) participating in curriculum development or assessment activities at the school,
school district, regional office of education, State, or national level;
   (ii) participating in team or department leadership in a school or school district;
   (iii) participating on external or internal school or school district review teams;
(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or
(v) participating in non-strike related professional association or labor organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;
(2) maintain a file of approved certificate renewal plans;
(3) monitor certificate holders' progress in completing approved certificate renewal plans;
(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;
(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;
(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;
(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and
(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee's determination.

New matter indicated by italics - deletions by strikeout.
development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The State Board of Education and the State Teacher Certification Board shall jointly provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;
(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;
(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along
with all supporting documentation as jointly required by the State Board of Education and the State Teacher Certification Board, to the regional superintendent of schools;
(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;
(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and
(F) the established registration fee for the Standard Teaching Certificate has been paid.

At the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the State Teacher Certification Board, provided that if the notice provided by the regional superintendent of schools to the State Teacher Certification Board includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall
apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The State Board of Education and the State Teacher Certification Board shall jointly provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored jointly by the State Board of Education and the State Teacher Certification Board.

(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code. A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching
Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than $1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed $1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee. Each regional office of education shall receive $2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.

(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 3, 3.5, 7, 8, 10, 11, 13, 16, 16.5, 18, 26, 27, 28, 29, 29.5, and 31a and adding Sections 8.5, 8.6, 8.7 and 8.8 as follows:

Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(a) "Department" means the Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Speech-Language Pathology and Audiology established under Section 5 of this Act.
(d) "Speech-Language Pathologist" means a person who has received a license pursuant to this Act and who engages in the practice of speech-language pathology.
(e) "Audiologist" means a person who has received a license pursuant to this Act and who engages in the practice of audiology.
(f) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.
(g) "The practice of audiology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing. These procedures are for the purpose of counseling, consulting and rendering or offering to render services or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders involving speech, language or auditory function related to hearing loss. The practice of audiology may include, but shall not be limited to, the following:

(1) any task, procedure, act, or practice that is necessary for the evaluation of hearing or vestibular function;
(2) training in the use of amplification, including hearing aids;
(3) performing basic speech and language screening tests and procedures consistent with audiology training.
(h) "The practice of speech-language pathology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, and modification related to communication development, and disorders or disabilities of speech, language, voice, swallowing, and other speech, language and voice related disorders. These procedures are for the purpose of counseling, consulting and rendering or offering to render services, or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice and swallowing function.

"The practice of speech-language pathology" shall include, but shall not be limited to, the following:
(1) hearing screening tests and aural rehabilitation procedures consistent with speech-language pathology training;
(2) tasks, procedures, acts or practices that are necessary for the evaluation of, and training in the use of, augmentative communication systems, communication variation, cognitive rehabilitation, non-spoken language production and comprehension.
(i) "Speech-language pathology assistant" means a person who has received a license pursuant to this Act to assist a speech-language pathologist in the manner provided in this Act.
(Source: P.A. 90-69, eff. 7-8-97.)
(225 ILCS 110/3.5)
Sec. 3.5. Exemptions. This Act does not prohibit:
(a) The practice of speech-language pathology or audiology by students in their course of study in programs approved by the Department when acting under the direction and supervision of licensed speech-language pathologists or audiologists.
(b) The performance of any speech-language pathology service by a speech-language pathology assistant or a speech-language pathology paraprofessional if such service is performed under the supervision and full responsibility of a licensed speech-language pathologist. A speech language pathology assistant may perform only those duties authorized by Section 8.7 under the supervision of a speech-language pathologist as provided in Section 8.8.
(b-5) The performance of an audiology service by an appropriately trained person if that service is performed under the supervision and full responsibility of a licensed audiologist.
(c) The performance of audiometric testing for the purpose of industrial hearing conservation by an audiometric technician certified by the Council of Accreditation for Occupational Hearing Conservation (CAOHC).
(d) The performance of an audiometric screening by an audiometric screenings technician certified by the Department of Public Health.
(e) The selling or practice of fitting, dispensing, or servicing hearing instruments by a hearing instrument dispenser licensed under the Hearing Instrument Consumer Protection Act.
(f) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.
(g) The performance of vestibular function testing by an appropriately trained person under the supervision of a physician licensed to practice medicine in all its branches.
(Source: P.A. 90-69, eff. 7-8-97.)
(225 ILCS 110/7) (from Ch. 111, par. 7907)
Sec. 7. Licensure requirement. On or after June 1, 1989, no person shall practice speech-language pathology or audiology without first applying for and obtaining a license for such purpose from the Department. Except as provided in this Section, on or after January 1, 2002, no person shall perform the functions and duties of a speech-language pathology assistant without first applying for and obtaining a license for that purpose from the Department.
(Source: P.A. 90-69, eff. 7-8-97.)
(225 ILCS 110/8) (from Ch. 111, par. 7908)
Sec. 8. Qualifications for licenses to practice speech-language pathology or audiology. The Department shall require that each applicant for a license to practice speech-language pathology or audiology shall:
(a) (Blank);
(b) be at least 21 years of age;
(c) not have violated any provisions of Section 16 of this Act;
(d) present satisfactory evidence of receiving a master's degree in speech-language pathology or audiology from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;
(e) pass an examination authorized by the Department in the theory and practice of the profession, provided that the Department may recognize a certificate granted by the American Speech-Language-Hearing Association in lieu of such examination; and
(f) have completed the equivalent of 9 months of full-time, supervised professional
experience.
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
(Source: P.A. 89-387, eff. 8-20-95; 90-69, eff. 7-8-97.)
(225 ILCS 110/8.5 new)
Sec. 8.5. Qualifications for licenses as a speech-language pathology assistant. (a) A person is qualified to be licensed as a speech-language pathology assistant if that person has applied in writing on forms prescribed by the Department, has paid the required fees, and meets both of the following criteria:

(1) Is of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to licensure.

(2) Has received an associate degree from a speech-language pathology assistant program that has been approved by the Department and that meets the minimum requirements set forth in Section 8.6.
(b) Until January 1, 2004, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on the effective date of this amendatory Act of the 92nd General Assembly shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee.
(225 ILCS 110/8.6 new)
Sec. 8.6. Minimum Requirements for Speech-language pathology assistant programs.
(a) An applicant for licensure as a speech-language pathology assistant must have earned 60 semester credit hours in a program of study that includes general education and the specific knowledge and skills for a speech-language pathology assistant. The curriculum of a speech-language pathology assistant program must include all of the following content, as further provided by rule promulgated by the Department:

(1) Thirty-six semester credit hours in general education.

(2) Twenty-four semester credit hours in technical content areas designed to provide students with knowledge and skills required for speech-language pathology assistants, which must include (i) an overview of normal processes of communication; (ii) an overview of communication disorders; (iii) instruction in speech-language pathology assistant-level service delivery practices; (iv) instruction in workplace behaviors; (v) cultural and linguistic factors in communication; and (vi) observation.

(3) Completion of at least 100 hours of supervised field work experiences supervised by a licensed speech-language pathologist at least 50% of the time when the student is engaged in contact with the patient or client. An applicant must obtain written verification demonstrating successful completion of the required field work experience, including a description of the setting in which the training was received and an assessment of the student's technical proficiency.
(b) The Department may promulgate rules that change the curriculum requirements of subsection (a) in order to reflect the guidelines for speech-language pathology assistant programs recommended by the American Speech-Language Hearing Association.
(225 ILCS 110/8.7 new)
Sec. 8.7. Duties of speech-language pathology assistants.
(a) The scope of responsibility of speech-language pathology assistants shall be limited to supplementing the role of a speech-language pathologist in implementing the treatment program established by the speech-language pathologist. The functions and duties of a speech-language pathology assistant shall be:

(1) conducting speech-language screening, without interpretation, and using screening protocols developed by the supervising speech-language pathologist;

(2) providing direct treatment assistance to patients or clients, if authorized by and under the supervision of a speech-language pathologist;

New matter indicated by italics - deletions by strikeout.
(3) following and implementing documented treatment plans or protocols developed by a supervising speech-language pathologist;
(4) documenting patient or client progress toward meeting established objectives and reporting the information to a supervising speech-language pathologist;
(5) assisting a speech-language pathologist during assessments, including, but not limited to, assisting with formal documentation, preparing materials, and performing clerical duties for a supervising speech-language pathologist;
(6) acting as an interpreter for non-English speaking patients or clients and their family members when competent to do so;
(7) scheduling activities and preparing charts, records, graphs, and data;
(8) performing checks and maintenance of equipment, including, but not limited to, augmentative communication devices; and
(9) assisting with speech-language pathology research projects, in-service training, and family or community education;

(b) A speech-language pathology assistant may not:
(1) perform standardized or nonstandardized diagnostic tests or formal or informal evaluations or interpret test results;
(2) screen or diagnose patients or clients for feeding or swallowing disorders;
(3) participate in parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising speech-language pathologist;
(4) provide patient or client or family counseling;
(5) write, develop, or modify a patient's or client's individualized treatment plan;
(6) assist with patients or clients without following the individualized treatment plan prepared by the supervising speech-language pathologist;
(7) sign any formal documents such as treatment plans, reimbursement forms, or reports;
(8) select patients or clients for services;
(9) discharge a patient or client from services;
(10) disclose clinical or confidential information, either orally or in writing, to anyone other than the supervising speech-language pathologist;
(11) make referrals for additional services;
(12) counsel or consult with the patient or client, family, or others regarding the patient's or client's status or service;
(13) represent himself or herself to be a speech-language pathologist;
(14) use a checklist or tabulate results of feeding or swallowing evaluations; or
(15) demonstrate swallowing strategies or precautions to patients, family, or staff.

Sec. 8.8. Supervision of speech-language pathology assistants.
(a) A speech-language pathology assistant shall practice only under the supervision of a speech-language pathologist who has at least 2 years experience in addition to the supervised professional experience required under subsection (f) of Section 8 of this Act. A speech-language pathologist who supervises a speech-language pathology assistant must have completed at least 10 clock hours of training in the supervision of speech-language pathology assistants. The Department shall promulgate rules describing the supervision training requirements. The rules may allow a speech-language pathologist to apply to the Board for an exemption from this training requirement based upon prior supervisory experience.

(b) A speech-language pathology assistant must be under the direct supervision of a speech-language pathologist at least 30% of the speech-language pathology assistant's actual patient or client contact time per patient or client during the first 90 days of initial employment as a speech-language pathology assistant. Thereafter, a speech-language pathology assistant must be under the direct supervision of a speech-language pathologist at least 20% of the speech-language pathology assistant's actual patient or client contact time per patient or client. Supervision of a speech-language pathology assistant beyond the minimum requirements of this subsection may be imposed at the discretion of the supervising speech-language pathologist. A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant whenever the assistant is in contact with a patient or client.
(c) A speech-language pathologist that supervises a speech-language pathology assistant must document direct supervision activities. At a minimum, supervision documentation must provide (i) information regarding the quality of the speech-language pathology assistant's performance of assigned duties, and (ii) verification that clinical activity is limited to duties specified in Section 8.7.

(d) A full-time speech-language pathologist may supervise no more than 2 speech-language pathology assistants. A speech-language pathologist that does not work full-time may supervise no more than one speech-language pathology assistant.

(e) For purposes of this Section, "direct supervision" means on-site, in-view observation and guidance by a speech-language pathologist while an assigned activity is performed by the speech-language pathology assistant.

(225 ILCS 110/10) (from Ch. 111, par. 7910)

Sec. 10. List of Speech-Language Pathologists and Audiologists. The Department shall maintain a list of the names and addresses of the speech-language pathologists, speech-language pathology assistants, and audiologists. Such lists shall also be mailed by the Department to any person upon request and payment of the required fee.

(Source: P.A. 85-1391.)

(225 ILCS 110/11) (from Ch. 111, par. 7911)

Sec. 11. Expiration, renewal and restoration of licenses.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. A speech-language pathologist, speech-language pathology assistant, or audiologist may renew such license during the month preceding the expiration date thereof by paying the required fee.

(a-5) All renewal applicants shall provide proof of having met the continuing education requirements set forth in the rules of the Department. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathologist or audiologist to provide proof of completing at least 20 clock hours of continuing education during the 2-year licensing cycle for which he or she is currently licensed. An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during an equivalent licensing cycle under this Act shall be deemed to have met the continuing education requirements of this Act. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathology assistant to provide proof of completing at least 10 clock hours of continuing education during the 2-year period for which he or she currently holds a license. The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing education requirements. The continuing education requirements may be waived in cases of extreme hardship as defined by rule of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

(b) Inactive status.

(1) Any licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(2) Any licensee requesting restoration from inactive status shall be required to (i) pay the current renewal fee; and (ii) demonstrate that he or she has obtained the equivalent of 20 hours of continuing education if the licensee has been inactive for 5 years or more.

(3) Any licensee whose license is in an inactive status shall not practice in the State of Illinois without first restoring his or her license.

(4) Any licensee who shall engage in the practice while the license is lapsed or inactive shall be considered to be practicing without a license which shall be grounds for discipline under Section 16 of this Act.

(c) Any speech-language pathologist, speech-language pathology assistant, or audiologist whose license has expired may have his or her license restored at any time within 5 years after the expiration thereof, upon payment of the required fee.

(d) Any person whose license has been expired for 5 years or more may have his or her license
restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active lawful practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license.

(e) If a person whose license has expired has not maintained active practice in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience, and may require successful completion of an examination.

(f) Any person whose license has expired while he or she has been engaged (1) in federal or State service on active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training or education has been so terminated.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/13) (from Ch. 111, par. 7913)

Sec. 13. Licensing applicants from other States.

Upon payment of the required fee, an applicant who is a speech-language pathologist, speech-language pathology assistant, or audiologist licensed under the laws of another state or territory of the United States, shall without examination be granted a license as a speech-language pathologist, speech-language pathology assistant, or audiologist by the Department:

(a) whenever the requirements of such state or territory of the United States were at the date of licensure substantially equal to the requirements then in force in this State; or

(b) whenever such requirements of another state or territory of the United States together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as speech-language pathologist, speech-language pathology assistant, or audiologist in such state or territory of the United States are substantially equal to the requirements in force in Illinois at the time of application for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist.

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

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/16) (from Ch. 111, par. 7916)

Sec. 16. Refusal, revocation or suspension of licenses.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.

(b) Habitual intoxication or addiction to the use of drugs.

(c) Willful or repeated violations of the rules of the Department of Public Health.

(d) Division of fees or agreeing to split or divide the fees received for speech-language pathology or audiology services with any person for referring an individual, or assisting in the care or treatment of an individual, without the knowledge of the individual or his or her legal representative.

(e) Employing, procuring, inducing, aiding or abetting a person not licensed as a speech-language pathologist or audiologist to engage in the unauthorized practice of speech-language pathology or audiology.

(e-5) Employing, procuring, inducing, aiding, or abetting a person not licensed as a speech-language pathology assistant to perform the functions and duties of a speech-language pathology assistant.

(f) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade or induce patronage.

New matter indicated by italics - deletions by strikeout.
(g) Professional connection or association with, or lending his or her name to another for the illegal practice of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

(h) Obtaining or seeking to obtain checks, money, or any other things of value by false or fraudulent representations, including but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Public Aid.

(i) Practicing under a name other than his or her own.

(j) Improper, unprofessional or dishonorable conduct of a character likely to deceive, defraud or harm the public.

(k) Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(l) Permitting a person under his or her supervision to perform any function not authorized by this Act.

(m) A violation of any provision of this Act or rules promulgated thereunder.

(n) Revocation by another state, the District of Columbia, territory, or foreign nation of a license to practice speech-language pathology or audiology or a license to practice as a speech-language pathology assistant in its jurisdiction if at least one of the grounds for that revocation is the same as or the equivalent of one of the grounds for revocation set forth herein.

(o) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(p) Gross or repeated malpractice resulting in injury or death of an individual.

(q) Willfully making or filing false records or reports in his or her practice as a speech-language pathologist, speech-language pathology assistant, or audiologist, including, but not limited to, false records to support claims against the public assistance program of the Illinois Department of Public Aid.

(r) Professional incompetence as manifested by poor standards of care or mental incompetence as declared by a court of competent jurisdiction.

(s) Repeated irregularities in billing a third party for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

   (i) reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the speech-language pathologist, speech-language pathology assistant, or audiologist for the services rendered;

   (ii) reporting charges for services not rendered; or

   (iii) incorrectly reporting services rendered for the purpose of obtaining payment not earned.

(t) (Blank).

(u) Violation of the Health Care Worker Self-Referral Act.

(v) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(w) Violation of the Hearing Instrument Consumer Protection Act.

(x) Failure by a speech-language pathology assistant and supervising speech-language pathologist to comply with the supervision requirements set forth in Section 8.8.

(y) Willfully exceeding the scope of duties customarily undertaken by speech-language pathology assistants set forth in Section 8.7 that results in, or may result in, harm to the public.

(2) The Department shall deny a license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

New matter indicated by italics - deletions by strikeout.
(3) The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license automatically suspended under this subsection.

(4) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of this examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board may require that individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-69, eff. 7-8-97; 91-949, eff. 2-9-01.)

(225 ILCS 110/16.5)

Sec. 16.5. Advertising. A person licensed under this Act as a speech-language pathologist or audiologist may advertise the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, provided the advertising is truthful and not misleading or deceptive. The Department may adopt rules consistent with this Section.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/18) (from Ch. 111, par. 7918)

Sec. 18. Disciplinary actions.

(a) In case the licensee, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Director, having first received the recommendation of the Board, be suspended, revoked, placed on probationary status or the Director may take whatever disciplinary action he or she may deem proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such
action under this Act.

(b) The Director may temporarily suspend the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, simultaneous to the institution of proceedings for a hearing under this Act, if the Director finds that evidence in his or her possession indicates that a speech-language pathologist's, speech-language pathology assistant's, or an audiologist's continuation in practice would constitute an immediate danger to the public. In the event that the Director temporarily suspends the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, a hearing by the Board must be held within 15 days after such suspension has occurred and concluded without appreciable delay.

(Source: P.A. 90-69, eff. 7-8-97.)

Sec. 26. Confidential Information - Disclosure. In all hearings conducted under this Act, information received, pursuant to law, relating to any information acquired by a speech-language pathologist, speech-language pathology assistant, or audiologist in serving any individual in a professional capacity, and necessary to professionally serve such individual, shall be deemed strictly confidential and shall only be made available, either as part of the record of a hearing hereunder or otherwise;

(a) when such record is required, in its entirety, for purposes of judicial review pursuant to this Act; or

(b) upon the express, written consent of the individual served, or in the case of his or her death or disability, the consent of his or her personal representative.

(Source: P.A. 85-1391.)

Sec. 27. Reports of Violations. Any person licensed under this Act, or any other person, may report to the Department any information such person may have which appears to show that a speech-language pathologist, speech-language pathology assistant, or audiologist is or may be in violation of any of the provisions of this Act.

(Source: P.A. 85-1391.)

Sec. 28. Injunction. The practice of speech-language pathology or audiology by any person not holding a valid and current license under this Act or a person performing the functions and duties of a speech-language pathology assistant without a valid and current license under this Act, is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Director, the Attorney General, the State's attorney of any county in the State or any person may maintain an action in the name of the People of the State of Illinois, and may apply for an injunction in any circuit court to enjoin any such person from engaging in such practice. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further practice. Only the showing of nonlicensure, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in any such unlawful practice, the court, or any judge thereof, may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunction issued under the provisions of this Section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 90-69, eff. 7-8-97.)

Sec. 29. Penalty of unlawful practice - second and subsequent offenses. Any person who practices or offers to practice speech-language pathology or audiology or performs the functions and
duties of a speech-language pathology assistant in this State without being licensed for that purpose, or whose license has been suspended or revoked, or who violates any of the provisions of this Act, for which no specific penalty has been provided herein, is guilty of a Class A misdemeanor.

Any person who has been previously convicted under any of the provisions of this Act and who subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any person is punished as a subsequent offender under this Section, the Director shall proceed to obtain a permanent injunction against such person under Section 29 of this Act.

(Source: P.A. 85-1391.)

(225 ILCS 110/29.5)
Sec. 29.5. Unlicensed practice; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice speech-language pathology or audiology or performs the functions and duties of a speech-language pathology assistant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.
(b) The Department has the authority and power to investigate any and all unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/31a)
Sec. 31a. Advertising services. A speech-language pathologist or audiologist licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(Source: P.A. 91-310, eff. 1-1-00.)

Certified by the Governor January 1, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0511
(House Bill No. 1696)

AN ACT concerning natural resources.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-535 as follows:
(20 ILCS 805/805-535) (was 20 ILCS 805/63b2.2)
Sec. 805-535. Conservation Police Officers. In addition to the arrest powers prescribed by law, Conservation Police Officers are conservators of the peace and as such have all powers possessed by policemen, except that they may exercise those powers anywhere in this State. Conservation Police Officers acting under the authority of this Section are considered employees of the Department and are subject to its direction, benefits, and legal protection.
Any person hired by the Department of Natural Resources after July 1, 2001 for a sworn law enforcement position or position that has arrest authority must meet the following minimum professional standards:

1. At the time of hire, the person must hold (i) a 2-year degree and 3 consecutive years of experience as a police officer with the same law enforcement agency or (ii) a 4-year degree.

2. The person must possess the skill level and demonstrate the ability to swim at a competency level not less than that established by the American Red Cross for skills
equivalent to an intermediate level swimmer.

(3) The person must successfully obtain certification as a police officer under the standards in effect at that time unless that person already holds that certification and must also successfully complete the Conservation Police Academy training program, consisting of not less than 400 hours of training, within one year of hire.

The Department of Natural Resources must adopt an administrative rule listing those disciplines that qualify as directly related areas of study and must also adopt, by listing, the American Red Cross standards and testing points for a skill level equivalent to an intermediate level swimmer.

(Source: P.A. 91-239, eff. 1-1-00.)

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


Certified by the Governor January 1, 2002.

Effective January 1, 2002.

PUBLIC ACT 92-0512
(House Bill No. 2412)

AN ACT in relation to alcoholic liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on
land owned by the Chicago Park District if approved by the Park District Commissioners, or on any
land used for a golf course or for recreational purposes and owned by the Illinois International Port
District if approved by the District's governing board, or at any airport, golf course, faculty center, or
facility in which conference and convention type activities take place belonging to or under control
of any State university or public community college district, provided that with respect to a facility
for conference and convention type activities alcoholic liquors shall be limited to the use of the
convention or conference participants or participants in cultural, political or educational activities held
in such facilities, and provided further that the faculty or staff of the State university or a public
community college district, or members of an organization of students, alumni, faculty or staff of the
State university or a public community college district are active participants in the conference or
convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign
during games in which the Chicago Bears professional football team is playing in that stadium during
the renovation of Soldier Field, not more than one and a half hours before the start of the game and
not after the end of the third quarter of the game, or by a catering establishment which has rented
facilities from a board of trustees of a public community college district, or, if approved by the District
board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others
for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor
in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to
the University of Illinois and used primarily as a grocery store by a commercial tenant during the term
of a lease that predates the University's acquisition of the premises; but the University shall have no
power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic
liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the
acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a
commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license
at the time of the acquisition may continue to do so for so long as the tenant and the County may agree
under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic
liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to
save harmless the State, municipality, State university, airport, golf course, faculty center, facility in
which conference and convention type activities take place, park district, Forest Preserve District,
public community college district, aquarium, museum, or sanitary district from all financial loss,
damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by
municipalities in connection with the operation of an established food serving facility during times
when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and
sold at retail in any building owned by a fire protection district organized under the Fire Protection
District Act, provided that such delivery and sale is approved by the board of trustees of the district,
and provided further that such delivery and sale is limited to fundraising events and to a maximum
of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business
Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection
with organized functions for which the planned attendance is 20 or more persons, and if the person
or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in
maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss,
damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois
State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic
liquor in such building is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions
held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons;
and
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability
insurance in maximum limits so as to save harmless the facility and the State from all
financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided

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that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
(iii) the organized function is one for which the planned attendance is 25 or more persons;
(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and
(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and
c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Preservation Agency provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Preservation Agency, and
c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the
hours from 11 o'clock a.m. until 12 o'clock midnight.
The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.
Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if:
- a. the request is from a not-for-profit organization;
- b. such sales would not impede normal operations of the departments involved;
- c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;
- d. no such sale shall be made during normal working hours of the State of Illinois; and
- e. the consent is in writing.
Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.
Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.
Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.
Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:
- a. Obtains written consent from the controlling government authority;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.
Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.
The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.
Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Preservation Agency where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:
- a. Obtains written consent from the controlling government authority;

New matter indicated by italics - deletions by strikeout.
b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Preservation Agency shall be the Director of the Historic Preservation Agency.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and

New matter indicated by italics - deletions by strikeout.
the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

(Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00; 91-922, eff. 7-7-00.)

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

Certified by the Governor January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0513
(House Bill No. 2528)

AN ACT to amend the Fish and Aquatic Life Code.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Fish and Aquatic Life Code is amended by changing Section 20-35 and adding
Section 1-20.5 as follows:
(515 ILCS 5/1-20.5 new)
Sec. 1-20.5. Aquatic life farm. "Aquatic life farm" means property: (i) containing any or a
combination of levee ponds, a strip mine lake, or other type of lake that has floating cages, raceways,
or other aquatic life rearing equipment and (ii) where the owner of the aquatic life farm has posted
a conspicuous written notice to that effect. If more than one person owns or has title to the lake,
aquatic life farm" means the area of the lake containing the floating cages, raceways, or other
aquatic life rearing equipment.
(515 ILCS 5/20-105) (from Ch. 56, par. 20-35)
Sec. 20-35. Offenses.
(a) Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any
person who is found guilty of violating any of the provisions of this Code, including administrative
rules, shall be guilty of a petty offense.
Any person who violates any of the provisions of Section 10-80, including administrative
rules relating to that Section, shall be guilty of a Class B misdemeanor.
Any person who violates any of the provisions of Section 1-200 or 10-55 of this Code,
including administrative rules relating to those Sections, shall be guilty of a Class A misdemeanor.
Any person who violates any of the provisions of this Code, including administrative rules,
during the 5 years following the revocation of his or her license, permit, or privileges under Section
20-105 shall be guilty of a Class A misdemeanor.
Any person who violates Section 5-25 of this Code, including administrative rules, shall be
 guilty of a Class 3 felony.
(b)(1) It is unlawful for any person to take or attempt to take aquatic life from any aquatic life

New matter indicated by italics - deletions by strikeout.
farm except with the consent of the owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within a 200 foot buffer zone surrounding cages or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 87-798; 87-833; 87-895.)

Certified by the Governor January 1, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0514
(House Bill No. 3172)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 6.4 as follows:

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

Sec. 6.4. Sexual assault evidence collection program.
(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois

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State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, and (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding. The standardized evidence collection kit for the State of Illinois shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K.". A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(Source: P.A. 90-587, eff. 7-1-98; 91-888, eff. 7-6-00.)

Section 99. Effective date. This Act takes effect January 1, 2002.

Certified by the Governor January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0515
(Senate Bill No. 0028)

An Act concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 12-21.6 as follows:
(720 ILCS 5/12-21.6)
Sec. 12-21.6. Endangering the life or health of a child.
(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health.
(b) There is a rebuttable presumption that a person committed the offense if he or she left a child 6 years of age or younger unattended in a motor vehicle for more than 10 minutes.
(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.
(d) (b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be

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sentenced to a term of not less than 2 years and not more than 10 years.
(Source: P.A. 90-687, eff. 7-31-98.)

Certified by the Governor January 1, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0516
(Senate Bill No. 0175)

AN ACT in relation to criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 as follows:
(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily
harm, or permanent disability or disfigurement commits aggravated battery.
(b) In committing a battery, a person commits aggravated battery if he or she:
   (1) Uses a deadly weapon other than by the discharge of a firearm;
   (2) Is hooded, robed or masked, in such manner as to conceal his identity;
   (3) Knows the individual harmed to be a teacher or other person employed in any school
      and such teacher or other employee is upon the grounds of a school or grounds adjacent
      thereto, or is in any part of a building used for school purposes;
   (4) Knows the individual harmed to be a supervisor, director, instructor or other person
      employed in any park district and such supervisor, director, instructor or other employee is
      upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used
      for park purposes;
   (5) Knows the individual harmed to be a caseworker, investigator, or other person
      employed by the State Department of Public Aid, a County Department of Public Aid, or the
      Department of Human Services (acting as successor to the Illinois Department of Public Aid
      under the Department of Human Services Act) and such caseworker, investigator, or other
      person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part
      of a building used for public aid purposes, or upon the grounds of a home of a public aid
      applicant, recipient, or any other person being interviewed or investigated in the employee's
      discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which
      the applicant, recipient, or other such person resides or is located;
   (6) Knows the individual harmed to be a peace officer, a community policing volunteer,
      a correctional institution employee, or a fireman while such officer, volunteer, employee or
      fireman is engaged in the execution of any official duties including arrest or attempted arrest,
      or to prevent the officer, volunteer, employee or fireman from performing official duties, or
      in retaliation for the officer, volunteer, employee or fireman performing official duties, and
      the battery is committed other than by the discharge of a firearm;
   (7) Knows the individual harmed to be an emergency medical technician - ambulance,
      emergency medical technician - intermediate, emergency medical technician - paramedic,
      ambulance driver, other medical assistance, first aid personnel, or hospital emergency room
      personnel engaged in the performance of any of his or her official duties, or to prevent the
      emergency medical technician - ambulance, emergency medical technician - intermediate,
      emergency medical technician - paramedic, ambulance driver, other medical assistance, first
      aid personnel, or hospital emergency room personnel from performing official duties, or in
      retaliation for performing official duties;
   (8) Is, or the person battered is, on or about a public way, public property or public place
      of accommodation or amusement;
   (9) Knows the individual harmed to be the driver, operator, employee or passenger of any

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transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;

(14) Knows the individual harmed to be a person who is physically handicapped; or

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code; or—

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(e) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution who causes or attempts to cause a correctional employee of the penal institution to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony.

(Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99; 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised 1-7-00.)

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


Certified by the Governor January 1, 2002.

Effective January 1, 2002.

PUBLIC ACT 92-0517

(Senate Bill No. 0647)
AN ACT in relation to aeronautics.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Aeronautics Act is amended by changing Section 43d as follows:
(620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)
Sec. 43d. Intoxicated persons in or about aircraft.
(a) No person shall:
  (1) Operate or attempt to operate any aircraft in this State while under the influence of
      intoxicating liquor or any narcotic drug or other controlled substance.
  (2) Knowingly permit any individual who is under the influence of intoxicating liquor or
      any narcotic drug or other controlled substance to operate any aircraft owned by the person
      or in his custody or control.
  (3) Perform any act in connection with the maintenance or operation of any aircraft when
      under the influence of intoxicating liquor or any narcotic drug or other controlled substance,
      except medication prescribed by a physician which will not render the person incapable of
      performing his duties safely.
  (4) (i) Consume alcoholic liquor within 8 hours prior to operating or acting as a crew
       member of any aircraft within this State.
       (ii) Act as a crew member of any aircraft within this State while under the influence
            of alcohol or when the alcohol concentration in the person's blood or breath is 0.04 or
            more based on the definition of blood and breath units contained in Section 11-501.2 of
            the Illinois Vehicle Code.
       (iii) Operate or act as a crew member of any aircraft within this State when the
            alcohol concentration in the person's blood or breath is 0.04 or more based on the
            definition of blood and breath units contained in Section 11-501.2 of the Illinois Vehicle
            Code.
       (iv) Operate or act as a crew member of any aircraft within this State when there is
            any amount of a drug, substance, or compound in the person's blood or urine resulting
            from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act
            or a controlled substance as listed in the Illinois Controlled Substance Act.
  (5) Knowingly consume while a crew member of any aircraft any intoxicating liquor, narcotic
      drug, or other controlled substance while the aircraft is in operation.
(b) Any person who violates clause (4)(i) of subsection (a) any provision of this Section is
    guilty of a Class A misdemeanor. A person who violates paragraph (2), (3), or (5) or clause (4)(ii)
    of subsection (a) of this Section is guilty of a Class 4 felony. A person who violates paragraph (1) or
    clause (4)(iii) or (4)(iv) of subsection (a) of this Section is guilty of a Class 3 felony.
(Source: P.A. 87-458.)
Governor Returns Bill With Recommendation For Change (Amendatory Veto of August 10,
Certified by the Governor January 1, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0518
(Senate Bill No. 1046)

AN ACT in relation to property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Condominium Property Act is amended by changing Sections 12 and 12.1 as
follows:
(765 ILCS 605/12)
Sec. 12. Insurance.
(a) Required coverage. No policy of insurance shall be issued or delivered to a condominium
    association, and no policy of insurance issued to a condominium association shall be renewed, unless
    the insurance coverage under the policy includes the following:

New matter indicated by italics - deletions by strikeout.
(1) Property insurance. Property insurance (i) on the common elements and the units, including the limited common elements and except as otherwise determined by the board of managers, the bare walls, floors, and ceilings of the unit, (ii) providing coverage for special form causes of loss, and (iii) in a total amount of not less than the full insurable replacement cost of the insured property, less deductibles, but including coverage for the increased costs of construction due to building code requirements, at the time the insurance is purchased and at each renewal date.

(2) General liability insurance. Commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or management of the property in a minimum amount of $1,000,000, or a greater amount deemed sufficient in the judgment of the board, insuring the board, the association, the management agent, and their respective employees and agents and all persons acting as agents. The developer must be included as an additional insured in its capacity as a unit owner, manager, board member, or officer. The unit owners must be included as additional insured parties but only for claims and liabilities arising in connection with the ownership, existence, use, or management of the common elements. The insurance must cover claims of one or more insured parties against other insured parties.

(3) Fidelity bond; directors and officers coverage.
   (A) An association with 6 or more dwelling units must obtain and maintain a fidelity bond covering persons, including the managing agent and its employees who control or disburse funds of the association, for the maximum amount of coverage available to protect funds in the custody or control of the association, plus the association reserve fund.
   (B) All management companies that are responsible for the funds held or administered by the association must be covered by a fidelity bond for the maximum amount of coverage available to protect those funds. The association has standing to make a loss claim against the bond of the managing agent as a party covered under the bond.
   (C) For purposes of paragraphs (A) and (B), the fidelity bond must be in the full amount of association funds and reserves in the custody of the association or the management company.
   (D) The board of directors must obtain directors and officers liability coverage at a level deemed reasonable by the board, if not otherwise established by the declaration or bylaws. Directors and officers liability coverage must extend to all contracts and other actions taken by the board in their official capacity as directors and officers, but this coverage shall exclude actions for which the directors are not entitled to indemnification under the General Not For Profit Corporation Act of 1986 or the declaration and bylaws of the association.

(b) Contiguous units; improvements and betterments. The insurance maintained under subdivision (a)(1) must include the units, the limited common elements except as otherwise determined by the board of managers, and the common elements. The insurance need not cover improvements and betterments to the units installed by unit owners, but if improvements and betterments are covered, any increased cost may be assessed by the association against the units affected.

Common elements include fixtures located within the unfinished interior surfaces of the perimeter walls, floors, and ceilings of the individual units initially installed by the developer. Common elements exclude floor, wall, and ceiling coverings. “Improvements and betterments” means all decorating, fixtures, and furnishings installed or added to and located within the boundaries of the unit, including electrical fixtures, appliances, air conditioning and heating equipment, water heaters, or built-in cabinets installed by unit owners.

(c) Deductibles. The board of directors of the association may, in the case of a claim for damage to a unit or the common elements, (i) pay the deductible amount as a common expense, (ii) after notice and an opportunity for a hearing, assess the deductible amount against the owners who caused the damage or from whose units the damage or cause of loss originated, or (iii) require the unit owners of the units affected to pay the deductible amount.

(d) Other coverages. The declaration may require the association to carry any other

New matter indicated by italics - deletions by strikeout.
insurance, including workers compensation, employment practices, environmental hazards, and equipment breakdown, the board of directors considers appropriate to protect the association, the unit owners, or officers, directors, or agents of the association.

(e) Insured parties; waiver of subrogation. Insurance policies carried pursuant to subsections (a) and (b) must include each of the following provisions:

(1) Each unit owner and secured party is an insured person under the policy with respect to liability arising out of the unit owner's interest in the common elements or membership in the association.

(2) The insurer waives its right to subrogation under the policy against any unit owner of the condominium or members of the unit owner's household and against the association and members of the board of directors.

(3) The unit owner waives his or her right to subrogation under the association policy against the association and the board of directors.

(f) Primary insurance. If at the time of a loss under the policy there is other insurance in the name of a unit owner covering the same property covered by the policy, the association's policy is primary insurance.

(g) Adjustment of losses; distribution of proceeds. Any loss covered by the property policy under subdivision (a)(1) must be adjusted by and with the association. The insurance proceeds for that loss must be payable to the association, or to an insurance trustee designated by the association for that purpose. The insurance trustee or the association must hold any insurance proceeds in trust for unit owners and secured parties as their interests may appear. The proceeds must be disbursed first for the repair or restoration of the damaged common elements, the bare walls, ceilings, and floors of the units, and then to any improvements and betterments the association may insure. Unit owners are not entitled to receive any portion of the proceeds unless there is a surplus of proceeds after the common elements and units have been completely repaired or restored or the association has been terminated as trustee.

(h) Mandatory unit owner coverage. The board of directors may, under the declaration and bylaws or by rule, require condominium unit owners to obtain insurance covering their personal liability and compensatory (but not consequential) damages to another unit caused by the negligence of the owner or his or her guests, residents, or invitees, or regardless of any negligence originating from the unit. The personal liability of a unit owner or association member must include the deductible of the owner whose unit was damaged, any damage not covered by insurance required by this subsection, as well as the decorating, painting, wall and floor coverings, trim, appliances, equipment, and other furnishings.

If the unit owner does not purchase or produce evidence of insurance requested by the board, the directors may purchase the insurance coverage and charge the premium cost back to the unit owner. In no event is the board liable to any person either with regard to its decision not to purchase the insurance, or with regard to the timing of its purchase of the insurance or the amounts or types of coverages obtained.

(i) Certificates of insurance. Contractors and vendors (except public utilities) doing business with a condominium association under contracts exceeding $10,000 per year must provide certificates of insurance naming the association, its board of directors, and its managing agent as additional insured parties.

(j) Non-residential condominiums. The provisions of this Section may be varied or waived in the case of a condominium community in which all units are restricted to nonresidential use.

(k) Settlement of claims. Any insurer defending a liability claim against a condominium association must notify the association of the terms of the settlement no less than 10 days before settling the claim. The association may not veto the settlement unless otherwise provided by contract or statute. (a) (1) The board of managers shall have the authority to and shall obtain, except as otherwise provided in Section 12.1, insurance for the property against loss or damage by fire and such other hazards as are covered under standard extended coverage provisions for the full insurable replacement cost of the common elements and the units. Every insurer issuing a policy against loss or damage by fire and such other hazards as are covered under standard extended coverage to a condominium association shall print on or attach to the premium notice the following statement: “The Condominium Property Act requires every condominium association to obtain insurance for the
property against loss or damage by fire and such other hazards as are covered under the standard extended coverage provisions for the full insurable replacement costs. This policy may or may not satisfy this requirement. Please examine your policy carefully to determine if it complies with these requirements." The full insurable replacement cost of the units may include the replacement cost value of betterments and improvements made in and to a unit by a unit owner if it is so provided by the condominium declaration, and if it is so provided in the condominium instruments, any increase premium charge therefore shall be assessed to that unit owner under the provisions of Section 9 hereof: 

(2) Such insurance coverage shall be written in the name of, and the proceeds thereof shall be deemed payable to, the board of managers, as trustee for each of the unit owners in the percentages established in the declaration. Any insurance policy obtained for the property pursuant to paragraph (1) of subsection (a) of this Section, which fails to contain the trustee provisions required by this paragraph (2), shall be deemed to incorporate such provisions into the policy by operation of law. 

(3) The board of managers, or the persons acting in such capacity pursuant to Section 18.2 of this Act, shall have authority to designate any corporation qualified to accept and execute trusts in this state to act as agent or trustee for, or as successor trustee to, said board of managers for the purpose of collecting and disbursing the proceeds of such insurance in the manner provided by the declaration, the bylaws, and this Act. Premiums for such insurance and other expenses in connection therewith shall be common expenses. 

(b) The board of managers shall have the authority and duty to obtain comprehensive public liability insurance against claims and liabilities arising in connection with the ownership, existence, use or management of the property in amounts, if any, specified by the condominium instruments or otherwise deemed sufficient in the judgment of the board of managers, insuring the board of managers, the unit owners' association, the management agent, and their respective employees, agents and all persons acting as agents. The developer shall be included as an additional insured in his capacity as unit owner and board member. The unit owners shall be included as additional insureds but only with respect to that portion of the premises not reserved for their exclusive use. The insurance shall cover claims of one or more insured parties against other insured parties. The insurance shall contain a waiver of any rights to subrogation by the insuring company against any of the above named insured persons. Premiums for such insurance shall be common expenses. 

(e) The board of managers shall notify insured persons concerning the cancellation of insurance obtained pursuant to the terms of this Section. 

(d) Any insurer defending a claim against a condominium association shall notify the association of the terms of the settlement before settling the claim. The association shall not have power to veto such settlement, unless otherwise provided by contract or statute. 

(Source: P.A. 84-1431; 84-1464.)

(765 ILCS 605/12.1) (from Ch. 30, par. 312.1)
Sec. 12.1. Insurance risk pooling trusts. 
(a) This Section shall be known and may be cited as the Condominium and Common Interest Community Risk Pooling Trust Act. 
(b) The boards of managers or boards of directors, as the case may be, of two or more condominium associations or common interest community associations, are authorized to establish, with the unit owners and the condominium or common interest community associations as the beneficiaries thereof, a trust fund for the purpose of providing protection of the participating condominium and common interest community associations against the risk of financial loss due to damage to, destruction of or loss of property, or the imposition of legal liability as required or authorized under this Act or the declaration of the condominium or common interest community association. Such trust fund shall initially assess unit owners an amount actuarially adequate to establish such fund and shall assess such amounts as are required to maintain such fund. Such amounts may be treated as assessments of the condominium or common interest community association. 
(c) The trust fund shall be established and amended only by a written instrument which shall be filed with and approved by the Director of Insurance prior to its becoming effective. The Director of Insurance shall withhold approval of any instrument if it does not comply with the provisions of this Section or any rule or regulation of the Director of Insurance. 
(d) No common interest community association shall be a beneficiary of the trust fund unless it shall be incorporated under the laws of this State or shall have first procured a Certificate of
Authority from the Secretary of State.

(e) The trust fund is authorized to indemnify the condominium and common interest community association beneficiaries thereof against the risk of loss due to damage, destruction or loss to property or imposition of legal liability as required or authorized under this Act or the declaration of the condominium or common interest community association. The trustee of the trust fund may determine and establish contributions to the trust fund actuarially required to fund the operations and carry out the purposes of the trust fund and may enter into contracts in order to carry out the purposes for which the trust fund was established, provided however, that any such contracts shall not provide for compensation or payments in excess of that which is reasonable in relation to the services actually performed thereunder.

(f) The trust fund may enter into written agreements with other trust funds established under this Section whereby the Risks assumed by the any such trust fund may be pooled and shared with such other trust funds established under this Section.

(g) Blank. The trustees of all trust funds established under this Act shall be natural persons over the age of 18 who are residents of this State.

(h) Blank. Every such trust fund shall have no fewer than 3 nor more than 30 trustees. No less than 2/3 of the trustees shall be officers, directors, trustees or full time employees of a condominium or common interest community association beneficiary of the trust fund:

(i) No trustee of the trust fund shall be paid a salary or receive other compensation, except that the written trust instrument may provide for reimbursement for actual expenses incurred on behalf of the trust fund. No trustee or any employer or affiliate of any trustee of the trust fund shall enter into any contract with the trust fund for, or receive any monies or other compensation or thing of value whatsoever from, the trust fund for services performed for or on behalf of such trust fund; except as otherwise provided in this Section:

(j) Blank. The trustees shall serve pursuant to the terms of the written trust instrument except that the written trust instrument shall set forth the manner in which a trustee of a trust fund may be removed and the manner in which vacancies among the trustees of the trust fund may be filled.

(k) Blank. No trustee of the trust fund shall serve for more than 3 consecutive years unless he is reappointed in the manner provided for in the written trust instrument:

(l) Blank. The trustees of the trust fund shall have the powers specified in the written trust instrument which established the trust fund:

(m) Each trust fund shall by June 1 of each year file annually with the Director of Insurance a full independently audited financial statement as of December 31 of the preceding year, and by April 1 of each year a report of the trustees of the trust fund detailing the operations of the trust fund and including a list of all beneficiaries during the year and a statement that each beneficiary was not ineligible except as provided for in this Section. The truth and accuracy of the financial statement and report shall be attested to by each trustee. The financial statement shall include the opinion of an independent certified public accountant on the financial condition of the trust fund for the most recent calendar year and the results of its operations, changes in financial position and changes in capital and surplus for the year then ended in conformity with accounting practices permitted or prescribed by the Illinois Department of Insurance:

(n) Blank. A beneficiary is ineligible if he or she ceases to be a unit owner of a condominium or common interest community association, except where liability of such beneficiary was incurred at the time he or she was a unit owner:

(o) Blank. No beneficiary shall have any cause of action against any other beneficiary arising solely out of the insolvency or inability of the trust fund to meet its obligations, unless such other beneficiary is a trustee of such trust fund and has breached a fiduciary duty in connection with such trust fund. This subsection shall not preclude the assessment and collection of any payments to the trust fund to correct such insolvency or inability of the trust fund to meet its obligations:

(p) Blank. No trust fund established under this subsection (d) shall grant any power to the trustees of the trust fund which is inconsistent with this Section or any other law of this State.

(q) Blank. Every trust fund established hereunder shall include in the written trust instrument the basis upon which payments are made to and from the trust fund:

(r) Blank. Trust funds established under this Section and all persons interested therein or dealing therewith shall be subject to the provisions of Sections 133, 144, 144.1, 149, 401, 401.1, 402,
402, 403A, 412, and all of the provisions of Articles VII, VIII, VIII 1/2, XII 1/2, and XIII of the Illinois Insurance Code. Except as otherwise provided in this Section, trust funds established under and which fully comply with this Section shall not be subject to any other provision of the Illinois Insurance Code.

(s) The Director of Insurance shall have with respect to trust funds established under this Section the powers of examination conferred upon him relative to insurance companies by Section Sections 132 through 132.7 of the Illinois Insurance Code. The cost of any such examination shall be paid by the trust fund examined:

(1) (Blank). The Director of Insurance shall charge, collect and give proper acquittances for the payment of the following fees and charges:

   (i) For filing trust instruments, amendments thereto and financial statement and report of the trustees, $25.

   (ii) For copies of papers or records per page, $1.

   (iii) For certificate to copy of paper, $5.

   (iv) For filing an application for the licensing of a condominium risk pooling trust, $500.

(u) (Blank). This Section shall apply regardless of any contrary provisions of any instrument.

(v) Trust funds established under and which fully comply with this Section shall not be considered member insurance companies or to be in the business of insurance nor shall the provision of Article XXXIV of the Illinois Insurance Code apply to any such trust fund established under this Section.

(w) (Blank). The provisions of the Administrative Review Law shall apply to and govern all proceedings for the judicial review of final administrative decisions under this Section.

(x) The Director of Insurance shall adopt reasonable rules pertaining to the standards of coverage and administration of trust funds authorized under this Section.

(Source: P.A. 89-97, eff. 7-7-95.)

Certified by the Governor January 1, 2002.
Effective June 1, 2002.

AN ACT in relation to senior citizens and disabled persons.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Sections 3.07, 4, and 5 and by adding Section 4.1 as follows:

(320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)
Sec. 3.07. "Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

(A) An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;

(B) An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the taxable year;

(C) An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;

(D) An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year;

(E) An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year;

(F) An amount equal to the total amount of cash public assistance payments received from

New matter indicated by italics - deletions by strikeout.
any governmental agency during the taxable year other than benefits received pursuant to this Act;

(G) An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the taxable year;

(H) For claim years beginning on or after January 1, 2002, an amount equal to any benefits received under the Workers' Compensation Act or the Workers' Occupational Diseases Act during the taxable year.

"Income" does not include any grant assistance received under the Nursing Home Grant Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

This amendatory Act of 1987 shall be effective for purposes of this Section for tax years ending on or after December 31, 1987.

(Source: P.A. 90-491, eff. 1-1-98; 91-676, eff. 12-23-99.)

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he files his claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his household, the amount of property taxes accrued used in computing the amount of grant to which he is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.
(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he may claim only one residence for any part of a month. In the case of property taxes accrued, he shall pro rate 1/12 of the total property taxes accrued on his residence to each month that he owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall pro rate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must be: (1) (i) 65 years or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) is domiciled in this State at the time he files his or her claim, and (3) has a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, (3) present the identification card to the dispensing pharmacist.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

(320 ILCS 25/4.1 new)

Sec. 4.1. Information to the Department. Notwithstanding any other law to the contrary, entities subject to the Illinois Insurance Code, Comprehensive Health Insurance Plan Act, Dental Service Plan Act, Children's Health Insurance Program Act, Health Care Purchasing Group Act, Health Maintenance Organization Act, Limited Health Service Organization Act, Voluntary Health Services Plans Act, and the Workers’ Compensation Act, including, but not limited to, insurers, health
maintenance organizations, pharmacy benefit managers, third party administrators, fraternal benefit societies, group-funded workers' compensation pools, municipal group-funded pools, self-funded or self-insured welfare or benefit plans or programs, and any other entities that provide health coverage through an employer, union, trade association or other organization or source, or any other entities, must provide information to the Department, or its designee, that is necessary to carry out the purposes of this Act, including, but not limited to, the name, social security number, address, date of birth, and coverage of their policyholders, their subscribers, or the beneficiaries of their plans, benefits, or services who participate in the programs under this Act. The provision of this information to the Department or its designee is subject to the confidentiality provisions in Section 8a of this Act.

Sec. 5. Procedure.

(a) In general. Claims must be filed after January 1, on forms prescribed by the Department. No claim may be filed more than one year after December 31 of the year for which the claim is filed except that claims for 1976 may be filed until December 31, 1978. The pharmaceutical assistance identification card provided for in subsection (f) of Section 4 shall be valid for a period not to exceed one year. On and after January 1, 2002, however, to enable the Department to convert coverage for a pharmaceutical assistance program participant to a State fiscal year basis, a card shall be valid for a longer or shorter period than 12 months, depending on the date a timely claim is filed and as determined by the Department. All applicants for benefits under this program approved for benefits on or after July 1 but on or before December 31 of any State fiscal year are eligible for benefits through June 30 of that State fiscal year. All applicants for benefits under this program approved for benefits on or after January 1 but on or before June 30 of any State fiscal year are eligible for benefits through June 30 of the following State fiscal year.

(b) Claim is Personal. The right to file a claim under this Act shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. If a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to his surviving spouse or, if no spouse survives, to his surviving dependent minor children in equal parts, provided the spouse or child, as the case may be, resided with the claimant at the time he filed his claim. If at the time of disbursement neither the claimant nor his spouse is surviving, and no dependent minor children of the claimant are surviving the amount of the claim shall escheat to the State.

(c) One claim per household. Only one member of a household may file a claim under this Act in any calendar year; where both members of a household are otherwise entitled to claim a grant under this Act, they must agree as to which of them will file a claim for that year.

(d) Content of application form. The form prescribed by the Department for purposes of paragraph (a) shall include a table, appropriately keyed to the parts of the form on which the claimant is required to furnish information, which will enable the claimant to determine readily the approximate amount of grant to which he is entitled by relating levels of household income to property taxes accrued or rent constituting property taxes accrued.

(e) Pharmaceutical Assistance Procedures. The Department shall establish the form and manner for application, and establish by January 1, 1986 a procedure to enable persons to apply for the additional grant or for the pharmaceutical assistance identification card on the same application form. The Department shall determine eligibility for pharmaceutical assistance using the applicant's current income. The Department shall determine a person's current income in the manner provided by the Department by rule.

(Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)

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

Certified by the Governor January 1, 2002.
Effective January 1, 2002.

PUBLIC ACT 92-0520

New matter indicated by italics - deletions by strikeout.
AN ACT concerning Pet Friendly license plates.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.545 as follows:
(30 ILCS 105/5.545 new)
Sec. 5.545. The Pet Overpopulation Control Fund.
Section 10. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:
(625 ILCS 5/3-648 new)
Sec. 3-648. Pet Friendly license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the
Secretary, may issue special registration plates designated as Pet Friendly license plates. The special
plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor
vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as
defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the
multi-year procedure established by Section 3-414.1 of this Code.
(b) The design and color of the plates is wholly within the discretion of the Secretary, except
that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be
issued as vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall
prescribe stickers or decals as provided under Section 3-412 of this Code.
(c) An applicant for the special plate shall be charged a $40 fee for original issuance in
addition to the appropriate registration fee. Of this additional fee, $25 shall be deposited into the Pet
Overpopulation Control Fund and $15 shall be deposited into the Secretary of State Special License
Plate Fund, to be used by the Secretary to help defray the administrative processing costs.
For each registration renewal period, a $27 fee, in addition to the appropriate registration
fee, shall be charged. Of this additional fee, $25 shall be deposited into the Pet Overpopulation
Control Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
(d) The Pet Overpopulation Control Fund is created as a special fund in the State treasury.
All moneys in the Pet Overpopulation Control Fund shall be paid, subject to appropriation by the
General Assembly and approval by the Secretary, as grants to humane societies exempt from federal
income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the
humane sterilization of dogs and cats in the State of Illinois. In approving grants under this subsection
(d), the Secretary shall consider recommendations for grants made by a volunteer board appointed
by the Secretary that shall consist of 5 Illinois residents who are officers or directors of humane
societies operating in different regions in Illinois.
Approved January 11, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0521
(House Bill No. 1829)

AN ACT concerning fees.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.2, and 27.2a
as follows:
(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)
Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population in
excess of 180,000 but not more than 500,000 inhabitants in the instances described in this
Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:
(a) Civil Cases.
The fee for filing a complaint, petition, or other pleading initiating a civil action, with the
following exceptions, shall be $150.
(A) When the amount of money or damages or the value of personal property claimed
does not exceed $250, $10.
(B) When that amount exceeds $250 but does not exceed $500, $20.

New matter indicated by italics - deletions by strikeout.
(C) When that amount exceeds $500 but does not exceed $2500, $30.
(D) When that amount exceeds $2500 but does not exceed $15,000, $75.
(E) For the exercise of eminent domain, $150. For each additional lot or tract of land
or right or interest therein subject to be condemned, the damages in respect to which shall
require separate assessment by a jury, $150.

(a-1) Family.
For filing a petition under the Juvenile Court Act of 1987, $25.
For filing a petition for a marriage license, $10.
For performing a marriage in court, $10.
For filing a petition under the Illinois Parentage Act of 1984, $40.

(b) Forcible Entry and Detainer.
In each forcible entry and detainer case when the plaintiff seeks possession only or unites
with his or her claim for possession of the property a claim for rent or damages or both in the
amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with
a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.
When any defendant files a counterclaim as part of his or her answer or otherwise or joins
another party as a third party defendant, or both, the defendant shall pay a fee for each
counterclaim or third party action in an amount equal to the fee he or she would have had to
pay had he or she brought a separate action for the relief sought in the counterclaim or against
the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.
In a confession of judgment when the amount does not exceed $1500, $50. When the
amount exceeds $1500, but does not exceed $15,000, $115. When the amount exceeds
$15,000, $200.

(e) Appearance.
The fee for filing an appearance in each civil case shall be $50, except as follows:
(A) When the plaintiff in a forcible entry and detainer case seeks possession only,
$20.
(B) When the amount in the case does not exceed $1500, $20.
(C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.
In garnishment affidavit, wage deduction affidavit, and citation petition when the amount
does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000,
$20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.
(1) Petition to vacate or modify any final judgment or order of court, except in forcible
entry and detainer cases and small claims cases or a petition to reopen an estate, to modify,
terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend,
or terminate an order for withholding, if filed before 30 days after the entry of the judgment
or order, $40.
(2) Petition to vacate or modify any final judgment or order of court, except a petition to
modify, terminate, or enforce a judgment or order for child or spousal support or to modify,
suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the
judgment or order, $60.
(3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.
When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.
Each certified copy of a judgment after the first, except in small claims and forcible entry
and detainer cases, $10.

(j) Habeas Corpus.
For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.
(1) Each certification or authentication for taking the acknowledgment of a deed or other

New matter indicated by italics - deletions by strikeout.
instrument in writing with the seal of office, $4.
(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $50.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $120.
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.
(5) For reproduction of any document contained in the clerk's files:
   (A) First page, $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.
In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.
For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of $4 for each year searched.

(n) Hard Copy.
For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $4.

(o) Index Inquiry and Other Records.
No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.
For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, $25.

(q) Alias Summons.
For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.
Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.
The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.
The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

New matter indicated by italics - deletions by strikeout.
(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

1. For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:
   A. When the value of the real and personal property does not exceed $15,000, the fee shall be $25.
   B. When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.
2. For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:
   A. When the value of the real and personal property does not exceed $15,000, the fee shall be $25.
   B. When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.
3. In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:
   A. For each account (other than one final account) filed in the estate of a decedent, or ward, $15.
   B. For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25; when the amount claimed is $10,000 or more, $40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.
   C. For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $40.
   D. For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.
   E. Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $10.
   F. For each jury demand, $102.50.
   G. For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.
   H. For each certified copy of letters of office, of court order or other certification,
$1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, $1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $80.
(B) Misdemeanor complaints, $50.
(C) Business offense complaints, $50.
(D) Petty offense complaints, $50.
(E) Minor traffic or ordinance violations, $20.
(F) When court appearance required, $30.
(G) Motions to vacate or amend final orders, $20.
(H) Motions to vacate bond forfeiture orders, $20.
(I) Motions to vacate ex parte judgments, whenever filed, $20.
(J) Motions to vacate judgment on forfeitures, whenever filed, $20.
(K) Motions to vacate “failure to appear” or “failure to comply” notices sent to the Secretary of State, $20.

(2) In counties having a population in excess of 180,000 but not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.
(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.

(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county
general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.............................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

New matter indicated by italics - deletions by strikeout.
(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000 $500, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 $500 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000 $15,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1,500, a minimum of $50 and a maximum of $60. When the amount exceeds $1,500, but does not exceed $5,000 $15,000, a minimum of $75 and a maximum of $175. When the amount exceeds $5,000, a minimum of $115 and a maximum of $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1,500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1,500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.
(h) Mailing.
When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.
Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.
For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.
(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.
(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.
(5) For reproduction of any document contained in the clerk's files:
   (A) First page, $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.
In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.
For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.
For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.
No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.
For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of $25 and a maximum of $50.

(q) Alias Summons.
For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

(r) Other Fees.
Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested.
by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the
amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided
that the court in allowing a claim may add to the amount allowed the filing fee paid by
the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon
an action seeking equitable relief including the construction or contest of a will,
enforcement of a contract to make a will, and proceedings involving testamentary trusts
or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent
or (ii) the appearance of an executor, administrator, administrator to collect, guardian,
guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any
person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For the disposition of the collection of a judgment or settlement of an action or claim
for wrongful death of a decedent or of any cause of action of a ward, when there is no
other administration of the estate, a minimum of $30 and a maximum of $50, less any
amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved
does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B)
or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification,
a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1
per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for
certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or
her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser,
or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his
attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions,
orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each
person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of
$40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of
$30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a
maximum of $30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and
a maximum of $25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the
Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of more than 500,000 but fewer than
3,000,000 inhabitants, when the violation complaint is issued by a municipal police
department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.
(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.
(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.
(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.
(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.
(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.
(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.
(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.
(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support records and order all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.
For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.
The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency"
also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.............................$65
(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)
Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $190 and a maximum of $240.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $15 and a maximum of $22.
(B) When that amount exceeds $250 but does not exceed $1000, a minimum of $40 and a maximum of $75.
(C) When that amount exceeds $1000 but does not exceed $2500, a minimum of $50 and a maximum of $80.
(D) When that amount exceeds $2500 but does not exceed $5000, a minimum of $100 and a maximum of $130.
(E) When that amount exceeds $5000 but does not exceed $15,000, $150.
(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.
(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $75 and a maximum of $140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $225 and a maximum of $335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $60 and a maximum of $70. When the amount exceeds $1500, but does not exceed $5000, a minimum of $75 and a maximum of $150. When the amount exceeds $5000, but does not

New matter indicated by italics - deletions by strikeout.
exceed $15,000, a minimum of $175 and a maximum of $260. When the amount exceeds $15,000, a minimum of $250 and a maximum of $310.

(e) Appearance.
   The fee for filing an appearance in each civil case shall be a minimum of $75 and a maximum of $110, except as follows:
   (A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $40 and a maximum of $80.
   (B) When the amount in the case does not exceed $1500, a minimum of $40 and a maximum of $80.
   (C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $60 and a maximum of $90.

(f) Garnishment, Wage Deduction, and Citation.
   In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $15 and a maximum of $25; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $30 and a maximum of $45; and when the amount exceeds $5,000, a minimum of $50 and a maximum of $80.

(g) Petition to Vacate or Modify.
   (1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $50 and a maximum of $60.
   (2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90.
   (3) Petition to vacate order of bond forfeiture, a minimum of $40 and a maximum of $80.

(h) Mailing.
   When the clerk is required to mail, the fee will be a minimum of $10 and a maximum of $15, plus the cost of postage.

(i) Certified Copies.
   Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $15 and a maximum of $20.

(j) Habeas Corpus.
   For filing a petition for relief by habeas corpus, a minimum of $125 and a maximum of $190.

(k) Certification, Authentication, and Reproduction.
   (1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $6 and a maximum of $9.
   (2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $75 and a maximum of $110.
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $150 and a maximum of $185.
   (4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of $25 and a maximum of 30 cents per page.
   (5) For reproduction of any document contained in the clerk's files:
      (A) First page, $2.
      (B) Next 19 pages, 50 cents per page.
      (C) All remaining pages, 25 cents per page.

(l) Remands.
   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had
before the appeal, and no additional or new fee or charge shall be made for a jury trial after
remand.

(m) Record Search.
For each record search, within a division or municipal district, the clerk shall be entitled
to a search fee of a minimum of $6 and a maximum of $9 for each year searched.

(n) Hard Copy.
For each page of hard copy print output, when case records are maintained on an
automated medium, the clerk shall be entitled to a fee of a minimum of $6 and a maximum of
$9.

(o) Index Inquiry and Other Records.
No fee shall be charged for a single plaintiff/defendant index inquiry or single case record
inquiry when this request is made in person and the records are maintained in a current
automated medium, and when no hard copy print output is requested. The fees to be charged
for management records, multiple case records, and multiple journal records may be specified
by the Chief Judge pursuant to the guidelines for access and dissemination of information
approved by the Supreme Court.

(p) Commitment Petitions.
For filing commitment petitions under the Mental Health and Developmental Disabilities
Code, a minimum of $50 and a maximum of $100.

(q) Alias Summons.
For each alias summons or citation issued by the clerk, a minimum of $5 and a maximum
of $6.

(r) Other Fees.
Any fees not covered in this Section shall be set by rule or administrative order of the
Circuit Court with the approval of the Administrative Office of the Illinois Courts.
The clerk of the circuit court may provide additional services for which there is no fee
specified by statute in connection with the operation of the clerk's office as may be requested
by the public and agreed to by the clerk and approved by the chief judge of the circuit court.
Any charges for additional services shall be as agreed to between the clerk and the party
making the request and approved by the chief judge of the circuit court. Nothing in this
subsection shall be construed to require any clerk to provide any service not otherwise
required by law.

(s) Jury Services.
The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum
of a minimum of $212.50 and maximum of $230, as a fee for the services of a jury in every
civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right
of eminent domain and in every other action wherein the right of trial by jury is or may be
given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the
jury demand. If the fee is not paid by either party, no jury shall be called in the action or
proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.
For filing each deed of voluntary assignment, a minimum of $20 and a maximum of $40;
for recording the same, a minimum of 50¢ and a maximum of $0.80 for each 100 words.
Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary
assignment for the benefit of creditors shall be considered and treated, for the purpose of
taxing costs therein, as actions in which the party or parties filing the exceptions shall be
considered as party or parties plaintiff, and the claimant or claimants as party or parties
defendant, and those parties respectively shall pay to the clerk the same fees as provided by
this Section to be paid in other actions.

(u) Expungement Petition.
The clerk shall be entitled to receive a fee of a minimum of $60 and a maximum of $120
for each expungement petition filed and an additional fee of a minimum of $4 and a maximum
of $8 for each certified copy of an order to expunge arrest records.

(v) Probate.
The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid
in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $150 and a maximum of $225, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $40 and a maximum of $65.

(2) For administration of the estate of a ward, a minimum of $75 and a maximum of $110, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $20 and a maximum of $40.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $25 and a maximum of $40.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $20 and a maximum of $40; when the amount claimed is $500 or more but less than $10,000, a minimum of $40 and a maximum of $65; when the amount claimed is $10,000 or more, a minimum of $60 and a maximum of $90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $60 and a maximum of $90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $30 and a maximum of $90.

(F) For each jury demand, a minimum of $137.50 and a maximum of $180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $50 and a maximum of $80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $20 and a maximum of $40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $2 and a maximum of $4, plus $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or
her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.
(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:
   (A) Felony complaints, a minimum of $125 and a maximum of $190.
   (B) Misdemeanor complaints, a minimum of $75 and a maximum of $110.
   (C) Business offense complaints, a minimum of $75 and a maximum of $110.
   (D) Petty offense complaints, a minimum of $75 and a maximum of $110.
   (E) Minor traffic or ordinance violations, $30.
   (F) When court appearance required, $50.
   (G) Motions to vacate or amend final orders, a minimum of $40 and a maximum of $80.
   (H) Motions to vacate bond forfeiture orders, a minimum of $30 and a maximum of $45.
   (I) Motions to vacate ex parte judgments, whenever filed, a minimum of $30 and a maximum of $45.
   (J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $25 and a maximum of $30.
   (K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $40 and a maximum of $50.
(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
   (A) Minor traffic or ordinance violations, $30.
   (B) When court appearance required, $50.
(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $112.50 and a maximum of $250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.
(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $40 and a maximum of $65.

(z) Tax objection complaints.
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $50 and a maximum of $100.

(aa) Tax Deeds.
(1) Petition for tax deed, if only one parcel is involved, a minimum of $250 and a maximum of $400.
(2) For each additional parcel, add a fee of a minimum of $100 and a maximum of $200.

(bb) Collections.
(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

New matter indicated by italics - deletions by strikeout.
(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $25 and a maximum of $40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoption.

(1) For an adoption.................................................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff. 6-13-00.)


Approved February 8, 2002.

Effective June 1, 2002.
Section 5. The Township Code is amended by changing Section 200-12 and by adding Sections 200-13 and 200-14 as follows:

(60 ILCS 1/200-12)

Sec. 200-12. Tax increase; referendum.
(a) A township with a population of less than 100,000 may levy taxes at a rate in excess of 0.02% of the value of all taxable property within the township as equalized or assessed by the Department of Revenue if the increase is approved by the voters as provided in this Section. The township board may, by ordinance, place the question of whether the tax rate of the township should be increased from 0.02% to 0.125% for fire protection, rescue, and emergency vehicles and equipment on the ballot at any election. The township board shall certify the question to the proper election officials, who shall submit the question at an election in accordance with the general election law. The question shall be in the following form:

Shall the maximum allowable tax rate for the (name of township) Township, be increased from 0.02% to 0.125% of the value of all taxable property within the township as equalized or assessed by the Department of Revenue for fire protection, rescue, and emergency vehicles and equipment?

The votes shall be recorded as "Yes" or "No".

The result of the referendum shall be entered upon the records of the township. If a majority of the voters at the election vote in favor of the proposition, the township may levy taxes annually at a tax extendable rate not to exceed 0.125% of the value of all taxable property within the township as equalized or assessed by the Department of Revenue.

A referendum held under this Section shall be conducted in accordance with the Election Code.

(b) The township board may levy the taxes at a rate in excess of 0.125% but not in excess of 0.40% of the value of all taxable property within the township as equalized or assessed by the Department of Revenue. The tax may not be levied until the question of levying the tax has been submitted to the electors of the township at a regular election and approved by a majority of the electors voting on the question. The township board shall certify the question to the proper election officials, who shall submit the question at an election in accordance with the general election law. The proposition shall be in substantially the following form:

Shall the maximum allowable tax rate for the (insert name of township) township fire department be increased from 0.125% to 0.40% of the value of all taxable property within the township as equalized or assessed by the Department of Revenue?

The votes shall be recorded as "Yes" or "No".

The results of the referendum shall be entered upon the records of the township. If a majority of the electors voting on the question vote in the affirmative, the township board may thereafter levy the tax.

(Source: P.A. 90-296, eff. 8-1-97.)

(60 ILCS 1/200-13 new)

Sec. 200-13. Board authority. The township board of any township operating a fire department has the power and it is its legal duty and obligation to provide as nearly adequate protection from fire for all persons and property within the township as possible and to prescribe necessary regulations for the prevention and control of fire within the township. The township board may provide and maintain life saving and rescue equipment, services, and facilities, including emergency ambulance service. Except in cities having a population of 500,000 or more inhabitants and except in municipalities in which fire prevention codes have been adopted, the township board has the express power to adopt and enforce fire prevention codes and standards parallel to national standards.

(Source: P.A. 90-296, eff. 8-1-97.)

(60 ILCS 1/200-14 new)

Sec. 200-14. Fire department regulations and rules. A township providing fire protection services on the effective date of this amendatory Act of the 92nd General Assembly shall be held to the standard of Sections 16.01 through 17 of the Fire Protection District Act, substituting "township" where "fire protection district" is indicated.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT to amend the Illinois Dental Practice Act.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Dental Practice Act is amended by changing Section 21 as follows:
Sec. 21. Fees. The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration fees, shall be set by the Department by rule. However, the fee for application for renewal of a license as a dentist or specialist is $100 per year and the fee for application for renewal of a license as a dental hygienist is $50 per year. The fees shall be nonrefundable.
(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 90-61, eff. 12-30-97.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.
Effective February 8, 2002.

AN ACT concerning tourism.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-705 as follows:
Sec. 605-705. Grants to local tourism and convention bureaus.
(a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before the request for certification; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. Each bureau receiving funds under this Act will be certified by the Department as the designated recipient to serve an area of the State. Notwithstanding the criteria set forth in this subsection (a), or any rule adopted under this subsection (a), the Director of the Department may provide for the award of grant funds to one or more entities if in the Department's judgment that action is necessary in order to prevent a loss of funding critical to promoting tourism in a designated geographic area of the State.
(b) To distribute grants to local tourism and convention bureaus from appropriations made from the Local Tourism Fund for that purpose. Of the amounts appropriated annually to the Department for expenditure under this Section, one-third of those monies shall be used for grants to convention and tourism bureaus in cities with a population greater than 500,000. The remaining two-thirds of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with a formula based upon the population served. The Department may reserve up to 10% of the total appropriated to conduct audits of grants, to provide
incentive funds to those bureaus that will conduct promotional activities designed to further the Department's statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State's parks or historic sites. (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-38, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.
Effective February 8, 2002.

AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Section 7-103.36 and adding Sections 7-103.139, 7-103.140, 7-103.141, 7-103.142, 7-103.143, 7-103.144, 7-103.145, 7-103.146, 7-103.147, and 7-103.148 as follows:

(735 ILCS 5/7-103.36)
Sec. 7-103.36. Quick-take; Grand Avenue Railroad Relocation Authority. Quick-take proceedings under Section 7-103 may be used for a period beginning of 6 years from July 14, 1995, and ending one year after the effective date of this amendatory Act of the 92nd General Assembly by the Grand Avenue Railroad Relocation Authority for the Grand Avenue Railroad Grade Separation Project within the Village of Franklin Park, Illinois.
(Source: P.A. 91-357, eff. 7-29-99.)

(735 ILCS 5/7-103.139 new)
Sec. 7-103.139. Quick-take; Village of Lincolnwood.
(a) Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly for the purpose of a municipal parking lot in the Touhy Crawford Business District by the Village of Lincolnwood for the acquisition of a portion of the following properties:
(1) PIN 10-26-316-021;
(2) PIN 10-26-316-022;
(3) PIN 10-26-316-023; and
(4) PIN 10-26-316-024.
(b) Quick-take proceedings under Section 7-103 may be used for a period of 12 months following the effective date of this amendatory Act of the 92nd General Assembly for the purpose of the construction of the planned East West Connector Road running within its corporate limits by the Village of Lincolnwood for the acquisition of a portion of the following properties:
(1) PIN 10-35-204-002;
(2) PIN 10-35-204-003;
(3) PIN 10-35-204-004;
(4) PIN 10-35-204-005;
(5) PIN 10-35-204-006;
(6) PIN 10-35-204-007;
(7) PIN 10-35-204-008;
(8) PIN 10-35-204-016;
(9) PIN 10-35-136-005;
(10) PIN 10-35-136-008;
(11) PIN 10-35-203-007;
(12) PIN 10-35-135-004;
(13) PIN 10-35-107-002;
(14) PIN 10-35-107-008;
(15) PIN 10-35-500-010;
(16) PIN 10-35-500-012;
(17) PIN 10-35-107-016; and
(18) A 60 foot strip of land across that part of the Chicago and Northwestern Railroad (Union Pacific) railroad property lying in the north 1/2 of section 35, township 41 north, range 13 east of the third principal meridian in Cook County, Illinois.

c) Quick-take proceedings under Section 7-103 may be used for a period of 12 months following the effective date of this amendatory Act of the 92nd General Assembly by the Village of Lincolnwood for the acquisition of the property PIN 10-35-200-039 for the purpose of public works usage and storage within the Touhy Lawndale Tax Increment Financing District and the Northeast Industrial Tax Increment Financing District.

(735 ILCS 5/7-103.140 new)

Sec. 7-103.140. Quick-take; Village of Bolingbrook. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Bolingbrook for the acquisition of the following described property for the purpose of roadway extension:

PARCEL 1:

That part of parcel 02-30-200-002 located in the Northeast Quarter of Section 30, Township 37 North, Range 10 East of the Third Principal Meridian lying westerly of Weber Road in Will County, Illinois, more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter; thence S 1 deg. 19 min. 22 sec. E along the east line of said Northeast Quarter a distance of 2047.60 feet to the point of intersection of the centerline of the extension of Remington Boulevard; thence S 88 deg. 40 min. 35 sec. W along said centerline of the extension of Remington Boulevard a distance of 50.00 feet to the intersection of said centerline of Remington Boulevard and the west line of Weber Road at the point of beginning of this description;

1.) thence N 1 deg. 19 min. 22 sec. W along said west line of Weber Road a distance of 519.11 feet;
2.) thence S 88 deg. 14 min. 37 sec. W along north line of said parcel 02-30-200-002 a distance of 20.00 feet;
3.) thence S 1 deg. 19 min. 22 sec. E along a line 20.00 feet parallel to the west line of Weber Road a distance of 418.96 feet;
4.) thence S 43 deg. 40 min. 37 sec. W a distance of 63.64 feet;
5.) thence S 88 deg. 40 min. 35 sec. W a distance of 70.00 feet;
6.) thence S 1 deg. 19 min. 04 sec. E a distance of 5.00 feet;
7.) thence S 88 deg. 40 min. 35 sec. W a distance of 175.00 feet;
8.) thence west a distance of 227.70 feet along a tangential curve concave south having a radius of 686.62 feet and a cord bearing of S 79 deg. 10 min. 36 sec. E;
9.) thence S 67 deg. 10 min. 30 sec. W a distance of 229.11 feet;
10.) thence S 69 deg. 40 min. 35 sec. W a distance of 352.08 feet;
11.) thence west a distance of 55.38 feet along a tangential curve concave south having a radius of 676.62 feet and a cord bearing of S 45 deg. 58 min. 31 sec. W;
12.) thence south a distance of 55.38 feet along a tangential curve concave east having a radius of 995.00 feet and a cord bearing of S 20 deg. 40 min. 49 sec. W to a point on the south line of said parcel 02-30-200-002;
13.) thence N 88 deg. 14 min. 38 sec. E along said south line of parcel 02-30-200-002 a distance of 42.93 feet to the point of intersection of said south line of parcel 02-30-200-002 and said centerline of the extension of Remington Boulevard;
14.) thence N 88 deg. 14 min. 38 sec. E along said south line of parcel 02-30-200-002 a distance of 43.22 feet;
15.) thence north a distance of 20.27 feet along a non-tangential curve concave east having a radius of 915.00 feet and a cord bearing of N 21 deg. 38 min. 17 sec. E;
16.) thence north a distance of 493.60 feet along a tangential curve concave east having a radius of 596.62 feet and a cord bearing of N 45 deg. 58 min. 31 sec. E;
17.) thence N 69 deg. 40 min. 35 sec. E a distance of 352.08 feet;
18.) thence N 72 deg. 10 min. 40 sec. E a distance of 229.11 feet;
19.) thence east a distance of 194.53 feet along a non-tangential curve concave south having a radius of 586.62 feet and a cord bearing of N 79 deg. 10 min. 36 sec. E;

New matter indicated by italics - deletions by strikeout.
20.) thence N 88 deg. 40 min. 35 sec. E a distance of 240.00 feet;
21.) thence S 46 deg. 19 min. 23 sec E a distance of 84.85 feet;
22.) thence S 1 deg. 19 min. 22 sec. E along a line 10.00 feet parallel to the west line of Weber Road a distance of 485.00 feet;
23.) thence N 88 deg. 13 min. 38 sec. E along said south line of parcel 02-30-200-002 a distance of 10.00 feet;
24.) thence N 1 deg. 19 min. 22 sec. W along said west line of Weber Road a distance of 594.92 feet to the point of beginning, in Will County, Illinois, said parcel containing 3.77 acres, more or less.
(735 ILCS 5/7-103.141 new)

Sec. 7-103.141. Quick-take; Village of Downers Grove. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Downers Grove within the area of the Downers Grove Central Business District Tax Increment Financing District described below, to be used only for acquiring properties for providing off-street parking facilities:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 21.12 FEET OF LOTS 18 AND 19 OF ASSESSOR'S SUBDIVISION, A SUBDIVISION IN SECTIONS 7 AND 8 IN AFORESAID TOWNSHIP 38 NORTH, RANGE 11 EAST, RECORDED AS DOCUMENT NO. 14481 AND THE EAST LINE OF MAIN STREET, AND RUNNING THENCE EASTERLY, ALONG SAID SOUTH LINE, TO THE WEST LINE OF LOT 16, OF AFORESAID ASSESSOR'S SUBDIVISION; THENCE NORTHWESTERLY, ALONG THE WEST LINE OF AFORESAID LOT 16, TO THE SOUTHEAST CORNER OF LOT 17 OF AFORESAID ASSESSOR'S SUBDIVISION; THENCE NORTHERLY, ALONG THE EAST LINE OF AFORESAID LOT 17, TO THE SOUTH LINE OF LOT 52 OF AFORESAID ASSESSOR'S SUBDIVISION; THENCE EASTERLY, ALONG THE SOUTH LINE OF AFORESAID LOT 52 AND THE EASTERLY EXTENSION THEREOF, TO THE WEST LINE OF WASHINGTON STREET; THENCE NORTHERLY, ALONG THE WEST LINE OF WASHINGTON STREET, TO A POINT THAT IS 94.80 FEET SOUTH FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 4 OF CURTISS ADDITION TO DOWNERS GROVE, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 7317; THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF LOT 15 IN AFORESAID ASSESSOR'S SUBDIVISION, TO THE WEST LINE OF SAID LOT 15; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 15, TO THE NORTH LINE THEREOF, SAID LINE BEING THE SOUTH LINE OF BLOCK 4 IN AFORESAID CURTISS ADDITION TO DOWNERS GROVE; THENCE EASTERLY, ALONG SAID NORTH LINE, TO THE WEST LINE OF WASHINGTON STREET; THENCE NORTHERLY, ALONG SAID WEST LINE, SAID LINE ALSO BEING THE EAST LINE OF AFORESAID BLOCK 4 IN CURTISS ADDITION TO DOWNERS GROVE, TO THE SOUTH LINE OF CURTISS STREET, SAID LINE BEING THE NORTH LINE OF AFORESAID BLOCK 4; THENCE WESTERLY, ALONG SAID SOUTH LINE TO A POINT THAT IS 32.0 FEET, EASTERLY, AS MEASURED ON THE NORTH LINE OF LOT 8 IN BLOCK 4 OF AFORESAID CURTISS SUBDIVISION; THENCE SOUTHERLY, ALONG THE WEST FACE OF A BRICK BUILDING AND THE SOUTHERLY EXTENSION THEREOF, ON A STRAIGHT LINE, TO AN INTERSECTION WITH A LINE DESCRIBED AS BEGINNING 23 LINKS (15.18 FEET) SOUTH, AS MEASURED ON THE EAST LINE OF MAIN STREET, OF THE SOUTHWEST CORNER OF LOT 10 IN BLOCK 4 OF AFORESAID CURTISS SUBDIVISION AND RUNNING THENCE SOUTHEASTERLY 1.98 CHAINS (130.68 FEET), TO A POINT 32 LINKS (21.12 FEET) SOUTH OF THE SOUTH LINE OF AFORESAID LOT 8, THENCE EASTERLY 86 LINKS, (56.76 FEET), TO THE END OF THE HEREIN DESCRIBED LINE; THENCE WESTERLY, FOLLOWING ALONG SAID PREVIOUSLY DESCRIBED LINE, FROM THE INTERSECTION REFERENCED HEREIN, TO THE EAST LINE OF MAIN STREET; THENCE SOUTHERLY, ALONG SAID EAST LINE OF MAIN STREET, TO THE POINT OF BEGINNING, ALL DUPAGE COUNTY, ILLINOIS.

New matter indicated by italics - deletions by strikeout.
Sec. 7-103.142. Quick-take; Village of Mount Prospect. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Mount Prospect for the acquisition of the following described property for the purpose of constructing a new village hall and public parking facility:

PARCEL 1: THE EAST 50 FEET OF LOT 12 IN BLOCK 4 OF BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL 2: THE SOUTH 32 FEET OF LOT 13 (EXCEPT THE WEST 96 FEET THEREOF) IN BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL 3: THE SOUTH 32 FEET OF LOT 13 (EXCEPT THE SOUTH 65 FEET THEREOF) IN BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL 4: THE WEST 96 FEET OF THE SOUTH 32 FEET OF LOT 13 BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL 5: LOT 12, (EXCEPT THE EAST 50 FEET THEREOF) BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TAX I.D. NUMBERS: 08-12-103-019 AND 08-12-103-027, and ALL RIGHTS, TITLE, EASEMENTS, LICENSES OR INTERESTS WHATSOEVER FOR INGRESS, EGRESS AND PARKING OVER, UPON AND ACROSS THE REAL PROPERTY IDENTIFIED BELOW:

PARCEL 1: LOT 13 (EXCEPT THE SOUTH 65 FEET THEREOF) IN BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION OF MOUNT PROSPECT IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 33 FEET OF THE SOUTH 65 FEET OF LOT 13 IN BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION OF MOUNT PROSPECT IN THE WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3: LOT 8, 9, 10 AND 11 BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4: THE WEST 96 FEET OF THE SOUTH 32 FEET OF LOT 13 BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5: LOT 12, (EXCEPT THE EAST 50 FEET THEREOF) BLOCK 4 IN BUSSE AND WILLE’S RESUBDIVISION IN MOUNT PROSPECT IN WEST 1/2 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TAX I.D. NUMBERS: 08-12-103-020, 08-12-103-021, 08-12-103-025, 08-12-103-026, 08-12-103-014, 08-12-103-017, 08-12-103-032, and 08-12-103-031.

Sec. 7-103.143. Quick-take; City of Neoga. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the City of Neoga for the acquisition of temporary and permanent easements across a portion of the following described property for the purpose of extending the municipal water works system:


New matter indicated by italics - deletions by strikeout.
SEC. 19. T. 10 N., R. 7 E. OF THE 3RD P.M., BEING AN IRON PIN; THENCE S. 90°–42'02" E., ASSUMED, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 485.09 FEET TO AN IRON PIN; THENCE S. 00°–12'50" E., A DISTANCE OF 503.64 FEET TO AN IRON PIN; THENCE N. 89°–42'02" W., PARALLEL WITH THE NORTH LINE OF SAID SECTION 19 TO THE EAST RIGHT-OF-WAY LINE OF U.S. ROUTE NO. 45, A DISTANCE OF 671.23 FEET TO AN IRON PIN; THENCE N. 20°–07'52" E., ALONG THE EAST LINE OF U.S. ROUTE NO. 45, A DISTANCE OF 535.37 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE COUNTY OF CUMBERLAND AND STATE OF ILLINOIS.


BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S. ROUTE NO. 45 AND THE NORTH LINE OF SEC. 19, T. 10 N., R. 7 E. OF THE 3RD P.M. BEING AN IRON PIN THENCE S. 90°–42'02" E., ASSUMED, ALONG THE NORTH LINE SAID SECTION 19, A DISTANCE OF 485.09 FEET TO AN IRON PIN; THENCE S. 00°–12'50" E., A DISTANCE OF 503.64 FEET TO AN IRON PIN; THENCE N. 89°–42'02" W., PARALLEL WITH THE NORTH LINE OF SAID SECTION 19 TO THE EAST RIGHT-OF-WAY LINE OF U.S. ROUTE NO. 45, A DISTANCE OF 671.23 FEET TO AN IRON PIN; THENCE N. 20°–07'52" E., ALONG THE EAST LINE OF U.S. ROUTE NO. 45, A DISTANCE OF 535.37 FEET TO THE POINT OF BEGINNING.

SUBJECT TO CONVEYANCE FOR FAI ROUTE 57. ALL SITUATED IN THE COUNTY OF CUMBERLAND IN THE STATE OF ILLINOIS.

(735 ILCS 5/7-103.144 new)

Sec. 7-103.144. Quick-take; Village of Plainfield. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Plainfield for the acquisition of the following described property for the purpose of making public improvements to construct road, water, sewer, and drainage systems to serve existing and planned park and school sites:

Parcel #1: THE NORTH 30.00 FEET OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WESTERLY AND SOUTHERLY OF THE HIGHWAY KNOWN AS LINCOLN HIGHWAY OR UNITED STATES ROUTE 30; AND ALSO THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION LYING EASTERLY AND NORTHERLY OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS BY DEED DOCUMENT 402715,
RECORDED JANUARY 22, 1927; AND ALSO EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO COMMONWEALTH EDISON COMPANY, A CORPORATION OF ILLINOIS BY WARRANTY DEED RECORDED OCTOBER 16, 1962 AS DOCUMENT 968125 IN WILL COUNTY, ILLINOIS. PIN #01-32-200-001.


Parcel #6: THE NORTH 30 FEET OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY, ILLINOIS. PIN #01-33-100-006.

Parcel #7: THE WEST 50 FEET OF THE SOUTH 670 FEET OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD

New matter indicated by italics - deletions by strikeout.
PRINCIPAL MERIDIAN. PIN #01-33-200-002.

Parcel #8: THE WEST 160.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THAT PART CONVEYED FOR ROADWAY PURPOSES BY DOCUMENT NUMBER 484643, RECORDED APRIL 23, 1935), IN WILL COUNTY, ILLINOIS. PIN #03-08-400-006.

(735 ILCS 5/7-103.145 new)

Sec. 7-103.145. Quick-take; City of Champaign and Champaign County. Quick-take proceedings under Section 7-103 may be used to acquire real property, including fee simple and temporary and permanent easements, for the Olympian Drive construction and reconstruction project for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the City of Champaign or by the County of Champaign for acquisition of any portion of the following described property:

Land lying within a corridor bounded by a line 200 feet on either side of the existing line of Olympian Drive (also known as TR151) between Mattis Avenue and Market Avenue in Hensley Township in Champaign County; and also land lying within a corridor bounded by a line 200 feet on either side of the center line of Mattis Avenue, Farber Drive, Prospect Avenue, Neil Street (extended), and Market Street for a distance of 1,000 feet north and south of the right-of-way lines of Olympian Drive on each of the named roadways, all located within Hensley Township in Champaign County.

(735 ILCS 5/7-103.146 new)

Sec. 7-103.146. Quick-take; Village of Plainfield. Quick-take proceedings under Section 7-103 may be used by the Village of Plainfield for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly to acquire any portion of the following described property for a 30-foot sanitary sewer easement:

THAT PART OF THE FRACTIONAL SOUTHEAST QUARTER OF FRACTIONAL SECTION 8, & TOWNSHIP 36 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE INDIAN BOUNDARY LINE, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS EAST, ON SAID SOUTH LINE, 1941.46 FEET, TO THE WEST LINE OF PARCEL A PER CONDEMNATION CASE W66G730H; THENCE NORTH 01 DEGREE 06 MINUTES 43 SECONDS WEST, ON SAID WEST LINE, 61.62 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126. PER DOCUMENT NO. 484643, FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREE 06 MINUTES 43 SECONDS WEST, 30.00 FEET, TO A POINT 30.00 FEET NORTH OF, AS MEASURED PERPENDICULAR TO, SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 29 MINUTES 41 SECONDS WEST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY, 482.39 FEET, TO A POINT 30.00 FEET NORTH OF AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE NORTH 89 DEGREES 55 MINUTES 28 SECONDS EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY, 1297.00 FEET, TO THE EAST LINE OF THE WEST 160.00 FEET OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 11 MINUTES 55 SECONDS WEST, ON SAID EAST LINE, 30.00 FEET, TO THE NORTH RIGHT-OF-WAY AFORESAID; THENCE SOUTH 89 DEGREES 55 MINUTES 28 SECONDS EAST, ON SAID NORTH RIGHT-OF-WAY, 1297.22 FEET, TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE NORTH 89 DEGREES 29 MINUTES 41 SECONDS EAST, ON SAID NORTH RIGHT-OF-WAY, 482.86 FEET, TO THE POINT OF BEGINNING, ALL IN WILL COUNTY, ILLINOIS. PIN NO. 03-08-400-005.

(735 ILCS 5/7-103.147 new)

Sec. 7-103.147. Quick-take; City of West Chicago. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the City of West Chicago for the acquisition of the following described property for the purpose of constructing a water treatment plant:

Lots 1 and 2 in Owen Larson's subdivision, of part of the northwest 1/4 of Section 5, Township 39 North, Range 9, East of the Third Principal Meridian, According to the Plat

New matter indicated by italics - deletions by strikeout.
(735 ILCS 5/7-103.148 new)
Sec. 7-103.148. Quick-take; Village of Melrose Park. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 92nd General Assembly by the Village of Melrose Park for the acquisition of the following described property for the purpose of constructing a parking facility and training facility for use by the Village of Melrose Park Fire Prevention Bureau and Fire Station:
LOT 8 (EXCEPT THE NORTH 51.0 FEET THEREOF) IN HEATH'S RESUBDIVISION OF LOTS H, K, R AND S OF BLOCK 7 IN HENRY SOFFEL'S THIRD ADDITION TO MELROSE PARK IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. REAL ESTATE TAX NUMBER 15-04-303-058.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.
Effective February 8, 2002.

PUBLIC ACT 92-0526
( Senate Bill No. 0088)

AN ACT concerning telecommunications.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 5

Section 5-1. Short title. This Act may be cited as the Simplified Municipal Telecommunications Tax Act.

Section 5-5. Legislative intent. The General Assembly has authorized the corporate authorities of any municipality to impose various fees and taxes on the privilege of originating or receiving telecommunications, and on retailers engaged in the business of transmitting such telecommunications, all of which are remitted by such retailers directly to the imposing municipality. To simplify the imposition and collection of municipal telecommunications taxes and to reduce complication and burden, the General Assembly is repealing the municipal telecommunications tax, the municipal tax on the occupation or privilege of transmitting messages, and the municipal infrastructure maintenance fee, and is enacting this Simplified Municipal Telecommunications Tax Act which provides for a single municipally imposed telecommunications tax which, for municipalities with populations of less than 500,000, will be collected by the Illinois Department of Revenue, but which, for municipalities of 500,000 or more, will continue to be collected by such municipalities.

Section 5-7. Definitions. For purposes of the taxes authorized by this Act:
"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.
"Department" means the Illinois Department of Revenue.
"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charge" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the

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Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;

(2) charges for a sent collect telecommunication received outside of such municipality;

(3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary,
irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupations Tax Act.

Section 5-10. Authority. The corporate authorities of any municipality in this State may tax any and all of the following acts or privileges:

(a) The act or privilege of originating in such municipality or receiving in such municipality intrastate telecommunications by a person. However, such tax is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by municipalities in this State.

(b) The act or privilege of originating in such municipality or receiving in such municipality interstate telecommunications by a person. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State. However, such tax is not imposed on the act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by municipalities in this State.
Section 5-15. Maximum rates.
(a) For municipalities with a population of less than 500,000, the tax authorized by this Act may be imposed at a rate not to exceed 6% of the gross charge for telecommunications purchased at retail. If imposed, the tax must be in increments of 0.25%.
(b) For municipalities with a population of 500,000 or more, the tax authorized by this Act may be imposed at a rate not to exceed 7% of the gross charge for telecommunications purchased at retail. If imposed, the tax must be in increments of 0.25%.

Section 5-20. Imposition.
(a) On and after January 1, 2003, for municipalities with populations of less than 500,000, the tax authorized by this Act shall be imposed (except as provided in Sections 5-25 and 5-30 of this Act), amended, or repealed by an ordinance adopted by the municipality, which ordinance shall be filed by the municipality with the Department pursuant to the rules of the Department.
(1) Any ordinance adopted by a municipality with a population of less than 500,000 which attempts to impose, amend or repeal the tax authorized by this Act shall be of no force and effect until properly filed with an appropriate form with the Department.
(2) Any certified copy of an ordinance filed with the Department prior to October 1, 2002 shall be effective with respect to gross charges billed by telecommunications retailers on or after January 1, 2003 and thereafter any certified copy of an ordinance filed with the Department prior to any April 1 or October 1 shall be effective with respect to gross charges billed by telecommunications retailers on or after the following July 1 or January 1, respectively.
(b) On and after January 1, 2003, for municipalities with populations of 500,000 or more, the tax authorized by this Act shall be imposed, amended, or repealed, and any authorized exemptions granted, by the adoption of an ordinance.

Section 5-25. Existing telecommunications taxes and fees.
(a) Between July 1, 2002 and August 1, 2002, the Department shall publish a list of the municipalities with a population of less than 500,000 that have, at any time before the effective date of this Act, enacted ordinances imposing any taxes or fees authorized by subparagraph 1 of Section 8-11-2 of the Illinois Municipal Code, Section 8-11-17 of the Illinois Municipal Code, or Section 20 of the Telecommunications Infrastructure Maintenance Fee Act. Such list shall include the name of each such municipality, the rates at which such taxes or fees are imposed as of the effective date of this Act, and the rate of the new Simplified Municipal Telecommunications Tax, as calculated pursuant to Section 5-30 of this Act.
(b) In compiling the list described in this Section, the Department shall collect information from retailers, municipalities, the Illinois Commerce Commission, and other sources deemed by the Department to be reliable.
(c) Any municipality appearing on the list published pursuant to this Section shall not be required to adopt and file an ordinance implementing the tax authorized by this Act. The list shall be conclusive evidence of the imposition of the tax authorized by this Act at the rate appearing on such list. Any tax imposed in such manner shall take effect with respect to gross charges billed by telecommunications retailers on or after January 1, 2003. A municipality may alter such tax only by filing an ordinance with the Department pursuant to Section 5-20 of this Act.

Section 5-30. Calculation of rates for certain municipalities. The rate of the Simplified Municipal Telecommunications Tax for municipalities on the list described in Section 5-25 of this Act shall be measured by the sum of the following rates set forth in ordinances enacted by the municipalities at the rates in effect on the effective date of this Act:
(1) The rate equal to 70% of the rate set forth in such ordinance pursuant to subparagraph 1 of Section 8-11-2 of the Illinois Municipal Code, rounded to the nearest even 0.25% increment; plus
(2) The rate set forth in such ordinance pursuant to Section 8-11-17 of the Illinois Municipal Code, rounded to the nearest even 0.25% increment; plus
(3) The rate set forth in such ordinance pursuant to Section 20 of the Telecommunications Infrastructure Maintenance Fee Act.

Section 5-35. Rebates and exemptions. Any municipality may implement the following rebates and exemptions:

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(1) A municipality that imposes the tax authorized by this Act and whose territory includes part of another unit of local government or a school district, may, by separate ordinance, rebate some or all of the amount of such tax paid by the other unit of local government or school district. Any such rebate shall be paid by the municipality directly to the other unit of local government or school district qualifying for the rebate as determined by the municipality's ordinance, which shall not be filed with the Department.

(2) A municipality that imposes the tax authorized by this Act may, by separate ordinance, rebate some or all of the amount of such tax to persons 65 years of age or older. Any tax related to such rebate shall be rebated from the municipality directly to persons qualified for the rebate as determined by the municipality's ordinance, which shall not be filed with the Department.

(3) A municipality with a population of 500,000 or more that imposes the tax authorized by this Act may, by separate ordinance, exempt from the tax authorized by this Act, charges for inbound toll-free telecommunications service commonly known as "800", "877", or "888" or for a similar service, to the extent such municipality has passed an ordinance providing for this exemption.

Section 5-40. Collection.
(a) For municipalities with populations of less than 500,000, the tax authorized by this Act shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Act and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Act shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(b) For municipalities with populations of 500,000 or more, the tax authorized by this Act shall be collected from the taxpayer by a retailer making or effectuating the sale at retail and shall be remitted by such retailer to such municipality. Any tax required to be collected pursuant to an ordinance authorized by this Act and any such tax collected by a retailer shall constitute a debt owed by the retailer to such municipality. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by such municipality. The tax authorized by this Act shall constitute a debt of the taxpayer to the retailer who made or effectuated the sale at retail until paid and, if unpaid, is recoverable at law in the same manner as the original charge for the sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to such municipality in the manner provided by such municipality. The municipality imposing the tax shall provide for its administration and enforcement.

(c) Retailers filing tax returns pursuant to this Act shall, at the time of filing such return, pay to a municipality with a population of 500,000 or more or to the Department for all other municipalities, the amount of the tax collected, less a discount of 1% which is allowed to reimburse the retailer for the expenses incurred in keeping records, billing the customer, preparing and filing returns, remitting the tax and supplying data to a municipality or the Department upon request. No discount may be claimed by a retailer on returns not timely filed and for taxes not timely remitted.

(d)Whenever possible, the tax authorized by this Act shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

Section 5-45. Resellers.
(a) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to a municipality with a population of 500,000 or more or to the Department for all other municipalities, for a resale number. Such applicant shall state facts which will show a municipality with a population of 500,000 or more or the Department for all other municipalities, why such applicant is not liable for tax authorized by this Act on any of such purchases and shall furnish such additional information as a municipality with a population of 500,000 or more
or the Department for all other municipalities, may reasonably require.

(b) Upon approval of the application, a municipality with a population of 500,000 or more or the Department for all other municipalities, shall assign a resale number to the applicant and shall certify such number to the applicant. A municipality with a population of 500,000 or more or the Department for all other municipalities, may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(c) Except as provided hereinafore in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from a municipality with a population of 500,000 or more or the Department for all other municipalities, and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

Section 5-50. Returns to the Department.

(a) Commencing on February 1, 2003, for the tax imposed under subsection (a) of Section 5-20 of this Act, every retailer maintaining a place of business in this State shall, on or before the last day of each month make a return to the Department for the preceding calendar month, stating:

(1) Its name;
(2) The address of its principal place of business or the address of the principal place of business (if that is a different address) from which it engages in the business of transmitting telecommunications;
(3) Total amount of gross charges billed by it during the preceding calendar month for providing telecommunications during the calendar month;
(4) Total amount received by it during the preceding calendar month on credit extended;
(5) Deductions allowed by law;
(6) Gross charges that were billed by it during the preceding calendar month and upon the basis of which the tax is imposed;
(7) Amount of tax (computed upon Item 6);
(8) The municipalities to which the Department shall remit the taxes and the amount of such remittances;
(9) Such other reasonable information as the Department may require.

(b) Any retailer required to make payments under this Section may make the payments by electronic funds transfer. The Department shall adopt rules necessary to effectuate a program of electronic funds transfer. Any retailer who has average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act that exceed $1,000 shall make all payments by electronic funds transfer as required by rules of the Department.

(c) If the retailer's average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act do not exceed $1,000, the Department may authorize such retailer's returns to be filed on a quarterly basis, with the return for January, February, and March of a given year being due by April 30th of that year; with the return for April, May, and June of a given year being due by July 31st of that year; with the return for July, August, and September of a given year being due by October 31st of that year; and with the return for October, November, and December of a given year being due by January 31st of the following year.

(d) If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act do not exceed $400, the Department may authorize such retailer's return to be filed on an annual basis, with the return for a given year being due by January 31st of the following year.

(e) Each retailer whose average monthly remittance to the Department under this Act and the Telecommunications Excise Tax Act was $25,000 or more during the preceding calendar year, excluding the month of highest remittance and the month of lowest remittance in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which the tax remittance is owed to the Department in an amount not less than the lower of either 22.5% of the retailer's actual tax collections for the month or 25% of the retailer's actual tax collections for the same...
calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final remittance of the retailer's return for that month. Any outstanding credit, approved by the Department, arising from the retailer's overpayment of its final remittance for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final remittance of the retailer's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the Department or received credits in excess of the minimum payments previously due.

(f) Notwithstanding any other provision of this Section containing the time within which a retailer may file his or her return, in the case of any retailer who ceases to engage in a kind of business that makes him or her responsible for filing returns under this Section, the retailer shall file a final return under this Section with the Department not more than one month after discontinuing such business.

(g) In making such return, the retailer shall determine the value of any consideration other than money received by it and such retailer shall include the value in its return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

(h) Any retailer who has average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act that exceed $1,000 shall file the return required by this Section by electronic means as required by rules of the Department.

(i) The retailer filing the return herein provided for shall, at the time of filing the return, pay to the Department the amounts due pursuant to this Act. The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, 99.5% of all taxes, penalties, and interest collected hereunder for deposit into the Municipal Telecommunications Fund, which is hereby created. The remaining 0.5% received by the Department pursuant to this Act shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to be paid to named municipalities from the Municipal Telecommunications Fund for amounts collected during the second preceding calendar month. The named municipalities shall be those municipalities identified by a retailer in such retailer's return as having imposed the tax authorized by the Act. The amount of money to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amount that were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt by the Comptroller of the disbursement certification from the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. When certifying to the Comptroller the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

(j) For municipalities with populations of less than 500,000, whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Municipal Telecommunications Fund.

Section 5-55. Pledged revenues. If a municipality has, by contract, pledged or dedicated any or all of the revenues collected under any of its taxes imposed pursuant to subparagraph 1 of Section 8-11-2 of the Illinois Municipal Code, Section 8-11-17 of the Illinois Municipal Code, or Section 20 of the Telecommunications Infrastructure Maintenance Fee Act as shown on the list described in
Section 5-25 of this Act, then the equivalent portion of revenues collected from the tax authorized by this Act shall be deemed pledged or dedicated in a manner substantially similar to the pledge of the then existing taxes so as to prevent disruption of such contract.

Section 5-60. Waiver of franchise fees.
(a) Any municipality shall be deemed to have waived its right to receive all fees, charges and other compensation that might accrue to the municipality after the effective date of this Act, under any franchise agreement, license, or similar agreement, executed on or before January 1, 1998 with telecommunications retailers if:
(1) the municipality imposes the tax authorized by this Act at a rate exceeding 5%;
(2) the municipality affirmatively waives such fees; or
(3) the municipality is included in the list described in Section 5-25 of this Act as having an infrastructure maintenance fee in place.
(b) This waiver shall be effective only during the time that either the infrastructure maintenance fee or the simplified tax authorized under this Act is subject to being lawfully imposed on the telecommunications retailer, collected by the municipality or the Department, and paid over to the municipality.
(c) No portion of this Act shall be construed to have repealed or amended the prohibition on franchise fees or other charges set forth in Section 30 of the Telecommunications Infrastructure Maintenance Fee Act.

Section 5-65. Incorporation by reference. On and after January 1, 2003, for municipalities with populations of less than 500,000, all of the provisions of Sections 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of the Telecommunications Excise Tax Act, Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, and 6c of the Retailers' Occupation Tax Act, and all the provisions of the Uniform Penalty and Interest Act, which are not inconsistent with this Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein. References in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, to sellers, or to persons engaged in the business of selling tangible personal property mean retailers, as defined in this Act, or persons engaged in the act or privilege of originating or receiving telecommunications. References in such incorporated Sections of the Retailers' Occupation Tax Act to purchasers of tangible personal property mean the act or privilege of originating or receiving telecommunications as defined in this Act.

Section 5-90. Home rule. The authorization to impose municipal telecommunications taxes and fees is an exclusive power and function of the State. A home rule municipality may not impose municipal telecommunications taxes and fees other than as authorized under this Act. This Act is a denial and limitation of municipal home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

ARTICLE 90

Section 90-5. The State Revenue Sharing Act is amended by changing Section 12 as follows:
(30 ILCS 115/12) (from Ch. 85, par. 616)
Sec. 12. Personal Property Tax Replacement Fund. There is hereby created the Personal Property Tax Replacement Fund, a special fund in the State Treasury into which shall be paid all revenue realized:
(a) all amounts realized from the additional personal property tax replacement income tax imposed by subsections (c) and (d) of Section 201 of the Illinois Income Tax Act, except for those amounts deposited into the Income Tax Refund Fund pursuant to subsection (c) of Section 901 of the Illinois Income Tax Act; and
(b) all amounts realized from the additional personal property replacement invested capital taxes imposed by Section 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and Section 3 of the Water Company Invested Capital Tax Act, and amounts payable to the Department of Revenue under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

As soon as may be after the end of each month, the Department of Revenue shall certify to the Treasurer and the Comptroller the amount of all refunds paid out of the General Revenue Fund
through the preceding month on account of overpayment of liability on taxes paid into the Personal Property Tax Replacement Fund. Upon receipt of such certification, the Treasurer and the Comptroller shall transfer the amount so certified from the Personal Property Tax Replacement Fund into the General Revenue Fund.

The payments of revenue into the Personal Property Tax Replacement Fund shall be used exclusively for distribution to taxing districts as provided in this Section, payment of the expenses of the Department of Revenue incurred in administering the collection and distribution of monies paid into the Personal Property Tax Replacement Fund and transfers due to refunds to taxpayers for overpayment of liability for taxes paid into the Personal Property Tax Replacement Fund.

As soon as may be after the effective date of this amendatory Act of 1980, the Department of Revenue shall certify to the Treasurer the amount of net replacement revenue paid into the General Revenue Fund prior to that effective date from the additional tax imposed by Section 2a.1 of the Messages Tax Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of the Public Utilities Revenue Act; Section 3 of the Water Company Invested Capital Tax Act; amounts collected by the Department of Revenue under the Telecommunications Municipal Infrastructure Maintenance Fee Act; and the additional personal property tax replacement income tax imposed by the Illinois Income Tax Act, as amended by Public Act 81-1st Special Session-1. Net replacement revenue shall be defined as the total amount paid into and remaining in the General Revenue Fund as a result of those Acts minus the amount outstanding and obligated from the General Revenue Fund in state vouchers or warrants prior to the effective date of this amendatory Act of 1980 as refunds to taxpayers for overpayment of liability under those Acts.

All interest earned by monies accumulated in the Personal Property Tax Replacement Fund shall be deposited in such Fund. All amounts allocated pursuant to this Section are appropriated on a continuing basis.

Prior to December 31, 1980, as soon as may be after the end of each quarter beginning with the quarter ending December 31, 1979, and on and after December 31, 1980, as soon as may be after January 1, March 1, April 1, May 1, July 1, August 1, October 1 and December 1 of each year, the Department of Revenue shall allocate to each taxing district as defined in Section 1-150 of the Property Tax Code, in accordance with the provisions of paragraph (2) of this Section the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed, as provided in paragraph (1), for each quarter. Provided, however, under no circumstances shall any taxing district during each of the first two years of distribution of the taxes imposed by this amendatory Act of 1979 be entitled to an annual allocation which is less than the funds such taxing district collected from the 1978 personal property tax. Provided further that under no circumstances shall any taxing district during the third year of distribution of the taxes imposed by this amendatory Act of 1979 receive less than 60% of the funds such taxing district collected from the 1978 personal property tax. In the event that the total of the allocations made as above provided for all taxing districts, during either of such 3 years, exceeds the amount available for distribution the allocation of each taxing district shall be proportionately reduced. Except as provided in Section 13 of this Act, the Department shall then certify, pursuant to appropriation, such allocations to the State Comptroller who shall pay over to the several taxing districts the respective amounts allocated to them.

Any township which receives an allocation based in whole or in part upon personal property taxes which it levied pursuant to Section 6-507 or 6-512 of the Illinois Highway Code and which was previously required to be paid over to a municipality shall immediately pay over to that municipality a proportionate share of the personal property replacement funds which such township receives.

Any municipality or township, other than a municipality with a population in excess of 500,000, which receives an allocation based in whole or in part on personal property taxes which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the Illinois Local Library Act and which was previously required to be paid over to a public library shall immediately pay over to that library a proportionate share of the personal property tax replacement funds which such municipality or township receives; provided that if such a public library has converted to a library organized under The Illinois Public Library District Act, regardless of whether such conversion has occurred on, after or before January 1, 1988, such proportionate share shall be immediately paid over to the library district which maintains and operates the library. However, any library that has converted prior to January 1, 1988, and which hitherto has not received the personal property tax replacement funds,
shall receive such funds commencing on January 1, 1988.

Any township which receives an allocation based in whole or in part on personal property
taxes which it levied pursuant to Section 1c of the Public Graveyards Act and which taxes were
previously required to be paid over to or used for such public cemetery or cemeteries shall
immediately pay over to or use for such public cemetery or cemeteries a proportionate share of the
personal property tax replacement funds which the township receives.

Any taxing district which receives an allocation based in whole or in part upon personal
property taxes which it levied for another governmental body or school district in Cook County in
1976 or for another governmental body or school district in the remainder of the State in 1977 shall
immediately pay over to that governmental body or school district the amount of personal property
replacement funds which such governmental body or school district would receive directly under the
provisions of paragraph (2) of this Section, had it levied its own taxes.

(1) The portion of the Personal Property Tax Replacement Fund required to be distributed as
of the time allocation is required to be made shall be the amount available in such Fund as of the time
allocation is required to be made.

The amount available for distribution shall be the total amount in the fund at such time minus
the necessary administrative expenses as limited by the appropriation and the amount determined by:
(a) $2.8 million for fiscal year 1981; (b) for fiscal year 1982, .54% of the funds distributed from the
fund during the preceding fiscal year; (c) for fiscal year 1983 through fiscal year 1988, .54% of the
funds distributed from the fund during the preceding fiscal year less .02% of such fund for fiscal year
1983 and less .02% of such funds for each fiscal year thereafter, or (d) for fiscal year 1989 and beyond
no more than 105% of the actual administrative expenses of the prior fiscal year. Such portion of the
fund shall be determined after the transfer into the General Revenue Fund due to refunds, if any, paid
from the General Revenue Fund during the preceding quarter. If at any time, for any reason, there is
insufficient amount in the Personal Property Tax Replacement Fund for payment of costs of
administration or for transfers due to refunds at the end of any particular month, the amount of such
insufficiency shall be carried over for the purposes of transfers into the General Revenue Fund and
for purposes of costs of administration to the following month or months. Net replacement revenue
held, and defined above, shall be transferred by the Treasurer and Comptroller to the Personal
Property Tax Replacement Fund within 10 days of such certification.

(2) Each quarterly allocation shall first be apportioned in the following manner: 51.65% for
taxing districts in Cook County and 48.35% for taxing districts in the remainder of the State.

The Personal Property Replacement Ratio of each taxing district outside Cook County shall
be the ratio which the Tax Base of that taxing district bears to the Downstate Tax Base. The Tax Base
of each taxing district outside of Cook County is the personal property tax collections for that taxing
district for the 1977 tax year. The Downstate Tax Base is the personal property tax collections for all
taxing districts in the State outside of Cook County for the 1977 tax year. The Department of Revenue
shall have authority to review for accuracy and completeness the personal property tax collections for
each taxing district outside Cook County for the 1977 tax year.

The Personal Property Replacement Ratio of each Cook County taxing district shall be the
ratio which the Tax Base of that taxing district bears to the Cook County Tax Base. The Tax Base
of each Cook County taxing district is the personal property tax collections for that taxing district for the
1976 tax year. The Cook County Tax Base is the personal property tax collections for all taxing
districts in Cook County for the 1976 tax year. The Department of Revenue shall have authority to
review for accuracy and completeness the personal property tax collections for each taxing district
within Cook County for the 1976 tax year.

For all purposes of this Section 12, amounts paid to a taxing district for such tax years as may
be applicable by a foreign corporation under the provisions of Section 7-202 of the Public Utilities
Act, as amended, shall be deemed to be personal property taxes collected by such taxing district for
such tax years as may be applicable. The Director shall determine from the Illinois Commerce
Commission, for any tax year as may be applicable, the amounts so paid by any such foreign
corporation to any and all taxing districts. The Illinois Commerce Commission shall furnish such
information to the Director. For all purposes of this Section 12, the Director shall deem such amounts
to be collected personal property taxes of each such taxing district for the applicable tax year or years.

Taxing districts located both in Cook County and in one or more other counties shall receive
both a Cook County allocation and a Downstate allocation determined in the same way as all other taxing districts.

If any taxing district in existence on July 1, 1979 ceases to exist, or discontinues its operations, its Tax Base shall thereafter be deemed to be zero. If the powers, duties and obligations of the discontinued taxing district are assumed by another taxing district, the Tax Base of the discontinued taxing district shall be added to the Tax Base of the taxing district assuming such powers, duties and obligations.

If two or more taxing districts in existence on July 1, 1979, or a successor or successors thereto shall consolidate into one taxing district, the Tax Base of such consolidated taxing district shall be the sum of the Tax Bases of each of the taxing districts which have consolidated.

If a single taxing district in existence on July 1, 1979, or a successor or successors thereto shall be divided into two or more separate taxing districts, the tax base of the taxing district so divided shall be allocated to each of the resulting taxing districts in proportion to the then current equalized assessed value of each resulting taxing district.

If a portion of the territory of a taxing district is disconnected and annexed to another taxing district of the same type, the Tax Base of the taxing district from which disconnection was made shall be reduced in proportion to the then current equalized assessed value of the disconnected territory as compared with the then current equalized assessed value within the entire territory of the taxing district prior to disconnection, and the amount of such reduction shall be added to the Tax Base of the taxing district to which annexation is made.

If a community college district is created after July 1, 1979, beginning on the effective date of this amendatory Act of 1995, its Tax Base shall be 3.5% of the sum of the personal property tax collected for the 1977 tax year within the territorial jurisdiction of the district.

The amounts allocated and paid to taxing districts pursuant to the provisions of this amendatory Act of 1979 shall be deemed to be substitute revenues for the revenues derived from taxes imposed on personal property pursuant to the provisions of the "Revenue Act of 1939" or "An Act for the assessment and taxation of private car line companies", approved July 22, 1943, as amended, or Section 414 of the Illinois Insurance Code, prior to the abolition of such taxes and shall be used for the same purposes as the revenues derived from ad valorem taxes on real estate.

Monies received by any taxing districts from the Personal Property Tax Replacement Fund shall be first applied toward payment of the proportionate amount of debt service which was previously levied and collected from extensions against personal property on bonds outstanding as of December 31, 1978 and next applied toward payment of the proportionate share of the pension or retirement obligations of the taxing district which were previously levied and collected from extensions against personal property. For each such outstanding bond issue, the County Clerk shall determine the percentage of the debt service which was collected from extensions against real estate in the taxing district for 1978 taxes payable in 1979, as related to the total amount of such levies and collections from extensions against both real and personal property. For 1979 and subsequent years' taxes, the County Clerk shall levy and extend taxes against the real estate of each taxing district which will yield the said percentage or percentages of the debt service on such outstanding bonds. The balance of the amount necessary to fully pay such debt service shall constitute a first and prior lien upon the monies received by each such taxing district through the Personal Property Tax Replacement Fund and shall be first applied or set aside for such purpose. In counties having fewer than 3,000,000 inhabitants, the amendments to this paragraph as made by this amendatory Act of 1980 shall be first applicable to 1980 taxes to be collected in 1981.

(35 ILCS 630/2) (from Ch. 120, par. 2002)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of

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the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; or (iii) the tax imposed by Section 4251 of the Internal Revenue Code; (iv) 911 surcharges; or (v) the tax imposed by the Simplified Municipal Telecommunications Tax Act;

(2) charges for a sent collect telecommunication received outside of the State;

(3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made;

(8) charges paid by inserting coins in coin-operated telecommunication devices;

(9) amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the

New matter indicated by italics - deletions by strikeout.
information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment

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to a retailer must be made in advance, provided that, unless recharged, no further service is provided
once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements
include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge"
means the purchase of additional prepaid telephone or telecommunications services whether or not
the purchaser acquires a different access number or authorization code. "Prepaid telephone calling
arrangement" does not include an arrangement whereby a customer purchases a payment card and
pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice
issued to that customer under an existing subscription plan.
(Source: P.A. 90-562, eff. 12-16-97; 91-870, eff. 6-22-00.)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:
(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving
telecommunications in this State and for all services and equipment provided in connection therewith
by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services
and property of every kind or nature, and shall be determined without any deduction on account of
the cost of such telecommunications, the cost of materials used, labor or service costs or any other
expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when
paid. "Gross charges" for private line service shall include charges imposed at each channel point
within this State, charges for the channel mileage between each channel point within this State, and
charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross
charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to (i) the
tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions
of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges
added to customers' bills by retailers who are not subject to rate regulation by the Illinois
Commerce Commission for the purpose of recovering any of the tax liabilities or other
amounts specified in such provisions of such Act; or (iii) the tax imposed by Section 4251 of
the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside of the State;

(3) charges for leased time on equipment or charges for the storage of data or information
for subsequent retrieval or the processing of data or information intended to change its form
or content. Such equipment includes, but is not limited to, the use of calculators, computers,
data processing equipment, tabulating equipment or accounting equipment and also includes
the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by
the customer from any source, wherein such charges are disaggregated and separately
identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities
Act, as amended, to the extent of such exemption and during the period of time specified by
the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in
connection therewith between a parent corporation and its wholly owned subsidiaries or
between wholly owned subsidiaries when the tax imposed under this Article has already been
paid to a retailer and only to the extent that the charges between the parent corporation and
wholly owned subsidiaries or between wholly owned subsidiaries represent expense
allocation between the corporations and not the generation of profit for the corporation
rendering such service;

(7) bad debts. Bad debt means any portion of a debt that is related to a sale at retail for
which gross charges are not otherwise deductible or excludable that has become worthless or
uncollectable, as determined under applicable federal income tax standards. If the portion
of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that
portion during the reporting period in which the payment is made;

(8) charges paid by inserting coins in coin-operated telecommunication devices;

(9) amounts paid by telecommunications retailers under the Telecommunications
Municipal Infrastructure Maintenance Fee Act.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office.
distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan.

(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02.)

(35 ILCS 630/6) (from Ch. 120, par. 2006)

Sec. 6. Except as provided hereinafter in this Section, on or before the last 15th day of each month, each retailer maintaining a place of business in this State shall make a return to the Department for the preceding calendar month, stating:

1. His name;
2. The address of his principal place of business, or and the address of the principal place of business (if that is a different address) from which he engages in the business of transmitting telecommunications;
3. Total amount of gross charges billed by him during the preceding calendar month for providing telecommunications during such calendar month;
4. Total amount received by him during the preceding calendar month on credit extended;
5. Deductions allowed by law;
6. Gross charges which were billed by him during the preceding calendar month and upon the basis of which the tax is imposed;
7. Amount of tax (computed upon Item 6);
8. Such other reasonable information as the Department may require.

Any taxpayer required to make payments under this Section may make the payments by electronic funds transfer. The Department shall adopt rules necessary to effectuate a program of electronic funds transfer. Any taxpayer who has average monthly tax billings due to the Department under this Act and the Simplified Municipal Telecommunications Tax Act that exceed $1,000 shall make all payments by electronic funds transfer as required by rules of the Department and shall file the return required by this Section by electronic means as required by rules of the Department.

If the retailer's average monthly tax billings due to the Department under this Act and the Simplified Municipal Telecommunications Tax Act do not exceed $1,000, the Department may authorize his returns to be filed on a quarterly annual basis, with the return for January, February and March of a given year being due by April 30th of such year; with the return for April, May and June of a given year being due by July 31st of such year; with the return for July, August and September of a given year being due by October 31st of such year; and with the return of October, November and December of a given year being due by January 31st of the following year.

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If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax billings due to the Department under this Act and the Simplified Municipal Telecommunications Tax Act do not exceed $400, the Department may authorize his or her return to be filed on an annual basis, with the return for a given year being due by January 31st of the following year.

Notwithstanding any other provision of this Article containing the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Article, such retailer shall file a final return under this Article with the Department not more than one month after discontinuing such business.

In making such return, the retailer shall determine the value of any consideration other than money received by him and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Each retailer whose average monthly liability to the Department under this Article and the Simplified Municipal Telecommunications Tax Act was $25,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which tax collection liability to the Department is incurred in an amount not less than the lower of either 22.5% of the retailer's actual tax collections for the month or 25% of the retailer's actual tax collections for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final liability of the retailer's return for that month. Any outstanding credit, approved by the Department, arising from the retailer's overpayment of its final liability for any month may be applied to reduce the amount of any subsequent quarter monthly payment or credited against the final liability of the retailer's return for any subsequent month. If any quarter monthly payment is not paid at the time or in the amount required by this Section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the Department in excess of the minimum payments previously due.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by a retailer within 15 days after the close of the calendar month for which a return is to be made, he may grant an extension of time for the filing of such return for a period of not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by the retailer with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return so extended. All such deposits, including any heretofore made with the Department, shall be credited against the retailer's liabilities under this Article. If any such deposit exceeds the retailer's present and probable future liabilities under this Article, the Department shall issue to the retailer a credit memorandum, which may be assigned by the retailer to a similar retailer under this Article, in accordance with reasonable rules and regulations to be prescribed by the Department.

The retailer making the return herein provided for shall, at the time of making such return, pay to the Department the amount of tax herein imposed, less a discount of 1% which is allowed to reimburse the retailer for the expenses incurred in keeping records, billing the customer, preparing and filing returns, remitting the tax, and supplying data to the Department upon request. No discount may be claimed by a retailer on returns not timely filed and for taxes not timely remitted. On and after the effective date of this Article of 1985, $1,000,000 of the moneys received by the Department of Revenue pursuant to this Article shall be paid each month into the Common School Fund and the remainder into the General Revenue Fund. On and after February 1, 1998, however, of the moneys received by the Department of Revenue pursuant to the additional taxes imposed by this amendatory Act of 1997 one-half shall be deposited into the School Infrastructure Fund and one-half shall be deposited into the Common School Fund. On and after the effective date of this amendatory Act of the 91st General Assembly, if in any fiscal year the total of the moneys deposited into the School Infrastructure Fund under this Act is less than the total of the moneys deposited into that Fund from the additional taxes imposed by Public Act 90-548 during fiscal year 1999, then, as soon as possible after the close of the fiscal year, the Comptroller shall order transferred and the Treasurer shall transfer...
from the General Revenue Fund to the School Infrastructure Fund an amount equal to the difference between the fiscal year total deposits and the total amount deposited into the Fund in fiscal year 1999.
(Source: P.A. 90-16, eff. 6-16-97; 90-548, eff. 12-4-97; 91-541, eff. 8-13-99; 91-870, 6-22-00.)
(35 ILCS 630/15) (from Ch. 120, par. 2015)
Sec. 15. Confidential information. All information received by the Department from returns filed under this Article, or from any investigations conducted under this Article, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor.

Provided, that nothing contained in this Article shall prevent the Director from publishing or making available to the public the names and addresses of retailers or taxpayers filing returns under this Article, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

And provided, that nothing contained in this Article shall prevent the Director from making available to the United States Government or the government of any other state, or any officer or agency thereof, for exclusively official purposes, information received by the Department in the administration of this Article, if such other governmental agency agrees to divulge requested tax information to the Department.

The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Article is deemed to be an official purpose within the meaning of this Section.

The furnishing of financial information to a municipality that has imposed a tax under the Simplified Municipal Telecommunications Tax Act, upon request of the chief executive thereof, is an official purpose within the meaning of this Section, provided that the municipality agrees in writing to the requirements of this Section. Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information.

The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2).

In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer.

(Source: P.A. 90-491, eff. 1-1-98.)

Section 90-15. The Telecommunications Municipal Infrastructure Maintenance Fee Act is amended by changing Sections 1, 5, 10, 15, 20, 25, 27, 27.35, 30, and 35 as follows:
(35 ILCS 635/1)
Sec. 1. Short title. This Act may be cited as the Telecommunications Municipal Infrastructure Maintenance Fee Act.
(Source: P.A. 90-154, eff. 1-1-98.)
Sec. 5. Legislative intent.
(a) The General Assembly imposed a tax on invested capital of utilities to partially replace the personal property tax that was abolished by the Illinois Constitution of 1970. Since that tax was imposed, telecommunications retailers have evolved from utility status into an increasingly competitive industry serving the public.
(b) This Act is intended to abolish the invested capital tax on telecommunications retailers (that is, persons engaged in the business of transmitting messages and acting as a retailer of telecommunications as defined in Section 2 of the Telecommunications Excise Tax Act). Cellular telecommunications retailers have already been excluded from application of the invested capital tax by earlier legislative action.
(c) For the period prior to the effective date of this amendatory Act of the 92nd General Assembly, this Act is also intended to abolish municipal franchise fees with respect to telecommunications retailers, create a uniform system for the collection and distribution of fees associated with the privilege of use of the public right of way for telecommunications activity, and provide municipalities with a comprehensive method of compensation for telecommunications activity including the recovery of reasonable costs of regulating the use of the public rights-of-way for telecommunications activity.
(d) For the period from the effective date of this amendatory Act of the 92nd General Assembly through December 31, 2002, it is the intent of the General Assembly that the municipal infrastructure maintenance fee and its rate are subject only to the limits prescribed in Section 20, and that the fee and the rate of the fee do not relate to use of the public rights-of-way or the costs associated with maintaining and regulating the use of the public rights-of-way. It is also the intent of the General Assembly that proceeds of the municipal infrastructure maintenance fee may be used for any lawful corporate purpose. It is not the intent of the General Assembly that the municipal infrastructure maintenance fee is in any way compensation for use of the public rights-of-way. It is the intent of the General Assembly that the fee be paid by all telecommunications retailers, regardless of whether they have equipment in the public rights-of-way.
(e) This amendatory Act of the 92nd General Assembly is intended to repeal the municipal infrastructure maintenance fee and the optional infrastructure maintenance fee effective January 1, 2003.
(Source: P.A. 90-154, eff. 1-1-98; 91-533, eff. 8-13-99.)

Sec. 10. Definitions.
(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State or the municipality imposing the fee under this Act, as the context requires, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State or the municipality imposing the fee under this Act, charges for the channel mileage between each channel point within this State or the municipality imposing the fee under this Act, and charges for that portion of the interstate inter-office channel provided within Illinois or the municipality imposing the fee under this Act. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, (vi) the tax imposed by Section 4251 of the Internal Revenue Code, or (vii) the tax imposed by the Simplified Municipal Telecommunications Tax Act;
(2) charges for a sent collect telecommunication received outside of this State or the municipality imposing the fee, as the context requires;
(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs or by the municipality imposing the fee under the Act, as the context requires;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made); or

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) charges for telecommunications and all services and equipment provided to a municipality imposing the infrastructure maintenance fee.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The
Illinois Department of Revenue or the municipality imposing the fee, as the case may be, may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department or municipality, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State or municipality imposing the fee.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97; 91-870, eff. 6-22-00.)

(Text of Section after amendment by P.A. 92-474)

Sec. 10. Definitions.

(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State or the municipality imposing the fee under this Act, as the context requires; and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State or the municipality imposing the fee under this Act, charges for the channel mileage between each channel point within this State or the municipality imposing the fee under this Act, and charges for that portion of the interstate inter-office channel provided within Illinois or the municipality imposing the fee under this Act. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (iv) 911 surcharges, (v) the tax imposed by Section 4251 of the Internal Revenue Code, or (vi) the tax imposed by the Simplified Municipal Telecommunications Tax Act;

(2) charges for a sent collect telecommunication received outside of this State or the municipality imposing the fee, as the context requires;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately
identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs or by the municipality imposing the fee under the Act, as the context requires;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made); or

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) charges for telecommunications and all services and equipment provided to a municipality imposing the infrastructure maintenance fee.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Illinois Department of Revenue or the municipality imposing the fee, as the case may be, may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department or municipality, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State or municipality imposing the fee.
(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid by the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

Sec. 15. State telecommunications infrastructure maintenance fees.

(a) A State infrastructure maintenance fee is hereby imposed upon telecommunications retailers as a replacement for the personal property tax in an amount specified in subsection (b).

(b) The amount of the State infrastructure maintenance fee imposed upon a telecommunications retailer under this Section shall be equal to 0.5% of all gross charges charged by the telecommunications retailer to service addresses in this State for telecommunications, other than wireless telecommunications, originating or received in this State. However, the State infrastructure maintenance fee is not imposed in any case in which the imposition of the fee would violate the Constitution or statutes of the United States.

(c) (Blank). An optional infrastructure maintenance fee is hereby created. A telecommunications retailer may elect to pay the optional infrastructure maintenance fee with respect to the gross charges charged by the telecommunications retailer to service addresses in a particular municipality for telecommunications, other than wireless telecommunications, originating or received in the municipality if (1) the telecommunications retailer is not required to pay any compensation to the municipality under an existing franchise agreement and (2) the municipality has not imposed a municipal infrastructure maintenance fee as authorized in Section 20 of this Act. A telecommunications retailer electing to pay the optional infrastructure maintenance fee shall notify the Department of such election on the application for certificate of registration. If a telecommunications retailer elects to pay this fee with respect to the gross charges charged by the telecommunications retailer to service addresses in a particular municipality, such election shall remain in full force and effect until such time as the municipality imposes a municipal infrastructure maintenance fee.

(d) (Blank). The amount of the optional infrastructure maintenance fee which a telecommunications retailer may elect to pay with respect to a particular municipality shall be equal to 25% of the maximum amount of the municipal infrastructure maintenance fee which the municipality could impose under Section 20 of this Act.

(e) The State infrastructure maintenance fee and the optional infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in subsection (b) of Section 25 of this Act.

Sec. 20. Municipal telecommunications infrastructure maintenance fee.

(a) A municipality may impose a municipal infrastructure maintenance fee upon telecommunications retailers in an amount specified in subsection (b). On and after the effective date
of this amendatory Act of 1997, a certified copy of an ordinance or resolution imposing a fee under this Section shall be filed with the Department within 30 days after the effective date of this amendatory Act or the effective date of the ordinance or resolution imposing such fee, whichever is later. Failure to file a certified copy of the ordinance or resolution imposing a fee under this Section shall have no effect on the validity of the ordinance or resolution. The Department shall create and maintain a list of all ordinances and resolutions filed pursuant to this Section and make that list, as well as copies of the ordinances and resolutions, available to the public for a reasonable fee.

(b) The amount of the municipal infrastructure maintenance fee imposed upon a telecommunications retailer under this Section shall not exceed: (i) in a municipality with a population of more than 500,000, 2.0% of all gross charges charged by the telecommunications retailer to service addresses in the municipality for telecommunications originating or received in the municipality; and (ii) in a municipality with a population of 500,000 or less, 1.0% of all gross charges charged by the telecommunications retailer to service addresses in the municipality for telecommunications originating or received in the municipality which fee, for the period commencing on the effective date of this amendatory Act of the 92nd General Assembly through December 31, 2002, may be imposed at the rates set forth herein without regard to the provisions of Sections 8-11-2 and 8-11-17 of the Illinois Municipal Code. If imposed, the municipal telecommunications infrastructure fee must be in 1/4% increments. However, the fee shall not be imposed in any case in which the imposition of the fee would violate the Constitution or statutes of the United States.

(c) The municipal telecommunications infrastructure fee authorized by this Section shall be collected, enforced, and administered as set forth in subsection (c) of Section 25 of this Act.

(d) A municipality with a population of more than 500,000 that imposes a municipal infrastructure maintenance fee under this Section may, by ordinance, exempt from the fee all charges for the inbound toll-free telecommunications service commonly known as "800", "877", or "888" or for a similar service.

(e) For the period from the effective date of this amendatory Act of the 92nd General Assembly through December 31, 2002, any ordinance previously enacted for the purpose of imposing a municipal infrastructure maintenance fee shall be valid and effective for the purpose of imposing the municipal infrastructure maintenance fee described in subsection (d) of Section 5 of this Act.

(f) This Section is repealed on January 1, 2003.

(Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97; 91-870, eff. 6-22-00.)

(35 ILCS 635/25)

Sec. 25. Collection, enforcement, and administration of State telecommunications infrastructure maintenance fees.

(a) A telecommunications retailer shall charge each customer an additional charge equal to the sum of (1) an amount equal to the State infrastructure maintenance fee attributable to that customer's service address and (2) an amount equal to the optional infrastructure maintenance fee, if any, attributable to that customer's service address and (3) an amount equal to the municipal infrastructure maintenance fee, if any, attributable to that customer's service address. Such additional charge shall be shown separately on the bill to each customer.

(b) The State infrastructure maintenance fee and the optional infrastructure maintenance fee shall be designated as a replacement for the personal property tax and shall be remitted by the telecommunications retailer to the Illinois Department of Revenue; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the State infrastructure maintenance fee and the optional infrastructure maintenance fee, if any, paid to the Department, with a timely paid and timely filed return to reimburse itself for expenses incurred in collecting, accounting for, and remitting the fee. All amounts herein remitted to the Department shall be transferred to the Personal Property Tax Replacement Fund in the State Treasury.

(c) The municipal infrastructure maintenance fee shall be remitted by the telecommunications retailer to the municipality imposing the municipal infrastructure maintenance fee; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the municipal infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee. The municipality imposing the municipal infrastructure maintenance fee shall collect, enforce, and administer the fee.

(d) Except as provided in subsection (c), During any period of time when a municipality
receives any compensation other than the municipal infrastructure maintenance fee set forth in Section 20, for a telecommunications retailer’s use of the public right-of-way, no municipal infrastructure maintenance fee may be imposed by such municipality pursuant to this Act.

(c) A municipality that, pursuant to a franchise agreement in existence on the effective date of this Act, receives compensation from a telecommunications retailer for the use of the public right of way, may impose a municipal infrastructure maintenance fee pursuant to this Act only on the condition that such municipality (1) waives its right to receive all fees, charges and other compensation under all existing franchise agreements or the like with telecommunications retailers during the time that the municipality imposes a municipal infrastructure maintenance fee and (2) imposes by ordinance (or other proper means) a municipal infrastructure maintenance fee which becomes effective no sooner than 90 days after such municipality has provided written notice by certified mail to each telecommunications retailer with whom the municipality has an existing franchise agreement, that the municipality waives all compensation under such existing franchise agreement.

(Source: P.A. 90-154, eff. 1-1-98; 90-562, eff. 12-16-97; 90-655, eff. 7-30-98.)

(35 ILCS 635/27)

Sec. 27. Returns by telecommunications retailer; extensions. Except as provided hereinafter in this Section, on or before the 30th day of each month each telecommunications retailer maintaining a place of business in this State shall make a return and payment of fees to the Department for the preceding calendar month on a form prescribed and furnished by the Department. The return shall be signed by the telecommunications retailer under penalties of perjury and shall contain the following information:

1. His or her name;
2. The address of his or her principal place of business, or and the address of the principal place of business (if that is a different address) from which he or she engages in the business of transmitting telecommunications;
3. The total amount of gross charges charged by him or her during the preceding calendar month for providing telecommunications during such calendar month;
4. The total amount received by him or her during the preceding calendar month on credit extended;
5. Deductions allowed by law;
6. Gross charges that were charged by him or her during the preceding calendar month and upon the basis of which the State infrastructure maintenance fee is imposed;
7. Gross charges that were charged by him or her during the preceding calendar month and upon the basis of which the optional infrastructure maintenance fee, if any, is imposed for each particular municipality;
8. Amounts of fees due;
9. Such other reasonable information as the Department may require.

If the telecommunications retailer’s average monthly liability to the Department does not exceed $100, the Department may authorize his or her returns to be filed on a quarterly basis, with the return for January, February, and March of a given year being due by April 15 of such year; with the return for April, May, and June of a given year being due by July 15 of such year; with the return for July, August, and September of a given year being due by October 15 of such year; and with the return of October, November, and December of a given year being due by January 15 of the following year.

Notwithstanding any other provision of this Act concerning the time within which a telecommunications retailer may file his or her return, in the case of any telecommunications retailer who ceases to engage in a kind of business which makes him or her responsible for filing returns under this Act, such telecommunications retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In making such return, the telecommunications retailer shall determine the value of any consideration other than money received by him or her and he or she shall include such value in his or her return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

If any payment provided for in this Section exceeds the telecommunications retailer's
liabilities under this Act, as shown on an original monthly return, the Department may authorize the telecommunications retailer to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the telecommunications retailer, the telecommunications retailer's 2% discount shall be reduced by 2% of the difference between the credit taken and that actually due, and that telecommunications retailer shall be liable for penalties and interest on such difference.

If the Director finds that the information required for the making of an accurate return cannot reasonably be compiled by a telecommunications retailer within 15 days after the close of the calendar month for which a return is to be made, he or she may grant an extension of time for the filing of such return for a period of not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by the telecommunications retailer with the Department of an amount of money not exceeding the amount estimated by the Director to be due with the return so extended. All such deposits, including any heretofore made with the Department, shall be credited against the telecommunications retailer's liabilities under this Act. If any such deposit exceeds the telecommunications retailer's present and probable future liabilities under this Act, the Department shall issue to the telecommunications retailer a credit memorandum, which may be assigned by the telecommunications retailer to a similar telecommunications retailer under this Act, in accordance with reasonable rules and regulations to be prescribed by the Department.

Any telecommunications retailer required to make payments under this Section may make the payments by electronic funds transfer. The Department shall adopt rules necessary to effectuate a program of electronic funds transfer.

(35 ILCS 635/27.35)
Sec. 27.35. Rules and regulations; notice to telecommunications retailer; hearings. The Department may make, promulgate, and enforce such reasonable rules and regulations relating to the administration and enforcement of only the State infrastructure maintenance fee and the optional infrastructure maintenance fee authorized by this Act. Such rules and regulations shall not apply to the administration and enforcement of the municipal infrastructure maintenance fee authorized by this Act.

Whenever notice to a telecommunications retailer is required by this Act, such notice may be given by United States certified or registered mail, addressed to the telecommunications retailer concerned at his or her last known address, and proof of such mailing shall be sufficient for the purposes of this Act. In the case of a notice of hearing, such notice shall be mailed not less than 7 days prior to the day fixed for the hearing.

All hearings provided for in this Act with respect to a telecommunications retailer having his or her principal place of business other than in Cook County shall be held at the Department's office nearest to the location of the telecommunications retailer's principal place of business: Provided that if the telecommunications retailer has his or her principal place of business in Cook County, such hearing shall be held in Cook County; and provided further that if the telecommunications retailer does not have his principal place of business in this State, such hearings shall be held in Sangamon County.

Whenever any proceeding provided by this Act has been begun by the Department or by a person subject thereto and such person thereafter dies or becomes a person under legal disability before the proceeding has been concluded, the legal representative of the deceased person or a person under legal disability shall notify the Department of such death or legal disability. The legal representative, as such, shall then be substituted by the Department in place of and for the person. Within 20 days after notice to the legal representative of the time fixed for that purpose, the proceeding may proceed in all respects and with like effect as though the person had not died or become a person under legal disability.

(35 ILCS 635/30)
Sec. 30. Validity of existing franchise fees and agreements.
(a) Upon the effective date of this Act, the municipal infrastructure maintenance fee authorized by this Act shall be the only fee or compensation for recovering the reasonable costs of

New matter indicated by italics - deletions by strikeout.
regulating the use of the public rights-of-way and for the use of public rights-of-way that may be levied by or otherwise required by ordinance, resolution, or contract to be paid to a municipality for the use of its public way by telecommunications retailers. No new franchise fees or other charges for the use of the public rights-of-way, including charges for the recovery of reasonable costs of regulating the use of the public rights-of-way, shall be imposed upon, levied on, or otherwise required of telecommunications retailers by ordinance, resolution, or contract, nor shall any or other new charges be required from telecommunications retailers by municipalities from and after the effective date of this Act. No telecommunications retailer paying either the applicable municipal infrastructure maintenance fee or the optional infrastructure maintenance fee authorized by this Act may be denied the use, directly or indirectly, of the public way of the municipality either imposing the municipal infrastructure maintenance fee or to which the optional infrastructure maintenance fee relates, as the case may be, as authorized under the Telephone Company Act. Nothing in this Act shall excuse any person or entity from obligations imposed under any law concerning generally applicable taxes or standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public way, nor shall any person or entity be excused from any liability imposed by any such law for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way.

(b) Agreements between telecommunications retailers and municipalities entered into before the effective date of this Act regarding use of the public ways shall remain valid according to and for their stated terms, except as to fees or charges waived under Section 5-60 of the Simplified Municipal Telecommunications Tax Act. If, following the effective date of this Act, such an agreement is renewed automatically or by agreement of the parties, the compensation or fee under the agreement shall be equal to the maximum amount of the municipal infrastructure maintenance fee which the municipality could impose under Section 20 of this Act.

(c) The regulation of the terms and conditions upon which poles, conduits, and other facilities located in the public way may be shared by or between telecommunications retailers shall be committed exclusively to the jurisdiction of the Illinois Commerce Commission and the Federal Communications Commission, and such regulation shall not be among the home rule powers and functions described in subsection (h) of Section 6 of Article VII of the Illinois Constitution. Moreover, no municipality may enter into any contract or agreement with a telecommunications retailer with respect to the terms and conditions upon which poles, conduits, and other facilities located in the public way may be shared by or between telecommunications retailers.

(Source: P.A. 90-154, eff. 1-1-98.)

(35 ILCS 635/35)
Sec. 35. Home rule. The authorization of infrastructure maintenance fees and other fees relating to the use of the public right-of-way for telecommunications activity imposed upon telecommunications retailers is an exclusive power and function of the State. A home rule municipality may not impose franchise or other fees upon or require other compensation from telecommunications retailers for use of the public way, other than the municipal infrastructure maintenance fee authorized by this Act. This Act is a denial and limitation of municipal home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 90-154, eff. 1-1-98.)

Section 90-20. The Emergency Telephone System Act is amended by changing Section 15.3 as follows:

(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)
(Text of Section before amendment by P.A. 92-474)
Sec. 15.3. (a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to the Simplified Municipal Telecommunications Tax Act Section 8-11-2 of the Illinois Municipal Code, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has
adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. The "service address" shall mean the location of the primary use of the network connection or connections. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

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-------------------------------------------------------------
Shall the county (or city, village or incorporated town) of.....impose YES
a surcharge of up to...¢ per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System? NO
-------------------------------------------------------------
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If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the
particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) A municipality with a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunications carrier.

(Source: P.A. 86-101; 86-1344.)

(Text of Section after amendment by P.A. 92-474)

Sec. 15.3. (a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to the *Simplified Municipal Telecommunications Tax Act*, Section 8-11-2 of the *Illinois Municipal Code*, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). For mobile telecommunications services, if a surcharge is imposed it shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.
(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

   Shall the county (or city, village or incorporated town) of.....impose a surcharge of up to...¢ per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System?

   YES

   NO

If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) A municipality with a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance
of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunication carrier.

(Source: P.A. 92-474, eff. 8-1-02.)

Section 90-22. The Wireless Emergency Telephone Safety Act is amended by changing Sections 17 and 45 as follows:

(50 ILCS 751/17)

Sec. 17. Wireless carrier surcharge.

(a) Except as provided in Section 45, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45. The wireless carrier that provides wireless service to the subscriber shall collect the surcharge set by the Wireless Enhanced 9-1-1 Board from the subscriber. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. The wireless carrier shall begin collecting the surcharge on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund.

(c) The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Department of Central Management Services shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/45)

Sec. 45. Continuation of current practices. Notwithstanding any other provision of this Act, a unit of local government or emergency telephone system board providing wireless 9-1-1 service and imposing and collecting a wireless carrier surcharge prior to July 1, 1998 may continue its practices of imposing and collecting its wireless carrier surcharge, but in no event shall that monthly surcharge exceed $1.25 per commercial mobile radio service (CMRS) connection or in-service telephone number billed on a monthly basis. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act.

(Source: P.A. 91-660, eff. 12-22-99.)
Section 90-25. The Illinois Municipal Code is amended by changing Section 8-11-2 as follows:

(65 ILCS 5/8-11-2) (from Ch. 24, par. 8-11-2)
(Text of Section before amendment by P.A. 92-474)
Sec. 8-11-2. The corporate authorities of any municipality may tax any or all of the following occupations or privileges:

1. (Blank). Persons engaged in the business of transmitting messages by means of electricity or radio magnetic waves, or fiber optics, at a rate not to exceed 5% of the gross receipts from that business originating within the corporate limits of the municipality. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be subject to the tax imposed under this Section. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

2. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of 500,000 or fewer population, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

2a. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of over 500,000 population, and not for resale, at a rate not to exceed 8% of the gross receipts therefrom. If imposed, this tax shall be paid in monthly payments.

3. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

   (i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;
   (ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;
   (iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour;
   (iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour;
   (v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour;
   (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour;
   (vii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour;
   (viii) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and
   (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

If a municipality imposes a tax at rates lower than either the maximum rates specified in this Section or the alternative maximum rates promulgated by the Illinois Commerce Commission, as provided below, the tax rates shall be imposed upon the kilowatt hour categories set forth above with the same proportional relationship as that which exists among such maximum rates. Notwithstanding the foregoing, until December 31, 2008, no municipality shall establish rates that are in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues such municipality could have received under the tax authorized by this subparagraph in the last full calendar year prior to the effective date of Section 65 of this amendatory Act of 1997; provided that this shall not be a limitation on the amount of tax revenues actually collected by such municipality.

Upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission shall, within 90 days after receipt of such request, promulgate alternative rates
for each of these kilowatt-hour categories that will reflect, as closely as reasonably practical for that municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. A municipality that has adopted an ordinance imposing a tax pursuant to subparagraph 3 as it existed prior to the effective date of Section 65 of this amendatory Act of 1997 may, rather than imposing the tax permitted by this amendatory Act of 1997, continue to impose the tax pursuant to that ordinance with respect to gross receipts received from residential customers through July 31, 1999, and with respect to gross receipts from any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such customer before December 31, 2000. No ordinance imposing the tax permitted by this amendatory Act of 1997 shall be applicable to any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such non-residential customer before December 31, 2000.

4. Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any of the taxes enumerated in this Section may be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(a) If the corporate authorities of any home rule municipality have adopted an ordinance that imposed a tax on public utility customers, between July 1, 1971, and October 1, 1981, on the good faith belief that they were exercising authority pursuant to Section 6 of Article VII of the 1970 Illinois Constitution, that action of the corporate authorities shall be declared legal and valid, notwithstanding a later decision of a judicial tribunal declaring the ordinance invalid. No municipality shall be required to rebate, refund, or issue credits for any tax imposed or charge collected from customers pursuant to the municipality's interpretation prior to October 19, 1979. This paragraph reflects a legislative finding that it would be contrary to the public interest to require a municipality or its taxpayers to refund taxes or charges attributable to the municipality's more inclusive interpretation of gross receipts prior to October 19, 1979, and is not intended to prescribe or limit judicial construction of this Section. The legislative finding set forth in this subsection does not apply
to taxes imposed after the effective date of this amendatory Act of 1995.

(c) The tax authorized by subparagraph 3 shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to an ordinance authorized by subparagraph 3 and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this subsection (c), any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, in the manner prescribed by the municipality. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to subparagraph 3.

(d) For the purpose of the taxes enumerated in this Section:

"Gross receipts" means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include that portion of the consideration received for distributing, supplying, furnishing, or selling gas or water to, or for the transmission of messages for, business enterprises described in paragraph (e) of this Section to the extent and during the period in which the exemption authorized by paragraph (e) is in effect or for school districts or units of local government described in paragraph (f) during the period in which the exemption authorized in paragraph (f) is in effect. "Gross receipts" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

For utility bills issued on or before May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1997, but before May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include two-thirds of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act.

For purposes of this Section "gross receipts" shall not include (i) amounts added to customers' bills under Section 9-221 of the Public Utilities Act, or (ii) charges added to customers' bills to recover
the surcharge imposed under the Emergency Telephone System Act. This paragraph is not intended to nor does it make any change in the meaning of "gross receipts" for the purposes of this Section, but is intended to remove possible ambiguities, thereby confirming the existing meaning of "gross receipts" prior to the effective date of this amendatory Act of 1995.

The words "transmitting messages", in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where those persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by those persons to other persons, for the transmission of messages.

"Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Person maintaining a place of business in this State" shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public utility" shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in Section 13-202 of that Act and alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchase at retail" shall mean any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" shall mean any person who uses or consumes, within the corporate limits of the municipality, electricity acquired in a purchase at retail.

In the case of persons engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, the gross receipts from the business shall be deemed to originate within the corporate limits of a municipality only if the address to which the bills for the service are sent is within those corporate limits. If, however, that address is not located within a municipality that imposes a tax under this Section, then (i) if the party responsible for the bill is not an individual, the gross receipts from the business shall be deemed to originate within the corporate limits of the municipality where that party's principal place of business in Illinois is located; and (ii) if the party responsible for the bill is an individual, the gross receipts from the business shall be deemed to originate within the corporate limits of the municipality where that party's principal residence in Illinois is located.

(e) Any municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity pursuant to this Section whose territory includes any part of an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone may, by a majority vote of its corporate authorities, exempt from those taxes for a period not exceeding 20 years any specified percentage of gross receipts of public utilities received from, or electricity used or consumed by, business enterprises that:

(1) either (i) make investments that cause the creation of a minimum of 200 full-time equivalent jobs in Illinois, (ii) make investments of at least $175,000,000 that cause the creation of a minimum of 150 full-time equivalent jobs in Illinois, or (iii) make investments that cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) are either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) Department of Commerce and Community Affairs designated High Impact Businesses located in a federally designated Foreign Trade Zone or Sub-Zone; and

(3) are certified by the Department of Commerce and Community Affairs as complying

New matter indicated by italics - deletions by strikeout.
with the requirements specified in clauses (1) and (2) of this paragraph (e).
Upon adoption of the ordinance authorizing the exemption, the municipal clerk shall transmit a copy of that ordinance to the Department of Commerce and Community Affairs. The Department of Commerce and Community Affairs shall determine whether the business enterprises located in the municipality meet the criteria prescribed in this paragraph. If the Department of Commerce and Community Affairs determines that the business enterprises meet the criteria, it shall grant certification. The Department of Commerce and Community Affairs shall act upon certification requests within 30 days after receipt of the ordinance.

Upon certification of the business enterprise by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of the gross receipts received from, and the electricity used or consumed by, the certified business enterprises. Such exemption status shall be effective within 3 months after certification.

(f) A municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity under this Section and whose territory includes part of another unit of local government or a school district may by ordinance exempt the other unit of local government or school district from those taxes.

(g) The amendment of this Section by Public Act 84-127 shall take precedence over any other amendment of this Section by any other amendatory Act passed by the 84th General Assembly before the effective date of Public Act 84-127.

(h) In any case in which, before July 1, 1992, a person engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, has determined the municipality within which the gross receipts from the business originated by reference to the location of its transmitting or switching equipment, then (i) neither the municipality to which tax was paid on that basis nor the taxpayer that paid tax on that basis shall be required to rebate, refund, or issue credits for any such tax or charge collected from customers to reimburse the taxpayer for the tax and (ii) no municipality to which tax would have been paid with respect to those gross receipts if the provisions of this amendatory Act of 1991 had been in effect before July 1, 1992, shall have any claim against the taxpayer for any amount of the tax.

(Source: P.A. 90-16, eff. 6-16-97; 90-561, eff. 8-1-98; 90-562, eff. 12-16-97; 90-655, eff. 7-30-98; 91-870, eff. 6-22-00.)

(Text of Section after amendment by P.A. 92-474)
Sec. 8-11-2. The corporate authorities of any municipality may tax any or all of the following occupations or privileges:

1. (Blank). Persons engaged in the business of transmitting messages by means of electricity or radio magnetic waves, or fiber optics, at a rate not to exceed 5% of the gross receipts from that business originating within the corporate limits of the municipality. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be subject to the tax imposed under this Section. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

2. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of 500,000 or fewer population, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

2a. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of a municipality of over 500,000 population, and not for resale, at a rate not to exceed 8% of the gross receipts therefrom. If imposed, this tax shall be paid in monthly payments.

3. The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

   (i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;

   (ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;
(iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour; 
(iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour; 
(v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour; 
(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour; 
(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour; 
(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.31 cents per kilowatt-hour; 
(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and 
(x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

If a municipality imposes a tax at rates lower than either the maximum rates specified in this Section or the alternative maximum rates promulgated by the Illinois Commerce Commission, as provided below, the tax rates shall be imposed upon the kilowatt hour categories set forth above with the same proportional relationship as that which exists among such maximum rates. Notwithstanding the foregoing, until December 31, 2008, no municipality shall establish rates that are in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues such municipality could have received under the tax authorized by this subparagraph in the last full calendar year prior to the effective date of Section 65 of this amendatory Act of 1997; provided that this shall not be a limitation on the amount of tax revenues actually collected by such municipality.

Upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission shall, within 90 days after receipt of such request, promulgate alternative rates for each of these kilowatt-hour categories that will reflect, as closely as reasonably practical for that municipality, the distribution of the tax among classes of purchasers as if the tax were based on a uniform percentage of the purchase price of electricity. A municipality that has adopted an ordinance imposing a tax pursuant to subparagraph 3 as it existed prior to the effective date of Section 65 of this amendatory Act of 1997 may, rather than imposing the tax permitted by this amendatory Act of 1997, continue to impose the tax pursuant to that ordinance with respect to gross receipts received from residential customers through July 31, 1999, and with respect to gross receipts from any non-residential customer until the first bill issued to such customer for delivery services in accordance with Section 16-104 of the Public Utilities Act but in no case later than the last bill issued to such customer before December 31, 2000.

4. Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at a rate not to exceed 5% of the gross receipts therefrom.

None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged.
in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

Any of the taxes enumerated in this Section may be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(a) If the corporate authorities of any home rule municipality have adopted an ordinance that imposed a tax on public utility customers, between July 1, 1971, and October 1, 1981, on the good faith belief that they were exercising authority pursuant to Section 6 of Article VII of the 1970 Illinois Constitution, that action of the corporate authorities shall be declared legal and valid, notwithstanding a later decision of a judicial tribunal declaring the ordinance invalid. No municipality shall be required to rebate, refund, or issue credits for any taxes described in this paragraph, and those taxes shall be deemed to have been levied and collected in accordance with the Constitution and laws of this State.

(b) In any case in which (i) prior to October 19, 1979, the corporate authorities of any municipality have adopted a tax authorized by this Section (or by the predecessor provision of the "Revised Cities and Villages Act") and have explicitly or in practice interpreted gross receipts to include either charges added to customers' bills pursuant to the provision of paragraph (a) of Section 36 of the Public Utilities Act or charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such paragraph (a) of Section 36 of that Act, and (ii) on or after October 19, 1979, a judicial tribunal has construed gross receipts to exclude all or part of those charges, then neither those municipality nor any taxpayer who paid the tax shall be required to rebate, refund, or issue credits for any tax imposed or charge collected from customers pursuant to the municipality's interpretation prior to October 19, 1979. This paragraph reflects a legislative finding that it would be contrary to the public interest to require a municipality or its taxpayers to refund taxes or charges attributable to the municipality's more inclusive interpretation of gross receipts prior to October 19, 1979, and is not intended to prescribe or limit judicial construction of this Section. The legislative finding set forth in this subsection does not apply to taxes imposed after the effective date of this amendatory Act of 1995.

(c) The tax authorized by subparagraph 3 shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to an ordinance authorized by subparagraph 3 and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this subsection (c), any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, in the manner prescribed by the municipality. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to subparagraph 3.

(d) For the purpose of the taxes enumerated in this Section:

"Gross receipts" means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and New matter indicated by italics - deletions by strikeout.
property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include that portion of the consideration received for distributing, supplying, furnishing, or selling gas or water to; or for the transmission of messages for; business enterprises described in paragraph (e) of this Section to the extent and during the period in which the exemption authorized by paragraph (e) is in effect or for school districts or units of local government described in paragraph (f) during the period in which the exemption authorized in paragraph (f) is in effect. "Gross receipts" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

For utility bills issued on or after May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1996, but before May 1, 1997, and for receipts from those utility bills, "gross receipts" does not include one-third of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amount added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1997, but before May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include two-thirds of (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act. For utility bills issued on or after May 1, 1998, and for receipts from those utility bills, "gross receipts" does not include (i) amounts added to customers' bills under Section 9-222 of the Public Utilities Act, or (ii) amounts added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities described in Section 9-222 of the Public Utilities Act.

For purposes of this Section "gross receipts" shall not include (i) amounts added to customers' bills under Section 9-221 of the Public Utilities Act, or (ii) charges added to customers' bills to recover the surcharge imposed under the Emergency Telephone System Act. This paragraph is not intended to nor does it make any change in the meaning of "gross receipts" for the purposes of this Section, but is intended to remove possible ambiguities, thereby confirming the existing meaning of "gross receipts" prior to the effective date of this amendatory Act of 1995.

The words "transmitting messages", in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where those persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by those persons to other persons, for the transmission of messages.

"Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.

"Person maintaining a place of business in this State" shall mean any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public utility" shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act and shall include telecommunications carriers as defined in Section 13-202 of that Act and alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchase at retail" shall mean any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility
directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" shall mean any person who uses or consumes, within the corporate limits of the municipality, electricity acquired in a purchase at retail.

In the case of persons engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, the gross receipts from the business shall be deemed to originate within the corporate limits of a municipality only if the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act is within those corporate limits.

(e) Any municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity pursuant to this Section whose territory includes any part of an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone may, by a majority vote of its corporate authorities, exempt from those taxes for a period not exceeding 20 years any specified percentage of gross receipts of public utilities received from, or electricity used or consumed by, business enterprises that:

(1) either (i) make investments that cause the creation of a minimum of 200 full-time equivalent jobs in Illinois, (ii) make investments of at least $175,000,000 that cause the creation of a minimum of 150 full-time equivalent jobs in Illinois, or (iii) make investments that cause the retention of a minimum of 1,000 full-time jobs in Illinois; and

(2) are either (i) located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act or (ii) Department of Commerce and Community Affairs designated High Impact Businesses located in a federally designated Foreign Trade Zone or Sub-Zone; and

(3) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this paragraph (e).

Upon adoption of the ordinance authorizing the exemption, the municipal clerk shall transmit a copy of that ordinance to the Department of Commerce and Community Affairs. The Department of Commerce and Community Affairs shall determine whether the business enterprises located in the municipality meet the criteria prescribed in this paragraph. If the Department of Commerce and Community Affairs determines that the business enterprises meet the criteria, it shall grant certification. The Department of Commerce and Community Affairs shall act upon certification requests within 30 days after receipt of the ordinance.

Upon certification of the business enterprise by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of the gross receipts received from, and the electricity used or consumed by, the certified business enterprises. Such exemption status shall be effective within 3 months after certification.

(f) A municipality that imposes taxes upon public utilities or upon the privilege of using or consuming electricity under this Section and whose territory includes part of another unit of local government or a school district may by ordinance exempt the other unit of local government or school district from those taxes.

(g) The amendment of this Section by Public Act 84-127 shall take precedence over any other amendment of this Section by any other amendatory Act passed by the 84th General Assembly before the effective date of Public Act 84-127.

(h) In any case in which, before July 1, 1992, a person engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging systems, has determined the municipality within which the gross receipts from the business originated by reference to the location of its transmitting or switching equipment, then (i) neither the municipality to which tax was paid on that basis nor the taxpayer that paid tax on that basis shall be required to rebate, refund, or issue credits for any such tax or charge collected from customers to reimburse the taxpayer for the tax and (ii) no municipality to which tax would have been paid with respect to those gross receipts if the provisions of this amendatory Act of 1991 had been in effect before July 1, 1992, shall have any claim against the taxpayer for any amount of the tax.

(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02.)

Section 90-30. The Illinois Municipal Code is amended by changing Section 8-11-17 as follows:

New matter indicated by italics - deletions by strikeout.
Sec. 8-11-17. Municipal telecommunications tax.

(a) Beginning on the effective date of this amendatory Act of 1991, the corporate authorities of any municipality in this State may tax any or all of the following acts or privileges:

(1) The act or privilege of originating in such municipality or receiving in such municipality intrastate telecommunications by a person at a rate not to exceed 5% of the gross charge for such telecommunications purchased at retail from a retailer by such person. However, such tax is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by municipalities in this State.

(2) The act or privilege of originating in such municipality or receiving in such municipality interstate telecommunications by a person at a rate not to exceed 5% of the gross charge for such telecommunications purchased at retail from a retailer by such person. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this paragraph, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to an ordinance authorized by this paragraph to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State. However, such tax is not imposed on the act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by municipalities in this State.

(3) The taxes authorized by paragraphs (1) and (2) of subsection (a) of this Section may only be levied if such municipality does not then have in effect an occupation tax imposed on persons engaged in the business of transmitting messages by means of electricity as authorized by Section 8-11-2 of the Illinois Municipal Code.

(b) The tax authorized by this Section shall be collected from the taxpayer by a retailer maintaining a place of business in this State and making or effectuating the sale at retail and shall be remitted by such retailer to the municipality. Any tax required to be collected pursuant to an ordinance authorized by this Section and any such tax collected by such retailer shall constitute a debt owed by the retailer to such municipality. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the municipality. The tax authorized by this Section shall constitute a debt of the purchaser to the retailer who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the municipality in the manner provided by the municipality. The municipality imposing the tax shall provide for its administration and enforcement.

Beginning January 1, 1994, retailers filing tax returns pursuant to this Section shall, at the time of filing such return, pay to the municipality the amount of the tax imposed by this Section, less a commission of 1.75% which is allowed to reimburse the retailer for the expenses incurred in keeping records, billing the customer, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. No commission may be claimed by a retailer for tax not timely remitted to the municipality.

Whenever possible, the tax authorized by this Section shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

(c) For the purpose of the taxes authorized by this Section:

(1) "Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

(2) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charge" shall not include:

New matter indicated by italics - deletions by strikeout.
(A) any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Section, (ii) additional charges added to a purchaser's bill pursuant to Section 9-222 of the Public Utilities Act, (iii) the tax imposed by the Telecommunications Excise Tax Act, or (iv) the tax imposed by Section 4251 of the Internal Revenue Code;

(B) charges for a sent collect telecommunication received outside of such municipality;

(C) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(D) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(E) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(F) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Section has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(G) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(H) charges paid by inserting coins in coin-operated telecommunication devices; or

(I) amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(3) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(4) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(5) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(6) "Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

(7) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. A municipality may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who to the satisfaction of the municipality, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in such municipality in the same manner and subject to the same requirements as a retailer maintaining a place of business within such municipality.

(8) "Retailer maintaining a place of business in this State", or any like term, means and
includes any retailer having or maintaining within this State, directly or by a subsidiary, an
office, distribution facilities, transmission facilities, sales office, warehouse or other place of
business, or any agent or other representative operating within this State under the authority
of the retailer or its subsidiary, irrespective of whether such place of business or agent or other
representative is located here permanently or temporarily, or whether such retailer or
subsidiary is licensed to do business in this State.

(9) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications
and all services rendered in connection therewith for a consideration, to persons other than
the Federal and State governments, and State universities created by statute and other than
between a parent corporation and its wholly owned subsidiaries or between wholly owned
subsidiaries, when the tax has already been paid to a retailer and the gross charge made by one
such corporation to another such corporation is not greater than the gross charge paid to the
retailer for their use or consumption and not for resale.

(10) "Service address" means the location of telecommunications equipment from which
telecommunications services are originated or at which telecommunications services are
received by a taxpayer. For periods prior to August 1, 2002, if this is not a defined location,
as in the case of mobile phones, paging systems, maritime systems, air-to-ground systems and
the like, "service address" shall mean the location of a taxpayer's primary use of the
telecommunication equipment as defined by telephone number, authorization code, or
location in Illinois where bills are sent. For periods on and after August 1, 2002, if this is not
a defined location, as in the case of mobile phones, paging systems, and maritime systems,
service address means the customer's place of primary use as defined in the Mobile
Telecommunications Sourcing Conformity Act, and for air-to-ground systems and the like,
"service address" shall mean the location of a taxpayer's primary use of the
telecommunications equipment as defined by telephone number, authorization code, or
location in Illinois where bills are sent.

(11) "Taxpayer" means a person who individually or through his agents, employees, or
permittees engages in the act or privilege of originating in such municipality or receiving in
such municipality telecommunications and who incurs a tax liability under any ordinance
authorized by this Section.

(12) "Telecommunications", in addition to the usual and popular meaning, includes, but
is not limited to, messages or information transmitted through use of local, toll and wide area
telephone service, channel services, telegraph services, teletypewriter service, computer
exchange services; cellular mobile telecommunications service, specialized mobile radio
services, paging service, or any other form of mobile and portable one-way or two-way
communications, or any other transmission of messages or information by electronic or
similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio,
satellite or similar facilities. The definition of "telecommunications" shall not include value
added services in which computer processing applications are used to act on the form, content,
code and protocol of the information for purposes other than transmission.
"Telecommunications" shall not include purchase of telecommunications by a
telecommunications service provider for use as a component part of the service provided by
him to the ultimate retail consumer who originates or terminates the taxable end-to-end
communications. Carrier access charges, right of access charges, charges for use of
inter-company facilities, and all telecommunications resold in the subsequent provision used
as a component of, or integrated into, end-to-end telecommunications service shall be
non-taxable as sales for resale. Beginning January 1, 2001, prepaid telephone calling
arrangements shall not be considered "telecommunications" subject to the tax imposed under
this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that
term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(d) If a person, who originates or receives telecommunications in such municipality claims
to be a reseller of such telecommunications, such person shall apply to the municipality for a resale
number. Such applicant shall state facts which will show the municipality why such applicant is not
liable for tax under any ordinance authorized by this Section on any of such purchases and shall
furnish such additional information as the municipality may reasonably require.

New matter indicated by italics - deletions by strikeout.
Upon approval of the application, the municipality shall assign a resale number to the applicant and shall certify such number to the applicant. The municipality may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

Except as provided hereinafobe in this Section, the act or privilege of sending or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the municipality and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

(e) A municipality that imposes taxes upon telecommunications under this Section and whose territory includes part of another unit of local government or a school district may, by ordinance, exempt the other unit of local government or school district from those taxes.

(f) A municipality that imposes taxes upon telecommunications under this Section may, by ordinance, (i) reduce the rate of the tax for persons 65 years of age or older or (ii) exempt persons 65 years of age or older from those taxes. Taxes related to such rate reductions or exemptions shall be rebated from the municipality directly to persons qualified for the rate reduction or exemption as determined by the municipality's ordinance.

(g) A municipality with a population of more than 500,000 that imposes a tax under this Section may, by ordinance, exempt from the tax all charges for the inbound toll-free telecommunications service commonly known as "800", "877", or "888" or for a similar service.

(h) This Section is repealed on January 1, 2003.

(220 ILCS 5/2-202) (from Ch. 111-2/3, par. 2-202)

Sec. 2-202. Policy; Public Utility Fund; tax.

(a) It is declared to be the public policy of this State that in order to maintain and foster the effective regulation of public utilities under this Act in the interests of the People of the State of Illinois and the public utilities as well, the public utilities subject to regulation under this Act and which enjoy the privilege of operating as public utilities in this State, shall bear the expense of administering this Act by means of a tax on such privilege measured by the annual gross revenue of such public utilities in the manner provided in this Section. For purposes of this Section, "expense of administering this Act" includes any costs incident to studies, whether made by the Commission or under contract entered into by the Commission, concerning environmental pollution problems caused or contributed to by public utilities and the means for eliminating or abating those problems. Such proceeds shall be deposited in the Public Utility Fund in the State treasury.

(b) All of the ordinary and contingent expenses of the Commission incident to the administration of this Act shall be paid out of the Public Utility Fund except the compensation of the members of the Commission which shall be paid from the General Revenue Fund. Notwithstanding other provisions of this Act to the contrary, the ordinary and contingent expenses of the Commission incident to the administration of the Illinois Commercial Transportation Law may be paid from appropriations from the Public Utility Fund through the end of fiscal year 1986.

(c) A tax is imposed upon each public utility subject to the provisions of this Act equal to .08% of its gross revenue for each calendar year commencing with the calendar year beginning January 1, 1982, except that the Commission may, by rule, establish a different rate no greater than 0.1%. For purposes of this Section, "gross revenue" shall not include revenue from the production, transmission, distribution, sale, delivery, or furnishing of electricity. "Gross revenue" shall not include amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(d) Annual gross revenue returns shall be filed in accordance with paragraph (1) or (2) of this subsection (d).

(1) Except as provided in paragraph (2) of this subsection (d), on or before January 10 of each year each public utility subject to the provisions of this Act shall file with the Commission an estimated annual gross revenue return containing an estimate of the amount

New matter indicated by italics - deletions by strikeout.
of its gross revenue for the calendar year commencing January 1 of said year and a statement of the amount of tax due for said calendar year on the basis of that estimate. Public utilities may also file revised returns containing updated estimates and updated amounts of tax due during the calendar year. These revised returns, if filed, shall form the basis for quarterly payments due during the remainder of the calendar year. In addition, on or before March 31 of each year, each public utility shall file an amended return showing the actual amount of gross revenues shown by the company's books and records as of December 31 of the previous year. Forms and instructions for such estimated, revised, and amended returns shall be devised and supplied by the Commission.

(2) Beginning with returns due after January 1, 2002, the requirements of paragraph (1) of this subsection (d) shall not apply to any public utility in any calendar year for which the total tax the public utility owes under this Section is less than $10,000. For such public utilities with respect to such years, the public utility shall file with the Commission, on or before March 31 of the following year, an annual gross revenue return for the year and a statement of the amount of tax due for that year on the basis of such a return. Forms and instructions for such returns and corrected returns shall be devised and supplied by the Commission.

(e) All returns submitted to the Commission by a public utility as provided in this subsection (e) or subsection (d) of this Section shall contain or be verified by a written declaration by an appropriate officer of the public utility that the return is made under the penalties of perjury. The Commission may audit each such return submitted and may, under the provisions of Section 5-101 of this Act, take such measures as are necessary to ascertain the correctness of the returns submitted. The Commission has the power to direct the filing of a corrected return by any utility which has filed an incorrect return and to direct the filing of a return by any utility which has failed to submit a return. A taxpayer's signing a fraudulent return under this Section is perjury, as defined in Section 32-2 of the Criminal Code of 1961.

(f) (1) For all public utilities subject to paragraph (1) of subsection (d), at least one quarter of the annual amount of tax due under subsection (c) shall be paid to the Commission on or before the tenth day of January, April, July, and October of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of an amended or corrected return under subsection (d) or subsection (e) of this Section, the amount of any deficiency shall be paid by the public utility together with the amended or corrected return and the amount of any excess shall, after the filing of a claim for credit by the public utility, be returned to the public utility in the form of a credit memorandum in the amount of such excess or be refunded to the public utility in accordance with the provisions of subsection (k) of this Section. However, if such deficiency or excess is less than $1, then the public utility need not pay the deficiency and may not claim a credit.

(2) Any public utility subject to paragraph (2) of subsection (d) shall pay the amount of tax due under subsection (c) on or before March 31 next following the end of the calendar year subject to tax. In the event that an adjustment in the amount of tax due should be necessary as a result of the filing of a corrected return under subsection (e), the amount of any deficiency shall be paid by the public utility at the time the corrected return is filed. Any excess tax payment by the public utility shall be returned to it after the filing of a claim for credit, in the form of a credit memorandum in the amount of the excess. However, if such deficiency or excess is less than $1, the public utility need not pay the deficiency and may not claim a credit.

(g) Each installment or required payment of the tax imposed by subsection (c) becomes delinquent at midnight of the date that it is due. Failure to make a payment as required by this Section shall result in the imposition of a late payment penalty, an underestimation penalty, or both, as provided by this subsection. The late payment penalty shall be the greater of:

(1) $25 for each month or portion of a month that the installment or required payment is unpaid or
(2) an amount equal to the difference between what should have been paid on the due date, based upon the most recently filed estimated, annual, or amended return, and what was actually paid, times 1%, for each month or portion of a month that the installment or required payment goes unpaid. This penalty may be assessed as soon as the installment or required payment becomes delinquent.
The underestimation penalty shall apply to those public utilities subject to paragraph (1) of subsection (d) and shall be calculated after the filing of the amended return. It shall be imposed if the amount actually paid on any of the dates specified in subsection (f) is not equal to at least one-fourth of the amount actually due for the year, and shall equal the greater of:

1. $25 for each month or portion of a month that the amount due is unpaid or
2. an amount equal to the difference between what should have been paid, based on the amended return, and what was actually paid as of the date specified in subsection (f), times a percentage equal to 1/12 of the sum of 10% and the percentage most recently established by the Commission for interest to be paid on customer deposits under 83 Ill. Adm. Code 280.70(e)(1), for each month or portion of a month that the amount due goes unpaid, except that no underestimation penalty shall be assessed if the amount actually paid on or before each of the dates specified in subsection (f) was based on an estimate of gross revenues at least equal to the actual gross revenues for the previous year. The Commission may enforce the collection of any delinquent installment or payment, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The executive director or his designee may excuse the payment of an assessed penalty or a portion of an assessed penalty if he determines that enforced collection of the penalty as assessed would be unjust.

(h) All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Public Utility Fund in the State treasury.

(i) During the month of October of each odd-numbered year the Commission shall:
1. determine the amount of all moneys deposited in the Public Utility Fund during the preceding fiscal biennium plus the balance, if any, in that fund at the beginning of that biennium;
2. determine the sum total of the following items: (A) all moneys expended or obligated against appropriations made from the Public Utility Fund during the preceding fiscal biennium, plus (B) the sum of the credit memoranda then outstanding against the Public Utility Fund, if any; and
3. determine the amount, if any, by which the sum determined as provided in item (1) exceeds the amount determined as provided in item (2).

If the amount determined as provided in item (3) of this subsection exceeds $5,000,000, the Commission shall then compute the proportionate amount, if any, which (x) the tax paid hereunder by each utility during the preceding biennium, and (y) the amount paid into the Public Utility Fund during the preceding biennium by the Department of Revenue pursuant to Sections 2-9 and 2-11 of the Electricity Excise Tax Law, bears to the difference between the amount determined as provided in item (3) of this subsection (i) and $5,000,000. The Commission shall cause the proportionate amount determined with respect to payments made under the Electricity Excise Tax Law to be transferred into the General Revenue Fund in the State Treasury, and notify each public utility that it may file during the 3 month period after the date of notification a claim for credit for the proportionate amount determined with respect to payments made hereunder by the public utility. If the proportionate amount is less than $10, no notification will be sent by the Commission, and no right to a claim exists as to that amount. Upon the filing of a claim for credit within the period provided, the Commission shall issue a credit memorandum in such amount to such public utility. Any claim for credit filed after the period provided for in this Section is void.

(j) Credit memoranda issued pursuant to subsection (f) and credit memoranda issued after notification and filing pursuant to subsection (i) may be applied for the 2 year period from the date of issuance, against the payment of any amount due during that period under the tax imposed by subsection (c), or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other public utility subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(k) The chairman or executive director may make refund of fees, taxes or other charges whenever he shall determine that the person or public utility will not be liable for payment of such fees, taxes or charges during the next 24 months and he determines that the issuance of a credit memorandum would be unjust.
Sec. 13-511. Telecommunications Municipal Infrastructure Maintenance Fee Act; rate adjustments. With respect to any telecommunications retailer that is regulated by the Illinois Commerce Commission, the Commission shall order such rate adjustments as shall be necessary to assure that the implementation of the Telecommunications Municipal Infrastructure Maintenance Fee Act, including the payment of the State infrastructure maintenance fee, optional infrastructure maintenance fee, and municipal infrastructure maintenance fee, if any, net of (1) the termination of any fee, license fee, rent, or lease payment subject to the Telecommunications Municipal Infrastructure Maintenance Fee Act, and (2) the repeal of any invested capital tax subject to the Telecommunications Municipal Infrastructure Maintenance Fee Act, shall have no significant impact on the net income of each such telecommunications retailer. Beginning with the effective date of the Telecommunications Municipal Infrastructure Maintenance Fee Act, each such telecommunications retailer shall maintain such records and accounts as will enable the Commission to make such findings and determinations as are necessary to such order.

(Source: P.A. 90-154, eff. 1-1-98.)

Section 90-40. The Telephone Company Act is amended by changing Section 4 as follows:

Sec. 4. Right of condemnation. Every telecommunications carrier as defined in the Telecommunications Municipal Infrastructure Maintenance Fee Act may, when it shall be necessary for the construction, maintenance, alteration or extension of its telecommunications system, or any part thereof, enter upon, take or damage private property in the manner provided for in, and the compensation therefor shall be ascertained and made in conformity to the provisions of the Telegraph Act and every telecommunications carrier is authorized to construct, maintain, alter and extend its poles, wires, and other appliances as a proper use of highways, along, upon, and across any highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water in this State, but so as not to incommode the public in the use thereof: Provided, that nothing in this act shall interfere with the control now vested in cities, incorporated towns and villages in relation to the regulation of the poles, wires, cables and other appliances, and provided, that before any such lines shall be constructed along any such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water it shall be the duty of the telecommunications carrier proposing to construct any such line, to give (in the case of cities, villages, and incorporated towns) to the corporate authorities of the municipality or their designees (hereinafter, municipal corporate authorities) or (in other cases) to the highway commissioners having jurisdiction and control over the road or part thereof along and over which such line is proposed to be constructed, notice in writing in the form of plans, specifications, and documentation of the purpose and intention of the company to construct such line over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water, which notice shall be served at least 10 days before the line shall be placed or constructed over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water; and upon the giving of the notice it shall be the duty of the municipal corporate authorities or the highway commissioners to specify the portion of such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water upon which the line may be placed, used, and constructed, and it shall thereupon be the duty of the telecommunications retailer to provide the municipal authorities or highway commissioners with any and all plans, specifications, and documentation available and to construct its line in accordance with such specifications; but in the event that the municipal corporate authorities or the highway commissioners fail to provide such specification within 10 days after the service of such notice, the telecommunications retailer may proceed to place and erect its line along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water by placing its posts, poles and abutments so as to not to interfere with other proper uses of the highway, street, alley, public right-of-way dedicated or commonly used for utility
purposes, or water. The telecommunications carrier proposing to construct any such line shall comply with the provisions of Section 9-113 of the Illinois Highway Code. Provided, that the telecommunications carrier shall not have the right to condemn any portion of the right-of-way of any railroad company except as much thereof as is necessary to cross the same.

The Illinois Commerce Commission may adopt reasonable rules governing the negotiation procedures that are used by a telecommunications carrier during precondemnation negotiations for the purchase of land rights-of-way and easements, including procedures for providing information to the public and affected landowners concerning the project and the right-of-way easements sought in connection therewith.

Such rules may be made applicable to interstate, competitive intrastate and noncompetitive intrastate facilities, without regard to whether such facilities or the telecommunications carrier proposing to construct and operate them would otherwise be subject to the Illinois Commerce Commission's jurisdiction under The Public Utilities Act, as now or hereafter amended. However, as to facilities used to provide exclusively interstate services or competitive intrastate services or both, nothing in this Section confers any power upon the Commission (i) to require the disclosure of proprietary, competitively sensitive, or cost information or information not known to the telecommunications carrier, (ii) to determine whether, or conduct hearings regarding whether, any proposed fiber optic or other facilities should or should not be constructed and operated, or (iii) to determine or specify, or conduct hearings concerning, the price or other terms or conditions of the purchase of the right-of-way easements sought. With respect to facilities used to provide any intrastate services classified in the condemnor's tariff as noncompetitive under Section 13-502 of The Public Utilities Act, the rulemaking powers conferred upon the Commission under this Section are in addition to any rulemaking powers arising under The Public Utilities Act.

No telecommunications carrier shall exercise the power to condemn private property until it has first substantially complied with such rules with respect to the property sought to be condemned. If such rules call for providing notice or information before or during negotiations, a failure to provide such notice or information shall not constitute a waiver of the rights granted in this Section, but the telecommunications carrier shall be liable for all reasonable attorney's fees of that landowner resulting from such failure.

(Source: P.A. 90-154, eff. 1-1-98.)

ARTICLE 95

Section 95-95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

ARTICLE 99

Section 99-99. Effective date. Article 99 of this Act, Article 95 of this Act, and the changes made in this Act to Sections 5 and 20 of the Telecommunications Municipal Infrastructure Maintenance Fee Act take effect upon becoming law. Article 5 and Sections 90-22 and 90-30 of this Act take effect on July 1, 2002. Sections 90-5, 90-10, 90-20, 90-25, 90-35, and 90-40 of this Act and the changes made in this Act to Sections 1, 10, 15, 25, 27, 27.35, 30 and 35 of the Telecommunications Municipal Infrastructure Maintenance Fee Act take effect on January 1, 2003.


Approved February 8, 2002.


PUBLIC ACT 92-0527

(Senate Bill No. 0384)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 10-20.5a and 34-18 as follows:

(105 ILCS 5/10-20.5a) (from Ch. 122, par. 10-20.5a)

Sec. 10-20.5a. Access to high school campus.

(a) For school districts maintaining grades 10 through 12, to provide, on an equal basis,
access to *a high school campus* and *student directory information* to the official recruiting representatives of the armed forces of Illinois and the United States for the purpose of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups. *In this Section,* "directory information" *means a high school student's name, address, and telephone number.*

(b) If a student or his or her parent or guardian submits a signed, written request to the high school before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the high school) that indicates that the student or his or her parent or guardian does not want the student's directory information to be provided to official recruiting representatives under subsection (a) of this Section, the high school may not provide access to the student's directory information to these recruiting representatives. The high school shall notify its students and their parents or guardians of the provisions of this subsection (b).

(c) A high school may require official recruiting representatives of the armed forces of Illinois and the United States to pay a fee for copying and mailing a student's directory information in an amount that is not more than the actual costs incurred by the high school.

(d) Information received by an official recruiting representative under this Section may be used only to provide information to students concerning educational and career opportunities available in the military and may not be released to a person who is not involved in recruiting students for the armed forces of Illinois or the United States.

(Source: P.A. 82-161.)

(105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, however, that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular
education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board’s authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools.

Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may

New matter indicated by italics - deletions by strikeout.
further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

11. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

13. During that period of the calendar year not embraced within the regular school term, to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School Board Nominating Commission, Local School Councils, the Chicago Schools Academic Accountability Council, or the former Subdistrict Councils or of any member, officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. (a) To provide, on an equal basis, access to a high the school campus and student directory information to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups. In this paragraph 16, "directory information" means a high school student's name, address, and telephone number.

(b) If a student or his or her parent or guardian submits a signed, written request to the high school before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the high school) that indicates that the student or his or her parent or guardian does not want the student's directory information to be provided to official recruiting representatives under subsection (a) of this Section, the high school may not
provide access to the student's directory information to these recruiting representatives. The high school shall notify its students and their parents or guardians of the provisions of this subsection (b).

(c) A high school may require official recruiting representatives of the armed forces of Illinois and the United States to pay a fee for copying and mailing a student's directory information in an amount that is not more than the actual costs incurred by the high school.

(d) Information received by an official recruiting representative under this Section may be used only to provide information to students concerning educational and career opportunities available in the military and may not be released to a person who is not involved in recruiting students for the armed forces of Illinois or the United States;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee's request.

(b) For the purpose of this paragraph 17:

1. "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.

2. "Computer program" means a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

3. "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of $10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding;

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more that a debt is due and owing the municipality by an employee of the Chicago School Reform Board of Trustees, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality shall certify that the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend
at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

(a) Black (a person having origins in any of the black racial groups in Africa);
(b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
(c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days;

22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;

23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;

24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;

26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;

27. To provide or contract out training programs for administrative personnel and principals with revised or expanded duties pursuant to this Act in order to assure they have the knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and

New matter indicated by italics - deletions by strikeout.
any other factors relating to an employee's job performance; and
32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95; 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff. 1-1-98.)

Approved February 8, 2002.
Effective June 1, 2002.

PUBLIC ACT 92-0528
(Senate Bill No. 0397)

AN ACT in relation to public safety.

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

Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3a as follows:

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

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

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

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

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

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

(Source: P.A. 90-490, eff. 8-17-97.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.
Effective February 8, 2002.

PUBLIC ACT 92-0529
(Senate Bill No. 0694)

AN ACT in relation to utilities.

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

New matter indicated by italics - deletions by strikeout.
Section 5. The Public Utilities Act is amended by adding Article XIX as follows:

(220 ILCS 5/Art. XIX heading new)

ARTICLE XIX. ALTERNATIVE GAS SUPPLIER LAW

(220 ILCS 5/19-100 new)
Sec. 19-100. Short title. This Article may be cited as the Alternative Gas Supplier Law.

(220 ILCS 5/19-105 new)
Sec. 19-105. Definitions. For the purposes of this Article, the following terms shall be defined as set forth in this Section.

"Alternative gas supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers gas for sale, lease, or in exchange for other value received to one or more customers, and shall include affiliated interests of a gas utility, resellers, aggregators and marketers, but shall not include (i) gas utilities (or any agent of the gas utility to the extent the gas utility provides tariffed services to customers through an agent); (ii) public utilities that are owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State, or public utilities that are owned by a political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; (iii) residential natural gas cooperatives that are not-for-profit corporations established for the purpose of administering and operating, on a cooperative basis, the furnishing of natural gas to residences for the benefit of their members who are residential consumers of natural gas; and (iv) the ownership or operation of a facility that sells compressed natural gas at retail to the public for use only as a motor vehicle fuel and the selling of compressed natural gas at retail to the public for use only as a motor vehicle fuel.

"Gas utility" means a public utility, as defined in Section 3-105 of this Act, that has a franchise, license, permit, or right to furnish or sell gas or transportation services to customers within a service area.

"Residential customer" means a customer who receives gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit.

"Service area" means (i) the geographic area within which a gas utility was lawfully entitled to provide gas to customers as of the effective date of this amendatory Act of the 92nd General Assembly and includes (ii) the location of any customer to which the gas utility was lawfully providing gas utility services on such effective date.

"Tariffed service" means a service provided to customers by a gas utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act.

"Transportation services" means those services provided by the gas utility that are necessary in order for the storage, transmission and distribution systems to function so that customers located in the gas utility's service area can receive gas from suppliers other than the gas utility and shall include, without limitation, standard metering and billing services.

(220 ILCS 5/19-110 new)
Sec. 19-110. Certification of alternative gas suppliers.
(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential customers and only to the extent such alternative gas suppliers provide services to residential customers.

(b) An alternative gas supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any customer or other user located in this State. An alternative gas supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State. A person, corporation, or other entity acting as an alternative gas supplier on the effective date of this amendatory Act of the 92nd General Assembly shall have 180 days from the effective date of this amendatory Act of the 92nd General Assembly to comply with the requirements of this Section in order to continue to operate as an alternative gas supplier.

(c) An alternative gas supplier seeking a certificate of service authority shall file with the
Commission a verified application containing information showing that the applicant meets the requirements of this Section. The alternative gas supplier shall publish notice of its application in the official State newspaper within 10 days following the date of its filing. No later than 45 days after the application is properly filed with the Commission, and such notice is published, the Commission shall issue its order granting or denying the application.

(d) An application for a certificate of service authority shall identify the area or areas in which the applicant intends to offer service and the types of services it intends to offer. Applicants that seek to serve residential customers within a geographic area that is smaller than a gas utility's service area shall submit evidence demonstrating that the designation of this smaller area does not violate Section 19-115. An applicant may state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served.

(e) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit.

1. That the applicant possess sufficient technical, financial, and managerial resources and abilities to provide the service for which it seeks a certificate of service authority. In determining the level of technical, financial, and managerial resources and abilities which the applicant must demonstrate, the Commission shall consider the characteristics, including the size and financial sophistication of the customers that the applicant seeks to serve, and shall consider whether the applicant seeks to provide gas using property, plant, and equipment that it owns, controls, or operates.

2. That the applicant will comply with all applicable federal, State, regional, and industry rules, policies, practices, and procedures for the use, operation, and maintenance of the safety, integrity, and reliability of the gas transmission system.

3. That the applicant will comply with such informational or reporting requirements as the Commission may by rule establish.

4. That the area to be served by the applicant and any limitations it proposes on the number of customers or maximum amount of load to be served meet the provisions of Section 19-115, provided, that if the applicant seeks to serve an area smaller than the service area of a gas utility or proposes other limitations on the number of customers or maximum amount of load to be served, the Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request.

5. That the applicant will comply with all other applicable laws and rules.

(f) The Commission shall have the authority to promulgate rules to carry out the provisions of this Section. Within 30 days after the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt an emergency rule or rules applicable to the certification of those gas suppliers that seek to serve residential customers. Within 180 days of the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt rules that specify criteria which, if met by any such alternative gas supplier, shall constitute the demonstration of technical, financial, and managerial resources and abilities to provide service required by item (1) of subsection (e) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided, demonstration of adequate insurance for the scope and nature of the services to be provided, and experience in providing similar services in other jurisdictions.

Sec. 19-115. Obligations of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential customers and only to the extent such alternative gas suppliers provide services to residential customers.

(b) An alternative gas supplier shall:

1. comply with the requirements imposed on public utilities by Sections 8-201 through 8-207, 8-301, 8-505 and 8-507 of this Act, to the extent that these Sections have application to the services being offered by the alternative gas supplier; and

2. continue to comply with the requirements for certification stated in Section 19-110.

(c) An alternative gas supplier shall obtain verifiable authorization from a customer, in a form

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or manner approved by the Commission, before the customer is switched from another supplier.

(d) No alternative gas supplier shall:

(1) enter into or employ any arrangements which have the effect of preventing any
customer from having access to the services of the gas utility in whose service area the
customer is located; or

(2) charge customers for such access.

(e) An alternative gas supplier that is certified to serve residential customers shall not:

(1) deny service to a customer or group of customers nor establish any differences as to
prices, terms, conditions, services, products, facilities, or in any other respect, whereby such
denial or differences are based upon race, gender, or income; or

(2) deny service based on locality, nor establish any unreasonable difference as to prices,
terms, conditions, services, products, or facilities as between localities.

(f) An alternative gas supplier shall comply with the following requirements with respect to
the marketing, offering, and provision of products or services:

(1) Any marketing materials which make statements concerning prices, terms, and
conditions of service shall contain information that adequately discloses the prices, terms and
conditions of the products or services.

(2) Before any customer is switched from another supplier, the alternative gas supplier
shall give the customer written information that adequately discloses, in plain language, the
prices, terms, and conditions of the products and services being offered and sold to the
customer.

(3) The alternative gas supplier shall provide to the customer:

(A) itemized billing statements that describe the products and services provided to
the customer and their prices; and

(B) an additional statement, at least annually, that adequately discloses the average
monthly prices, and the terms and conditions, of the products and services sold to the
customer.

(g) An alternative gas supplier may limit the overall size or availability of a service offering
by specifying one or more of the following:

(1) a maximum number of customers and maximum amount of gas load to be served;

(2) time period during which the offering will be available; or

(3) other comparable limitation, but not including the geographic locations of customers
within the area which the alternative gas supplier is certificated to serve.

The alternative gas supplier shall file the terms and conditions of such service offering
including the applicable limitations with the Commission prior to making the service offering
available to customers.

(h) Nothing in this Section shall be construed as preventing an alternative gas supplier that
is an affiliate of, or which contracts with, (i) an industry or trade organization or association, (ii) a
membership organization or association that exists for a purpose other than the purchase of gas, or
(iii) another organization that meets criteria established in a rule adopted by the Commission from
offering through the organization or association services at prices, terms and conditions that are
available solely to the members of the organization or association.

Sec. 19-120. Commission oversight of services provided by gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or
seeking to serve residential customers and only to the extent such alternative gas suppliers provide
services to residential customers.

(b) The Commission shall have jurisdiction in accordance with the provisions of Article X of
this Act to entertain and dispose of any complaint against any alternative gas supplier alleging that:

(1) the alternative gas supplier has violated or is in nonconformance with any applicable
provisions of Section 19-110 or Section 19-115;

(2) an alternative gas supplier has failed to provide service in accordance with the terms
of its contract or contracts with a customer or customers;

(3) the alternative gas supplier has violated or is in nonconformance with the
transportation services tariff of, or any of its agreements relating to transportation services

New matter indicated by italics - deletions by strikeout.
with, the gas utility or municipal system providing transportation services; or
(4) the alternative gas supplier has violated or failed to comply with the requirements of Sections 8-201 through 8-207, 8-301, 8-505, or 8-507 of this Act as made applicable to alternative gas suppliers.
(c) The Commission shall have authority after notice and hearing held on complaint or on the Commission's own motion to:
(1) order an alternative gas supplier to cease and desist, or correct, any violation of or nonconformance with the provisions of Section 19-110 or 19-115;
(2) impose financial penalties for violations of or nonconformances with the provisions of Section 19-110 or 19-115, not to exceed (i) $10,000 per occurrence or (ii) $30,000 per day for those violations or nonconformances which continue after the Commission issues a cease-and-desist order; and
(3) alter, modify, revoke, or suspend the certificate of service authority of an alternative gas supplier for substantial or repeated violations of or nonconformances with the provisions of Section 19-110 or 19-115.

Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.
Effective February 8, 2002.

PUBLIC ACT 92-0530
(Senate Bill No. 0989)

AN ACT concerning intergovernmental cooperation.

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

Section 5. The Intergovernmental Cooperation Act is amended by changing Section 6 as follows:

Sec. 6. Joint self-insurance. An intergovernmental contract may, among other undertakings, authorize public agencies to jointly self-insure and authorize each public agency member of the contract to utilize its funds to pay to a joint insurance pool its costs and reserves to protect, wholly or partially, itself or any public agency member of the contract against liability or loss in the designated insurable area. A joint insurance pool shall have an annual audit performed by an independent certified public accountant and shall file an annual audited financial report with the Director of Insurance no later than 150 days after the end of the pool's immediately preceding fiscal year. The Director of Insurance shall issue rules necessary to implement this audit and report requirement. The rule shall establish the due date for filing the initial annual audited financial report. Within 30 days after each January 1, 1991, and within 30 days after each January 1 thereafter, public agencies that are jointly self-insured to protect against liability under the Workers' Compensation Act and the Workers' Occupational Diseases Act shall file with the Industrial Commission a report indicating an election to self-insure.

For purposes of this Section, "public agency member" means any public agency defined or created under this Act, any local public entity as defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act, and any public agency, authority, instrumentality, council, board, service region, district, unit, bureau, or, commission, or any municipal corporation, college, or university, whether corporate or otherwise, and any other local governmental body or similar entity that is presently existing or created after the effective date of this amendatory Act of the 92nd General Assembly, whether or not specified in this Section. Only public agency members with tax receipts, tax revenues, taxing authority, or other resources sufficient to pay costs and to service debt related to intergovernmental activities described in this Section, or public agency members created by or as part of a public agency with these powers, may enter into contracts or otherwise associate among themselves as permitted in this Section.

(Source: P.A. 89-97, eff. 7-7-95.)

Section 99. Effective date. This Act takes effect upon becoming law.
Approved February 8, 2002.

New matter indicated by italics - deletions by strikeout.
AN ACT concerning the State Treasurer.

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

Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as follows:

(15 ILCS 520/7) (from Ch. 130, par. 26)

Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depository for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositaries for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to 10% of (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the participating financial institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys, and (ii) existing home loans of Illinois citizens who have failed to make payments on a home loan as a result of a financial hardship due to circumstances beyond the control of the borrower where there is a reasonable prospect that the borrower will be able to resume full mortgage payments, and (iii) loans in amounts that do not exceed the amount of arrearage on a mortgage and that are extended to enable a borrower to become current on his or her mortgage obligation.

The following factors shall be considered by the participating financial institution to determine whether the financial hardship is due to circumstances beyond the control of the borrower: (i) loss, reduction, or delay in the receipt of income because of the death or disability of a person who contributed to the household income, (ii) expenses actually incurred related to the uninsured damage or costly repairs to the mortgaged premises affecting its habitability, (iii) expenses related to the death or illness in the borrower's household or of family members living outside the household that reduce the amount of household income, (iv) loss of income or a substantial increase in total housing expenses because of divorce, abandonment, separation from a spouse, or failure to support a spouse or child, (v) unemployment or underemployment, (vi) loss, reduction, or delay in the receipt of federal, State, or other government benefits, and (vii) participation by the homeowner in a recognized labor action such as a strike. In determining whether there is a reasonable prospect that the borrower will be able to resume full mortgage payments, the participating financial institution shall consider factors including, but not necessarily limited to the following: (i) a favorable work and credit history, (ii) the borrower's ability to pay the mortgage when employed, (iii) the lack of an impediment or disability that prevents reemployment, (iv) new education and training opportunities, (v) non-cash benefits that may reduce household expenses, and (vi) other debts.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a

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structure designed principally for the occupancy of no more than 4 families one family and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

(Source: P.A. 92-482, eff. 8-23-01.)

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


Approved February 8, 2002.

Effective February 8, 2002.

AN ACT in relation to certain land.

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

Section 5. Upon the payment of the sum of $46,000 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FA Route 2 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No.5X06103

Direct access to F.A. Route 2 (U.S. Route 51) shall be restored to 75 feet of a tract of land abutting the easterly right of way line of said highway; Beginning at a point 351.28 feet South of and 48.87 feet East of the northwest corner of the Southwest Quarter of Section 26, Township 17 North, Range 2 East of the Third Principal Meridian, said point being on the easterly right of way line of F.A. 2 and 45.00 feet right of centerline station 115+70; thence 30.33 feet northerly along said east line, to a point 45.00 feet right of centerline station 116+00.33; thence 5.00 feet easterly along said east line, to a point 50.00 feet right of centerline station 116+00.48; thence 39.52 feet northerly along said east line, to a point 50.00 feet right of centerline station 116+40.

Section 10. Upon the payment of the sum of $19,800 to the State of Illinois, the easement for highway purposes is released over and through the following described land and the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 26 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 5X02811(Tract A)

A part of the land acquired by a Dedication of Right of Way for a Freeway, that was dated May 12, 1953 and is recorded in Book 480 on Page 592 in the Recorder's Office of Champaign County, Illinois, being part of the East Half of Section 1, Township 22 North, Range 9 East of the 3rd principal Meridian, further described as:

From the intersection of the South line of the Northeast Quarter of the Northeast Quarter of said Section 1 and the surveyed centerline of Federal Aid Route 26, measure West on the South line of the Northeast Quarter of the Northeast Quarter of said Section 1 for 30.06 feet to the place of beginning;

From the place of beginning, measure Southeasterly around a curve to the left having a radius of 5085.5 feet and tangent to a line bearing South 3 degrees 36 minutes East for an arc length of 999.9 feet; thence South 14 degrees 52 minutes East for 98.8 feet; thence South 12 degrees 57 minutes East for 300.17 feet; thence South 14 degrees 08 minutes East for 198.7 feet; thence South 18 degrees 13 minutes East for 99.8 feet; thence Southwesterly around a curve to the right having a radius of 5025.5 feet and tangent to a line bearing South 11 degrees 45 minutes East for an arc length of 2186.9 feet; thence South 20 degrees 39 minutes West for 80.07 feet; thence South 63 degrees 33 minutes West for 145.6 feet; thence Northeasterly around a curve to the left having a radius of 4905.5 feet and is tangent to a line bearing North 15 degrees 02 minutes East for an arc distance of 2559.8 feet; thence North 14
degrees 52 minutes West for 437.4 feet; thence Northwesterly around a curve to the right having a radius of 5205.5 feet and tangent to the last described course for an arc distance of 1031.1 feet; thence East on South line of the Northeast Quarter of the Northeast Quarter of said Section 1 for 120.24 feet to the place of beginning, containing 10.8 acres, more or less.

Direct access to FA Route 26 (U.S. Route 45) shall be restored to 4028 feet of a tract of land described as follows:

Commencing at the intersection of the South line of the Northeast Quarter of the Northeast Quarter of Section 1, Township 22 North, Range 9 East of the Third Principal Meridian and the surveyed centerline of FA Route 26; thence West 150.3 feet along the South line of the Northeast Quarter of the Northeast Quarter of said Section 1, to the Place of Beginning; thence Southeasterly 1031.1 feet along a curve to the left being concentric with and 150 feet westerly of the centerline of FA Route 26, said curve having a radius of 5205.5 feet, the chord of said curve bears South 09 degrees 11 minutes 32 seconds East 1029.42 feet; thence South 14 degrees 52 minutes East 437.4 feet; thence Southwesterly 2559.8 feet along a curve to the right being concentric with and 150 feet westerly of the centerline of FA Route 26, said curve having a radius of 4905.5 feet, the chord of said curve bears South 00 degrees 04 minutes 57 seconds West 2530.86 feet, to the northerly right of way line of SA Route 9.

Parcel No. 5X02811(Tract B)

A part of the land acquired by a Dedication of Right of Way for a Freeway, that was dated April 7, 1952 and is recorded in Book 461 on Page 373 in the Recorder's Office of Champaign County, Illinois, being part of the Northeast Quarter of the Northeast Quarter of Section 1, Township 22 North, Range 9 East of the 3rd Principal Meridian, further described as:

From the intersection of the South line of the Northeast Quarter of the Northeast Quarter of said Section 1 and the surveyed centerline of Federal Aid Route 26, measure West on the South line of the Northeast Quarter of the Northeast Quarter of said Section 1 for 30.06 feet to the place of beginning:

From the place of beginning continue the last described course for 327.5 feet; thence North 17 degrees 53 minutes East for 120 feet; thence North 41 degrees 26 minutes East for 143.23 feet; thence North 59 degrees 59 minutes East for 185.71 feet; thence South 11 degrees 32 minutes East for 133.45 feet; thence southeasterly around a curve to the left having a radius of 5085.7 feet and a chord bearing of South 2 degrees 32 minutes East for an arc length of 187.87 feet, to the place of beginning, containing 1.59 acres, more or less.

Direct access to FA Route 26 (U.S. Route 45) shall be restored to 322 feet of a tract of land described as follows:

Commencing at the intersection of the South line of the Northeast Quarter of the Northeast Quarter of Section 1, Township 22 North, Range 9 East of the Third Principal Meridian and the surveyed centerline of FA Route 26; thence West 30.06 feet along the South line of the Northeast Quarter of the Northeast Quarter of said Section 1, to the Place of Beginning; thence Northwesterly 187.87 feet along a curve to the right being concentric with and 30 feet westerly of the centerline of FA Route 26, said curve having a radius of 5085.5 feet, the chord of said curve bears North 2 degrees 32 minutes East 187.87 feet; thence North 11 degrees 32 minutes West 133.45 feet.

Section 15. Upon the payment of the sum of $3,700 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kankakee County, Illinois:

Parcel No. 3LR0066

That part of the Southwest Quarter of Section 17, Township 30 North, Range 13 West of the Second Principal Meridian, in Kankakee County, Illinois, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 17; thence South 89 degrees 25 minutes 30 seconds East 87.26 feet on an assumed bearing along the south line of the Southwest Quarter of said Section 17 to the easterly existing right of way line of U.S. Route 45 and 52 (formerly S.B.I. Route 49); thence North 12 degrees 44 minutes 25 seconds West 125.95 feet along said easterly right of way line to the Point Of Beginning;

New matter indicated by italics - deletions by strikeout.
thence North 30 degrees 30 minutes 11 seconds West 97.52 feet; thence North 00 degrees 49 minutes 09 seconds West 463.95 feet; thence North 44 degrees 25 minutes 45 seconds East 71.04 feet to the easterly right of way line of said U.S. Route 45 and 52 (formerly S.B.I. Route 49); thence South 00 degrees 35 minutes 55 seconds East 598.16 feet along said easterly right of way line to the Point Of Beginning, containing 0.6063 acre (26,409 square feet), more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from U.S. Routes 45 and 52, previously declared a freeway at this parcel.

Section 25. Upon the payment of the sum of $2,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Macon County, Illinois:

Parcel No. 5X05503

A part of F.A. Route 49, Section 13-X as recorded in the Macon County Recorder's Office, Deed Book 1167 Page 532, being a part of Lot 1 in Block 1 of Hillcrest Addition, as per plat recorded in Book 536 Page 91, to the City of Decatur, in Section 8, Township 16 North, Range 2 East of the Third Principal Meridian, situated in the County of Macon, in the State of Illinois, described as follows:

Beginning at the northwest corner of said Lot 1; thence easterly 30.208 meters ±99.11 feet along the north line of Lot 1; thence southeasterly 17.879 meters ±58.66 feet to the southeast corner of said Lot 1; thence westerly 39.167 meters ±128.50 feet along the south line of said Lot 1, to the southwest corner of Lot 1; thence northerly 15.071 meters ±49.45 feet along the west line of said Lot 1, to the Point of Beginning, containing 530.614 square meters ±5,712 square feet, more or less.

No easement or right of access will be allowed to the public highway identified as F.A. Route 49 (U.S. Rte. 36) or Moffet Lane, from the aforementioned property.

Section 30. Upon the payment of the sum of $1,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Logan County, Illinois:

Parcel No. 675X178

A tract of land lying along and adjacent to the northwesterly right of way line of the G.M. & O. Railroad in the Southwest 1/4 of Section 7, in Township 18 North, Range 3 West of the 3rd P.M., and more particularly described as follows:

The point of beginning is described as commencing at a stone on the Southwest corner of said Section 7, thence north along the centerline of a public highway 958.5 feet; thence South 73 degrees 09 minutes East, 650.6 feet to the said northwesterly right of way line of said railroad; thence North 37 degrees 41 minutes East, along said right of way line 134.55 feet; thence North 37 degrees 41 minutes East, 124.45 feet; thence North 35 degrees 57 minutes East, 122.2 feet; thence North 27 degrees 05 minutes East, 3.35 feet; thence North 27 degrees 05 minutes East, 214 feet; thence North 33 degrees 21 minutes East, 54.7 feet to the point of beginning, said point being in the northwesterly right of way line of said Railroad.

From said point of beginning North 33 degrees 21 minutes East, 22.8 feet; thence North 37 degrees 50 minutes East, 300 feet (being along said right of way line of the railroad) to a State right of way stone; thence South 76 degrees 11 minutes West, 127.5 feet to a State right of way stone; thence South 36 degrees 09 minutes West, along the Easterly right of way line of Federal Aid Highway Route 5 for a distance of 225 feet; thence South 53 degrees 51 minutes East, 74.3 feet, more or less, to the point of beginning, containing 0.48 acres, more or less.

Section 35. Upon the payment of the sum of $3,000 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 5 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X220

New matter indicated by italics - deletions by strikeout.
A part of the South Half of the Northwest Quarter of Section 4, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at a point on the Westerly existing right of way line of F.A. Route 5 being 110.00 feet left of Station 526+00.49; thence northeasterly along said Westerly existing right of way line on a curve to the right having a radius of 4884.65 feet, an arc distance of 168.24 feet and a chord bearing North 32 degrees 17 minutes 03 seconds East, 168.24 feet to a point 110.00 feet left of Station 527+64.94, said point being the point of termination.

Offsets referenced to the survey line as shown on original parcel 13.

Section 40. Upon the payment of the sum of $2,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:

Parcel No. 675X221

Part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, being more particularly described as follows:

Commencing at the northwest corner of said Section 9; thence North 89 degrees 15 minutes 32 seconds East along the north line of said Section 9, a distance of 891.00 feet; thence South 00 degrees 44 minutes 28 seconds East, 13.41 feet to the point of beginning at the intersection of the south existing right of way line of the Township Road and the westerly existing right of way line of S.B.I. Route 4 (Old U.S. Route 66) being 431.28 feet right of Survey Station 279+93.77 referenced to the survey line of F.A.I. Route 55; thence along the south existing right of way line of the Township Road, North 89 degrees 07 minutes 21 seconds East, 76.66 feet to the westerly existing right of way line of the Railroad; thence along said westerly existing Railroad right of way, also being the easterly existing right of way line of said S.B.I. Route 4, South 33 degrees 54 minutes 15 seconds West, 710.64 feet to a point 264.22 feet right of Station 273+98.47; thence North 68 degrees 05 minutes 21 seconds West, 62.80 feet to a point on the westerly existing right of way line of said S.B.I. Route 4 being 201.53 feet right of Station 274+01.93; thence along said westerly right of way line, North 33 degrees 46 minutes 28 seconds East, 679.96 feet to the point of beginning, containing .993 acre, more or less.

Section 45. Upon the payment of the sum of $380.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Carroll County, Illinois:

Parcel No. 2DCA014

A parcel of land in part of the West Half of the Southeast Quarter of Section 12, Township 25 North, Range 4 East of the Fourth Principal Meridian, County of Carroll, State of Illinois, described as follows:

Commencing at the Center of Section 12; thence Easterly on the North Line of the Southeast Quarter of said Section 12, said line having a bearing of North 82 degrees 19 minutes 02 seconds East, a distance of 406.36 feet to a point in the Center Line of a public road designated S.B.I. Route 40 (Illinois Route 78), said point being the Point of Beginning of the hereinafter described parcel of land; thence continuing Easterly on said North Line of the last described course, a distance of 33.98 feet to a point in the Easterly Right-of-Way Line of said S.B.I. Route 40 (Illinois Route 78); thence Southeasternly on said Easterly Right-of-Way Line, said line having a bearing of South 21 degrees 23 minutes 35 seconds West, a distance of 404.87 feet to a point; thence continuing Southeasternly on said Easterly Right-of-Way Line which is the arc of a circle concave to the Southwest, an arc distance of 33.70 feet, said arc having a radius of 1,044.10 feet and a chord bearing of South 20 degrees 29 minutes 01 seconds East, a chord distance of 33.70 feet to a point; thence Southerly on a line having a bearing of South 8 degrees 11 minutes 48 seconds West, a distance of 75.67 feet to a point in the Center Line of said S.B.I. Route 40 (Illinois Route 78); thence Northwesterly on said Center Line which is the arc of a circle concave to the Southwest, an arc distance of
99.66 feet, said arc having a radius of 1,011.10 feet and a chord bearing of North 18 degrees 34 minutes 28 seconds West, a chord distance of 99.62 feet to a point; thence continuing Northwesterly on said Center Line, said line having a bearing of North 21 degrees 23 minutes 35 seconds West, a distance of 412.92 feet to the Point of Beginning, containing 0.360 acre, more or less.

For the purpose of this description, said North Line of the Southeast Quarter of Section 12 has been assigned a bearing of North 82 degrees 19 minutes 02 seconds East.

Section 50. Upon the payment of the sum of $4,000.00 to the State of Illinois, the easement for highway purposes is released over and through the following described land and the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 10 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0067
TRACT NUMBER ONE:
A part of the Northeast Quarter of Section 2, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at the northwest corner of Outlot 24 in the Ninth Addition to McLean County Farm Bureau Subdivision according to Document Number 99-38302 in the McLean County Recorder Of Deeds; thence easterly 201.14 feet along the southerly right of way line of Empire Street along a 11,539.20 foot radius curve to the left whose chord bears North 87 degrees 04 minutes 00 seconds East, 201.14 feet to the Point Of Beginning of Release of Access Control; thence easterly 98.00 feet along said right of way line along a 11,539.20 foot radius curve to the left whose chord bears North 86 degrees 19 minutes 27 seconds East, 98.00 feet to the termination of Release of Access Control. The total length of Release of Access Control is 98.00 lineal feet.

TRACT NUMBER TWO:
A part of the Northeast Quarter of Section 2, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at the northwest corner of Outlot 24 in the Ninth Addition to McLean County Farm Bureau Subdivision according to Document Number 99-38302 in the McLean County Recorder Of Deeds; thence easterly 553.26 feet along the southerly right of way line of Empire Street along a 11,539.20 foot radius curve to the left whose chord bears North 86 degrees 11 minutes 33 seconds East 553.21 feet; thence easterly 184.09 feet along said right of way line along a 11,379.20 foot radius curve to the right whose chord bears North 85 degrees 18 minutes 31 seconds East, 184.09 feet to the Point Of Beginning of Release of Access Control; thence easterly 43.99 feet along said right of way line along a 11,379.20 foot radius curve to the right whose chord bears North 85 degrees 52 minutes 58 seconds East, 43.99 feet to the termination of Release of Access Control. The total length of Release of Access Control is 43.99 lineal feet.

Section 55. Upon the payment of the sum of $500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Dewitt County, Illinois, to Michael J. Tate:

Parcel No. 5X54203
Part of Lot 1 in Block 6 in Portland Place Subdivision of part of Lot 1 of 60 acres off the south end of the West Half of the Northeast Quarter of Section 35, Township 20 North, Range 2 East of the Third Principal Meridian, situated in the City of Clinton, in the County of Dewitt, in the State of Illinois, described as follows:

Beginning at the northeast corner of said Lot 1; thence South 00 degrees 48 minutes 03 seconds West along the east line of said Lot 1, 0.181 meters ±0.59 feet to the northerly right of way line of FA Route 71 (Il. Rte. 54); thence southwesterly along said right of way line 9.301 meters ±30.52 feet along a curve to the right being concentric with and 12.192 meters ±40.00 feet northerly of the centerline of FA 71, said curve having a radius of 766.550 meters ±2514.92 feet, the chord of said curve bears South 61 degrees 55 minutes 08 seconds West 9.301 meters ±30.52 feet; thence North 49 degrees 05 minutes 44 seconds West 6.474

New matter indicated by italics - deletions by strikeout.
meters ±21.24 feet to the north line of said Lot 1; thence North 88 degrees 36 minutes 04 seconds East 13.106 meters ±43.00 feet along said line, to the Point of Beginning, containing 29 square meters ±316 square feet.

Section 60. Upon the payment of the sum of $1,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Macoupin County, Illinois:

Parcel No. 675X224
A part of the Northwest Quarter of Section 22, Township 7 North, Range 6 West of the Third Principal Meridian, Macoupin County, Illinois, more particularly described as follows:

Beginning at a point on the south line of the Northwest Quarter of said Section 22, a distance of 50.00 feet northwesterly measured at right angles from the northwesterly right of way line of the C & NW Railroad, formerly known as the Litchfield and Madison Railroad; thence northeasterly parallel to and 50.00 feet northwesterly of said right of way line to a point that is 145.00 feet west of the centerline of highway FA 5; thence north parallel to and 145.00 feet west of said highway centerline to the south existing right of line of Township Road 300 North; thence southeasterly along said right of way line to a point on the west existing right of way line of FA 5, being 99.00 feet west of said FA 5 centerline; thence southerly along said right of way line to a point on the existing northwesterly right of way line of the C & NW Railroad also being 99.00 feet west of said FA 5 centerline; thence southerly along the said northwesterly railroad right of way line to the south line of the Northwest Quarter of said Section 22; thence westerly along said quarter section line to the point of beginning, containing 0.368 acres (16,048 square feet) more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 5 (IL Rt. 66), previously declared a freeway.

Section 65. Upon the payment of the sum of $46,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Monroe County, Illinois, to Harold P. Hermann and Elsie R. Hermann:

Parcel No. 800XA99
Part of Tax Lot 3A in Survey 555, Claim 505 as recorded in the Recorder's Office of Monroe County, Illinois in Surveyor's Official Plat Record "A" on Page 106 and part of Tax Lot 13A in Survey 556, Claim 498 as recorded in the Recorder's Office of Monroe County, Illinois in Surveyor's Official Plat Record "A" on Page 106, all in Township 1 South, Range 10 West of the Third Principal Meridian, Monroe County, Illinois, more particularly described as follows:

Commencing at an old stone at the northwesterly corner of Tax Lot 3A in said Survey 555, Claim 505; thence on an assumed bearing of South 12 degrees 28 minutes 57 seconds West on the westerly line of Tax Lot 3A in said Survey 555, Claim 505, a distance of 492.02 feet to an iron pin on the northerly right of way line of FA Route 182, as recorded in the Recorder's Office of Monroe County, Illinois in Book of Plats "C" on Page 44, being the Point of Beginning.

From said Point of Beginning; thence South 35 degrees 25 minutes 42 seconds East on the northwesterly right of way line of FA Route 182, a distance of 170.44 feet to an iron pin; thence North 40 degrees 38 minutes 36 seconds East on the northwesterly right of way line of FA Route 182, a distance of 643.93 feet to an iron pin; thence North 54 degrees 08 minutes 10 seconds East on the northwesterly right of way line of FA Route 182, a distance of 234.86 feet to a point on the westerly right of way line of FA Route 14 (marked Illinois Route 3), said point being the southwest corner of a tract of land described as Tract A in Condemnation Case No. 90-ED-5 Order Vesting Title filed July 5, 1990; thence South 18 degrees 18 minutes 42 seconds East, 339.89 feet to a point on the southeasterly right of way line of FA Route 182 and the westerly right of way line of FA Route 14, said point being the northwest corner of a tract of land described as Tract B of said Condemnation Case No. 90-ED-5; thence South 53 degrees 41 minutes 33 seconds West on the southeasterly right of way line of FA Route 182, a distance of 127.38 feet to an iron pin; thence South 43 degrees 02 minutes 41 seconds to...
West on the southeasterly right of way line of FA Route 182, a distance of 192.98 feet to an iron pin; thence South 53 degrees 38 minutes 30 seconds West on the southeasterly right of way line of FA Route 182, a distance of 382.08 feet to an iron pin; thence South 04 degrees 22 minutes 05 seconds East on the southeasterly right of way line of Township Road 9 (Sandbank Road); thence North 61 degrees 06 minutes 48 seconds West on the southerly line of Tax Lot 3A of said Survey 555, Claim 505 and the northerly right of way line of Township Road 9, a distance of 350.69 feet to an iron pin at the southerly corner of Tax Lot 3A of said Survey 555, Claim 505, said corner also being on the easterly right of way line of County Highway 6 (Bluff Road); thence North 12 degrees 28 minutes 57 seconds East on the westerly line of Tax Lot 3A of said Survey 555, Claim 505 and the easterly right of way line of County Highway 6, a distance of 144.82 feet to the Point of Beginning.

Parcel 800XA99 herein described contains 5.822 acres.

Exception:
Access to FAP Route 14 (Illinois Route 3) from the above described tract will be prohibited.

Section 70. Upon the payment of the sum of $192,000.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FAP Route 582 (IL-111) and IL-140 (FAP 785) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB02

A line which lies between the northern, northwestern and western part of Outparcel "B" of "Northwest Business Park", a subdivision according to the plat thereof recorded in Plat Cabinet 57, Page 50 of the Madison County Records and property conveyed to The People of the State of Illinois, Department of Transportation by deed recorded in Deed Book 3053, Page 1700 of the Madison County Records, being all that land lying within the limits of the right of way formerly known as FAS Route 762, Section 107 MFT (Illinois Route 111 and part of Illinois Route 140), according to the plat thereof recorded in Road Record Book 7, Pages 143-151 of the Madison County Records, being more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 12, Township 5 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois; thence northerly along the west line of said Southwest Quarter of Section 12, on an assumed bearing of North 01 degree 08 minutes 55 seconds West, 965.30 feet; thence North 88 degrees 51 minutes 05 seconds East, 81.85 feet to the Point of Beginning, said Point of Beginning being on the easterly right of way line of said Illinois Route 111, according to said deed recorded as Book 3053, Page 1700.

From said Point of Beginning; thence the following four (4) courses and distances along the easterly right of way line of Illinois Route 111 and the southerly right of way line of Illinois Route 140, according to said deed recorded in Deed Book 3053, Page 1700: (1) North 01 degree 06 minutes 42 seconds West, 129.89 feet; (2) thence North 04 degrees 13 minutes 14 seconds East, 150.65 feet; (3) thence North 63 degrees 52 minutes 20 seconds East, 99.57 feet; (4) thence along a curve to the left, having a radius of 1,984.86 feet, an arc distance of 223.22 feet, the chord of said curve bears South 77 degrees 03 minutes 03 seconds 01 second East, 223.10 feet to the terminus of said line.

Section 75. Upon the payment of the sum of $12,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:

Parcel No. 800XB06

A tract of land being part of Lot 5, Survey 143, 144, 145 and 146 of the Commonfields of Prairie DuPont recorded in Plat Book E, Page 29 in the Recorder's Office of St. Clair County, Illinois and being more particularly described as follows:

Commencing at the Northeast Corner of Lot 1 of Dyroff's Resubdivision of Part of Blocks 6, 7, 8 and 9 of North Dupo recorded in Plat Book 27, Page 2 in the Recorder's Office of St. Clair County, Illinois, said corner is also located on the southerly existing right of way line
of the former Illinois Central Gulf Railroad; thence along said southerly existing right of way line along an assumed bearing of North 89 degrees 54 minutes 21 seconds East, 421.33 feet to the Southeast Corner of a tract of land conveyed by Warranty Deed to the State of Illinois recorded November 30, 1982 in Book 2534, Page 185 and the Point of Beginning.

From said Point of Beginning; thence continuing along said southerly existing right of way line of the former Illinois Central Gulf Railroad, North 89 degrees 54 minutes 21 seconds East, 376.16 feet to the Southwest Corner of a tract of land conveyed by Warranty Deed to the State of Illinois recorded November 30, 1982 in Book 2534, Page 183; thence South 13 degrees 53 minutes 27 seconds West, 133.73 feet; thence South 33 degrees 44 minutes 01 second West, 181.95 feet; thence South 89 degrees 54 minutes 21 seconds West, 289.56 feet; thence North 08 degrees 26 minutes 00 seconds East, 155.47 feet; thence North 10 degrees 34 minutes 27 seconds, East 129.41 feet to the Point of Beginning.

Parcel 800XB06 herein described contains 2.25 acres.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAP Route 4, nor IL Route 3 (Stolle Road) previously declared freeways at this location. Access from and to this parcel will be limited to relocated Falling Springs Road.

Section 80. Upon the payment of the sum of $1,000.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 178 (IL 251) are restored subject to permit requirements of the State of Illinois, Department of Transportation: Parcel No. 3LR0068

A part of the Northwest Quarter of Section 2, Township 32 North, Range 1 East of the Third Principal Meridian, LaSalle County, Illinois, more particularly described as follows:

Commencing at the southeast corner of the Northwest Quarter of said Section 2; thence North 89 degrees 24 minutes 54 seconds West, 101.88 feet along the south line of the Northwest Quarter of said Section 2 to its intersection with the east right of way line of F.A. Route 178 (Illinois Route 251); thence North 36 degrees 21 minutes 11 seconds West, 97.63 feet along said east right of way line to the Point Of Beginning of the Release of Access Control, said point being 60.0 feet left of Station 426+33.40; thence South 36 degrees 21 minutes 11 seconds West, 97.63 feet along said east right of way line to the Point Of Termination of said Release, said point being 60.0 feet left of Station 427+38.39, all situated in LaSalle County, Illinois. The total length of Release of Access Control is 97.63 linear feet.

Section 85. Upon the payment of the sum of $28,900.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Madison County, Illinois:

Parcel No. 800XA98 A
That part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 6 North, Range 10 West of the Third Principal Meridian, in Madison County, Illinois, described as follows:

Beginning at the southwest corner of Lot 7 in North Port Industrial Park Section No. 1B, being a subdivision in the Southwest Quarter of the Southeast Quarter of said Section 35, according to the plat thereof recorded April 25, 1969 in Plat Book 39, on Page 21; thence on an assumed bearing of South 75 degrees 18 minutes 24 seconds East, a distance of 258.88 feet to the southeast corner of said Lot 7; thence South 00 degrees 21 minutes 31 seconds West, a distance of 7.00 feet; thence North 77 degrees 01 minute 47 seconds West, 256.92 feet to the east line of Lot 15 in Gerson Heights Subdivision, being a subdivision of part of the West Half of the Southeast Quarter of said Section 35, according to the plat thereof recorded July 2, 1929 in Plat Book 16, on Page 53; thence North 00 degrees 21 minutes 31 seconds West, a distance of 15.00 feet to the Point of Beginning.

Parcel 800XA98-A herein described contains 2,750 square feet or 0.063 acre. and also:
Parcel No. 800XA98 B
That part of Lot 15 in Gerson Heights Subdivision being a subdivision of part of the West Half of the Southeast Quarter of Section 35, Township 6 North, Range 10 West of the Third Principal
Meridian, according to the plat thereof recorded July 2, 1929 in Plat Book 16, on Page 53, in Madison County, Illinois, described as follows:

Beginning at the Northeast Corner of said Lot 15; thence on an assumed bearing of South 00 degrees 21 minutes 31 seconds East, on the east line of said Lot 15, a distance of 44.40 feet; thence North 78 degrees 06 minutes 11 seconds West, 133.32 feet to the west line of said Lot 15; thence North 00 degrees 21 minutes 31 seconds West, on said west line of Lot 15, a distance of 16.10 feet to the northwest corner of said Lot 15; thence North 89 degrees 38 minutes 29 seconds East, on the north line of said Lot 15, a distance of 130.28 feet to the Point of Beginning.

Parcel 800XA98-B herein described contains 3,941 square feet or 0.090 acre.

Exception:

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAP Route 789 (IL Rt. 3 and 111), previously declared a freeway.

Section 87. The Metropolitan Water Reclamation District Act is amended by adding Section 288 as follows:

(70 ILCS 2605/288 new)

Sec. 288. District enlarged. Upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District Act are extended to include within those limits the following described tracts of land, and those tracts are annexed to the District.

(1) Parcel 1 (Canter Parcel)

THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE; THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED BEING SOUTH 39 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF BEGINNING; THENCE CONTINuing SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY, ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE, 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE, ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16, 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY; THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING ALONG...
A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST, ALONG THE CENTER LINE OF THE OLD CHICAGO-ELGIN ROAD, A DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD, AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST, ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-024-0000
(2) Parcel 2 (T Bar J Ranch Parcel)
PARCEL 1:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 238.50 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-018-0000
PARCEL 2:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 75 DEGREES 29 MINUTES

New matter indicated by italics - deletions by strikeout.
WEST, 307.4 FEET; THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET; THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE, 175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21 MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47 MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31 DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER TOWNSHIP IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-022-0000

(3) Parcel 3 (Gibas parcel)

A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER; THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-015-0000

(4) Parcel 4 (Blake parcel)

THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY, ILLINOIS.


New matter indicated by italics - deletions by strikeout.
Section 90. Upon the payment of the sum of $78,400.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Bucktown Properties, Inc.:

Parcel No. 0ZZ0828A

A part of Lot 2 in Block 2 in Quentin's Subdivision of Block 22 and Lots 1, 2, in Block 16 in Sheffield's Addition to Chicago, that part of Lots 3 and 4 in Block 2 in Quentin's Subdivision of Block 22 and also that part of Lots 1 and 2 in Lawrence Subdivision of One Square Acre in the southwest corner of Block 22 in Sheffield's Addition to Chicago, recorded as Document Number 53059, all lying northeast of a line which intersects the north line of Lot 3 aforesaid 55 feet west of its northeast corner, and intersects the east line of Lot 2 in Lawrence Subdivision aforesaid 8 feet north of its south east corner; and Lots 3 and 4 in Owner's Resubdivision of Lots 5, 6 and 7 in Block 2 in Quentin's Subdivision of Block 22 in Sheffield's Addition to Chicago with vacated alley south of and adjoining said Lots; all being situated in the East Half of the Southeast Quarter of Section 31, Township 40 North, Range 14 East of the Third Principal Meridian, described as follows:

Beginning at the northwest corner of said Lot 3 in Block 2 of Quentin's Subdivision; thence along an assumed bearing of North 00 degrees 00 minutes 00 seconds East along the east line of Paulina Street, 17.61 feet; thence North 89 degrees 33 minutes 29 seconds East, 53.29 feet; thence South 38 degrees 38 minutes 08 seconds East, 159.01 feet to a point at the intersection of the extension of the north line of the public alley; thence North 89 degrees 40 minutes 08 seconds West along the north line of the public alley extended, 52.57 feet to the southeast corner of Lot 3 of Lawrence's Subdivision; thence North 00 degrees 00 minutes 00 seconds East, 28.00 feet along the east line of Lots 3 and 2 of Lawrence's Subdivision to a point 8.00 feet north of the southeast corner of said Lot 2; thence North 35 degrees 19 minutes 16 seconds West, 95.14 feet to a point on the north line of said Lot 3 in Block 2, said point being 55.00 feet west of the northeast corner of said Lot 3; thence North 89 degrees 40 minutes 08 seconds West, 45.00 feet along the said north line of Lot 3 to the Point of Beginning, in Cook County, Illinois. Excepting from the above described tract the North-South and East-West 15 feet public alleys previously dedicated and part of the (expressway) right of way.

Said parcel containing 0.075 Acres, more or less.

Reserved in the above described parcel is a 4.0 foot wide permanent easement for access control fence maintenance described as follows:

Commencing at the northwest corner of said Lot 3 in Block 2 of Quentin's Subdivision; thence along an assumed bearing of North 00 degrees 00 minutes 00 seconds East along the east line of Paulina Street, 13.61 feet to the Point of Beginning; thence continuing North 00 degrees 00 minutes 00 seconds East along the east line of Paulina Street, 4.00 feet; thence North 89 degrees 33 minutes 29 seconds East, 53.29 feet; thence South 38 degrees 38 minutes 08 seconds East, 159.01 feet to a point at the intersection of the extension of the north line of the public alley; thence North 89 degrees 40 minutes 08 seconds West along the north line of the public alley extended, 5.14 feet; thence North 38 degrees 38 minutes 08 seconds West, 153.83 feet; thence South 89 degrees 33 minutes 29 seconds West, 51.38 feet to the Point of Beginning.

Said easement containing 0.019 Acre, more or less.

Section 92. Upon the payment of the sum of $500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Carroll County, Illinois:

Parcel No. 2DCA013

A parcel of land in the Northeast Quarter and in the Southeast Quarter of Section 12, Township 25 North, Range 4 East of the Fourth Principal Meridian, County of Carroll, State of Illinois, described as follows: Commencing at the Center of said Section 12; thence North 82 degrees 19 minutes 02 seconds East on the North Line of said Southeast Quarter of Section 12, a distance of 374.54 feet to a point in the Westerly Right-of-Way Line of a public road

New matter indicated by italics - deletions by strikeout.
designated S.B.I. Route 40 (Illinois Route 78), said point also being the Point of Beginning of the hereinafter described parcel of land; thence Northwesterly on said Westerly Right-of-Way Line, said line having a bearing of North 20 degrees 47 minutes 19 seconds West, a distance of 123.03 feet to a point; thence Northerly on said Westerly Right-of-Way Line, said line having a bearing of North 9 degrees 33 minutes 52 seconds West, a distance of 43.75 feet to a point; thence Southeasterly on a line having a bearing of South 41 degrees 33 minutes 43 seconds East, a distance of 57.90 feet to a point; thence Southerly on a line having a bearing of South 8 degrees 40 minutes 58 seconds East, a distance of 115.50 feet to a point in the North Line of said Southeast Quarter of Section 12; thence Easterly on said North Line, said line having a bearing of North 82 degrees 19 minutes 02 seconds East, a distance of 26.86 feet to a point in the Center Line of said S.B.I. Route 40 (Illinois Route 78); thence Southeasterly on said Center Line, said line having a bearing of South 21 degrees 23 minutes 35 seconds East, a distance of 412.92 feet to a point; thence on the arc of a circle concave to the Southwest, said arc being the Center Line of said S.B.I. Route 40 (Illinois Route 78), an arc distance of 99.66 feet, said arc having a radius of 1,011.10 feet and a chord bearing of South 18 degrees 34 minutes 28 seconds East, a chord distance of 99.62 feet to a point; thence Southerly on a line having a bearing of South 8 degrees 11 minutes 48 seconds West, a distance of 89.82 feet to a point in said Westerly Right-of-Way Line of S.B.I. Route 40 (Illinois Route 78); thence on the arc of a circle concave to the Southwest, said arc being the Westerly Right-of-Way Line, an arc distance of 178.60 feet, said arc having a radius of 978.10 feet and a chord bearing of North 21 degrees 23 minutes 35 seconds West, a distance of 222.95 feet to a point; thence Northwesterly on said Westerly Right-of-Way Line, said line having a bearing of North 20 degrees 47 minutes 19 seconds West, a distance of 197.52 feet to the Point of Beginning, containing 0.478 acre, more or less.

For the purpose of this description, said North Line of the Southeast Quarter of Section 12 has been assigned a bearing of North 82 degrees 19 minutes 02 seconds East.

Section 93. Upon the payment of the sum of $41,000.00 to the State of Illinois, and subject to the condition set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Coles County, Illinois, to Worthington Inn:

Parcel No. 5X03913

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID CORNER BEING 31.13 FEET LEFT OF CENTERLINE STATION 470+80 OF F.A. ROUTE #17 (ILLINOIS ROUTE 16); THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE CENTERLINE OF DOUGLAS DRIVE, 280.72 FEET ACTUAL (S 00 DEGREES 05 MINUTES 21 SECONDS W - 281.00 FEET RECORD); THENCE S 89 DEGREES 21 MINUTES 21 SECONDS W, 20.00 FEET ACTUAL (S 89 DEGREES 21 MINUTES W - 20.00 FEET RECORD), THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W (N 34 DEGREES 59 MINUTES W RECORD), 26.07 FEET TO A POINT ON THE WEST LINE OF DOUGLAS DRIVE, SAID POINT BEING 228.06 FEET RIGHT OF CENTERLINE STATION 470+42.04 OF SAID F.A. ROUTE #17 (ILLINOIS ROUTE 16) AND THE POINT OF BEGINNING; THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W ACTUAL (N 34 DEGREES 59 MINUTES W RECORD, 112.82 FEET TO A POINT 135.00 FEET RIGHT OF STATION 469+78.26 OF SAID CENTERLINE; THENCE S 89 DEGREES 21 MINUTES 00 SECONDS W (ACTUAL AND

New matter indicated by italics - deletions by strikeout.
RECORD), 523.32 FEET TO A POINT 135.0 FEET RIGHT OF STATION 464+54.94 OF
SAID CENTERLINE; THENCE N 00 DEGREES 00 MINUTES 55 SECONDS W, 33.00
FEET TO A POINT 102.00 FEET RIGHT OF STATION 464+55.31 OF SAID
CENTERLINE; THENCE N 88 DEGREES 08 MINUTES 46 SECONDS E, 523.56 FEET
TO A POINT 91.00 FEET RIGHT OF STATION 469+78.29 OF SAID CENTERLINE;
THENCE S 72 DEGREES 53 MINUTES 05 SECONDS E, 23.00 FEET TO A POINT 98.02
FEET RIGHT OF STATION 470+00.65 OF SAID CENTERLINE; THENCE S 44
DEGREES 37 MINUTES 46 SECONDS E, 61.21 FEET TO A POINT 142.07 RIGHT OF
STATION 470+43.15 OF SAID CENTERLINE AND THE EXTENSION OF THE WEST
RIGHT-OF-WAY LINE OF DOUGLAS DRIVE; THENCE S 00 DEGREES 05 MINUTES
21 SECONDS W, ALONG SAID WEST LINE 86.00 FEET TO THE POINT OF
BEGINNING CONTAINING 0.567 ACRES, MORE OR LESS, CHARLESTON, ILLINOIS.

It is understood and agreed that there is no existing right of access nor will access be
permitted in the future by the State of Illinois, Department of Transportation, from or over the
premises above described to and from FA Route 17 (IL Rte 16), previously declared a
freeway.

Section 95. Upon the payment of the sum of $29,600.00 to the State of Illinois, and subject
to the conditions set forth in Section 900 of this Act, the Secretary of the Department of
Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the
following described land in Cook County, Illinois, to Arbor Club L.L.C., an Illinois Limited Liability
Company. Parcel No. 0ZZ0943

THAT PART OF LOT 36 IN TALBOT'S MILL, BEING A SUBDIVISION OF PART
OF THE SOUTH 1/2 OF SECTION 31 AND PART OF THE SOUTHWEST 1/4 OF
SECTION 32, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 23, 1989 AS
DOCUMENT 89287964, DESCRIBED AS FOLLOWS: BEGINNING AT THE
NORTHWEST CORNER OF SAID LOT 36; THENCE SOUTH 89 DEGREES 27
MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 36, 207.33
FEET TO THE WEST LINE, AS STAKED AND OCCUPIED, OF ITASCA MEADOW
FARMS, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JULY
9, 1948 AS DOCUMENT 14355084; THENCE SOUTH 01 DEGREES 01 MINUTES 22
SECONDS EAST ALONG THE WEST LINE, AS STAKED AND OCCUPIED, OF SAID
ITASCA MEADOW FARMS, 26.67 FEET TO THE SOUTHWEST CORNER, AS
STAKED AND OCCUPIED, OF SAID ITASCA MEADOW FARMS; THENCE SOUTH
88 DEGREES 59 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE AS
STAKED, AND ALONG SAID SOUTH LINE EXTENDED, OF THE LAND CONVEYED
BY WARRANTY DEED RECORDED JULY 11, 1968 AS DOCUMENT 20547937, 200.20
FEET TO THE WESTERLY LINE OF SAID LOT 36; THENCE NORTH 13 DEGREES 18
MINUTES 53 SECONDS WEST ALONG SAID LAST DESCRIBED WESTERLY LINE,
33.08 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

CONTAINING 5,999 SQUARE FEET OR 0.138 ACRES It is understood and agreed that
there is no existing right of access nor will access be permitted in the future by the State of
Illinois, Department of Transportation, from or over the premises above described to and from
FAI Route 290, previously declared a freeway.

Section 100. Upon the payment of the sum of $2,600.00 to the State of Illinois, and subject
to the conditions set forth in Section 900 of this Act, the Secretary of the Department of
Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the
following described land in Fulton County, Illinois, to Leonard Barnard.

Parcel No. 409555V - Tract 1

A part of the Northeast Quarter of Section 3, Township 7 North, Range 4 East of the
Fourth Principal Meridian, Fulton County, State of Illinois, described in detail as follows:

Commencing at the intersection of the east line of the Northeast Quarter of said Section
3 and the centerline of SBI Route 78 (IL Route 78) at Station 321+19.00; thence
southwesterly along said centerline 2,086.82 feet on a curve to the left with a radius of
3,305.52 feet and a long chord bearing South 33 degrees 17 minutes 20 seconds West,
2,052.34 feet to a point on said centerline Station 342+05.82; thence North 74 degrees 47
minutes 41 seconds West, 80.00 feet to a point on the proposed right of way line, said point
being 80.00 feet radially distant westerly of said centerline and the Point of Beginning.

From the Point of Beginning thence North 1 degree 18 minutes 26 seconds West, 368.87
feet to a point 202.70 feet radially distant northwesterly of said centerline; thence South 43
degrees 54 minutes 58 seconds East, 128.15 feet to a point 87.08 feet radially distant
northwesterly of said centerline; thence South 11 degrees 55 minutes 42 seconds East, 13.40
feet to a point 80.00 feet radially distant northwesterly of said centerline; thence
southwesterly 276.27 feet on a curve to the left with a radius of 3,385.53 feet and a long chord
bearing South 17 degrees 32 minutes 27 seconds West, 276.19 feet to the Point of Beginning.
(The last three courses being along the proposed right of way line.)

The said described Tract 1 contains 16,393 square feet, more or less, or 0.376 acre, more
or less.

AND

Upon the payment of the sum specified above ($2,600.00) to the State of Illinois, and subject
to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by
the People of the State of Illinois is also released over and through the following described land in
Fulton County, Illinois: Parcel No. 409555V - Tract 2

A part of the Northeast Quarter of Section 3, Township 7 North, Range 4 East of the
Fourth Principal Meridian, Fulton County, State of Illinois, described in detail as follows:
Commencing at the intersection of the east line of the Northeast Quarter of said Section 3 and the centerline of SBI Route 78 (IL Route 78) at Station 321+19.00; thence
southwesterly along said centerline 2,086.82 feet on a curve to the left with a radius of
3,305.52 feet and a long chord bearing South 33 degrees 17 minutes 20 seconds West,
2,052.34 feet to a point on said centerline Station 342+05.82; thence North 74 degrees 47
minutes 41 seconds West, 80.00 feet to a point on the proposed right of way line, said point
being 80.00 feet radially distant westerly of said centerline and the Point of Beginning.

From the Point of Beginning thence southwesterly along the proposed right of way line
608.94 feet on a curve to the left with a radius of 3,385.53 feet and a long chord bearing South
10 degrees 03 minutes 02 seconds West, 608.12 feet to a point 80.00 feet radially distant
westerly of said centerline; thence North 1 degree 20 minutes 00 seconds West, 119.18 feet
to a point 95.00 feet radially distant westerly of said centerline; thence North 0 degrees 08
minutes 01 seconds East, 234.37 feet to a point 130.48 feet radially distant westerly of said
centerline; thence North 0 degree 23 minutes 06 seconds East, 300.14 feet to a point 197.09
feet radially distant westerly of said centerline; thence North 0 degrees 36 minutes 18 seconds
West, 420.26 feet to a point 336.88 feet radially distant northwesterly of said centerline,
thence South 43 degrees 54 minutes 58 seconds East, 147.58 feet along the proposed right of
way line to a point 202.70 feet radially distant northwesterly of said centerline; thence South
1 degree 18 minutes 26 seconds East, 368.87 feet to the Point of Beginning.

The said described Tract 2 contains 70,894 square feet, more or less, or 1.627 acre, more
or less.

Tracts 1 and 2 contain a total of 87,287 square feet, more or less, or 2.003 acre, more or
less.

Section 101. Upon the payment of the sum of $4,000.00 to the State of Illinois, the rights or
easement of access, crossing, light, air and view from, to and over the following described line and
FA Route 12 are restored subject to permit requirements of the State of Illinois, Department of
Transportation:

Parcel No. 7105100

A one acre tract of even width off the North end of the following described property as
recorded in Warranty Deed, Book 606, Page 688, Recorded the 26th day of June, A.D. 1975:
Beginning at a point 75.00 feet East of the southwest corner of Outlot 76 of the six acre
outlots to the Town of Vandalia, Fayette County, Illinois, running thence West 603.00 feet
to the southwest corner of six acre Outlot 77; thence North 327.40 feet to the south
right-of-way line of U.S. Route 40; thence easterly along said right-of-way line a distance of
603.37 feet to a point directly North of the Place of Beginning, thence South 304.80 feet,
more or less, to the Place of Beginning. The total length of Release of Access Control is 603.37 linear feet.

Section 102. Upon the payment of the sum of $10,000.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 7510124
Access Rights are to be released along the following described property:
A part of outlot 45 of the twelve acre outlots in the city of Vandalia, Illinois, located in section 8, township 6 north, range 1 east of the third principal meridian, more particularly described as follows:
Beginning at an iron pin (found) at the southwest corner of lot 3 of hicks subdivision of a part of outlot 45 of the twelve acre outlots in the city of Vandalia, Illinois;
Thence north 00 degrees 32 minutes 00 seconds east (assumed bearing), along the west line of lot 3 of hicks subdivision, a distance of 486.19 feet to an iron pin (found) on the southerly right-of-way line of U.S. Route 40 (Vantran avenue);
Thence southwesterly along the southerly right-of-way line of U.S. Route 40, a curve to the left having a radius of 5,654.60 feet a distance of 182.00 feet to an iron pin (set), this curve is subtended by a chord bearing south 68 degrees 40 minutes 43 seconds west, whose length is 182.00 feet;
Thence south 38 degrees 37 minutes 33 seconds west, along the southerly right-of-way line of U.S. Route 40, a distance of 134.05 feet to an iron pin (set);
Thence south 00 degrees 32 minutes 00 seconds west, 310.52 feet to an iron pin (set);
Thence south 88 degrees 55 minutes 00 seconds east, 251.63 feet to the point of beginning;
This tract contains 2.443 acres of land, more or less.
The total length of release of access control is 316.05 linear feet.

Section 103. Upon the payment of the sum of $800.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Schuyler County, Illinois:

Parcel No. 675X214
A part of the Southeast Quarter of the Northeast Quarter of Section 23, and part of the Southwest Quarter of the Northwest Quarter of Section 24 all in Township 2 North, Range 2 West of the Fourth Principal Meridian, Schuyler County, Illinois, more particularly described as follows: Commencing at a found bolt marking the Northwest corner of the Northeast Quarter of said Section 23, thence along the north line of said Section 23, South 89 degrees 44 minutes 38 seconds East a distance of 2,694.46 feet to a found Railroad Spike marking the Northwest corner of said Section 24, thence along the West line of said Section 24, South 00 degrees 35 minutes 26 seconds West a distance of 1,363.15 feet to the intersection of said West line of Section 24 and the centerline of S.B.I. 3, thence South 13 degrees 55 minutes 05 seconds West a distance of 43.91 feet to a Right of way marker on the Southerly Right of Way line of S.B.I. 3, marking the True Point of Beginning; thence South 29 degrees 42 minutes 29 seconds East along the Southerly Right of way line of S.B.I. 3 a distance of 520.76 feet to a Right of Way marker; thence North 49 degrees 37 minutes 43 seconds West a distance of 338.49 feet to a Right of Way marker; thence North 00 degrees 02 minutes 53 seconds West a distance of 233.06 feet to the Point of Beginning, Containing 0.689 Acres or 30,030 Square feet more or less.

Section 104. Upon the payment of the sum of $9,998.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Bureau County, Illinois, to Sharon Partel and Adrienne Jacobs in Joint Tenancy:

Parcel No. 288J023
A parcel of land in the South Half of the Northwest Quarter of Section 34, Township 16

New matter indicated by italics - deletions by strikeout.
North, Range 11 East of the Fourth Principal Meridian, Bureau County, Illinois, described as follows:

Commencing at the Southeast Corner of the Northwest Corner of said Section 34; thence Westerly on the South Line of said Northwest Quarter, said line having a bearing of North 90 degrees 00 minutes 00 seconds West, a distance 1343.22 feet to the Easterly Right-of-Way Line of a public street designated Gertrude Street in Beverly's Addition to the City of Spring Valley; thence Northerly on said Easterly Right-of-way Line, said line having a bearing of North 0 degrees 00 minutes 00 seconds East, a distance of 455.33 feet; thence Easterly on a line having a bearing of South 90 degrees 00 minutes 00 seconds East, a distance of 257.86 feet to the Southwesterly Right-of-Way Line of public highway designated F.A. 698, said point being the Point of Beginning of the herein after described parcel of land; thence Northeasterly on said Southwesterly Right-of-way Line, said line having a bearing of North 42 degrees 43 minutes 09 seconds East, a distance of 48.54 feet; thence Northwesterly on said Southwesterly Right-of-way Line, said line having a bearing of North 43 degrees 32 minutes 50 seconds West, a distance of 132.90 feet; thence Easterly on a line having a bearing of North 89 degrees 12 minutes 54 seconds East, a distance of 40.86 feet; thence Southeasterly on the Southwesterly Right-of-Way Line, said line having a bearing of South 43 degrees 32 minutes 50 seconds East, a distance of 108.21 feet to the Point of Beginning, containing 0.153 acre, more or less.

For the purpose of this description, said South Line of the Northwest Quarter of Section 34 has been assigned the bearing of North 90 degrees 00 minutes 00 seconds West.

Section 105. Upon the payment of the sum of $3,250.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Rock Island County, Illinois, to James R. Prochaska and LaVonne F. Prochaska, in joint tenancy.

Parcel No. 293S005

A parcel of land in the Northeast Quarter of the Southwest Quarter of Section 30, Township 17 North, Range 1 West of the Fourth Principal Meridian, Rock Island County, Illinois, described as follows:

Beginning at the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 30; thence Northerly on the West Line of the Northeast Quarter of said Southwest Quarter, said line having a bearing of North 0 degrees 14 minutes 09 seconds West, a distance of 338.00 feet to a point in the Southerly Right-of-Way Line of F.A.U. Route 5792/F.A.S. Route 207 (Knoxville Road); thence Northeasterly on said Southerly Right-of-Way Line, said line having a bearing of North 79 degrees 12 minutes 51 seconds East, a distance of 7.42 feet to a point; thence Easterly on said Southerly Right-of-Way Line, said line having a bearing of South 80 degrees 50 minutes 00 second East, a distance of 76.49 feet to a point of curvature; thence Southeasterly on a tangential curve to the right and said Southerly Right-of-Way Line, a distance of 35.47 feet, having a radius of 779.03 feet, a central angle of 2 degrees 36 minutes 31 seconds and the long chord of said curve bears South 79 degrees 31 minutes 45 seconds West, a chord distance of 35.47 feet to a point; thence Southwesterly on a line having a bearing of South 21 degrees 27 minutes 02 seconds West, a distance of 220.14 feet to a point; thence Southeasterly on a line having a bearing of South 78 degrees 46 minutes 34 seconds East, a distance of 61.05 feet to a point; thence Northeasterly on a line having a bearing of North 21 degrees 27 minutes 02 seconds East, a distance of 198.01 feet to a point in the West Line of the premises conveyed to James R. Prochaska and Lavonne Prochaska by Warranty Deed recorded as Document No. 670629 in the Recorder's Office of Rock Island County; thence Southerly on the West Line of said premises so conveyed, said line having a bearing of South 1 degree 47 minutes 49 seconds West, a distance of 289.89 feet to a point in the South Line of the Northeast Quarter of said Southwest Quarter; thence Westerly on the South Line of the Northeast Quarter of said Southwest Quarter, said line having a bearing of North 89 degrees 28 minutes 13 seconds West, a distance of 159.00 feet to the Point of Beginning.

New matter indicated by italics - deletions by strikeout.
The above described parcel of land designated Parcel 293S005 on the Excess Property Plat attached hereto and made a part hereof, contains 0.935 acre, more or less.

For the purpose of this description, said West Line of the Northeast Quarter of the Southwest Quarter of Section 30 has been assigned the bearing of North 0 degree 14 minutes 09 seconds West.

Section 106. Subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation pursuant to an intergovernmental agreement dated December 7, 1989 between the department and the City of Chicago is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to City of Chicago, A Municipal Corporation.

Parcel No. 0ZZ0959
Lot 1 - Parcel Number 0052
  Said parcel contains 0.167 acre + / -
Lot 59 in Koester and Zander's West Irving Park subdivision in north 1/2 of Section 21, Township 40 north, Range 13 east of the Third Principal meridian, in Cook County, Illinois.
Lot 2 - Parcel Number 0060
  Said parcel contains 0.263 acre + / - (whole)
  The East 42 feet of Lot 29 in Block 5 in Gross' Milwaukee Avenue Addition to Chicago, a Subdivision in the West Half of the Northwest Quarter of Section 22, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
Lot 2 pt. - Parcel Number 0061
  Lot 29 (Except the East 42 feet thereof) in Block 5 in Gross' Milwaukee Avenue addition to Chicago, being a subdivision in the West 1/2 of the North West 1/4 of Section 22, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
Lot 2 pt. - Parcel Number 0062
  Said parcel contains 0.072 acre + / -
Lot 28, in Block 5 in Gross' Milwaukee Avenue Addition to Chicago, a Subdivision in the West Half of the Northeast Quarter of Section 22, Township 40 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois.
Lot 2 pt. - Parcel Number 0062TE
  Said parcel contains 0.072 acre + / -
Lot 27, in Block 5, in Gross' Milwaukee Avenue Addition to Chicago, a Subdivision in the West Half of the Northwest Quarter of Section 22, Township 40 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.
Lot 3 - Parcel Number 0056
  Said parcel contains 0.143 acre + / -
Lots 579 and 580 in Grayland Park Addition to Chicago, said addition being a subdivision of the North Half of the Northeast Quarter of Section 21, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
Lot 4 - Parcel Number 0057
  Said parcel contains 0.143 acre + / -
Lots 386 and 387 in Grayland Park Addition to Chicago, said addition being subdivision of the North Half of the Northeast Quarter of Section 21, Township 40 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois.
Lot 5 - Parcel Number 0056TE
  Said parcel contains 0.287 acre + / -
Lots 3 to 6 inclusive, in the Resubdivision of Block 12 in George C. Campbell's Subdivision of the Northeast Quarter of the Northeast Quarter of Section 9 and the South Half of the Southeast Quarter of the Southeast Quarter of Section 4, Township 39 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.
Lot 6 - Parcel Number 0037
  Said parcel contains 0.157 acre + / -
Lots 25 and 26 in Block 3 in West Chicago Land Company's Subdivision of the Northwest Quarter of the Northwest Quarter of Section 10, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

New matter indicated by italics - deletions by strikeout.
Lot 7 - Parcel Number 0038
Said parcel contains 0.264 acre + / -
Lots 17, 18 and 19 in Block 3 in West Chicago Land Company's Subdivision of the Northwest Quarter of the Northwest Quarter of Section 10, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
Lot 8 - Parcel Number 0039
Said parcel contains 0.207 acre + / -
Lots 1, 2, and 3 in Block 2 in M. D. Birge and Co.'s Second Subdivision being a subdivision of the South half of the Northeast Quarter of the Southeast Quarter of Section 4, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, DLS. NP.
Lot 9 pt. - Parcel Number 0024
Said parcel contains 0.185 + / - acre (whole)
LOT 87 IN MANDELL'S SUBDIVISION OF LOTS 14 TO 19 IN SCHOOL TRUSTEES' SUBDIVISION OF NORTH PART OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 13 LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
Lot 9 pt. - Parcel Number 0025
Lot 86 in Mandell's Subdivision of Lots 14 to 19 in School Trustees' Subdivision in Section 16, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
Lot 10 - Parcel Number 0026
Said parcel contains 0.133 + / - acre
Lots 1 and 2 in Block 1 in Congress 1st Addition to Chicago, a subdivision of the Southwest Quarter of the Northwest Quarter of Section 15, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
Lot 11 - Parcel Number 0077
Said parcel contains 0.186 + / - acre
Lots 1 to 3 in Block 1 of Gunderson's Second Addition to Chicago, being a subdivision of the north west quarter of the south west quarter of the northwest quarter of Section 15, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
Lot 14 - Parcel Number 0032
Said parcel contains 0.273 + / - acre
Lots 25, 26 and 27, in Block 2 in Hobart's Subdivision of the Northwest Quarter of Section 15, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
Lot 15 - Parcel Number 0034
Said parcel contains 0.263 acre + / -
LOTS 1, 2, 3 AND 4 IN HARVEY S. BRACKETT'S RESUBDIVISION OF LOTS 20 TO 24 AND 25 TO 48 IN BLOCK 24 AND LOTS 1 TO 15 IN BLOCK 25 IN RESUBDIVISION OF SOUTH 1/2 OF BLOCKS 18 TO 24 AND NORTH 1/2 OF BLOCKS 25 TO 32 IN SUBDIVISION (BY WEST CHICAGO COMPANY) OF SOUTH 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
Lot 16 pt. - Parcel Number 0071
Said parcel contains 0.373 acre + / - (whole)
That part of the East 4.09 chains (measured on the north line) of that part of Southeast Quarter of Section 9, Township 39 North, Range 13 East of the Third Principal Meridian, lying North of Center of Lake Street (Except therefrom those parts taken for streets and railroad right-of-way) described as follows:

New matter indicated by italics - deletions by strikeout.
Commencing at the intersection of northerly line of West Lake Street and westerly line of North Cicero Avenue; thence North on west line of North Cicero Avenue 91.92 feet for a point of beginning; thence westerly along a line drawn to a point 80.64 feet North of the northerly line of West Lake Street, 111.00 feet; thence North on a line parallel to west line of North Cicero Avenue 49.87 feet; thence easterly along a line drawn to a point 48.80 feet North of place of beginning, 111.02 feet to west line of North Cicero Avenue; thence South along west line of North Cicero Avenue 48.80 feet to place of beginning in Cook County, Illinois.

Lot 16 pt. - Parcel Number 0072
Said parcel contains 0.247 acre + / -

Parcel One: That part of the East 4.09 chains (measured on north line) of that part of Southeast 1/4 of Section 9, Township 39 North, Range 13, East of the Third Principal Meridian, lying North of center of Lake Street (Except therefrom those parts taken for streets and railroad right-of-way) described as follows:

Commencing at the intersection of the northerly line of West Lake Street and the west line of North Cicero Avenue; thence North on the west line of North Cicero Avenue, 188.72 feet for a place of beginning of the tract herein conveyed; thence North on the west line of North Cicero Avenue 48.99 feet, thence West 111.01 feet to a point which is 227.50 feet North of the northerly line of West Lake Street (as measured along a line which is 111.01 feet West of and parallel with the west line of North Cicero Avenue); thence South along said parallel line 48.38 feet; thence easterly 111.02 feet more or less to the place of beginning, in Cook County, Illinois.

Parcel Two: That part of the East 4.09 chains (measured on north line) of that part of Southeast 1/4 of Section 9, Township 39 North, Range 13, East of the Third Principal Meridian, lying North of center of Lake Street (except therefrom those parts taken for streets and railroad right-of-way) described as follows:

Commencing at the intersection of the northerly line of West Lake Street and the westerly line of North Cicero Avenue; thence North on west line of North Cicero Avenue 140.72 feet for a point of beginning; thence westerly along a line drawn to a point 130.51 feet North on a line parallel to west line of North Cicero Avenue, 48.61 feet; thence easterly along a line drawn to a point 48.00 feet North of the place of beginning, 111.02 feet to the west line of North Cicero Avenue; thence South along the west line of North Cicero Avenue, 48.00 feet to the place of beginning, in Cook County, Illinois.

Lot 17 - Parcel Number 0020
Said parcel contains 0.118 + / - acre

Lots 47 and 48 in Butler Lowry's West 48th Street addition being a subdivision of parts of Blocks 9 and 10 in Parrington and Scranton's Subdivision of the West Half of the Southwest Quarter of Section 15, Township 39 North, Range 13, East of the third Principal Meridian, lying North of Barry Point Road in Cook County, Illinois.

TOTAL AREA FOR ALL 16 LOTS 3.31 ACRES + / -

Section 110. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 908+32 to Sta. 920+86
Parcel No. 74307AX
State of Illinois

EXCESS LAND

Part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, RSE of the Third Principal Meridian (as recorded in Book 5, Page 165), and more fully described as follows:

New matter indicated by italics - deletions by strikeout.
Beginning at a point on the south right-of-way line of a public road, located along the north line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian, 80 feet West of the centerline of the existing pavement of SBI Route 15; thence South 85 degrees West 135.5 feet along the south right-of-way line of said public road, located along the north line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 13, T2S, R5E of the Third Principal Meridian; thence around a curve to the right having a radius of 2,785 feet and tangent to a line having a bearing of South 13 degrees 32 minutes West for a distance of 640.8 feet; thence South 23 degrees 07 minutes West 196 feet; thence around a curve to the right having a radius of 2,805 feet and tangent to a line having a bearing of South 30 degrees 43 minutes West for a distance of 419.6 feet to the Grantor's south property line; thence North 84 degrees 05 minutes East 166.6 feet along the Grantor's south property line; thence around a curve to the left having a radius of 2,925 feet and tangent to a line having a bearing of North 36 degrees 58 minutes East for a distance of 319.1 feet; thence North 34 degrees 37 minutes East 206.0 feet; thence around a curve to the left having a radius of 2,945 feet and tangent to a line having a bearing of North 30 degrees 33 minutes East for a distance of 315.9 feet to the line 931 feet North of and parallel to the south line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian; thence East 118.8 feet to a point located on a line 65 feet West of and parallel to the centerline of the existing pavement of SBI Route 15; thence South 271 feet along a line 65 feet West of and parallel to the centerline of the existing pavement of SBI Route 15 to a point on a line 660 feet North of and parallel to the south line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian; thence East 15 feet along a line 660 feet North of the south line of said Quarter-Quarter Section to a point on a line 50 feet West of and parallel to the centerline of the existing pavement of SBI Route 15; thence North 506 feet along said line 50 feet West of and parallel to the centerline of the existing pavement of State Bond Issue Route 15; thence North 11 degrees 30 minutes West 157 feet to the Point of Beginning; excepting therefrom, a tract, containing 1.49 acres beginning at a point on the south right-of-way line of a public road, located along the north line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian, 80 feet West of the centerline of the existing pavement of SBI Route 15; thence South 85 degrees West 135.5 feet along the south right-of-way line of said public road, located along the north line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 13, T2S, R5E of the Third Principal Meridian; thence South 01 degree 06 minutes East 421 feet; thence around a curve to the right having a radius of 2,945 feet and tangent to a line having a bearing of North 30 degrees 33 minutes East for a distance of 32.7 feet to the line 931 feet North of and parallel to the south line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian; thence East 118.8 feet to a point located on a line 65 feet West of and parallel to the centerline of the existing pavement of SBI Route 15; thence South 271 feet along a line 65 feet West of and parallel to the centerline of the existing pavement of SBI Route 15 to a point on a line 660 feet North of and parallel to the south line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian; thence East 15 feet along a line 660 feet North of the south line of said Quarter-Quarter Section to a point on a line 50 feet West of and parallel to the centerline of the existing pavement of SBI Route 15; thence North 506 feet along said line 50 feet West of and parallel to the centerline of the existing pavement of SBI Route 15; thence North 11 degrees 30 minutes West 157 feet to the Point of Beginning, all in accordance with the attached plat and containing 3.29 acres, more or less.

Section 115. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17

New matter indicated by italics - deletions by strikeout.
Wayne County
Job No. R-97-004-00
Sta. 904+37 to Sta. 908+32
Parcel No. 74307BX
State of Illinois

EXCESS LAND

Part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 297), and more fully described as follows:

Beginning at a point on the south line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian 239 feet East of the southwest corner of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence East along the said south line of the Northeast Quarter (NE 1/4) of Section 13, 194.4 feet; thence around a curve to the left having a radius of 2,925 feet and tangent to a line having a bearing of North 49 degrees 07 minutes East for a distance of 376 feet; thence South 84 degrees 05 minutes West 166.6 feet; thence around a curve to the right having a radius of 2,805 feet and tangent to a line having a bearing of South 41 degrees 13 minutes West for a distance of 414 feet to the Point of Beginning, all in accordance with the attached plat and containing 1.16 acres, more or less.

Section 120. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 900+14 to Sta. 904+37
Parcel No. 74307CX
State of Illinois

EXCESS LAND

Part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian (as recorded in Book 6, Page 21), more fully described as follows:

Beginning at a point on the north line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian 224.7 feet East of the northwest corner of said Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence East along said north line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13, 194.4 feet; thence around a curve to the left having a radius of 2,925 feet and tangent to a line having a bearing of South 50 degrees 05 minutes West for a distance of 112.3 feet; thence South 47 degrees 23 minutes West 102.8 feet; thence around a curve to the right having a radius of 2,935 feet and tangent to a line having a bearing of South 54 degrees 17 minutes West for a distance of 333.0 feet to the west line of said Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence North 161.5 feet along said west line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence around a curve to the left having a radius of 2,795 feet and tangent to a line having a bearing of North 59 degrees 10 minutes East for a distance of 282.9 feet to the Point of Beginning, all in accordance with the attached plat and containing 1.32 acres, more or less.

Section 125. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17

New matter indicated by italics - deletions by strikeout.
Wayne County
Job No. R-97-004-00
Sta. 884+95 to Sta. 900+14
Parcel No. 74307DX
State of Illinois

EXCESS LAND

Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 159), and more fully described as follows:

Beginning at a point on the east line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13, T2S, R5E of the Third Principal Meridian 154 feet South of the northeast corner of said Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence around a curve to the right having a radius of 2,795 feet and tangent to a line having a bearing of South 51 degrees 58 minutes West for a distance of 250 feet; thence South 56 degrees 58 minutes West 115.2 feet; thence South 62 degrees 38 minutes West 100.4 feet; thence South 56 degrees 58 minutes West 100 feet; thence South 56 degrees 58 minutes West 770 feet to the west line of said Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence South 153 feet along the west line of said Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence North 56 degrees 58 minutes East 840 feet; thence North 56 degrees 58 minutes East 200.2 feet; thence North 56 degrees 58 minutes East 100 feet; thence North 56 degrees 58 minutes East 115.2 feet; thence around a curve to the left having a radius of 2,935 feet and tangent to the last named bearing for a distance of 170 feet to the east line of said Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 13; thence North 56 degrees 58 minutes East 115.2 feet; thence South 56 degrees 58 minutes West 100.4 feet; thence South 56 degrees 58 minutes West 800 feet;

Section 130. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 869+89 to Sta. 884+95
Parcel No. 74307EX
State of Illinois

EXCESS LAND

Part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 13 and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 13, all in T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 193), and more fully described as follows:

Beginning at a point on a line 20 feet East of and parallel to the west line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 13, T2S, R5E of the Third Principal Meridian and 74.5 feet South of the north line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 56 degrees 58 minutes East 280.4 feet; thence North 52 degrees 08 minutes East 301 feet; thence North 56 degrees 58 minutes East 600 feet; thence North 62 degrees 38 minutes East 200.8 feet; thence North 56 degrees 58 minutes East 129 feet to the east line of Southeast Quarter (SE 1/4) of the Northeast Quarter (NW 1/4) of Section 13; thence South 153 feet along the east line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 13; thence South 56 degrees 58 minutes West 61 feet; thence South 51 degrees 18 minutes West 100.4 feet; thence South 56 degrees 58 minutes West 800 feet;

New matter indicated by italics - deletions by strikeout.
thence South 62 degrees 38 minutes West 200.8 feet; thence South 56 degrees 58 minutes West 341.6 feet to a line 20 feet East of and parallel to the west line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 137 feet along said line 20 feet East of and parallel to the west line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 13 to the Point of Beginning, all in accordance with the attached plat and containing 5.13 acres, more or less.

Section 135. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 854+40 to Sta. 869+89
Parcel No. 74307FX
State of Illinois

EXCESS LAND

Part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 212), and more fully described as follows:

Beginning at the Point of Intersection of the west line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 04 degrees 30 minutes West 137 feet along said line 20 feet West of and parallel to the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 56 degrees 58 minutes East 530 feet; thence North 54 degrees 08 minutes East 300.3 feet; thence North 56 degrees 58 minutes East 457 feet to a line 20 feet East of and parallel to the east line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 04 degrees 30 minutes West 137 feet along said line 20 feet East of and parallel to the east line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 62 degrees 38 minutes West 201 feet; thence South 56 degrees 58 minutes West 818 feet to the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence South 04 degrees 30 minutes East 60 feet along the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13 to the Point of Beginning, all in accordance with the attached plat and containing 4.72 acres, more or less.

Section 140. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 854+40 to Sta. 856+72
Parcel No. 74307GX
State of Illinois

EXCESS LAND

Part of the South 16 acres off the south end of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 161), and more fully described as follows:

Beginning at the Point of Intersection of the west line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence South 04 degrees 30 minutes West 137 feet along said line 20 feet West of and parallel to the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence South 62 degrees 38 minutes West 201 feet; thence South 56 degrees 58 minutes West 818 feet to the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence South 04 degrees 30 minutes East 60 feet along the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13 to the Point of Beginning, all in accordance with the attached plat and containing 4.72 acres, more or less.

New matter indicated by italics - deletions by strikeout.
and the north line of the South 16 acres off the south end of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence East 245 feet; thence South 56 degrees 58 minutes West 272 feet to the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13; thence North 116 feet along the west line of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 13 to the Point of Beginning, all in accordance with the attached plat and containing 0.33 acre, more or less.

Section 145. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 844+15 to Sta. 854+40
Parcel No. 74307HX
State of Illinois

EXCESS LAND

Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 199), and more fully described as follows:

Beginning at a point on the east line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, T2S, R5E of the Third Principal Meridian 396 feet North of the southeast corner of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence South 56 degrees 58 minutes West 940 feet to the south line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence West 298 feet along the south line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence North 56 degrees 58 minutes East 610 feet; thence North 52 degrees 38 minutes East 200.2 feet; thence North 56 degrees 58 minutes East 380 feet to the east line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence South 176.2 feet along the east line of the said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14 to the Point of Beginning, all in accordance with the attached plat and containing 3.44 acres, more or less.

Section 150. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

SBI Route 15
Section 17
Wayne County
Job No. R-97-004-00
Sta. 828+12 to Sta. 844+15
Parcel No. 74326AX
State of Illinois

EXCESS LAND

Part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 14, T2S, R5E of the Third Principal Meridian (as recorded in Book 6, Page 7), more particularly described as follows;

Beginning at a point on the east line of the West 11 acres off the west side of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 14, T2S, R5E of the Third Principal Meridian, 524.6 feet North of the centerline of the existing pavement on State Bond Issue Route 15; thence around a curve to the left having a radius of 5,790 feet and tangent to a line having a bearing of North 59 degrees 53 minutes East a distance of 292.6 feet; thence North 56 degrees 58 minutes East 226.48 feet; thence North 62 degrees 41
minutes East 200.2 feet; thence North 56 degrees 58 minutes East 700 feet; thence North 54 degrees 06 minutes East 100 feet; thence North 56 degrees 58 minutes East 256.1 feet to the north line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, T2S, R5E of the Third Principal Meridian; thence West 298.2 feet with the north line of the said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence South 59 degrees 50 minutes West 100 feet; thence South 56 degrees 58 minutes West 400 feet; thence South 64 degrees 41 minutes West 100.1 feet; thence South 56 degrees 58 minutes West 200 feet; thence South 63 degrees 12 minutes West 200.2 feet; thence South 56 degrees 58 minutes West 226.48 feet; thence around a curve to the right with a radius of 5,670 feet and tangent to a line with a bearing of South 56 degrees 58 minutes West a distance of 231.4 feet to the east line of the West 11 acres off the west side of the said Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence South 134.8 feet with the east line of the West 11 acres off the west side of the said Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 14 to the Point of Beginning, all in accordance with the attached plat and containing 5.18 acres, more or less.

Section 155. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

- SBI Route 15
- Section 17
- Wayne County
- Job No. R-97-004-00
- Sta. 817+11. to Sta. 828+17
- Parcel No. 74328AX
- State of Illinois

**EXCESS LAND**

Part of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) and part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), all in Section 14, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 335), more particularly described as follows:

Beginning at a point on the west line of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14, T2S, R5E of the Third Principal Meridian 87.2 feet North of the existing northerly right-of-way line of State Bond Issue Route 15; thence North 165.6 feet with the west line of said East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14; thence around a curve to the left having a radius of 5,650 feet and tangent to a line having a bearing of North 70 degrees 13 minutes East a distance of 67.6 feet; thence North 75 degrees 15 minutes East 200.2 feet; thence around a curve to the left having a radius of 5,670 feet and tangent to a line having a bearing of North 67 degrees 32 minutes 32 minutes East a distance of 842.6 feet to the east line of the West 11 acres off the west side of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 14; thence South 63 degrees 12 minutes West 200.2 feet; thence around a curve to the right having a radius of 5,790 feet and tangent to a line having a bearing of South 59 degrees 53 minutes West a distance of 781.4 feet; thence South 61 degrees 49 minutes West 200.2 feet; thence around a curve to the right having a radius of 5,810 feet and tangent to a line having a bearing of South 69 degrees 32 minutes West a distance of 110.4 feet to the Point of Beginning, all in accordance with the attached plat and containing 3.21 acres, more or less.

Section 160. Upon the payment of the sum of $1 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Wayne County, Illinois:

- SBI Route 15
- Section 17

New matter indicated by italics - deletions by strikeout.
Wayne County
Job No. R-97-004-00
Sta. 797+00 to Sta. 817+11
Parcel No. 74330AX
State of Illinois

EXCESS LAND

Part of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) and part of the West Half (W 1/2) of the South Quarter (SE 1/4) of the Southwest Quarter (SW 1/4), all in Section 14, T2S, R5E of the Third Principal Meridian (as recorded in Book 5, Page 285), more particularly described as follows:

Beginning at the Point of Intersection of the easterly right-of-way line of a public road, located along the west line of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 14, T2S, R5E of the Third Principal Meridian, and the existing northerly right-of-way line of State Bond Issue Route 15; thence North 53 feet with the easterly right-of-way line of a public road, located along the west line of said Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 14; thence South 47 degrees 01 minute East 34.1 feet; thence North 85 degrees 58 minutes East 449.04 feet; thence around a curve to the left having a radius of 5,670 feet and tangent to the last described line a distance of 309 feet; thence North 77 degrees 28 minutes East 407.6 feet; thence around a curve to the left having a radius of 5,650 feet, and tangent to the last described line, a distance of 821.5 feet to the east line of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14, T2S, R5E of the Third Principal Meridian; thence South 252.8 feet with the east line of said West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14 to the existing northerly right-of-way line of said Route 15; thence West with the existing northerly right-of-way line of said Route 15 to the Point of Beginning, excepting therefrom, a tract containing 1.52 acres beginning at the Point of Intersection of the easterly right-of-way line of a public road, located along the west line of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 14, T2S, R5E of the Third Principal Meridian, and the existing northerly right-of-way line of State Bond Issue Route 15; thence North 53 feet with the easterly right-of-way line of a public road, located along the west line of said Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 14; thence South 47 degrees 01 minute East 34.1 feet; thence North 85 degrees 58 minutes East 449.04 feet; thence around a curve to the left having a radius of 5,670 feet and tangent to the last described line a distance of 309 feet; thence North 77 degrees 28 minutes East 407.6 feet; thence around a curve to the left having a radius of 5,650 feet, and tangent to the last described line, a distance of 821.5 feet to the east line of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14, T2S, R5E of the Third Principal Meridian; thence South 36.42 feet with the east line of said West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 14 to the existing northerly right-of-way line of said Route 15; thence West with the existing northerly right-of-way line of said Route 15 to the Point of Beginning, all in accordance with the attached plat and containing 2.85 acres, more or less.

Section 165. Subject to appraisal by an appraiser who is licensed under the Real Estate Appraiser Licensing Act and upon the payment of a sum equal to the amount of that appraisal to the State of Illinois and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title, and interest in and to the following described land in Cook County, Illinois, to Lanco International (Mi-Jack):

Parcel: 0ZZ0953

That part of the Northwest Quarter of Northwest Quarter of Section 25, township 36 North, Range 13 East of the Third Principal Meridian, Cook County, State of Illinois, bounded and described as follows:

Commencing at the northeast corner of Lot 10 in Hazelcrest Farms, being a subdivision in the Northwest Quarter of the Northwest Quarter of said Section 25 as per plat recorded June 20, 1946 as Torrens Document 1104507; thence South 0 degrees 54 minutes 18 seconds West (Bearings assumed for description purposes only) along the east line of said Lot 10 a distance of 48.44 feet (deed) to a point (said point being on the northerly right-of-way line of

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F.A.I. Route 80); thence North 89 degrees 46 minutes 06 seconds West along said right of way line a distance of 1122.38 feet (deed) to the Point of Beginning; thence (the following 7 courses being along the existing right of way line of F.A.I. Route 80) North 0 degrees 55 minutes 19 seconds East a distance of 59.74 feet (59.92 Deed) to a point on the north line of said Lot 10; thence North 89 degrees 11 minutes 29 seconds West along said north line of Lot 10 (also being the south line of Lot 9 in aforesaid Hazelcrest Farms subdivision) a distance of 0.55 feet more or less to the east line of the west 150 feet of Lot 9 in said Subdivision; thence North 0 degrees 53 minutes 57 seconds East along the last described line and along the east line of the west 150 feet of Lots 8 and 6 in said subdivision a distance of 410 feet to a point of intersection of said east line of the west 150 feet with the north line of said Lot 6 in aforesaid Hazelcrest Farms subdivision; thence North 5 degrees 56 minutes 38 seconds West a distance of 100.70 feet to a point; thence North 30 degrees 20 minutes 34 seconds West a distance of 57.84 feet to a point; thence North 43 degrees 51 minutes 47 seconds West a distance of 71.01 feet to a point on the south line of Lot 7 aforesaid Hazelcrest Farms subdivision; thence North 89 degrees 11 minutes 29 seconds West along the last described line a distance of 23 feet to a point (said point being 35 feet east of the southwest corner of said Lot 7); thence south 6 degrees 13 minutes 39 seconds East a distance of 201.52 feet more or less to a point of intersection of the north line of aforesaid Lot 6 in Hazelcrest Farms subdivision with the east line of the west 60 feet of said Lot 6; thence South 0 degrees 53 minutes 57 seconds West along said east line of the west 60 feet of Lot 6 and along the east line of the west 60 feet of aforesaid Lots 8, 9 and 10 in Hazelcrest Farms subdivision a distance of 470.65 feet to a point; thence South 89 degrees 46 minutes 06 seconds East a distance of 90.53 feet to the point of Beginning, in Cook County, Illinois.

Containing a total of 1.321 acres (57,530 feet) more or less.

Access to I-80 will not be allowed.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected pursuant to Sections 5 through 165, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county which the land is located.

Section 905. Upon the payment of any sum required by the Cook County Forest Preserve District, and subject to the conditions set forth in Section 910 of this Act, the Cook County Forest Preserve is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described lands in Cook County, Illinois:

PARCEL A
Lot 46, 47, and 48 in block 6 in Indian Highlands, a subdivision of all that part of the west 225 acres of the north 32/80ths of the north Section of Robinson's Reserve in Township 40 North, Range 12 East of the Third Principal Meridian, lying east of a line as follows:
Beginning at a point on the North line of the North Section running thence South 22 1/4 degrees East 4.40 chains; thence South 63 1/2 degrees West 11.73 chains; thence North 55 1/2 degrees West 4.80 chains; thence South 35 1/2 degrees West 3.57 chains; thence North 79 degrees West 5.30 chains; thence South 2 degrees East 24.15 chains to the South line of said North 32/80ths of North Section, Cook County, Illinois.
Permanent Index Number: 12-10-303-046

PARCEL B
That portion lying northwest of the northwesterly right of way line of the Chicago, Rock Island and Pacific Railway of the property described as follows:
The West half (W. 1/2) except therefrom the right of way of the Chicago Rock Island and Pacific Railroad of Lot 2 in Assessor's Division of the Northeast quarter (N.E. 1/4) of Section Twenty-nine (29), Township Thirty-six (36) North, Range Thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois.
Permanent Index Number: 28-29-211-010

PARCEL C
That part of Lot Four (4) of partition between the children of Hans Johann Schrum (also known as John Schrum, deceased) of lands left by him in Fractional Section 20 and 29, Township 36 North, Range 15 East of the Third Principal Meridian, lying west of Wentworth Avenue and South of a line 50 feet South of and parallel to the following described line: Commencing at a cross notch in the center line of the pavement of Wentworth Avenue, which is 204.5 feet South of the North line of the South 1/2 of the Northeast Fractional Quarter of Said Section 20; running thence westerly on a curve having a radius of 1766.84 feet and being convex to the south and being tangent to a line forming an angle of 90 degrees and 9 minutes to the northeast with the center line of said Wentworth Avenue, in Cook County, Illinois.

Also, that portion lying south of the south right of way line of River Oaks Drive of the property described as follows:
That part of Section 20, Township 36 North, Range 15 East of the Third Principal Meridian Described as follows: Commencing at a point 12.303 chains East of the Northwest corner of the East 1/2 of the Northwest 1/4 of Section 20 aforesaid; thence running east 8,994 chains; thence south 20 chains; thence west 2.50 chains; running thence south 363.4 feet, more or less, to the center line of Prairie or Ridge Road (Schrum Road); running thence Northwesterly in the center of said Road to a point due south of the place of beginning, running thence north 1458.7 feet, more or less, to the point of beginning, in Cook County, Illinois.

Permanent Index Number: Part of 30-20-103-003 and Part of 30-20-202-016

PARCEL E

That portion of the East 1/2 of the Southeast 1/4 of Section 35, Township 40 North, Range 12 East of the Third Principal Meridian lying northeasterly of the northeasterly right of way line of Thatcher Avenue in Cook County, Illinois.

Permanent Index Number: Part of 12-35-400-003

PARCEL F

That portion of the East 1/2 of the West 1/2 of Fractional Section 1 of Township 41 North, Range 9 East of the Third Principal Meridian lying north of the 240 foot wide right of way of Higgins Road (Route 72), except that part thereof conveyed to the Illinois State Toll Highway Commission by deed recorded April 25, 1957 as document number 16887105, and also except that part conveyed to The Northern Illinois Gas Company by deed recorded December 3, 1958 as document number 17393730 in Cook County, Illinois.

Permanent Index Number: 06-01-101-003

Section 910. The Cook County Forest Preserve District shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, Section 905, and this Section within 60 days after its effective date and upon receipt of the required payment, if payment is required, shall record the certified document in the Recorder's Office in Cook County.

Section 915. Both the Illinois State Bar Association and the State of Illinois claim an ownership interest in the following described land:
The South 16 feet of the East 160 feet of the North 232 feet of Lot 47 of Assessor's Subdivision of the Northeast Quarter of Section 33 and the West Half of the Northwest Quarter of Section 34, Township 16 North, Range 5 West of the Third Principal Meridian; situated in Sangamon County, Illinois.

The land is located to the rear of the Illinois Bar Center on South Second Street in Springfield and is adjacent on the north to the property upon which the Supreme Court Building is located. The land may once have been used as an alley and is currently being used by the Attorney General for parking spaces in connection with the Attorney General's building on South Second Street to the south of the Illinois Bar Center across Jackson Street.

It is to the benefit of the State of Illinois to resolve the title dispute and to secure adequate parking arrangements.

Upon the Illinois State Bar Association entering into an agreement satisfactory to the Attorney General concerning alternate parking arrangements and in consideration of that agreement, the Attorney General is directed (i) to convey by quit claim deed all right, title, and interest of the State of Illinois in and to the described land to the Illinois State Bar Association and (ii) to obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and this
Section and to record the certified document in the Recorder's Office of Sangamon County.

Section 920. The Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the Saint Charles Park District in Saint Charles, Illinois all right, title, and interest in and to the following described land in Kane County, Illinois:

PARCEL 6: ILLINOIS DEPARTMENT OF CORRECTIONS (ST. CHARLES PARK DISTRICT)

A part of Section 30 and a part of Section 31, Township 40 North, Range 8 East of the Third Principal Meridian, Kane County, Illinois, more particularly described as follows:

Beginning at the Southeast Corner of Unit No. 2 Lake Charlotte in the City of St. Charles recorded in Plat Book 55, Page 36 as Document No. 1178684 in the Kane County Recorder's Office in the City of St. Charles, Kane County, Illinois, said Southeast Corner being on the Centerline of Campton Hills Drive. From said Point of Beginning, thence southeast 389.76 feet along said Centerline to the Centerline of Peck Road; thence south 2211.39 feet along the Centerline of said Peck Road which forms an angle to the left of 94 degrees-13'-30" with the last described course to an angle in said Centerline; thence southeast 505.06 feet along said Centerline which forms an angle to the left of 188 degrees-06'-49" with the last described course; thence west 2659.52 feet along a line which forms an angle to the left of 81 degrees-53'-11" with the last described course to a point lying 300 feet normally distant east of the Easternmost Perimeter Fence of the Illinois Department of Corrections St. Charles Youth Facility, said Point lying 1005.45 feet north of the North Right-of-Way Line of Illinois State Route 38, said North Right-of-Way Line being 60 feet normally distant north of the Centerline of said State Route 38; thence north 1784.40 feet along a line parallel with said Easternmost Fence and which line forms an angle to the left of 89 degrees-51'-31" with the last described course to a point lying 300.00 feet normally distant northeast of the Southeasterly Extension of the Northeasternmost Perimeter Fence of said St. Charles Youth Facility; thence northwest 396.92 feet along a line parallel with said Northeasternmost Fence which forms an angle to the left of 254 degrees-36'-15" with the last described course; thence northeast 376.87 feet along a line which forms an angle to the left of 75 degrees-46'-08" with the last described course to a Point of Curve; thence northeast 528.00 feet along a line which forms an angle to the left of 183 degrees-46'-02" with the last described course to a Point of Tangency; thence northeast 528.00 feet along a line which forms an angle to the left of 183 degrees-46'-02" with the last described chord to a point on the Centerline of said Campton Hills Drive lying 1304.41 feet southeast of the Southwest Corner of Lake Charlotte in the City of St. Charles recorded in Plat Book 40, Page 13, and recorded as Document No. 107632 in the Kane County Recorder's Office as measured along said Centerline; thence southeast 520.50 feet along said Centerline which forms an angle to the left of 107 degrees-44'-39" with the last described course; thence southeast 1580.34 feet along said Centerline which forms an angle to the left of 180 degrees-01'-36" with the last described course to the Point of Beginning, containing 170.497 acres, more or less.

Excepting therefrom the following described tract: That part of the Southeast Quarter of Section 30 and that part of the Northeast Quarter of Section 31, all in Township 40 North, Range 8 East of the Third Principal Meridian, in Kane County, Illinois, described as follows:

Commencing at an assumed bearing of South 88 degrees 18 minutes 16 seconds West along the south line of the Northeast Quarter of said Section 31, a distance of 3.80 feet to the center line of Peck Road; thence North 9 degrees 21 minutes 11 seconds West along the center line of Peck Road, a distance of 121.20 feet to the point of beginning; thence South 80 degrees 39 minutes 00 seconds West, a distance of 60.00 feet to a point 60.00 feet normally distant Westerly of the center line of Peck Road; thence North 9 degrees 21 minutes 11 seconds West along a line 60.00 feet normally distant Westerly of and parallel with the center line of Peck Road, a distance of 927.06 feet; thence North 1 degree 14 minutes 12 seconds West along a line 60.00 feet normally distant Westerly of and parallel with the center line of Peck Road, a distance of 2215.26 feet to the center line of Campton Hills Road; thence South 87 degrees 06 minutes 51 seconds East along the center line of Campton Hills Road, a distance 60.16 feet to the
center line of Peck Road; thence South 1 degree 14 minutes 12 seconds East, along the center line of Peck Road, a distance of 2206.68 feet to an angle point on the center line of Peck Road; thence South 9 degrees 21 minutes 11 seconds East along the center line of Peck Road, a distance of 922.81 feet to the point of beginning.

Said parcel containing 4.319 acres, more or less, of which 2.394 acres, more or less, were previously dedicated or used for highway purposes. Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 925. The Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the Saint Charles Park District in Saint Charles, Illinois all right, title, and interest in and to the following described land in Kane County Illinois:

PARCEL 7: ILLINOIS DEPARTMENT OF CORRECTIONS (ST. CHARLES PARK DISTRICT)

A part of Southeast Quarter of Section 31, Township 40 North, Range 8 East of the Third Principal Meridian, City of St. Charles, Kane County, Illinois, more particularly described as follows:

Beginning at the Southeast Corner of said Southeast Quarter. From said Point of Beginning, thence north 1320.96 feet along the East Line of said Section 31 to an angle in the Centerline of Peck Road, thence north 178.15 feet along said Centerline which forms an angle to the right of 180 degrees-25'-57" with the last described course to the Southeast Corner of a Tract of Land conveyed to the Illinois Department of Transportation by Document No. 1690232 in the Kane County Recorder's Office; thence west 833.00 feet along the South Line of said Tract which forms an angle to the right of 86 degrees-44'-38" with the last described course to the Southwest Corner thereof; thence south 550.00 feet along the Southerly Extension of the West Line of said Tract which forms an angle to the right of 93 degrees-15'-22" with the last described course; thence west 715.24 feet along a line which forms an angle to the right of 270 degrees-00'-00" with the last described course to a point on the Southeasterly Line of a Tract of Land conveyed to the City of St. Charles by Quit Claim Deed recorded November 30, 1993, as Document No. 93K095347 said Recorder's Office, said Point being 310.39 feet northeast of the Southeast Corner of said Tract; thence southwest 310.39 feet along said Southeast Line which forms an angle to the right of 120 degrees-04'-03" with the last described course to said Southeast Corner; thence south 689.31 feet along a line which forms an angle to the right of 148 degrees-02'-27" with the last described course to a point on the South Line of said Southeast Quarter lying 1690.55 west of the Point of Beginning; thence east 1690.55 feet along said South Line which forms an angle to the right of 90 degrees-00'-00" with the last described course to the Point of Beginning, containing 46.798 acres, more or less.

Excepting therefrom a tract of land 200.00 feet wide lying South of and adjacent to a tract of land conveyed to the Illinois Department of Transportation by Document No. 1690232 in Kane County, Illinois also except therefrom the following described tracts:

Commencing at the southeast corner of the Southeast Quarter of said Section 31; thence on an assumed bearing of South 88 degrees 26 minutes 12 seconds West along the south line of the Southeast Quarter of said Section 31, a distance of 83.58 feet to the westerly right of way line of Peck Road and the point of beginning; thence continuing South 88 degrees 26 minutes 12 seconds West along the south line of the Southeast Quarter of said Section 31, a distance of 27.09 feet to a point 27.00 feet radially distant Westerly of the westerly right of way line peck Road; thence northerly 199.34 feet along a curve to the right having a radius of 2182.26 feet and being 27.00 feet radially distant Westerly of and concentric with the westerly right of way line of Peck Road, the chord of said curve bears North 5 degrees 44 minutes 28 seconds East, 199.27 feet; thence North 8 degrees 21 minutes 29 seconds East along a line 27.00 feet normally distant Westerly of and parallel with the westerly right of way line of Peck Road, a distance of 17.52 feet; thence northerly 291.52 feet along a curve to the left having a radius of 2062.26 feet and being 27.00 feet radially distant Westerly of and concentric with the westerly right of way line of Peck Road, the chord of said curve bears

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North 4 degrees 18 minutes 30 seconds East, 291.28 feet; thence North 0 degrees 15 minutes 31 seconds East along a line 27.00 feet normally distant West of and parallel with the west right of way line of Peck Road, a distance of 820.31 feet; thence North 2 degrees 57 minutes 17 seconds East, a distance of 170.58 feet; thence South 89 degrees 40 minutes 44 seconds East, a distance of 19.16 feet to the west right of way line of Peck Road; thence North 89 degrees 53 minutes 17 seconds East, a distance of 31.70 feet to the east line of the Southeast Quarter of said Section 31; thence South 0 degrees 06 minutes 43 seconds East along the east line of the Southeast Quarter of said Section 31, a distance of 990.90 feet; thence North 89 degrees 44 minutes 29 seconds West, a distance of 38.29 feet to the west right of way line of Peck Road; thence southly 295.34 feet along the westerly right of way line of Peck Road on a curve to the right, having a radius of 2089.26 feet, the chord of said curve bears South 4 degrees 18 minutes 30 seconds West, 295.09 feet; thence South 8 degrees 21 minutes 29 seconds West along the westerly right of way line of Peck Road, a distance of 17.52 feet; thence southerly 194.66 feet along the westerly right of way line of Peck Road on a curve to the left having a radius of 2155.26 feet, the chord of said curve bears South 5 degrees 46 minutes 14 seconds West, 194.59 feet to the point of beginning.

Said parcel containing 1.711 acres, more or less, of which 0.798 acre, more or less, was previously dedicated or used for highway purposes.

Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 930. The Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the Saint Charles Park District in Saint Charles, Illinois all right, title, and interest to and in the following described land in Kane County, Illinois:

PARCEL 10: ILLINOIS DEPARTMENT OF CORRECTIONS (CITY OF ST. CHARLES - GUN RANGE)

A part of the Southeast Quarter of Section 31, Township 40 North, Range 8 East of the Third Principal Meridian, Kane County, Illinois, more particularly described as follows:

Beginning at the Northeast Corner of a Tract of Land conveyed to the City of St. Charles by Quit Claim Deed recorded November, 30, 1993 as Document No. 93K095347 in the Kane County Recorder's Office. From said Point of Beginning, thence south 749.89 feet along the East Line of said Tract; thence southwest 309.61 feet along the Southeast Line of said Tract which forms an angle to the right of 210 degrees-30'-00" with the last described course; thence east 715.24 feet along a line which forms an angle to the right of 59 degrees-55'-57" with the last described course to a point on the Southerly Extension of the West Line of a Tract of Land conveyed to the Illinois Department of Transportation by Document No. 1690232 in said Recorder's Office, said Point being 550.00 feet south of the Southwest Corner of said Tract; thence north 1050.00 feet along said Southerly Extension and the West Line of said Tract and which line forms an angle to the right of 90 degrees-00'-00" with the last described course to the Northwest Corner of said Tract, said Northwest Corner being on the South Right-of-Way Line of Illinois State Route 38, (said South Right-of-Way Line being 60.00 feet normally distant south of the Centerline of said State Route 38); thence west 566.70 feet along said South Right-of-Way Line which forms an angle to the right of 86 degrees-44'-38" with the last described course to the Point of Beginning, except the north 10 feet and the west 60 feet, containing 13.822 acres, more or less.

Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 935. The Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the City of Saint Charles, Illinois all right, title, and interest to and in the following described land in Kane County, Illinois:

PARCEL 11: ILLINOIS DEPARTMENT OF CORRECTIONS (CITY OF ST. CHARLES)

A part of the Southeast Quarter of Section 36, Township 40 North, Range 7 East and a part of the Southwest Quarter and a part of the Southeast Quarter of Section 31, Township 40

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North, Range 8 East, all being from the Third Principal Meridian, City of St. Charles, Kane County, Illinois, more particularly described as follows: Commencing at the Northwest Corner of a Tract of Land conveyed to the City of St. Charles by Quit Claim Deed recorded November 30, 1993 as Document No. 93K095347 in the Kane County Recorder's Office; thence south 433.65 feet along the West Line of said Tract to the Point of Beginning. From said Point of Beginning, thence continuing south 867.19 feet along said West Line which forms an angle to the right of 180 degrees-00'-00" with the last described course to the Southwest Corner of said Tract; thence west 3020.33 feet, more or less, along the Westerly Extension of the South Line of said Tract which forms an angle to the left of 90 degrees-00'-00" with the last described course to an Old Fence Line; thence northeast along said Old Fence Line to a point lying 430.42 feet south of the South Right-of-Way Line of Illinois State Route 38 as measured along said Old Fence Line, (said South Right-of-Way Line being 60.00 feet normally distant south of the Centerline of said Route 38); thence southeast to the Point of Beginning, containing 71.9 acres, more or less.

Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 940. The Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the Saint Charles Park District in Saint Charles, Illinois all right, title, and interest to and in the following described land in Kane County, Illinois:

PARCEL 5: ILLINOIS DEPARTMENT OF CORRECTIONS (ST. CHARLES PARK DISTRICT)

A part of Section 30 and Section 31, Township 40 North, Range 8 East and a part of Section 25 and Section 36, Township 40 North, Range 7 East all being from the Third Principal Meridian, Kane County, Illinois, more particularly described as follows:

Beginning at the Southwest Corner of Lake Charlotte in the City of St. Charles, Kane County, Illinois, recorded in Plat Book 50, Page 13, as Document No. 1076392 in the Kane County Recorder's Office, said Southwest Corner also being on the Centerline of Campton Hills Drive, thence southeast 1199.41 feet along the South Line of said Lake Charlotte; thence southwest 496.00 feet along a line which forms an angle to the left of 72 degrees-15'-21" with the last described course to a Point of Curve; thence southwest 206.46 feet along the arc of a curve concave to the northwest with a radius of 1570.00 feet and the 206.31 foot chord of said arc forms an angle to the left of 176 degrees-13'-58" with the last described course to a Point of Tangency; thence southwest 402.23 feet along a line which forms an angle to the left of 176 degrees-13'-58" with the last described chord to a point lying 300.00 feet normally distant northeast of the Northeasternmost Perimeter Fence of the Illinois Department of Corrections St. Charles Youth Facility, thence northeast 1202.06 feet along a line parallel with said Northeasternmost Fence and which line forms an angle to the left of 104 degrees-13'-52" with the last described course; thence northeast 73.77 feet along a line which forms an angle to the left of 121 degrees-36'-24" with the last described course; thence north 201.19 feet along a line which forms an angle to the left of 202 degrees-08'-27" with the last described course; thence northeast 37.96 feet along a line which forms an angle to the left of 212 degrees-56'-35" with the last described course; thence northwest 140.00 feet along a line which forms an angle to the left of 266 degrees-31'-00" with the last described course; thence northwest 196.00 feet along a line which forms an angle to the left of 240 degrees-20'-20" with the last described course; thence northwest 151.00 feet along a line which forms an angle to the left of 297 degrees-04'-19" with the last described course; thence southeast 136.00 feet along a line which forms an angle to the left of 97 degrees-24'-25" with the last described course; thence southwest 201.42 feet along a line which forms an angle to the left of 157 degrees-51'-33" with the last described course; thence southwest 220.57 feet along a line which forms an angle to the left of 164 degrees-51'-50"
with the last described course; thence southeast 78.67 feet along a line which forms an angle to the left of 255 degrees-50'-06" with the last described course to a point lying 300.00 feet normally distant northeast of said Northeasternmost Fence; thence northwest 239.05 feet along a line parallel with said Northeasternmost Fence and which forms an angle to the left of 58 degrees-23'-36" with the last described course to a point 300.00 feet normally distant northwest of the Northeasterly Extension of the Northwesternmost Perimeter Fence of said St. Charles Youth Facility; thence southwest 1282.39 feet along a line parallel with said Northwesternmost Fence and which forms an angle to the left of 232 degrees-43'-20" with the last described course to a point 300.00 feet normally distant west of the Northerly Extension of the Westernmost Perimeter Fence of said St. Charles Youth Facility; thence south 148.77 feet along a line parallel with said Westernmost Fence and which forms an angle to the left of 232 degrees-45'-10" with the last described course to a point lying 1968.82 feet north of the North Right-of-Way Line of Illinois State Route 38; thence west 810.64 feet along a line which forms an angle to the left of 90 degrees-00'-00" with the last described course; thence southwest to a point on the East Line of the West Half of the Northwest Quarter of said Section 36 lying 809.42 feet north of said North Right-of-Way Line; thence north along said East Line to a point lying 198.00 feet (3 chains) south of the Northwest Corner of the East Half of said Northwest Quarter; thence east 330.00 feet (5 chains) along a line parallel with the North Line of said Northwest Quarter; thence north 198.00 feet (3 chains) along a line parallel with said East Line to a point on said North Line; thence east along said North Line and the North Line of the Northeast Quarter of said Section 36 to the Southwest Corner of the West Half of the Northeast Quarter of said Section 25; thence north along the West Line of the East Half of said Southeast Quarter to the Centerline of Campion Hills Drive as shown on Happy Hills Unit No. 1, recorded June 22, 1956 in Book 35 of Plats on Page 19 as Document No. 810404 in the Kane County Recorder’s Office; thence northeast and southeast along said Centerline to the Southwest Corner of said Happy Hills Unit No. 1; thence southeast 183.49 feet along said Centerline to the Southwest Corner of a Tract of Land conveyed by Document No. 58401; thence northerly along the Westerly Line of said Tract 1336.53 feet to the Northwest Corner of said Tract; thence easterly along the North Line of said Tract 169.62 feet to the East Line of said Southeast Quarter; thence easterly along the Northerly Line of said Tract 181.50 feet to the Northwest Corner of Lake Charlotte in the City of St. Charles, Kane County, Illinois recorded in Plat Book 50, Page 13, as Document No. 1076392 in the Kane County Recorder’s Office; thence southerly along the Westerly Line of said Lake Charlotte 1369.22 feet to the Point of Beginning, containing 130.8 acres, more or less.

Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 945. The Illinois Department of Corrections is authorized to convey by quitclaim deed to the City of Geneva in Geneva, Illinois all right, title, and interest to and in the following described land in Kane County Illinois:

PARCÉL 8: ILLINOIS DEPARTMENT OF CORRECTIONS (CITY OF GENEVA)

A part of Section 31, Township 40 North, Range 8 East and a part of Section 36, Township 40 North, Range 7 East and a part of Section 1, Township 39 North, Range 7 East and a part of Section 6, Township 39 North, Range 8 East, all being from the Third Principal Meridian, City of St. Charles, Kane County, Illinois, more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of said Section 31. From said Point of Beginning, thence east 953.34 feet along the South Line of said Southeast Quarter to a point lying 1690.55 feet west of the Southeast Corner of said Southeast Quarter; thence north 689.31 feet along a line which forms an angle to the right of 90 degrees-00'-00" with the last described course to the Southeast Corner of a Tract of Land conveyed to the City of St. Charles by Quit Claim Deed recorded November 30, 1993, as Document No. 93K095347 in the Kane County Recorder’s Office; thence west 3654.56 feet, more or less, along the South Line of said Tract and the Westerly Extension thereof to an Old Fence Line; thence southwest along said Old Fence Line to the Intersection with the South Line of the Northeast Quarter
of said Section 1; thence east along said South Line and the South Line of the Northwest Quarter of said Section 6 to the Southeast Corner of said Northwest Quarter; thence north along the East Line of said Northwest Quarter to the Northeast Corner of said Northwest Quarter; thence east 66.00 feet along the South Line of the Southwest Quarter of said Section 31 to the Point of Beginning, containing 144.8 acres, more or less. Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property.

Section 950. According to the terms of an agreement between the City of Chester, Illinois, and the Director of the Illinois Department of Corrections, the Director of the Illinois Department of Corrections is authorized to convey by quitclaim deed to the City of Chester, Illinois, all right, title, and interest in and to the following described land in Randolph County, Illinois:

That part of Lot 13 lying East of Illinois F.A. Route Number 4, except that part heretofore conveyed to the City of Chester as recorded in Book 45, page 31 in the recorder's office of Randolph County.

That part of Lot 26 lying East of Illinois F.A. Route Number 4 and all Lot 27 except that part heretofore conveyed to the City of Chester as recorded in Book 45, page 31 in the recorder's office of Randolph County.

Section 955. The Director of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Perry County a Quit Claim Deed for the Department of Natural Resources' interest in the following property and improvements:

PARCEL 163: A 100 ft. wide strip of land, being 50 feet on either side of the following described centerline of an existing railroad being part of Section 18, Township 6 South, Range 4 West of the Third Principal Meridian, Perry County, Illinois, and part of Section 13 and Section 14, Township 6 South, Range 5 West of the Third Principal Meridian, Randolph County, Illinois;

Commencing at the Northeast corner of Section 18, Township 6 South, Range 4 West, Third Principal Meridian; thence run S 0° 52'24" W, along the East line of said Section 18, a distance of 2429.81 feet to a point on a curve, concave to the southwest, having a radius of 1432.69 feet, a central angle of 11° 25'15"; thence run along said centerline northwesterly along said curve a distance of 285.58 feet; thence run N 43° 46'24" W, a distance of 785.09 feet to a point, said point being the POINT OF BEGINNING of the herein described centerline of a 100 foot wide Right of Way, being a point on a curve concave to the southwest, having a radius of 1432.69 feet, a central angle of 45° 09'00"; thence run northwesterly along said curve and along said centerline, a distance of 1128.98 feet; thence run N 55'24" W, along said centerline, a distance of 3741.36 feet; thence run N 51'51" W, along said centerline, a distance of 4018.59 feet; thence run N 45'44" W, along said centerline, a distance of 1044.15 feet to the point of curvature of a curve, concave to the northeast, having a radius of 1477.16 feet a central angle of 45° 57'24"; thence run westerly along said curve and along said centerline, a distance of 1152.83 feet to the POINT OF ENDING being a point on the Easterly Right-of-Way line of Illinois Central Railroad, containing 27.93 acres, more or less, reference being had to Detail "1" on Sheet No. 4 of 8 of that Land Survey made by Cross Country Land Surveying and Engineering, Project No. 956.01, dated 9-26-2001, certified 9-27-2001, I.P.L.S. No. 35-00397.

Subject to an easement which crosses this tract, recorded in a deed recorded at Book 611, Page 614 which reads as follows: An Access and Utility Easement over and across an existing 60 feet wide Access and Utility Easement lying 30 feet on each side of the following described centerline: Commencing at the Northwest corner of said Section 13, thence S 0° 29'07"-W, along the West line of said Section 13, a distance of 716.52 feet to a point on the Southerly Right-of-Way line of a 60 feet wide platted street in the Village of Percy, Illinois; thence S 0° 41'44"-E, along the South line of said platted street, a distance of 339.29 feet to a point on the centerline of an existing access road and Point of Beginning for this centerline of easement description; from said Point of Beginning, thence S 0° 49'39"44"-E, along said centerline a distance of 74.45 feet to a point; thence S 62° 43'18"-E, along said centerline, a distance of 231.94 feet to a point; thence S 51° 17'14"-E, along said centerline,
a distance of 313.75 feet to a point; thence S-31'59'05"-E, along said centerline of easement and along the centerline of said access road and a Southerly projection thereof, a distance of 160.50 feet to a point on the South Right-of-Way line of Ark Land Company's Spur Track to Captain Mine and end of this centerline easement description.

Subject to a 100 ft. wide easement for a private road crossing which is approximately 460 feet East of the West line of Section 18, for ingress and egress.

PARCEL 164: A 100 ft. wide strip of land, being 50 feet on either side of the following described centerline of an existing railroad being part of Section 7 and Section 18, Township 6 South, Range 4 West of the Third Principal Meridian, Perry County, Illinois;

Commencing at the Northeast corner of Section 18, Township 6 South, Range 4 West, Third Principal Meridian; thence run S 00'52'24" W, along the East line of said Section 18, a distance of 2429.81 feet to a point, said point being the Point of Beginning for the herein described centerline of a 100 foot wide Right-of-Way, said point also being a point on a curve concave to the southwest, having a radius of 1432.69 feet, a central angle of 11°25'15"; thence run along said centerline northwesterly along said curve a distance of 285.58 feet; thence run along said centerline and along said centerline, a distance of 624.18 feet; thence run along said centerline N 25°05'56" W, a distance of 4805.37 feet to the point of curvature of a curve, concave to the northeast, having a radius of 3229.09 feet a central angle of 11°04'31"; thence run northwesterly along said curve and along said centerline, a distance of 1218.03 feet to the POINT OF ENDING being a point on the Southerly Right of Way line of Union Pacific Railroad, containing 15.43 acres, more or less, reference being had to Detail "2" on Sheet No. 4 of 8 of that Land Survey made by Cross Country Land Surveying and Engineering, Project No. 956.01, dated 9-26-2001, certified 9-27-2001, I.P.L.S. No. 35-00397.

Subject to an easement for an existing private road crossing being 100 in width described as follows: Starting at the Northeast corner of Section 7, thence along the East line of said Section 7, S 00'34'36" W, 1437 feet, thence due West 3704 feet more or less to the intersection of State Highway 150 (Cutler Road) and an existing railroad, thence along a curve to the right with a radius of 944.15 feet and a cord of S 43°43'50" E for 100 feet, being the point of beginning, thence South along said radius 100 feet to the point of ending.

Subject to an easement for a private road crossing on the Southernmost 200 feet of said tract for ingress and egress.

PARCEL A: A parcel of land being part of the Southwest Quarter and part of the Northwest Quarter of Section 17, Township 6 South, Range 4 West of the Third Principal Meridian, in the County of Perry, State of Illinois, said parcel being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 17, being marked by an iron rod found; thence N 01°18'13" E 66.69 feet, along the East line of said Quarter Section, to a point on the Northerly right-of-way line of an existing public road (Pyatt-Cutler Road); thence N 89°19'58" W 40.74 feet, along said right-of-way line, to a point being the Point of Beginning for this description, said point being marked by an iron rod found; thence along said right-of-way line the following two (2) calls: thence N 89°25'55" W 748.10 feet to a point; thence along a Curve to the Right, with Chord bearing N 77°58'55" W 559.80 feet, a Radius of 1410.00 feet, and an Arc of 563.55 feet, to a point in the East line of the West Half of said Southwest Quarter, said point being marked by an iron rod set; thence S 00°45'24" W 86.32 feet, along said East line, to an iron rod set in the South right-of-way line of said public road (Pyatt- Cutler Road); thence along said South right-of-way line the following three (3) calls: thence along a Curve to the Right, with Chord bearing N 47°04'38" W 1055.13 feet, a Radius of 1490.00 feet, and an Arc of 1078.52 feet, to a point; thence N 26°20'26" W 1043.13 feet to a point; thence along a Curve to the Left, with Chord bearing N 30°16'13" W 148.03 feet, a Radius of 1080.00 feet, and an Arc of 148.14 feet, to a point in the West line of said Southwest Quarter, being marked by an iron

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PARCEL B: A parcel of land being part of the Southwest Quarter of Section 14, all of Township 6 South, Range 4 West of the Third Principal Meridian, in the County of Perry, State of Illinois, said parcel being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 17, being marked by an iron rod found; thence S 89° 23' 51" E 40.00 feet, along the South line of said Quarter Section, to an iron rod set at the intersection of the Southerly projection of the East right-of-way line of an existing public road (Cutler-Trico Road), said point being the Point of Beginning for this description; thence N 00° 38' 26" E 1767.45 feet, along the East right-of-way line of Cutler-Trico Road, passing an iron rod found at 67.09 feet, to an iron rod found; thence along new lines the following thirty (30) calls: thence S 86° 37' 23" E 2261.32 feet, passing an iron rod set at 1235.66 feet in the West line of the Southeast Quarter of said Section 16, to an iron rod set; thence along a Curve to the Left, with Chord bearing S 87° 24' 33" E 266.51 feet, a Radius of 2830.00 feet, and an Arc of 266.61 feet, to an iron rod set in the East line of said Section 17; thence S 84° 42' 37" E 1372.21 feet to an iron rod set; thence S 81° 37' 23" E 2261.32 feet, passing an iron rod set at 1235.66 feet in the West line of the Southeast Quarter of said Section 16, to an iron rod set; thence along a Curve to the Left, with Chord bearing S 89° 06' 09" E 239.51 feet, a Radius of 920.00 feet, and an Arc of 240.19 feet, to an iron rod set; thence N 83° 25' 05" E 620.13 feet to an iron rod set; thence S 88° 54' 47" E 549.72 feet to an iron rod set; thence N 00° 38' 26" E 738.49 feet to an iron rod set; thence S 89° 21' 34" E 431.24 feet, passing an iron rod set at 172.94 feet in the West line of said Section 15, to an iron rod set; thence N 00° 38' 26" E 760.23 feet to an iron rod set; thence S 89° 17' 18" E 2622.46 feet, passing an iron rod set at 2397.61 feet in the West line of the Southeast Quarter of said section 15, to an iron rod set; thence S 00° 34' 39" W 362.77 feet, passing an iron rod set at 322.76 feet, to an iron rod set; thence S 88° 36' 42" E 136.02 feet to an iron rod set; thence S 67° 20' 33" E 121.70 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing S 39° 49' 14" E 73.93 feet, a Radius of 80.00 feet, and an Arc of 76.86 feet, to an iron rod set; thence S 12° 17' 56" E 178.28 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing S 59° 56' 19" E 177.34 feet, a Radius of 120.00 feet, and an Arc of 199.55 feet, to an iron rod set; thence N 72° 25' 17" E 172.82 feet to an iron rod set; thence N 89° 41' 25" E 249.44 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing S 62° 14' 39" E 291.70 feet, a Radius of 310.00 feet, and an Arc of 303.70 feet, to an iron rod set; thence S 34° 10' 42" E 817.12 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing S 61° 53' 26" E 455.73 feet, a Radius of 490.00 feet, and an Arc length of 473.99 feet, to an iron rod set; thence S 89° 36' 09" E 2559.68 feet, passing an iron rod set at 399.04 feet in the West line of said Section 14, to an iron rod set; thence S 44° 30' 02" E 122.53 feet to an iron rod set; thence S 00° 36' 06" W 91.96 feet to an iron rod set in the South line of the Southwest Quarter of said section 14; thence N 89° 23' 51" W 2247.17 feet, along said South line, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod set at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet, along the South line of said Quarter Section, to an iron rod found at the Southeast corner of the Southwest Quarter of said Section 15; thence N 89° 23' 51" W 2657.94 feet,
Section 16; thence N 89° 23'51" W 2592.83 feet, along the South line of said Quarter Section, to the Southeast corner of the Southwest Quarter of said Section 16, being an iron rod set; thence N 89° 23'51" W 2592.83 feet, along the South line of said Quarter Section, to the Southeast corner of the Southeast Quarter of said Section 17, being an iron rod found; thence N 89° 23'51" W 2634.53 feet, along the South line of said Quarter Section, to the Point of Beginning, containing 287.977 acres, more or less;

EXCEPTING therefrom a tract of land being part of the East Half of the Southwest Quarter of Section 15, Township 6 South, Range 4 West of the Third Principal Meridian, in the County of Perry, State of Illinois, said exception being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 15; thence N 89° 20'35" W 264.00 feet, along the North line of said Quarter-Quarter Section, to the Point of Beginning for this description; thence S 00° 34'39" W 31.72 feet to an iron rod set; thence N 89° 20'35" W 193.28 feet to an iron rod set; thence N 00° 34'39" E 130.72 feet to an iron rod set; thence S 89° 20'35" E 193.28 feet to an iron rod set; thence S 00° 34'39" W 99.00 feet to the Point of Beginning, said exception containing 0.580 acres, more or less, and consisting of land dedicated for cemetery purposes and adjoining land now used and necessary for the operation, maintenance and protection of said cemetery;

Containing a net area of 287.397 acres, more or less, all situated in the County of Perry, State of Illinois.

EASEMENT OVER ENTRANCE ROAD: A permanent, unobstructed, nonexclusive easement for ingress and egress to and from a public road for the benefit of the hereinafter described PARCEL "B", over and across the following described tract: Part of the Southwest Quarter of Section 14 and part of the Southeast Quarter of Section 15, all in Township 6 South, Range 4 West of the Third Principal Meridian, in the County of Perry, State of Illinois, said tract being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 15; thence S 00° 34'39" W 790.00 feet along the West line of said Quarter Section to an iron rod set; thence S 89° 17'18" E 224.85 feet to an iron rod set; thence S 00° 34'39" W 322.76 feet to an iron rod set, said point being the Point of Beginning for this description; thence along new easement lines the following thirteen (13) calls: thence S 88° 36'42" E 144.10 feet to a point; thence S 67° 20'33" E 129.21 feet to a point; thence along a Curve to the Right, with Chord bearing S 39° 49'14" E 110.90 feet, a Radius of 120.00 feet, and an Arc of 115.28 feet, to a point; thence S 12° 17'56" E 178.28 feet to a point; thence along a Curve to the Left, with Chord bearing S 59° 56'19" E 118.23 feet, a Radius of 80.00 feet, and an Arc of 133.04 feet, to a point; thence N 72° 25'17" E 178.90 feet to a point; thence N 89° 41'25" E 268.94 feet to a point; thence along a Curve to the Right, with Chord bearing S 62° 14'39" E 348.16 feet, a Radius of 370.00 feet, and an Arc of 362.49 feet, to a point; thence S 34° 10'42" E 799.10 feet to a point; thence along a Curve to the Left, with Chord bearing S 61° 53'26" E 399.93 feet, a Radius of 430.00 feet, and an Arc length of 415.95 feet, to a point; thence S 89° 36'09" E 2586.13 feet to a point; thence S 44° 30'02" E 165.31 feet to a point; thence S 00° 36'06" W 116.87 feet to a point in the South line of the Southwest Quarter of said Section 14; thence N 89° 23'51" W 60.00 feet, along the South line of said Quarter Section, to the most Southeasterly corner of a 287.397 acre parcel hereinafter described as PARCEL "B", being marked by an iron rod set; thence along the Easterly and Northerly lines of said PARCEL "B" the following fourteen (14) calls: thence N 00° 36'06" E 91.96 feet to an iron rod set; thence N 44° 30'02" W 122.53 feet to an iron rod set; thence N 89° 36'09" W 2559.68 feet, passing an iron rod at 2160.64 feet in the West line of the Southwest Quarter of said Section 14, to an iron rod set; thence along a Curve to the Right, with Chord bearing N 61° 53'26" W 455.73 feet, a Radius of 490.00 feet, and an Arc of 473.99 feet, to an iron rod set; thence N 34° 10'42" W 817.12 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing N 62° 14'39" W 291.70 feet, a Radius of 310.00 feet, and an Arc of 303.70 feet, to an iron rod set; thence S 89° 41'25" W 249.44 feet to an iron rod set; thence S 72° 25'17" W 172.82 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing N 34° 10'42" W 817.12 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing N 62° 14'39" W 291.70 feet, a Radius of 310.00 feet, and an Arc of 303.70 feet, to an iron rod set; thence S 89° 41'25" W 249.44 feet to an iron rod set; thence S 72° 25'17" W 172.82 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing N 34° 10'42" W 817.12 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing N 62° 14'39" W 291.70 feet, a Radius of 310.00 feet, and an Arc of 303.70 feet, to an iron rod set; thence S 89° 41'25" W 249.44 feet to an iron rod set; thence S 72° 25'17" W 172.82 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing N 34° 10'42" W 817.12 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing N 62° 14'39" W 291.70 feet, a Radius of 310.00 feet, and an Arc of 303.70 feet, to an iron rod set; thence S 89° 41'25" W 249.44 feet to an iron rod set; thence S 72° 25'17" W 172.82 feet to an iron rod set; thence along a Curve to the Right, with Chord bearing N
59° 56'19" W 177.34 feet, a Radius of 120.00 feet, and an Arc of 199.55 feet, to an iron rod set; thence N 12° 1'56" W 178.28 feet to an iron rod set; thence along a Curve to the Left, with Chord bearing N 39° 49'14" W 73.93 feet, a Radius of 80.00 feet, and an Arc of 76.86 feet, to an iron rod set; thence N 67° 20'33" W 121.70 feet to an iron rod set; thence N 88° 36'42" W 136.02 feet to an iron rod set; thence N 00° 34'39" E 40.00 feet to the Point of Beginning, containing 6.712 acres, more or less;

All situated in the County of Perry, State of Illinois.

RESERVED RIGHTS:

Reserving unto the State of Illinois, Department of Natural Resources, its successors and assigns, a permanent, unobstructed, nonexclusive easement for ingress and egress over and across the existing mine haul road running Northwesterly and Northerly across the hereinbefore described PARCEL "A", for the benefit of adjoining land now owned and being retained by the State of Illinois and being under the control and jurisdiction of said Department, said easement to be of sufficient width as determined by said Department, the approximate centerline of said haul road being shown by a Land Survey made by Shawnee Survey and Consulting, Inc., Job No. 2001-285;

ALSO,

Reserving unto the State of Illinois, Department of Natural Resources, its successors and assigns, a permanent, unobstructed, nonexclusive easement for ingress and egress to and from the cemetery tract excepted from the hereinbefore described PARCEL "B", said easement being for the benefit of said cemetery tract and to be used for its operation, maintenance, and protection and for visitation purposes, said easement running over and across the following described tract:

Part of the East Half of the Southwest Quarter and part of the West Half of the Southeast Quarter of Section 15, Township 6 South, Range 4 West of the Third Principal Meridian, in the County of Perry, State of Illinois, said tract being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 15; thence S 00° 34'39" W 790.00 feet, along the West line of said Quarter Section, to an iron rod set; thence S 89° 17'18" E 224.85 feet to an iron rod set; thence S 00° 34'39" W 322.76 feet to an iron rod set at the Point of Beginning for this description; thence S 00° 34'39" W 40.00 feet to an iron rod set; thence along new easement lines the following five (5) calls: thence N 88° 36'42" W 458.90 feet to an iron rod set; thence S 00° 34'39" W 206.66 feet to an iron rod set; thence N 89° 20'35" W 30.00 feet to an iron rod set at the Southeast corner of a 0.580 acre cemetery tract excepted from the hereinbefore described PARCEL "B"; thence N 00° 34'39" E 130.72 feet, along the East line of said cemetery tract exception, to an iron rod set at the Northeast corner thereof; thence continuing N 00° 34'39" E 116.33 feet to an iron rod set; thence S 88° 36'42" E 488.90 feet to the Point of Beginning, containing 0.591 acres, more or less;

All situated in the County of Perry, State of Illinois;

ALSO,

Reserving unto the State of Illinois, Department of Natural Resources, its successors and assigns, a permanent, unobstructed, nonexclusive easement for ingress and egress over and across the existing mine haul road running Westerly, Southerly, and Westerly across the hereinbefore described PARCEL "B", for the benefit of adjoining land now owned and being retained by the State of Illinois and being under the control and jurisdiction of said Department, said easement to be of sufficient width as determined by said Department, the approximate centerline of said haul road being shown by a Land Survey made by Shawnee Survey and Consulting, Inc., Job No. 2001-285;

ALSO, Subject to existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record.

As full consideration for this conveyance, Perry County and all other units of local government in Perry County shall forgo $495,000 of the Community Planning Allowance grant to which they are entitled pursuant to Section 35 of the Illinois Open Land Trust Act.

Section 960. The above described real property and improvements thereon may be utilized by Perry County, or any subsequent owner, for the following commercial uses: fertilizer storage and
handling facilities, grain storage and handling facilities, warehouses and warehousing facilities, light manufacturing facilities, feed milling, not including soybean or corn processing, surface facilities for underground coal mines, railcar repair and dismantling facilities, vehicle maintenance and repair facilities, fish hatchery, storage of railcars, trucks and other vehicles, and general office uses. Light manufacturing is defined to include only the following uses or activities: small appliance, electronic and light metal fabrication, steel finishing, food processing, canneries, bakeries, bottling and packaging, vehicle parts, plastic products, furniture, woodworking and glass products, machine shops, building materials sales, wholesale establishments, wireless communications, distribution, recycling, asphalt and bituminous concrete mixing, and concrete mixing.

Perry County, or any subsequent owner, may utilize the described real property and improvements thereon for the unloading or storage, or both, of the following commodities: all dry and liquid bulk commodities and materials, including, without limitation, coal, coke, petroleum coke, salt, sand, aggregate, ores and minerals, consumer and construction goods, containers and containerized materials, lumber and other forest products, and steel.

Perry County, or any subsequent owner, shall obtain prior written approval from the Director of Natural Resources, which approval shall not be unreasonably withheld, for any and all other property uses and utilization not set forth above. Requests shall be granted or denied by the Director within 30 days from the date the written request is received. This restriction on use of the property shall run with the land.

Section 965. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Sections containing the land descriptions of property to be transferred by the Director of Natural Resources or by the Department of Natural Resources, and this Section within 60 days after this Act's effective date and, upon receipt of payment required by the appropriate Sections, shall record the certified document in the Recorder's office in the county in which the land is located.

Section 970. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized for the purpose of permitting Jubilee Township to relocate and improve Thousand Dollar Road, which goes through Jubilee College State Park, to exchange certain real property in Peoria County, Illinois, hereinafter referred to as Parcels 2 and 3, totaling .90 acres that is a part of Jubilee College State Park for certain real property of equal value in Peoria County, Illinois, owned by Jubilee Township of Peoria County, Illinois hereinafter referred to as Parcel 1, totaling 1.03 acres such parcels being described as follows:

Jubilee Township of Peoria County, Illinois, a Body Politic and Corporate, with an address of 12807 North Princeville-Jubilee Road, Brimfield, Illinois 61517, in consideration of the trade and exchange of certain other tracts of real estate for the tract of real estate herein described and conveyed, and pursuant to authority given by the Board of Trustees of the said Township of Jubilee, shall convey and quit-claim, to the State of Illinois Department of Natural Resources, whose address is Lincoln Tower Plaza, 524 South Second Street, Springfield, Illinois 62701, all interest in and to the following described Real Estate to-wit:

Parcel 1: A part of the Southeast Quarter of Section Twenty (20) and a part of the Southwest Quarter of Section Twenty-One (21), all in Jubilee Township, Township Ten (10) North, Range Six (6) East of the Fourth Principal Meridian, more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Southwest Quarter, said corner being 420.19 feet normal distance southwesterly from Station 95+87.92 on the proposed centerline of Thousand Dollar Road; thence North 89° 59' 08" East along the northerly line of the Southwest Quarter of said Southwest Quarter, a distance of 475.58 feet to Station 92+37.13 on said centerline; thence on a curve concave to the southwest having a radius of 468.00 feet for an arc distance of 167.47 feet to Station 93+05.58 on said centerline, thence South 71° 21' 22" West, a distance of 62.03 feet to a point 62.03 feet normal distance southwesterly from Station 93+05.58 on said centerline as the Point of Beginning of the tract to be described; From the Point of Beginning, thence North 83° 14' 00" West, a distance of 418.52 feet; thence North 01° 01' 01" West, a distance of 647.43 feet to a point 25.00 feet normal distance westerly from Station 101+43.46 on said centerline; thence on a curve concave to the northeast, having a radius of 493.00 feet for an arc distance of 183.78 feet to a point 25.00 feet normal distance southwesterly from Station 99+69.00 on said centerline (chord of

New matter indicated by italics - deletions by strikeout.
said arc bears South 16° 44' 08" East for a distance of 182.72 feet; thence South 01° 01' 01" West, a distance of 428.35 feet, thence South 83° 14' 00" East, a distance of 355.99 feet to a point 55.68 feet normal distance from Station 93+66.41 on said centerline; thence South 15° 33' 56" East, a distance of 53.51 feet to the Point of Beginning, containing 44,727.6 square feet, more or less, or 1.02 acres, more or less, situate, lying and being in the County of Peoria, and State of Illinois.

Parcel Identification Number: (Part of) 07-21-200-003 and (Part of) 07-20-200-007;

Parcel Address: Thousand Dollar Road, Brimfield, Illinois 61517;

The Director of the State of Illinois Department of Natural Resources with an address of Lincoln Tower Plaza, 524 South Second Street, Springfield, Illinois 62701, in consideration of the trade and exchange of a certain other tract of real estate for the tracts of real estate herein described is authorized to convey and quit-claim deed to the Jubilee Township of Peoria County, Illinois a Body Politic and Corporate, with an address of 12807 North Princeville-Jubilee Road, Brimfield, Illinois 61517, the following described tracts of Real Estate, to-wit:

Parcel 2: A part of the Southwest Quarter of Section Twenty-One (21) in Jubilee Township, Township Ten (10) North, Range Six (6) East of the Fourth Principal Meridian, more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Southwest Quarter, said corner being 420.19 feet normal distance southwesterly from Station 95+87.92 on the proposed centerline of Thousand Dollar Road; thence North 89° 59' 08" East along the North Line of said Southwest Quarter of the Southwest Quarter, a distance of 475.58 feet to Station 92+37.13 on said centerline; thence on a curve concave to the Southwest having a radius of 468.00 feet for an arc distance of 228.29 feet to Station 93+66.41 on said centerline; thence South 63° 54' 35" West, a distance of 55.68 feet to a point on the proposed Southwesterly Right-of-Way line of said Road, and the Point of Beginning of the tract to be described (said point being 55.68 feet normal distance southwesterly from said Station 93+66.41); from the Point of Beginning, thence North 15° 33' 55" West, a distance of 103.32 feet to a point being 25.00 feet normal distance Southwesterly from Station 94+74.69 on said centerline; thence on a curve concave to the southwest having a radius of 443.00 feet for an arc distance of 41.10 feet to a point 25.00 feet normal distance Southwesterly from Station 95+18.11 on said centerline, (chord of said arc bears North 42° 00' 18" West a distance of 41.08 feet); thence North 44° 39' 46" West, a distance of 310.01 feet to a point 25.00 feet normal distance Southwesterly from Station 98+28.12 on said centerline; thence on a curve concave to the northeast, having a radius of 493.00 feet, for an arc distance of 148.41 feet to a point 25.00 feet normal distance from Station 99+69.00 on said centerline (chord of said arc bears North 36° 26' 26" West, a distance of 147.85 feet); thence North 01° 01' 01" West, a distance of 183.93 feet to a point 25.00 feet normal distance Northeasterly from Station 101+47.33 on said centerline; thence on a curve concave to the Northeast, having a radius of 443.00 feet, for an arc distance of 302.16 feet, to a point 25.00 feet normal distance Northeasterly from Station 98+28.12 on said centerline (chord of said arc bears South 25° 07' 21" E, a distance of 296.34 feet); thence South 44° 39' 46" East, a distance of 310.01 feet to a point 25.00 feet Northeasterly from Station 95+18.11 on said centerline; thence on a curve concave to the Southwest, having a radius of 493.00 feet, for an arc distance of 210.33 feet to a point 25.00 feet Northeasterly from Station 94+00.25 on said centerline (chord of said arc bears South 32° 26' 26" East, a distance of 208.74 feet); thence South 62° 36' 21" East, a distance of 40.28 feet to a point 47.69 feet normal distance Northeasterly from Station 93+69.35 on said centerline; thence South 23° 11' 41" East, a distance of 67.87 feet to a point 48.30 feet normal distance Northeasterly from Station 93+07.75 on said centerline; thence North 83° 14' 00" West, a distance of 118.96 feet to the Point of Beginning, containing 38,324.18 square feet, more or less, or 0.879 acres, more or less, situate, lying, and being in the County of Peoria, and State of Illinois.

Parcel 3: A part of the Southwest Quarter of Section Twenty-One (21) in Jubilee Township, Township Ten (10) North, Range Six (6) East of the Fourth Principal Meridian, more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Southwest Quarter, said corner being 420.19 feet normal distance Southwesterly from Station 95+87.92 on the proposed centerline of Thousand Dollar Road;
thence North 89° 59'08" East along the North Line of the Southwest Quarter of said Southwest Quarter a distance of 475.58 feet to Station 92+37.13 on said centerline; thence South 89° 59'08" West, along said North Line, a distance of 25.43 feet to a point on the Westerly Right-of-Way line of Thousand Dollar Road as the Point of Beginning of the tract to be described, (said point being 25.00 feet normal distance Southwesterly from Station 92+41.91 on said centerline); from the Point of Beginning, thence on a curve concave to the Southwest having a radius of 443.00 feet for an arc distance of 42.84 feet to a point (chord of said arc bears North 13° 37'07" West, a distance of 42.83 feet), said point being 25.00 feet normal distance Southwesterly from Station 92+87.17 on said proposed centerline; thence South 83° 14'00" East, a distance of 12.58 feet to a point, said point being 13.41 feet Southwesterly from Station 92+82.08 on said proposed centerline; thence South 01° 51'35" West, a distance of 40.16 feet to a point on said North Line of the Southwest Quarter of said Southwest Quarter, said point being 23.92 feet normal distance Southwesterly from Station 92+41.69 on said centerline; thence South 89° 59'08" West along the North Line of the Southwest Quarter of said Southwest Quarter, a distance of 1.10 feet to the Point of Beginning, containing 259.4 square feet, more or less, situate, lying, and being in the County of Peoria, and State of Illinois;

Parcel Identification Number: (Part of) 07-21-200-003;
Parcel Address: Thousand Dollar Road, Brimfield, Illinois 61517;

Whereas, this transaction will be to the mutual advantage of both parties, each party shall be responsible for any and all title costs associated with their respective properties.

Section 975. The Department of Central Management Services is authorized to reconvey by quitclaim deed, imposing upon the grantee, and its successors and assigns, an obligation to maintain the property's facade and releasing the restrictions authorized by the quitclaim deed issued in accordance with P.A. 85-1284 previously quitclaiming the State's interest in the property known as the Singer Mansion to the Centers for New Horizons, Inc. The release of the restrictions and imposition of the covenant to maintain the property's facade will be based on a payment of $150,000.00 for the property. The payment is based on the appraisals of the property, the expenses incurred by the Centers for New Horizons for maintaining the property and the covenant running with the land respecting maintenance of the property's facade. Upon the agreed to payment to the Department of Central Management Services, the Director of the Department of Central Management Services is authorized to reconvey the following described real estate commonly known as the Singer Mansion located at 4545 South Drexel Boulevard, Chicago, Illinois (the "Property"):

Lot 10 (except the west 60 feet and the east 9 feet thereof) in Block 5 of Walker and Stinson's Subdivision of the West half of the South West quarter of Section 2, Township 38 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.

Section 980. The Director of Central Management Services shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, Section 5, and this Section within 60 days of its effective date and, upon receipt of the payment required by this Section, shall provide the quitclaim deed as aforesaid to the Centers for New Horizons, Inc. for recording by the Cook County Recorder of Deeds.

Section 999. Effective date. This Act takes effect upon becoming law.
Governor Returns Bill With Recommendation For Change (Amendatory Veto of February 8, 2002) February 8, 2002.
General Assembly Accepts Changes February 27, 2002.
Certified by the Governor March 7, 2002.
Effective March 7, 2002.
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AGRICULTURAL ECONOMIC DILEMMA
(House Joint Resolution 12)

WHEREAS, The gathering storm of an impending farm crisis has caused the Extension Service of the University of Illinois to reactivate its Hot Line, which was last used a decade ago, in order to inform and aid struggling farmers; and

WHEREAS, Farmers are feeling the effects of a collapsing hog market and falling commodity prices that are below the cost of production; grain stocks could pile up even more and drive prices down even further; the spectre of farm bankruptcies is again looming large; and

WHEREAS, The food supply and the general economic health of this country will be adversely affected by the continuing agricultural downturn; and

WHEREAS, Our vulnerable heritage, the family farm, long on the decline, may soon be on the verge of extinction; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINTY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge Congress and the United States Department of Agriculture to re-examine our national agricultural policy and give due attention and action to remedy our current agricultural economic dilemma; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Director of Agriculture, the United States Secretary of Agriculture, and to each member of the Illinois congressional delegation.

Adopted by the House, May 13, 1999.

Concurred in by the Senate, May 27, 1999.

BOARD OF HIGHER EDUCATION
(House Joint Resolution 19)

WHEREAS, Part-Time and nontenure-track instructors have mushroomed into a source of inexpensive labor in higher education; and

WHEREAS, A quality college or university must have a corps of full-time, permanent, tenured faculty coordinating the academic curriculum and teaching most of it; and

WHEREAS, Illinois public colleges and universities are resorting to replacing tenured and tenure-track faculty positions with increasing numbers of nontenure-track and part-time teaching positions; and

WHEREAS, Courses should be taught only by highly qualified people, whether full-time or part-time, tenured or nontenured, who are paid a professional salary and included in academic processes; and rather than per course hour rates; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINTY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the Board of Higher Education to review the growing dependence on part-time and nontenure-track faculty in Illinois colleges and universities; and be it further

RESOLVED, That each public university and community college governing board in the State provide a detailed report, with rationale, to the Board of Higher Education by November 15, 1999 regarding use and compensation of part-time and nontenure-track faculty, with the Board of Higher Education compiling the reports and providing them to the General Assembly by December 15, 1999; and be it further

RESOLVED, That the Board of Higher Education, in consultation with institutions and faculty organizations, consider policies designed to discourage overreliance on part-time and nontenure-track faculty for undergraduate instruction while protecting those instructors performing effectively in such positions; and be it further

RESOLVED, That the Board of Higher Education make recommendations to the General Assembly concerning the establishment of minimum salary and fringe benefits provisions indexed to tenure-track faculty compensation for part-time and nontenure-track faculty to ensure fair
employment and consistent emphasis on quality instruction at all levels, from lower division through graduate instruction; and be it further

RESOLVED, That a copy of this resolution be delivered to the Board of Higher Education for reproduction and distribution to the governing boards of each of the public universities and public community college districts of this State.

Adopted by the House, May 21, 1999.

Concurred in by the Senate, November 29, 2000.

BOB COLLINS
(House Joint Resolution 49)

WHEREAS, Bob Collins grew up in Florida, attended the University of Florida, and started his job at WGN radio in Chicago in 1974; and

WHEREAS, Bob Collins quickly became one of America's premiere radio personalities who entertained and informed millions of listeners around the Midwest with his sense of humor and good-natured common sense, and, with deep affection was known to the public as "Uncle Bobby" due to his good and kind-hearted nature, and

WHEREAS, he was never afraid to poke fun at himself or at those who took themselves too seriously; and

WHEREAS, Bob Collins allowed thousands of common, everyday people to express themselves freely, seek and give advice, and try to make the world a better place to live through his program on WGN radio; and

WHEREAS, his presence in our homes every morning was a gentle and welcomed respite from life's daily challenges; and

WHEREAS, Bob Collins had many elected officials who were his friends, and although he was a strong conservative, his friendships included both Republicans and Democrats; and

WHEREAS, Bob Collins was fortunate to be married since June of 1986 to Christine Collins, a native of Elmhurst, Illinois, who was his constant companion and usually accompanied him on his many adventures and quests; and

WHEREAS, Bob Collins' love of life, Christine, and his career was evident and helped to make him a joyful and welcomed part to the nation's broadcasting scene; and

WHEREAS, Bob Collins was an unabashed believer in the good that is within all of us. And while he traveled extensively, he loved America, loved Illinois, loved Chicago, and felt his job at WGN was the best one in the world; and

WHEREAS, Bob Collins loved life, fast cars, fast planes and his beloved Harley Davidson motorcycles, and

WHEREAS, he was renowned for his generosity of time, effort and spirit in countless charitable causes, he often quietly and without fanfare helped friends and colleagues behind the scene simply because he was a man of enormous loyalty and generosity; and

WHEREAS, Bob Collins' death will be mourned by millions throughout the nation;

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with all that knew and loved him, the death of Bob Collins as a celebrity, as a man, as a broadcaster, as a husband, as an enthusiast for life, and as an American; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Bob Collins, along with our sincere regards.

Adopted by the House, February 9, 2000.

Concurred in by the Senate, February 10, 2000.

BOEING COMPANY RELOCATION
(Senate Joint Resolution 21)
WHEREAS, The Boeing Company has announced its decision to relocate its corporate headquarters from Seattle, where it has been located for 85 years; and
WHEREAS, In relocating its headquarters, the Boeing Company is seeking access to global markets, cultural diversity, and a strong, pro-business environment; and
WHEREAS, The Boeing Company has identified the Chicago metropolitan area as one of the 3 sites being considered for its new world headquarters; and
WHEREAS, The Boeing Company will be working with the Governor and the General Assembly through the Department of Commerce and Community Affairs; and
WHEREAS, The Chicago metropolitan area is the number one transportation hub in the United States, offering rail, air, and highway systems that crisscross the nation and the world, with non-stop air service to 143 domestic destinations and 43 international destinations, offering access to growth opportunities around the globe; and
WHEREAS, The Chicago metropolitan area is home to 67 Consuls General, 1,500 foreign-owned companies and hosts more trade shows with international participants than any other area of the country; and
WHEREAS, The Chicago metropolitan area's world-class cultural richness not only shows in its multifaceted recreational opportunities, but also in its well-educated workforce and high quality of life; and
WHEREAS, Illinois is home to 37 Fortune 500 companies, the Chicago Board of Trade, the Chicago Mercantile Exchange, the Chicago Board Options Exchange, the Midwest Stock Exchange, and some of the world's greatest financial institutions; and
WHEREAS, The Chicago metropolitan area is home to 2 of the nation's best MBA programs at Northwestern University and the University of Chicago, and Illinois graduates more than 3,400 engineering students from its universities annually; and
WHEREAS, The Chicago metropolitan area is a hotbed for research and development, with Argonne and Fermilab research labs, the I-88 Tech Corridor, Abbott Laboratories, Baxter International, Inc., Eli Lilly and Company, the Chicago Tech Park, the DuPage Research Park, and the Illinois Medical Center District, along with world-class institutions of learning; and
WHEREAS, Chicago was recently named the "third-best" business city in the country by Fortune magazine; and
WHEREAS, The Chicago metropolitan area is politically, culturally, and economically diverse making it a premier location for the Boeing Company's new world headquarters; therefore be it
RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we strongly suggest and encourage the Boeing Company to relocate its corporate headquarters to the Chicago metropolitan area; and be it further
RESOLVED, That we urge the Department of Commerce and Community Affairs to help facilitate this relocation by aggressively assisting the Boeing Company in its relocation planning; and be it further
RESOLVED, That suitable copies of this resolution be delivered to the Governor and the Director of Commerce and Community Affairs.
Adopted by the Senate, April 5, 2001.
Concurred in by the House of Representatives, April 5, 2001.

CONTRIBUTIONS OF ILLINOIS PRESIDENTS AND MAYORS
(House Joint Resolution 40)

WHEREAS, On February 12, 1809, Abraham Lincoln was born in the most modest of circumstances in a log cabin near Hodgenville, Kentucky; at the age of 21, he set out for a new home located on the north bank of the Sangamon River, in New Salem, Illinois, where he served as Deputy Surveyor and Postmaster; his kindness, straightforward conduct, and sympathetic character helped create in the popular mind the stereotype of "Honest Abe"; and
WHEREAS, On August 4, 1834, Abraham Lincoln, at age 24, was elected to the Illinois
General Assembly as a State Representative from the Whig Party; he was reelected 3 more times, serving until 1842; through his bold leadership and forward thinking, he was elevated by his peers to the elected position of Whig floor leader and served as chairman of the Finance Committee; he was a consistent supporter of conservative business interests and brought about the relocation of the State capital from Vandalia to Springfield; when certain resolutions denouncing anti-slavery agitation were passed by the House, he took a bold position through a written declaration stating that slavery was "founded on both injustice and bad policy, but that the promulgation of abolition doctrines tends rather to increase than abate its evils"; and

WHEREAS, Mr. Lincoln served in the United States House of Representatives as an Illinois Whig from 1847 through 1849, serving on the Post Office and Post Roads Committee, as well as the War Department Expenditures Committee; he opposed United States involvement in the Mexican War but continued to support appropriations to supply the troops involved in the war; he continued to promote federally funded internal improvements and worked unsuccessfully to abolish the slave trade in Washington, D.C.; and

WHEREAS, On May 29, 1856, Mr. Lincoln helped organize the new Republican Party of Illinois, speaking with a new authority gained from self-imposed intellectual discipline in behalf of the anti-slavery cause; and

WHEREAS, On November 6, 1860, Abraham Lincoln was elected the 16th President of the United States and the first Republican; he received 180 of 303 possible electoral votes and 40% of the popular vote, defeating Northern Democrat Stephen A. Douglas and Southern Democrat John C. Breckinridge; convinced that the United States was more than an ordinary nation, that it was a proving ground for the idea of democratic government, he displayed an unflinching dedication to the preservation of the Union; he never wavered in his "paramount object" to restore national unity despite war-weariness and repeated defeats; he did what was necessary, without regard to political objections in Congress or personal popularity; and

WHEREAS, On January 1, 1863, President Lincoln issued the Emancipation Proclamation that declared forever slaves free within the Confederacy; with the possibility that his action would not be sustained by the Supreme Court, he strongly urged and succeeded in getting Congress to adopt the 13th Amendment, forever abolishing slavery throughout the country; realizing that minimal guarantees of civil rights for blacks were essential, he began to advocate for equality by the end of the war; and

WHEREAS, Partly because of his single-minded dedication, the American people, in time, gave to Abraham Lincoln a loyalty that proved to be another of his great assets; he learned what ordinary citizens felt about their government by making himself accessible to all who went to the White House; his mastery of rhetoric further endeared him to the public; he wrote clearly and succinctly in an age of pretentious orators; his 268-word address meant more than the preceding 2-hour oration by Edward Everett at the dedication of the national cemetery at Gettysburg; the clear focus and eloquent, sophisticated style of the Gettysburg address has helped it survive for more than a hundred years as one of the greatest speeches ever delivered; and

WHEREAS, Lincoln was inaugurated into his second term as President on March 4, 1865, overwhelmingly defeating Union General George B. McClellan; he enunciated a comprehensive reconstruction program, pledging pardon and amnesty to Confederates who were prepared to swear loyalty to the Union and promising to turn back control of local governments to the civil authorities in the South; on April 14, 1865, one month after taking office, he was shot and killed while attending a performance at Ford's Theater in Washington; and

WHEREAS, Illinois is where Mr. Lincoln lived, worked, and spent many happy days in the municipalities of New Salem, and Springfield; throughout his days in public service he embodied personal integrity, intelligence, and humanity; it is only fitting and proper that this great President who played such a vital role as the leader in preserving the Union and abolished slavery in the United States should be duly honored and commemorated by the gracious people of this State to whom Abraham Lincoln brought so much character, determination, and perseverance in the Illinois General Assembly, United States Congress, and as the President of the United States; and

WHEREAS, On February 6, 1911, Ronald Wilson Reagan was born to Nelle and John
Reagan in Tampico, Illinois; he attended high school in nearby Dixon and then worked his way through Eureka College; at Eureka College, he studied economics and sociology, played on the football team, and acted in school plays; upon graduation, he became a radio sports announcer; a screen test in 1937 won him a contract in Hollywood and during the next 2 decades he appeared in 53 films; and

WHEREAS, As President of the Screen Actors Guild, Ronald Reagan became embroiled in disputes over the issue of Communism in the film industry; his political views shifted from liberal to conservative; he toured the country as a television host, becoming a spokesman for conservatism; in 1966 he was elected Governor of California by a margin of a million votes; he was re-elected in 1970; and

WHEREAS, Ronald Reagan won the Republican presidential nomination in 1980 and chose as his running mate former Texas Congressman and United Nations Ambassador George Bush; voters troubled by inflation and by the year-long confinement of Americans in Iran swept the Republican into office; and

WHEREAS, On January 20, 1981, Mr. Reagan took office; only 69 days later he was shot by a would-be assassin but quickly recovered and returned to duty; his grace and wit during the dangerous incident caused his popularity to soar; and

WHEREAS, Dealing skillfully with Congress, Reagan obtained legislation to stimulate economic growth, curb inflation, increase employment, and strengthen national defense; he embarked upon a course of cutting taxes and government expenditures, refusing to deviate from his course when the strengthening of defense forces led to a large deficit; and

WHEREAS, A renewal of national self-confidence by 1984 helped President Reagan and Vice President Bush win a second term with an unprecedented number of electoral votes; and

WHEREAS, In 1986, Ronald Reagan obtained an overhaul of the Income Tax Code that eliminated many deductions and exempted millions of people with low incomes; at the end of his administration, the nation was enjoying its longest recorded period of peacetime prosperity without recession or depression; and

WHEREAS, In foreign policy, Ronald Reagan sought to achieve "peace through strength"; in dramatic meetings with Soviet leader Mikhail Gorbachev, he negotiated a treaty that would eliminate intermediate-range nuclear missiles; President Reagan declared war against international terrorism, sending American bombers against Libya after evidence came out that Libya was involved in an attack on American soldiers in a West Berlin nightclub; and

WHEREAS, By ordering naval escorts in the Persian Gulf, he maintained the free flow of oil during the Iran-Iraq war; in keeping with the Reagan Doctrine, he gave support to anti-Communist insurgencies in Central America, Asia, and Africa; and

WHEREAS, At the end of his 2 terms in office, Ronald Reagan viewed with satisfaction the achievements of his innovative program known as the Reagan Revolution, which aimed to reinvigorate the American people and reduce their reliance upon government; he felt he had fulfilled his campaign pledge of 1980 to restore "the great, confident roar of American progress and growth and optimism"; and

WHEREAS, The Reagan years saw a restoration of prosperity, and the goal of peace through strength was within the nation's grasp; and

WHEREAS, Ulysses Simpson (U.S. "Unconditional Surrender") Grant was the best-known Federal general in the United States Civil War; because of his military prowess and daring, he helped to shorten the time of that great and bitter conflict; and

WHEREAS, U.S. Grant's exploits in the Civil War earned him the Republican nomination and ultimately 2 terms as the 18th President of the United States; as President, he pushed for conciliation toward the South, sought unconditional readmission of Virginia to the Union, relentlessly opposed the Ku Klux Klan in his ever stalwart detestation of slavery and its aftermath, and established a strong record in foreign affairs; and

WHEREAS, Although dying of throat cancer, he wrote his now classic memoirs in an effort to support his family and to guarantee that they would be provided for upon his death; and

WHEREAS, U.S. Grant died on July 23, 1885, and his body was finally laid to rest amidst much pomp, circumstance, parades, and speeches; and

WHEREAS, Illinois is where U.S. Grant lived, worked, and spent many happy days in the
municipality of Galena; and it is only fitting and proper that this great General and President who played such a critical role in saving the Republic should be duly honored and commemorated by the gracious people of this state to whom Grant brought so much glory; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the great contributions of Illinois' Presidents, Abraham Lincoln, Ronald Reagan, and Ulysses Simpson Grant and Governor Adlai Stevenson and Mayors Richard J. Daley and Harold Washington, to the State of Illinois and to the entire nation, should be commemorated by the State Treasurer in accordance with the Commemorative Medallions Act.

Adopted by the House, February 8, 2000.
Concurred in by the Senate, March 31, 2000.

FIELD TRIALING
(Senate Joint Resolution 29)

WHEREAS, Members of the General Assembly have been involved with hunting dog field trialing over the past several years and have assisted Illinois citizens with matters involving preserving, enhancing, and expanding the sport of field trialing on public land; and
WHEREAS, The General Assembly enacted Public Act 87-1051 which designated several public sites for hunting dog field trialing and provided appropriate periods of time for these field trials to be held; and
WHEREAS, Members of the General Assembly have interceded on behalf of Illinois citizens to resolve matters in dispute with State and federal agencies; and
WHEREAS, The General Assembly realizes that the sport of field trialing has a long and well-established history in Illinois dating back to prestigious events such as the American Field Quail Futurity and the All-American Quail Championship, trials no longer held in Illinois; and
WHEREAS, The sport of field trialing has avid followers from around the United States from which Illinois receives economic benefit; the sport of field trialing has been in some decline in Illinois due to the loss of public land on which to contest the sport; through positive action, the State of Illinois can once again become a leader in the sport; and
WHEREAS, There is a compelling need to provide a bright future for the sport of field trialing for future generations; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Department of Natural Resources is strongly encouraged to develop the recently acquired Perry County area for horseback and other field trials, and to devote enough acreage on the Perry County area to develop six championship horseback field trial courses of sufficient length and quality to ensure field trials of the highest order can be contested; and be it further
RESOLVED, That the most modern habitat restoration and management practices be employed on the Perry County area to develop wild game and game bird populations of a magnitude to support these field trials; that field trial facilities of sufficient quality and number including stables, parking lots, pastures, dog kennels, clubhouses, and other such facilities, as may be required, be developed in the Perry County area; and that priority be given to field trial interests in the Perry County area; and be it further
RESOLVED, That the Department of Natural Resources is strongly encouraged to consider additional land acquisition in Hamilton County in the vicinity of its existing properties to expand field trialing where the sport has enjoyed a long history; and be it further
RESOLVED, That a suitable copy of this resolution be delivered to the Department of Natural Resources.
Adopted by the Senate, May 21, 2001.

ILLINOIS GROWTH TASK FORCE
(House Joint Resolution 10)

WHEREAS, Illinois' 76,000 farmers are the stewards of much of our land base and grow the crops and livestock we all rely on for food, while maintaining open space, scenic views, and wildlife habitat and together comprise Illinois' leading industry; and

WHEREAS, In many parts of Illinois prime farmland faces intense development pressure; and

WHEREAS, It is critically important for Illinois to develop sound and balanced public policies that address farmland and open space needs while preserving the availability and affordability of housing for our citizens; and

WHEREAS, The development of sound land use, housing, and transportation policies would be enhanced by bringing together public officials and private organizations who are dedicated to dealing effectively with these issues; and

WHEREAS, Better planning could guide new development to locations where public infrastructure is already in place or nearby, thus reducing damage to the environment and helping sustain our rural heritage; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Illinois Growth Task Force:

(a) The Task Force consists of at least 12 members and not more than 24 members chosen according to the following requirements:

(1) Six voting members appointed from the House of Representatives, with 3 members appointed by the Speaker and 3 members appointed by the Minority Leader;

(2) Six voting members appointed from the Senate, with 3 members appointed by the President and 3 members appointed by the Minority Leader;

(3) Up to 12 non-voting members appointed from pertinent fields or disciplines by the legislative members of the Task Force, by majority vote, from the following categories:
   (A) Agriculture;
   (B) Environment;
   (C) Local government;
   (D) Real Estate;
   (E) Regional planning;
   (F) Building trades and construction;
   (G) Business;

(b) A majority of the legislative appointees shall select a legislative member of the Task Force to serve as chairperson;

(c) The Lieutenant Governor, the Director of Agriculture, the Director of Commerce and Community Affairs, the Director of the Environmental Protection Agency, the Director of Natural Resources, the Secretary of Transportation, and the Chairman of the Illinois Housing Development Authority, or their designees, shall serve as advisory non-voting delegates to the Task Force;

(d) The Task Force has the following objectives:

(1) Conduct a series of public hearings throughout the State to discuss with citizens in different regions their visions and plans for Illinois in the 21st Century with respect to land use, housing and transportation priorities, and the preservation of open space, farmland, and natural areas;

(2) Develop a set of statewide land use, housing, and transportation goals, based on the testimony of citizens at the task force hearings around Illinois;

(3) Propose enabling legislation and identify revenue resources and incentives to meet the goals of the Task Force;
(4) Review existing State statutes affecting farmland and development to identify gaps and duplications;

(5) Review State and regional land use and transportation policies and priorities to determine their impact on regional development patterns, farmland, agriculture, open space, and housing, and recommend appropriate changes in policy and funding priorities;

(6) Review State and regional land use, planning, and zoning policies to determine their impact on agriculture, open space, and housing, and recommend appropriate changes in policy and funding priorities to promote balanced growth;

(7) Review the policies and programs of other states to identify successful legislative and policy initiatives that could be adapted for Illinois to ensure sustainable growth in the 21st century;

(8) Discuss formation of a permanent working group or commission on growth issues, including designation of a lead State agency;

(e) The Task Force shall receive the assistance of legislative staff, legislative agencies, and, upon request, private and public organizations;

(f) The members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose; and be it further

RESOLVED, That the Illinois Growth Task Force shall meet as soon as possible after at least 9 legislative members have been appointed, shall hold public hearings, and shall report its findings and recommendations to the General Assembly by filing a copy of its report with the Clerk of the House and the Secretary of the Senate on or before the second Tuesday of January 2001; and that upon filing its report the task force is dissolved.

Adopted by the House, May 14, 1999.
Concurred in by the Senate, May 27, 1999.

ILLINOIS LEGISLATIVE TASK FORCE ON FAIRNESS IN HEALTH CARE SERVICES
(Senate Joint Resolution 33)

WHEREAS, Health care service contracts between insurers, health plans, businesses, unions, health care professionals and health care providers have become the primary method of arranging for the delivery of health care to the people of Illinois; and

WHEREAS, The Illinois General Assembly is currently debating the Fairness in Health Care Services Contracting Act which attempts to ensure that both parties to a contract for the provision of health care services understand the terms and conditions for the provision of those services; and

WHEREAS, The professional services contracts entered into between health care plans and health care professionals and health care providers have a significant impact on the delivery of health care services to the people of Illinois; and

WHEREAS, The relationship between the health care plan contract with the professionals and providers is akin to the insurance policy for coverage with the insureds or enrollees; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created the Illinois Legislative Task Force on Fairness in Health Care Services Contracting consisting of six voting members; two of whom shall be members of the Senate appointed by the President of the Senate, one of whom shall serve Co-chairperson, one of whom shall be a member of the Senate appointed by the Minority Leader of the Senate, two of whom shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall serve as Co-chairperson, one of whom shall be a member of the House of Representatives appointed by the Minority Leader of the House of Representatives; the Director of Insurance or his or her designee, the Director of Public Health or his or her designee, the Director of Public Aid or his or her designee, and the Director of Central Management Services or his or her designee shall serve as ex officio non-voting members of the Task Force; and be it further
RESOLVED, That the meetings of the Task Force shall be held at the call of the Co-chairpersons and that the non-voting members of the Task Force shall serve without compensation; and be it further
RESOLVED, That the Task Force shall study the health plan professional and provider services contracting process; and be it further
RESOLVED, That the Task Force shall report its recommendations to the General Assembly and Governor on or before January 15, 2002.
Adopted by the Senate, May 21, 2001.

KENNETH R. BOYLE
(House Joint Resolution 70)

WHEREAS, It is the policy of the State of Illinois to celebrate the work of conscientious Illinoisans by naming structures and facilities in their honor; and
WHEREAS, Throughout the city of Springfield - Illinois' seat of government - there are structures named for presidents, senators, representatives, and dedicated civil servants; and
WHEREAS, Few Illinois citizens have devoted as much time and energy on behalf of shaping sound public policy as Kenneth R. Boyle; and
WHEREAS, Much of Mr. Boyle's professional life was dedicated to the administration of justice through service as the State's Attorney of Macoupin County; and
WHEREAS, It was through that service that he learned of the need for creating and fostering a network for local prosecutors to improve professionalism and to provide a framework to combat crime and litigate appellate criminal proceedings with the same sophistication as that available to the defense; and
WHEREAS, In that regard, Kenneth R. Boyle helped create the State's Attorneys Appellate Service Commission, serving as its chairperson and executive director of the successor State's Attorneys Appellate Prosecutor's Office; therefore be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that in recognition of these contributions and many others, the current headquarters of the State's Attorneys Appellate Prosecutor's Office at 725 Second Street be named the Kenneth R. Boyle Center and that a suitable plaque be erected at the site.
Adopted by the House, April 15, 2000.
Concurred in by the Senate, April 15, 2000.

NATIONAL CONFERENCE OF STATE LEGISLATURES
(House Joint Resolution 27)

WHEREAS, It is the purpose of the National Conference of State Legislatures (NCSL) to (1) advance the effectiveness, independence, and integrity of the legislatures as equal coordinate branches of government in the states and territories of the United States and the Commonwealth of Puerto Rico; (2) seek to foster interstate cooperation; (3) vigorously represent the states and their legislatures in the American federal system of government; and (4) work for the improvement of
the organization, processes, and operations of the state legislatures, the knowledge and effectiveness of individual legislators and staff, and the encouragement of the practice of high standards of personal and professional conduct by legislators and staffs; and

WHEREAS, The NCSL annual conference, since its inception in 1975, has been held in such celebrated American cities as Philadelphia, New York, San Francisco, Boston, New Orleans, Indianapolis, Orlando, and Denver, with Chicago hosting the event in 1982; and

WHEREAS, Pursuant to the vote of the Executive Committee of the National Conference of State Legislatures in December of 1994, Chicago, Illinois was selected and will serve as the host city and state for the 2000 NCSL Annual Conference; and

WHEREAS, The city of Chicago, with its great cultural wealth, vast diversity, and prominence as a global center of conventions and tourism, serves as an ideal setting to host such a prestigious national event; and

WHEREAS, By hosting a conference of such magnitude in the State of Illinois and the city of Chicago, both the city and the State will benefit from the influx of public and private sector revenue as well as the distinction associated with such an event; and

WHEREAS, The development and implementation of a concise plan to successfully fulfill the goals and high aspirations of the annual NCSL conference require an extensive logistical and preparatory approach; and

WHEREAS, Through its adoption in 1998 of Senate Joint Resolution 44, the Ninetieth General Assembly of the State of Illinois realized the necessity to create a special committee to develop a succinct plan to bring to fruition and enhance the high standards that have been set by previous hosts of the annual NCSL conference, and this General Assembly recognizes the importance of continuing the efforts of such a committee; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created a Host Committee for the National Conference of State Legislatures (NCSL) annual conference to be held in Chicago, Illinois in the year 2000; and be it further

RESOLVED, That the Host Committee shall consist of two members of the House of Representatives appointed by the Speaker of the House of Representatives, who shall designate one appointee as co-chairperson of the Host Committee, two members of the House of Representatives appointed by the Minority Leader of the House of Representatives, two members of the Senate appointed by the President of the Senate, who shall designate one appointee as co-chairperson of the Host Committee, and two members of the Senate appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That the co-chairpersons may appoint additional members to serve on the Host Committee; and be it further

RESOLVED, That the Mayor of Chicago, the Executive Director of the Chicago Convention and Tourism Bureau, and the Director of Commerce and Community Affairs shall serve as ex-officio, non voting members of the Host Committee; and be it further

RESOLVED, That members of the Host Committee shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their official duties; and be it further

RESOLVED, That the Host Committee may hire staff to advance the objectives of the Committee; and be it further

RESOLVED, That under the direction of the Host Committee, the Department of Commerce and Community Affairs and all legislative support services agencies shall provide support services and assistance; and be it further

RESOLVED, That the Host Committee shall formulate a plan for the procedures and activities of the conference; and be it further

RESOLVED, That the Host Committee shall undertake both public and private sector fundraising initiatives to support and defray the costs associated with hosting the conference; and be it further

RESOLVED, That suitable copies of this resolution shall be distributed to the Mayor of
Chicago, the Executive Director of the Chicago Convention and Tourism Bureau, the Director of Commerce and Community Affairs, and the executive directors of the legislative support services agencies.

Concurred in by the Senate, May 21, 1999.

REMEMBRANCE OF PEARL HARBOR
(Senate Joint Resolution 6)

WHEREAS, On December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of armed forces of the United States stationed at Pearl Harbor, Hawaii; and
WHEREAS, More than 2,400 citizens of the United States were killed and more than 1,100 citizens of the United States were wounded in the attack on Pearl Harbor; and
WHEREAS, The attack on Pearl Harbor marked the entry of the United States into World War II; and
WHEREAS, The veterans of World War II and all Americans commemorate December 7 in remembrance of the attack on Pearl Harbor; and
WHEREAS, Commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II; therefore be it
RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that all State agencies, school districts, and interested organizations, groups, and individuals are urged to fly the flag of the United States at half-staff each December 7 in honor of the men and women who died as a result of the attack on Pearl Harbor; and be it further
RESOLVED, That suitable copies of this resolution be presented to the Governor and the Superintendent of the State Board of Education.
Adopted by the Senate, May 21, 2001.

SAVE ILLINOIS MILITARY BASES
(House Joint Resolution 20)

WHEREAS, During recent budget negotiations, President Clinton called for two additional rounds of defense base realignment and closure (BRAC) in Fiscal Years 2001 and 2005; Illinois has four military bases in danger of being closed; the shutdown of any of these four military bases would have extremely adverse economic and social effects upon the local communities around the bases and to the State of Illinois as a whole; and
WHEREAS, Scott Air Force Base, located in St. Clair County in Southwestern Illinois, is the seventh largest employer in the bi-state St. Louis metropolitan area and one of the largest employers in downstate Illinois; nearly 40,000 individuals are connected with Scott Air Force Base, as either military or civilian personnel, their dependents, and retirees; the loss of these individuals and their families and retirees would have an adverse impact upon the communities in Southwestern Illinois; a recent Air Force analysis has estimated the annual impact of Scott Air Force Base is over $1 billion; the closure of this base would have a devastating economic impact upon the region and the State of Illinois as a whole; and
WHEREAS, The Charles Melvin Price Support Center, located in Madison County, is in the process of being declared excess property and State support is needed to keep this base from closing; if efforts to keep this base open are unsuccessful, State support is needed for successful redevelopment to assist the local community with environmental remediation of the site and infrastructure improvements to the site in order to improve the economic situation in this area; and
WHEREAS, The Rock Island Arsenal, located in Rock Island, Illinois, is the second largest employer in the Quad City region; the base was originally built in 1816 and is a National Historic
Landmark; 28,110 individuals are directly affected by the Rock Island Arsenal, including personnel, their families, and retirees; the Department of Commerce and Community Affairs estimates that the annual economic impact of this base to be $548 million to the Quad Cities and the State of Illinois; the closure of the Rock Island Arsenal would have a dramatically negative effect upon the Quad Cities area and the State of Illinois; and

WHEREAS, The Great Lakes Naval Training Center, located North of Chicago, is an important economic and social influence on the surrounding communities; 28,500 individuals are tied to the base, as either military personnel, family members, or civilian employees; the Training Center also includes the 139 bed Great Lakes Naval Hospital; the termination of the Great Lakes Naval Training Center would have an adverse effect upon the surrounding community, the City of Chicago, and the State of Illinois; and

WHEREAS, Other states have made a significant effort to protect and retain the military bases in their respective states; last year Mississippi spent nearly $50 million to take steps to protect its military bases; New York will spend nearly $2.5 million to protect its Air Force Base in Rome, N.Y.; states in the Southwestern region of the United States have banded together in a joint effort to protect and retain their bases; and

WHEREAS, Governor George Ryan and members of the General Assembly representing the areas most directly affected by potential base closures are taking a leading role to enlist State assistance to help local communities, as other states have done; all four military bases are vital economically and important to the community life in the surrounding areas, as well as, a benefit to the entire State of Illinois; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the General Assembly and the Governor to make the effort of saving the bases a top priority by having the Department of Commerce and Community Affairs be the lead agency to coordinate and assist local and State efforts to save Illinois' military bases; we urge the State to provide financial assistance to State agencies, local government, and other local entities, subject to appropriations, to help the effort to save the bases; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the Speaker of the Illinois House of Representatives, and the President of the Illinois Senate.

Adopted by the House, May 21, 1999.
Concurred in by the Senate, May 27, 1999.

SCHOOL DISTRICT WAIVER REQUEST (HOUSE)
(House Joint Resolution 26)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated April 22, 1999, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the school district waiver request identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

<table>
<thead>
<tr>
<th>Identification of School District</th>
<th>Waiver Request</th>
<th>Subject of Waiver Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elk Grove Township CCSD 59-</td>
<td>WM199-1113-1(A)</td>
<td>Charter Schools</td>
</tr>
</tbody>
</table>

Adopted by the House, May 21, 1999.
Concurred in by the Senate, May 21, 1999.
School District Waiver Requests (Senate)
(Senate Joint Resolution 42)

WHEREAS, The State Board of Education has filed its report on Waiver of School Code Mandates, dated September 28, 2001, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; and

WHEREAS, We are disapproving school district requests for waivers relating to substitute certificates because Public Act 92-184 just became law on July 27, 2001, allowing certain substitute teachers to teach for more than 90 days, and this change in current law is for only 3 years while the waiver request is for 5 years; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Mount Prospect SD 57- Cook, WM 100-2072, statement of affairs;
(2) Lake Bluff ESD 65- Lake, WM 100-1885-3, substitute certificates;
(3) Ridgewood CHSD 234- Cook, WM 100-1890, substitute certificates;
(4) Savanna CUD 300- Carroll, WM 100-1891, substitute certificates;
(5) Norridge SD 80- Cook, WM 100-1914-3, substitute certificates; and
(6) East Prairie SD 73- Cook, WM 100-1986, substitute certificates.

Adopted by the Senate, November 28, 2001.
Concurred in by the House of Representatives, November 28, 2001.

Standards for Certification of Special Education Teachers (House)
(House Joint Resolution 61)

WHEREAS, Improving educational results for children with disabilities is an essential element of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities; and

WHEREAS, It is the policy of this State to ensure that all children with disabilities have available to them a free, appropriate public education, in the least restrictive environment, that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; and

WHEREAS, A highly skilled and qualified special education teacher workforce is critical to ensuring that children with disabilities will have the skills and knowledge necessary to meet their developmental goals, to meet, to the maximum extent possible, those challenging expectations that have been set for all children, and to be prepared to lead productive, independent adult lives; and

WHEREAS, More than 2 years ago, the State Board of Education began working with a wide variety of stakeholders to identify standards that Illinois teachers need to know and be able to do to earn initial certification; and

WHEREAS, That process was accelerated with respect to special education teachers as a result of the Corey H. lawsuit and settlement agreement; and

WHEREAS, The State Board of Education has proposed a new special education certification structure that recognizes a common core of instructional skills that special education teachers need in working with their students; and

WHEREAS, The General Assembly is concerned that children with disabilities be provided with the most effective and appropriately trained special education teachers; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that the State Board of Education is directed to refrain from implementing any new
system for the certification of special education teachers until January 1, 2001 and to consult with the legislative leadership and appropriate committees before implementation; and be it further

RESOLVED, That such consultation shall include but not be limited to (i) the provision of a written rationale for any decision, including alternatives considered, by the State Board of Education to implement a new system for the certification of special education teachers and (ii) participation by the State Board of Education in a hearing or hearings before the appropriate legislative committee or committees; and be it further

RESOLVED, That such committees of the House and Senate as may be directed by the Speaker of the House and President of the Senate, respectively, hold hearings and study the issue of the certification of special education teachers and report their findings and recommendations back to their respective chambers by no later than December 15, 2000; and be it further

RESOLVED, That the State Board of Education is directed to provide such information as may be requested by the study committees to assist them in carrying out their work; and be it further

RESOLVED, That suitable copies of this resolution be sent to the State Board of Education, the State Superintendent of Education, and the State Teacher Certification Board.

Adopted by the House, April 13, 2000.
Concurred in by the Senate, April 15, 2000.

STANDARDS FOR CERTIFICATION OF SPECIAL EDUCATION TEACHERS (SENATE) (Senate Joint Resolution 26)

WHEREAS, On October 12, 2000, the State Board of Education adopted an amendment by peremptory rulemaking for rules titled "Certification" (23 Ill. Adm. Code 25; 24 Ill. Reg. 16109); and

WHEREAS, The peremptory amendment adopted by the State Board of Education repeals a rule limiting special education teachers with certificates endorsed for specific disabilities to teaching only students with those disabilities; and

WHEREAS, This rulemaking is in response to a court order issued on September 12, 2000, in Corey H., et al., v. Board of Education of City of Chicago, et al., No. 92 C 3409 (9/12/00, U.S. District Court for the Northern District of Illinois, Eastern Division); among the dispositions by the court-appointed monitor was a requirement that the State Board of Education repeal, via peremptory rulemaking, categorical certification language from 23 Ill. Adm. Code 25, Appendix C; and

WHEREAS, The Joint Committee on Administrative Rules, during its review of the peremptory rulemaking as directed by the Illinois Administrative Procedure Act, determined that the continued enforcement of this rulemaking would constitute a serious threat to the public interest, safety, and welfare and particularly the welfare of this State's special education students; implementation of this rulemaking may result in unqualified teachers being assigned to students for whom the teacher has no training or preparation; and

WHEREAS, Based on this determination, the Joint Committee on Administrative Rules suspended this rulemaking; and

WHEREAS, Because Section 5-125 of the Illinois Administrative Procedure Act states that a suspension of an agency's peremptory rulemaking is effective for a period of at least 180 days, the suspension issued by the Joint Committee on Administrative Rules, which commenced on February 21, 2001, will terminate on August 19, 2001, unless continued by the adoption of this joint resolution by both houses of the General Assembly as provided in subsection (c) of Section 5-125 of the Illinois Administrative Procedure Act; and

WHEREAS, On October 27, 2000, the State Board of Education adopted new rules through a second peremptory rulemaking titled "Standards for Certification in Special Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738); and

WHEREAS, The peremptory rules adopted by the State Board of Education create 2 categories of special education teachers, Learning Behavior Specialist (LBS) I and II, and create a common core of standards for all special education teachers and specific content-area standards
for LBS I (deaf or hard-of-hearing, blind or visually impaired, or a combination of both) and LBS II (speech-language pathologists, early childhood special education teachers, and learning behavior specialists); LBS II persons can be further categorized as specialists, i.e. as a transition specialist, technology specialist, bilingual special education specialist, blind specialist, behavior intervention specialist, curriculum adaptation specialist, or multiple disabilities specialist; and

WHEREAS, The standards will affect both special education teachers and the academic programs that prepare them; beginning on July 31, 2002, special education teacher preparation programs will be not approved by the State Board of Education if they do not include these new common core standards; beginning on January 1, 2003, any examination required for special education certification must assess the candidate's competence in relation to these standards; for each category of special education (deaf, early childhood, etc.), a teacher must understand the foundations of special education, characteristics of the relevant category of students, assessment procedures, instructional planning and delivery, learning environments, collaborative relationships, professional conduct and leadership, and reflection and professional growth; and

WHEREAS, This second peremptory rulemaking is in response to the court order in which the State Board of Education was directed to adopt the peremptory rules for special education teacher certification standards; and

WHEREAS, The Joint Committee on Administrative Rules, during its review of the second peremptory rulemaking as directed by the Illinois Administrative Procedure Act, determined that the continued enforcement of this rulemaking would constitute a serious threat to the public interest and welfare and that the reasons for the suspension are as follows:

(1) educational professionals have argued that the teacher training scenario outlined in this rulemaking will result in teachers who are not as qualified to teach children with special needs as are teachers trained under the previous standards;

(2) the rules place an unreasonable economic burden on special education teachers who will be required to undergo additional training for the new certification, on school districts that will need to hire special education teachers with appropriate credentials and to supply supplemental services to assist the children with disabilities in regular classroom instruction, on higher education facilities that will need to revamp their teacher preparation programs to implement these new special education common core standards, and on the State Board of Education, which is charged with implementing the new certification program standards; and

(3) the economic hardship being created by this rulemaking could result in the availability of fewer qualified teachers to serve special education students; and

WHEREAS, Based on this determination, the Joint Committee on Administrative Rules suspended the second peremptory rulemaking; an

WHEREAS, Because Section 5-125 of the Illinois Administrative Procedure Act states that a suspension of an agency's peremptory rulemaking is effective for a period of at least 180 days, the suspension issued by the Joint Committee on Administrative Rules, which commenced on January 9, 2001, will terminate on July 7, 2001, unless continued by the adoption of this joint resolution by both houses of the General Assembly as provided in subsection (c) of Section 5-125 of the Illinois Administrative Procedure Act; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HERELN, that the General Assembly hereby continues the 2 suspensions issued by the Joint Committee on Administrative Rules on January 9, 2001, and February 21, 2001, respectively, of the State Board of Education's 2 peremptory rulemakings titled "Standards for Certification in Special Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738) and "Certifications" (23 Ill. Adm. Code 25; 24 Ill. Reg. 16109); and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Executive Director of the Joint Committee on Administrative Rules and to the State Superintendent of Education.

Adopted by the Senate, May 21, 2001.
TASK FORCE ON SCHOOL SAFETY
(House Joint Resolution 63)

WHEREAS, This General Assembly adopted Senate Joint Resolution 46 on December 2, 1999 to give the Task Force on School Safety, initially created under Public Act 91-491, additional time to carry out its work by requiring the task force to submit a report by July 1, 2000 instead of January 1, 2000; and
WHEREAS, Additional time is needed to carry out the work of the task force; therefore be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Task Force on School Safety consisting of 2 members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, 2 members of the House of Representatives appointed by the Speaker of the House, one member of the House of Representatives appointed by the Minority Leader of the House, 2 regional superintendents of schools appointed by the State Superintendent of Education, one teacher who is a member of the Illinois Federation of Teachers and appointed by the State Superintendent of Education, one teacher who is a member of the Illinois Education Association and appointed by the State Superintendent of Education, one member of the Illinois Sheriffs' Association appointed by the Governor, one member of the State's Attorneys Association appointed by the Governor, one member of the Illinois Public Defenders Association appointed by the Governor, one member of the Illinois Violence Prevention Authority appointed by the Governor, one member appointed by the Governor, one member of the Illinois Principals Association appointed by the Illinois Principals Association, 2 superintendents of school districts appointed by the State Superintendent of Education, one member of the Office of the Illinois Attorney General appointed by the Attorney General, one member of the Illinois Association of Chiefs of Police appointed by the Governor, one member of the Department of State Police appointed by the Governor, and the State Superintendent of Education or the State Superintendent of Education's designee; and be it further
RESOLVED, That any appointments made as of May 1, 2000 to fill any of the positions mentioned in this resolution shall carry over and remain in effect for the purpose of this resolution; and be it further
RESOLVED, That the task force shall meet initially at the call of the Speaker of the House and the President of the Senate, shall select one member as chairperson at its initial meeting, shall thereafter meet at the call of the chairperson, shall identify and review all school safety programs offered by schools and State agencies and make recommendations of successful programs, including without limitation peer mediation, shall study alternative education programs and their current status, waiting lists, and capital needs, shall, in cooperation with the State Board of Education, develop uniform criteria to be implemented in school safety plans, shall make recommendations on the streamlining, centralization, and coordination of school safety resources and programs offered by various entities, agencies, and government units, and shall submit a report on its findings and recommendations to the General Assembly and the Governor by December 31, 2000; and that upon filing its report the task force is dissolved; and be it further
RESOLVED, That suitable copies of this resolution be delivered to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, the Minority Leader of the House, the Governor, the State Superintendent of Education, the Illinois Principals Association, and the Attorney General.
Adopted by the House, April 13, 2000.
Concurred in by the Senate, April 15, 2000.

YEAR 2000 PREPAREDNESS DAY
(House Joint Resolution 8)

WHEREAS, Units of local government and school districts throughout the State are grappling with the problems presented by the need for computer recognition of date changes in the
WHEREAS, The enormity of this impending crisis may overwhelm the ability of some units of local government and school districts to properly focus the resources and talents of their officials and employees on facing the challenges posed by the year 2000 dilemma; and
WHEREAS, For counties, municipalities, special districts, and school districts of every size in Illinois, a lack of preparedness for the year 2000 may affect a broad scope of activities ranging from constituent services to office administration and could result in consequences that endanger public health and safety and wreak financial havoc with public budgets; and
WHEREAS, As with any massive undertaking, a sharing of information and ideas may inspire creative solutions and engender cooperative efforts that render the year 2000 computer reliance problems more manageable; therefore be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the units of local government and school districts throughout Illinois to cooperate in their approaches to dealing with the year 2000 computer date recognition problem, and that in that spirit we declare August 1, 1999 as Year 2000 Preparedness Day in this State; and be it further
RESOLVED, That we urge municipalities on that day to invite representatives of their counties and of neighboring villages, school districts, and special districts to a public meeting at which they may discuss the problems confronting them, possible solutions, and priorities for implementing policies and procedures; and be it further
RESOLVED, That we also urge the hosting municipalities to seek input and participation in these public meetings from computer compliance experts and from the businesses and organizations within their communities that will be affected by year 2000 computer problems and may already have experience in addressing those problems; and be it further
RESOLVED, That we also urge units of local government and school districts throughout the State to keep their communities informed of their progress in overcoming year 2000 computer date recognition problems and to alleviate public concerns by responding to inquiries in a forthright and open manner; and be it further
RESOLVED, That suitable copies of this resolution be presented to each member of the General Assembly for distribution to the municipalities in his or her district.
Adopted by the House, March 19, 1999.
Concurred in by the Senate, May 20, 1999.

YOUTH-AT-RISK COMMISSION
(House Joint Resolution 4)

WHEREAS, The multiple problems of truant, at-risk, out-of-school, disruptive, and delinquent youth are a growing concern of educators, service providers, and citizens of the State; and
WHEREAS, Truancy, dropping out, and delinquency can lead to more serious problems for these youths and their communities; and
WHEREAS, Cooperation and coordination between local law enforcement authorities, juvenile courts, and State and local governments and a coordination of the efforts of those agencies that have jurisdiction over or responsibility for truant, at-risk, out-of-school, disruptive, and delinquent youth provide the best chance for ensuring the educational and career success of that population; and
WHEREAS, Local communities need to significantly increase their ability to effectively supervise and educate this truant, at-risk, out-of-school, disruptive, and delinquent population and to assist such youth in developing appropriate behavior and achieving academic and career successes; and
WHEREAS, Research supports the concept that intervention and prevention programs have long-term benefits and are more cost-effective than detention or incarceration or social dependence; and
WHEREAS, There is a significant demand for bed space in detention facilities and a high rate of recidivism among juveniles; and
WHEREAS, A standards-based education system requires that all learners be provided with essential support and a range of learning opportunities to meet or exceed State learning goals; and
WHEREAS, Current services for these youth are fragmented, unevenly distributed, and of varying quality; and
WHEREAS, A detailed study of systems that impact that population can provide complete information to guide the development and implementation of educational programs beneficial to such youth; therefore be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That the Commission on Truant, At-Risk, Out-of-School, Disruptive, and Delinquent Youth (hereinafter referred to as the "Commission" or "Youth-At-Risk Commission") is created, consisting of 23 members as follows:
One representative of the Department of Public Aid, to be appointed by the Director of Public Aid;
One representative of the Department of Human Services, to be appointed by the Secretary of Human Services;
One representative of the Office of the Attorney General, to be appointed by the Attorney General;
One representative of the Illinois Juvenile Justice Commission, to be appointed by the Chairperson of the Illinois Juvenile Justice Commission;
One representative of the Department of Children and Family Services, to be appointed by the Director of Children and Family Services;
One representative of the Department of Corrections, to be appointed by the Director of Corrections;
One representative of the State Board of Education, to be appointed by the Chairperson of the State Board of Education;
Two members of the Senate, one each to be appointed by the President and the Minority Leader of the Senate;
Two members of the House of Representatives, one each to be appointed by the Speaker and the Minority Leader of the House of Representatives;
One regional superintendent of schools, to be appointed by the President of the Illinois Association of Regional Superintendents of Schools;
Two teacher's union representatives, one each to be appointed by the Presidents of the Illinois Education Association and the Illinois Federation of Teachers;
One representative of the Illinois School Management Alliance, to be appointed by the Illinois School Management Alliance;
One representative of the public community college system, to be appointed by the Chairman of the Illinois Community College Board;
One representative of the Illinois Parent Teacher Association, to be appointed by the President of the Illinois Parent Teacher Association;
One representative of the Chicago Public Schools, to be appointed by the Chief Executive Officer of the Chicago Public Schools;
One member who shall be appointed by the Governor to serve as the Chairperson of the Commission; and
Two experts in the field of truancy, at-risk youth, or alternative education, to be appointed by the Chairperson of the Commission; and be it further
RESOLVED, That the Youth-At-Risk Commission shall meet initially at the call of its Chairperson, provided that the Commission may not hold its first meeting or hearing until at least 11 members, including the Chairperson, have been appointed; and be it further
RESOLVED, That all members of the Commission shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties from funds appropriated for the expenses of joint legislative committees or commissions; and be it further
RESOLVED, That the Commission shall study the complicated issues surrounding truant,
at-risk, out-of-school, disruptive, and delinquent youth, that study to take into account the following:

(1) The current extent of the need in Illinois for services for the social and academic needs of truant, at-risk, out-of-school, disruptive, and delinquent youth;

(2) The effectiveness of existing social and academic programs in Illinois that serve these youth populations, and the impact of existing programs on safety and the learning environment of elementary and secondary schools;

(3) Nationally recognized programs that have been successful in meeting the social and academic needs of these youth populations;

(4) The total cost of providing social and academic services through local schools and communities for these youth populations;

(5) The current level of funding provided to State and local entities serving these youth populations; and

(6) Recommended strategies for serving the social and academic needs of youth returning from the Department of Corrections or detained in youth detention facilities; and

be it further
RESOLVED, That the Youth-At-Risk Commission shall file with the Governor and the General Assembly, on or before December 31, 1999, a written report of its findings, recommendations, and proposed legislation concerning truant, at-risk, out-of-school, disruptive, and delinquent youth; and that upon filing its report the Commission is dissolved.

Adopted by the House, March 12, 1999.
Concurred in by the Senate, April 26, 1999.
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WHEREAS, severe cold weather continues to seriously affect supplies of petroleum products; and
WHEREAS, on December 15, 2000, I signed Executive Order 16 (2000), wherein I declared that a state of emergency exists in Illinois that required the temporary relief from regulations incorporated in the Illinois and Federal Statutes and Regulations pertaining to the hour of service for motor carriers and rivers of commercial motor vehicles while transporting propane, heating oil and motor fuel; and
WHEREAS, the Executive Order 16 (2000) is in effect until 11:59 P.M. CST, January 3, 2001; and
WHEREAS, these severe weather conditions continue to create lengthy lines at propane terminals requiring delivery truck drivers, subject to Federal Motor Carrier Safety Regulations, to expend several more 'on duty' hours waiting for their trucks to be loaded resulting in an inordinate loss of available driving time under current regulations; and
WHEREAS, this situation has resulted in distribution and delivery problems and has affected the availability of propane, heating and motor fuels which could threaten the health and safety of Illinois citizens due to the inability to deliver these fuels; and
WHEREAS, Section 390.23 of the Federal Motor Carrier Safety Regulations provides that a Governor of a State may declare an emergency thereby exempting motor carriers or drivers operating a commercial motor vehicle from Parts 390 through 399 of the Federal Motor Safety Regulations (49 CFR 390.223);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, hereby order the following:

1. A state of emergency still exists that requires relief from regulations incorporated in Illinois and Federal Statutes and Regulations pertaining to hours of service for motor carries and drivers of commercial motor vehicles, while transporting propane, heating and motor fuels (49 CFR, Part 395).

2. That nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least eight consecutive hours off-duty before the driver is required to return to service.

4. Upon the expiration of the effective date of this emergency order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 24 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.


Issued by the Governor January 2, 2001.

Filed with the Secretary of State January 2, 2001.
WHEREAS, the State of Illinois must obtain and maintain an adequate and continuous supply of dependable, economical and safe energy for the people of the State in order to protect the health and welfare of its people and promote the state’s economic growth; and

WHEREAS, the State of Illinois must encourage conservation practices and strive to promote the development and use within the State of renewable energy sources; and

WHEREAS, recent developments and volatility experienced in the energy market by citizens of this State and others throughout the nation demonstrates the need to develop and maintain a strong energy policy, and to create a framework for handling energy-related issues in the most effective manner; and

WHEREAS, because of the varied missions and responsibilities of the several state agencies with programs and policies that affect energy-related decisions and investments in Illinois, State government must do its part by developing a commitment to a fully coordinated and integrated process that will lead to better informed decisions, and to the establishment of comprehensive long-range goals, strategies and investments as part of an overall State energy policy;

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby order the following:

1. There is created an Energy Cabinet, co-chaired by the Senior Advisor to the Governor on Environment and Natural Resources and the Senior Advisor to the Governor on Regulatory Affairs.

2. The Energy Cabinet Members shall include as permanent members: the Directors of the Department of Commerce and Community Affairs, Department of Natural Resources, Department of Nuclear Safety, Environmental Protection Agency, Department of Agriculture and the Chairman of the Illinois Commerce Commission. The Cabinet may also seek the ad hoc participation of other State departments, agencies, boards and commissions, public interest groups and private organizations, as necessary or appropriate.

3. The Mission and objectives of the Cabinet will include, but not be limited to, the following:
   - development of a more meaningful state energy policy.
   - coordination of key decisions impacting the continuous supply of dependable, economical and safe energy resources for the people of the State.
   - fostering, encouragement and promotion of alternative and renewable energy resources and energy efficiency developments and improvements.
   - identification and maximization of State, federal and private assistance for energy related problems and projects.
   - work with the General Assembly on key energy issues particularly those issues that may develop as the State continues to transition towards an electric services deregulated market.

4. The Energy Cabinet shall meet monthly, unless more frequent meetings are needed to effectively address developments in the State or nation that require a State response.
5. The Chairman of the Clean Energy Community Foundation will also be invited to participate in the Cabinet meetings when appropriate and as he or she wishes.

6. This Executive Order shall be effective immediately.

Issued by the Governor January 3, 2001.
Filed with the Secretary of State January 3, 2001.

2001-3
EXECUTIVE ORDER CREATING THE GOVERNOR’S ILLINOIS LEWIS AND CLARK BICENTENNIAL COMMISSION

WHEREAS, Lewis and Clark began their historic westward expedition through the United States in Illinois; and
WHEREAS, their first camp was pitched on December 12, 1803, at a site located in the Wood River/Hartford area of Madison County at the confluence of the Mississippi and Missouri rivers; and
WHEREAS, there is a national effort underway to commemorate the bicentennial anniversary of the Lewis and Clark Expedition, one of the most ambitious and well-document ed explorations of the American West; and
WHEREAS, the years 2003 and 2004 will mark the bicentennial anniversary of the Expedition’s preparation and launch in Illinois; and
WHEREAS, many Illinois tourism, historical, and conservation groups are beginning preparations for events and activities to commemorate the Lewis and Clark Expedition in Illinois; and
WHEREAS, it is desirable to create a Commission to prepare Illinois as the official launch site and initial host of the bicentennial celebration of the Lewis and Clark Expedition Bicentennial during the years of 2003-2004.

THEREFORE, I, George Ryan, order the following:

I. ESTABLISH
There shall be established the Governor’s Illinois Lewis and Clark Bicentennial Commission (the Commission).

II. PURPOSE
The purpose of the Commission shall include, but not be limited to the following:
A. Lead the Illinois planning efforts to commemorate the significance of the Lewis and Clark Expedition to our state and national history.
B. Research and make prioritized recommendations outlining the most effective and beneficial means for the State of Illinois to commemorate the Lewis and Clark Expedition.
C. Identify and pursue resources that Illinois agencies and communities will need to effectively commemorate the bicentennial.
D. Implement recommendations by working with the Governor’s Office, appropriate state and local government agencies, members of the Illinois General Assembly, and organizations that are dedicated to commemorating the Lewis and Clark Bicentennial.
E. Coordinate communication with the Lewis and Clark Bicentennial Congressional Caucus to ensure identification of Illinois as the official start of
Lewis and Clark’s Expedition and the prioritization of federal commemorative events in Illinois.

F. Coordinate the scheduling of the Illinois Lewis & Clark bicentennial activities.

III. MEMBERSHIP

A. The Commission shall consist of a Chairperson and at least 12 but not more than 30 additional members, all appointed by the Governor.

B. Members shall serve without compensation, but may be reimbursed for expenses.

C. The Commission will be provided assistance and necessary staff support services by the Office of the Governor, the Illinois Department of Commerce and Community Affairs, the Illinois Department of Natural Resources, the Illinois Historic Preservation and other planning agencies of state government involved in organizing the bicentennial celebration.

D. The Commission shall submit an annual report to the Governor and the General Assembly each year and include a list of recommended improvements to Illinois Lewis and Clark commemorative locations.

IV. EFFECTIVE DATE

This Executive Order Number 3 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor March 14, 2001.
Filed with the Secretary of State March 14, 2001.

2001-4
EXECUTIVE ORDER CREATING MISSISSIPPI DELTA ADVISORY COUNCIL

WHEREAS, the State of Illinois contains 16 counties in the federally designated Lower Mississippi River Region; and

WHEREAS, the State of Illinois has chosen to participate as a member of the Delta Regional Authority, as passed by Congress and signed into law by the President of the United States; and

WHEREAS, the mission of the Delta Regional Authority is to develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic and social development of the region; and

WHEREAS, the Delta initiative is complemented by the Illinois Workforce Advantage program, which is dedicated to expanding access to state services for individuals and families in distressed communities; and

WHEREAS, the State of Illinois is committed to promoting economic and social development throughout the state and particularly in the southernmost counties of Illinois;

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby order the following:

1. There is created a Mississippi Delta Advisory Council, which shall be chaired by the Deputy Chief of Staff (Southern Illinois) to the Governor.

2. The Mississippi Delta Advisory Council shall include not more than twenty-one (21) members, representing: municipal government, education, transportation, housing, regional planning commissions, empowerment zones, banking/lending, public safety/criminal
justice, health care, community/economic development, agriculture, and/or members at-large. The Council may also seek the ad hoc participation of other State departments, agencies, boards and commissions, public interest groups and private organizations, as necessary or appropriate. Members shall serve without compensation but shall be reimbursed for expenses.

3. The mission and objectives of the Council will include, but not be limited to, the following:
   (a) development of a coordinated policy for increasing awareness of the needs and assets of the Delta counties within Illinois;
   (b) review and recommendation of proposed Illinois Delta projects to be submitted for funding by the Delta Regional Authority;
   (c) coordination and submission of a state development plan for the Illinois Delta counties, as required by the Delta Regional Authority;
   (d) identification of potential federal, state and local assistance available within the Illinois Delta counties.

1. The Mississippi Delta Advisory Council shall meet as necessary to fulfill the objectives of this Executive Order.
2. This Executive Order shall be effective immediately.

Issued by the Governor March 16, 2001.
Filed with the Secretary of State March 16, 2001.

2001-5
EXECUTIVE ORDER CREATING THE UNIVERSAL ACCESS TO PRE-SCHOOL TASK FORCE

WHEREAS, quality early education programs have a lasting impact on the health, education and well-being of Illinois’ children; and
WHEREAS, a strong family environment coupled with good-quality early education is the foundation for the development of a strong and productive work force in Illinois; and
WHEREAS, research has demonstrated that children who receive two years of quality early educational programs have better short and long term outcomes related to school performance; and
WHEREAS, parents varied scheduling needs and preferences require a variety of pre-kindergarten options including part-day, full-day and full-year.

Therefore, I, George H. Ryan, Governor of the State of Illinois, order the following:
I. ESTABLISHMENT
There shall be established the Task Force on Universal Access to Pre-School.
II. PURPOSE
1. The Task Force on Universal Access to Pre-School will have the responsibility of creating a five-year blueprint, with cost estimates, for achieving the goal of quality early childhood education opportunities for all three to five year olds whose parents or guardians want them to participate.
2. The Task Force on Universal Access to Pre-School will gather information from parents, civic groups and others who serve young children in order to develop their recommendations.
3. The Task Force on Universal Access to Pre-School shall submit their five-year blueprint to the Governor and the General Assembly by January 1, 2002.
III. MEMBERSHIP
1. The Task Force shall consist of the First Lady, Lura Lynn Ryan, as Chairperson and at least 15 but not more than 35 additional members, all appointed by the Governor.
2. Members shall include, but are not limited to, persons who are active in and knowledgeable about the following areas: early child development, child welfare, and education.
3. Members shall serve one-year terms without compensation, but may be reimbursed for expenses.
4. The Task Force will be provided assistance and necessary staff support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by the Task Force.

IV. EFFECTIVE DATE
This Executive Order Number 5 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor April 18, 2001.
Filed with the Secretary of State April 18, 2001.

2001-6
EXECUTIVE ORDER REAFFIRMING A COMMITMENT TO A QUALITY AND DIVERSIFIED HIGHER EDUCATION FACULTY

WHEREAS, it is crucial to the State of Illinois that institutions of higher education attract and retain high quality and diversified faculty members; and

WHEREAS, the development and implementation of a program for recruitment of a diversified faculty will help to increase employment of personnel in minority faculty positions; and

WHEREAS, the Illinois Committee on Black Concerns of Higher Education has completed a study showing a serious under representation of minority faculty in Illinois public universities; and

WHEREAS, the Board of Higher Education and Southern Illinois University have jointly completed a positive evaluation of minority graduate incentive programs designed to increase the number of faculty at Illinois institutions of higher education; and

WHEREAS, the Board of Higher Education has adopted a consultant’s study recommending that minority graduate programs be strengthened; and

WHEREAS, the Board of Higher Education is focusing on Access and Diversity in Illinois Higher Education; and

WHEREAS, the Board of Higher Education master plan is to increase access and diversity in higher education.

Therefore, I, George H. Ryan, hereby order the following:

I. The Board of Higher Education shall work with public and independent institutions of higher education on outlining steps to increase minority faculty in institutions of higher education.

II. The Department of Human Rights, the Community College Board and the Board of Higher Education shall publicize and make available training on effective recruitment as needed and/or requested by institutions of higher education.

III. The Illinois Community College Board shall take steps necessary to actively recruit fellows from the Illinois Consortium for Educational Opportunity Program for placement in the Illinois Community College System.
IV. Public university presidents shall take steps necessary to actively recruit fellows from the Illinois Minority Graduate Incentive Program.

V. The Board of Higher Education shall take proactive steps to strengthen minority graduate scholarship programs that train minority faculty.

VI. All presidents and chancellors of Illinois institutions of higher education shall inform their key management staff of the commitment to attain a diversified work force in Illinois higher education.

This Executive Order Number 6 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor April 19, 2001.

Filed with the Secretary of State April 19, 2001.

2001-7
EXECUTIVE ORDER CREATING THE GOVERNOR’S COMMISSION ON REVISING THE ILLINOIS SCHOOL CODE

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our state’s precious values of freedom, civility, and equality; and

WHEREAS, approximately 130,000 full and part-time public school teachers guide over 2,000,000 students in 4,290 public schools in the State of Illinois; and

WHEREAS, as prescribed by Article X of the Illinois Constitution, a fundamental goal of the people of the State of Illinois is the education development of all persons to the limits of their capacities; and

WHEREAS, the School Code of Illinois took effect forty years ago, on July 1, 1961; and

WHEREAS, due to repeated amendments to the Code over the past forty years, the Code today contains outdated and inconsistent language; obsolete, overlapping and conflicting provisions; and confusing organizational structure that makes it difficult for educators, parents, the legal community and the general public to understand and use the School Code; and

WHEREAS, the State educational system has undergone a fundamental shift to standards-led reform in recent years, focusing on student achievement as the primary result of the educational system, and thus requiring substantial redesign of State policies, procedures and programs; and

WHEREAS, in order for the State to provide for an effective and efficient system of high quality public educational institutions and services, a comprehensive revision of the School Code to correct the foregoing deficiencies and reforms would be in the best interest of all whom use or rely on the School Code.

THEREFORE, I, George H. Ryan, order the following:

I. The creation of a Governor’s Commission on Revising the School Code (GCRSC) in the State of Illinois.

II. PURPOSE:

The purpose of the GCRSC shall include, but not limited to, the following:

A. Conduct a comprehensive study and analysis of the existing School Code; and
B. Prepare a proposed revision of the School Code to update its language, to correct obsolete, overlapping and conflicting provisions so that it will be more easily applied and understood by educators, parents, the legal community and the general public.

C. Propose new provisions which address the changing nature of education which will ensure that educational system of Illinois is the best it can be for all its citizens; and

D. To make other non-substantive changes to the Code in order to improve the Code’s overall organization, readability, and ease of use.

I. MEMBERSHIP

A. The voting members of the GCRSC shall consist of not more than 40 members appointed by the Governor. The Governor shall designate a Chairperson and Vice-Chairpersons.

B. Members may include, but are not limited to, school board members, school administrators, teachers, school attorneys, university professors, representatives of education interest groups and members of the public. The members shall serve at the pleasure of the Governor.

C. Members of the GCRSC shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the GCRSC unless prohibited by any law or regulation.

D. The GCRSC shall be provided assistance and necessary staff of the Legislative Reference Bureau and support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by it.

E. The GCRSC shall seek the input and participation of other departments, agencies, boards and commissions, units of government, private organizations, public interest groups and educational organizations as necessary or appropriate.

III. MEETINGS:

The entire GCRSC shall meet at least quarterly or upon the call of the Chairpersons or a majority of the members. A quorum of the GCRSC shall consist of a majority of the members.

IV. REPORT:

The GCRSC shall submit a final report to the Governor and the Illinois General Assembly by January 1, 2003.

V. EFFECTIVE DATE:

This Executive Order Number 7 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor April 20, 2001.

Filed with the Secretary of State April 20, 2001.
WHEREAS, the State of Illinois has great resources, including coal and water, and infrastructure that must be utilized to support energy generation growth in an environmentally sound manner; and
WHEREAS, due to recent problems experienced by other states relating to energy generation, it is imperative that we have ample energy generation available in the State of Illinois; and
WHEREAS, that there are many energy-related decisions made at the state level, including investments, permitting and regulatory approval, that must be coordinated; and
WHEREAS, the State of Illinois needs to coordinate the matching of energy companies, to the extent feasible, who are looking to locate in Illinois, with communities that are willing to host generating plants.

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby amend Executive Order Number 2 (2001) as follows:
The Energy Cabinet shall have the additional responsibilities specifically related to the Illinois Resource Development and Energy Security Act, and related provisions:
1. The Energy Cabinet shall assist the State with developing investment strategies and priorities for clean coal and energy projects in the State; and
2. The Energy Cabinet shall hold an Energy Summit prior to May 1, 2002, and shall bring together those persons that wish to build generating capacity in Illinois and communities that wish to host plants. The Cabinet will encourage the groups to make presentations and network with each other. The Cabinet specifically shall solicit the identification of locations suitable for the development of new generation capacity in each region, identification of communities willing to host new generation and shall identify financial incentives available to coal mining companies and generators who are building new capacity in Illinois. The Cabinet will also encourage any unit of local government interested in hosting an electric generating plant to make or accommodate the making of infrastructure improvements and expedite, where possible, zoning and planning; and
3. On or about July 1, 2002, the Cabinet shall submit a report to the Governor and the General Assembly summarizing the findings of the Energy Summit and any recommendations for action; and
4. The Cabinet shall assist the Illinois Department of Commerce and Community Affairs (“DCCA”) and other state agencies, with developing strategies to promote environmentally responsible use of Illinois coal for meeting electric power supply requirements in Illinois; and
5. The Cabinet shall work with Illinois Environment Protection Agency to study the NOx Trading Program and possible strategies that allow the transfer of ozone season NOx credits from the transportation and area source sectors of the Illinois State Implementation Plan Call, NOx budget to the electric generating unit sector for the purpose of offsetting emission increases associated with new plant projects; and
6. The Cabinet shall study the availability in Illinois of natural resources such as coal and groundwater. The Cabinet shall also study the feasibility of establishing a north-south corridor for the construction of a new electric transmission line from southern Illinois to the dense electric load centers in the northern part of the State. That study shall include:
a. the evaluation of alternative routes for a transmission corridor;
b. estimates of the amount of right-of-way needed for the transmission corridor;
c. estimates of the cost of acquiring property for the transmission corridor;
d. the potential zoning problems related to designing the corridor;
e. cost of building the transmission line and substation; and
f. the potential for upgrading existing transmission lines for additional capacity; and

1. The Cabinet member agencies shall, to the extent permitted by Federal and State law, expedite permitting and regulatory approval for Clean Coal and Energy Projects and related mine projects. The Cabinet shall also oversee the coordination of those permit decisions and regulatory approvals; and

8. The Cabinet may also seek the advice and ad hoc participation of other State departments, agencies, boards and commissions, members of the Illinois General Assembly, public interest groups, and private organizations, as necessary and appropriate.

EFFECTIVE DATE
This Executive Order Number 8 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor May 25, 2001.
Filed with the Secretary of State May 30, 2001.

2001-9
AMENDMENT TO EXECUTIVE ORDER NUMBER 7 (2000) WHICH CREATED THE GREEN ILLINOIS COMMUNITIES DEMONSTRATION PROGRAM

WHEREAS, Executive Order Number 7 (2000) established the Green Illinois Communities Demonstration Program; and

WHEREAS, as part of the Green Illinois Communities Demonstration Program, the Illinois Environmental Protection Agency is directed and authorized to enter into partnership agreements with three communities; and

WHEREAS, the Green Illinois Communities Demonstration Program will better benefit the State of Illinois by allowing the Illinois Environmental Protection Agency to enter into partnership agreements with a greater number of communities; and

NOW, THEREFORE, BE IT RESOLVED that I, George Ryan, by virtue of the power vested in me as Governor, do hereby amend Executive Order Number 7 (2000) as follows:

1. Paragraph number one of the Order is amended to read as follows:

1. The Illinois EPA, in cooperation with the Illinois Department of Natural Resources, Illinois Department of Agriculture, Illinois Department of Commerce and Community Affairs and the Illinois Waste Management and Research Center, is directed and authorized to enter into partnership agreements with communities in the state that wish to build their capacity to protect the environment while enhancing community well-being.

2. Paragraph number two of the Order is amended to read as follows:

2. In selecting communities to participate in this demonstration program, the Illinois EPA shall ensure participation
by communities of different sizes and characteristics. The program shall, to the greatest extent practicable, advance the following broad principles of sustainability: restoring critical ecosystems; achieving a cleaner, healthier environment; protecting and enhancing wildlife habitat and natural areas; using energy, water and other resources efficiently; reducing reliance on non-renewable resources, expanding environmental awareness and creating quality, prosperous communities. For the purposes of this program, the term “community” can mean one or more local governments, a neighborhood within a large city, an appropriately-scaled watershed or some other specific geographic area with which people identify or share common interests.

3. Paragraph number four of the Order is amended to read as follows:

4. Upon selection for participation in the Green Illinois Communities Demonstration Program, the community shall receive the following benefits: financial support to facilitate planning and outreach-related programs, technical support in identifying and assessing community environmental conditions; timely notice, priority consideration and expedited review for state funding initiatives; technical, networking and peer-to-peer informational assistance; and assistance in seeking and leveraging federal and private sector funding sources. The Illinois EPA shall administer the Green Illinois Communities Demonstration Program, including but not limited to any financial support provided to communities under the program.

5. All other provisions of the Order remain in full force and effect.

EFFECTIVE DATE

This Executive Order Number 9 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor June 29, 2001.
Filed with the Secretary of State June 29, 2001.

2001-10
EXECUTIVE ORDER REGARDING THE MILITARY RESPONSE TO THE SEPTEMBER 11, 2001 TERRORIST ATTACK

WHEREAS, the President of the United States has ordered a partial mobilization of National Guard and Reserve personnel in response to the terrorist attack on the World Trade Center and Pentagon on September 11, 2001; and

WHEREAS, some State of Illinois employees have been activated and others may be called to serve in active military duty in response to the terrorist attack on the World Trade Center and Pentagon on September 11, 2001; and

WHEREAS, no state employee should lose compensation or benefits because of military service in this effort;

THEREFORE, I, George H. Ryan, order the following:

I. That any full-time employee of the State of Illinois under my control, who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard, who is mobilized to active military duty in response to the above terrorist attacks, shall continue to receive his or her regular compensation as a State employee, plus any health insurance and
other benefits he or she is currently receiving, minus the amount of his or her base pay for military activities.

II. I further order the Department of Central Management Services to immediately commence negotiations with the appropriate collective bargaining representatives on terms and conditions consistent with this order. CMS also shall coordinate with all other State and federal agencies and take all other actions necessary to implement this order.

This Executive Order Number 10 (2001) shall take effect upon filing with the Secretary of State.

Issued by the Governor September 18, 2001.
Filed with the Secretary of State September 18, 2001.

2001-11
EXECUTIVE ORDER FOR STATE GOVERNMENT “GREEN ACTIVITIES”

WHEREAS, pursuant to Executive Order No. 6 (2000), I created the Illinois Green Government Coordinating Council as a part of my Program, “Green Illinois” to help state executive agencies improve the environmental efficiency of their facilities and operations;

WHEREAS, the Council has compiled information on state government environmental programs and identified a number of best management practices that agencies can take to improve environmental and resource conservation efforts;

WHEREAS, state government has made great strides in protecting the environment and saving resources, but there is still more that can be done;

WHEREAS, state government can save money and improve operating efficiency by reducing waste generation, saving energy and conserving resources;

WHEREAS, state government should provide leadership in environmental stewardship and serve as a model for private and public institutions.

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and laws of Illinois, I do hereby order the following steps to be taken:

1. Waste Reduction
a. On or before March 1, 2002, each executive state agency shall implement the following best management practices to reduce waste generation:
   i. Whenever possible, specify that all new and re-manufactured photocopy machines and printers purchased shall have duplexing (double-sided) capability.
   ii. Require all laser printing jobs to be double-sided unless specific justification is provided not to do so. Exceptions may be provided when existing technology does not allow for duplexing or when specific documents require single-sided printing.
   iii. Conduct an educational program to encourage employees to copy on both sides of paper, make the least number of hard copies necessary, route documents rather than distribute copies, post memos and bulletins in central locations, proof documents on the computer, store files electronically rather than in hard copy, avoid needless printing of email, and take other reasonable steps to save paper.
iv. Where appropriate, eliminate unnecessary paper transactions by increasing the use of electronic media, such as email and the Internet, to circulate or distribute announcements, memoranda, documents, reports, forms, manuals and publications.

v. Encourage the use of self-sticking addressing labels instead of printing full-fax cover sheets.

vi. Use rechargeable batteries, whenever possible.

vii. Establish office reuse programs (e.g., reuse cabinets, rooms or online exchanges) where unneeded supplies can be returned for reuse.

viii. Create a system to keep distribution and mailing lists current to avoid duplication.

ix. Discourage the use of disposable products when reusable products are available and economically viable.

x. To the extent feasible, acquire items that are more durable, have minimal packaging or are readily recyclable when discarded.

xi. Provide ongoing training and education to employees to enhance participation in recycling programs.

2. Energy Efficiency

a. On or before March 1, 2002, each executive state agency shall implement the following best management practices to reduce energy consumption:

i. Specify that all new electronic office equipment purchased, including computers, monitors, printers, scanners, fax machines and copiers, shall be Energy Star™ compliant. Each agency shall institute procedures to ensure the energy-saving feature in all Energy Star™ electronic office equipment is activated, unless it is demonstrated to the Illinois Green Government Coordinating Council that this feature will hinder the performance of specific equipment, file servers or networking applications.

ii. Conduct an educational program to encourage employees to turn off lights, computers, copying and other machines and equipment when not needed.

iii. Establish procedures to adjust window treatments to take advantage of solar heat gain during winter daylight hours and repel solar heat gain during summer daylight hours.

b. On or before June 1, 2002, each executive state agency that owns, operates or maintains a building shall implement the following best management practices to improve energy efficiency:

i. Establish a program to perform regular maintenance on all lighting, heating, ventilation and air conditioning systems, such as lubricating, vacuuming, cleaning and checking seals, to ensure optimum efficiency.

ii. Establish a program to evaluate the feasibility of converting to more energy-efficient lighting systems (e.g., compact fluorescent bulbs, T-10 & T-8 lighting fixtures, electronic ballasts, light-emitting diodes exit signs, occupancy sensors, and lighting controls). Based on this review, each state agency shall establish goals for making cost-effective lighting efficiency improvements that reduce electricity costs and maintain illumination quality.

iii. Establish procedures to identify and eliminate leaks in building exteriors, such as walls, windows, doors, ceilings and floors.
iv. Establish procedures to reduce unnecessary use of lighting, heating, ventilation and air conditioning systems during unoccupied hours, and to adjust thermostats to maximize energy savings while providing occupant comfort, where appropriate.

v. Evaluate the feasibility of decreasing turf areas by using low-maintenance native plants, and establish goals to convert to cost-effective native landscaping practices to reduce mowing and conserve gasoline.

c. On or before March 1, 2002, each executive state agency that maintains a vehicle fleet shall implement the following best management practices to reduce fuel consumption.

i. Establish a program to decrease the amount of gasoline and diesel fuel used in state vehicles and equipment by increasing vehicle fleet fuel economy and improving operational efficiency through regular scheduled maintenance.

ii. Limit the purchase of sport utility vehicles and similar specialty vehicles to situations where there is a clear operational need for such vehicles.

iii. Increase employee awareness of gasoline refueling stations that dispense 85% ethanol blended (E-85) fuel for flexible fuel vehicles in the fleet.

iv. Conduct an educational program to encourage employees to drive more efficiently to save fuel in state vehicles.

v. Encourage employees to carpool with other state employees traveling to the same meeting or event.

vi. Where appropriate, create incentives for employees to carpool to work, such as creating informational ride-boards and providing preferred parking.

3. Environmentally Preferable Purchasing

a. On or before February 1, 2002, the Department of Central Management Services (CMS) shall review and update its qualified product lists and master contracts to ensure the availability of the following products for state agencies to purchase:

i. Zero to low volatile organic compound (VOC) paints that meet Green Seal standards for interior and exterior coatings,

ii. Post-consumer recycled content carpets, carpet tiles and carpet backing,

iii. Energy Star™ compliant computers, monitors, printers, scanners, fax machines and copiers.

iv. Photocopy machines and printers with duplexing capability.

b. Beginning March 1, 2002, each state executive agency that owns, operates or maintains a building, whenever possible, shall specify that paints purchased for remodeling, repair and renovation projects be zero or low VOC paints.

c. Beginning March 1, 2002, each state executive agency that owns, operates or maintains a building, whenever possible, shall specify that carpeting and carpet backing purchased for remodeling and renovation projects contain post-consumer recycled content. In addition, each agency, whenever possible, shall specify and use carpet installation products that meet the Carpet and Rug Institute Indoor Air Quality Carpet Test Green Label Guidelines.

d. Nothing in the above provisions shall preclude state executive agencies from continuing to consider costs, availability and quality or performance specifications in making procurement decisions.
e. On or before June 1, 2002, the Department of Central Management Services, in collaboration with the Illinois Environmental Protection Agency and the Illinois Department of Commerce and Community Affairs, shall prepare educational materials and conduct outreach to promote acceptance of environmentally preferable products that have the potential for widespread applications throughout government operations. For the purposes of this section, the term “environmentally preferable products” means purchasing products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same or similar purposes. It includes but is not limited to products or services which contain recycled content, minimize waste, conserve energy or water, involve the use of renewable resources or alternative fuels, and reduce the amount of toxins disposed or consumed.

4. Green Buildings
4 a. On or before June 1, 2002, the Illinois Capital Development Board shall convene an advisory group to develop a set of policy and program recommendations to expand green building practices in state construction and renovation projects. The advisory group, among other things, shall:
   i. Develop a consensus definition of “green buildings,”
   ii. Identify decision-making tools and planning approaches that facilitate the incorporation of green building features into new and renovated facilities,
   iii. Develop flexible green building performance guidelines for state projects, taking into account practical requirements of building design and construction as well as costs, client or agency needs, building code requirements and changing technologies.

5. Technical Assistance
a. The Illinois Green Government Coordinating Council shall take all actions necessary to assist state executive agencies in complying with the requirements of this order, including but not limited to providing guidance, coordinating appropriate educational programs and developing resource materials.

6. Effective Date
This Executive order shall be effective immediately.
Issued by the Governor December 5, 2001.
Filed with the Secretary of State December 5, 2001.
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2001-1

CHICAGO MUSIC AWARDS DAY

WHEREAS, the Chicago Music Awards has been the only organ that expressly honors Illinois entertainers in all music genres, including Pop, Rock, Blues, Jazz, Gospel, Country and Western, Comedy, Opera, Classical, Polka, Rhythm and Blues, Kids, Reggae, and other World Beat Music; and

WHEREAS, on February 10, 2001, Martin’s Inter-Culture, in association with several sponsors such as Loop Lab School, WSSD FM, African-Spectrum Magazine, Streetwise, Community Herbal Corner, Kingston Mines, Wild Hare, Rooster Blues, Caribbean Shipping and Postal Services, and Flame James will hold the 20th annual Chicago Music Awards Anniversary Ceremony at Congress Plaza Hotel; and

WHEREAS, the Chicago Music Awards was founded in 1981 by Ephraim M. Martin, a journalist-native of Jamaica, to honor and promote reggae and other world-beat music, arts, and cultures, and has now expanded so that all categories of music in Illinois can be better appreciated; and

WHEREAS, the Chicago Music Awards encourages high standards of performance, conduct, and professionalism and exhibits the wealth of talents Illinois has to offer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10, 2001, as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 12, 2001.

2001-2

CHRISTIAN HERITAGE WEEK

WHEREAS, the Preamble to the Constitution of the State of Illinois states that “We the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors...and secure the blessings of freedom and liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois”; and

WHEREAS, at the Constitutional Convention in 1787, Benjamin Franklin stated, “It is impossible to build an empire without our Father’s aid. I believe the sacred writings which say that ‘Except the Lord build the house, they labor in vain that build it’” (Psalm 127:1); and

WHEREAS, George Washington enunciated “animated alone by the pure spirit of Christianity, and conducting ourselves as the faithful subjects of our free government, we may enjoy every temporal and spiritual felicity”; and

WHEREAS, Thomas Jefferson, author of the Declaration of Independence, wrote “Can the liberties of a nation be secure when we have removed the conviction that these liberties are the gift of God?”; and

WHEREAS, James Madison, father of the U.S. Constitution, advocated “the diffusion of the light of Christianity in our nation” in his Memorial and Remonstrance; and

WHEREAS, Patrick Henry quoted Proverbs14:34 for our nation, which says that “Righteousness alone can exalt a nation, but sin is a disgrace to any people”; and
WHEREAS, George Mason, in his Virginia Declaration of Rights, forerunner to our U.S. Bill of Rights, affirmed “That it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other”; and

WHEREAS, these, and many other truly great men and women of America, giants in the structuring of American history, were Christian statesmen of caliber and integrity who did not hesitate to express their faith;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 16-22, 2001, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor January 5, 2001.
Filed by the Secretary of State January 12, 2001.

2001-3
DISASTER AREA- STATE OF ILLINOIS

GUBERNATORIAL PROCLAMATION

The cumulative effects of severe winter storms in the month of December 2000 have caused hardships and threatened the health and safety of the public throughout the State of Illinois. Record and near-record snowfall in some regions of the State, combined with blowing snow, freezing rain, ice and frigid temperatures have resulted in hazardous travel conditions and school closings and have taxed State and local snow removal resources.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State and Federal resources and makes possible a request for a Federal Snow Emergency declaration for those counties that suffered record or near-record snowfall.

Issued by the Governor January 5, 2001.
Filed by the Secretary of State January 8, 2001.

2001-4
SOUTH ELGIN AREA JUNIOR CHAMBER OF COMMERCE WEEK

WHEREAS, for the past 21 years, the South Elgin Area Junior Chamber of Commerce has been actively involved in the life of our community for the future development of community leaders in the State of Illinois; and

WHEREAS, the South Elgin Area Junior Chamber of Commerce participates in numerous humanitarian projects such as donating food, clothes, and toys to the needy; Christmas caroling to residents in care centers; bringing the Easter bunny and 1,000 colored eggs to residents; improving parks and playgrounds; and sending handicapped children to camp; and

WHEREAS, the South Elgin Area Junior Chamber of Commerce has adopted the basic tenets of purpose of brotherhood, free enterprise, government of laws, human personality, and service to humanity; and
WHEREAS, to celebrate their founding, the South Elgin Area Junior Chamber of Commerce is participating in Jaycee Week during the third week of January;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 21-27, 2001, as SOUTH ELGIN AREA JUNIOR CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor January 5, 2001.
Filed by the Secretary of State January 12, 2001.

2001-5
ST. SAVA DAY

WHEREAS, St. Sava endowed the Serbian Orthodox Church and the Serbian nation with the spirit and identity of a rich religious cultural heritage; and
WHEREAS, the religious cultural heritage of the Serbian Orthodox Church and Schools organized by St. Sava is a special contribution to Serbian culture; and
WHEREAS, St Sava is the patron saint of Serbian Orthodox Sunday Schools and children; and
WHEREAS, St. Sava was the first Serbian Bishop who organized the Serbian National Church in 1219; and
WHEREAS, St. Sava’s love for the people of the Serbian Orthodox Church is the foundation of Serbian Orthodox Sunday School and its students; and
WHEREAS, the life and works of St. Sava shall be celebrated on or about January 27 by children of the Serbian Orthodox Church who honor and thank him with songs, poems, dances, and programs about his greatness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 27, 2001, as ST. SAVA DAY in Illinois.

Issued by the Governor January 5, 2001.
Filed by the Secretary of State January 12, 2001.

2001-6
CAREER AND TECHNICAL EDUCATION WEEK

WHEREAS, the Illinois Association for Career and Technical Education has designated the week of February 11-17, 2001, as Career and Technical Education Week; and
WHEREAS, the theme for Career and Technical Education Week is “Want Career Success? Get Career Skills”; and
WHEREAS, career and technical education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the state’s leadership on the national and international marketplace; and
WHEREAS, career and technical education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and
WHEREAS, career and technical education serves individual citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers. The Illinois Association for Career
and Technical Education also teaches leadership skills that serve citizens on the job, at home and in the community; and
WHEREAS, a strong career and technical education program planned and carried out by trained career and technical educators is vital to the future economic development of our state and well-being of its citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as CAREER AND TECHNICAL EDUCATION WEEK in Illinois.
Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.

2001-7
DON SCHMITT DAY

WHEREAS, Don Schmitt has been an outstanding citizen and businessman in both the City of Waterloo and the State of Illinois; and
WHEREAS, Don Schmitt has been active in the community, serving as a lifetime member of the Lion’s Club, President of the Waterloo Chamber of Commerce, founding member of the Waterloo youth baseball league and the Sts. Peter and Paul Church School Board; and
WHEREAS, the Waterloo Chamber of Commerce would like to thank Don for all his hard work and contributions to the community, as his countless good deeds and relentless efforts have helped make a difference to the citizens of Waterloo;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 20, 2001, as DON SCHMITT DAY in Illinois.
Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.

2001-8
ENGINEER’S WEEK

WHEREAS, the engineering community of this state has provided a wealth of innovation in the fields of agriculture industry, transportation, construction, and education; and
WHEREAS, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and
WHEREAS, in order to emphasize the role of professional engineers in our society, the 2001 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 18-24, 2001, as ENGINEER’S WEEK in Illinois.
Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.

2001-9
FOUR CHAPLAINS SUNDAY

WHEREAS, each year a memorial program is sponsored by the Combined Veterans Association of Illinois. This year it is hosted by the Jewish War Veterans of the U.S.A.; and
WHEREAS, in a final act of love and dedication, four U.S. Army Chaplains representing the Methodist, Roman Catholic, Jewish, and Dutch
Reformed faiths, gave their own life jackets, the only ones that remained, to four soldiers. The four chaplains then linked arms and prayed as they sank with the torpedoed U.S.S. Dorchester in the North Atlantic; and

WHEREAS, February 4, 2001, marks the 58th anniversary of “Four Chaplains Sunday,” one of the most inspiring acts of heroism in World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 4, 2001, as FOUR CHAPLAINS SUNDAY in Illinois,

Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.

2001-10

LAND SURVEYORS’ MONTH

WHEREAS, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors’ skills and accuracy to determine property rights and methods of design and construction; and

WHEREAS, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected battle sites; and

WHEREAS, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the “Savior of Our Country” after directing the campaigns that preserved our nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as LAND SURVEYORS’ MONTH in Illinois in recognition of the two “Land Surveyor Presidents,” George Washington and Abraham Lincoln, whose birthdays are observed this month.

Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.

2001-11

MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is a national leader in motorcycle education; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 159,000 cyclists; and

WHEREAS, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as MOTORCYCLE AWARENESS MONTH in Illinois.

Issued by the Governor January 8, 2001.
Filed by the Secretary of State January 12, 2001.
2001-12
TREE CITY USA MONTH

WHEREAS, the new millennium brings with it hope for cities with healthy and beautiful community forests; and
WHEREAS, 90 percent of Illinois municipal officials agreed that trees are important for maintaining a healthy community environment and enhancing the quality of life in a community; and
WHEREAS, trees provide citizens with the service of energy conservation, cooler summer temperatures, protection from winter winds, wildlife habitat, water runoff reduction, and oxygen; and
WHEREAS, the management of our urban and community forest resources contribute to a healthy environment, cost savings in community maintenance programs, enhanced tourism and local economy, sustainable cities, and safe communities; and
WHEREAS, management of our communities’ urban forests is necessary to provide a safe place for our citizens; and
WHEREAS, managing trees in communities is not only a cost effective decision, but may also save lives; and
WHEREAS, Illinois officials responsible for trees need sound technical input and guidance in managing the forest resources in and around their communities; and
WHEREAS, the state urban and community forestry program has been successful in building local capacities to manage the forest resources within our populated areas; and
WHEREAS, Illinois has been second in the nation for the number of Tree City USA Communities and number one in the nation for the number of communities achieving the “GROWTH AWARD”; and
WHEREAS, Tree City USA communities have made significant contributions toward enhancing the quality of life by improving the forest resources of Illinois;

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as TREE CITY USA MONTH in Illinois.
Issued by the Governor January 9, 2001.
Filed by the Secretary of State January 12, 2001.

2001-13
WILDLIFE REHABILITATION DAY

WHEREAS, the natural heritage of Illinois consists of a rich diversity of native wildlife; and
WHEREAS, the quality of life for Illinois citizens is enriched through interactions with our native wildlife; and
WHEREAS, Wildlife Rehabilitation has become a respected profession worldwide, committed to providing injured and orphaned wild animals a chance to return to their homes in the wild; and
WHEREAS, licensed Wildlife Rehabilitators across Illinois dedicate hours and funds to the rehabilitation of injured and orphaned wildlife; and
WHEREAS, licensed Wildlife Rehabilitators provide critical services to the general population of Illinois citizens, including the protection of human health and safety, natural resource education, and the care and nurturing of wildlife in peril; and
WHEREAS, Illinois citizens have a responsibility to carefully sustain the diversity and health of native wildlife populations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2001, as WILDLIFE REHABILITATION DAY in Illinois.
   Issued by the Governor January 9, 2001.
   Filed by the Secretary of State January 12, 2001.

2001-14
CASA/GAL CHILD ADVOCATE DAY

WHEREAS, the Illinois Supreme Court Appointed Special Advocate/Guardian ad Litem programs have established a distinguished record of public service through their work to enhance the quality of life for children; and

WHEREAS, there are 31 counties with a CASA/GAL program in Illinois; and

WHEREAS, CASA/GAL volunteers come from a variety of professional, educational and ethnic backgrounds and act as advocates for children who are victims of abuse and/or neglect in the complicated, unfamiliar and often frightening court and child welfare systems; and

WHEREAS, the court appoints CASA/GAL advocates to serve as officers of the court, helping to improve the quality of information presented to the court by acting as the court’s eyes and ears in the child’s life; and

WHEREAS, April 2001 is Child Abuse Prevention Month, a designation that reflects the purpose of CASA/GAL programs to protect and defend children from harm and ensure that abused and neglected children are provided with the court-ordered services they need;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5, 2001, as CASA/GAL CHILD ADVOCATE DAY in Illinois.
   Issued by the Governor January 10, 2001.
   Filed by the Secretary of State January 12, 2001.

2001-15
RECORDS AND INFORMATION MANAGEMENT WEEK

WHEREAS, the Association of Records Managers and Administrators (ARMA) is a not-for-profit organization whose primary purpose is education in the field of records and information management, serving over 10,000 information management professionals in the United States, Canada, and over 30 other nations; and

WHEREAS, ARMA is sponsoring National Record and Information Management Week (NRIMW) April 1-7, 2001; and

WHEREAS, during NRIMW, all companies, government agencies, and organizations throughout the state are encouraged to check their records and retention schedules and clean out their file cabinets; and

WHEREAS, by performing these good business procedures, companies exert control over the information in their files and keep only their most important and active documents on site; and

WHEREAS, by eliminating file cabinets filled with inactive and obsolete documents, companies gain valuable and expensive office space, while also helping the environment by recycling quantities of used paper; and

WHEREAS, in support of the profession of Records and Information Management and NRIMW, all county departments and agencies are urged to join in the records clean up;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-7, 2001, as RECORDS AND INFORMATION MANAGEMENT WEEK in Illinois.

Issued by the Governor January 10, 2001.
Filed by the Secretary of State January 12, 2001.

2001-16
REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH

WHEREAS, Reflex Sympathetic Dystrophy Syndrome, also known as Complex Regional Pain Syndrome, affects more than six million Americans; and
WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSD) is an extremely painful neuro-muscular disease that is primarily characterized by intense, chronic, burning pain; and
WHEREAS, RSD results from an injury or trauma and can simultaneously affect the nerves, muscles, blood vessels, skin, joints and bones in progressively severe stages; and
WHEREAS, detection and treatment are vital to preventing the disabling effects of RSD, which in its most severe stages can result in total dysfunction of an extremity or the entire body; and
WHEREAS, in the State of Illinois thousands of men, women, and children suffer from RSD; and
WHEREAS, the RSDCare Network of Illinois offers support and vital information to the victims of the disease and their loved ones; and
WHEREAS, the month of April marks a focused effort on behalf of the RSDCare Network of Illinois to increase the awareness of RSD in the hope of early diagnosis and treatment through information, support, and comfort to those inflicted with RSD, their families, and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH in Illinois.

Issued by the Governor January 10, 2001.
Filed by the Secretary of State January 12, 2001.

2001-17
CHARLES EMMONS, JR. DAY

WHEREAS, Charles Emmons, Jr. is the Director of the Orchestras for Township High School District #113, which includes Highland Park and Deerfield High Schools; and
WHEREAS, in the 22 years that Charles Emmons has taught in Illinois, his orchestras have continually received superior ratings in music competitions, and his students have consistently earned placement in the Illinois All State Orchestras; and
WHEREAS, Charles Emmons has also served as a guest conductor of bands and orchestras at Interlochen Center for the Arts and the orchestra at the University of Wisconsin; and
WHEREAS, as a staunch supporter of the arts, Charles has earned a citation for excellence from the National Band Association, the 1991 Chicagoland Outstanding Music Educator Award, the 1995 Outstanding Public School String Teacher Award, and was recognized in 1993 for special contributions to Township High School District # 113; and
WHEREAS, his encouragement and excellent teaching have produced many fine, professional musicians and untold numbers of appreciative audiences; and
WHEREAS, Focus On The Arts will honor Charles Emmons, Jr. on April 23, 2001, for his support of the arts and education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23, 2001, as CHARLES EMMONS, JR. DAY in Illinois.
Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-18
DR. CONSTANCE KIEFFER DAY

WHEREAS, Dr. Constance Kieffer is the Chairperson of the Fine and Applied Arts Department of Highland Park High School; and
WHEREAS, as a public school administrator, Dr. Kieffer has filled a wide range of administrative roles and has 25 years of teaching experience, ranging from pre-school through the university level; and
WHEREAS, Dr. Constance Kieffer is a strong supporter of the arts and art curriculum in the high school, the community, and the State of Illinois; and
WHEREAS, Dr. Kieffer is a devoted worker, saving WPA murals in the State of Illinois and the entire country; and
WHEREAS, she has been instrumental in founding an organization to save and restore public art, and her writing on arts and education and public art is represented in many prestigious publications; and
WHEREAS, Focus On The Arts is honoring Dr. Kieffer on April 23, 2001, for her support of the arts and education, as well as her involvement in the arts community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23, 2001, as DR. CONSTANCE KIEFFER DAY in Illinois.
Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-19
HIGH TECH MONTH

WHEREAS, National High Tech Month is an annual event focused on promoting awareness of the dramatic effect high-tech products and services have had, and will continue to have, on our lives as we go forward in the 21st Century; and
WHEREAS, National High Tech Month promotes awareness of high-tech education and solutions in the home and for business; and
WHEREAS, National High Tech Month is celebrated January 1-31 annually; and
WHEREAS, the theme of National High Tech Month 2001 is the impact technology is making on the public safety industry; and
WHEREAS, National High Tech Month founder, Kathleen Quinn, gives recognition to organizations and/or persons using technology for the betterment of humanity; and
WHEREAS, the State of Illinois is committed to promoting technology awareness and expanding its image; and
WHEREAS, GeoSpatial Technologies, John Lim, CEO, and inventor Dr. Y. Hong Chou will be honored as the first recipients of the National High Tech Millennium Project Award for their Global Trax system which
was first introduced in Chicago, Illinois, in August 2000 and which is being tested by Laidlaw Transportation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2001 as HIGH TECH MONTH in Illinois.
Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-20
ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

WHEREAS, the Illinois River System is a critical component of our state’s geography, history, economy, and ecology; and
WHEREAS, many attributes are threatened as a result of the cumulative effects of human activities that have significantly altered the Illinois River system; and
WHEREAS, our state is embracing an integrated approach to large river management and is working in a coordinated and continuous manner for our rivers; and
WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program, the Illinois Conservation 2000 Program, Illinois Rivers 2020, the Open Lands Trust Fund, and Illinois River Sweep are important milestones in efforts to protect the resources of the Illinois River; and
WHEREAS, the 2001 Conference on the Management of the Illinois River System is October 2-4 at the Holiday Inn City Center in Peoria; and
WHEREAS, the theme of the Conference is “The Illinois River: Partnerships for Progress, Restoration, and Preservation”; and
WHEREAS, citizens may take this day to recognize the economic, recreational, social, and environmental benefits of conserving to properly utilize the resources of the Illinois River Basin;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH.
Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-21
NICHOLAS JAMES PALAZZOLO DAY

WHEREAS, Nick Palazzolo, after serving in state government for five faithful and dedicated years, is moving on to bigger and better things for the CIA, codename IBM; and
WHEREAS, Nick has had the privilege to work for two Illinois governors, an achievement that most people will never accomplish; and
WHEREAS, Nick has moved up the ranks during his years in the governor’s office, progressing from a lowly Dunn Fellow in the press office, to his current position as Deputy Press Secretary; and
WHEREAS, Nick’s duties have included writing heart-wrenching, tear-jerking speeches, producing earth-shattering press releases, traveling to exotic and far off places, such as Bourbonnais and Pinckneyville, talking to (and occasionally avoiding) high-strung reporters who are “on a deadline,” and running to and from the front office at the blink of an eye; and
WHEREAS, the Illinois State Fair and DuQuoin State Fair will never be quite the same without Nick there to run the governor’s tent, take pictures, and run around like a mad man; and
WHEREAS, Nick’s co-workers hope that IBM will be a little less stressful for young Nick, who on more than one occasion has said, “I think I peed my pants!”; and
WHEREAS, Nick will now have to buy his own “beverages,” as he will no longer have the convenience of the Legislative refrigerator; and
WHEREAS, the current Dunn Fellow, Amanda, is not sure why Nick is getting his own day proclaimed since he has never written, reviewed, mailed, or probably even seen a proclamation; and
WHEREAS, the bottom line is that Nick has been an important member of the Ryan Administration, always willing to go the extra mile to accommodate staff and co-workers. Everyone is sorry to see him go, we wish him continued success and the best of luck;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim January 12, 2001, as NICHOLAS JAMES PALAZZOLO DAY in Illinois.

Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-22
SULLIVAN HIGH SCHOOL NEW GENERATION DAYS

WHEREAS, the Sullivan High School New Generation has been selected to represent the State of Illinois in the Branson Jubilee National Show Choir Invitational in Branson, Missouri, on April 26-29, 2001; and
WHEREAS, the Sullivan High School New Generation will be one of many schools that perform as part of the “American Musical Salute” program, which provides opportunities for America’s outstanding student performing ensembles to tour and perform in historic locations worldwide, while commemorating the past and celebrating the present through music; and
WHEREAS, the Sullivan High School New Generation is directed by David Moellenkamp and was selected based upon superior performance ratings and recommendations of state and local music educators; and
WHEREAS, the town of Sullivan and Sullivan High School are proud of the New Generation choir on their hard work and success;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26-29, 2001, as SULLIVAN HIGH SCHOOL NEW GENERATION DAYS in Illinois.

Issued by the Governor January 11, 2001.
Filed by the Secretary of State January 18, 2001.

2001-23
AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher, and author founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and
WHEREAS, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our city and country; and

...
WHEREAS, African American History Month is commemorated throughout the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops, and other expressions of creativity and pride; and
WHEREAS, Dr. Woodson's dream for the Association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools, and encourage racial harmony; and
WHEREAS, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area or endeavor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AFRICAN AMERICAN HISTORY MONTH in Illinois.

Issued by the Governor January 12, 2001.
Filed by the Secretary of State January 18, 2001.

2001-24
MUNICIPAL CLERKS WEEK

WHEREAS, the office of the Municipal Clerk, a time-honored and vital part of local government, exists in countries throughout the world; and
WHEREAS, this office consistently and efficiently serves its local legislative body, the municipal staff and the general public by recording the actions of the Council, Commissions and Committees, while maintaining records for reference, inspection and preservation; and
WHEREAS, this office most often performs one or more additional important functions, including election administration, finance management, records administration and general administrative services; and
WHEREAS, the Municipal Clerk and staff have continuously updated their skills and technical knowledge to prepare for the challenges of the future; and
WHEREAS, it is appropriate that we recognize the accomplishments of this office and call the public’s attention to the many services that it performs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-May 5, 2001, as MUNICIPAL CLERKS WEEK in Illinois.

Issued by the Governor January 12, 2001.
Filed by the Secretary of State January 18, 2001.

2001-25
REO SPEEDWAGON DAY

WHEREAS, for over two decades, REO Speedwagon’s numerous albums have gone Gold and Platinum, and because of their popularity, the band continues to entertain old fans and attract new ones; and
WHEREAS, since the release of their first record in 1971, REO Speedwagon has produced 17 critically acclaimed albums, scored 13 top 40 singles (including two Billboard #1’s), and sold over 40 million records; and
WHEREAS, the band has come a long way from their beginnings in a rented Chevy station wagon, playing bars across America to packing concert halls around the country and around the world; and
WHEREAS, the band was first formed in Champaign, Illinois, in 1968, by two University of Illinois students, Neal Doughty and Alan Gratzer; and
WHEREAS, at the beginning of their career, REO Speedwagon first started playing local bars in Champaign and have returned to Central Illinois for a special performance; and
WHEREAS, to commemorate REO Speedwagon’s 30th anniversary in the Rock and Roll Industry, Mayor Jerry Schweighart of Champaign, Illinois, and the City Council, at the request of Paul Slovikoski, have passed a resolution naming a section of Main Street “REO Speedwagon Way” after the band;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 19, 2001, as REO SPEEDWAGON DAY in Illinois.

Issued by the Governor January 12, 2001.
Filed by the Secretary of State January 18, 2001.

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2001-26
VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY

WHEREAS, the needs of children and families in the nation and in Illinois continue to challenge communities today, just as they have in the past; and
WHEREAS, the voluntary, not-for-profit child welfare agencies in communities throughout the state have provided numerous services to meet the needs of the abused, neglected, and troubled children, youth, and families throughout Illinois; and
WHEREAS, these agencies provide a full range of services to assist families in their own homes and in communities through family preservation programs, homemaking services, individual and family counseling, special education services, youth service programs, and day care; and
WHEREAS, these agencies assure that children have a safe, permanent living situation through foster care, adoption, relative home care, residential and group home care, and other intervention and treatment programs; and
WHEREAS, the State of Illinois recognizes and highly values the importance of a strong public and voluntary sector partnership for serving children and families;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 18, 2001, as VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY in Illinois.

Issued by the Governor January 12, 2001.
Filed by the Secretary of State January 18, 2001.

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2001-27
DELLS’ EAGLES AWARDS DAY

WHEREAS, the Dells’ Eagles Awards, presented by Motivating Individual Career Advancement (M.I.C.A.), is a non-profit organization committed to helping young adults reach their fullest potential; and
WHEREAS, M.I.C.A. and the Dells recognize the success of young adults between the ages of 31-35 who have made a significant contribution to the metropolitan Chicagoland area; and
WHEREAS, the Dells’ mission is to provide educational assistance and personal development to economically disadvantaged youth and to
encourage and assist young adults in the area of career advancement and development; and
WHEREAS, the Dells award scholarships to high school seniors who have excelled academically and plan to attend Historically Black Colleges and/or Universities; and
WHEREAS, selected recipients are also be honored in the arts, business, education, medicine, religion, science and technology, and volunteerism and community activism; and
WHEREAS, the first annual Dells’ Eagles Awards will take place February 24, 2001, at the Matteson Holiday Inn;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 24, 2001, as DELLS’ EAGLES AWARDS DAY in Illinois.
Issued by the Governor January 16, 2001.
Filed by the Secretary of State January 18, 2001.

2001-28
FINANCIAL AID/ADMISSION AWARENESS MONTH

WHEREAS, the State of Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and
WHEREAS, the State of Illinois has fostered the development of an impressive complement of public and private programs of higher education; and
WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans and work-study provides access to educational opportunities for thousands of citizens each year; and
WHEREAS, the Illinois Student Assistance Commission’s (ISAC) responsibilities include administering grant, scholarship and loan programs and providing programs and initiatives to encourage families to begin saving early for post-secondary education; and
WHEREAS, the Illinois Student Assistance Commission, the Illinois Association of Student Financial Aid Administrator, Inc. and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost parents’ and students’ awareness concerning college admissions and financial aid resources; and
WHEREAS, ISAC, the state’s student financial aid community and the state’s college admission community will assist families with the Free Application for Federal Student Aid by providing 52 FAFSA Workshops as a public service at sites throughout the State of Illinois during the month of February and provide a calendar of community programs and a wealth of college planning information for families with students of all ages on a web site at www.faam.org;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as FINANCIAL AID/ADMISSION AWARENESS MONTH in Illinois.
Issued by the Governor January 16, 2001.
Filed by the Secretary of State January 18, 2001.

2001-29
ILLINOIS INTER-Agency ATHLETIC ASSOCIATION DAY

WHEREAS, the year 2001 marks the 25th anniversary of the Illinois Inter-Agency Athletic Association (IIAA); and
WHEREAS, the IIAA is a not-for-profit, therapeutic recreation program for boys and girls living in residential treatment centers that uses recreation and athletics to teach emotional control and social skills; and
WHEREAS, over 4,000 youth participated in IIAA events last year; and
WHEREAS, the IIAA offers seven sports programs: bowling, basketball, soccer, softball, swimming, track, and volleyball, and special events, such as arts and crafts exhibits and creative writing workshops throughout the year; and
WHEREAS, for the past 25 years, the IIAA has instilled important values and philosophies in our kids to teach them to try hard, have fun, and be good to each other; and
WHEREAS, to celebrate their 25th anniversary, the IIAA is holding a special awards banquet on January 25, 2001, to honor the founding board members, Thomas Newman, Father John Smyth, and Arloe Ted Amlong, who are still actively involved in IIAA activities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 25, 2001, as ILLINOIS INTER-AGENCY ATHLETIC ASSOCIATION DAY in Illinois.
Issued by the Governor January 17, 2001.
Filed by the Secretary of State January 18, 2001.

2001-30

NORTH COOK COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

WHEREAS, the North Cook County Soil and Water Conservation District was formed in 1950 under the leadership of Mr. Elmer Wente and Mr. Alfred Landmeier; and
WHEREAS, the District works to protect natural resources through a variety of soil conservation and water quality protection programs; and
WHEREAS, the District staff provides landowners, developers, and municipal officials with information and technical assistance to prevent and correct natural resource related problems; and
WHEREAS, the District assists municipalities in developing conservation plans designed to prevent soil loss, reduce storm water runoff, reduce flooding, and otherwise operate in an environmentally sound manner; and
WHEREAS, the leadership of the North Cook County Soil and Water Conservation District and voluntary efforts of county landowners have reduced erosion on private property and have encouraged the adoption of erosion control ordinances for developing land; and
WHEREAS, the District helps promote sound stewardship among youths by giving third grade students in the county a tree on Arbor Day;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22, 2001, as NORTH COOK COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY in Illinois.
Issued by the Governor January 17, 2001.
Filed by the Secretary of State January 18, 2001.
2001-31
ROBERT TOALSON DAY

WHEREAS, for 30 years, Robert Toalson has sought to improve the quality of life for the residents of Champaign, putting Champaign's parks and recreation programs on the map locally, regionally, nationally, and internationally; and
WHEREAS, Robert Toalson's active involvement with the Champaign Park District as General Manager has brought open space, facilities, and beauty to the Champaign community, and he has planned for the future by ensuring green space for today’s residents and tomorrow’s generations; and
WHEREAS, as a member of the National Recreation and Park Association, American Park and Recreation Society, United Way of Champaign, and Kiwanis International, Robert Toalson has provided leadership to many community organizations and proven to be a dedicated worker, always acting in an ethical, fair, and sincere manner, both professionally and personally; and
WHEREAS, Robert Toalson is Champaign County's Most Valuable Citizen;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 20, 2001, as ROBERT TOALSON DAY in Illinois.
Issued by the Governor January 17, 2001.
Filed by the Secretary of State January 18, 2001.

2001-32
THOMAS L. ARMSTEAD DAY

WHEREAS, Thomas L. Armstead has been the Illinois State Fire Marshal since 1991, and is the twentieth person to hold the position in the agency's 92-year history; and
WHEREAS, during his 10-year career as State Fire Marshal, the numbers of fire deaths and injuries have been significantly reduced throughout the State of Illinois; and
WHEREAS, Thomas Armstead was the motivating force responsible for creating the Firefighter Memorial at the State Capitol, as well as an annual award ceremony recognizing fire fighting heroes and duty deaths and establishing the Illinois Fire Museum located at the State Fairgrounds; and
WHEREAS, before joining the Office of the State Fire Marshall, Thomas served three years as facility fire safety coordinator for the Illinois Department of Corrections and 28 years with the Springfield Fire Department, where he held several leadership positions and served as Chief for three years; and
WHEREAS, during his term as Chief, Springfield was the first Insurance Service Office (ISO) Class 1 rated city in Illinois; and
WHEREAS, Thomas Armstead believes in visible, proactive leadership and organizational unity, concentrating on shared goals and resources to meet the responsibility to the people of the State of Illinois; and
WHEREAS, Tom’s colleagues and co-workers at the Illinois State Fire Marshal will honor him for his dedicated years of service and celebrate his retirement on January 19, 2001;
WHEREAS, the Asian American Coalition of Chicago (AACC) was founded in May 1982 with the goal to organize and promote equal opportunity in government, education, and economic development. The AACC enables Asian Americans to enrich their culture while strengthening America; and
WHEREAS, Asians have immigrated legally to America for many years, starting in large numbers when Chinese workers were brought here in the 1800s. Hawaiians, Koreans, Japanese, Filipinos, Cambodians, Indians, Vietnamese, and others have greatly enriched the American experience over the years; and
WHEREAS, the theme for this year’s celebration is “Unity & Diversity”; and
WHEREAS, the celebration will honor the Grand Asian American Award, Community Service Asian Award, and Pan Asian American Award recipients. The celebration will include an exciting entertainment program highlighting the rich Asian culture of several countries; and
WHEREAS, on January 27, 2001, the Asian American Coalition of Chicago is pleased to present the 18th Annual Celebration hosted by the Korean American community at Hyatt Regency O’Hare, Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 27, 2001, as ASIAN AMERICAN COALITION OF CHICAGO DAY in Illinois.

Issued by the Governor January 18, 2001.
Filed by the Secretary of State January 25, 2001.

2001-34
TED ARTHUR BEATTIE DAY

WHEREAS, Ted A. Beattie, a native of Ohio and graduate of Ohio State University, was born on January 13, 1945; and
WHEREAS, Ted came to Illinois with his family to further a career in zoo and aquarium administration, where he served as the Assistant Director of Brookfield Zoo; and
WHEREAS, he has developed a successful career throughout the nation, culminating in his current position as the President and CEO of the John G. Shedd Aquarium; and
WHEREAS, he brings national recognition to Illinois and its cultural institutions through his services as the current President of the American Zoo and Aquarium Association; and
WHEREAS, Ted is an avid golfer with a dedication to the sport that stems from early days as a caddy to his current regular trips to warm climates and renown golf courses to further improve his scratch golf game; and
WHEREAS, Ted and his wife, Penny, are the proud “parents” of one beloved dog, Sophie, whose life is filled with the love and adoration of her “parents”; and
WHEREAS, he is a kind and considerate man who has earned the respect and appreciation of his family, his colleagues, his many
friends, his children, Lauralyn, Sean and especially, his youngest daughter, Kimberly, who is so proud to call him her father;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 13, 2001, as TED ARTHUR BEATTIE DAY in the State of Illinois.

Issued by the Governor January 18, 2001.
Filed by the Secretary of State January 25, 2001.

2001-35
JAMES B. PARK DAY

WHEREAS, James B. Park earned a Bachelor of Science Degree and a Master of Science Degree in Engineering from Southern Illinois University in 1970 and 1971; and
WHEREAS, in 1971, Jim Park began employment with the Illinois Environmental Protection Agency as a Permit Review Engineer and was later promoted to the position of Federal Permits Liaison of the federal National Pollutant Discharge Elimination System permit program; and
WHEREAS, in 1974, Jim was promoted as Manager of Technical Standard Section of the Division of Water Pollution Control; and
WHEREAS, after nearly 10 years, Jim was again promoted as the Manager of Planning and Standards Section of the Division of Water Pollution Control, and in August of 1986, he was named Manager of the Division of Water Pollution Control; and
WHEREAS, in 1991, Jim Park was named Chief of the Bureau of Water for the Illinois Environmental Protection Agency; and
WHEREAS, throughout his tenure with IEPA, Jim has been affiliated with the Great Lakes Protection Fund, the International Joint Commission for the Protection of the Great Lakes, the Ohio River Valley Water Sanitation Commission, the Association of State and Interstate Water Pollution Control Administrators, the American Consulting Engineer Council National Engineering Excellence Awards, the Illinois River 20/20 Task Force, and the Water Resource Advisory Committee; and
WHEREAS, Jim Park earned the Illinois Award from the Illinois Association of Wastewater Agencies and an Alumni Achievement Award from Southern Illinois University; and
WHEREAS, James B. Park retired from the Illinois Environmental Protection Agency on December 31, 2000, after 29 years of service; and
WHEREAS, James B. Park will be honored by his friends, coworkers, and family at a reception on January 23, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 23, 2001, as JAMES B. PARK DAY in Illinois.

Issued by the Governor January 19, 2001.
Filed by the Secretary of State January 25, 2001.

2001-36
NORTHEASTERN UNIVERSITY WEEK

WHEREAS, in 1850 the nine founders of Northwestern desired to create an academic institution of the highest order of excellence that would serve the people of the Northwest Territory; and
WHEREAS, the State of Illinois granted a charter, signed by Governor A.C. French, establishing Northwestern University on January 28, 1851; and
WHEREAS, Northwestern was one of the earliest institutions of higher learning in the country to admit women on the same basis as men; and

WHEREAS, since Northwestern purchased land north of Chicago and began offering classes in 1855 and the City of Evanston was incorporated in 1863, the City of Evanston and Northwestern University have enjoyed a mutually beneficial relationship; and

WHEREAS, because Northwestern has maintained property in Chicago since it’s inception and consolidated its professional schools in the early 20th century into one campus in Chicago’s Streeterville neighborhood, the City of Chicago and Northwestern University have enjoyed a mutually beneficial relationship; and

WHEREAS, Northwestern’s position as a premier research and teaching institution of national and international acclaim and consistent ranking as a top U.S. university brings great pride and honor to Illinois and its residents; and

WHEREAS, Northwestern is celebrating its Sesquicentennial anniversary with events and programs on both campuses and around the country throughout 2000 and 2001; and

WHEREAS, Northwestern will recognize the 150th anniversary of its statutory origins on January 28, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 28-February 3, 2001, as NORTHWESTERN UNIVERSITY WEEK in Illinois.

Issued by the Governor January 19, 2001.
Filed by the Secretary of State January 25, 2001.

2001-37
OGONNA NNNAMANI DAY

WHEREAS, Ogonna Nnamani of University High School in Normal, Illinois, has been named the 2000 Gatorade National High School Volleyball Player of the Year; and

WHEREAS, for the past 16 years, the Gatorade program has honored student-athletes in 10 sports for their academic success and high character, in addition to their outstanding athletic ability; and

WHEREAS, Ogonna Nnamani has been chosen out of more than 375,000 high school volleyball players nationwide; and

WHEREAS, as a four-year starter on the University High School volleyball team, Ogonna has received numerous athletic awards, including the Student Sports Magazine Player of the Year, Champaign News Gazette All-State Player of the Year and has been chosen twice as a first-team, all-state selection; and

WHEREAS, Ogonna has had a very impressive volleyball career, which includes 345 kills, 47 blocks, and 24 serving aces. Her dominance on the court has lead her team to consecutive state championships and an impressive 41-1 record this season; and

WHEREAS, Ogonna has achieved success off the court as well, by maintaining a perfect 4.0 GPA, participating in the National Honor Society, serving as President of the Student Body, and volunteering her time helping with Special Olympics and reading to the disabled; and

WHEREAS, to honor Ogonna for all her hard work and success, she will be presented the most famous national award for high school student-athletes on January 25, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 25, 2001, as OGONNA NNAMANI DAY in Illinois.
Issued by the Governor January 22, 2001.
Filed by the Secretary of State January 25, 2001.

2001-38
AMBUCS VISIBILITY MONTH (DECATUR)

WHEREAS, February is AMBUCS National Visibility Month; and
WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and
WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and
WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and
WHEREAS, in Illinois, the Decatur AMBUCS organization is actively involved in the community, serving meals at Special Olympics State Softball Tournaments, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.
Issued by the Governor January 24, 2001.
Filed by the Secretary of State January 25, 2001.

2001-39
AMBUCS VISIBILITY MONTH (LINCOLNLAND)

WHEREAS, February is AMBUCS National Visibility Month; and
WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and
WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and
WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and
WHEREAS, in Illinois, the Lincolnland AMBUCS organization is actively involved in the community, holding numerous fundraising events for the disabled people in the community, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.
Issued by the Governor January 24, 2001.
Filed by the Secretary of State January 25, 2001.

2001-40
AMBUCS VISIBILITY MONTH (PRAIRIELAND)

WHEREAS, February is AMBUCS National Visibility Month; and
WHEREAS, this month is specially set aside to recognize the hard work accomplished by AMBUCS organizations across the country; and
WHEREAS, AMBUCS is a non-profit, volunteer organization that includes 135 clubs spread across the United States; and
WHEREAS, AMBUCS is dedicated to creating independence for people with disabilities by performing community service, creating scholarships for therapy students, and providing therapeutic tricycles called AmTrykes to children with disabilities; and
WHEREAS, in Illinois, the Prairieland AMBUCS organization is actively involved in the community, holding numerous fundraising events for the disabled people in the community, providing computers to underprivileged and disabled children, and raising funds for Easter Seals and Special Olympics;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMBUCS VISIBILITY MONTH in Illinois.
Issued by the Governor January 24, 2001,
Filed by the Secretary of State January 25, 2001.

2001-41
LAKE VILLA CENTENNIAL CELEBRATION DAY

WHEREAS, this year marks the 100th anniversary of the Village of Lake Villa, Illinois; and
WHEREAS, over the past 100 years, Lake Villa has had a dramatic increase in population and has experienced many changes in the village’s history; and
WHEREAS, prior to incorporation in 1901, the area now known as Lake Villa was called Lake City from 1883-1884, and Stanwood from 1884-1886; and
WHEREAS, E.J. Lehmann, the "Merchant Prince of State Street" had a profound influence upon the establishment of the village, and an article in an 1887 Chicago newspaper reported that "the coming city of Lake County is Lake City, which has been platted and laid out by E. J. Lehmann"; and
WHEREAS, one year after the death of E.J. Lehmann, the Village of Lake Villa was incorporated and the first election of officers was held on April 16, 1901; and
WHEREAS, many family names, such as Barnstable, Sherwood, Schneider, Hamlin, Sheehan, Hucker, Manzer, Cribb, Bartlett, Wilton, Slazes, and Blumenschein keep appearing throughout the 100 years of village history, and some of these families still have generations living in the village; and
WHEREAS, on February 15, 1923, ordinance number 123 was passed by the board of trustees approving the construction of Cedar Avenue and Lake Avenue, and on May 25, 1928, the voters approved the issue of negotiable bonds for the construction of the Village Water Works System; and
WHEREAS, the Village of Lake Villa continues to grow and prosper, and 100 years later, the current Mayor, Frank M. Loffredo, and the residents of Lake Villa celebrate the efforts of the village’s pioneering founders and resolve to continue the course of good will they set in motion;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 3, 2001, as LAKE VILLA CENTENNIAL CELEBRATION DAY in Illinois.
Issued by the Governor January 24, 2001.
Filed by the Secretary of State January 25, 2001.
WHEREAS, Thomas L. Armstead has been the Illinois State Fire Marshal since 1991, and is the twentieth person to hold the position in the agency’s 92-year history; and
WHEREAS, during his ten-year career as State Fire Marshal, the numbers of fire deaths and injuries have been significantly reduced throughout the State of Illinois; and
WHEREAS, Thomas Armstead was the motivating force responsible for creating the Firefighter Memorial at the State Capitol, as well as an annual award ceremony recognizing fire fighting heroes and those killed in the line of duty and establishing the Illinois Fire Museum located at the State Fairgrounds; and
WHEREAS, before joining the Office of the State Fire Marshall, Thomas served three years as facility fire safety coordinator for the Illinois Department of Corrections and twenty-eight years with the Springfield Fire Department, where he held several leadership positions and served as Chief for three years; and
WHEREAS, during his term as Fire Chief, Springfield became the first Insurance Service Office (ISO) Class 1 rated city in Illinois; and
WHEREAS, Thomas Armstead believes in visible, proactive leadership and organizational unity, concentrating on shared goals and resources to ENSURE THE SAFETY OF ALL the people of the State of Illinois; and
WHEREAS, Thomas’s colleagues and co-workers at the Illinois State Fire Marshal’s Office and Fire Departments from throughout Illinois will honor him for his dedicated years of service and celebrate his retirement on January 19, 2001;
Issued by the Governor January 18, 2001.
Filed by the Secretary of State January 25, 2001.

2001-42
AMERICAN HEARTSAVER MONTH

WHEREAS, nearly 700 Americans die each day of sudden cardiac arrest and 220,000 die each year; and
WHEREAS, of those who suffer cardiac arrest, 95 percent die before they reach the hospital; and
WHEREAS, progress in improving the survival rate for sudden cardiac arrest is lagging behind the survival rate for nearly all other types of cardiovascular disease; and
WHEREAS, the American Heart Association believes the survival rate for sudden cardiac arrest can be improved to 20 percent or higher, and as many as 50,000 lives can be saved each year if the chain of survival is strengthened; and
WHEREAS, the four links in the cardiac arrest chain of survival are early access to the Emergency Medical Services system, early cardiopulmonary resuscitation (CPR), early defibrillation, and early advanced medical care; and
WHEREAS, the American Heart Association emphasizes that every link in the chain of survival is critically important and can increase the prospects for survival; and

WHEREAS, the American Heart Association holds its annual American Heartsaver Day celebration events during the month of February to create public awareness of the need to strengthen every link in the chain of survival and honor those individuals who have worked to strengthen the chain or have saved a life using cardiopulmonary resuscitation or an automated external defibrillator (AED); and

WHEREAS, in 1963, Congress officially recognized the need to focus national attention on heart health when it mandated that the President of the United States issue a proclamation annually designating February as American Heart Month, and since then the American Heart Association has worked with successive administrations in preparing the annual proclamation; and

WHEREAS, the American Heart Association’s efforts place special emphasis on the need for early defibrillation because it is the only treatment to correct ventricular fibrillation – the most common cause of death from sudden cardiac arrest; and

WHEREAS, survival from sudden cardiac arrest is critically dependent on the early fibrillation link in the chain of survival, and the sooner a heart can be restarted with a lifesaving electric shock called defibrillation, the better the chances of recovery; and

WHEREAS, the American Heart Association is continually working to remove legal barriers to citizens operating automated external defibrillators;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as AMERICAN HEARTSAVER MONTH in Illinois.


Filed by the Secretary of State January 25, 2001.

2001-43
CERTIFIED NURSE ASSISTANT WEEK

WHEREAS, Illinois has more than 200,000 Certified Nurse Assistants; and

WHEREAS, Certified Nurse Assistants working in long-term care facilities provide compassionate care for residents and their families; and

WHEREAS, Certified Nurse Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and

WHEREAS, Certified Nurse Assistants are "Specialists in the Art of Caring" for tens of thousands of frail and elderly citizens of Illinois; and

WHEREAS, Certified Nurse Assistants help restore residents to their highest functioning level;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7-14, 2001, as CERTIFIED NURSE ASSISTANT WEEK in Illinois.


Filed by the Secretary of State January 25, 2001.
2001-44
JOLIET TOWNSHIP HIGH SCHOOL AND JOLIET JUNIOR COLLEGE YEAR

WHEREAS, this year marks the 100th anniversary of Joliet Junior College and Joliet Township High School; and
WHEREAS, Frank Shaver Allen, under the direction of Dr. J. Stanley Brown, superintendent; Judge A.O. Marshall, president; and the school board envisioned Joliet’s new public high school to be a “palace of learning and culture,” building the school in Collegiate Gothic; and
WHEREAS, completed in April 1901, the school enrolled only 125 students, but by 1915, the student population had grown to over 1,000 students, making expansion necessary; and
WHEREAS, Joliet Township High School continued to advance its academic program and perfect its music program. In 1930, the school became one of the four best high schools in the nation, and the school band won state championships from 1924-1926 and national championships from 1926-1928 and 1961-1963; and
WHEREAS, in 1932, Louise Lentz Woodruff designed a sculpture that became the school mascot, the Steelman, and in 1965, she donated a second sculpture now known as the Puddler; and
WHEREAS, Joliet Junior College was established in 1901 and operated by the high school district until 1967, until relocating to its present campus on Houbolt Road in 1969; and
WHEREAS, during the 1920s and 1930s, enrollment at JJC increased and new courses were developed, making the college more attractive to high school seniors; and
WHEREAS, as America’s oldest public community college, Joliet Junior College now serves over 13,000 students in seven counties,
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim 2001 as JOLIET TOWNSHIP HIGH SCHOOL AND JOLIET JUNIOR COLLEGE YEAR in Illinois.
Filed by the Secretary of State January 25, 2001.

2001-45
NURSING HOME WEEK

WHEREAS, the residents of long-term care facilities have led exceptional and extraordinary lives which have made this state great; and
WHEREAS, the long-term care facilities in Illinois are dedicated to providing the finest in health care and rehabilitation for our convalescent, aged and chronically ill citizens; and
WHEREAS, this dedication has been demonstrated through continual striving to upgrade standards of care and improve service; and
WHEREAS, the Illinois Health Care Association is contributing to activities in observance of the “Love is Ageless” theme for National Nursing Home Week beginning May 13, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13-19, 2001, as NURSING HOME WEEK in Illinois.
Filed by the Secretary of State January 25, 2001.
PROCLAMATIONS

2001-46

JENN JAM BLUES FEST AND BIG RIVER’S CHAMPIONSHIP BARBECUE CONTEST DAYS

WHEREAS, the JDSM Nursing Scholarship Foundation, a non-profit organization, was started in November 1998; and
WHEREAS, the City of Cairo supports the JDSM Nursing Scholarship Foundation, which awards scholarships to students in the State of Illinois; and
WHEREAS, to raise funds to extend their scholarships, the JDSM Nursing Scholarship Foundation held the first annual Jenn Jam Blues Festival at Fort Defiance Park in Cairo, Illinois, in June 2000; and
WHEREAS, the City of Cairo is hosting this year’s festival, along with a barbecue contest sanctioned by the Kansas City Barbecue Society (KCBS); and
WHEREAS, the KCBS is the largest international organization of barbecue enthusiasts, attracting members from all 50 states, most Canadian Provinces, and 8 countries; and
WHEREAS, the addition of an ongoing state championship barbecue contest will further enhance the blues festival and help increase funds for the JDSM Nursing Scholarship Foundation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22-23, 2001, as JENN JAM BLUES FEST AND BIG RIVER’S CHAMPIONSHIP BARBECUE CONTEST DAYS in Illinois.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-47

JOBS FOR ILLINOIS GRADUATES DAY

WHEREAS, Jobs for Illinois Graduates is the largest state model of a school-to-work transition program for students; and
WHEREAS, through the model program, students learn employability skills and develop leadership skills while they are in high school; and
WHEREAS, the model includes students committed to graduating high school, entering the work force or military service, or continuing their education or training after high school graduation; and
WHEREAS, students in the Jobs for Illinois Graduates program have consistently met standards of a 90 percent graduation rate and an 80 percent positive outcome rate; and
WHEREAS, the State of Illinois has successfully implemented the model over the past four and half years; and
WHEREAS, the current model students want to make all Illinois students and citizens aware of the opportunities available to them and the value of the Jobs for Illinois Graduates program to the State of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2001, as JOBS FOR ILLINOIS GRADUATES DAY in Illinois.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.
2001-48
LIBERAL ARTS FOR LEADERSHIP WEEK

WHEREAS, the future prosperity of the State of Illinois depends on developing the next generation of leaders; and
WHEREAS, the increasing diversity of our population challenges educational institutions to unlock the potential of minority and at-risk youth; and
WHEREAS, liberal arts education prepares our youth for leadership in business, community, and family by helping students understand themselves and their cultural heritage, by teaching the foundations of mathematics and science, by fostering the desire for lifelong learning, and by training students to synthesize knowledge of various disciplines; and
WHEREAS, the liberal arts tradition is represented in Illinois by the member colleges and universities that comprise the Associated Colleges of Illinois (ACI); and
WHEREAS, ACI member colleges and universities make teaching their first priority, dedicate themselves to developing the intellectual and leadership skills necessary to produce better Illinois citizens and improve the quality of Illinois life, as well as provide a critical forum for consideration of the social and ethical issues raised by the technological, political, and economic changes of our global society; and
WHEREAS, ACI member colleges and universities have shown themselves willing and able to provide the nurturing environment and financial aid required to accommodate increasing numbers of minority students and to ensure that these students successfully complete their college education; and
WHEREAS, ACI member college and universities respond to Illinois’ growing demand for a well-educated and technically-literate workforce, sending more than 8,500 graduates into the workplace each year, providing the teachers, nurses, managers, government, and community leaders who will shape Illinois’ future; and
WHEREAS, these vital institutions also stimulate the economic, intellectual, and cultural life of the Illinois communities in which they reside;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 19-23, 2001, as LIBERAL ARTS FOR LEADERSHIP WEEK in Illinois.

Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-49
LONG-TERM CARE ADMINISTRATORS WEEK

WHEREAS, Long-Term Care Administrators care for our loved ones and strive to provide their residents the opportunity to experience the highest quality of life; and
WHEREAS, Long-Term Care Administrators work long hours maintaining the quality of care given in their facilities and continuously striving to improve their facilities; and
WHEREAS, Long-Term Care Administrators are bound by numerous regulations and budgetary constraints, yet they succeed in performing their duties while motivating their staff;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15-21, 2001, as LONG-TERM CARE ADMINISTRATORS WEEK in Illinois.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-50
LONG-TERM CARE NURSES WEEK

WHEREAS, Long-Term Care Nurses have committed themselves to provide the highest quality care to the young, old and disabled; and
WHEREAS, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and
WHEREAS, more than 1,200 licensed and extended care facilities look to Long-Term Care Nurses for support and leadership; and
WHEREAS, the Illinois Health Care Association, representing more than 470 Illinois long-term care providers along with the Long-Term Care Nurses Association, declares May 6-12, 2001, as Illinois' Long-Term Care Nurses Week;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as LONG-TERM CARE NURSES WEEK in Illinois.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-51
PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well-being of children is a priority of this state; and
WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and
WHEREAS, the National Program for Playground Safety has been created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce these injuries; and
WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children safe, providing proper supervision, age appropriate equipment, materials to soften falls to the surface, and equipment maintenance; and
WHEREAS, it is appropriate to set aside a week each year for the direction and thought on how to keep our children safer on playgrounds; and
WHEREAS, spring is often a time that children head to the playground and a large percentage of playground injuries occur from April through June; and
WHEREAS, schools, parks, and other public facilities are preparing for the summer season and playground participants; and
WHEREAS, all of us that care about children make the commitment that no Illinois child shall play on an unsafe playground; and
WHEREAS, the National Program for Playground Safety has designated April 23-27, 2001, as National Playground Safety Week;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-27, 2001, as PLAYGROUND SAFETY WEEK in Illinois.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-52
SCHOOL PSYCHOLOGISTS MONTH

WHEREAS, for nearly 50 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, cognitive, behavioral, emotional, and educational problems; and
WHEREAS, Illinois school psychologists have demonstrated their concern for children's rights to a free and appropriate public education tailored to their individual capabilities; and
WHEREAS, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of children;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as SCHOOL PSYCHOLOGISTS MONTH in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our state's students.
Issued by the Governor January 29, 2001.
Filed by the Secretary of State February 1, 2001.

2001-53
MEDICAL ASSISTANT-PROFESSIONAL PRIDE DAYS

WHEREAS, the health of all our citizens is directly affected by the many professional medical assistants who support and assist physicians in rendering life-saving services; and
WHEREAS, many medical assistants seek to maintain the highest standards of excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and
WHEREAS, we should commend the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19-22, 2001, as MEDICAL ASSISTANT-PROFESSIONAL PRIDE DAYS in Illinois.
Issued by the Governor January 30, 2001.
Filed by the Secretary of State January 25, 2001.

2001-54
TV-TURNOFF WEEK

WHEREAS, the average American youth watches 1,500 hours of TV each year while attending school for only 900 hours annually; and
WHEREAS, parents spend an average of just 38.5 minutes a week in meaningful conversation with their children, while children spend an average of 1,680 minutes a week -- 28 hours -- watching television; and
WHEREAS, participants in TV-Turnoff Week engage in a broad range of substitute activities that foster greater social, physical, academic and creative development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-29, 2001, as TV-TURNOFF WEEK in Illinois.

Issued by the Governor January 30, 2001.

Filed by the Secretary of State January 25, 2001.

2001-55
VOLUNTEER WEEK

WHEREAS, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

WHEREAS, America cannot depend on government alone to solve all of its societal problems; and

WHEREAS, volunteerism is increasingly recognized as an important partner with government and industry; and

WHEREAS, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

WHEREAS, volunteering offers all citizens the opportunity to participate in the life of their community and lend their talents and resources, making change possible, to address some of the major issues facing our state; and

WHEREAS, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and recognize the dedicated volunteers and volunteer programs that contribute immeasurably to communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor January 30, 2001.

Filed by the Secretary of State January 25, 2001.

2001-56
BELARUSIAN INDEPENDENCE DAY

WHEREAS, on March 25, 1918, the Belarusian Democratic Republic was proclaimed; and

WHEREAS, Belarus has courageously struggled for independence for more than 50 years; and

WHEREAS, Belarusian Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our state; and

WHEREAS, events are being held in the Belarusian community to commemorate the 83rd anniversary of Belarusian independence;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2001, as BELARUSIAN INDEPENDENCE DAY in Illinois.

Issued by the Governor January 31, 2001.

Filed by the Secretary of State February 1, 2001.
2001-57
CASIMIR PULASKI DAY

WHEREAS, Polish war hero Brigadier General Casimir Pulaski fought and died valiantly and helped Colonial America win its battle for independence during the Revolutionary War; and
WHEREAS, born in Poland on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism and determination of Polish Americans and Slavic Americans who have worked and fought to help make our country great; and
WHEREAS, this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, and it is fitting that we set aside the first Monday in March to honor him, just as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois; and
WHEREAS, many observances are being held in honor of Casimir Pulaski, including celebrations at the Polish Museum in America, Truman College, City of Fairview Heights, and a banquet sponsored by the Polish American Congress-Illinois Division;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 5, 2001, as CASIMIR PULASKI DAY in Illinois.
Issued by the Governor January 31, 2001.
Filed by the Secretary of State February 1, 2001.

2001-58
GREEK INDEPENDENCE DAY

WHEREAS, Illinois residents of Greek ancestry have been closely identified with the educational, professional, economic, religious, and cultural progress of our state since its earliest days; and
WHEREAS, Greece is universally acknowledged to have been “the cradle of democracy,” and people of independent nations everywhere are indebted to the Greek formulation of principles of self-government; and
WHEREAS, the nation of Greece has contributed immeasurably to the ideals of freedom and democracy and to the rich heritage that forms the foundation of western civilization; and
WHEREAS, on March 25, 2001, the people of Greek origin will celebrate the 180th Anniversary of Greek Independence to commemorate their freedom, and a parade commemorating the Hellenic Spirit will take place in Greek Town in Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25, 2001, as GREEK INDEPENDENCE DAY in Illinois.
Issued by the Governor January 31, 2001.
Filed by the Secretary of State February 1, 2001.

2001-59
IRISH AMERICAN HERITAGE MONTH AND ST. PATRICK’S DAY

WHEREAS, by 1776 nearly 300,000 natives of Ireland had immigrated to the United States; and
WHEREAS, at least eight signers of the Declaration of Independence were of Irish origin; and
WHEREAS, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society; and
WHEREAS, Irish Americans such as Thomas O’Shaughnessy, Louis Sullivan, Walter Farrell, and Finley Peter Dunne have added to Illinois’ culture; and
WHEREAS, Irish Americans have helped to construct several major Illinois projects including the Illinois Michigan Canal; and
WHEREAS, more than ten St. Patrick parades will take place across Illinois, including the Grand Parade XVI sponsored by the St. Patrick Society Quad Cities USA, and numerous other St. Patrick’s Day Parades sponsored by the Irish Marching Society of Rockford, the St. Patrick Society of Peoria, the West Suburban Irish, the Elmhurst St. Patrick’s Day Parade Committee, the Southside Irish St. Patrick’s Day Parade Committee, the Lee County Irish Heritage Club, the Downtown St. Charles Partnership, the Greater St. Charles Area Chamber of Commerce, the Oak Park Avenue Main Street Association, and the Manhattan Youth Athletic Association; and
WHEREAS, the Governor’s Office will sponsor an annual Irish cultural program, Friday, March 16th at the James R. Thompson Center featuring the Shannon Rovers Pipe Band, Trinity Irish Dancers, and Maureen O’Looney, Producer & Host of WSBC-1240 AM American Irish Radio Network;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as IRISH AMERICAN HERITAGE MONTH and March 17, 2001, as ST. PATRICK’S DAY in Illinois.
Issued by the Governor January 31, 2001.
Filed by the Secretary of State February 1, 2001.

2001-60
LITHUANIAN INDEPENDENCE DAY

WHEREAS, Lithuania’s history as a nation dates back to the 13th century; and
WHEREAS, Lithuania has courageously struggled for independence for more than 50 years; and
WHEREAS, Lithuanian-Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our state; and
WHEREAS, Chicago is home to a large Lithuanian community that is still strongly connected to its homeland; and
WHEREAS, we are grateful for their contributions to our state and our individual lives; and
WHEREAS, many events are being held to commemorate the 83rd anniversary of Lithuania’s independence;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 16, 2001, as LITHUANIAN INDEPENDENCE DAY in Illinois, commemorating the anniversary of this special day.
Issued by the Governor January 31, 2001.
Filed by the Secretary of State February 1, 2001.

2001-61
ROSE GARLASCO DAY

WHEREAS, the education of our children is a vital issue for the future of our nation; and
WHEREAS, school principals and assistant principals are leading the way for our children to receive quality education in the State of Illinois; and
WHEREAS, Illinois residents are fortunate that individuals of great talent, commitment and character have dedicated their lives to the noble pursuit of educating our children; and
WHEREAS, McDonald’s Corporation and the National Association of Secondary School Principals (NASSP) work together to recognize outstanding assistant principals across the country through the Assistant Principal of the Year program; and
WHEREAS, McDonald’s and NASSP have selected Rose Garlasco of Vernon Hills High School as the 2001 Assistant Principal of the Year in the State of Illinois; and
WHEREAS, Rose Garlasco has worked for more than 25 years to educate the children of Illinois, setting a standard of excellence in her profession and becoming a great asset to the State of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 6, 2001, as ROSE GARLASCO DAY in Illinois.
Issued by the Governor January 31, 2001.
Filed by the Secretary of State February 1, 2001.

2001-62
BOBBY SHORT DAY

WHEREAS, Bobby Short, an internationally acclaimed entertainer, is a native son of Danville, Illinois; and
WHEREAS, Bobby Short has performed with numerous symphonies and in numerous concerts, television specials and movies; and
WHEREAS, Bobby Short has become the nation’s most celebrated cabaret performer, having performed for Presidents Nixon, Carter, Reagan, and Clinton at the White House; and
WHEREAS, Bobby Short has been nominated for three Grammy Awards in 1993, 1994, and 2000; and
WHEREAS, Bobby Short has been appointed as Laureate of the Lincoln Academy here in Illinois; and
WHEREAS, Bobby Short has helped the Danville Community Public School Foundation strive to build a better tomorrow for the Danville Area;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2, 2001, as BOBBY SHORT DAY in Illinois.
Issued by the Governor February 1, 2001.
Filed by the Secretary of State February 1, 2001.

2001-63
CHILDREN’S DENTAL HEALTH MONTH

WHEREAS, it is important that families maintain good health and good dental health; and
WHEREAS, good health can be achieved in part through good dental habits learned early in childhood and reinforced throughout life; and
WHEREAS, Children’s Dental Health Month was initiated over 50 years ago in an effort to promote good oral health for children; and
WHEREAS, although children’s oral hygiene is improving, many children still do not receive proper oral care; and
WHEREAS, one in ten children ages 5 to 11, has not visited a
dentist;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim February 2001 as CHILDREN’S DENTAL HEALTH MONTH in Illinois.
Issued by the Governor February 1, 2001.
Filed by the Secretary of State February 1, 2001.

2001-64
ESTONIAN INDEPENDENCE DAY

WHEREAS, Estonia became an independent republic on February 24,
1918; and
WHEREAS, their independence lasted until the 1940’s when the
Soviet Union occupied Estonia; and
WHEREAS, Estonian regained its freedom and became an independent
republic in August of 1991; and
WHEREAS, persons of Estonian heritage are exemplary American
citizens who still preserve their traditions, take pride in their
history of freedom, believe in human rights, and seek self-
determination for their homeland; and
WHEREAS, Chicago enjoys one of the largest communities of
Estonians in the United States today;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim February 24, 2001, as ESTONIAN INDEPENDENCE DAY in Illinois in
recognition of the 83rd anniversary of Estonian independence.
Issued by the Governor February 1, 2001.
Filed by the Secretary of State February 1, 2001.

2001-65
IRANIAN HERITAGE DAY

WHEREAS, the contributions of Iranian culture to the world
civilization have been significant and long-standing; and
WHEREAS, as one of the great ancient civilizations, Iranians have
made major achievements in literature, philosophy, politics,
mathematics, astronomy, music medicine, architecture, and fine arts; and
WHEREAS, due to Omar Khayyam, who founded the algebraic method
and Rhazes, who discovered the medicinal uses of alcohol, and through
Avicenna’s writing, Europe has been reintroduced to Greek philosophy
and culture; and
WHEREAS, Iranian artisans have been inspired by works such as
Hafiz’s odes, which inspired Goethe and Sa’di’s Rose Garden, and
inspired Emerson to design the woven carpets, known as Persian rugs,
that have set universal standards for beauty and delicacy; and
WHEREAS, proud citizens and residents of the United States, over
a million strong, continually strive to maintain the legacy of their
forefathers; and
WHEREAS, thousands of Americans with Iranian ancestry are astir
in educational, cultural, social, economic, and governmental
institutions impacting their communities; and
WHEREAS, Iranians all over the world celebrate New Years Day, or
“Now Rouz,” a tradition from nearly 3,000 years ago, on the first day
of spring, March 21; and
Proclamations

Whereas, the significance of Iranian’s cultural legacy and the contributions of Iranian Americans to the vitality of Illinois have had an important impact on our state;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2001, as IRANIAN HERITAGE DAY in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-66

Zarem/Golde Ort Technical Institute Month

Whereas, the Zarem/Golde Ort Technical Institute is affiliated with Ort (Organization for Educational Resources and Technological Training), a worldwide Jewish sponsored, non-denominational, non-profit network of more than 800 schools and training centers with a current enrolment of 262,000 students in 60 countries; and

Whereas, Ort schools offer instruction in a wide array of fields, ranging from robotics to language skills; and

Whereas, for 121 years, Ort has sought to bring economic self-sufficiency to people in need throughout the world, and approximately 2.5 million people have participated in Ort education and training programs since the organization’s inception in 1880; and

Whereas, the Zarem/Golde opened in Chicago, Illinois, in March 1991, and attending the opening ceremony was then U.S. Department of Labor Secretary Lynn Martin, who stated that “the Chicagoland corporate community is indeed fortunate to have an internationally acclaimed organization such as Ort educating and training students for the local workforce”; and

Whereas, the Zarem/Golde student body is multi-cultural, comprised mostly of immigrants from 42 different nations; and

Whereas, the average student is 32, reflecting a student population that is essentially unemployed or underemployed and seeks essential English and technical skills to advance in the American workplace; and

Whereas, in the Institute’s first ten years of existence, 2,340 students have graduated with certificates in their fields of study, which include Computerized Accounting, Computer-Aided Design and Drafting, Microcomputer and Networking Technology, Computer Programming, and English as a Second Language; and

Whereas, the school has an active business advisory board that provides guidance on developing educational and training programs to staff, and 78 percent of the Zarem/Golde graduates are placed in jobs through the efforts of the Institute’s job placement staff.;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as ZAREM/GOLDE ORT TECHNICAL INSTITUTE MONTH in Illinois.

Issued by the Governor February 1, 2001.

Filed by the Secretary of State February 1, 2001.

2001-67

International Week

Whereas, the International Student Council at Southern Illinois University at Carbondale is celebrating its 27th anniversary of cultural, social, and educational contributions to the community; and
WHEREAS, SIUC has student representatives from 115 countries and ranks within the top 20 of the nation’s universities for foreign enrollment; and
WHEREAS, the International Student Council is sponsoring International Festival 2001 from February 12-17 to offer cultural exhibitions and activities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as INTERNATIONAL WEEK in Illinois.
Issued by the Governor February 2, 2001.
Filed by the Secretary of State February 8, 2001.

2001-68
MUSEUM DAY

WHEREAS, museums throughout Illinois are dedicated to promoting cultural development through educational programming, and acquiring, conserving, preserving, researching, interpreting, strengthening, and in particular, organizing and continuously exhibiting specimens, artifacts, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic significance to the public for its enlightenment and enjoyment; and
WHEREAS, museums play a vital role in enriching education by contributing integral resources that enhance the learning process of Illinois school children and encourage education partnerships between museums and schools; and
WHEREAS, for many communities, museums are instruments for economic development, because they not only reap the obvious benefits from tourism, but they also serve as catalysts for redevelopment and revival of downtown areas, embellishing and strengthening the cultural character of communities; and
WHEREAS, Illinois celebrates museums as places to acquire knowledge and provide enjoyable and entertaining leisure opportunities for all ages;
THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2001, as MUSEUM DAY in Illinois.
Issued by the Governor February 2, 2001.
Filed by the Secretary of State February 8, 2001.

2001-69
FUTURE BUSINESS LEADERS OF AMERICA-Phi Beta Lambda WEEK

WHEREAS, Americans depend upon the business leaders of our country to promote future growth and progress of the United States economy and to assure continuing prosperity for the entire nation; and
WHEREAS, the Future Business Leaders of America organization is actively training young people to assume positions of leadership and responsibilities in business and industry, as well as teaching young people the value and benefits of being actively involved in community service projects; and
WHEREAS, there are approximately 3,500 Future Business Leaders of America-Phi Beta Lambda members in Illinois from 84 high schools and 15 colleges, and approximately 250,000 members nationwide; and
WHEREAS, the Future Business Leaders of America organization continues to demonstrate their effectiveness in producing young people
who are competent leaders committed to not only sustaining the American free enterprise system, but also expanding and improving upon it;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as FUTURE BUSINESS LEADERS OF AMERICA- PHI BETA LAMBDA WEEK in Illinois.

Issued by the Governor February 6, 2001.
Filed by the Secretary of State February 8, 2001.

2001-70
JANICE CORLEY AND THE CHILDREN’S MIRACLE NETWORK DAY

WHEREAS, Janice Corley, President and CEO of RE/MAX Exclusive Properties is hosting a Valentine Sweetheart Reception for the Children’s Miracle Network on February 8, 2001; and

WHEREAS, founded in 1983, the Children’s Miracle Network helps more than seven million children each year by providing funds for treatment, equipment, and research; and

WHEREAS, one hundred percent of locally generated funds stay in the communities in which they are raised to benefit children through locally affiliated hospitals; and

WHEREAS, RE/MAX is the second-largest corporate sponsor for the Children’s Miracle Network, raising $4.3 million last year; and

WHEREAS, the City of Chicago, its dignitaries, and agents from the RE/MAX of Northern Illinois network would like to commend and thank Janice Corley for her tireless efforts as a child advocate and her work with the Children’s Miracle Network,

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 8, 2001, as JANICE CORLEY AND THE CHILDREN’S MIRACLE NETWORK DAY in Illinois.

Issued by the Governor February 6, 2001.
Filed by the Secretary of State February 8, 2001.

2001-71
RONALD REAGAN DAY

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving the cause of freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he was victorious in 49 out of the 50 states in the general election, earning the confidence of three-fifths of the electorate – a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan’s presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and
WHEREAS, Mr. Reagan’s commitment to an active social policy agenda for the nation’s children helped lower crime and drug use in our neighborhoods; and
WHEREAS, President Reagan’s commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world and prepared America’s armed forces to win the Gulf War; and
WHEREAS, President Reagan’s vision of “peace through strength” led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and
WHEREAS, on February 6, 2001, Ronald Reagan will celebrate his 90th birthday, thus becoming the oldest living former President;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 6, 2001, as RONALD REAGAN DAY in Illinois.
Issued by the Governor February 6, 2001.
Filed by the Secretary of State February 8, 2001.

2001-72
CONVERTING MACHINERY AND MATERIALS DAYS

WHEREAS, CMM International (Converting Machinery and Materials) is the largest trade show of its kind in the world; and
WHEREAS, CMM 2001 will be represented by more than 1,000 exhibitors and attended by over 32,000 converting professionals from 70 countries around the world; and
WHEREAS, this year’s show will feature 420,000 net square feet of the latest products and technologies from more than 1,000 of the industry’s leading manufacturers and marketers of converting machinery and materials; and
WHEREAS, dozens of top industry experts will be on hand to present the most comprehensive conference program with topics ranging from e-commerce and critical management issues to technical sessions on digital printing technologies, advanced web handling, and process automation; and
WHEREAS, CMM International is held every two years at Chicago’s McCormick Place and will take place this year from April 23-26;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-26, 2001, as CONVERTING MACHINERY AND MATERIALS DAYS in Illinois.
Issued by the Governor February 8, 2001.
Filed by the Secretary of State February 8, 2001.

2001-73
AFFORDABLE HOUSING WEEK

WHEREAS, securing decent, safe, accessible, and affordable housing is a part of the American dream and a goal of Illinois citizens; and
WHEREAS, efforts to help citizens secure affordable home ownership and rental housing opportunities are legitimate and necessary activities of both state government and the private sector, as witnessed by the many Illinois citizens who have benefited from state programs; and
WHEREAS, affordable housing remains only a dream to thousands of Illinois citizens; and
WHEREAS, reductions in federal housing assistance and rising housing costs have contributed to high rent burdens on senior citizens, low-income families, and others; and
WHEREAS, access to affordable housing can be achieved through cooperative local, state, and federal efforts; and
WHEREAS, the talents of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies, and others must be combined to address the immense challenge of increased affordable housing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4-11, 2001, as AFFORDABLE HOUSING WEEK in Illinois.

Issued by the Governor February 9, 2001.
Filed by the Secretary of State February 15, 2001.

2001-74
BUILDING SAFETY WEEK

WHEREAS, the well-being of every Illinois citizen depends on the safety of the buildings in which they live, work and play; and
WHEREAS, code compliance in these buildings is the joint responsibility of building owners, building managers, architects, engineers, contractors and building officials; and
WHEREAS, the general public should recognize the importance of building safety codes, which protect the public’s health and safety by regulating the structural, electrical, plumbing, mechanical, fire safety, energy efficiency, accessibility and other aspects of both newly constructed and existing buildings; and
WHEREAS, units of state and local government throughout the world are joining in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout this state, the nation and the entire world; and
WHEREAS, the theme for this year’s International Building Safety Week is “Building Our World – One Community at a Time;”

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8-14, 2001, as BUILDING SAFETY WEEK in Illinois.

Issued by the Governor February 9, 2001.
Filed by the Secretary of State February 15, 2001.

2001-75
COMMUNITY BANKING WEEK

WHEREAS, for more than a century, Illinois community banks and thrifts have acted as the community partner for local business, industry and individuals; and
WHEREAS, the Community Bankers Association of Illinois is celebrating its 27th year of serving Illinois community banks; and
WHEREAS, more than 900 locally owned and/or operated community banks and thrifts with thousands of banking offices in Illinois have upheld a tradition to give back to their communities, and
WHEREAS, Illinois community banks and thrifts employ more than 20,000 workers and serve more than two million account holders conscientiously and competitively; and
WHEREAS, on the average, more than 95 percent of a community financial institution’s loan portfolio is reinvested in the local area as farm, commercial, small business and residential loans; and
WHEREAS, Illinois community banks and thrifts are among the safest and most well-capitalized banks in the nation;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-7, 2001, as COMMUNITY BANKING WEEK in Illinois.  
Issued by the Governor February 9, 2001.  
Filed by the Secretary of State February 15, 2001.

2001-76  
ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for the past 40 years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, DC, for approximately 60 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by the member cooperatives; and 
WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states will have an opportunity to witness their federal government in action during the “Youth to Washington” tour, June 15-22, 2001; and 
WHEREAS, in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our State Capitol on April 4, 2001, for 250-300 contest finalists; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4, 2001, as ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois.  
Issued by the Governor February 9, 2001.  
Filed by the Secretary of State February 15, 2001.

2001-77  
USO OF ILLINOIS MONTH

WHEREAS, the United Service Organizations, Inc. (USO) is chartered by Congress as a non-profit charitable corporation and is endorsed by the President of the United States and the Secretary of Defense; and 
WHEREAS, the mission of the USO is to offer social, emotional, and recreational support to all branches of the military, keep morale and spirits high, and extend a “touch of home” to all military members; and 
WHEREAS, the USO of Illinois is located in Chicago and has contributed over $500,000 to provide welfare and recreational services to more than 250,000 members of the Armed Forces and their family members serving in or travelling through the Chicagoland area; and 
WHEREAS, over 50 members in the USO of Illinois corps of volunteers provide an estimated 10,000 hours of service annually, welcoming service members to the centers, relieving the loneliness of an individual Soldier/Marine/Sailor/Airman or Coast Guardsman, and delivering a “touch of home”; and 
WHEREAS, March 2001 marks the 50th anniversary of USO service in Illinois and 60 years of service worldwide; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as USO OF ILLINOIS MONTH in Illinois.  
Issued by the Governor February 9, 2001.  
Filed by the Secretary of State February 15, 2001.
2001-78
NUTRITION MONTH

WHEREAS, the Illinois Department of Human Services and nutrition professionals are promoting good nutrition throughout Illinois; and
WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and
WHEREAS, more than 33 percent of Illinoisans are at risk because of obesity, and only 24 percent eat the recommended five or more servings of fruits and vegetables a day; and
WHEREAS, in keeping with the theme of the national observance, "Food and Fitness: Build A Healthy Lifestyle," all Illinoisans should become aware of the importance of proper nutrition;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as NUTRITION MONTH in Illinois.
Issued by the Governor February 13, 2001.
Filed by the Secretary of State February 15, 2001.

2001-79
DESERT STORM REMEMBRANCE DAY

WHEREAS, today many Illinois citizens will assemble in the Illinois State House to remember the 10th Anniversary of those military service people who served in Operation Desert Storm; and
WHEREAS, American service men and women risked their lives in the Persian Gulf while performing their military duties, and some made the supreme sacrifice during their service to protect the right of freedom; and
WHEREAS, the Illinois Department of Veterans' Affairs and various military veteran organizations organized the Desert Storm Remembrance Ceremony to honor those who died and those who were fortunate enough to survive the conflict; and
WHEREAS, Illinois calls upon the citizens of this great state to observe the day by pausing to remember those who served in Operation Desert Storm in an effort to secure the opportunity for people to be free from aggression against their way of life;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 28, 2001, as DESERT STORM REMEMBRANCE DAY in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-80
FRANKLIN McMAHON DAY

WHEREAS, Franklin McMahon is the recipient of the Renaissance Prize of the Art Institute of Chicago; and
WHEREAS, his art has exhibited at the Brooklyn Museum, the John and Mabel Ringling Museum of Art in Sarasota, Florida, the Mint Museum in Charlotte, North Carolina, the New York Historical Society, the Chicago Historical Society, and the Smithsonian Institution; and
WHEREAS, his paintings are in the permanent collections of Borg-Warner Corporation, Time Inc., the State University of New York, New Britain Museum of American Art, George Washington University, the University of Chicago, and the NASA Air and Space Museum; and
WHEREAS, portfolios of his works have been published by LIFE, LOOK, Fortune, Sports Illustrated, Harpers, Jubilee, the Chicago Tribune, and the New York Times; and
WHEREAS, Frank McMahon’s art work has been published in numerous books, and he has produced and directed a series of documentaries in art for PBS and CBS; and
WHEREAS, on February 26, 2001, Zion-Benton High School is presenting Frank McMahon with Presidential Materials;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 26, 2001, as FRANKLIN McMAHON DAY in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-81
HERMAN SPERTUS DAY

WHEREAS, Herman Spertus was born on March 10, 1901, in Czarist Russia; and
WHEREAS, Herman escaped from Russia and emigrated to the United States in October 1923; and
WHEREAS, in 1933, Herman, along with his brother Maurice, started Metalcraft Corporation, which became Intercraft Corporation--the first firm in the nation to mass-produce picture frames; and
WHEREAS, Herman is committed to Jewish education and culture; and
WHEREAS, he became a major benefactor of the College of Jewish Studies, which became Spertus Institute of Jewish Studies; and
WHEREAS, Herman is an avid supporter of the State of Israel, giving generously of his time and resources; and
WHEREAS, he became an accomplished artist and serious collector of fine art; and
WHEREAS, Herman received a Patrons Award from the National Foundation for Jewish Culture in 1993; and
WHEREAS, Herman is blessed with a large family, including, 13 grandchildren and seven great-grandchildren; and
WHEREAS, Herman is celebrating his 100th birthday on March 10, 2001,
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10, 2001, as HERMAN SPERTUS DAY in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-82
LICENSED PRACTICAL NURSE WEEK

WHEREAS, the maintenance of good health is of primary concern to everyone; and
WHEREAS, the role of the licensed practical nurse, in caring for people’s health needs, has advanced in responsibility and complexity; and
WHEREAS, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is the voice for LPNs in the health care field and maintains the welfare of the LPN; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is a member of National Federation of Licensed Practical Nurses; and
WHEREAS, the Licensed Practical Nurse Association of Illinois is holding its 52nd annual convention April 28-May 3, 2001, in Peoria, Illinois, at the Brandywine Holiday Inn. This year’s theme is “LPNs Moving Forward With Time;”
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-May 3, 2001, as LICENSED PRACTICAL NURSE WEEK in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-83
RALPH AND EVA REEDER DAY

WHEREAS, Ralph Reeder was born August 12, 1905, and Eva Shelts was born August 6, 1910; and
WHEREAS, Ralph and Eva were married on February 22, 1930, in Rushville, Illinois, and this year marks their 71st wedding anniversary; and
WHEREAS, they have two sons, Donald Reeder of Galesburg, Illinois, and James Reeder of Sandford, North Carolina; and
WHEREAS, Ralph and Eva are the proud grandparents of five grandchildren and eight great-grandchildren; and
WHEREAS, they spent many years farming in the Rushville and Bushnell areas before retiring in Abingdon, Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22, 2001, as RALPH AND EVA REEDER DAY in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-84
ST. DAVID’S DAY

WHEREAS, St. David or Dewi Sant is the patron saint of Wales; and
WHEREAS, David was born circa 520 to Sanctus, a king of Ceredigion, an ancient kingdom in Western Wales, and Nonnita or Non, whose virtue was well-known in Wales, Cornwall, Devon, and Brittany. He is believed to be the grandson of Ceredig, who was the son of Cunedda Wledig. Ceredig and Cunedda were both major rulers in Celtic and Roman Britain; and
WHEREAS, both Geoffrey of Monmouth and Gerald of Wales, two famous medieval writers/historians, said St. David is also said to be the uncle of King Arthur; and
WHEREAS, David was a major figure in the Celtic Church during what is called the Age of Saints and is said to have been a devout ascetic credited with several miracles; and
WHEREAS, his heroic reputation for sanctity grew and was documented in the 9th century in Ireland and England, and continued to flourish throughout the Middle Ages; and
WHEREAS, March 1 commemorates David’s death in circa 589, a date commemorated in early liturgical calendars. He was officially canonized by Rome in 1123;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2001, as ST. DAVID’S DAY in Illinois.
Issued by the Governor February 14, 2001.
Filed by the Secretary of State February 15, 2001.

2001-85
ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and
WHEREAS, the Peoria County Regional Office of Education is committed to supporting the development and promotion of fine and applied arts programs; and
WHEREAS, the Arts in Education Spring Celebration, held at the Peoria County Courthouse, provides a venue for students in grades Pre-K through 12 to showcase their works and talents; and
WHEREAS, the 2001 Arts in Education Spring Celebration will be held April 18 through May 25, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April and May 2001 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois.
Issued by the Governor February 15, 2001.
Filed by the Secretary of State February 15, 2001.

2001-86
EXCEPTIONAL CHILDREN’S WEEK

WHEREAS, children with exceptionalities may be identified as children having: superior intellectual abilities and rare creative talents, mental disabilities, hearing loss, deafness, orthopedic impairment, speech impairment, serious emotional disturbance or learning disabilities who require special education and related services; and
WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use in coping with today’s world; and
WHEREAS, the disabling tendency of an exceptionality can be prevented by properly trained professionals in conjunction with community awareness, knowledge, interest in and understanding of exceptional individuals; and
WHEREAS, being consistent with demographic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an education; and
WHEREAS, The Council for Exceptional Children, a professional organization that promotes the advancement and education of all
exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education; therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as EXCEPTIONAL CHILDREN’S WEEK in Illinois.

Issued by the Governor February 15, 2001.
Filed by the Secretary of State February 15, 2001.

2001-87
ORDER SONS OF ITALY AND ALZHEIMER’S ASSOCIATION “PARTNERS IN PROGRESS” DAY

WHEREAS, the Order Sons of Italy in America is the largest organization of Americans of Italian descent; and
WHEREAS, the Order Sons of Italy promotes the image of Italian Americans through its involvement in community, charitable, educational, cultural, social, youth, and civic activities; and
WHEREAS, the National Council of the Order Sons of Italy in America in partnership with the Alzheimer's Association has adopted Alzheimer's Disease as one of its primary charities; and
WHEREAS, the Order Sons of Italy in America will hold a "coin drop" campaign throughout the state and local chapters across the nation on April 28, 2001, to help 2.5 million people affected by Alzheimer's Disease;

therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2001, as ORDER SONS OF ITALY AND ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois.

Issued by the Governor February 15, 2001.
Filed by the Secretary of State February 15, 2001.

2001-88
SAVE A LIFE WEEK

WHEREAS, Save A Life Foundation’s mission is to heighten public awareness and train individuals in Basic Life Saving techniques for emergency situations; and
WHEREAS, the administration of Basic Life Saving techniques, including Cardiopulmonary-Resuscitation (CPR) and Automatic External Defibrillation (AED), helps to maintain life until professionals arrive, thus significantly reducing deaths and disabling injuries; and
WHEREAS, Save A Life Foundation, in conjunction with Fire/Police/Emergency Medical Services Professionals, institutes the training of Basic Life Saving First Aid techniques to school age children and adults;

therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as SAVE A LIFE WEEK in Illinois.

Issued by the Governor February 15, 2001.
Filed by the Secretary of State February 15, 2001.

2001-89
TAI CHI AND QIGONG DAY

WHEREAS, the citizens of Illinois need methods to improve health, reduce stress, and prevent disease; and
WHEREAS, people have practiced Tai Chi and Qigong for centuries in other parts of the world for health, rejuvenation, and longevity; and
WHEREAS, Tai Chi and Qigong have been shown to promote health and help prevent disease; and
WHEREAS, the people of Illinois deserve to know that these techniques are available for their health and enjoyment; and
WHEREAS, United Nations World Health Day is April 7, 2001, and that same Saturday is observed as World Tai Chi and Qigong Day in every time zone across the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 7, 2001, as TAI CHI AND QIGONG DAY in Illinois.
Issued by the Governor February 15, 2001.
Filed by the Secretary of State February 15, 2001.

2001-90
DR. LYNNE M. WALDELAND DAY

WHEREAS, Dr. Lynne M. Waldeland served the students of Northern Illinois University for 30 years; and
WHEREAS, Dr. Lynne M. Waldeland was an outstanding campus leader, providing continuity and stability as an officer of the university during the tenure of three provosts and two university presidents; and
WHEREAS, Dr. Lynne M. Waldeland’s standards of excellence have enhanced the reputation of the university and thereby contributed to its ability to attract faculty and staff of the highest caliber; and
WHEREAS, Dr. Lynne M. Waldeland contributed to achieving results at Northern Illinois University, and under her leadership the merger of the Division of Academic Affairs and the Division of Student Affairs has become a working reality; and
WHEREAS, Dr. Lynne M. Waldeland has served as a role model, mentor, teacher, resource and consultant to numerous women on campus, inspiring collaboration, confidence and desire for personal growth; and
WHEREAS, it is fitting to honor the accomplishments of Dr. Lynne M. Waldeland as she retires from her position as Interim Executive Vice President and Provost of Northern Illinois University;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 26, 2001, as DR. LYNNE M. WALDELAND DAY in Illinois.
Issued by the Governor February 20, 2001.
Filed by the Secretary of State February 22, 2001.

2001-91
FFA WEEK

WHEREAS, agriculture, Illinois' largest and most productive industry, is vital to the future progress and prosperity of our state; and
WHEREAS, the FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education; and
WHEREAS, the future of agriculture is dependent upon the productive efforts of those engaged in the challenging and dynamic industry of agriculture; and

...
WHEREAS, the state FFA theme is "Harvesting Tomorrow's Leaders," signifying development of future leaders and the positive impact the Illinois Association has; and
WHEREAS, the future lies in the hands of a new generation of agriculturists, and nearly 16,000 FFA members are preparing for careers in agriculture; and
WHEREAS, the week of February 17-24, 2001, has been set as National FFA Week throughout the United States, Guam, Puerto Rico, and the Virgin Islands;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 17-24, 2001, as FFA WEEK in Illinois.
Issued by the Governor February 20, 2001.
Filed by the Secretary of State February 22, 2001.

WHEREAS, founded in 1881 by Clara Barton, the American Red Cross prevents and relieves human suffering by providing compassionate assistance to people afflicted by personal, local, national and international disasters; and
WHEREAS, the Red Cross serves the State of Illinois, the nation and the world, and Red Cross chapters are working with other local, state and federal leaders in PROJECT IMPACT communities to prevent disasters and save more lives; and
WHEREAS, in Illinois, the Red Cross provided disaster assistance to over 2,500 families, and Illinois Red Cross volunteers and staff responded to nearly 2,000 local emergencies, providing comfort and relief to families who needed help; and
WHEREAS, last year, the Red Cross trained nearly 12 million people, including over 373,000 in Illinois, in lifesaving CPR, first aid, automated external defibrillators, HIV/AIDS education, life guarding and water safety. The Red Cross in Illinois was instrumental in passage of the Automated External Defibrillator Act and is recognized as a leader in training persons to use this equipment; and
WHEREAS, the Red Cross provides lifesaving blood and blood products to leukemia patients, cancer patients and those suffering from trauma, and through the efforts of over 4 million volunteers, the American Red Cross provides nearly half the nation’s blood supply; and
WHEREAS, the American Red Cross in Illinois provides important community services such as senior transportation and meals-on-wheels programs, in communities throughout Illinois, ensuring a stronger standard of living for our elderly; and
WHEREAS, the State of Illinois is indebted to the Red Cross for the services provided in every county in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as AMERICAN RED CROSS MONTH in Illinois.
Issued by the Governor February 21, 2001.
Filed by the Secretary of State February 22, 2001.

WHEREAS, Bill Nolan has served the Chicago Police Department for 41 years; and
WHEREAS, Bill Nolan has been a member of the Fraternal Order of Police, Chicago Lodge Number 7 since 1963, and in 1993, he was elected President and continues to hold this position today; and
WHEREAS, he served as Treasurer for 11 years, and from 1987-1995, he served as National Treasurer; and
WHEREAS, Bill Nolan has been appointed to numerous public safety organizations and committees throughout this state, including the Mayor’s Committee for Safe Neighborhoods, the Illinois State Justice Commission, and the Department of Employment Security Board of Review; and
WHEREAS, he has served his community and state well throughout his life as Vice-Chairman of the Board of Directors for the Chicago Easter Seal Society, Co-Founder and Vice-President of Dreams for Kids in Illinois, and as a member of the Advisory Board of Saint Mary of Nazareth Hospital Center and Windows of Opportunity, Inc.; and
WHEREAS, Bill Nolan has received numerous awards and honors both professionally and personally, including Man of the Year by the Emerald Society of Illinois in 1990 and Law Enforcement Officer of the Year by the Illinois State Crime Commission in 1997; and
WHEREAS, to celebrate his career with the Chicago Police Department and wish him luck and success, Bill’s family, friends, and fellow officers are throwing him a retirement party on March 2, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2, 2001, as BILL NOLAN DAY in Illinois.
Issued by the Governor February 21, 2001.
Filed by the Secretary of State February 22, 2001.

2001-94
HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY

WHEREAS, since 1941, the leadership and membership of the Highlands Presbyterian Church in LaGrange, Illinois, have been serving the local community and world wide missions; and
WHEREAS, the church's leader, Reverend Robert A. Rounce, has served the western suburban Chicago community as a board member of social service organizations, civic groups, and charitable initiatives for the past 30 years with great distinction; and
WHEREAS, Reverend Rounce has long served as the main chaplain at LaGrange Community Memorial Hospital and the La Grange Highlands Fire Protection District; and
WHEREAS, Robert and Eleanor Rounce have grown by leading building renovations, youth groups, adult programs, and national Presbyterian U.S.A. camps for decades; and
WHEREAS, Reverend Rounce retires from regular ministry in March 2001 on the occasion of the church's 50th Anniversary;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, March 1, 2001, as HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY in Illinois.
Issued by the Governor February 21, 2001.
Filed by the Secretary of State February 22, 2001.
WHEREAS, founded in 1947, the Illinois Eye-Bank makes the gift of sight possible by providing corneal tissue from donors to the people for whom a corneal transplant is a second chance for sight; and
WHEREAS, the Illinois Eye-Bank accomplishes its mission through public and professional education, donor coordination, and distribution of eye tissue for transplantation, research, and training; and
WHEREAS, the Illinois Eye-Bank will be presenting its Gift of Sight Gala 2001 benefit on March 9, 2001, at the Ritz Carlton Hotel in Chicago; and
WHEREAS, this year, the Illinois Eye-Bank will honor Michael Christ as the “2001 Man of Vision” for his outstanding community involvement and his strong civic leadership in the City of Chicago; and
WHEREAS, Michael Christ is group Vice-President for the Central Region, Southwest Region, Northwest Region, and Pacific Region for Tiffany & Co.; and
WHEREAS, Michael Christ is a past President of the Greater North Michigan Avenue Association, past Chairman of the Auxiliary Board of the School of the Art Institute, and Vice-President of the Chicago Committee for UNICEF; and
WHEREAS, he has chaired or been a committee member for many Chicago civic and charitable events, including those for Urban Gateways, the Joffrey Ballet, and Chicago House;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2001, as MICHAEL CHRIST DAY in Illinois.
Issued by the Governor February 21, 2001.
Filed by the Secretary of State February 22, 2001.

2001-96

PEACE CORPS DAY

WHEREAS, the Peace Corps has become an enduring symbol of our nation’s commitment to encourage progress, create opportunity, and expand development at the grass roots level in the developing world; and
WHEREAS, more than 162,000 Americans have served as Peace Corps volunteers in 134 countries since 1961; and
WHEREAS, over the past 40 years, 6,500 men and women from the State of Illinois have responded to our nation’s call to serve by joining the Peace Corps; and
WHEREAS, Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business, education, health, and the environment, and have improved the lives of individuals and communities around the world; and
WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and
WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and
WHEREAS, it is fitting to recognize the achievements of the Peace Corps and honor its volunteers, past and present, and reaffirm our
country’s commitment to helping people help themselves throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 1, 2001, as PEACE CORPS DAY in Illinois.

Issued by the Governor February 21, 2001.
File by the Secretary of State February 22, 2001.

2001-97
RHEA JEANNETTE RAKERS DAY

WHEREAS, Jeannette Rakers went to work at the Illinois Department of Public Aid, Division of Policy on November 1, 1973; and

WHEREAS, for the past 27 years, Jeannette has been very involved in all the policies and programs handled by the Division of Policy, including Aid to Families with Dependent Children Program (AFDC), Temporary Assistance to Needy Families (TANF), Assistance to the Aged, Blind, and Disabled (AABD), Medical Assistance, Food Stamp Program, Child Support Enforcement Program, and General Assistance; and

WHEREAS, she has also worked with the Low Income Home Energy Assistance Program, the Illinois Link Card, Quality Control, Administrative Hearings, Inquiries, and Staff Development; and

WHEREAS, Jeannette was specifically responsible for maintaining, amending, and submitting state plans for the AFDC program, Medicaid Program, and Child Support Program to the U.S. Department of Health and Human Services; and

WHEREAS, she coordinated and obtained necessary sign-offs and approvals on behalf of the agency directors for all official material being printed and distributed to agency staff and to the clients receiving benefits and services from the Agency; and

WHEREAS, her vast experience has made her a reliable and knowledgeable person throughout the Agency and she is recognized as a professional and dedicated state employee; and

WHEREAS, Jeannette’s last day at the Department of Human Service is February 28, 2001, and her friends and co-workers want to wish her much continued success and the best of luck in her future endeavors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 28, 2001, as RHEA JEANNETTE RAKERS DAY in Illinois.

Issued by the Governor February 21, 2001.
File by the Secretary of State February 22, 2001.

2001-98
SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

WHEREAS, school social workers help parents and school personnel bridge the gap between home and school coordinating community; and
WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 4-10, 2001, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

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WHEREAS, the young adult division of the Chicago Area Council of the Boy Scouts of America will host the 2001 Youth Odyssey Leadership Conference on March 2-4, 2001; and

WHEREAS, the conference will provide Midwest Explorers, Venturers and their leaders with the opportunity for a weekend of training, education, recognition, fun, and fellowship highlighted with seminars and programs on teen issues, careers, hobbies, and leadership skills; and

WHEREAS, the mission of the Exploring and Venturing programs is to build confidence in young men and women and help them make important decisions about their future; and

WHEREAS, the Exploring and Venturing programs expose young adults to a wide variety of fields, including law enforcement, banking, healthcare, medical, law, and high adventure opportunities; and

WHEREAS, developed by the Boy Scouts of America, Exploring and Venturing assists young adults with education and career choices, increase their civic awareness, and discourages drug abuse and gang affiliations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2-4, 2001, as YOUTH ODYSSEY LEADERSHIP CONFERENCE DAYS in Illinois.

Issued by the Governor February 21, 2001.

Filed by the Secretary of State February 22, 2001.

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WHEREAS, the Metropolitan Chicago Council of Camp Fire, founded in 1912, and the Illinois Prairie Council of Camp Fire, founded in 1917, teaches boys and girls to become caring, confident youths and future leaders; and

WHEREAS, Camp Fire Boys and Girls is commended for the valuable programs offered to young people in the State of Illinois and throughout the nation, and for the many services these young people perform for their communities through Camp Fire; and

WHEREAS, through contemporary programs and by speaking out on issues affecting youth and their families, Camp Fire Boys and Girls helps youths cope with their changing world; and
WHEREAS, in Camp Fire, the choices and opportunities are inclusive to boys and girls; and
WHEREAS, Camp Fire Boys and Girls, the national organization, will sponsor Absolutely Incredible Kid Day on March 15, 2001; and
WHEREAS, Camp Fire Boys and Girls has issued a call to action, asking every adult in America to write a letter to a child or children on March 15, 2001; and
WHEREAS, Camp Fire Boys and Girls has established the goal that every child receive a letter on March 15, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15, 2001, as ABSOLUTELY INCREDIBLE KID DAY in Illinois.
Issued by the Governor February 22, 2001.
Filed by the Secretary of State February 22, 2001.

2001-101
ARTS EDUCATION WEEK

WHEREAS, the Illinois Alliance for Arts Education and the Illinois State Board of Education, in cooperation with the Illinois Arts Council, are sponsoring the 19th annual Arts Education Week, March 12-18, 2001; and
WHEREAS, Arts Education Week is dedicated to the celebration and importance of dance, drama/theater, literary, media, music, and visual arts in the total education of all students; and
WHEREAS, the purpose of this celebration is to promote awareness of arts in education, encourage cooperative efforts among all arts organizations and schools, provide students with opportunities to highlight their accomplishments in a variety of arts experiences, and provide a forum to demonstrate support of arts education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2001, as ARTS EDUCATION WEEK in Illinois.
Issued by the Governor February 22, 2001.
Filed by the Secretary of State February 22, 2001.

2001-102
BEST BUDDIES INTERNATIONAL DAY

WHEREAS, people with disabilities are our nation’s largest minority. Nineteen percent of all Americans have disabilities, and over two million people with disabilities live in Illinois; and
WHEREAS, in the United States, 7.5 million individuals have mental retardation, and over 360,000 people with mental retardation reside in Illinois; and
WHEREAS, friends and family are the foundation upon which persons become productive, contributing members of society; and
WHEREAS, Best Buddies is a non-profit organization whose mission is to enhance the lives of people with mental retardation by providing the opportunity for one-to-one friendships and integrated employment; and
WHEREAS, through one-to-one, mutually enriching friendships and group activities, Best Buddies enhances the social, recreational, and occupational lives of everyone involved in the program; and
WHEREAS, since its inception, Best Buddies has grown from one chapter on one college campus to a vibrant, international organization
of more than 500 high school and college chapters throughout the United States, Canada, Greece, and Egypt; and
WHEREAS, Best Buddies has touched the lives of over 125,000 people with disabilities, their families, students, and community volunteers since 1987;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 27, 2001, as BEST BUDDIES INTERNATIONAL DAY in Illinois.
Issued by the Governor February 22, 2001.
Filed by the Secretary of State February 22, 2001.

2001-103
THE CHARTER FOR ILLINOIS CHILDREN DAY

WHEREAS, families and communities have come together to discuss children’s issues and have created a comprehensive assessment of our shared vision and responsibilities for the children of Illinois; and
WHEREAS, the Charter for Illinois Children examines the needs, talents, and expectations of children in the fundamental areas of health, education, safety, families, economic security, arts, recreation, and culture; and
WHEREAS, hundreds of endorsers have joined a growing grassroots movement in support of the Charter for Illinois Children; and
WHEREAS, the Charter for Illinois Children unites hundreds of individuals and communities under one common banner and inspires us to work together to make the vision and goals of the Charter a reality;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 16, 2001, as THE CHARTER FOR ILLINOIS CHILDREN DAY in Illinois.
Issued by the Governor February 22, 2001.
Filed by the Secretary of State February 22, 2001.

2001-104
EAST CENTRAL COMMUNITY ACTION AGENCY DAY

WHEREAS, the East Central Illinois Community Action Agency was originally incorporated by a charter group of concerned citizens in 1966 in response to the Economic Opportunity Act of 1964; and
WHEREAS, the mission of the East Central Illinois Community Action Agency is to bridge the gap between economic, social, cultural, or economic dependency and self-sufficiency by providing information, training, education, and other services that provide support to the disadvantaged; and
WHEREAS, since its original incorporation in 1966, the agency has expanded its services to include the residents of Ford and Iroquois Counties, in addition to Vermilion County; and
WHEREAS, tens of thousands of area families have received meaningful services from the agency since its inception to help them improve their lives; and
WHEREAS, the agency is a model organization in forming public and private partnerships in innovative ways to accomplish community improvement projects; and
WHEREAS, the East Central Illinois Community Action Agency continues to build upon its legacy by providing services to help families help themselves;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 9, 2001, as EAST CENTRAL COMMUNITY ACTION AGENCY DAY in Illinois.

Issued by the Governor February 22, 2001.
Filed by the Secretary of State February 22, 2001.

2001-98 (REVISED)
SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and
WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and
WHEREAS, school social workers help parents and school personnel bridge the gap between home and school coordinating community; and
WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and
WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18-24, 2001, as SCHOOL SOCIAL WORK WEEK in Illinois.
Issued by the Governor February 21, 2001.
Filed by the Secretary of State February 22, 2001.

2001-105
NORTHWESTERN UNIVERSITY DANCE MARATHON DAYS

WHEREAS, Northwestern University is hosting Dance Marathon 2001 to benefit the Elizabeth Glaser Pediatric AIDS Foundation; and
WHEREAS, this 27-year school tradition is the largest student-run philanthropy in the nation, raising more than $2 million in the past five years alone; and
WHEREAS, student volunteers spend the year raising money for charity, and their efforts culminate in one spectacular weekend where 500 students will dance for 30 straight hours, cheered on by 1,000 student volunteers and 15,000 visitors; and
WHEREAS, Dance Marathon’s primary beneficiary is the Elizabeth Glaser Pediatric AIDS Foundation, the leading worldwide nonprofit organization dedicated to funding pediatric AIDS research, and subsequent money is donated to the Evanston Community Foundation, an umbrella organization that distributes grants to community service groups in Evanston; and
WHEREAS, the Elizabeth Glaser Pediatric AIDS Foundation was created in 1988 by Elizabeth Glaser, who was infected with HIV through
a blood transfusion and unknowingly transmitted the virus to her two children; and

WHEREAS, the Foundation continues the effort to eliminate mother to child HIV transmission, to accelerate the discovery of new treatments and to ensure that children are at the forefront of every scientific breakthrough; and

WHEREAS, the Evanston Community Foundation was founded in 1986 and has awarded 100 grants, totaling $606,980 to numerous non-profit community groups; and

WHEREAS, Dance Marathon takes place at Norris University Center March 2-4, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2-4, 2001, as NORTHWESTERN UNIVERSITY DANCE MARATHON DAYS in Illinois.

Issued by the Governor February 26, 2001.
Filed by the Secretary of State March 1, 2001.

2001-106
AMUSEMENT RIDE SAFETY AWARENESS MONTH

WHEREAS, the State of Illinois is committed to the safety of all its citizens and visitors; and

WHEREAS, this commitment encompasses the amusement riding public; and

WHEREAS, the Illinois Department of Labor is responsible for the safety of over 26 million patrons on the over 1,800 amusement rides in Illinois each year; and

WHEREAS, the State of Illinois is one of the founding members of both the National Association of Amusement Ride Safety Officials and the Council for Amusement and Recreational Equipment Safety; and

WHEREAS, this commitment to safety benefits the amusement riding public, including the citizens, communities, and visitors of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as AMUSEMENT RIDE SAFETY AWARENESS MONTH in Illinois.

Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-107
CERTIFIED ATHLETIC TRAINERS WEEK

WHEREAS, the State of Illinois recognizes the importance of certified athletic trainers as health care practitioners who provide quality care and promote injury prevention for the physically active; and

WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, recognition, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2001, as CERTIFIED ATHLETIC TRAINERS WEEK in Illinois.

Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.
2001-108
DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and
WHEREAS, Jews were the primary victims - six million were murdered, while many others were also targeted for destruction or decimation for racial, ethnic or national reasons; and
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and
WHEREAS, the people of the State of Illinois should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and
WHEREAS, we the people of the State of Illinois should actively rededicate ourselves to the principles of individual freedom in a just society; and
WHEREAS, the Days of Remembrance have been set aside for the people of the State of Illinois to remember the victims of the Holocaust, as well as to reflect on the need for respect of all peoples; and
WHEREAS, April 20, 2001, has been designated, pursuant to an Act of Congress, as a Day of Remembrance of Victims of the Holocaust, known internationally as Yom Hashoah;


Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-109
DOROTHY M. GUNN DAY

WHEREAS, Dorothy Gunn has given 33 years of service to the State of Illinois, including 26 years with the Illinois Pollution Control Board; and
WHEREAS, she began state service in 1968 at the Youth Opportunity Center, and in 1970 she joined the Bureau of Employment Security, Department of Labor; and
WHEREAS, Dorothy Gunn joined the Board on April 28, 1975, as a staff secretary and later served as private secretary to deceased Board Member Irvin G. Goodman and as a staff accounting assistant; and
WHEREAS, she has served the Board admirably as Clerk of the Board since 1984, acting as the official custodian of the Board's records, including agendas and minutes, and preparing and certifying records for appeal; and
WHEREAS, Dorothy Gunn is an active member of the Centennial Missionary Baptist Church in Chicago, Illinois, serving as President and choir member and also acting as an orientation leader to new church members; and
WHEREAS, Dorothy Gunn is a devoted wife, mother, grandmother, and great-grandmother; and
WHEREAS, Dorothy's 26 continual years of dedication to the Illinois Pollution Control Board, staff, and its constituency have endeared her to all those who have had contact with her;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2001, as DOROTHY M. GUNN DAY in Illinois.
Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-110
FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY

WHEREAS, the United States General Services Administration is hosting the 44th Annual Federal Employee of the Year Awards Ceremony on May 10, 2001; and
WHEREAS, this prestigious ceremony recognizes the continuous efforts and impact of all federal government employees in the Chicagoland area; and
WHEREAS, federal employees who have dedicated themselves to giving superior service to the American public will be honored and awarded; and
WHEREAS, over 1,200 guests are expected to attend the celebration held at Navy Pier in Chicago; and
WHEREAS, this year's program theme is "Honored to Serve...Serving with Honor"; and
WHEREAS, in conjunction with the ceremony, two college scholarships totaling $4,000 will be awarded to students attending the University of Illinois, Chicago campus;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2001, as FEDERAL EMPLOYEE OF THE YEAR AWARDS DAY in Illinois.
Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-111
MUSIC EDUCATION DAY

WHEREAS, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and
WHEREAS, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a human way of life; and
WHEREAS, music is a basic influence in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in the schools; and
WHEREAS, Music Education Day at the Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and
WHEREAS, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in the curriculums of the schools in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 8, 2001, as MUSIC EDUCATION DAY in Illinois.
WHEREAS, Ned Grabavoy of Lincoln-Way High School in New Lenox, Illinois, has been named the 2000 Gatorade National High School Boys Soccer Player of the Year; and
WHEREAS, for the past 16 years, the Gatorade program has honored student-athletes in 10 sports for their academic success and high character, in addition to their outstanding athletic ability; and
WHEREAS, Ned Grabavoy has been chosen out of more than 320,000 high school soccer players nationwide; and
WHEREAS, Ned has won many awards this year, including being selected as a NSCAA/adidas State Player of the Year, a NSCAA/adidas All-American, and Parade Magazine All-American; and
WHEREAS, Ned has had a very impressive soccer career, which includes 103 goals, and 47 assists during his four-year career at Lincoln-Way High School, and his dominance on the soccer field has lead his team to consecutive State Championship games; and
WHEREAS, to honor Ned for all his hard work and success, he will be presented the most famous national award for high school student-athletes on March 6, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2001, as NED GRABAVOY DAY in Illinois.

2001-113
PUBLIC HEALTH WEEK

WHEREAS, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and
WHEREAS, April 2-8, 2001, has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and
WHEREAS, the Illinois Public Health Association, together with many other state organizations, has dedicated the first full week of April to showcase public health accomplishments and to hold special events; and
WHEREAS, all observances during the first full week of April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and
WHEREAS, the observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and
WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized
activities in the areas of education, research, and health policy development;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-8, 2001, as PUBLIC HEALTH WEEK in Illinois.
Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-114
PURCHASING MONTH

WHEREAS, the National Association of Purchasing Management (NAPM) strives to improve their standards and performance of purchasing professionals; and
WHEREAS, the Purchasing Management Association of Chicago (PMAC) is a non-for-profit organization, founded in 1913, that stresses to teaching professionals how to increase their organization’s bottom line; and
WHEREAS, PMAC is dedicated to helping purchasing professionals improve their job performance and advancement opportunities through educational programs and interaction with one another; and
WHEREAS, NAPM produces the National Report on Business, and PMAC produces the Chicago Report, monthly economic reports, which have earned national and international recognition;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as PURCHASING MONTH in Illinois.
Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.

2001-115
SPORTSMANSHIP DAY

WHEREAS, National Sportsmanship Day is a unique program that promotes sportsmanship and enhances a student’s leadership and academic skills; and
WHEREAS, the objective of the 2001 National Sportsmanship Day is to promote appreciation for the critical role of ethics, honesty, and fair play in athletics and society in general, through student-athlete outreach programs, “The No Swear Zone” writing and art contests, coaches’ forums, and other activities aimed at furthering the principles of sportsmanship and ethics; and
WHEREAS, more than 12,000 elementary, middle and high schools, as well as colleges and universities in all 50 states and more than 101 countries will participate in the 11th annual National Sportsmanship Day on Tuesday, March 6, 2001; and
WHEREAS, as part of National Sportsmanship Day, a diverse group of individuals, representing various academic and athletic fields are selected to serve as Sports Ethics Fellows; and
WHEREAS, the State of Illinois would like to encourage its young citizens to take advantage of this valuable program and set positive examples for future generations of sports fans;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 6, 2001, as SPORTSMANSHIP DAY in Illinois.
Issued by the Governor February 27, 2001.
Filed by the Secretary of State March 1, 2001.
2001-116

STEVE ALSBERG DAY

WHEREAS, Steve Alsberg is dedicated to the arts and to education, helping students, teachers, and administrators understand the power and potential of television and other media; and

WHEREAS, Steve helped bring communication technology into the school and has taught his students to use this technology creatively and responsibly; and

WHEREAS, he co-founded the TV Communications course at Highland Park High School and helped fashion the agreement between the City of Highland Park and the local cable TV company; and

WHEREAS, Steve has produced many quality videos for use in the school and the community, as well as coordinate the live broadcasts of "Art Night" during the high school’s Focus On The Arts; and

WHEREAS, he has inspired many students to pursue careers in television, film, radio, and advertising; and

WHEREAS, Steve’s dedication, insight, and sense of humor have made him a valuable member of the Highland Park High School and the Highland Park Community; and

WHEREAS, Focus On The Arts is honoring Steve Alsberg on April 24, 2001, for his support of the arts and education, as well as his dedication and involvement with Focus On The Arts;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as STEVE ALSBERG DAY in Illinois.

Issued by the Governor February 27, 2001.

Filed by the Secretary of State March 1, 2001.

2001-117

GUBERNATORIAL PROCLAMATION

As a result of ice jams, severe flooding occurred along the Rock River in the unincorporated areas of Henry and Rock Island counties and the townships of Colona and Hanna and the community of Cleveland in Henry county and the townships of Hampton and Zuma and the communities of Osborn, Barstow and Hillsdale in Rock Island county, resulting in damage to homes, levees, roads and other property.

In the interest of responding to the threat imposed to public health and safety as a result of the flooding, I hereby declare that a disaster exists within the State of Illinois and specifically identify Henry and Rock Island counties and the communities of Cleveland, Osborn and Barstow as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations. This declaration will provide for the assessment of damages which may render an opportunity to request supplemental Federal assistance.

Issued by the Governor March 1, 2001.

Filed by the Secretary of State March 1, 2001.
2001-118
BUILDING HOMES: REBUILDING LIVES DAY

WHEREAS, Lutheran Social Services of Illinois (LSSI), a faith based provider of community services throughout the State of Illinois, is a leader in the promotion of restorative justice principles that promote offender competency and provide an opportunity for prisoners to give back to the community; and

WHEREAS, LSSI created Building Homes: Rebuilding Lives in 1995, which serves as a partnership between the Illinois Department of Corrections, the faith-based organizations Habitat for Humanity, Lutheran Social Services of Illinois and other not-for-profit organizations; and

WHEREAS, Building Homes: Rebuilding Lives provides a way for prisoners to learn real-life construction skills, contribute to Illinois communities, build homes for the working poor, meet Habitat for Humanity families and break down barriers of prejudice; and

WHEREAS, Building Homes: Rebuilding Lives has helped prisoners build 133 homes to date for families in Illinois and beyond; and

WHEREAS, Building Homes: Rebuilding Lives exemplifies the good that can be accomplished when faith-based organizations partner with the state; and

WHEREAS, Building Homes: Rebuilding Lives is celebrating March 13, 2001, having been recognized nationally as the recipient of the Mutual of America Community Partnership Award for the year 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 13, 2001, as BUILDING HOMES: REBUILDING LIVES DAY in Illinois.

Issued by the Governor March 1, 2001.
Filed by the Secretary of State March 1, 2001.

2001-119
DR. MOHAMMAD MOSSADEGH DAY

WHEREAS, Mohammad Mossadegh, Mahatma Gandhi, and Nelson Mandela are national heroes for Iran, India, and South Africa, as well as international symbols of perseverance and civility and advocates of justice and democracy; and

WHEREAS, George Washington and Thomas Jefferson in the United States and Mahatma Gandhi in India led the fight for Independence from Britain, and Mohammad Mossadegh led the Iranian movement against the British colonialism in achieving the nationalization of the Iranian oil; and

WHEREAS, for the occasion of the 50th anniversary of democratic election of Premier Dr. Mohammad Mossadegh, Northeastern Illinois University in Chicago is hosting a conference titled "Mossadegh and the future of Iran"; and

WHEREAS, numerous scholars and experts of Iran, Mossadegh, and Oil and British Colonial Politics will present their views to the conference from four different continents and various American universities; and

WHEREAS, many Iranian-American scholars and scientists contribute to our educational and research institutions as faculty members, department chairs, and deans at Northeastern Illinois University;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2, 2001, as DR. MOHAMMAD MOSSADEGH DAY in Illinois.
Issued by the Governor March 1, 2001.
Filed by the Secretary of State March 1, 2001.

2001-120
GARY SEIBERT DAY

WHEREAS, the National Conference for Community and Justice (NCCJ) is a non-profit educational organization dedicated to preserving and strengthening the freedom to be different by creating opportunities for people to realize the advantages and importance of accepting diversity; and
WHEREAS, Gary Seibert is Vice-President of Midwest Hilton Hotels Corporation and General Manager of the Palmer House Hilton; and
WHEREAS, Gary Seibert is being recognized for his outstanding efforts in the area of diversity in the hospitality industry and as a highly regarded leader demonstrating undying diligence to foster tourism and economic development in the City of Chicago; and
WHEREAS, the National Conference for Community and Justice is honoring Gary Seibert with the 2001 Chicagoan of the Year Award; and
WHEREAS, the award will be presented at a gala dinner on Wednesday, March 21, 2001, in the Grand and State Ballroom of the Palmer House Hilton; and
WHEREAS, serving as co-chairpersons of the NCCJ 2001 Chicagoan of the Year Award dinner are City of Chicago Department of Cultural Affairs Commissioner Louis Weisberg and Chicago Convention and Tourism Bureau President and Chief Executive Officer Jim Reilly; and
WHEREAS, proceeds from the dinner will be used for the important year-round educational programs of NCCJ, including NCCJ’s high school program, “Building Bridges to Understanding”;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2001, as GARY SEIBERT DAY in Illinois.
Issued by the Governor March 1, 2001.
Filed by the Secretary of State March 1, 2001.

2001-121
RAMAYANA DAY

WHEREAS, the Ramayana is the lyrical story of Rama, who embodies the goodness of Man. It is also the story of love and devotion of a wife towards her husband; and
WHEREAS, this is the 2nd historical event for Chicago when communities from Thailand, Indonesia, and India will jointly present a major cultural event; and
WHEREAS, the objective of the performance is to feature the common cultural thread among these three Southeastern Asian communities promoting good will and a better understanding of each other’s cultural traditions; and
WHEREAS, approximately 95 Chicagoland artists from these three international communities presented episodes from Ramayana in 1999, celebrating their common heritage; and
WHEREAS, Thailand, Indonesia, and India will present a joint international dance drama program featuring the ancient epic, Ramayana,
Saturday, March 31, 2001, at the North Shore Center for the Performing Arts in Skokie;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 31, 2001, as RAMAYANA DAY in Illinois.

Issued by the Governor March 1, 2001.
Filed by the Secretary of State March 1, 2001.

2001-122
CARL N. DOERR DAYS

WHEREAS, Carl N. Doerr became the Village of Lisle’s first Village Manager on October 8, 1973; and
WHEREAS, Doerr is the longest-tenured Village Manager in DuPage County; and
WHEREAS, prior to his tenure as Village Manager, Doerr served as a Trustee of the Village of Lisle from 1967 until 1973; and
WHEREAS, during his exemplary career of service, the population of the Village of Lisle grew from approximately 8,428 in 1974 to more than 20,000 today; and
WHEREAS, the Village staff grew from 15 employees to 110, and his vision and wisdom successfully helped steer the Village during the mid-80s “construction boom” along the East/West Corporate Corridor and the many residential areas of the Village; and
WHEREAS, under Doerr’s leadership and guidance, the diverse and well-planned development of the Village now includes industrial parks and a commercial research corridor, a wide range of residential properties and a water system transitioned into Lake Michigan water; and
WHEREAS, one of Doerr’s key responsibilities has been that of Village Municipal Budget Officer, and he has achieved a noteworthy record of financial security and virtually debt-free stability; and
WHEREAS, Doerr’s patriotic embrace of the values of responsibility, leadership, trust and honor are exemplified in his great sense of pride, his strong work ethic, and his dedication to serving the community; and
WHEREAS, Doerr, a lifelong resident of Lisle and pillar of local government for more than three decades, will now embark on a well-earned retirement from his post of Village Manager; and
WHEREAS, his lifetime of achievement serves as an inspiration to all Illinois citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 19-23, 2001, as CARL N. DOERR DAYS in Illinois.

Issued by the Governor March 5, 2001.
Filed by the Secretary of State March 8, 2001.

2001-123
WILLIAM GRANT STRATTON

WHEREAS, William Grant Stratton was born in Lake County, Illinois, 87 years ago; and
WHEREAS, William Grant Stratton served the State of Illinois honorably and effectively as a member of the United States House of Representatives for two terms in the 1940s; and
WHEREAS, William Grant Stratton was elected Illinois State Treasurer in 1943 and again in 1950, serving as the state’s chief financial officer; and
WHEREAS, William Grant Stratton was elected governor of the State of Illinois in 1952 and again in 1956; and
WHEREAS, William Grant Stratton did much during his gubernatorial administration to advance the state’s highways, expand Illinois’ system of public universities and upgrade state facilities used annually by thousands of taxpayers; and
WHEREAS, William Grant Stratton passed from this life on Friday, March 2, 2001, and will be buried on March 6, 2001; and
WHEREAS, the life and service of William Grant Stratton deserves the homage of all Illinoisans;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, order that all national and state flags at all state offices, landmarks and facilities be flown at half-staff out of respect for the late William Grant Stratton on March 6, 2001, from sun-up to sun-down.
Issued by the Governor March 5, 2001.
Filed by the Secretary of State March 8, 2001.

2001-124
CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 34th annual Chicago Business Opportunity Fair, which is of special interest to Chicago-based businesses, will be held April 11-12, 2001; and
WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and
WHEREAS, Pamela B. Strobel, Vice-Chairman of ComEd, will serve as Chairperson of the fair’s Sponsors Committee; and
WHEREAS, the 34th Annual Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc., an organization devoted to stimulating minority purchasing in Chicago and the sponsor of the fair; and
WHEREAS, the Minority Business Committee of the Chicago Minority Business Development Council will hold its 23rd Annual Awards Program on April 12, 2001, in honor of public and private sector representatives for their contributions to minority suppliers’ growth and development;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11-12, 2001, as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.
Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-125
NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY

WHEREAS, the Chicago Area Chapter of the National Association of Women Business Owners (NAWBO), is one of the largest of the more than 90 chapters throughout the United States; and
WHEREAS, NAWBO serves as a voice for the 9.1 million women business owners who employ 27.5 million people and do more than $3.6 trillion in business each year; and
WHEREAS, NAWBO is an educational and business opportunity resource, and through participation in NAWBO, women business owners have the ability to network and mentor others; and
WHEREAS, NAWBO members provide valuable research data showing elected officials the economic impact of women; and
WHEREAS, on May 12, 2001, the Chicago Area Chapter of NAWBO will hold its 23rd Annual Gala to honor and celebrate the achievements of women in business and present the “Woman Business Owner of the Year,” “Member of the Year,” and “Corporate Woman of Achievement” awards;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois.
Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-126
NEW MEMBERS TRAINING AND DEVELOPMENT B.R.I.D.G.E. DAY

WHEREAS, the Salem Baptist Church of Chicago was organized January 13, 1985, at 8201 South Jeffery Boulevard and relocated to 11800 South Indiana Avenue on July 1, 1990; and
WHEREAS, the Salem Baptist Church of Chicago sponsors a course within the membership development department for new members to strengthen themselves in their spiritual faith; and
WHEREAS, more than 350 students in this graduation class have completed the 27-week New Members Training and Development B.R.I.D.G.E. Program; and
WHEREAS, Lanette D. Haskin, New Member Department Superintendent, has developed and supervised the New Members Program for the past nine years; and
WHEREAS, Karla L. Addison, New Members B.R.I.D.G.E./S.W.A.A.T. Team Administrator, has developed and nurtured the New Members Training and Development Care, as well as the Attendance Process for the Salem New Members; and
WHEREAS, the Reverend James T. Meeks, Pastor, should be commended for his vision and leadership;
Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-127
NURSES DAY

WHEREAS, the Chicago area is recognized as a preeminent medical resource, and its commitment to the community is evident in its health care organizations; and
WHEREAS, nursing is a vital component in the provision of modern health care; and
WHEREAS, nursing professionals specializing in emergency care, obstetrics, oncology, intensive care, surgery, home health, ambulatory care, physical rehabilitation, and other areas involved in providing medical services are an integral part of the health care team; and
WHEREAS, these individuals' contributions enhance the metropolitan Chicago area's reputation for health care excellence; and
WHEREAS, the more than 130 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council salute nurses and the important role they play in maintaining the Chicago area as a healthy and productive community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2001, as NURSES DAY in Illinois.
Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-128
STUDENT TECHNOLOGY DAY

WHEREAS, more then 3,500 Illinois students of all ages have benefited from participating in the TECH 2000/AT&T Students for the Information Age school technology demonstrations; and
WHEREAS, the TECH 2000/AT&T program is celebrating its 10th anniversary at the State Capitol Building in Springfield on March 20, 2001, at which students and teachers from nearly 140 schools throughout Illinois will demonstrate to state legislators and other visitors the vast number of ways that students are using technology to learn; and
WHEREAS, the TECH 2000/AT&T program is a statewide initiative, supported by a broad range of education and business organizations to increase awareness about classroom technology and the role it plays in preparing students for the workplace of the future; and
WHEREAS, the demonstrations at TECH 2000/AT&T have evolved over the past 10 years from students performing basic drills in reading and math to highly sophisticated, multimedia presentations that make use of all that the Internet and advances in technology have to offer; and
WHEREAS, despite these successes, there is still a need to provide programs that enable teachers to stay ahead of the learning curve, as well as empower students to learn new ways to solve problems through technology;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 19, 2001, as STUDENT TECHNOLOGY DAY in Illinois.
Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-129
TAXPAYERS’ FEDERATION OF ILLINOIS DAY

WHEREAS, the Taxpayers’ Federation of Illinois (TFI) will celebrate its 60th Anniversary on March 16, 2001; and
WHEREAS, the Federation is a statewide, nonpartisan, nonprofit organization that promotes sound tax policy; and
WHEREAS, TFI was established in 1940 by a group of taxpayers who perceived the need for a statewide association which protected the public’s interests for efficiency and economy in state and local government expenditures; and
WHEREAS, Thomas E. Donnelly of Chicago was a key organizer and served as the group’s first chairman; and as TFI has evolved through the years, its members have grown to include a broad range of corporations, small businesses, associations, state and local policymakers and individuals; and
WHEREAS, the Federation’s presence within the State Capitol has helped to educate innumerable taxpayers through six decades on an extensive list of tax issues, including recent studies on legislative funding for corrections, highways, school performance and tax increment financing; and

WHEREAS, the organization’s work and lobbying on behalf of state taxpayers has been directed by such renowned leaders on tax policy as Maurice W. Scott, Douglas L. Whitley, James D. Nowlan and Timothy S. Bramlet; and

WHEREAS, many homeowners, businesses, financial institutions, schools, government officials and the media rely on the Federation for accurate information and an unbiased appraisal of state and local fiscal issues;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 16, 2001, as TAXPAYERS’ FEDERATION OF ILLINOIS DAY in Illinois.

Issued by the Governor March 6, 2001.
Filed by the Secretary of State March 8, 2001.

2001-130
AMERICAN EX-POW RECOGNITION DAY

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and

WHEREAS, American Prisoners of War have often suffered unconscionable treatment despite international codes on the subject and many have died as a result of cruel and inhumane acts by the enemy captors; and

WHEREAS, it is fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and

WHEREAS, the Illinois Department of Veterans' Affairs will host an Ex-POW Recognition Day ceremony on April 9, 2001, at the Governors Executive Mansion in Springfield to honor our American Soldiers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9, 2001, as AMERICAN EX-POW RECOGNITION DAY in Illinois.

Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

2001-131
CANCER AWARENESS DAY

WHEREAS, the State of Illinois is committed to raising awareness and financial support for cancer research and treatment; and

WHEREAS, the Walter Payton Cancer Fund is a non-profit Cancer Treatment Research Foundation that provides cancer patients and their families healing and hope by sponsoring innovative and promising clinical research on science-based treatment options; and

WHEREAS, the Alvin James Group is coordinating a private concert featuring Patti Labelle and Jeffrey Osborne as a fundraiser for the Walter Payton Cancer Fund; and

WHEREAS, the benefit concert will be held at The Park West in Chicago on April 21, 2001; and
WHEREAS, this special occasion is a wonderful time to reflect upon Walter’s life of outstanding contributions to the people of Illinois and the world over through his many accomplishments as a crusader for life and team sports;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21, 2001, as CANCER AWARENESS DAY in Illinois.

Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

2001-132

CANCER AWARENESS WEEK FOR AFRICAN AMERICANS

WHEREAS, the State of Illinois is committed to raising awareness and financial support for cancer research and treatment; and

WHEREAS, more than 800,000 Americans will be diagnosed with cancer this year; and

WHEREAS, cancer strikes people of all ages and ethnic backgrounds, and a great need exists to advance research and treatment among African Americans and other minorities; and

WHEREAS, the Walter Payton Cancer Fund was established by the late, great football star’s family as part of the non-profit Cancer Treatment Research Foundation in order to support and encourage cancer research and creative treatment options; and

WHEREAS, research and treatment can dramatically improve the quality of life for those with cancer; and

WHEREAS, due to new research and new treatments, five-year survival rates for prostate cancer, breast cancer and melanoma average higher than 80 percent for all patients; and

WHEREAS, research and new treatments are needed to improve five-year survival rates for leukemia, lung cancer, non-Hodgkin’s lymphoma, ovarian, and pancreatic cancer; and

WHEREAS, the Cancer Treatment Research Foundation helps provide cancer patients and their families with dignified treatment and a hope for a cure; and

WHEREAS, support for the Walter Payton Cancer Fund, especially from the people of Chicago and Illinois, will strengthen the fight against cancer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as CANCER AWARENESS WEEK FOR AFRICAN AMERICANS in Illinois.

Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

2001-133

ELSIE GREEN DAY

WHEREAS, Elsie Green has been a member of Park Manor Christian Church since 1958; and

WHEREAS, she has served the church in numerous capacities including Elder, Cabinet Chair, Christian Education Chair, Cub Scout Leader, President of the Messengers Club, Chairperson of the Personnel Committee, and many other congregational and regional auxiliaries; and

WHEREAS, Elsie has been very active in her community, participating in countless political campaigns, from her years as a
Republican precinct captain to her proud participation in such Democratic campaigns as those of the late Mayor Harold Washington; and
WHEREAS, Elsie served as president of the PTA at Forestville Elementary School in the early 50's and later in the same capacity at Park Manor Elementary School; and
WHEREAS, she was a teacher in the Weekday Religious Education program, which was co-sponsored by the Chicago Board of Education and local houses of worship; and
WHEREAS, Elsie worked in a variety of positions through the years, and some of her employers include Crawford Insurance Agency, R.R. Donnelly, Encyclopedia Britannica, and the University of Illinois Medical Center, from which she retired in 1973; and
WHEREAS, Elsie is the widow of the late Mr. Willie A. Green Sr., the mother of William A. Green Jr. (Majorie), the late Charles C. Green, the Rev. Dr. Irvin W. Green (Betty), and the late Attorney Pamela A. Green, and the grandmother of Stephanie, Danielle, Jason, and great-grandson Jawann; and
WHEREAS, in March, Mrs. Green will relocate to Lexington, Kentucky, having resided in Chicago for more than 55 years; and
WHEREAS, Park Manor Christian Church will honor Elsie on March 18, 2001, for her outstanding contributions to the church and the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18, 2001, as ELSIE GREEN DAY in Illinois.
Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

2001-135

MARCH OF DIMES WALKAMERICA DAYS

WHEREAS, everyday an average of 411 American babies are born with a birth defect, and 19 babies die as a result of their birth defect; and
WHEREAS, the March of Dimes is a voluntary health organization working to assure healthy lives for America's babies; and
WHEREAS, for more than 60 years, the March of Dimes has been safeguarding America's infant health; and
WHEREAS, the March of Dimes has been a pioneer in preventing birth defects, the nation's number one child health problem, through programs of research, community services, education, and advocacy; and
WHEREAS, WalkAmerica was initiated in 1970 to raise funds that support critical March of Dimes programs; and
WHEREAS, WalkAmerica has been successful for 30 years, providing more than $1 billion for the March of Dimes mission to improve the health of babies by preventing birth defects and infant mortality; and
WHEREAS, the nation's hope for assuring future generations a healthy start in life depends upon the efforts and commitment of all Americans in events like WalkAmerica;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-29, 2001, as MARCH OF DIMES WALKAMERICA DAYS in Illinois.

Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

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WHEREAS, minority populations in Illinois have higher incidence rates of many diseases, including cancer, heart disease, unintentional injury, diabetes and HIV/AIDS than the majority population; and
WHEREAS, minority populations are more likely to die from these diseases than non-minority populations; and
WHEREAS, the Minority Health Partnership in Chicago and the Minority Health Coalition in Springfield are made up of representatives of hospitals, community-based organizations, neighborhood centers, the business community and public health departments dedicated to organizing and implementing health promotion programs for minority populations; and
WHEREAS, the partnership and coalition have adopted as their mission providing pertinent information and assistance on a wide range of health-related issues to minority individuals, families and communities throughout Illinois; and
WHEREAS, both organizations have undertaken this mission in order to support the large communal effort toward eliminating disparities in health outcomes between minority populations and the overall populations; and
WHEREAS, the partnership and coalition have expanded their scope beyond Chicago and Springfield to include a year-round calendar of activities that incorporate effective health education and promotion strategies to help prevent disease and to counteract premature mortality; and
WHEREAS, both organizations have adopted April as Minority Health Month, during which attention is focused on community awareness and knowledge of health lifestyles, and all communities are encouraged to promote consistent physical activity, proper nutrition and regular medical visits;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as MINORITY HEALTH MONTH in Illinois.
2001-137
PROUD LADY DAYS

WHEREAS, the American Health and Beauty Aids Institute (AHBAI) is a Chicago-based national trade association representing the leading African-American owned manufacturers of ethnic health and beauty aid products; and
WHEREAS, AHBAI was formed in 1981 and is celebrating its 20th Anniversary in 2001; and
WHEREAS, a symbol of strength and unity in the African-American community, AHBAI supplies high quality products produced by these manufacturers; and
WHEREAS, AHBAI will sponsor its 12th Annual Proud Lady Beauty Show, the largest ethnic show in the Midwest, in Chicago from March 31 - April 2, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 31-April 2, 2001, as PROUD LADY DAYS in Illinois.
Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 8, 2001.

2001-122 (REVISED)
CARL N. DOERR WEEK

WHEREAS, Carl N. Doerr became the Village of Lisle’s first Village Manager on October 8, 1973; and
WHEREAS, Doerr is the longest-tenured Village Manager in DuPage County; and
WHEREAS, prior to his tenure as Village Manager, Doerr served as a Trustee of the Village of Lisle from 1967 until 1973; and
WHEREAS, during his exemplary career of service, the population of the Village of Lisle grew from approximately 8,428 in 1974 to more than 20,000 today; and
WHEREAS, the Village staff grew from 15 employees to 110, and his vision and wisdom successfully helped steer the Village during the mid-80s “construction boom” along the East/West Corporate Corridor and the many residential areas of the Village; and
WHEREAS, under Doerr’s leadership and guidance, the diverse and well-planned development of the Village now includes industrial parks and a commercial research corridor, a wide range of residential properties and a water system transitioned into Lake Michigan water; and
WHEREAS, one of Doerr’s key responsibilities has been that of Village Municipal Budget Officer, and he has achieved a noteworthy record of financial security and virtually debt-free stability; and
WHEREAS, Doerr’s patriotic embrace of the values of responsibility, leadership, trust and honor are exemplified in his great sense of pride, his strong work ethic, and his dedication to serving the community; and
WHEREAS, Doerr, a lifelong resident of Lisle and pillar of local government for more than three decades, will now embark on a well-earned retirement from his post of Village Manager; and
WHEREAS, his lifetime of achievement serves as an inspiration to all Illinois citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 19-23, 2001, as CARL N. DOERR WEEK in Illinois.
Issued by the Governor March 5, 2001.
Filed by the Secretary of State March 8, 2001.

2001-138
BANGLADESH DAY

WHEREAS, Illinois is home to several thousand Bangladeshi emigrants; and
WHEREAS, those individuals and families that struggled for the freedom of their country should be commended; and
WHEREAS, the Bangladeshi community in the State of Illinois hopes to enhance Bangladeshi culture, assist Bangladeshi emigrant students and visitors, and develop and promote friendship and relationships among the citizens of Illinois; and
WHEREAS, the 30th Independence Day of Bangladesh will be celebrated in Illinois on March 24, 2001, on the anniversary of the country's independence;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 24, 2001, as BANGLADESH DAY in Illinois.
Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 15, 2001.

2001-139
BEEF MONTH

WHEREAS, Illinois produces the highest percentage of quality beef than any other state in the United States; and
WHEREAS, Illinois' beef industry contributes greatly to Illinois' overall economy each year; and
WHEREAS, Illinois Beef Producers market close to 1.5 million head of high quality cattle each year; and
WHEREAS, Illinois' Beef Producers deserve recognition for their dedication in providing humane care of their animals and a safe high quality beef product for our nation's consumers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as BEEF MONTH in Illinois.
Issued by the Governor March 7, 2001.
Filed by the Secretary of State March 15, 2001.

2001-140
CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect affect families, communities and society; and
WHEREAS, finding solutions to child abuse and neglect depends on involvement among people throughout Illinois; and
WHEREAS, effective child abuse prevention programs have contributed to the state's dramatic decline in reports of child abuse and neglect, from 139,720 child reports in Fiscal Year 1995 to 103,550 child reports in Fiscal Year 2000; and
WHEREAS, effective child abuse prevention programs succeed because of partnerships created among government entities, social service agencies, schools, religious and social service organizations, law enforcement agencies, businesses and individual citizens; and

WHEREAS, the Illinois Department of Children and Family Services is a nationally recognized leader in developing innovations aimed at protecting children from abuse and re-abuse and has recently become the nation's largest child welfare agency whose quality services have earned accreditation from the Council on Accreditation for Children and Family Services; and

WHEREAS, all citizens throughout Illinois should learn the warning signs of child abuse and neglect and report suspected cases to the Illinois Child Abuse Hotline (800) 25-ABUSE; and

WHEREAS, all communities should support child abuse prevention programs and support parents to raise their children in safe nurturing environments;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as CHILD ABUSE PREVENTION MONTH in Illinois

Issued by the Governor March 9, 2001.

Filed by the Secretary of State March 15, 2001.

2001-141

HERMES EXPO INTERNATIONAL DAYS

WHEREAS, the Hermes Expo 2001 trade show is expected to attract more than 200 exhibitors, many of whom will travel from Greece, Cyprus and Eastern European countries to display their products and services at Hermes 2001. Numerous U.S. manufacturers will also be there with customized products for the affluent and growing marketing group of Greek Americans who will visit the exhibition; and

WHEREAS, the exhibition will also have simultaneous presentations of current films from Greece's entertainment industry, wellness seminars and other similar events presently under development; and

WHEREAS, representatives from businesses and a wide range of industries representing all parts of North America, Greece, Cyprus, the Mediterranean and Eastern Europe will gather for yet another time, to exhibit their products and services to the U.S. market; and

WHEREAS, the grand opening and ribbon cutting will be held at Navy Pier in Chicago on April 28, 2001, for the start of the two-day show;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28-29, 2001, as HERMES EXPO INTERNATIONAL DAYS in Illinois.

Issued by the Governor March 9, 2001.

Filed by the Secretary of State March 15, 2001.

2001-142

I.O.F. PREVENTION OF CHILD ABUSE WEEK

WHEREAS, the Independent Order of Foresters, founded in 1874 and dedicated to the preservation of family life, is one of the oldest and largest fraternal benefit societies in the world with more than one million members; and
WHEREAS, the Independent Order of Foresters is the largest non-sectarian fraternal benefit society in the world with prevention of child abuse as its number one priority; and
WHEREAS, the Independent Order of Foresters presented 38 grants in the State of Illinois in 2000; and
WHEREAS, to accomplish one of its major goals of eradicating the blight of child abuse, the Order established its I.O.F. Prevention of the Child Abuse Fund in 1975, which has contributed cash grants to 260 agencies across the United States, Canada and England; and
WHEREAS, the Independent Order of Foresters’ strong commitment to public education includes distribution of a series of informative brochures, booklets and films used widely by schools, clinics, libraries, social service and counseling organizations; and
WHEREAS, the National Center for the Prevention of Child Abuse estimates that more than 3 million children will be victims of maltreatment this year;

2001-143
MOTHER OF THE YEAR DAY

WHEREAS, in order to provide an appropriate occasion for honoring the Illinois State Mother of the Year, as well as all the mothers in our state, it is a pleasure to call upon all citizens to observe April 22, 2001, as Mother of the Year Day in Illinois; and
WHEREAS, it is not within our power to provide an honor commensurate with the love and devotion that is inherent in motherhood, but it is entirely appropriate that we demonstrate, as best we can, the sincere appreciation we feel for the unselfish guidance, and unfailing loyalty that only a mother can provide; and
WHEREAS, it is especially important at this time, when the sanctity of the home and stability of our society are so vital to the preservation of our free way of life, that we honor the Illinois Mother of the Year as the symbol of those women, who with great patience and understanding, shape our destiny; and
WHEREAS, the 2001 Illinois Mother of the Year is Mrs. Kendra Workman Smiley of East Lynn;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22, 2001, as MOTHER OF THE YEAR DAY in Illinois.

2001-144
ORDER OF DEMOLAY DAY

WHEREAS, the Order of DeMolay is a Masonic-sponsored organization established over 80 years ago in Kansas City, Missouri; and
WHEREAS, the Order of DeMolay has over 25 chapters in Illinois and more than 700 chapters nationwide; and
WHEREAS, DeMolay teaches young men between the ages of 12 and 21 how to become better persons and leaders by building character and leadership skills; and

WHEREAS, DeMolay is an organization that builds confidence, teaches responsibility, cooperation, and community service, and fosters trust, respect, fellowship, patriotism, reverence and sharing by developing leadership skills, civic awareness, responsibility, and character development through a variety of self-directed, real world applications and activities; and

WHEREAS, masonry strives to make good men better, and the Masonic advisors to the DeMolay chapters strive to help young men become better persons as they grow into adulthood;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 11, 2001, as ORDER OF DEMOLAY DAY in Illinois.

Issued by the Governor March 9, 2001.

Filed by the Secretary of State March 15, 2001.

2001-145

PROBATION AND COURT SERVICES OFFICER DAY

WHEREAS, the safety of Illinois citizens and the rights of crime victims require a competent and thorough administration of the criminal justice system; and

WHEREAS, Illinois law requires that all counties must provide full-time probation and court services to provide a wide range of sentencing options and a continuum of sanctions to protect and safeguard every Illinois community; and

WHEREAS, the continuum of sanctions provided by Illinois probation and courts services departments include: pretrial investigations and supervision, intensive supervision, juvenile intake screening, home confinement, detention, electronic monitoring, community service, teen courts, drug monitoring, drug courts, community corrections, pre-sentencing investigations and victim services like dispute resolution and collection of restitution, among many other services; and

WHEREAS, probation and court service professionals work in collaboration with police, prosecutors, the circuit court and community organizations to provide supervision, programs and services to both juvenile and adult offenders; and

WHEREAS, more than 100,000 juvenile and adult offenders are currently sentenced to a continuum of sanctions, receive active probation supervision or are participating in court-ordered programs; and

WHEREAS, approximately 3,000 dedicated probation, detention and court services officers supervise the vast majority of Illinois' juvenile and adult offenders; and

WHEREAS, these probation, detention and court services officers work in a professional and diligent manner and continuously seek avenues to improve the administration of criminal justice in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26, 2001, as PROBATION AND COURT SERVICES OFFICER DAY in Illinois.

Issued by the Governor March 9, 2001.

Filed by the Secretary of State March 15, 2001.
2001-146

SIBLINGS DAY

WHEREAS, during the past century, families have changed dramatically - both parents often have to work outside of the home, many children are placed within day care systems and family size is shrinking due to the demands of lifestyle changes; and
WHEREAS, with both parents often having to work in today’s society, the role of the sibling is more prevalent than ever; and
WHEREAS, while children continue to depend upon and look to the mother and father for love and guidance, siblings play an increasingly crucial role in a child’s development; and
WHEREAS, our brothers and sisters are our best and closest friends who share our earliest experiences in life with a bond that grows stronger into adulthood and one’s life; and
WHEREAS, our older brothers and sisters teach us and provide role models for us, and our younger brothers and sisters give us the opportunity to learn how to nurture and take care of others; and
WHEREAS, Sibling’s Day follows the spirit of Mother’s Day, Father’s Day and Grandparent’s Day in allowing us to honor those members of our immediate families who have helped shape our lives and values;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 2001, as SIBLINGS DAY in Illinois.

Issued by the Governor March 9, 2001.
Filed by the Secretary of State March 15, 2001.

2001-147

HAVEN OF REST MISSIONARY BAPTIST CHURCH AND REV. DR. GEORGE M. BUTLER DAY

WHEREAS, the Haven of Rest Mission was founded on January 7, 1964, by 17 Christian men and women who felt the need to form a new Christian organization; and
WHEREAS, later that same month, the Haven of Rest Mission was organized as a church and renamed Haven of Rest Missionary Baptist Church, and Rev. John L. Connor was voted unanimously as the Leader-Pastor, indefinitely; and
WHEREAS, by the end of January 1964 the church had outgrown the space at 63rd and Greenwood, and a new place was founded at 74th and Ingleside, where it remained until December 21, 1977, when the land site at 7925 South Chicago Avenue was purchased and the beautiful, new church edifice was built; and
WHEREAS, in 1989, Rev. Dr. George M. Butler, one of the original members of Haven of Rest Missionary Baptist Church, was elected as pastor; and
WHEREAS, Dr. Butler is one of the most prominent and renowned ministers of Chicago and a humble servant of God; and
WHEREAS, he is a retired Chicago School Administrator, and is widely respected and recognized throughout the entire community on matters of civic, social, political, and racial concerns; and
WHEREAS, Dr. Butler has received numerous awards and certificates of service and recommendation and is affiliated with several groups, including the Bethlehem District Association, Operation PUSH, the NAACP, and the Mid America Coalition of Baptist Churches; and
WHEREAS, Dr. Butler has instituted several highly spiritual programs, and the church continues to serve the community at large by donating time and money to the Food Pantry, Girl Scouts of Chicago, and AIDS Project;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 18, 2001, as HAVEN OF REST MISSIONARY BAPTIST CHURCH and REV. DR. GEORGE M. BUTLER DAY in Illinois.

Issued by the Governor March 14, 2001.

Filed by the Secretary of State March 15, 2001.

2001-148

WILLIAM KETCHUM DAY

WHEREAS, Bill Ketchum was born in Blackwell, Oklahoma, and graduated from Oklahoma University and Harvard University’s Advanced Management Program; and

WHEREAS, Bill Ketchum is a kind and considerate man who is admired by his many friends, family, and associates; and

WHEREAS, Bill Ketchum is a loving husband to his wife, Merrily, a caring father to his children, Kelly, Steve and Heather, and devoted to his four grandchildren; and

WHEREAS, Bill Ketchum came to Illinois in 1985 to become Vice President of AT & T’s Information Services unit, developing a successful career in the telecommunications industry that has spanned more than 35 years, culminating in his former position as President of the Central Region of AT&T; and

WHEREAS, Bill Ketchum has been an active civic leader in Chicago, serving on the prestigious Civic Committee of the Commercial Club and on the boards of Metropolitan Family Services, the Museum of Contemporary Art and the Goodman Theatre; and

WHEREAS, Bill Ketchum’s commitment to civic and community involvement has been exemplified by his willingness to serve as President and Chief Executive Officer of the United Way Crusade of Mercy; and

WHEREAS, Bill Ketchum worked intensively to improve the United Way by strengthening donor relations and increasing the amount of people served by the United Way; and

WHEREAS, Bill Ketchum has worked throughout Chicago’s neighborhoods and suburbs to build support for the United Way’s mission; and

WHEREAS, Bill Ketchum will officially “retire” as Chief Executive Officer of the United Way to pursue his interests in reading, golf and tennis;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 15, 2001, as WILLIAM KETCHUM DAY in Illinois.

Issued by the Governor March 14, 2001.

Filed by the Secretary of State March 15, 2001.

2001-149

YOUTH ART MONTH

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students; and

WHEREAS, art education develops students’ creative problem-solving and critical thinking abilities; and
WHEREAS, art education teaches sensitivity to beauty, order, and other expressive qualities; and
WHEREAS, art education gives students a deeper understanding of multi-cultural values and beliefs; and
WHEREAS, art education reinforces and brings to life what students learn in other subjects; and
WHEREAS, art education interrelates student learning in art production, art history, art criticism, and aesthetics; and
WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students’ education; and
WHEREAS, support should be given to art teachers as they attempt to strengthen art education in their schools and communities; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as YOUTH ART MONTH in Illinois.

Issued by the Governor March 14, 2001.
Filed by the Secretary of State March 15, 2001.

2001-150
AUTISM AWARENESS MONTH

WHEREAS, autism is a severely incapacitating, lifelong developmental disability resulting in significant impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal and reciprocal communication; and
WHEREAS, autism is the third most common developmental disability affecting an estimated 500,000 individuals nationally and one in every 500 individuals in the State of Illinois; and
WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain, however, few members of the general public understand this complex syndrome; and
WHEREAS, although a cure for autism has not been discovered, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and appropriate education and intervention are vital to the future growth and development of the individual; and
WHEREAS, support groups, such as the Autism Society of Illinois and Illinois Chapters of the Autism Society of America, have dedicated years of service in the avocation for the rights, humane treatment and appropriate education of all persons with autism; and
WHEREAS, these groups remain committed to their cause and to educating families, professionals and the public to better understand this disability; and
WHEREAS, autism is a complex disability that requires increased research to one day find a cure;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as AUTISM AWARENESS MONTH in Illinois.
Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.

2001-151
CALL BEFORE YOU DIG MONTH

WHEREAS, the Joint Utility Locating Information for Excavators (JULIE) and its utility members are promoting the Illinois One-Call System, which prevents damage to underground facilities, reduces service interruptions and costly repairs and saves lives; and
WHEREAS, JULIE Inc. is a not-for-profit organization that represents over 930 member companies in Illinois and serves the entire State of Illinois outside the City of Chicago; and
WHEREAS, Illinois law requires all persons digging to call JULIE at least two working days prior to the start of excavation and to begin that project within 14 calendar days from the call;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as CALL BEFORE YOU DIG MONTH in Illinois.
Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.

2001-152
HOME EDUCATION WEEK

WHEREAS, the State of Illinois is committed to excellence in education; and
WHEREAS, the State of Illinois recognizes the importance of family support in educational programs; and
WHEREAS, home education was proven successful in the lives of George Washington, Thomas Edison, Helen Keller, Agatha Christie, Franklin Roosevelt, and others and may be administered in Illinois under statutory requirements of the school code;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-6, 2001, as HOME EDUCATION WEEK in Illinois.
Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.

2001-153
PARLIAMENTARY LAW MONTH

WHEREAS, April is the birth month of Thomas Jefferson, author of the first American manual of parliamentary practice; and
WHEREAS, the National Association of Parliamentarians was organized in June 1930 to further the growing interest in parliamentary rules in both public and private schools, and to bring into closer cooperation the parliamentarians of the country; and
WHEREAS, parliamentarians serve local, state, national, and international organizations by meeting presiding officers, bylaw consultants, lecturers, workshop presenters and providing opinions on parliamentary matters; and
WHEREAS, it is fitting that we reflect upon the importance of parliamentary procedure in the meetings of our private and public organizations; and
WHEREAS, parliamentarians strive to uphold the basic principles of parliamentary procedure, which protects individual rights and majority rule and assumes orderly deliberation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as PARLIAMENTARY LAW MONTH in Illinois.
Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.
2001-154
PERIODONTAL DISEASE AWARENESS MONTH

WHEREAS, according to the United States Surgeon General's Report on Oral Health, oral health is integral to the general health and well-being of all Americans, and not all of our citizens are achieving the same degree of oral health; and

WHEREAS, oral health has improved since the 1950s, and many Americans are still affected by disparities in oral health status and access to care, particularly low income and members of racial/ethnic minorities; and

WHEREAS, periodontal disease is one of the most prevalent chronic diseases in America affecting more than 50 million people, and there remains an underutilization of safe and effective means of preventing and treating periodontal disease with new medical and mechanical innovations; and

WHEREAS, periodontal disease not only causes pain and suffering for the individual, but it also costs Illinois' government, citizens and businesses significant amounts of money in direct medical costs, as well as absenteeism and lost productivity; and

WHEREAS, there is a need to educate and provide information to all Illinois citizens on these important oral health facts related to the prevention and treatment of periodontal disease; and

WHEREAS, the State of Illinois is pleased to join with employers, healthcare providers and professional organizations throughout the state who are involved in educational efforts to increase the public's awareness and understanding of periodontal disease and new methods for its treatment; and

WHEREAS, all Illinois citizens affected by periodontal disease are encouraged to discuss new treatment modalities with their dental care provider;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as PERIODONTAL DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.

2001-155
TELECOMMUNICATOR WEEK

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and

WHEREAS, every hour of every day telecommunicators access, monitor and disseminate information of critical importance to the safety of public officials and the success of public safety goals; and

WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property and individual rights of the citizens of the State of Illinois; and

WHEREAS, it is appropriate that we demonstrate our appreciation of their knowledge, training, service and dedication;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 9-13, 2001, as TELECOMMUNICATOR WEEK in Illinois.

Issued by the Governor March 16, 2001.
Filed by the Secretary of State March 22, 2001.
2001-156
JAKE HARTFORD DAY

WHEREAS, Jake Hartford has been at the top of the Saturday Morning Newscasts in Chicago for an entire DECADE; and
WHEREAS, Jake Hartford is the crown jewel of the radio talent on NEWSTALK 890 AM, and his 5 a.m. to 9 a.m. slot is the cornerstone of the week's programming, serving all those who rise early with the sun on Saturdays; and
WHEREAS, Jake Hartford is a close confidant of my good friend Jim Edwards; and
WHEREAS, Jake Hartford has led a fascinating and well-rounded life, excelling not only in radio broadcasting, but in cliff-diving, mountain climbing and raising pigs at his beloved Green Jakers (or so he says); and
WHEREAS, Jake has formed a true partnership with his great love, Ms. Dill Pickle of 1982 and has passed on his pleasant disposition, wit and good looks to his two sons; and
WHEREAS, Jake Hartford will not rest until he rules over all the airwaves of Chicago, sewing his unending wisdom, keen insights and fine-tuned perspective on all matters of life in the minds and hearts of all those with a radio;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 17, 2001, as JAKE HARTFORD DAY in Illinois.

Issued by the Governor March 19, 2001.
Filed by the Secretary of State March 22, 2001.

2001-157
ASSYRIAN NEW YEAR DAY

WHEREAS, the Assyrian New Year is one of the most important religious and celebrated holidays of the Assyrian community; and
WHEREAS, the color green will dominate the New Year festivities, as it stands for "New Life"; and
WHEREAS, the Assyrian American community has made significant contributions in all areas of life, including education, medicine, science, business, arts, government and public service in Illinois; and
WHEREAS, Joseph Tamraz, the Midwest Regional Director for the Assyrian American National Federation, has announced that the federation has many activities to mark this New Year; and
WHEREAS, the Assyrian New Year Parade will be held Sunday, April 1, 2001, on King Sargon Boulevard, between Peterson and Pratt Roads in Chicago, Illinois; and
WHEREAS, on April 1, 2001, the Assyrian American community will celebrate their New Year 6751;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1, 2001, as ASSYRIAN NEW YEAR DAY in Illinois.

Issued by the Governor March 22, 2001.
Filed by the Secretary of State March 29, 2001.
2001-158
CROATIAN CATHOLIC UNION DAY

WHEREAS, the Croatian Catholic Union of USA and Canada, a fraternal benefit society, was established in 1921; and
WHEREAS, as a fraternal, religious, charitable, humanitarian, educational, and patriotic organization, the Croatian Catholic Union has been at the forefront of championing the most sacred ideals of the Croatian people throughout Croatian Diaspora, the homeland of Croatia and across North America; and
WHEREAS, the International President Melchior Masina has announced that the 80th anniversary celebration will take place May 20, 2001; and
WHEREAS, a solemn Mass of Thanksgiving will be led by His Excellency Archbishop of the Archdiocese of Zadar, Croatia, and most Reverend Ivan Prendja of St. Jerome Croatian Church in Chicago, along with clergy from the United States, Canada, and Croatia; and
WHEREAS, following the mass will be a reception and Jubilee Banquet at Lexington Hall in Palos Hills; and
WHEREAS, over 400,000 Croatian Americans live in the State of Illinois; and
WHEREAS, the Croatian Americans have played a significant part in the progress of Illinois and have proudly shared their culture, heritage, and talents with our state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2001, as CROATIAN CATHOLIC UNION DAY in Illinois.

Issued by the Governor March 22, 2001.
Filed by the Secretary of State March 29, 2001.

2001-159
McHENRY COUNTY CONSERVATION DISTRICT DAY

WHEREAS, the McHenry County Conservation District was established by voter referendum on July 1, 1971; and
WHEREAS, the mission of the McHenry County Conservation District (MCCD) is to acquire and preserve land as open space for the education, pleasure, and recreation of the public, while providing a legacy for future generations; and
WHEREAS, the District exists to teach citizens about their environment, and through special events, school programs, the Wildlife Resource Center, workshops and programs, signage and literature, people of all ages enjoy educational and recreational opportunities throughout McHenry County; and
WHEREAS, school field trips and outreach programs have been conducted for over 11,000 students and teachers, and over 1,600 people have been served through special interest programs conducted for youth-serving organizations such as Girl Scouts, Boy Scouts, 4-H and others; and
WHEREAS, this year marks the 30th anniversary of the formation of the MCCD; and
WHEREAS, after 30 years of acquiring and preserving land, the District currently owns or manages 13,000 acres, including 13 Illinois State Nature Preserves, out of the nearly 391,000 acres that make up McHenry County; and
WHEREAS, these land holdings include just under 3.5 percent of the county’s land, bringing MCCD closer to its five-year goal of preserving 5 percent of the total land in McHenry County as open space by 2002; and

WHEREAS, it is critical that land acquisition be focused on areas that are facing the greatest rate of development and that we secure land while it is still available. Diverse landscape acquisitions will help preserve the aesthetic appeal of McHenry County and promote the county’s economic health through tourism, recreational business development and corporate relocation decisions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 3, 2001, as McHENRY COUNTY CONSERVATION DISTRICT DAY in Illinois.

Issued by the Governor March 22, 2001.

Filed by the Secretary of State March 29, 2001.

2001-160

POLKI 2000-CHICAGO EXHIBIT DAYS

WHEREAS, the Polish Polki 2000-Chicago Exhibit will be held at the Polish Museum of America on April 6-26, 2001; and

WHEREAS, the Polki 2000-Chicago is a photographic/essay exhibit spotlighting the contributions of contemporary Polish American women in the Chicago area; and

WHEREAS, Polki 2000-Chicago consists of black and white photographs of Polish women, who emigrated to the United States, representing various diverse professions; and

WHEREAS, Krystyna Cygielska, Jolanta Stawierska and Ewa Sulkowska-Bierezin are the organizers of Polki 2000-Chicago, and the exhibit is co-sponsored by the Illinois Arts Council and the Consulate General of the Republic of Poland in Chicago; and

WHEREAS, this exhibition offers the citizens of Illinois the opportunity to learn more about women who are important to the community and who endeavor to nurture Polish heritage;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6-26, 2001, as POLKI 2000-CHICAGO EXHIBIT DAYS in Illinois.

Issued by the Governor March 22, 2001.

Filed by the Secretary of State March 29, 2001.

2001-161

ROTARY WEEK

WHEREAS, the Governor's Office of Ethnic Affairs will sponsor a Rotary Club of Chicago exhibit at the James R. Thompson Center on April 2-7, 2001; and

WHEREAS, the Rotary was founded on February 23, 1905, in Chicago; and

WHEREAS, Rotary District 6450 is the founding district and Rotary District 6440 is the home district of the international movement of Rotary; and

WHEREAS, Rotary is now in 163 countries with 29,968 clubs and an international membership of 1,176,169; and

WHEREAS, District 6440 and 6450 are both involved in multiple unique international service programs, including Polio Plus, an
international program to eradicate poliomyelitis through the world and Gift of Life, which brings children in need of radical surgical procedures from international communities that do not have advanced medical care to Chicago for attention and surgery; and

WHEREAS, the object of Rotary is to encourage and foster the ideal of service as a basis of worthy enterprise. Members serve under the motto "One profits most who serves best";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-7, 2001, as ROTARY WEEK in Illinois.

Issued by the Governor March 22, 2001.

Filed by the Secretary of State March 29, 2001.

2001-162

ALPHA KAPPA ALPHA SORORITY DAYS

WHEREAS, Alpha Kappa Alpha is the first Greek-lettered organization founded on the campus of Howard University in January 1908. The founding member, Ethel Hedgeman Lyle, is a native of St. Louis, Missouri; and

WHEREAS, Alpha Kappa Alpha is a non-profit service-oriented organization with a membership base of over 150,000 college-trained women. There are more than 900 graduate and undergraduate chapters in the continental United States, the Virgin Islands, the Bahamas, England, Germany, Africa and Japan; and

WHEREAS, the IVY AKAdemy serves as a comprehensive center for all the educational and human resources development experiences for most community services programs provided by Alpha Kappa Alpha Sorority, Inc.; and

WHEREAS, the International Program theme through 2002 is BLAZING NEW TRAILS, which focuses on global Leadership Development. The five areas included in the international program and implemented in the IVY AKAdemy are Education, Health, The Black Family, Economic Empowerment and the Arts; and

WHEREAS, Alpha Kappa Alpha Sorority, Inc. will convene the 67th Central Regional Conference on April 19-22, 2001, at the Crowne Plaza Hotel in Springfield, Illinois; and

WHEREAS, over 1,000 delegates from Illinois, Indiana, Kentucky, Minnesota and Wisconsin will join the host members from the Springfield area for the historic first conference in the new millennium;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19-22, 2001, as ALPHA KAPPA ALPHA SORORITY DAYS in Illinois.


Filed by the Secretary of State March 29, 2001.

2001-94 (REVISED)

HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY

WHEREAS, since 1951 the leadership and membership of the Highlands Presbyterian Church in LaGrange, Illinois, have been serving the local community and world wide missions; and

WHEREAS, the church's leader, Reverend Robert A. Rounce, has served the western suburban Chicago Community as a board member of social service organizations, civic groups, and charitable initiatives for the past 30 years with great distinction; and
WHEREAS, Reverend Rounce has long served as the main chaplain at LaGrange Community Memorial Hospital and the Pleasantview Fire Protection Agency; and
WHEREAS, Robert and Eleanor Rounce have grown by leading building renovations, youth groups, adult programs, and national Presbyterian U.S.A. camps for decades; and
WHEREAS, Reverend Rounce retires from regular ministry in March 2001 on the occasion of the church's 50th Anniversary;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, March 1, 2001, as HIGHLANDS PRESBYTERIAN CHURCH 50TH ANNIVERSARY AND ROBERT A. ROUNCE DAY in Illinois.
Filed by the Secretary of State March 29, 2001.

2001-163
INTERGENERATIONAL WEEK

WHEREAS, generations of all ages learn from one another and benefit by sharing life experiences; and
WHEREAS, seniors enjoy volunteering time in schools and participating in extracurricular activities; and
WHEREAS, students who have older mentors improve their academic performance and social behavior; and
WHEREAS, seniors instill in young people a respect for themselves and others; and
WHEREAS, children should be exposed to the wisdom and talent of seniors to whom they look upon as role models; and
WHEREAS, intergenerational programs link seniors with young people and also makes seniors feel helpful and needed; and
WHEREAS, the Illinois Department on Aging is a strong proponent of intergenerational programs and encourages Illinoisans of all ages to participate in a program in their community; and
WHEREAS, children need to have interaction with older adults to have a realistic perception of the aging process; and
WHEREAS, Intergenerational Week is celebrated throughout the United States the third week of May 2001 and Illinois is promoting the benefits of intergenerational programs to all ages through a statewide teleconference on May 16th;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13-19, 2001, as INTERGENERATIONAL WEEK in Illinois.
Filed by the Secretary of State March 29, 2001.

2001-164
IRENE AND BRUNO BONCZYK DAY

WHEREAS, Irene and Bruno Bonczyk will be celebrating 50 years of marriage on April 22, 2001; and
WHEREAS, Irene Ilkanich was born April 11, 1931, in Chicago, Illinois; and
WHEREAS, Bruno was born April 26, 1922, in Chicago, Illinois; and
WHEREAS, Bruno served in the United States Army and was employed for 42 years with the Alton Box Board Company as a designer, where he obtained four U.S. Patents for his innovative work in the packaging industry; and
WHEREAS, Irene provided an untold amount of energy as a housewife, and later she was employed by J.C. Penney and Millers Mutual Insurance Company; and
WHEREAS, Irene and Bruno raised three wonderful children: Bruce, Barbara, and Beverly, who have graced them with three grandchildren; and
WHEREAS, Irene and Bruno have been lifelong residents of Illinois and have served the community of East Alton, Illinois, through their personal endeavors and efforts; and
WHEREAS, Irene and Bruno understand that all that is important in life - the love and respect of family and friends and their health - is theirs to treasure on their 50th Wedding Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22, 2001, as IRENE AND BRUNO BONCZYK DAY in Illinois.
Filed by the Secretary of State March 29, 2001.

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2001-165
ALLERGY AWARENESS WEEK

WHEREAS, hundreds of Americans die each year due to food induced anaphylaxis. The deaths are caused by individuals unknowingly eating a food containing an ingredient, which they were allergic to; and
WHEREAS, anaphylaxis is a sudden, severe allergic reaction involving major organs in the body simultaneously. In severely allergic individuals it can cause death in a matter of minutes; and
WHEREAS, children are the largest group affected by food allergies. Researchers estimate 6 to 7 million Americans have food allergies. Symptoms can include hives, vomiting, diarrhea, respiratory distress, and swelling of the throat; and
WHEREAS, eight foods cause 90 percent of food allergy reactions. These foods are shellfish, milk, eggs, nuts, peanuts, soy and wheat; and
WHEREAS, there is no cure for potentially fatal food allergies. Strict avoidance of the offending food is the only way to avoid a reaction; and
WHEREAS, the Food Allergy Network (FAN) is a national, nonprofit organization dedicated to educating the public about food allergies and anaphylaxis, a potentially life threatening allergic reaction;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as FOOD ALLERGY AWARENESS WEEK in Illinois.
Issued by the Governor March 26, 2001.
Filed by the Secretary of State March 29, 2001.

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2001-166
ANDREW PENDLEY DAY

WHEREAS, Andrew Pendley of Buffalo Grove, Illinois, has been selected as the high school top youth volunteer in Illinois for 2001; and
WHEREAS, Andrew was nominated by Adlai E. Stevenson High School in Lincolnshire, Illinois; and
WHEREAS, Andrew is a senior at Adlai E. Stevenson High School; and
WHEREAS, Andrew started an organization called “BookSouth”, that collects new and used books for impoverished school districts in the southern United States; and
WHEREAS, he has also conducted book drives, contacted local businesses, and secured donations of new books from national textbook publishers; and
WHEREAS, Prudential Insurance Company and the National Association of Secondary School Principals are honoring Andrew at the sixth annual Prudential Spirit of Community Awards for his exemplary volunteer work; and
WHEREAS, for his hard work and community involvement, Andrew is receiving a $1,000 award, an engraved silver medallion, and a trip to Washington D.C. May 5-8 for the program’s national recognition events; and
WHEREAS, Andrew will represent the State of Illinois in Washington D.C. and be considered for the honor of being America’s top youth volunteer for 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as ANDREW PENDLEY day in Illinois.
Issued by the Governor March 26, 2001.
Filed by the Secretary of State March 29, 2001.

2001-167
DAY OF PRAYER

WHEREAS, prayer has aided us when support and guidance is needed; and
WHEREAS, the history of our country has been shaped by leaders who voluntarily called upon a higher power whether the need be great or small; and
WHEREAS, the citizenry of Illinois is a diverse people, with nearly every nation and a variety of religious traditions represented; and
WHEREAS, it is fitting that we should give thanks to the freedom and prosperity which our nation and state enjoys; and
WHEREAS, the State of Illinois and the United States of America can and will benefit from prayer;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2001, as a DAY OF PRAYER in Illinois.
Issued by the Governor March 26, 2001.
Filed by the Secretary of State March 29, 2001.

2001-168
V103’S EXPO FOR TODAY’S BLACK WOMAN DAYS

WHEREAS, WVAZ-FM (V103) will present the Ninth Annual V103’s Expo For Today’s Black Woman, Chicago’s premier educational, inspirational and entertaining annual event, on April 6-8, 2001, at the McCormick Convention Center; and
WHEREAS, V103’s Expo for Today’s Black Woman strives to address issues concerning black women and the black community; and
WHEREAS, the Expo is a forum for educators, writers and community leaders to address and find solutions to issues challenging African American families; and
WHEREAS, highlights of this year’s seminars and events include the Youth Summit 2001, the Faces of AIDS, Making a Career Change, Women of Purpose 2001, and Healing For the Mind, Body and Spirit; and
WHEREAS, visitors to V103’s Expo For Today’s Black Woman will have the opportunity to visit hundreds of booths offering priceless information on such topics as buying a home, insurance rates and plans, automobile shopping, health care, and telecommunications;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6-8, 2001, as V103’s EXPO FOR TODAY’S BLACK WOMAN DAYS in Illinois.

Issued by the Governor March 26, 2001.
Filed by the Secretary of State March 29, 2001.

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2001-169
BETTER SPEECH AND HEARING MONTH

WHEREAS, the Illinois Speech-Hearing Association is a non-profit organization founded in 1960, representing over 4,000 licensed professionals with advanced degrees in speech-language pathology and audiology; and
WHEREAS, speech-language pathologists and audiologists are professionals who serve people with communicative disorders; and
WHEREAS, speech-language pathologists are trained specialists who work with people of all ages to provide treatment and improve language, voice, stuttering, articulation, memory, literacy, and swallowing; and
WHEREAS, audiologists specialize in the prevention, identification and evaluation of hearing and balance disorders, and the habilitation/rehabilitation of individuals with hearing impairment; and
WHEREAS, about 42 million Americans are affected by communication disorders, including 28 million individuals with hearing loss and 14 million individuals with a speech, voice, or language disorder; and
WHEREAS, these individuals are served in a wide variety of settings including hospitals, nursing homes/extended care facilities, rehabilitation centers, private practice, home health agencies, parent-infant centers, pre-schools, public and private schools, college and university speech-language and hearing clinics, government facilities, and research laboratories;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as BETTER SPEECH AND HEARING MONTH in Illinois.

Issued by the Governor March 27, 2001.
Filed by the Secretary of State March 29, 2001.

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2001-170
ECONOMIC EDUCATION WEEK

WHEREAS, for 50 years, the Illinois Council on Economic Education (ICEE) has been the premier provider in the State of Illinois of economic education programs for citizens of all ages; and
WHEREAS, economic education prepares our youth to be wise consumers, creative business owners, productive workers, prudent savers and investors, and knowledgeable voters in our economy; and
WHEREAS, economic education provides our youth with the tools to be successful in an increasingly competitive world economy; and
WHEREAS, the Illinois Council on Economic Education, located at Northern Illinois University in DeKalb, works through a network of
Centers for Economic Education located at universities throughout Illinois; and

WHEREAS, the Council and its centers deliver statewide programs to Illinois classrooms, including the Economics America School Program, the Stock Market Game, and the Economics Poster Contest; and

WHEREAS, the programs of ICEE help students meet the educational standards of the Illinois Board of Education; and

WHEREAS, for 50 years, the Illinois Council on Economic Education represented a strong partnership between education, business, labor and government that offers a cost-efficient, effective educational process with proven and lasting impact; and

WHEREAS, the Illinois Council on Economic Education has partnered with the National Council on Education for 50 years to carry out their joint missions; and

WHEREAS, the Illinois Council on Economic Education has brought economic literacy to the State of Illinois for 50 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 22-26, 2001, as ECONOMIC EDUCATION WEEK in Illinois.

Issued by the Governor March 27, 2001.
Filed by the Secretary of State March 29, 2001.

2001-171
JERRY MANUAL DAY

WHEREAS, established in 1959, the Little City Foundation provides progressive, community-based service coordination for over 452 children and adults with developmental disabilities who live throughout the Chicago metropolitan area, as well as in homes and apartments at foundation headquarters in Palatine, to help them lead meaningful, productive, and dignified lives; and

WHEREAS, the Little City Foundation will honor Chicago White Sox Manager Jerry Manual at the 20th Annual Celebration of Sports Dinner on April 23, 2001, at the Hyatt Regency Chicago; and

WHEREAS, Jerry Manual graduated in 1972 from Cordova High School in Sacramento, California, where he starred in baseball, basketball and football before being drafted by the Detroit Tigers in the first round of the June 1972 draft; and

WHEREAS, he received over 220 college scholarship offers in various sports by schools such as Notre Dame, Nebraska, UCLA, and Oklahoma; and

WHEREAS, Jerry Manual was featured in an ABC primetime special in February 2001 as part of Black History Month and inducted into the California Black Sports Hall of Fame; and

WHEREAS, Jerry Manual led the White Sox to their first division championship in seven years during 2000, and became the seventh manager in franchise history to take a team to postseason play; and

WHEREAS, Jerry Manual was the youngest among the postseason teams and owned the shortest tenure of any playoff manager; and

WHEREAS, Jerry was named Major League Manager of the Year by The Associated Press and American League Manager of the Year by the Baseball Writers Association of America and The Sporting News. He is the fourth manager in White Sox history, and one of four minorities to be honored by the Baseball Writers Association of America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23, 2001, as JERRY MANUAL DAY in Illinois.
WHEREAS, Mary Baker Eddy (1821-1910) is a prominent Daughter of New England with an Illinois Connection and will be recognized and honored during National Women’s History Month; and
WHEREAS, her pioneering contributions to journalism, publishing, theology, and medicine will be featured in an Exhibit in the Illinois State Capitol Rotunda April 2-6, 2001; and
WHEREAS, Mary Baker Eddy established and distinguished herself as a major religious leader and a powerful voice for individual rights and human betterment, and the effect of her discovery of Christian Science was felt worldwide, including here in Illinois; and
WHEREAS, her students organized churches throughout Illinois, and Christian Science was well represented in Chicago at the 1893 World’s Parliament of Religions; and
WHEREAS, Mary Baker Eddy earned broad publication recognition as a pioneer in the field of mind/body medicine, healer and teacher of a system of prayer-based healing, pastor of The First Church of Christ Scientist, and founder of a publishing organization that produces The Christian Science Monitor; and
WHEREAS, her recent honors include being inducted into the Women’s National Hall of Fame in 1995, named one of the 25 religious figures who have most influenced Americans during the past century by “Religion and Ethics Newsweekly” in 1998, and winner of the National Organizations of Women Legislators Media Award in 1999; and
WHEREAS, Mary Baker Eddy is the subject of a scholarly biography by noted historian Dr. Gillian Gill, which is part of the distinguished Radcliff series;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-6, 2001, as MARY BAKER EDDY DAYS in Illinois.

Issued by the Governor March 27, 2001.
Filed by the Secretary of State March 29, 2001.

2001-173
RITA HAYWORTH GALA AND ALZHEIMER’S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a degenerative neurological disorder that slowly destroys brain cells, ultimately rendering the brain inoperable. Individuals with Alzheimer’s cannot recognize the world around them, leaving affected individuals vulnerable to illness and infection; and
WHEREAS, currently, 4 million Americans suffer from Alzheimer’s, and it has been estimated that this number will grow to 14 million by the year 2050; and
WHEREAS, the Alzheimer’s Association is the only national health organization dedicated to research to conquer Alzheimer’s disease and to providing support and assistance to people with the disease, their families, and caregivers; and
WHEREAS, the Association has provided more than $82 million in funding for hundreds of research studies; and
WHEREAS, the Association has developed an aggressive strategic plan that calls for mobilizing resources worldwide, creating public and private partnerships to stimulate scientific discoveries, increasing federal research funding to $500 million, increasing research funding by the Association to $30 million, raising public knowledge of and about the disease, and expanding access to services, information and training for professionals and families; and

WHEREAS, the Chicago Rita Hayworth Gala is a fundraiser to honor the great actress and benefit the Alzheimer’s Association to find the causes and cures for the disease; and

WHEREAS, the 14th Annual Rita Hayworth Gala will be held on Saturday, May 12, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as RITA HAYWORTH GALA AND ALZHEIMER’S ASSOCIATION DAY in Illinois.

Issued by the Governor March 27, 2001.

Filed by the Secretary of State March 29, 2001.

2001-174

STROKE AWARENESS MONTH

WHEREAS, brain attacks, commonly known as “strokes” are the third leading cause of death in the United States; and

WHEREAS, the majority of Americans are not aware of their risk factors for a stroke, nor are they aware of the signs and symptoms of an impeding stroke; and

WHEREAS, symptoms of stroke may include weakness or numbness on one side of the body, inability to understand or speak clearly, loss of balance, dimness of vision, and/or sudden severe headache; and

WHEREAS, stroke kills more women each year than breast cancer and the stroke death rate is greater among African-Americans and those of Hispanic and Asian descent; and

WHEREAS, new and effective treatments have been developed to ease the severity and damaging effects of strokes, but much more research is needed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as STROKE AWARENESS MONTH in Illinois.

Issued by the Governor March 27, 2001.

Filed by the Secretary of State March 29, 2001.

2001-175

CENTER FOR SPEECH AND LANGUAGE DISORDERS DAY

WHEREAS, the Center for Speech and Language Disorders (CSLD) is a non-profit organization founded in Elmhurst, Illinois, in 1979 by Phyllis Kupperman; and

WHEREAS, CSLD specializes in researching and developing innovative therapies for children with autism and pervasive developmental disorders as early as 18 months to young adulthood; and

WHEREAS, CSLD is an internationally recognized leader in the treatment of hyperlexia and other language learning disorders and continues to be an outspoken advocate for the development of effective treatments for children with a variety of speech and language disorders; and

...
WHEREAS, speech and language pathologists offer a family-oriented approach while working one on one with the children; and
WHEREAS, these specialists offer therapeutic training techniques to parents and family members; and
WHEREAS, May is National Better Hearing and Speech Month, and CSLD is hosting a Community Open House on May 10, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10, 2001, as CENTER FOR SPEECH AND LANGUAGE DISORDERS DAY in Illinois.
Issued by the Governor March 28, 2001.
Filed by the Secretary of State March 29, 2001.

2001-176
CORNELIA DE LANGE SYNDROME AWARENESS DAY

WHEREAS, the good health and general well-being of the people of Illinois is strengthened by our knowledge and understanding of a rare birth defect known as Cornelia de Lange Syndrome (CdLS); and
WHEREAS, Cornelia de Lange Syndrome can result in low birth weight, a slow rate of mental and physical development, and other physical complications; and
WHEREAS, although a cause has not yet been discovered, dedicated medical professionals are presently involved in valuable research and education activities to explore new possibilities and to offer hope; and
WHEREAS, the Cornelia de Lange Syndrome Foundation, Inc., is a non-profit family support organization founded by concerned parents of children with CdLS, and is a leading advocate of increased public awareness about the syndrome; and
WHEREAS, the mission of the Cornelia de Lange Syndrome Foundation includes promoting research, ensuring early and accurate diagnosis, and helping people with a diagnosis of CdLS, and others with similar characteristics, to make informed decisions throughout their lifetime; and
WHEREAS, Illinois is pleased to join people throughout our state and around the world in promoting a special celebration which seeks to raise awareness of Cornelia de Lange Syndrome, designed to have a positive and productive impact on the lives and experiences of people with CdLS and their caregivers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as CORNELIA DE LANGE SYNDROME AWARENESS DAY in Illinois.
Issued by the Governor March 28, 2001.
Filed by the Secretary of State March 29, 2001.

2001-177
DRINKING WATER WEEK

WHEREAS, safe drinking water is essential to human life; and
WHEREAS, Illinois is blessed with abundant quantities of surface and groundwater resources providing drinking water in amounts adequate to the health, comfort, and safety of Illinois residents; and
WHEREAS, protection of drinking water sources were among the first community projects undertaken as new settlers moved into the Illinois Territory nearly two centuries ago; and
WHEREAS, for generations, dedicated water treatment operators have actively supported programs and regulations designed to consistently improve both the quantity and quality of safe drinking water available to Illinois residents, as well as millions of visitors annually; and
WHEREAS, programs to regulate safety of drinking water have been in place in Illinois for approximately a century; and
WHEREAS, there are 4,579 dedicated men and women currently certified as drinking water operators in Illinois; and
WHEREAS, Illinois citizens can confidently look forward to a new century of safe, clean drinking water delivered in amounts satisfactory to meet everyday human needs as well as the demands of successful industries;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as DRINKING WATER WEEK in Illinois.
Issued by the Governor March 28, 2001.
Filed by the Secretary of State March 29, 2001.

2001-178
MID-CITY NATIONAL BANK DAY

WHEREAS, the Mid-City National Bank was organized in the City of Chicago on April 5, 1911; and
WHEREAS, the Mid-City National Bank has operated continuously at the same location, the southwest corner of Halsted and Madison Streets, in Chicago for nine decades; and
WHEREAS, during the past 90 years, Mid-City National Bank has kept the funds of tens of thousands of individuals and businesses safe, provided financial resources and service to commerce and industry in the manufacturing, transportation, agricultural, real estate and retailing segments of the state and the nation, and offered similar resources to make home ownership a reality to thousands of customers; and
WHEREAS, the bank has grown over the years to bring retail and commercial banking services to a score of locations; and
WHEREAS, Mid-City National Bank has provided continuity through a five-generation family commitment to maintaining the same respectable and reliable service its customers and friends have come to know and rely on for 90 years;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5, 2001, as MID-CITY NATIONAL BANK DAY in Illinois.
Issued by the Governor March 28, 2001.
Filed by the Secretary of State March 29, 2001.

2001-179
PROVIDER APPRECIATION DAY

WHEREAS, the State of Illinois and organizations nationwide recognize Child Care Providers on the Friday before Mother’s Day; and
WHEREAS, of the 21 million children under age 6 in America, 13 million are in child care at least part time, and an additional 24 million school-age children are in some form of child care outside of school time; and
WHEREAS, by calling attention to the importance of high-quality child care services for all children and families in our state, these
groups hope to improve the quality and availability of such services; and

WHEREAS, the future of our state depends on the quality of the early childhood experiences provided to young children today; and
WHEREAS, high-quality early childhood services such as child care represent a worthy commitment to our children's future; and
WHEREAS, it takes special people to work in this field, and their contributions to the quality of family life frequently go unnoticed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2001, as PROVIDER APPRECIATION DAY in Illinois.
Issued by the Governor March 28, 2001.
Filed by the Secretary of State March 29, 2001.

2001-136 (REVISED)
MINORITY HEALTH MONTH

WHEREAS, minority populations in Illinois have higher incidence rates of many diseases, including cancer, heart disease, unintentional injury, diabetes and HIV/AIDS than the majority population; and
WHEREAS, minority populations are more likely to die from these diseases than non-minority populations; and
WHEREAS, the Minority Health Partnership in Chicago and the Minority Health Coalition in Springfield are made up of representatives of hospitals, community-based organizations, neighborhood centers, the business community and public health departments dedicated to organizing and implementing health promotion programs for minority populations; and
WHEREAS, the partnership and coalition have adopted as their mission providing pertinent information and assistance on a wide range of health-related issues to minority individuals, families and communities throughout Illinois; and
WHEREAS, both organizations have undertaken this mission in order to support the large communal effort toward eliminating disparities in health outcomes between minority populations and the overall populations; and
WHEREAS, the partnership and coalition have expanded their scope beyond Chicago and Springfield to include a year-round calendar of activities that incorporate effective health education and promotion strategies to help prevent disease and to counteract premature mortality; and
WHEREAS, both organizations have adopted April as Minority Health Month, during which attention is focused on community awareness and knowledge of healthy lifestyles, and all communities are encouraged to promote consistent physical activity, proper nutrition and regular medical visits;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as MINORITY HEALTH MONTH in Illinois.
Issued by the Governor March 7, 2001.
Filed by the Secretary of State April 12, 2001.

2001-180
CLEMENTINE PRICE DAY

WHEREAS, Clementine Price was born May 18, 1911, and is celebrating her 90th birthday this year; and
WHEREAS, she married Theodore C. Price in 1931 and remained married to him for 56 years; and
WHEREAS, Clementine began working for Illinois Bell Telephone Company as an information operator and became the “weather girl” whose voice was recorded for the weather telephone number; and
WHEREAS, Clementine was promoted to management until her retirement from Bell after 25 years of service; and
WHEREAS, she has been a member of the “Pioneer Club” for retired telephone employees since 1973; and
WHEREAS, Clementine enjoys reading and spending time with her family, which includes a son, twin daughters, nine grandchildren and four great-grandchildren;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as CLEMENTINE PRICE DAY in Illinois.

Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-181
EBENEZER EVANGELICAL LUTHERAN CHURCH DAY

WHEREAS, Ebenezer Evangelical Lutheran Church is celebrating its Centennial Jubilee on May 9, 2001; and
WHEREAS, Ebenezer congregation was organized on May 9, 1901, with 13 charter members in the North Lawndale community; and
WHEREAS, Ebenezer Church has been a cornerstone of help in the Chicago community; and
WHEREAS, Ebenezer remains committed to community outreach programs such as Ebenezer Whole Life Center -- Kum Bah Yah House, Girl Scouts, Navigators Program, Lutheran Congregations for Career Development and Vacation Bible School;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2001, as EBENEZER EVANGELICAL LUTHERAN CHURCH DAY in Illinois.

Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-182
MICHAEL KAY DAY

WHEREAS, Michael Kay of Wilmington, Illinois, has been selected as the top middle school youth volunteer in Illinois for 2001; and
WHEREAS, Michael was nominated by the University of Illinois Extension’s Will County 4-H program in Joliet, Illinois; and
WHEREAS, Michael is an active 4-H member and eighth grader at L.J. Stevens Middle School; and
WHEREAS, he developed the “Share a Friend,” program, which provides companionship for 61 handicapped group home residents through partnerships with young people; and
WHEREAS, Michael recruited 84 middle and high school students and members of his 4-H club to become buddies, raised the money to fund the program, and schedules the activities, such as bowling and golf outings and birthday and holiday parties; and
WHEREAS, Prudential Insurance Company and the National Association of Secondary School Principals are honoring Michael at the
sixth annual Prudential Spirit of Community Awards for his exemplary volunteer work; and
WHEREAS, for his hard work and community involvement, Michael is receiving a $1,000 award, an engraved silver medallion, and a trip to Washington, D.C., from May 5-8 for the program’s national recognition events; and
WHEREAS, Michael will represent the State of Illinois in Washington, D.C., and be considered for the honor of being named America’s top youth volunteer for 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6, 2001, as MICHAEL KAY DAY in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-183
SHARED HOUSING WEEK

WHEREAS, shared housing offers a housing alternative that enables older adults, people with disabilities, and other special populations to remain in the community; and
WHEREAS, shared housing is an affordable housing option available to senior citizens who wish to either stay in their homes or live with other seniors without paying a high fee; and
WHEREAS, such an option is also available to people of all ages in transitional periods, such as divorce, loss of a spouse, educational pursuits, or job relocation; and
WHEREAS, shared housing is available to Illinois residents through a growing number of reputable not-for-profit agencies and organizations; and
WHEREAS, both group shared residences and match-up homesharing programs offer the careful screening of applicants to ensure a comfortable group living arrangement or a compatible match for both home provider and home seeker; and
WHEREAS, shared housing offers homesharers in both group shared residences and match-up homesharing the benefits of companionship and the sharing of responsibilities, which promote independence and self determination;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13-19, 2001, as SHARED HOUSING WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-184
VOLUNTEER WEEK (CHICAGO REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating
allegations of rights violations committed by service providing agencies; and
WHEREAS, Leona W. Davis, Mila Fair, Hory Levkovitz, Joseph E. Mengoni, Susan Silverman, Mary E. Rosen Swanson, Susan Smith and Finian Taylor serve on the Human Rights Authority, Chicago Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-185
VOLUNTEER WEEK (EAST CENTRAL REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Lianne Anderson, Kelly Czarnecki, Phyllis Davis, Kevin Gawthorp, Janet Jenkins, Diana Krandel, Mary Jane Pegg, Tim Shea and Robin L. Spalding serve on the Human Rights Authority, East Central Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-186
VOLUNTEER WEEK (EGYPTIAN REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Ann Acton, Hattie Adkinson, Sue Taylor Barfield, Phyllis Brown, Vickie Devenport, Alphonso Farmer, Brad L. Friend, Mary McMahan and Pam O'Connor serve on the Human Rights Authority, Egyptian Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-187
VOLUNTEER WEEK (METRO EAST REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Thomas B. Cannady, Dale Richard Dawdy, Katherine A. Gregus, Jeffrey C. McManemy, Helen Newsome-Jacks, Marguerite Newton, Margaret Scovitch, Mae Alice Shobe and Emil E. Wilson serve on the Human Rights Authority, Metro East Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-188
VOLUNTEER WEEK (NORTH SUBURBAN REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and

WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and

WHEREAS, Jeanne Angres, Pamela L. Arnold, Summer H. Garte, Ph.D., Daniel L. Haligas, Charlene Hill, Kori L. Larson and Louise M. Miller serve on the Human Rights Authority, North Suburban Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and

WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-189

VOLUNTEER WEEK (NORTHWEST REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and

WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and

WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and

WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and

WHEREAS, Walter S. Bankson, Joel B. Cowen, John P. Ellis, Candace Long, James P. Medendorp, Trina O'Brien and Joyce Peterson serve on the Human Rights Authority, Northwest Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and

WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 29, 2001.

Filed by the Secretary of State April 5, 2001.

2001-190

VOLUNTEER WEEK (PEORIA REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Michael Freda, Larry Just, David A. Loundenburg, Jeremy McNamara, James N. Simkins, Charles E. Skov, Michael K. Streight and Gus Winters serve on the Human Rights Authority, Peoria Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-191
VOLUNTEER WEEK (SOUTH SUBURBAN REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Fred Flynn, Thelma Larsson, Nancy Leenerman, Lauren Pell, Peggy A. Peterson, Hazel Shapen, Karen Steffan and Carol Ann Vance serve on the Human Rights Authority, South Suburban Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.
2001-192
VOLUNTEER WEEK (SPRINGFIELD REGION)

WHEREAS, volunteers play important roles in both government and private enterprise, helping to change the lives of those around them; and
WHEREAS, individuals and entire communities are influenced by the contribution of volunteers; and
WHEREAS, the Illinois Guardianship and Advocacy Commission recruits and trains volunteers to serve on Regional Human Rights Authorities; and
WHEREAS, each Human Rights Authority protects the rights of thousands of persons with disabilities each year by investigating allegations of rights violations committed by service providing agencies; and
WHEREAS, Carol Ann Bressan, Joseph J. Kim, Charles Pirrera, Janet Shelton, David VanGiesen, Debbie Weiner and Kathie E. Wozniak serve on the Human Rights Authority, Springfield Region and contribute hundreds of hours to state government each year on behalf of persons with disabilities; and
WHEREAS, during this week service projects will be performed all over the nation, and volunteers will be recognized for their commitment to community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as VOLUNTEER WEEK in Illinois.
Issued by the Governor March 29, 2001.
Filed by the Secretary of State April 5, 2001.

2001-193
COUNSELOR APPRECIATION AND RECOGNITION DAY

WHEREAS, counseling professionals provide an invaluable service to people of all ages and walks of life, who seek their assistance, including individuals, couples, children, families, groups, and organizations; and
WHEREAS, counselors help to prevent the tragic loss of life and/or waste of human potential and talent, and their work benefits society as a whole; and
WHEREAS, counselors are employed or volunteer in a variety of settings in Illinois, including private practice, schools, hospitals, community agencies, substance abuse treatment centers, and career centers; and
WHEREAS, it is appropriate that counselors be honored for their contribution to the quality of life in Illinois during a day of recognition;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as COUNSELOR APPRECIATION AND RECOGNITION DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.
WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and
WHEREAS, EMSC promotes a specialized approach to pediatric care; and
WHEREAS, Illinois’ emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and
WHEREAS, in Illinois there are more than 155,000 nurses, 31,000 physicians, 25,000 basic emergency medical technicians (EMTs), 480 coal miner EMTs, 2,600 intermediate EMTs, 9,116 paramedic EMTs, and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and
WHEREAS, Illinois champions the nation’s EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

2001-195
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) basic, coal miner, intermediate and paramedic field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and
WHEREAS, in Illinois there are more than 63 EMS resource hospitals, 66 trauma centers, and more than 250,000 basic EMTs, 480 coal miner EMTs, 2,600 intermediate EMTs and 9,116 paramedic EMTs selflessly providing 24-hour service to the people of Illinois; and
WHEREAS, this year’s national theme, “EMS Answering the Call,” underscores the immediacy of the often difficult situations to which EMS personnel must respond;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as EMERGENCY MEDICAL SERVICES WEEK in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

2001-196
J. WILLIAM DEMARCO DAY

WHEREAS, J. William DeMarco was a dedicated and respected member of the Springfield Police Department from 1963 to 1984, rising from officer, to detective, to sergeant, to Assistant Chief of Police, to Acting Chief of Police; and
WHEREAS, he served as Sheriff of Sangamon County for over eight years; and
WHEREAS, J. William DeMarco improved the services of the Sheriff’s Department by implementing a computer booking system and an in-car computer system, starting the DARE program in county schools, and establishing drug task forces with the city, county, state and federal governments; and
WHEREAS, he began a career in state government as Deputy Director of the Illinois Department of Financial Institutions; and
WHEREAS, he then served in the Office of the Treasurer as Administrator of the Unclaimed Property Division and later as the Inspector General; and
WHEREAS, J. William DeMarco was named Citizen of the Year in 1998 by the Gateway Foundation; and
WHEREAS, he is a member of various professional law enforcement organizations, a Board Member of both American Heart Association and Gateway Foundation, and President of Goodwill Industry; and
WHEREAS, J. William DeMarco has always given of himself to his fellow citizens, whether it be in the line of duty as a law enforcement officer, as an elected official, his involvement with volunteer activities, or as a state employee; and
WHEREAS, J. William DeMarco is retiring after decades of service to his community and state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 10, 2001, as J. WILLIAM DEMARCO DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

WHEREAS, National Maritime Day has been observed since 1933, marking the date of the first successful Atlantic crossing by a ship using steam propulsion; and
WHEREAS, today we honor the American Merchant Marine, whose men and women served in time of war and peace, contributing to the waterborne commerce of our state and nation; and
WHEREAS, men and women from each of our states who are serving in the American Merchant Marines are honored on this day each year along with many seamen who lost their lives in the World Wars and those who served with such courage and dedication in the Korean, Vietnam, and Persian Gulf conflicts; and
WHEREAS, these ocean-going merchant ships greatly benefit the economic standing of Illinois by carrying their cargoes through the Great Lakes and its inland waterways; and
WHEREAS, the Propeller Club of the United States, with 54 member clubs throughout the country, annually celebrates this day with a variety of functions;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 22, 2001, as MARITIME DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.
2001-198
P. BUCKLEY MOSS DAY

WHEREAS, P. Buckley Moss is a renowned artist from Libertyville, Illinois, known throughout the state for her work with special education groups; and
WHEREAS, each year P. Buckley Moss donates her prints to raise money for charities in the United States and relief services in Africa and Panama; and
WHEREAS, the P. Buckley Moss Society is an independent organization of over 20,000 members who collect Moss’s artwork and promote charitable endeavors consistent with her ideals and the use of the arts in special education; and
WHEREAS, the Society assists many charitable organizations that deal with learning differences, as well as programs which benefit children’s health, education, and welfare, and other local and national community support services; and
WHEREAS, P. Buckley Moss will be honored at a dinner on May 18, 2001, at the Moraine Hotel in Highwood for her success as an artist and for her dedication to children and charitable organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as P. BUCKLEY MOSS DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

2001-199
SOY FOODS MONTH

WHEREAS, Illinois farmers are national leaders in soybean production, harvesting 443 million bushels on 10.6 acres last year; and
WHEREAS, soybeans are a major contributor to the economy of the State of Illinois, with a crop value of almost $2.2 billion last year; and
WHEREAS, the U.S. Food and Drug Administration has approved the claim that a diet rich in soy protein can lower cholesterol and reduce the risk of heart disease; and
WHEREAS, the American Heart Association has officially endorsed the benefits of soy foods in improving cardiovascular health; and
WHEREAS, April has been proclaimed National Soy Foods Month;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as SOY FOODS MONTH in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 5, 2001.

2001-200
MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK

WHEREAS, Multiple Chemical Sensitivity (MCS) is a condition caused by exposure to toxic chemicals in our air, water and food; and
WHEREAS, MCS is a condition that can affect people of all ages and backgrounds; and
WHEREAS, the health of the general population may be at risk from chemical exposures that may be minimized by reducing or avoiding chemical use in our environment when possible;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-13, 2001, as MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK in Illinois.
Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.

2001-201

POPPY DAYS

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen solders; and
WHEREAS, millions who have answered the call to arms have died on the field of battle; and
WHEREAS, a nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and
WHEREAS, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and
WHEREAS, the American Legion and American Legion Auxiliary have annually pledged to remind America of this debt through the distribution of the memorial flower;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24-26 2001, as POPPY DAYS in Illinois.
Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.

2001-202

RESIDENT COUNCILS MAKE A DIFFERENCE DAY

WHEREAS, Resident Councils offer an opportunity for nursing home and retirement residents to assume a leadership role within their facilities; and
WHEREAS, Resident Councils offer an opportunity for residents to support each other, working together as a team to voice areas of concern, develop successful solutions, and ultimately improve standards of care; and
WHEREAS, Resident Councils enable nursing home and retirement residents to discuss and make recommendations about facility policies and procedures affecting their care, treatment, and quality of life; and
WHEREAS, Resident Councils provide a forum for residents to develop activities that showcase their creativity, tap into lifelong interests, promote involvement with community members, and provide meaningful moments of success; and
WHEREAS, Illinois nursing homes and retirement communities, through Resident Councils, are continually striving to maximize the residents' independence, leadership skills, physical and mental well-being, and provide members with an active and engaging activity that benefits their community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 9, 2001, as RESIDENT COUNCILS MAKE A DIFFERENCE DAY in Illinois.
Issued by the Governor April 2, 2001.
Filed by the Secretary of State April 5, 2001.
WHEREAS, since 1978, the Sertoma Speech and Hearing Center has fulfilled their mission of providing hearing and speech services to the community; and
WHEREAS, the Sertoma Speech and Hearing Center is the only non-profit, community based speech and hearing center in the south/southwest Chicago region; and
WHEREAS, since the Center is community based and supported, all funds earned by the Center go directly back into services. These funds include, but are not limited to, providing assessment, treatment, assistive communication devices, and educational services to individuals or other institutions;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as BETTER SPEECH AND HEARING MONTH in Illinois.
Issued by the Governor April 3, 2001.
Filed by the Secretary of State April 5, 2001.

2001-204
INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, early immunizations for preventable diseases such as diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, haemophilus influenzae type B meningitis, and hepatitis B are necessary to maintain our children's health and well-being; and
WHEREAS, of the nearly 2 million children enrolled in Illinois schools, 98 percent are fully immunized, but less than 80 percent of 2 year old children are properly immunized; and
WHEREAS, it is advised that all children be immunized as early in life as medically recommended, rather than waiting until the child enters school; and
WHEREAS, preventing disease is more cost-effective than treating illnesses, and immunizations are a proven method of prevention; and
WHEREAS, the Illinois Department of Public Health, in conjunction with local health departments, hospitals, public vaccine providers, other community organizations and the U.S. Centers for Disease Control and Prevention have joined together to launch "Our Children Are Counting on Us," a national immunization campaign; and
WHEREAS, this campaign is designed to increase parents' understanding of age appropriate immunizations and to expand proper immunization practices among health care providers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as INFANT IMMUNIZATION AWARENESS WEEK in Illinois.
Issued by the Governor April 3, 2001.
Filed by the Secretary of State April 5, 2001.

2001-205
MELISSA FORMAN WEEK

WHEREAS, Northbrook native Melissa Forman’s first career break was imitating Bart Simpson on THE MIX 94.5 Champaign; and
WHEREAS, Melissa has used her charm and wit to raise $500,000 for charitable causes, like her stunts of living in a mall for 4 days and on the roof of the University of Illinois for 2 days; and
WHEREAS, Melissa has been considered “one of the brightest radio stars in suburbia,” by the Chicago Sun Times; and
WHEREAS, The Melissa Forman Show, which debuted on April 2, 2001, to a Chicago audience on WLIT 93.9 FM, will inspire morning commuters;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2-6, 2001, as MELISSA FORMAN WEEK in Illinois.
Issued by the Governor April 3, 2001.
Filed by the Secretary of State April 5, 2001.

2001-206
SPARTAN LIGHT METALS PRODUCTS, INC. DAY

WHEREAS, Spartan Light Metals Products, Inc. (originally Spartan Aluminum Products), was founded in 1961 by Henry Jubel, a German-born St. Louisan; and
WHEREAS, Mr. Jubel purchased two used diecast machines from his former employer, leased a 20,000 square foot building in Sparta, Illinois, and hired about 20 people from Sparta and surrounding communities; and
WHEREAS, his work ethic, integrity, and belief in helping others grow established a foundation for continuous growth and success. Spartan has built a reputation on commitment to quality, customer service, and innovation; and
WHEREAS, in the early 1970's, Spartan began casting 390 aluminum, a new high silicon hypereutectic alloy that had been developed by Reynolds Aluminum and General Motors. Spartan was the first custom diecaster to utilize this alloy; and
WHEREAS, in 1980 Spartan was the first magnesium diecaster in the United States to install a magnesium remelt facility which allowed the return of sprues, runners, and scrap castings in high purity magnesium ingot; and
WHEREAS, by the early 1990's, Spartan had installed computerized monitoring devices for process control of its all diecast machines; and
WHEREAS, throughout the 1980's and 1990's, Spartan has been recognized by its customers with numerous awards for quality. Ford Q-1, General Motors mark of Excellence and QSP awards, and Toyota Certificate of Achievement have been received; and
WHEREAS, today, Spartan employs over 700 people at plants in Sparta, Illinois and Mexico, and it is recognized by customers such as Toyota, Honda, Ford, and General Motors as a leading manufacturer of quality diecast products; and
WHEREAS, Donald Jubel, his eldest son, and an experienced management team now lead the company, which is committed to perpetuating the value and principals on which the company was founded. As its vision statement says, Spartan is “THE VALUE LEADER IN LIGHT METALS TECHNOLOGIES... through engineered solutions and competitive costs;”
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as SPARTAN LIGHT METALS PRODUCTS, INC. DAY in Illinois.
Issued by the Governor April 3, 2001.
Filed by the Secretary of State April 5, 2001.
2001-207
GOLDEN APPLE SCHOLARS OF ILLINOIS DAY

WHEREAS, public and private schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation’s precious values of freedom, civility, and equality; and
WHEREAS, quality teachers enable student success and provide hope for, and access to, a productive future; and
WHEREAS, the Golden Apple Foundation was founded by Chicago venture capitalist Martin J. "Mike" Koldyke in 1985 to publicly honor excellent teachers and provide them the means to have an impact on their profession; and
WHEREAS, the Golden Apple Foundation’s mission is to recognize excellent Pre-K-12 educators, recruit high school students and college graduates to the teaching profession, and renew the skills of current teachers through various programs; and
WHEREAS, the Golden Apple Foundation is funded through the Illinois State Board of Education, Illinois Board of Higher Education, and private donations; and
WHEREAS, the Golden Apple Scholars of Illinois program was created in 1988 by award-winning teachers of the Golden Apple Foundation to recruit and prepare bright and talented high school graduates for successful teaching careers in high need schools throughout Illinois; and
WHEREAS, the Golden Apple Foundation provides Scholars financial support, continuous mentoring, innovative summer enrichment, career opportunities through the Golden Apple network of teachers, and lasting friendships with their fellow Scholars; and
WHEREAS, the Golden Apple Scholars of Illinois network has expanded from its original class of 15 Scholars, to include over 600 undergraduate and teaching Scholars throughout the State of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2001, as GOLDEN APPLE SCHOLARS OF ILLINOIS DAY.

Issued by the Governor April 4, 2001.
Filed by the Secretary of State April 5, 2001.

2001-173 (REVISED)
RITA HAYWORTH GALA AND ALZHEIMER’S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a degenerative neurological disorder that slowly destroys brain cells, ultimately rendering the brain inoperable. Individuals with Alzheimer’s cannot recognize the world around them, leaving affected individuals vulnerable to illness and infection; and
WHEREAS, currently, 4 million Americans suffer from Alzheimer’s, and it has been estimated that this number will grow to 14 million by the year 2050; and
WHEREAS, the Alzheimer’s Association is the only national health organization dedicated to research to conquer Alzheimer’s disease and to providing support and assistance to people with the disease, their families, and caregivers; and
WHEREAS, the Association has provided more than $82 million in funding for hundreds of research studies; and
WHEREAS, the Association has developed an aggressive strategic plan that calls for mobilizing resources worldwide, creating public and private partnerships to stimulate scientific discoveries, increasing federal research funding to $500 million, increasing research funding by the Association to $30 million, raising public knowledge of and about the disease, and expanding access to services, information and training for professionals and families; and

WHEREAS, the Chicago Rita Hayworth Gala is a fundraiser to honor the great actress and benefit the Alzheimer's Association to find the causes and cures for the disease; and

WHEREAS, Princess Yasmin Aga Khan, daughter of Rita Hayworth, will be in attendance, helping raise support and awareness for the Alzheimer’s Association; and

WHEREAS, the 14th Annual Rita Hayworth Gala will be held on Saturday, May 12, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as RITA HAYWORTH GALA AND ALZHEIMER’S ASSOCIATION DAY in Illinois.

Issued by the Governor March 27, 2001.
Filed by the Secretary of State April 12, 2001.

2001-194 (REVISED)

EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and

WHEREAS, EMSC promotes a specialized approach to pediatric care; and

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and

WHEREAS, in Illinois there are more than 155,000 nurses, 31,000 physicians, 250,000 basic emergency medical technicians (EMTs), 480 coal miner EMTs, 2,600 intermediate EMTs, 9,116 paramedic EMTs and 230 hospitals dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois.

Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 12, 2001.

2001-208

ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY

WHEREAS, the Illinois Governmental Internship Program, which is co-sponsored by the State Board of Education and the Springfield Public Schools, provides high school seniors from all across Illinois an opportunity to live in Springfield and explore careers in governmental agencies; and
WHEREAS, the guidelines of the program mandate that all interns must possess above average maturity, leadership, and communication skills, be flexible to change, and maintain a positive attitude; and

WHEREAS, the combination of job and classroom experiences creates an exciting and educational semester for the interns; and

WHEREAS, Cam Davenport and LeRoy Jordan, co-coordinators of the Illinois Governmental Internship Program, have helped each intern enhance and develop team-building skills, good working habits, and oral and written communication skills; and

WHEREAS, a key element for the program’s success is the participation of local families who assume responsibility for monitoring each intern and provide wholesome, supportive environments for the interns to live and work; and

WHEREAS, the sponsors of the Illinois Governmental Internship Program provide an internship experience that is broadly educational in scope, supportive of the stated educational objective of the program, and directed toward providing the interns with a comprehensive understanding of how the organization functions; and

WHEREAS, Luke Bruckner, Katherine Currie, April Flexer, Ryan Hardy, Jason Hayes, Emily Hobbs, Amaria Huxman, Tiona Johnson, Dave Knouse, Holly Linder, Melissa Llano, Hayley Lutz, Katrina Molnar, Brian Moulton, Elizabeth Purcell, Jessica Raver, Carly Schmitt, Sherri Shouse, Jennifer Wildermuth, Deana Wilhelm, and Angie Williams are the second semester interns participating in the 2001 Illinois Governmental Internship Program;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 20, 2001, as ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM DAY in Illinois.

Issued by the Governor April 5, 2001.
Filed by the Secretary of State April 12, 2001.

2001-209
NAIW WEEK

WHEREAS, the National Association of Insurance Women, International (NAIW) has achieved an illustrious record of professional achievement and dedicated service to its clients and the nation and is deserving of public recognition and commendation; and

WHEREAS, this highly esteemed association is composed of 359 local organizations numbering approximately 13,000 members, all of whom are competent women and men employed in various fields of the insurance industry; and

WHEREAS, constantly creating good will through integrity and dedication, the National Association of Insurance Women, International has grown remarkably since it was founded in 1940, with some 39 women representing 17 regional insurance clubs; and

WHEREAS, the major purpose of this highly effective organization is to "encourage and foster educational programs designed to broaden the knowledge and the understanding of the insurance field and to cultivate increasing friendship, loyalty, and desire for service among its members"; and

WHEREAS, it is of the inestimable benefit to the members to be provided with the opportunity to associate with other industry professionals, enabling them to share solutions, problems, and
experiences and thereby gain better understanding and also increase alliances; and
WHEREAS, the National Association of Insurance Women, International includes within its code of ethics the laudable pledge service that is honest, thorough, gracious, and professional and the promise to perform in an honorable manner -- noble words which are truly a part of each member’s pursuit of his or her career; and
WHEREAS, this outstanding organization has been recognized as a vital resource by the Independent Insurance Agents of America, the American Association of Managing General Agents, the Insurance Institute of America, and the Chartered Property and Casualty Underwriters;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as NAIW WEEK in Illinois.
Issued by the Governor April 5, 2001.
Filed by the Secretary of State April 12, 2001.

2001-210
NORTHWEST CENTER OF TRADITIONAL POLISH DANCING DAY

WHEREAS, the Northwest Center of Traditional Polish Dancing was founded in 1986 and is celebrating its 15th anniversary this year; and
WHEREAS, the center’s dance groups: “Jackowo,” “Mala Polonia,” “Polonia,” “Warmia,” “Chopin,” and “Krasnoludki” promote the rich heritage and culture of the Polish people; and
WHEREAS, the Northwest Center of Traditional Polish Dancing is under sponsorship of the Polish Roman Catholic Union of America; and
WHEREAS, Anna Krysinski is the School Director and Cecylia Roznowska is the Choreographer; and
WHEREAS, the dancers from this center have performed in various parts in the United States and for Pope John Paul II in Rome and in Jerusalem; and
WHEREAS, Illinois is proud to have the Northwest Center of Traditional Polish Dancing as an integral part of its cultural life; and
WHEREAS, the Northwest Center of Traditional Polish Dancing’s 15th Anniversary Celebration will be held Sunday, April 22, 2001, at the House of the White Eagle, Niles, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 21, 2001, as NORTHWEST CENTER OF TRADITIONAL POLISH DANCING DAY in Illinois.
Issued by the Governor April 5, 2001.
Filed by the Secretary of State April 12, 2001.

2001-211
ROUND LAKE AREA PANTHER PRIDE DAY

WHEREAS, the communities of Round Lake, Round Lake Beach, Round Lake Heights, and Round Lake Park possess pride in the Round Lake area; and
WHEREAS, these communities have always possessed an enthusiastic spirit of cooperation; and
WHEREAS, due to the financial problems of School District 116, some of this enthusiasm has been lost; and
WHEREAS, in an effort to reignite some of this lost enthusiasm, a volunteer-driven community project to promote all of the Round Lake area has been planned for Saturday, May 19, 2001; and
WHEREAS, on this day, volunteers will go out into the community to take part in various improvement and clean-up projects; and
WHEREAS, a “Hoops Classic” fundraiser basketball game between the Round Lake High School girls varsity basketball team and the boys varsity basketball team will take place during the evening; and
WHEREAS, local dignitaries and District #116 teachers and coaches will also participate in the basketball fundraiser;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as ROUND LAKE AREA PANTHER PRIDE DAY in Illinois.

Issued by the Governor April 5, 2001.
Filed by the Secretary of State April 12, 2001.

2001-212

ADOLESCENT SUICIDE PREVENTION WEEK

WHEREAS, "Kids Under Twenty One" is a unique organization of youth and adult volunteers who promote youth-focused and peer-facilitated crisis prevention, suicide intervention and postvention support services to young people; and
WHEREAS, KUTO works with youth in the Illinois counties of Madison, Monroe and St. Clair; and
WHEREAS, suicide is the third leading case of death for youth aged 15-24; and
WHEREAS, the risk for human self-destruction can be reduced through awareness, education and treatment; and
WHEREAS, it is necessary to regard suicide as a major health problem and to support educational programs, research projects and intervention services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-11, 2001, as ADOLESCENT SUICIDE PREVENTION WEEK in Illinois.

Issued by the Governor April 6, 2001.
Filed by the Secretary of State April 12, 2001.

2001-213

PEORIA CITIZENS COMMITTEE FOR ECONOMIC OPPORTUNITY DAY

WHEREAS, this year marks the 35th anniversary of the Peoria Citizens Committee for Economic Opportunity; and
WHEREAS, the Peoria Citizens Committee for Economic Opportunity is a direct result of President Lyndon B. Johnson’s War on Poverty; and
WHEREAS, the Peoria Citizens Committee for Economic Opportunity has the goal of initiating the integration and linkage of resources, providing a forum for active citizen participation and supplying effective leadership as an agent for change and community development; and
WHEREAS, the Peoria Citizens Committee for Economic Opportunity first started in 1966 with a “Summer Head Start” project and a “Legal Services Program”; and
WHEREAS, by 1978, the Peoria Citizens Committee for Economic Opportunity was providing programs including full year Head Start,
daycare, kindergarten, before and after-school programs for latch-key children, alcohol rehabilitation services, a senior drop-in center, neighborhood outreach centers, and radio and television programming; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity has continued to maintain a majority of the programs and services listed above, increased its community and economic development focus, and increased its unrestricted resource base; and

WHEREAS, the Peoria Citizens Committee for Economic Opportunity will celebrate its 35th anniversary on May 26, 2001, with a semi-formal dinner at the Peoria Civic Center with proceeds helping to fund Community Action Agency’s Senior Meals program, Carver Community Center and the Boys and Girls Club of Greater Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 2001, as PEORIA CITIZENS COMMITTEE FOR ECONOMIC OPPORTUNITY DAY in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-214

COLONEL TIMOTHY WEAVER DAY

WHEREAS, Colonel Timothy Weaver has served in the United States Air Force for more than 30 years; and

WHEREAS, Colonel Weaver has served in various capacities, including Active Duty in Vietnam, the Indiana Air National Guard, the National Guard Bureau, and the Illinois Air National Guard; and

WHEREAS, Colonel Weaver has served in multiple capacities with the 183rd Fighter Wing, Illinois Air National Guard, including Operations Commander and Vice Wing Commander; and

WHEREAS, Colonel Weaver was instrumental in the 183rd’s conversion to F-16’s; and

WHEREAS, Colonel Weaver has led the men and women of the 183rd Fighter Wing in military operations around the world; and

WHEREAS, Colonel Weaver always keeps a good perspective on issues, never loses his sense of humor, and exhibits the highest professional standards of an Air Force Officer; and

WHEREAS, Colonel Weaver has been an excellent leader and mentor for the men and women of the 183rd Fighter Wing and has contributed greatly to the excellence that the 183rd Fighter Wing has achieved; and

WHEREAS, even though Colonel Weaver was born in Indiana and attended Indiana State University, we are delighted that he has seen the light and is now an Illini Fan; and

WHEREAS, the men and women of the Illinois Air National Guard and the 183rd Fighter Wing will sorely miss Colonel Weaver;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14, 2001, as COLONEL TIMOTHY WEAVER DAY in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.
2001-215
JACKIE GARNER DAY

WHEREAS, Jackie Garner’s long career in Illinois state government is rooted in her commitment to being a health and human services advocate for all citizens; and

WHEREAS, Jackie was instrumental in founding Prevention First as the state’s leading training and resource center for substance abuse prevention; and

WHEREAS, Jackie was honored by Prevention First, Inc., formerly known as AHTDS Prevention Resource Center, as they celebrate their 15th year anniversary; and

WHEREAS, Jackie is well known for her ability to mentor and inspire individuals and organizations to recognize their maximum potential; and

WHEREAS, although Jackie has taken on the role as Director of Public Aid, she still holds onto her role in prevention, using the opportunity to achieve her dream of incorporating prevention principles into healthcare policy; and

WHEREAS, Jackie, as the mother of Jesse, has her own prevention work in progress; and

WHEREAS, Jackie’s life experiences in foundation, direct service, advocacy, and government have allowed her unique perspective in the development of this state’s policies as they impact health and human services; and

WHEREAS, everyone she has worked with on the Governor’s Senior Staff misses her, but wishes Jackie the utmost success in her endeavors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 12, 2001, as JACKIE GARNER DAY in Illinois.

Issued by the Governor April 6, 2001.
Filed by the Secretary of State April 12, 2001.

2001-216
SAFE KIDS WEEK

WHEREAS, unintentional injury annually claims the lives of 6,000 children ages 14 and younger, making it the number one killer of children in this age group; and

WHEREAS, each year, nearly 120,000 children are permanently disabled and one out of every four children sustains injuries requiring emergency medical attention; and

WHEREAS, 90 percent of these injuries are preventable; and

WHEREAS, 41 percent of these injuries occur during the “trauma season” of May, June, July and August; and

WHEREAS, emergency departments experience nearly 3 million visits from children ages 14 and younger each summer; and

WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

WHEREAS, the National SAFE KIDS Campaign, with the support of its founding sponsor Johnson & Johnson, launches SAFE KIDS Week 2001, “Make It a SAFE KIDS Summer,” which focuses on the five deadliest warm
weather risk areas: motor vehicle crashes, drownings, pedestrian and biking injuries and falls; and

WHEREAS, the Illinois SAFE KIDS Coalition has planned special childhood injury prevention activities and community-based events for SAFE KIDS Week 2001 in an effort to educate families about summer safety;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-12, 2001, as SAFE KIDS WEEK in Illinois.

Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-217
SONG FESTIVAL DAYS

WHEREAS, Song Festivals have been a long standing tradition among choruses in Germany and since 1849 in the United States; and

WHEREAS, every three years a Song Festival is held in a different Midwestern city in the United States, and Chicago will be the host city in 2001; and

WHEREAS, many Chicago area German American choruses dedicated to preserving German culture and heritage will raise their voices in song; and

WHEREAS, the President and Board of Directors has announced that all voices will join in song for the 57th National Song Festival on May 26, 2001, at the Chicago Theatre and May 27, 2001, at the UIC Pavilion;


Issued by the Governor April 6, 2001.

Filed by the Secretary of State April 12, 2001.

2001-218
ARMENIAN CHRISTIANITY DAY

WHEREAS, in 301 A.D., the Kingdom of Armenia became the first nation to adopt Christianity as the state religion; and

WHEREAS, since 301 A.D., the Armenian people have cherished the memory of St. Gregory the Illuminator who overcame persecution at the hands of pagans and showed King Tiridates II, the King of Armenia, that Christianity was the religion for the Armenian people, and the king ordered Christianity to be the state religion; and

WHEREAS, the Armenian people have confirmed their belief for 17 centuries, remaining steadfast in their Christian faith despite numerous persecutions and massacres; and

WHEREAS, their faith continues to be the center of Armenian life throughout the world; and

WHEREAS, the Armenian Americans have made great contributions to American life since 1619, when Martyn the Armenian arrived at Jamestown, Virginia, and to the life of Illinois since 1892, when Armenians representing the Ottoman Empire at the Colombian Exposition decided to remain in Illinois; and

WHEREAS, Armenian Americans contributed greatly to the State of Illinois in all areas, including arts, business, science, education, medicine, law and public services; and
WHEREAS, the Illinoisans of Armenian descent are observing the year 2001 and June 17, 2001, known as the Feast of Holy Etchmiadzin, as the 1,700\textsuperscript{th} anniversary of Armenian Christianity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 17, 2001, as ARMENIAN CHRISTIANITY DAY in Illinois

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-219
EL DIA DE LOS NIÑOS

WHEREAS, every year, special days are celebrated in May and June to honor and thank our mothers and our fathers; and
WHEREAS, while many groups set aside days and months to celebrate children’s causes, such as child abuse prevention and literacy, there isn’t one special day to honor our children; and
WHEREAS, children’s days are celebrated in other nations, including Japan, Korea, Canada, Turkey, and Mexico; and
WHEREAS, Mexico celebrates El Día de los Niños on April 30th, and since Mexico shares a border with the United States and a large and growing proportion of Illinois residents trace their lineage to Mexico, it is fitting that a day be set aside to value and uplift Latino children and all children in Illinois; and
WHEREAS, the idea for establishing this special day for children grew out of the first National Summit on Young Latinos held in San Antonio, Texas, in September 1996 and sponsored by the National Latino Children’s Institute; and
WHEREAS, establishing El Día de los Niños is an excellent way to focus on the many challenges faced by our state’s children, youth, and their families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30, 2001, as EL DIA DE LOS NIÑOS in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-220
FAMILIES OF DISTINCTION DAY

WHEREAS, community action agencies were created when the Economic Opportunity Act of 1964 was signed into law; and
WHEREAS, community action agencies have a 37-year history of promoting self-sufficiency for those individuals with limited income; and
WHEREAS, community action agencies have made an essential contribution to individuals and families in Illinois by providing them with innovative and cost-effective programs; and
WHEREAS, community action agencies are needed as major participants in the reform of the welfare system as we know it; and
WHEREAS, welfare reform in Illinois has benefited from the state’s partnership with the Illinois Community Action Association and its 40 member agencies; and
WHEREAS, those with limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and
WHEREAS, on May 6, 2001, the Illinois Community Action Association will host its Annual Families of Distinction Banquet, commemorating the success of families who have overcome great obstacles to become self-sufficient;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6, 2001, as FAMILIES OF DISTINCTION DAY in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-221
ORGAN AND TISSUE DONOR AWARENESS MONTH

WHEREAS, currently 75,000 people nationwide, including 5,000 in Illinois, are on organ transplant waiting lists with many more in need of life saving and life enhancing tissue transplants, and 16 Americans die each day due to a lack of available organs; and

WHEREAS, thousands of individuals have been given new life through organ and tissue donation; and

WHEREAS, many caring Illinois citizens decide to donate their organs and tissue, and many families have embraced this gift of life by agreeing to donate their loved one's organs; and

WHEREAS, almost everyone in Illinois can be an organ or tissue donor; and

WHEREAS, the Illinois Governor's Office, along with the National Kidney Foundation of Illinois, the Regional Organ Bank of Illinois, Secretary of State Jesse White, Mid-America Transplant Services, the Illinois Eye Bank, the American Red Cross, the American Liver Foundation, and the Minority Organ and Tissue Transplantation Education Program are working together to encourage the public to consider organ and tissue donation and to share this decision with their family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as ORGAN AND TISSUE DONOR AWARENESS MONTH in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-222
PASTOR JO ANN LONG DAY

WHEREAS, on May 5, 2001, the New Covenant Life Church Family is celebrating the first Ministerial Anniversary of their founding pastor and teacher Jo Ann Long for her more than 30 years of dedicated service; and

WHEREAS, Pastor Long has become a highly respected and sought after international conference speaker, drawing from her own education and life and identifying with the various issues and needs akin to women, children and youth; and

WHEREAS, she has made numerous contributions to the community, serving as a mentor to many, a respected voice in the urban community, a radio personality and an author; and

WHEREAS, her list of accomplishments include Domestic Violence Walks Against Crime and Awareness Forum; Project Love, an annual holiday giveaway to needy residents of the Chicago Housing Authority, hospitals and nursing and rehabilitation centers; The Rahab House, a
refuge home for women; and many radio and television broadcasts offering messages of spirituality and healing; and
WHEREAS, Pastor Long is a woman of vision with a mission to offer a holistic, full gospel message to challenge and change the lives of the people in her church and community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as PASTOR JO ANN LONG DAY in Illinois.

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-223
SIGMA GAMMA RHO AND KAPPA ALPHA PSI SORORITY AND FRATERNITY DAYS

WHEREAS, the Sigma Gamma Rho Sorority and the Kappa Alpha Psi Fraternity have jointly launched a historically significant conference through which to develop and implement plans, projects, and programs specifically designed to achieve community improvement, community-stability, and community-prosperity, thereby enhancing life in Black residential neighborhoods; and
WHEREAS, both national Black Societies advance the cause of higher educational goals for both undergraduate and graduate students through the presentation of scholarship awards to those academically qualified students; and
WHEREAS, the purpose of this conference is to organize meetings and network from various industries and communicate with national politicians, community and other leaders about their community oriented programs developed for the betterment of the community-at-large; and
WHEREAS, Helen J. Owens, National President of Sigma Gamma Rho Sorority will be the keynote speaker at a public forum relating to strong, capable, and committed leadership in the African-American community on Friday, April 13, 2001; and
WHEREAS, more than 1,000 delegates, with chapters located in 11 states will participate in all operations, programs, and social functions; and
WHEREAS, the members of Sigma Gamma Rho and Kappa Alpha Psi want to thank Lucile Banks-Jefferson, Regional 2001 Conference Hostess and Phillip Jones, General Chairman, 2001 North Central Province for their combined efforts in organizing this joint conference, with an agenda designed to promote the cultural life of Black communities;

Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-224
SOUTHERN ILLINOIS FESTIVAL OF IRISH MUSIC AND DANCE DAY

WHEREAS, 2001 marks the 5th Annual Southern Illinois Festival of Irish Music and Dance at Southern Illinois University in Carbondale; and
WHEREAS, the theme of the 2001 Southern Illinois Festival of Irish Music and Dance is “The Fifth Anniversary”; and
WHEREAS, the Southern Illinois Festival of Irish Music and Dance offers many opportunities for cultural activities, arts, crafts, music and dance performances; and
WHEREAS, Chairperson Connie Shanahamt says, “The dew is on the heather, and the pipe and the fiddle have called fair citizens and visitors alike to this place in recognition of the Southern Illinois Festival of Irish Music and Dance”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29, 2001, as SOUTHERN ILLINOIS FESTIVAL OF IRISH MUSIC AND DANCE DAY in Illinois.
Issued by the Governor April 10, 2001.
Filed by the Secretary of State April 12, 2001.

2001-225
CRIME VICTIMS’ RIGHTS WEEK

WHEREAS, as our cities, counties, and state continue to make strides in reducing the crime rate, it is important to remember that there are still far too many victims of crime; and
WHEREAS, those who have suffered a violation of their person, property, or trust deserve to be treated with dignity and respect by the criminal and juvenile justice systems and by society at-large; and
WHEREAS, our response to crime victims plays an important role in their efforts to rebuild their lives following the offense; and
WHEREAS, through public and private efforts, our communities have already taken important steps to ensure that our treatment of victims helps them begin the healing process; and
WHEREAS, it is important to recognize the volunteers who work hard on behalf of crime victims, as well as the many law enforcement officers, prosecutors, victim service providers, corrections officers, parole and probation officers, counselors, physicians, health care professionals, and the many others whose dedication and service to crime victims help to lesson the trauma and assist in personal recoveries; and
WHEREAS, it is important that we offer encouragement and support to crime victims and express our appreciation for those victims and survivors of crime who have turned personal tragedy into a motivating force to improve the rights and treatment of other victims of crime;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 22-28, 2001, as CRIME VICTIMS’ RIGHTS WEEK in Illinois.
Issued by the Governor April 11, 2001.
Filed by the Secretary of State April 12, 2001.

2001-226
POLISH CONSTITUTION DAY

WHEREAS, the Polish Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principals of liberty and religious freedom; and
WHEREAS, Polish Americans contributed greatly to the State of Illinois in all areas, including arts, business, science, medicine, law, government, and public services; and
WHEREAS, Adam Ocytko, Parade Chairman announced Mr. Stanley Jendzejec, National Vice President of Polish National Alliance is the Parade Grand Marshall; and
WHEREAS the Chicago Society of the Polish National Alliance will host a Pre-Parade Brunch at the Congress Hotel in Chicago, and the Polish Constitution Day Committee will sponsor the Polish Constitution Day Banquet at the Jolly Inn in Chicago, Illinois; and
WHEREAS, the Annual Wreath Laying Ceremony, sponsored by the Polish National Alliance, will take place at the Tadeusz Kosciuszko Statue on May 6, 2001, at the Solidarity Parkway in Chicago; and
WHEREAS, following the ceremony, the Polish National Alliance Commemorative Mass at Holy Trinity Church will be celebrated by Rev. Wiktor Skworc, Bishop of Tarnow Diocese, Poland; and
WHEREAS, the Polish American Police Association’s 37th Annual Awards Banquet celebrating Polish Constitution Day will honor Paul R. Pankiewicz, Captain, Cook County Sheriff Department and Mr. Romuald E. Matuszczak, President, R. Matuszczak Travel; and
WHEREAS, the Polish Constitution Day Parade honoring the 210th anniversary of the adoption of the Polish Constitution of 1791 will take place Saturday, May 5, 2001, and its theme will be “Polonia In The New Millennium”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2001, as POLISH CONSTITUTION DAY in Illinois.
Issued by the Governor April 11, 2001.
Filed by the Secretary of State April 12, 2001.

2001-198 (REVISED)
P. BUCKLEY MOSS DAY

WHEREAS, P. Buckley Moss is a renown artist known throughout the State of Illinois for her work with special education groups; and
WHEREAS, each year P. Buckley Moss donates her prints to raise money for charities in the United States and relief services in Africa and Panama; and
WHEREAS, the P. Buckley Moss Society is an independent organization of over 20,000 members who collect Moss’s artwork and promote charitable endeavors consistent with her ideals and the use of the arts in special education; and
WHEREAS, the Society assists many charitable organizations that deal with learning differences, as well as programs which benefit children’s health, education, and welfare, and other local and national community support services; and
WHEREAS, P. Buckley Moss will be honored at a dinner on May 18, 2001, at the Moraine Hotel in Highwood for her success as an artist and for her dedication to children and charitable organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as P. BUCKLEY MOSS DAY in Illinois.
Issued by the Governor March 30, 2001.
Filed by the Secretary of State April 19, 2001.

2001-227
CHILDREN’S MENTAL HEALTH MONTH

WHEREAS, the Surgeon General’s published report on mental illness states that mental illness is a “critical public health problem that must be addressed by the nation”; and
WHEREAS, the Surgeon General also points out that mental health issues affect children differently than adults; and
WHEREAS, twenty-one percent of five-year-old children suffer from mental health disorders at a minimum level of impairment, eleven percent at the moderate to significant level of impairment and five percent at the extreme level of impairment; and
WHEREAS, these statistics apply to children who have been diagnosed with mental health illness, but many more go undiagnosed; and
WHEREAS, the Illinois Federation of Families is greatly concerned about the future of our youth and the necessity to inform the public about children’s mental health issues;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as CHILDREN’S MENTAL HEALTH MONTH in Illinois.
Issued by the Governor April 12, 2001.
Filed by the Secretary of State April 19, 2001.

2001-228
MDA DISABILITY AWARENESS MONTH

WHEREAS, it is estimated that 1 million Americans are affected by a form of neuromuscular disease which is physically disabling; and
WHEREAS, the Muscular Dystrophy Association (MDA) assists thousands in Illinois with neuromuscular disease through eight MDA chapters; and
WHEREAS, it is the responsibility of all citizens of Illinois to assist in meeting the physical and emotional needs of individuals with disabilities; and
WHEREAS, as citizens of Illinois, we must value the worth, dignity and rights of these individuals;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as MDA DISABILITY AWARENESS MONTH in Illinois.
Issued by the Governor April 13, 2001.
Filed by the Secretary of State April 19, 2001.

2001-229
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, poverty, loneliness, and anonymity are ever present realities in our society; and
WHEREAS, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and
WHEREAS, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and
WHEREAS, the unselfish acts of these caregivers and the contributions to our society of caregivers are not always known nor formally recognized; and
WHEREAS, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and
WHEREAS, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 23, 2001, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.

Issued by the Governor April 13, 2001.
Filed by the Secretary of State April 19, 2001.

2001-230
CHARTER SCHOOLS WEEK

WHEREAS, Illinois charter schools have been authorized by the Illinois State Legislature; and
WHEREAS, Illinois charter schools offer new choices and new accountability in public education; and
WHEREAS, there are 21 charter school campuses operating in Illinois, serving some 8,000 students with several additional Charter Schools opening next fall; and
WHEREAS, the pioneering developers, parents, teachers, and students responsible for the success of charter public schools have earned the respect and acknowledgement of the citizens of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30-May 4, 2001, as CHARTER SCHOOLS WEEK in Illinois.

Issued by the Governor April 16, 2001.
Filed by the Secretary of State April 19, 2001.

2001-231
CYTOTECHNOLOGY DAY

WHEREAS, cytotechnologists are specialists in the field of medical technology whose primary responsibility is to examine cells to detect a variety of diseases, including cancer and pre-cancerous changes; and
WHEREAS, these skilled professionals are called upon daily to examine various medical specimens and advise physicians, who in turn use this vital information to chart the course of treatment for their patients; and
WHEREAS, through the diagnostic skill of cytotechnologists, it is possible to detect cancer in the early stages of development; greatly contributing to the chances of survival, eliminating uterine cancer as the number one cause of death in women; and
WHEREAS, there are a few hundred cytotechnologists in the State of Illinois, and only about 9,000 nationwide; and
WHEREAS, the Illinois Society of Cytology will join the American Society of Cytotechnology in observing National Cytotechnology Day on May 13, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 13, 2001, as CYTOTECHNOLOGY DAY in Illinois.

Issued by the Governor April 17, 2001.
Filed by the Secretary of State April 19, 2001.

2001-232
AMERICAN CHEMICAL SOCIETY DAYS

WHEREAS, the 222nd National Meeting of the American Chemical Society (ACS) will be held August 26-30, 2001, in Chicago, Illinois; and
...
WHEREAS, ACS holds two national meetings a year, featuring presentations of cutting-edge research that spans all aspects of chemistry and the chemical-related sciences; and

WHEREAS, the mission of the ACS is “to encourage the advancement of the chemical enterprise and its practitioners,” as well as “advance scholarly knowledge, provide professional service and support, communicate with varied audiences, and remain actively involved in the science, education, and public policy arenas”; and

WHEREAS, this year marks the 125th anniversary of the American Chemical Society; and

WHEREAS, the first meeting of the ACS was held April 6, 1876, and over the past 125 years, membership has increased to over 160,000 chemists, making it the world’s largest scientific society; and

WHEREAS, ACS members have dedicated themselves to scientific excellence in order to enhance our health and safety, strengthen our economy, and transform our homes and workplace;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 26-30, 2001, as AMERICAN CHEMICAL SOCIETY DAYS in Illinois.

Issued by the Governor April 18, 2001.
Filed by the Secretary of State April 19, 2001.

2001-233
ASTHMA DAY

WHEREAS, asthma is a chronic disease with associated significant morbidity and mortality; and

WHEREAS, while asthma affects all segments of the population, statistics suggest that the impact of this disease is felt disproportionately by young children; and

WHEREAS, disparities in prevalence, access to care and outcomes from asthma are felt more acutely within certain populations, including minorities throughout this state; and

WHEREAS, the number of persons in Illinois affected by asthma has greatly increased over the past decade and continues to rise; and

WHEREAS, preventive health interventions and health education can effectively help control asthma and reduce its occurrence; and

WHEREAS, in an effort to coordinate with other initiatives, including World Asthma Day 2001 and Asthma and Allergy Awareness Month, May 3, 2001, has been designated as Asthma Day to increase general awareness of this disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2001, as ASTHMA DAY in Illinois.

Issued by the Governor April 18, 2001.
Filed by the Secretary of State April 19, 2001.

2001-234
EDWIN J. KORCZYNSKI DAY

WHEREAS, Edwin J. Korczynski was born in Chicago, Illinois, and graduated from Henry D. Lloyd Elementary, Albert G. Lane Technical High School, and Northern Illinois University with a B.S. in Business Administration; and

WHEREAS, Edwin Korczynski has been a dedicated member of the American Red Cross Disaster Volunteer Team, Boy/Explorer Scouts, United
States Air Force, CAP LITH Squadron #282, United States Navy Sea Cadet Corps, Emergency Service Disaster Volunteer in Cook County, Food Pantry Volunteer, and Pilots for Hospitalized Children; and

WHEREAS, during the Vietnam crisis, he demonstrated courage and dedication by enlisting in the United States Marine Corps, serving in the 39th Officers Candidate Class of 1965 at Quantico, Virginia; and

WHEREAS, Edwin Korczynski rallied hundreds of volunteers to contribute both time and funds for the restoration of the great American Revolutionary War Hero General Casimir Pulaski’s monument in Savanna, Georgia; and

WHEREAS, he demonstrated his patriotism a second time, volunteering to serve in the desert fighting of the Persian Gulf, where he completed 25 Civil Reserve Air Fleet (CRAF)/ Military Airlift Command (MAC) missions as a Boeing 747 Pilot/Flight Engineer transporting Marines, Medical Battalion and supplies vital to the Kuwaiti Liberation efforts; and

WHEREAS, for his efforts in the Gulf War, Edwin Korczynski was awarded the Civilian Desert Shield and Desert Storm medal for Outstanding Achievement as a pilot/flight engineer; and

WHEREAS, during the November 2000 election, Edwin Korczynski served as Precinct Captain and rallied all 454 of the registered voters in his precinct to cast ballots; and

WHEREAS, Edwin Korczynski was tendered a certificate by William L. Braden, Chief Executive Officer, Mid America Chapter of the American Red Cross to acknowledge the grateful appreciation for Korczynski volunteering his time and support to the American Red Cross of Chicago and those in need; and

WHEREAS, Edwin Korczynski has made his family and friends very proud over the years, especially the “Korczynski Krew,” his five daughters Ediane, Kimberly, Elizabeth, Bethany, and Megan;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2001, as EDWIN J. KORCZYNSKI DAY in Illinois.

Issued by the Governor April 18, 2001.
Filed by the Secretary of State April 19, 2001.

2001-235
FAIR HOUSING MONTH

WHEREAS, Congress passed into law the Fair Housing Act on April 11, 1968, which prohibits discrimination in the sale and rental of housing within the constitutional limitations of the United States, regardless of ownership or management, based on race, color, national origin, and religion; and

WHEREAS, the Fair Housing Law was amended by the Housing and Community Development Act of 1974 to include prohibition against discrimination based on sex, and subsequently amended March 13, 1989, to expand the coverage of the Fair Housing Law to persons with a handicap and familial status; and

WHEREAS, the St. Louis Regional Fair Housing Collaborative is a regional fair housing umbrella organization organized in December 1998 to promote fair housing compliance through education of the collaborative members as well as the community. These initiatives are designed to promote diverse communities and the development and implementation of fair housing strategies to increase fair housing compliance and/or enforcement; and
WHEREAS, April 2001 marks the 33rd anniversary of the enactment of the Fair Housing Act, and the St. Louis Regional Fair Housing Collaborative is sponsoring the 3rd annual event to commemorate the passage of the Fair Housing Act;
WHEREAS, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as FAIR HOUSING MONTH in Illinois.
Issued by the Governor April 18, 2001.
Filed by the Secretary of State April 19, 2001.

2001-236
COACH DENNIE BRIDGES DAY

WHEREAS, Coach Bridges is a native of Anchor, Illinois, and was a student at Illinois Wesleyan University; and
WHEREAS, he was a four-year letterman and starter in basketball and baseball and a three-year football letterman, and he was an all conference quarterback and captain for two years, voted most valuable player; was an all conference basketball player, and is currently 40th in school scoring history with 926 career points; and
WHEREAS, in 1964, he returned to Illinois Wesleyan University to be the assistant basketball coach and head tennis coach, and he became head basketball coach during the 1965-1966 season, leading the Illinois Wesleyan University Titans to six College Conference of Illinois and Wisconsin (CCIW) championships in seven years; and
WHEREAS, in 1981, Coach Bridges became the Athletic Director, adding women’s varsity swimming, cross country, soccer, golf, and men’s varsity soccer to the athletic program; and
WHEREAS, Coach Bridges has a career coaching record of 667-319, and this season the team finished 24-7 and placed third in the National Division III Tournament; and
WHEREAS, he earned the Division III “Coach of the Year” after his 1997 team won the Division III title; and
WHEREAS, Coach Bridges is one of only 22 college coaches with more than 650 victories. He retires as the coach with the most wins in NCAA Division III men’s basketball and is second in Division III history; and
WHEREAS, Coach Bridges has coached in the CCIW longer and won more league championships than any other coach in CCIW history; and
WHEREAS, he is a member of the Illinois Basketball Coaches Association Hall of Fame, and he received the Illinois Basketball Coaches Association Buzzy O’Connor award for meritorious service; and
WHEREAS, Coach Dennie Bridges and his wife Rita have three children, Angie, Steve, and Eric, and they are the proud grandparents of Alyssa, Carly, Reagan, and Summer;
WHEREAS, April 2001 marks the 33rd anniversary of the enactment of the Fair Housing Act, and the St. Louis Regional Fair Housing Collaborative is sponsoring the 3rd annual event to commemorate the passage of the Fair Housing Act;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as FAIR HOUSING MONTH in Illinois.
Issued by the Governor April 18, 2001.
Filed by the Secretary of State April 19, 2001.

2001-237
JOHN T. TRUTTER DAY

WHEREAS, The Lincoln Academy of Illinois, unique among the 50 states, was established in 1965 to honor Illinois’ most distinguished
citizens, either by birth or residence, who have brought honor to the state by their achievements; and 

WHEREAS, John T. Trutter was honored as a Laureate of the Lincoln Academy in 1980, became a General Trustee of the Lincoln Academy in 1982, a Regent in 1983, Chancellor-elect on November 9, 1984, and Chancellor on April 27, 1985; and 

WHEREAS, the Chancellor presides over the Academy’s annual Laureate Ceremony, where the Order of Lincoln Medallion, the state’s highest honor, is presented to individuals who were born or reside in Illinois and who have excelled in professional, civic or philanthropic endeavors; and 

WHEREAS, the Chancellor also presides over the annual Student Laureate Ceremony, where the top scholars from each of the state’s four-year degree-granting colleges and universities are honored; and 

WHEREAS, John T. Trutter has a distinguished history of service to business in Illinois, beginning a nearly 40-year career with the AT&T Corporation after he joined Illinois Bell in 1946, during which he rose from “a trainee handyman” to Vice President of Public Relations and served as President and CEO of the Chicago Convention and Visitors Bureau; and 

WHEREAS, John T. Trutter has shown tremendous commitment to the humanities, serving as President of the Illinois State Historical Society, Chairman of the Illinois and Michigan Canal Corridor Association, and founding President of the Sangamon County Historical Society, and he has also been associated with more than 40 board directorships, commissions and special committees on local, state and national levels; and 

WHEREAS, he co-authored The Governor Takes a Bride, a 1977 book about Illinois Governor John Tanner, with his late wife, Weque, and was awarded the Order of Lincoln by The Lincoln Academy of Illinois in 1980 in recognition for his volunteer social service work; and 

WHEREAS, John T. Trutter will become Chancellor Emeritus of The Lincoln Academy of Illinois on May 5, 2001, following 16 years of stellar service to the Academy; 

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as JOHN T. TRUTTER DAY in Illinois. 

Issued by the Governor April 19, 2001. 

Filed by the Secretary of State April 26, 2001. 

2001-238 

MENTAL HEALTH WEEK 

WHEREAS, May is National Mental Health Month; and 

WHEREAS, today, at least one in five Americans may have a behavioral, emotional, or mental health problem; and 

WHEREAS, at least 1 in 10--or as many as 6 million young people--may have a serious emotional disturbance that severely disrupts his or her ability to interact effectively with family, at school, and in the community; and 

WHEREAS, mental health is fundamental to overall health, and mental disorders are real health conditions that impact individuals and families; and 

WHEREAS, the effectiveness of mental health treatment is well documented, and a range of treatments exist for most mental disorders; and 

...
WHEREAS, the Illinois Department of Human Services will hold a public awareness event at the State Capitol on Monday, May 21, featuring a photographic exhibit created by the Janet Wattles Center, a not-for-profit community mental health center in Rockford;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20-26, 2001, as MENTAL HEALTH WEEK in Illinois.

Issued by the Governor April 19, 2001.
Filed by the Secretary of State April 26, 2001.

2001-239
CHRISTIAN SCHOOL DAY

WHEREAS, George Washington, the first President of the United States, stated, "While just government protects all in their religious rights, true religion affords to government its surest support"; and

WHEREAS, John Adams, the second President of the United States, stated, "We have no government armed with power capable of contending with human passions unbridled by morality and religion"; and

WHEREAS, Charles Carroll of Carrollton, a signer of the Declaration of Independence, stated, "Without morals a republic cannot subsist any length of time..."; and

WHEREAS, Richard Henry Lee, a signer of the Declaration of Independence, stated, "It is certainly true that a popular government cannot flourish without virtue in the people"; and

WHEREAS, Abraham Lincoln, the sixteenth President of the United States, stated, "The philosophy of the school room in one generation will be the philosophy of government in the next"; and

WHEREAS, Christian Schools in Illinois teach young people the virtues of honesty, decency, courage, and integrity; and

WHEREAS, Christian Schools in Illinois teach young people to be moral and religious people who respect those in authority, thus contributing to the well-being of the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as CHRISTIAN SCHOOL DAY in Illinois.

Issued by the Governor April 23, 2001.
Filed by the Secretary of State April 26, 2001.

2001-240
WILLIAM J. KALLAS WEEK

WHEREAS, William J. Kallas became the Mayor of the City of Oakbrook Terrace in 1993 and served the City for two consecutive terms; and

WHEREAS, prior to his tenure as Mayor of the City, Kallas was appointed to the City Council and served as the Alderman overseeing financial operations of the City; and

WHEREAS, a $6 million potable Lake Michigan Water System was constructed and completed to the benefit of City residents, businesses and institutions; and

WHEREAS, during his exemplary career of service to the residents of the City, the first and only grant was received by the City from the State of Illinois in order to provide potable water service from the City’s Lake Michigan water system for County residents adjacent to the City; and
WHEREAS, Mayor Kallas was instrumental in bringing the Miss America/Miss Illinois pageant scholarship program to the City and to arrange for City sponsorship; and
WHEREAS, under Mayor Kallas’ leadership and guidance, he is leaving the City in a state of greater financial stability together with a six month General Fund operating reserve; and
WHEREAS, during the Mayor’s tenure, a major lease was signed bringing the headquarters of ComEd to one of the City’s high quality office complexes; and
WHEREAS, his lifetime of achievement serves as an inspiration to all Illinois citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-May 5, 2001, as WILLIAM J. KALLAS WEEK in Illinois.

Issued by the Governor April 23, 2001.
Filed by the Secretary of State April 26, 2001.

2001-241
ACCESS LIVING DAY

WHEREAS, the largest minority in the United States comprises nearly one-fifth of the nation’s population, all of whom are Americans living with a disability, including the more than 1,500,000 people with disabilities living in Illinois; and
WHEREAS, the Office of Human Services is working to make Illinois the nation’s most accessible state through advocacy, education, training and direct services for people with disabilities of all ages in all aspects of life; and
WHEREAS, Access Living, an organization involved in education and advocacy efforts across the city, state and country, which is governed and staffed by a majority of people with disabilities, shares the State of Illinois’ goals of independence, empowerment and inclusion of people with disabilities; and
WHEREAS, Access Living fosters the dignity, pride and self esteem of people with disabilities and enhances the opportunities available to them by offering peer-oriented independent living services, public education and awareness, individual and systematic advocacy and the enforcement of civil rights on behalf of people with disabilities; and
WHEREAS, for more than 20 years, Access Living has served nearly 3,000 people annually through its innovative programs within the community; and
WHEREAS, on June 7, 2001, Access Living will hold its 2001 Annual Benefit, featuring a multimedia presentation by renowned film critic Roger Ebert;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7, 2001, as ACCESS LIVING DAY in Illinois.

Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-242
ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community is commemorating the 86th Anniversary of the Armenian Genocide; and
WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 is recognized every year; and
WHEREAS, Armenians continue to be a people of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and
WHEREAS, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language; and
WHEREAS, the Armenian-American community has made significant contributions in all areas of life, including education, medicine, science, business, arts, government and public service in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2001, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 86th Anniversary of the Armenian Genocide.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-243
COLLEEN WILSON DAY

WHEREAS, Colleen Wilson has a B.A. degree in Fine Arts, a M.A. degree in Specialized Reading, and over 20 hours in Educational Administration; and
WHEREAS, her educational background and life experiences give her a unique background for working with students experiencing difficulties in reading, and her methods and style of teaching have incorporated gifted and multiple intelligence philosophies long before these theories were popularized; and
WHEREAS, Colleen has been the Title 1 Director and one of its instructors for Community Unit District #16 in New Berlin, Illinois for the past 25 years; and
WHEREAS, she focused the local program on parental communications and involvement, and the support and encouragement of the district’s administration coupled with adequate federal funding have been a key to the program’s success; and
WHEREAS, in the 1970s and 80s, Colleen developed, designed and administered a model Title 1 program, presenting the program design to various schools and colleges for the State Board of Education; and
WHEREAS, for the past ten years, Colleen has been a leader in integrating technology into the Title 1 program, presenting highlights of her technology designs at the Statewide Title 1 Conferences and coordinating an inservice for all involved in the Title 1 program at the local level; and
WHEREAS, currently, Colleen is placing a renewed focus on parental involvement and shared educational experiences regarding current brain research and its practical applications; and
WHEREAS, a survey of the students and their families who have participated in the Title 1 program over the last 25 years gives a glimpse of the positive impact of the program on their lives, and the continuing success of the program in District #16 is a direct reflection of the efforts of this dedicated educator;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7, 2001, as COLLEEN WILSON DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-244
MICHAEL W. DONNAN DAY

WHEREAS, Michael W. Donnan will retire this summer after 33 years of teaching in Illinois; and
WHEREAS, Michael Donnan has taught Agriculture Education and has served as FFA advisor in the Ashland and A-C Central school districts; and
WHEREAS, for 26 years, he has served as both instructor and elementary school principal; and
WHEREAS, former students and fellow teachers will gather for a retirement roast at A-C Central High School in Ashland on Saturday, May 19, 2001, to say goodbye and honor him for 33 years of teaching; and
WHEREAS, Michael Donnan will be greatly missed, but everyone in the A-C Central school district wishes him the best of luck;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as MICHAEL W. DONNAN DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-245
LOYALTY DAY

WHEREAS, this nation is kept strong and free by the loyal citizens who preserve our precious freedom heritage through their positive patriotic declarations and actions; and
WHEREAS, all loyal citizens should make it their duty to inspire complete patriotism among all of our peoples; and
WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, thus convincing friends and enemies alike that our nation is firmly united for self-preservation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2001, as LOYALTY DAY in Illinois.
Issued by the Governor April 24, 2001.
Filed by the Secretary of State April 26, 2001.

2001-246
DISASTER AREA- STATE OF ILLINOIS

As a result of heavy rains and snow melt in the upper Midwest, record and near-record flooding has been forecast for the Mississippi River upstream of the Quad Cities Area. On April 13, 2001, Illinois communities along the Mississippi River began preparations for a major flood fight. Based on previous record and near-record flooding on the Mississippi River, the State of Illinois and impacted local governments likely will be involved in an extended flood fight followed by a period of recovery. State and local resources will be utilized in emergency response and in the recovery effort.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Adams, Carroll, Jo Daviess, Hancock, Henderson, Mercer, Rock Island and Whiteside Counties as State Disaster Areas.
pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor April 20, 2001.
Filed by the Secretary of State April 20, 2001.

2001-247
DECATURE COUNCIL #577 DAY

WHEREAS, the Illinois Knights of Columbus are now in their second century of service to our church, our communities and our families; and
WHEREAS, Decatur Council #577 was chartered on May 12, 1901; and
WHEREAS, throughout the past 100 years, members and families of Council #577 have served our church, order, parishes, families, community and country with charity, unity, and patriotism; and
WHEREAS, members and families of Council #577 have served their community with many charitable activities, including Special Olympics and the Red Cross Blood Bank, and they have continued to support St. Teresa High School; and
WHEREAS, members of Council #577 have served in positions of leadership in the Illinois State Council and the Supreme Council; and
WHEREAS, Council #577 will celebrate its 100th anniversary with a mass and banquet and begin a new century of service to God, country and community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as DECATURE COUNCIL #577 DAY in Illinois.

Issued by the Governor April 25, 2001.
Filed by the Secretary of State May 3, 2001.

2001-248
DECATURE NATIONAL LETTER CARRIERS BRANCH 317 DAY

WHEREAS, the National Association of Letter Carriers (NALC), Decatur Branch 317, the United States Postal Service, Rural Carriers, the United Way of Decatur/Macon County, and the AFL-CIO Decatur Trades and Labor Assembly will sponsor the annual Letter Carriers Food Drive on Saturday, May 12, 2001; and
WHEREAS, on this day, residents are asked to put non-perishable food items by their mailboxes to be picked up by the letter carriers and distributed to food pantries in Decatur and Macon County; and
WHEREAS, over 100 volunteers from the community help collect, sort, and deliver the food to the food pantries whose shelves are bare or almost empty; and
WHEREAS, the national drive, created by the NALC, has quickly become the largest one-day food drive; and
WHEREAS, last year, Decatur’s NALC Branch 317 averaged about one pound of food per resident in the county and was ranked number one in the nation for pounds of food collected per resident; and
WHEREAS, the Decatur drive collected over 90,000 pounds of food and distributed it to local agencies including the Salvation Army,
Northeast Community Fund, Love-Unlimited, Catholic Charities, United Harvest Distribution, Maranatha Church, AMELCA, and the Harristown and Blue Mound food pantries;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2001, as DECATUR NATIONAL LETTER CARRIERS BRANCH 317 DAY in Illinois.

Issued by the Governor April 25, 2001.
Filed by the Secretary of State May 3, 2001.

2001-249
YWCA HISTORY DAY

WHEREAS, for 125 years, the YWCA of Metropolitan Chicago has celebrated the women of Chicago through direct services and support critical to improving their lives and today serves 90,000 women, children, and families a year; and

WHEREAS, the YWCA mission to empower women and eliminate racism translates into a vision to create opportunities for growth, leadership, and power for women, girls and families; and

WHEREAS, since its early days, the YWCA has provided services essential to working women, including child care services, senior adult day care, job readiness training, crisis counseling, and support to help teen mothers finish school; and

WHEREAS, the YWCA provides community-wide education and awareness programs such as violence prevention for children and youths, the YWCA Week Without Violence and the National YWCA Day of Commitment to Eliminate Racism; and

WHEREAS, the YWCA’s pioneering work and achievements will be recognized at a 125th Celebration Gala on June 1, 2001; 

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2001, as YWCA HISTORY DAY in Illinois.

Issued by the Governor April 25, 2001.
Filed by the Secretary of State May 3, 2001.

2001-250
AMATEUR RADIO AWARENESS MONTH

WHEREAS, the State of Illinois has more than 23,000 licensed Amateur Radio operators, also known as Hams, and 65 Amateur Radio clubs, putting Illinois among the top five in terms of the number of Hams; and

WHEREAS, Hams have demonstrated their value in public assistance by providing emergency radio communications; and

WHEREAS, after disasters, Hams aid communication efforts among emergency officials by operating organized communication networks; and

WHEREAS, the Amateur Radio Emergency Service has formed agreements with the Federal Emergency Management Agency, the National Communications System, the American Red Cross, the Salvation Army, the National Weather Service and the Association of Public Safety Communications Officials; and

WHEREAS, over the years, Amateur Radio has contributed to technology by developing early mobile gear for automobiles and aircraft, developing the use of inexpensive “microids,” experimenting with the use of the Single Sideband mode and experimenting in digital signal processing circuitry and software; and
WHEREAS, this year’s Amateur Radio Field Day will take place June 23-24, 2001;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,  
proclaim June 2001 as AMATEUR RADIO AWARENESS MONTH in Illinois.  
Issued by the Governor April 26, 2001.  
Filed by the Secretary of State May 3, 2001.

2001-251  
ARTS WEEK  

WHEREAS, the arts in all forms are treasures that bring joy to everyone; and  
WHEREAS, our lives are enriched by the art that surrounds us in everyday environments - the art that is part of our history, and the art of far-away places that we bring into our hearts and minds; and  
WHEREAS, the arts in Illinois deserve recognition and support so they may continue to flourish in abundant variety; and  
WHEREAS, the Illinois Arts Council and the National Endowment for the Arts are two organizations that play a vital role in bringing the arts to our citizenry; and  
WHEREAS, central to that partnership is the shared belief that freedom of artistic expression must remain unfettered by government interference in its content; and  
WHEREAS, since 1978, Illinois has annually celebrated Arts Week, focusing attention on the value of the arts in our lives;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,  
proclaim October 7-13, 2001, as ARTS WEEK in Illinois.  
Issued by the Governor April 26, 2001.  
Filed by the Secretary of State May 3, 2001.

2001-252  
BARRINGTON CHILDREN’S CHOIR DAYS  

WHEREAS, the Barrington Children’s Choir has been selected to represent the State of Illinois in the 2001 American Celebration of Music in Italy, a major music festival in Europe; and  
WHEREAS, at least one instrumental and one choral group from each of the 50 states will participate in the American Celebration of Music in Italy, honoring Italy’s rich musical and cultural heritage; and  
WHEREAS, the choir will participate in this international festival June 14-25, 2001, in Rome, Florence, Venice, and Milan; and  
WHEREAS, the Barrington Children’s Choir is directed by Peggy Crawford and was selected based upon recommendations of state music officials, past achievements, and current superior ratings; and  
WHEREAS, a complete program of performances, sightseeing, cultural exchanges, orientation, meetings, and other cultural activities will be part of the rich experience for the Barrington Children’s Choir;  
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,  
proclaim June 14-25, 2001, as BARRINGTON CHILDREN’S CHOIR DAYS in Illinois.  
Issued by the Governor April 26, 2001.  
Filed by the Secretary of State May 3, 2001.
2001-253

CHILDREN'S MEMORIAL DAY

WHEREAS, the Child Welfare League of America has promoted the Children's Memorial Flag as a way of memorializing the thousands of children and teenagers in the United States who die violently each year; and
WHEREAS, the Children's Memorial Flag has become a recognizable symbol of the need to do a better job of protecting children; and
WHEREAS, the response of the public has been overwhelmingly positive as the program progresses each year; and
WHEREAS approximately 3 million children are reported abused and neglected in this country each year; and
WHEREAS, the effects of child abuse are felt by whole communities, and they need to be addressed by the entire community; and
WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and
WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within their communities and become involved in supporting parents to raise their children in a safe, nurturing environment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2001, as CHILDREN'S MEMORIAL DAY in Illinois.
Issued by the Governor April 26, 2001.
Filed by the Secretary of State May 3, 2001.

2001-254

INTERNATIONAL CHILDREN’S DAY

WHEREAS, each child is a part of the human family which guarantees them a sense of dignity and worth; and
WHEREAS, each child should be guaranteed equal attention and respect as a unique individual; and
WHEREAS, each child should feel secure in his/her natural innocence with the promise of protection by trusted adults; and
WHEREAS, each child should be given the promise of the continued search for peace by all concerned citizens; and
WHEREAS, each child should be given the opportunity to live in the precious present, draw knowledge from the past and hope for the future; and
WHEREAS, we understand that children are our hope for the future;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2001 as INTERNATIONAL CHILDREN'S DAY in Illinois.
Issued by the Governor April 26, 2001.
Filed by the Secretary of State May 3, 2001.

2001-255

KIDS DAY

WHEREAS, the health and well-being of Illinois children is a responsibility shared by the entire state; and
WHEREAS, the number of children under age 18 has increased dramatically in Illinois during the last 10 years - by more than 30 percent in Lake, Kendall, Will, Boone and McHenry Counties; and
WHEREAS, the organization “Voices for Illinois Children” reports that the quality of life for children in Illinois has “seen real progress” in the last few years; and
WHEREAS, state and local governments, schools, private organizations, faith-based congregations, businesses and organized labor have made a concerted effort to initiate new programs like Illinois KidCare to fill the health care needs of children; and
WHEREAS, during the last few years, the state’s teen birth rate has declined, as has the number of children in foster care, the high school dropout rate, the rate of child abuse and the number of children on welfare; and
WHEREAS, the well-being of children includes protection and instruction on the prevention of environmental hazards, fire safety, bike safety, substance abuse prevention and criminal acts; and
WHEREAS, if started during childhood, proper habits and values can be maintained for a lifetime, producing a valued member of society who enhances a community and leaves a legacy for future generations; and
WHEREAS, Kids Day in Illinois is an opportunity for adults to learn about the ways that all of us can protect and strengthen the lives of children and to help them become healthier and happier;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as KIDS DAY in Illinois.

Issued by the Governor April 26, 2001.
Filed by the Secretary of State May 3, 2001.

2001-256
MYASTHENIA GRAVIS MONTH

WHEREAS, Myasthenia Gravis, often referred to as “the disease nobody knows,” is a neuro-muscular disorder that can affect anyone, regardless of age, race or sex; and
WHEREAS, originally diagnosed in the 17th century, this potentially fatal disorder currently afflicts about 240,000 Americans. Only in the last few decades has any real progress been made in diagnosing and treating this disease, largely through the efforts of the Myasthenia Gravis Foundation; and
WHEREAS, since diagnosis of Myasthenia Gravis is difficult, due to its similarities to other disorders, public awareness must be heightened. Medical professionals and physicians also need further education in its symptoms so that our citizens may be assured of proper care and treatment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2001 as MYASTHENIA GRAVIS MONTH in Illinois.

Issued by the Governor April 26, 2001.
Filed by the Secretary of State May 3, 2001.

2001-257
STOP THE VIOLENCE MONTH

WHEREAS, every person can move the world in the direction of peace through their daily nonviolent choice and action; and
WHEREAS, an awareness of nonviolent principles and practice is a powerful way to heal, transform, and empower our lives and communities; and

WHEREAS, Stop the Violence Month serves as an opportunity to recognize the individuals, programs, and organizations that are making a difference in our communities and to join in their efforts to move our society into a more peaceful era; and

WHEREAS, the State of Illinois is pleased to join with the National Stop the Violence Alliance in helping educate the public regarding the impact of crime on society and serve as a call to action to help prevent violence wherever and whenever possible; and

WHEREAS community crime and violence prevention efforts such as this can significantly reduce victimization and help rebuild a sense of mutual responsibility and shared pride in our neighborhoods, communities, state and nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as STOP THE VIOLENCE MONTH in Illinois.

Issued by the Governor April 26, 2001.

Filed by the Secretary of State May 3, 2001.

2001-258

CYBERSPACE SAFETY AWARENESS WEEK

WHEREAS, the recent tremendous advances in technology have profoundly changed the way in which communication, research and commerce take place in our society; and

WHEREAS, our educational system must embrace the use of technology in our schools, teaching children how to harness the immense resources of the Internet, exploring the richness of imagination, encouraging critical thinking, analyzing data, reviewing sources, and communicating ideas; and

WHEREAS, access to the Internet provides enormous opportunities for learning, teaching, analyzing, researching and collaborating; and

WHEREAS, concerns for abuse, risk and exploitation sometimes accompany opportunities; and

WHEREAS, the Internet Crimes Against Children Educational Advisory Committee, which consists of the following state agencies/organizations: Governor’s Office, Illinois Technology Office, Illinois Association of Chiefs of Police, Illinois Attorney General’s Office, Illinois Coalition Against Sexual Assault, Illinois Department of Children and Family Services, Illinois Sheriff’s Association, Illinois State Board of Education, Illinois State Police, Illinois Violence Prevention Authority, Prevent Child Abuse-Illinois, and Regional Institute of Community Policing; agree that, while acknowledging the efforts of enhancing our children’s Internet experience, we must undertake a solemn effort to ensure the value of Internet safety; and

WHEREAS, the above organizations agree that the Internet is a vital tool for education and research, which the citizens of Illinois must have readily available for personal knowledge and growth; and

WHEREAS, education and awareness efforts will help to protect our children and to provide them with a safer environment while using the Internet, teaching them smart use of the tools; and

WHEREAS, the Internet Crimes Against Children Educational Advisory Committee, along with school administrators, teachers,
parents, and concerned citizens throughout Illinois, are joining together to observe May 6-12, as Cyberspace Safety Awareness Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as CYBERSPACE SAFETY AWARENESS WEEK in Illinois.

Issued by the Governor April 27, 2001.

Filed by the Secretary of State May 3, 2001.

2001-259

EL MES DE LOS NIÑOS

WHEREAS, every year, special days are celebrated in May and June to honor and thank our mothers and our fathers; and

WHEREAS, while many groups set aside days and months to celebrate children's causes, such as child abuse prevention and literacy, there isn't one special day to honor our children; and

WHEREAS, children's days are celebrated in other nations, including Japan, Korea, Canada, Turkey, and Mexico; and

WHEREAS, it is fitting that not only one day, but an entire month be set aside to value and uplift Latino children and all children in Illinois; and

WHEREAS, the idea for establishing this special month for children grew out of the first National Summit on Young Latinos held in San Antonio, Texas, in September 1996 and sponsored by the National Latino Children's Institute; and

WHEREAS, establishing El Mes de los Niños is an excellent way to focus on the many challenges faced by our state's children, youth, and their families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as EL MES DE LOS NIÑOS in Illinois.

Issued by the Governor April 30, 2001.

Filed by the Secretary of State May 3, 2001.

2001-260

SOUTHLAND SPORTS AND EXPO CENTER DAY

WHEREAS, groundbreaking for the Southland Sports and Expo Center, located at 197th Street and Stony Island Avenue in Lynwood, Illinois, will take place on May 7, 2001; and

WHEREAS, the 100,000 square foot multi-dimensional sports and expo center will primarily focus on soccer, providing 10 outdoor fields and housing three full-size adult indoor fields, which can be converted to six smaller fields; and

WHEREAS, the facility will include a 14,000 square-foot and a 60,000 square-foot special events area for concerts, ethnic food festivals, and not-for-profit events for seniors and children; and

WHEREAS, this sports center will be much bigger than existing indoor soccer fields in surrounding areas and will also serve as a training academy for coaches, referees, and players; and

WHEREAS, the public/private sector partnership spearheaded by the Village of Lynwood Mayor Russell R. Melby and Senator Debbie Halvorson, along with the Department of Commerce and Community Affairs, Prairie State College, Bloom Township High School, Brookwood Elementary, Bloom Township and the Village of Lynwood, overcame a $3 million site and cost deficit to bring the project to Lynwood; and
WHEREAS, Branko Ilic, Tasso Koutsoukos, George Goich and Mike Goich have invested their time and money to bring this sports complex to the Lynwood area, and the project has been financed through Advance Bank; and
WHEREAS, the Southland Sports and Expo Center will enhance economic development in the south suburbs and provide help and resources for Olympic-caliber athletes to develop and strengthen their skills;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7, 2001, as SOUTHLAND SPORTS AND EXPO CENTER DAY in Illinois.
Issued by the Governor April 30, 2001.
Filed by the Secretary of State May 3, 2001.

2001-261
ANNUNCIATION GREEK ORTHODOX CHURCH DAY

WHEREAS, Annunciation Greek Orthodox Church, located in Kankakee, Illinois, is celebrating its 75th Anniversary on May 19, 2001; and
WHEREAS, the Church has several spiritual organizations, including, the St. Barbara Club, the Ladies Philoptochos Society and the Ahepa; and
WHEREAS, members of the Annunciation Greek Orthodox Church have been involved in many charitable causes and continue to promote the rich Greek heritage and culture; and
WHEREAS, the Pastor Rev. Father Dimitri Callozzo is to be commended for his commitment and dedication to the Annunciation Greek Orthodox Church and the Greek American community; and
WHEREAS, the Commemoration Banquet will be held May 19, 2001, at the River Oaks Restaurant in Kankakee, Illinois, and Nick Gineris and Sam Nicholos will be Co-Chairmen of the church’s 75th Anniversary Dinner Dance; and
WHEREAS, several events will be held to commemorate the 75th Anniversary of Annunciation Greek Orthodox Church, including the 54th Annual Homecoming Picnic which is held in August;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as ANNUNCIATION GREEK ORTHODOX CHURCH DAY in Illinois.
Issued by the Governor May 1, 2001.
Filed by the Secretary of State May 3, 2001.

2001-262
ASIAN AND PACIFIC AMERICAN VETERANS OF WWII DAY

WHEREAS, on this day, we gather to pay tribute to our WWII veterans of Asian and Pacific ancestry, and we pause to honor the brave men of our Armed Forces whose devotion to duty and willingness to serve have sustained our state and our country during the last world war; and
WHEREAS, more than five decades ago, the young Americans of Asian and Pacific ancestry were called upon by our country to fight for freedom of this nation, as well as of our friends and allies; and
WHEREAS, these men gave their lives on some of the bloodiest battlefields in Europe and North Africa, and many of these men left behind their families, who were forcefully removed from their homes to relocation camps across the country; and
WHEREAS, it is important that we pay tribute to the heroes of Illinois who served in our Armed Forces during WWII, and we remember with deep respect those who paid the ultimate price for our freedom;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2001, as ASIAN AND PACIFIC AMERICAN VETERANS OF WWII DAY in Illinois.

Issued by the Governor May 1, 2001.
Filed by the Secretary of State May 3, 2001.

2001-263
CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK

WHEREAS, Certified Professional Midwives provide the “Midwifery Model of Care,” which is based on the fact that pregnancy and birth are normal life processes; and
WHEREAS, Certified Professional Midwives are dedicated to the care of women during pregnancy and birth and treat each woman’s pregnancy according to her unique physical and personal needs; and
WHEREAS, Certified Professional Midwives are the only nationally credentialed birth attendants with required out-of-hospital experience; and
WHEREAS, May 5th is celebrated around the world as the International Day of the Midwife;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5-11, 2001, as CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK in Illinois.

Issued by the Governor May 1, 2001.
Filed by the Secretary of State May 3, 2001.

2001-264
DR. SALLY B. PANCRAZIO DAY

WHEREAS, Illinois State University was founded in 1857 as the first public institution of higher education in the state; and
WHEREAS, the documents establishing Illinois State University as a teacher education institution were drafted by Abraham Lincoln; and
WHEREAS, the teacher preparation programs are accredited by the National Council for Accreditation of Teacher Education, certified by the Illinois State Board of Education, and hold accreditation from 25 discipline-based agencies; and
WHEREAS, Dr. Sally Pancrazio, Dean of the College of Education at Illinois State University, entered Illinois State Normal University as an undergraduate student in 1957, the year of the university’s centennial; and
WHEREAS, Dr. Pancrazio received her Bachelor of Science in Education from Illinois State in 1960; and
WHEREAS, she received a Master of Science in Business Education from Indiana State University in 1967 and a Doctorate of Education from the University of Illinois, Champaign in 1971; and
WHEREAS, during Dr. Pancrazio’s distinguished career in education, she has served on the Illinois State Board of Education as Assistant Superintendent for Research, Planning, and Evaluation and as Acting Executive Superintendent before leading the Illinois State University College of Education in 1993; and
WHEREAS, Dr. Pancrazio has participated in several state and national organizations, including the Illinois Women’s Administrators, the AACTE Study Group on Women in the Deanship, the National Planning Committee for High School and Beyond, the NCES State Accountability Study Group, the Special Study Panel on Educational Indicators, and the Governor’s Advisory Council on Teacher Quality; and

WHEREAS, under the leadership of Dean Pancrazio, Illinois State University has achieved many milestones, including adopting “Realizing the Democratic Ideal” as the conceptual framework for teacher education, obtaining the Bill and Melinda Gates Grant, and designating the University Resource Center for National Board Certification; and

WHEREAS, throughout her career, Dr. Pancrazio has been an advocate for women in educational leadership positions, a leader in education policy, and a teacher who cares deeply about her students;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2001, as DR. SALLY B. PANCRAZIO DAY in Illinois.

Issued by the Governor May 1, 2001.

Filed by the Secretary of State May 3, 2001.

2001-265
RONALD E. JAMES DAY

WHEREAS, Ronald E. James, Community Bank President, will be recognized for his 35 years of service with National City Bank of Michigan/Illinois on Wednesday, May 2, 2001; and

WHEREAS, Ronald began his banking career with National City Bank in Decatur, Illinois, in 1966 in the consumer lending department and was promoted to department head in 1971; and

WHEREAS, he was named Vice-President in the early 1990s, and in 2000 was appointed Community Bank President for the Decatur area, where he continues to focus on commercial lending, which includes business and industry, investor real estate, commercial mortgages, agriculture, construction, government guaranteed, letters of credit, and consumer lending; and

WHEREAS, Ronald is a native of Decatur and a graduate of Millikin University, where he received a Bachelor of Science Degree in Economics and Finance; and

WHEREAS, Ronald has been extensively involved in community activities, including Board President of Heritage Behavioral Health Center, Junior Achievement and Decatur AMBUCS; and

WHEREAS, he currently serves as Board Member of the Lincoln Theater and Decatur Sports Foundation, Treasurer of the Warrensburg-Latham Educational Foundation, Director of the Prairieland Service Coordination, and is a member of the Chamber of Commerce for Decatur and Macon County;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2, 2001, as RONALD E. JAMES DAY in Illinois.

Issued by the Governor May 1, 2001.

Filed by the Secretary of State May 3, 2001.


2001-266
MAYWOOD LITTLE LEAGUE BASEBALL DAY

WHEREAS, since 1951, kids of all ages in Maywood, Illinois, have spent their summers playing baseball for the Maywood Park District’s Little League Baseball teams; and
WHEREAS, this year marks the golden anniversary of Maywood Little League Baseball; and
WHEREAS, for the past 50 years, Little League has given the kids of Maywood the opportunity to have fun, be a part of team, and develop their athletic skills; and
WHEREAS, the League consists of 10 teams that range from the t-ball level for the younger kids to the high school level for kids up to age 15; and
WHEREAS, many activities have been planned to celebrate 50 years of baseball in Maywood, including a parade and community picnic;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as MAYWOOD LITTLE LEAGUE BASEBALL DAY in Illinois.
Issued by the Governor May 2, 2001.
Filed by the Secretary of State May 3, 2001.

2001-267
SAFETY MONTH

WHEREAS, unintentional-injury deaths increased four percent last year, totaling 96,900; and
WHEREAS, motor vehicle crashes accounted for 41,300 fatalities; and
WHEREAS, unintentional-injury fatalities in the home totaled 28,800; and
WHEREAS, fatalities in the workplace totaled 5,100; and
WHEREAS, even though advancements in safety, such as improvements in technology and new legislation have created a safer environment for Americans, the unintentional-injury death toll continues to rise; and
WHEREAS, citizens deserve a solution to these nationwide safety and health threats; and
WHEREAS, such a solution requires the cooperation of all levels of government, as well as the general public; and
WHEREAS, the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problems and the solutions;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2001 as SAFETY MONTH in Illinois.
Issued by the Governor May 2, 2001.
Filed by the Secretary of State May 3, 2001.

2001-268
BOY SCOUT TROOP 103 DAY

WHEREAS, Boy Scout Troop 103 from Bethalto, Illinois, is celebrating its 50th anniversary on May 20, 2001; and
WHEREAS, sponsored by the Bethalto Methodist Church, Boy Scout Troop 103 has participated for many years in the Lincoln Pilgrimage,
WHEREAS, Troop 103 has had a long history of producing a large number of Eagle Scouts, thanks to the past and present leaders who have volunteered many hours to help develop the youth into the leaders of the future; and

WHEREAS, four of the Troop’s current members, Matthew Brown, Matt Higgins, Daniel Morden, and Bart Stephenson have achieved the Boy Scouts highest honor and will earn the rank of Eagle Scout within the next few months; and

WHEREAS, additional members of Troop 103 include: Brandon Austin, Richard Borman, Justin Borman, Daniel Bosco, Bryan Burk, Ryan Cress, Louis Fischer, Erik Flinta, Keven Galeener, Matthew Gowan, Matthew Harden, Tim Harden, Stephen Hillman, Ryan Jenkins, Curtis Laird, Toliver Lasswell, Earon Lasswell, Charles Marin, Quinn McDougal, Bradley Phillips, Paul Prager, Jason Skelton, and Drew Trimm;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2001, as BOY SCOUT TROOP 103 DAY in Illinois.

Issued by the Governor May 3, 2001.

Filed by the Secretary of State May 10, 2001.

2001-269

JOHN T. WEEKER DAY

WHEREAS, initiated by Congressman Rod Blagojevich and passed by the House of Representatives on December 14, 2000, the International/Military Service Center, located at 514 Express Center Drive, Chicago, Illinois, shall become known and officially designated as the J.T. Weeker International/Military Service Center; and

WHEREAS, John T. Weeker, affectionately known as J.T., was Vice-President of Operations for the Great Lakes Area of the United States Postal Service from July 1995 to January 6, 2000; and

WHEREAS, J.T. was responsible for mail processing and distribution, customer service and sales operation in a territory covering most of Illinois, Indiana and Michigan, serving 25 million customers and staffed by more than 80,000 employees in 38 plants and 2,140 post offices; and

WHEREAS, he has been very committed to community service, and his involvement with the Life Source Blood and Bone Marrow Drive helped add over 2,700 people to the Bone Marrow Register; and

WHEREAS, as an organ recipient himself, J.T. had the privilege to unveil the donor stamp at the Illinois State Fair, and through his efforts, postal employees raised more than $8 million for the Combined Federal Campaign (CFC); and

WHEREAS, because of his many contributions, the United States Postal Service is pleased to name one of their facilities in his honor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2001, as JOHN T. WEEKER DAY in Illinois.

Issued by the Governor May 3, 2001.

Filed by the Secretary of State May 10, 2001.
PROCLAMATIONS

2001-270  
THE FOUR BRIDGES OF ELGIN DAY

WHEREAS, the Four Bridges of Elgin (4BE) is an athletic event featuring the international sports of bicycle racing and inline skating; and

WHEREAS, in conjunction with the racing events, there will be a sports festival hosting local food vendors, related entertainment, area merchants, and information booths, including the Elgin Area Convention and Visitors Bureau; and

WHEREAS, the goal for Chicago Special Events Management and the City of Elgin is to create a quality, well-respected international sporting event to showcase the City of Elgin for many years to come; and

WHEREAS, the second annual Four Bridges of Elgin International Sporting Event will take place on July 8, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 8, 2001, as THE FOUR BRIDGES OF ELGIN DAY in Illinois.

Issued by the Governor May 3, 2001.
Filed by the Secretary of State May 10, 2001.

2001-271  
RELAY FOR LIFE MONTHS

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, this year, 56,800 new cases of cancer are estimated to occur in Illinois, and approximately 24,800 Illinoisans are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community-based health organization in Illinois dedicated to eliminating cancer as a major health problem; and

WHEREAS, the Relay for Life is a “Celebration of Life” benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held throughout the State of Illinois that presents an opportunity to dust off our camping gear, slip on our walking shoes, and network with business associates, family, and friends; and

WHEREAS, it is important to recognize and participate in the relay events held communities all over the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May and June 2001 as RELAY FOR LIFE MONTHS in Illinois.

Issued by the Governor May 4, 2001.
Filed by the Secretary of State May 10, 2001.

2001-272  
SHPE AND NSHMBA DAY

WHEREAS, the Society of Hispanic Professional Engineers (SHPE) and the National Society of Hispanic MBAs (NSHMBA) are collaborating to cultivate leadership and professional development workshops for an “educational forum” on May 19, 2001; and

WHEREAS, SHPE is dedicated to expanding the participation of Hispanics in the fields of engineering, science and technology; and
WHEREAS, NSHMBA fosters Hispanic leadership through graduate management and high school students to work hard at achieving their goals; and
WHEREAS, the partnership offers a variety of development workshops in which several volunteers willingly provide assistance to students and the general public;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as SHPE AND NSHMBA DAY in Illinois.
Issued by the Governor May 4, 2001.
Filed by the Secretary of State May 10, 2001.

2001-273
SOUTH CENTRAL COMMUNITY SERVICES, INC. DAY

WHEREAS, South Central Community Services, Inc., a comprehensive human services agency, is celebrating its Seventh Annual Gala Awards Dinner Dance on August 18, 2001; and
WHEREAS, this event will help generate funds to support their programs, as well as recognize local business women and men who have contributed immensely to the growth, development, and enhancement of the communities it serves; and
WHEREAS, for the last 31 years, South Central Community Services, Inc. has served as a catalyst for the provision of quality mental health, educational, socio-economic, and recreational programs and services for the improvement of the quality of life for individuals and families in Chicago and Joliet; and
WHEREAS, South Central Community Services, Inc., via leadership and dedicated staff, has continuously earned accreditation by both the North Central Association of Colleges and Schools (NCA) and the Council on Accreditation (COA) and has responded fastidiously to the growth and development of children and youth, thereby creating an atmosphere of hope for them to be all that they can be;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 18, 2001, as SOUTH CENTRAL COMMUNITY SERVICES, INC. DAY in Illinois.
Issued by the Governor May 4, 2001.
Filed by the Secretary of State May 10, 2001.

2001-274
ST. COLUMBANUS REUNION WEEKEND

WHEREAS, St. Columbanus School was erected in the City of Chicago in 1909 to educate the children of Irish immigrants who attended St. Columbanus Church; and
WHEREAS, St. Columbanus, over almost a century, evolved into a stronghold of secular and religious education that provided quality instruction to the children of African-American families in Park Manor and beyond; and
WHEREAS, from 1909 to the present, St. Columbanus has educated some of the state’s most successful citizens and continues to educate their children and their children’s children; and
WHEREAS, St. Columbanus is presently supported by African-American families who are proud of their history, culture, and Christian family values; and
WHEREAS, St. Columbanus Alumni, representing classes from 1925 to 2001, will gather at an all-class reunion from June 22-24, 2001, to celebrate their spiritual and personal experiences from St. Columbanus; and

WHEREAS, the St. Columbanus Alumni all-class reunion will culminate with a Family Mass at St. Columbanus Church on Sunday, June 24, 2001, and will honor the past, present, and future of an African-American parish committed to the teachings of the Catholic Church and the education of the children of Park Manor and beyond;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22-24, 2001, as ST. COLUMBANUS REUNION WEEKEND in Illinois.

Issued by the Governor May 4, 2001.
Filed by the Secretary of State May 10, 2001.

2001-275
WIRELESS SAFETY WEEK

WHEREAS, in today’s fast-paced technology driven society, wireless voice and data technologies have emerged as prevalent means of communications; and

WHEREAS, currently, over 110 million people in the United States subscribe to wireless telephone service, and over 118,000 emergency calls are made each day; and

WHEREAS, personal and public safety is becoming more of a major concern for new phone buyers and current users; and

WHEREAS, American citizens are using their wireless phones to make their neighborhoods safer by reporting crimes and potentially harmful circumstances. Additionally, citizens are improving emergency management personnel’s response times and effectiveness by calling for help when life threatening situations and/or accidents arise; and

WHEREAS, state and local law enforcement, fire departments, the National Guard, the American Red Cross, and other safety-focused agencies are using wireless technology to more efficiently and effectively protect and serve our communities; and

WHEREAS, with the emergence of enhanced technologies comes the need for better understanding of how to use them responsibly. Driving safely should always be our first priority, and citizens who choose to use their wireless phones while driving should do so only when it is safe; and

WHEREAS, the wireless industry is working to promote consumer education regarding the safe and responsible use of wireless phones and the importance of using wireless phones to help those in emergencies;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-27, 2001, as WIRELESS SAFETY WEEK in Illinois.

Issued by the Governor May 4, 2001.
Filed by the Secretary of State May 10, 2001.

2001-276
BARBARA LIPPAI DAY

WHEREAS, Barbara Lippai joined the League of Women Voters in 1985, and her commitment, service and leadership have been instrumental in major League accomplishments at the local, county and state levels; and
WHEREAS, she served the Highland Park League in myriad roles as Membership Chair, Vice President of Issues/Action and President; and
WHEREAS, she spearheaded two significant Highland Park League action campaigns, bringing a responsible local gun control ordinance and equity in education through school consolidation to Highland Park; and
WHEREAS, she led the Lake County League’s Crossroads Project by modernizing and revitalizing the County League; and
WHEREAS, she was a guiding force in organizing Lake County Kids First Health Fair, a joint project of the Lake County League and the Lake County Health Department, by providing school readiness and medical services to thousands of children every year; and
WHEREAS, she played a key role in efforts to strengthen the League of Women Voters of Illinois’ position by supporting handgun and assault weapon control, and she helped in the Illinois League’s successful campaign for a National League gun control position; and
WHEREAS, she served as State League Gun Control Specialist, lobbying for passage of the Brady Bill and other legislation to control the proliferation of hand guns and semi-automatic assault weapons; and
WHEREAS, she chaired the Illinois League’s project on Breaking the Cycle of Violence Against Children, identifying programs that work and helping Leagues around the state implement those programs in their communities; and
WHEREAS, she served the Illinois League as Vice President of Issues/Action, directing State League lobbying, which included a successful effort to pass campaign finance reform legislation and oversee task forces on Smart Growth, elections and charter schools;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2001, as BARBARA LIPPAI DAY in Illinois.

Issued by the Governor May 7, 2001.
Filed by the Secretary of State May 10, 2001.

2001-277
CORRECTIONAL OFFICER WEEK

WHEREAS, Correctional Officers are the backbone of a secure prison system that protects the citizens of Illinois by supervising incarcerated criminals; and
WHEREAS, Correctional Officers put their lives on the line daily protecting the citizens of Illinois; and
WHEREAS, Correctional Officers are firm, fair and consistent in supervising their charges; and
WHEREAS, Correctional Officers are versatile, reliable, compassionate and have a high work ethic;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2001, as CORRECTIONAL OFFICER WEEK in Illinois.
Issued by the Governor May 7, 2001.
Filed by the Secretary of State May 10, 2001.

2001-278
RACE UNITY WEEK

WHEREAS, racism is one of today’s most vital and challenging issues; and
WHEREAS, the well-being of mankind, its peace and security are unattainable unless and until its unity is firmly established; and
WHEREAS, the unity of humankind must be nurtured through genuine love, extreme patience, true humility, consummate tact, sound initiative, mature wisdom, and deliberate, persistent and prayerful effort; and
WHEREAS, people of goodwill throughout Illinois are working tirelessly to promote the unity of humankind; and
WHEREAS, Race Unity Day was inaugurated in 1957 by the National Spiritual Assembly of Baha’is of the United States, which is based in Wilmette, Illinois; and
WHEREAS, the June 3, 2001, Race Unity Rally, held in the State Capitol, is a worthy endeavor to promote unity among all the people of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3-10, 2001, as RACE UNITY WEEK in Illinois.

Issued by the Governor May 7, 2001.
Filed by the Secretary of State May 10, 2001.

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2001-279

INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS

WHEREAS, the Institute for Diversity in Health Management (IFD) is holding the third Annual Leadership and Educational Conference on Diversity in Chicago on June 7-8, 2001; and
WHEREAS, this year’s conference, Diversity Initiatives 2001: Development, Implementation, Management, is designed to share leadership initiatives and diversity programs with senior level healthcare executives; and
WHEREAS, approximately 250 participants are expected to attend the conference, which will include talks on mentoring, recruitment and retention, cultural issues in healthcare, and managing diversity; and
WHEREAS, IFD was founded in 1994 and is supported by the American Hospital Association, the American College of Healthcare Executives, the National Association of Health Services Executives, and the Association of Hispanic Healthcare Executives; and
WHEREAS, as a not-for-profit organization, IFD’s mission is to increase the number of ethnic minorities in health service administration and improve opportunities for professionals already in the field; and
WHEREAS, the Institute’s activities are designed to generate significant long-term results through educational programs, summer enrichment internships and fellowships, professional development, and leadership conferences;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7-8, 2001, as INSTITUTE FOR DIVERSITY IN HEALTH MANAGEMENT DAYS in Illinois.

Issued by the Governor May 8, 2001.
Filed by the Secretary of State May 10, 2001.
2001-280
NORWEGIAN CONSTITUTION DAY

WHEREAS, Norway is the longest standing democratic constitution in Europe, and it has defended and maintained democracy over this long period; and
WHEREAS, Norwegian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and
WHEREAS, to commemorate the 187th Anniversary of the signing of the Norwegian Constitution, May 17, 1814, or “Syttende Mai,” several celebrations are being planned; and
WHEREAS, the Norwegian National League of Chicagoland, founded in 1899, sponsors the annual Norwegian Parade in Park Ridge, which will be held May 20, 2001; and
WHEREAS, many organizations will march in the parade, including Sons of Norway’s Lodges, Men’s and Women’s Choruses, a Norwegian nursing home, and the Norwegian Elkhounds; and
WHEREAS, Judith Torgersen, who will be honored for many years of dedication and commitment to the Norwegian American community, will precede the 2001 Norwegian Parade as Grand Marshal; and
WHEREAS, the honorary Grand Marshal is Gunnar Skaug, President of Lawmakers-Division of the Norwegian Parliament; and
WHEREAS, the annual banquet of the Norwegian National League of Chicagoland will be held May 19, 2001, at the Watercrest Restaurant in Palatine:

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2001, as NORWEGIAN CONSTITUTION DAY in Illinois.

Issued by the Governor May 8, 2001.
Filed by the Secretary of State May 10, 2001.

2001-281
QUENTIS B. GARTH FOUNDATION AND CITIZEN NEWSPAPER CHAIN DAY

WHEREAS, the Quentis B. Garth Foundation and the Citizen Newspaper Chain will jointly celebrate their 6th and 36th anniversaries, respectively, at the Hyatt Regency Hotel on May 19, 2001; and
WHEREAS, the QBG Foundation will extend an honorary tribute to all former scholarship award recipients and publicly introduce by name each of the three students awarded scholarships for the 2001 school year; and
WHEREAS, a total of 32 Chicago area students have been awarded scholarships by the QBG Foundation, 14 of whom have graduated from an accredited college or university; and
WHEREAS, eighteen students are currently enrolled at either colleges or universities under the QBG Foundation’s incremental scholarship grants, which currently represents a total of $550,000 in scholarship stipends; and
WHEREAS, the QBG Foundation will present initial scholarship grants to three academically qualified students enrolled at their respective colleges or universities; and
WHEREAS, the QBG Foundations administers its scholarship grants on an incremental basis renewable upon each student meeting the school’s academic graduate levels, as applicable to any given discipline or field of study; and
WHEREAS, the QBG Foundation was founded in 1995 by the Publisher and CEO of the Citizen Newspaper Group, William Garth, to develop and implement an annual Scholarship Award Program for the economically deprived and disadvantaged urban youth seeking opportunities to achieve higher educational goals; and
WHEREAS, the Founder envisioned the establishment of a foundation to serve as a self-perpetuating memorial tribute to his young son, Quentis B. Garth, whose youthful aspirations were prematurely terminated upon his untimely passing at quite a young age; and
WHEREAS, the QBG Foundation has a new home at 806 East 78th Street, Chicago, at which to not only administer its annual Scholarship Award Program, but to coordinate a diversity of community-oriented programs, specifically designed to improve the quality-of-life for all community residents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as QUENTIS B. GARTH FOUNDATION AND CITIZEN NEWSPAPER CHAIN DAY in Illinois.

Issued by the Governor May 8, 2001.
Filed by the Secretary of State May 10, 2001.

2001-282

ILLINOIS JAYCEES TEN OUTSTANDING YOUNG PEOPLE OF ILLINOIS DAY

WHEREAS the Illinois Jaycees is a volunteer service organization for individuals between the ages of 21 and 39; and
WHEREAS, members are offered the opportunity for personal development through community involvement; and
WHEREAS, the Illinois Jaycees annually recognize outstanding young citizens throughout the great State of Illinois for their service to humanity; and
WHEREAS, this year marks the 36th year the Jaycees have sponsored the Ten Outstanding Young People of Illinois; and
WHEREAS, the banquet honoring these ten outstanding people will be held May 19, 2001, in conjunction with the Spring Meeting of the Illinois Jaycees; and
WHEREAS, the Illinois Jaycees recognize Teri M. Cook, Joanne C. Forstall, Steven V. Graves, Walter D. Grimes, Jr., Andrew T. Hartlieb, Charles R. Knoche, Christopher B. Milford, Michelle M. Reis, Jose S. Rivera, and Michaline A. Sitkowski as honorees for the year 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2001, as ILLINOIS JAYCEES TEN OUTSTANDING YOUNG PEOPLE OF ILLINOIS DAY.

Issued by the Governor May 9, 2001.
Filed by the Secretary of State May 10, 2001.

2001-283

YOUTH EXPO 2001 DAY

WHEREAS, the Youth Expo is a one day, high visibility, multi-event Expo that will take place on May 14, 2001, and feature youth-focused vendors and exhibitors, activities, and workshops that will attract over 600 Chicagoland youth; and
WHEREAS, Youth Service Project (YSP) is a pioneer in community service in the Greater Humboldt Park area of Chicago, and Youth Expo 2001 is a natural extension of YSP's core programs; and
WHEREAS, started in 1975, YSP is a Latino and African-American community-based youth organization dedicated to working with youth and families; and

WHEREAS, through its many activities and programs, YSP works with over 3,000 youth annually to help them realize their potential and create healthy, more meaningful lives, in turn creating a healthier community; and

WHEREAS, the first event of its kind regionally, the Youth Expo is committed to investing in young adults ages 16-21 throughout Chicago by presenting concrete options for their futures, including resources from institutions of higher education, major local employment recruiters, arts and high-tech organizations, youth focused health organizations, and youth serving organizations; and

WHEREAS, in addition, workshops on issues of entrepreneurship, gender, health and wellness, community justice, and careers will be offered; and

WHEREAS, the Youth Expo gives practical realization to one of YSP’s ongoing goals, meeting and serving changing youth needs and building on youth’s assets; and

WHEREAS, the YSP Youth Expo 2001 is an event unique to Chicago and one that speaks to the heart of one of the most important issues in America – our youth!;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 14, 2001, as YOUTH EXPO 2001 DAY in Illinois.

Issued by the Governor May 9, 2001.
Filed by the Secretary of State May 10, 2001.

2001-284

FIREFIGHTER DAY

WHEREAS, Illinois will honor some its bravest members of the firefighting profession for their heroic actions at the Fallen Firefighter Medal of Honor Ceremony; and

WHEREAS, the Illinois Firefighter Memorial stands on the lawn of the Illinois State Capitol and symbolizes our gratitude to the men and women who risk their lives everyday to protect people and their property; and

WHEREAS, at the site of the memorial, final respects will be paid to the five firefighters who lost their lives in the line of duty in 2000: Firefighter Don R. Wilson of the Herrick Fire Department, Lt. L. C. Merrell of the Chicago Fire Department, Captain Steven Wilmot of the Springfield Fire Department, Captain Thomas Gotkowski of the Tinley Park Volunteer Fire Department, and Lt. Scott Gillen of the Chicago Fire Department; and

WHEREAS, the families of these fallen heroes will receive the Line of Duty Death Gold Badge Award; and

WHEREAS, Firefighter Joseph Jay, Kankakee Fire Department and Firefighter Patrick McDermott, Chicago Fire Department will receive the Medal of Honor, the highest award given by the State of Illinois to a firefighter for an act of outstanding bravery; and

WHEREAS, the Medal of Valor, the second highest award given to a firefighter for an act of heroism will be awarded to Captain Thomas Sutkus, Chicago Fire Department; Firefighter Tim Pogue, Aurora Fire Department; Firefighter Daniel Tasso, Downers Grove Fire Department;
Firefighter Robert Padgett, Downers Grove Fire Department, and Firefighter Ronald Rains, Jr., West Frankfort Fire Department; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as FIREFIGHTER DAY in Illinois.
Issued by the Governor May 10, 2001.
Filed by the Secretary of State May 17, 2001.

2001-285
HELEN KWASNIEWSKI DAY

WHEREAS, Helen Kwasniewski has been a dedicated and loving Principal at Immaculate Conception Grade School for 22 years; and
WHEREAS, in 1981, Helen was hired to be the first lay principal of Immaculate Conception Grade School, replacing the Sisters of St. Agnes who preceded her by 80 years of service in the ministry of education at Immaculate Conception Parish; and
WHEREAS, known by everyone as Mrs. “K”, Helen was not new to Immaculate Conception, having taught at the junior high level from 1973-1976; and
WHEREAS, Mrs. “K” taught 20 parents of her current students when they were in junior high, giving her the opportunity to see their mirror images in their children; and
WHEREAS, Helen has seen many changes throughout the school over the years, such as enrollment climbing from 448 children when she started to the current enrollment of 636 children, increased parental involvement, and the addition of computers to the classrooms; and
WHEREAS, Helen has many accomplishments of which she can be proud. She insisted on weekly all school liturgies, established a special theme for each school year, which she has tied into her annual open house address, and helped establish the school’s pre-school program, which now has 74 children enrolled; and
WHEREAS, one her most notable qualities is the love she shows towards each child. Mrs. “K” makes it a point to know the names and faces of every child that walks through the door on the first day of school; and
WHEREAS, after 22 years of serving the Immaculate Conception Grade School as both an excellent educator and an exceptional administrator, Helen is retiring in June 2001; and
WHEREAS, a mass and reception in her honor will take place on Sunday, June 3, 2001, as students, faculty, friends, and family gather to wish her a happy retirement and tell her how much she means to them and much she will be missed;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2001, as HELEN KWASNIEWSKI DAY in Illinois.
Issued by the Governor May 10, 2001.
Filed by the Secretary of State May 17, 2001.

2001-286
LEE GETSCHOW AND ARTIE BERGMAN DAY

WHEREAS, in the past 12 months, the Village of Kenilworth has suffered an enormous loss, as two of its civic leaders, Lee Getschow and Artie Bergman, passed away; and
WHEREAS, as leaders and mentors, these two men had an enormous impact on the lives of thousands of young men in Kenilworth; and
WHEREAS, both Lee and Artie grew up in Kenilworth, and after returning home from WWII, they were recruited by Bill Townley to help lead Boy Scout Troop 13; and

WHEREAS, Lee and Artie helped the Scouts grow and develop into young men, while teaching them respect for the Scout oath and law and the importance of team work, responsibility and leadership; and

WHEREAS, many Scouts will treasure the experiences they had during Artie’s annual Boundary Waters canoe trip, during which they spent 11 or 12 days canoeing over 50 miles and listening to Artie’s entertaining and infamous campfire stories; and

WHEREAS, for the past 40 years, 6th, 7th, and 8th grade boys have had the opportunity to play on the Rebels football team, thanks to the relentless effort of Lee Getschow who organized the team after the grammar school stopped sponsoring after school football in the 1950s; and

WHEREAS, Lee’s commitment and involvement with the boys continued all year round, as he would flood his back yard and turn it into an ice rink every winter so the Scouts could play broomball every Monday night; and

WHEREAS, through their many contributions to the Village of Kenilworth and Boy Scout Troop 13, both Lee and Artie have helped build character, helped build skills, and helped carry on a tradition of excellence; and

WHEREAS, Lee and Artie will always be remembered, and their legacy will continue as the boys they have influenced will instill the same values they have learned from Lee and Artie into their children and grandchildren;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2001, as LEE GETSCHOW AND ARTIE BERGMAN DAY in Illinois.

Issued by the Governor May 10, 2001.

Filed by the Secretary of State May 17, 2001.

2001-287

ST. ANASTASIA CHURCH DAY

WHEREAS, on April 3, 1926, Cardinal Mundelein, Archbishop of Chicago, appointed the Reverend John A. Fleming to organize the new St. Anastasia Parish in Waukegan, Illinois; and

WHEREAS, parochial school classes began on September 6, 1927, with an enrollment of 106 students under the direction of the Sisters of the Holy Child Jesus and the first principal Mother Mary Dorthea; and

WHEREAS, over the years, the church has undergone different construction projects to restore the interior and exterior architecture. In 1965 and 1966, the beauty and style of the architecture was recognized by the Chicago Chapter of the American Institute of Architecture and the American Society for Church Architecture, and in 1971, the Illinois Sesquicentennial Commission selected St. Anastasia out of 150 architectural buildings for recognition; and

WHEREAS, St. Anastasia has been blessed to have dedicated and committed priests serve the parishioners, including Fr. John Fleming, Fr. Joseph Cussen, Fr. Joseph Garrity, Monsignor Joseph Connerton, Fr.
Edward S. Maraczewski, and the current pastor, Fr. Terrence McCarthy; and

WHEREAS, throughout the years, St. Anastasia parishioners have supported the faith community through their dedicated membership in parish organizations. The Holy Name Society and the Women’s Club continue to provide socialization and financial assistance to the parish; and

WHEREAS, today, 1,000 dedicated families belong to St. Anastasia, sending their children to the school and giving up their time volunteering for work in the numerous community outreach services sponsored by the church; and

WHEREAS, St. Anastasia Church is celebrating its 75th anniversary on May 26, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 2001, as ST. ANASTASIA CHURCH DAY in Illinois.

Issued by the Governor May 10, 2001.
Filed by the Secretary of State May 17, 2001.

2001-288
CARBONDALE STATE CHAMPIONSHIP BARBECUE COOKOFF DAYS

WHEREAS, the 5th annual Main Street Pig Out Barbecue Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 14 and Saturday, September 15, 2001; and

WHEREAS, Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, business of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and

WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and variety of family and children activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 14-15, 2001, as CARBONDALE STATE CHAMPIONSHIP BARBECUE COOKOFF DAYS in Illinois.

Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-289
HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS), the 52nd Faterni Dai al-Mutiaq, is invested with full and absolute authority to be the sole deputy and vicegerent of the Fatimi Imam in seclusion and is the spiritual head of the Dawoodi Bohras; and

WHEREAS, his many followers benefit from his experience, wise guidance, deep erudition and purposeful direction in temporal and spiritual matters; and

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) is an accomplished leader with the legacy of 875 years and the beloved son and chosen successor of Al Muqaddas Syedna Taher Saifuddin Saheb (RA); and
WHEREAS, as a zealous devotee of Islam, he has constantly and unshakably practiced the precepts of the faith and dedicated a lifetime to the study of Islam, Arabic, literature and philosophy; and
WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) remains the inspiration and anchor of hope for his followers; and
WHEREAS, he has established many organizations, trusts, and institutions for the benefit of all, and he has built a magnificent Raudat Tahera and many other mazaars, zarihns and masjids;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-25, 2001, as HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK in Illinois.
Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-290
INTERNATIONAL TRAINING IN COMMUNICATION DAYS

WHEREAS, the Heartland Region of International Training in Communication (ITC) is meeting in conference with Mid America Region to effect a consolidation in Louisville, Kentucky, June 1-3, 2001; and
WHEREAS, progressive citizens of Iowa, Indiana, Missouri, and Tennessee, plus those from states within Mid America Region will be gathering together to participate in educational training sessions; and
WHEREAS, several ITC clubs are located in the Heartland Region in Illinois, and this will be the last year for Heartland, as it will consolidate with Mid America Region next year; and
WHEREAS, the leadership training and organizational skills promoted by this international organization are of great value to citizens in Illinois, the nation, and throughout the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1-3, 2001, as INTERNATIONAL TRAINING IN COMMUNICATION DAYS in Illinois.
Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-291
LEWIS AND CLARK CORP OF DISCOVERY DAY

WHEREAS, Lewis and Clark embarked on their historic transcontinental expedition from the Wood River/Hartford in Illinois; and
WHEREAS, the Corps of Discovery began their journey into unexplored territory on May 14, 1804; and
WHEREAS, the years 2003 and 2004 will mark the bicentennial anniversary of the Expedition’s preparation and launch in Illinois; and
WHEREAS, many Illinois tourism, historical, and conservation groups are beginning preparations for events and activities to commemorate the Lewis and Clark Expedition; and
WHEREAS, the Illinois Lewis and Clark Bicentennial Commission has been created to research, make recommendations for and plan events that will commemorate the Lewis and Clark Expedition in Illinois; and
WHEREAS, in an effort to begin celebrating the anniversary of Lewis and Clark’s uncharted journey, Hartford Elementary School will release 200 balloons to symbolize the unknown territories and
adventures that Lewis and Clark discovered on their exploration of the American frontier;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 14, 2001, as LEWIS AND CLARK CORP OF DISCOVERY DAY in Illinois.

Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-292
MRS. NICOLE KUFELDT DAY

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation’s precious values of freedom, civility, and equality; and
WHEREAS, by equipping our young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and
WHEREAS, School District 54 is the largest elementary school district in the State of Illinois, with 15,750 students, which contains more than 58,000 households in seven communities; and
WHEREAS, Mrs. Nicole Kufeldt graduated from Northwestern University in 1968 with a Baccalaureate Degree in Music Education; and
WHEREAS, Mrs. Kufeldt fulfilled the commitment she made at the age of 10 to become a teacher when she entered the teaching profession in 1968; and
WHEREAS, Mrs. Kufeldt taught at Hillcrest, Twinbrook, Fox, Armstrong, Nerge, and MacArthur schools, before joining the faculty at Jane Addams Junior High School in 1984; and
WHEREAS, Henry Wadsworth Longfellow once stated that “The universal language of mankind is music,” whereby Mrs. Kufeldt has interpreted and shared that language with thousands upon thousands of her students throughout the years; and
WHEREAS, Mrs. Kufeldt has influenced generations of Illinoisans that will transform the world and make it a better place for all;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2001, as MRS. NICOLE KUFELDT DAY in Illinois.
Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-293
VALERIE A. CHRISMAN DAY

WHEREAS, Valerie A. Chrisman began working at Horace Mann in 1971 and is celebrating her 30 year anniversary with the company on May 5, 2001; and
WHEREAS, Valerie is currently the Senior Vice-President of Customer and Employee Services; and
WHEREAS, over the past 30 years, Valerie has held numerous positions, including Assistant Director Wage and Salary Administration, Director of Employment, Assistant Vice President Employee Relations, Vice President Personnel, and Vice President Human Resources; and
WHEREAS, Valerie has a remarkable knowledge and understanding of the company’s history, having worked for four company presidents; and
WHEREAS, Valerie’s dedication and loyalty to Horace Mann has made her a role model for her co-workers, friends and family; and
WHEREAS, her vast experience has made her a reliable and trustworthy person throughout the company, and she is recognized as a professional and dedicated Horace Mann employee; and
WHEREAS, Valerie is also actively involved in the community. She is a former board member of the Family Service Center, and is currently active with the Ronald McDonald House;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2001, as VALERIE A. CHRISMAN DAY in Illinois.
Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 17, 2001.

2001-294
AMIGOS DE SER DAY

WHEREAS, SER Jobs for Progress, Inc. is a national organization that focuses on the unemployment and training needs of low income citizens and has been recognized throughout the nation as a community-based organization of demonstrated effectiveness; and
WHEREAS, Central States SER provides employment and training services to Illinois residents to promote their upward mobility and economic self-sufficiency and is the only agency providing services in Spanish to welfare clients in the Work First and Job Advantage programs; and
WHEREAS, SER Business and Technical Institute offers high quality education and training to students to prepare them for a variety of entry level, automated office occupations within the business and technical fields; and
WHEREAS, together SER has placed over 400 clients and students in employment in the last year; and
WHEREAS, the 14th Annual Amigos de SER Recognition Luncheon and Job Fair has as its theme “SER: Partnerships for the Future”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2001, as AMIGOS DE SER DAY in Illinois.
Issued by the Governor May 14, 2001.
Filed by the Secretary of State May 17, 2001.

2001-295
DUPAGE CHILDREN’S MUSEUM DAY

WHEREAS, the DuPage Children’s Museum was founded in 1987 by Louise Beem and Dorothy Carpenter, operating out of their kitchens and traveling to park districts in the back of a station wagon; and
WHEREAS, the DuPage Children’s Museum serves DuPage County, as well as Northern and Western Illinois teachers and students; and
WHEREAS, each year the museum serves 140,000 visitors from 150 communities, 34 social service agencies and 44 schools; and
WHEREAS, the DuPage Children’s Museum provides interactive learning experiences in art, math and science for children ranging from infants through 4th grade; and
WHEREAS, the official ribbon cutting ceremony for the DuPage Children’s Museum will be held at the new facility at 301 North Washington Street in Naperville on May 15, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15, 2001, as DUPAGE CHILDREN’S MUSEUM DAY in Illinois.
Issued by the Governor May 14, 2001.
2001-296

BOURBONNAIS GROVE HISTORICAL SOCIETY DAY

WHEREAS, the Bourbonnais Grove Historical Society was chartered in June 1975 to maintain and promote Letourneau home as a museum and historic education center; and
WHEREAS, the Letourneau home is linked to the earliest pioneer days of Bourbonnais Grove, and its owner George R. Letourneau was a successful farmer, businessman, and elected official; and
WHEREAS, on Friday, June 20, 1986, the Letourneau home was moved from where it had stood on North Main Street in Bourbonnais for at least 146 years to the new location on Stratford Drive East in Bourbonnais; and
WHEREAS, the George R. Letourneau Home Museum contains many items related to Bourbonnais’ history and also serves the community as a meeting and cultural center; and
WHEREAS, the President of the Bourbonnais Grove Historical Society, Carl R. Moran, announced a grant from the Illinois Historic Preservation Agency will provide for further renovation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, June 20, 2001, as BOURBONNAIS GROVE HISTORICAL SOCIETY DAY in Illinois.
Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-297

ELDER LAW MONTH

WHEREAS, the month of May traditionally has been proclaimed as Older Americans Month; and
WHEREAS, May is also observed as Law Month nationwide; and
WHEREAS, older Americans have legal needs that require special attention and knowledge;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as ELDER LAW MONTH in Illinois.
Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-298

MIDWEST FERTILITY CENTER INFERTILITY AWARENESS DAY

WHEREAS, infertility is a medical condition that disrupts the normal function of the reproductive system and prevents individuals from bearing children; and
WHEREAS, infertility affects more than 5 million people of reproductive age, affecting men and women equally, as 35 percent of infertility is due to a female factor and 35 percent is due to a male factor; and
WHEREAS, infertility is a medical condition with broad social, psychological and medical implications; and
WHEREAS, diagnosis and treatment for infertility should be considered part of health maintenance and prevention, and the early diagnosis of conditions which often lead to infertility should be
encouraged and their potential harm factors shared with the public, in addition to the medical community; and

WHEREAS, we must foster greater awareness and understanding of infertility and related reproductive health problems among Americans and provide necessary support for individuals affected by this medical condition in their efforts to start and grow families; and

WHEREAS, Midwest Fertility Clinic is celebrating its annual Baby Party on Saturday, June 30, 2001, to honor all the babies conceived through the Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2001, as MIDWEST FERTILITY CENTER INFERTILITY AWARENESS DAY in Illinois.

Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-299
NOCHE DE GALA DAY

WHEREAS, the Noche de Gala was started in 1999 by Fr. Esequiel Sanchez and the coordinators of Hispanic Ministry for the Archdiocese; and

WHEREAS, the purpose of the Noche de Gala is to honor those who have been tireless in their dedication to the Hispanic ministry in Chicago; and

WHEREAS, the event also raises funds to support several ministerial efforts with emphasis in the Hispanic youth ministry and lay leadership training; and

WHEREAS, the Noche de Gala has become a highly successful annual event;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2001, as NOCHE DE GALA DAY in Illinois.

Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-300
RESPECT LIFE WEEK

WHEREAS, the Preamble of the Constitution of the United States was designated for the people of this land to “secure the blessings of liberty to ourselves and our posterity”; and

WHEREAS, the Declaration of Independence states that we are endowed by our creator with certain inalienable rights, including the right to life; and

WHEREAS, the life of each person is sacred—the young and the old, the healthy and the sick, the gifted and disadvantaged; and

WHEREAS, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-14, 2001, as RESPECT LIFE WEEK in Illinois.

Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.
2001-301

RICHARD A. KWASNESKI WEEK

WHEREAS, the Village of Lemont, Illinois, is an historic community located 25 miles southwest of Chicago in the I & M Canal National Heritage Corridor, America’s first heritage corridor, designated by Congress in 1984; and
WHEREAS, Richard A. Kwasneski was elected as Village President of the Village of Lemont in April 1993; and
WHEREAS, prior to his election as Mayor, Kwasneski served as a Trustee of the Village of Lemont from 1985 to 1993, serving as Finance Chairman and Mayor Pro-tem; and
WHEREAS, during his exemplary career of service, the population of the Village of Lemont grew from approximately 7,348 to 13,098, and the Village experienced the most intense growth in its history, requiring vision and wisdom to successfully balance growth while providing effective Village services to serve the population; and
WHEREAS, under Mayor Kwasneski’s leadership and guidance, Lemont’s historic but stagnant downtown was brought back to life through Village initiated programs to provide economic and physical revitalization and the creation of an Historic District to preserve and promote this unique area of the community; and
WHEREAS, foremost among the achievements of Mayor Kwasneski’s administration was a steady reduction in the Village property tax rate to the lowest point in 25 years, which was accomplished through effective planning and by acquiring commercial development to offset the need for reliance on property taxes to provide necessary Village services; and
WHEREAS, Mayor Kwasneski’s patriotic embrace of the values of responsibility, leadership, trust and honor are exemplified in his great sense of pride, his strong work ethic, and his dedication to serving the community as he leaves the office of Mayor after 16 years of service to the residents and community of Lemont;


Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-302

RUTH IRELAN KNEE DAY

WHEREAS, every two years, the Alumni Association of the School of Social Service Administration, University of Chicago recognizes an alumnus for distinguished service to society or outstanding professional contributions at the local, national, or international level; and
WHEREAS, Ruth Knee is this year’s recipient of the 2001 Edith Abbott Alumni Award, and will be recognized on Saturday, June 2, 2001; and
WHEREAS, Ruth graduated from the University of Oklahoma with a Bachelor of Arts degree in Social Work and from the School of Social Service Administration, University of Chicago, with a Master of Arts degree; and
WHEREAS, Ruth began her career during World War II as one of the first psychiatric social workers in the industrial mental health clinic organized by the U.S. Public Health Service (PHS); and
WHEREAS, during her 30 years of federal service, Ruth worked to make quality social work, mental health concepts, and consumer rights integral parts of health, mental health, and long term care programs, policies, and standards; and
WHEREAS, she served as the National Institute of Mental Health (NIMH) liaison for policy development and technical assistance concerning mental health components of these programs, and in 1972, she directed all PHS programs in long-term care; and
WHEREAS, Ruth has held many leadership roles in professional organizations. As a founder of the National Association of Social Workers (NASW), she served two terms on the NASW Board of Directors, and served on numerous committees, councils, task forces, and planning groups, including the Panel of Legal and Ethical Issues of the President’s Commission on Mental Health and the Institute of Medicine Committee for the Study of the Future of Public Health; and
WHEREAS, since her retirement in 1974, Ruth has been active in advocacy groups seeking nursing home reforms and has consulted for federal agencies and private organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2001, as RUTH IRELAND KNEE DAY in Illinois.
Issued by the Governor May 15, 2001.
Filed by the Secretary of State May 17, 2001.

2001-303
CYCLEUSA DAY

WHEREAS, autism is a critical disorder affecting as many as 500,000 people across the country, and many families in our community; and
WHEREAS, because autism has no cure, it is critical to discovering the causes, treatment, and cures for the disorder; and
WHEREAS, on April 27, 2001, Canadian police officer John Keating set off on a three month, 33 city bicycle journey across America to raise awareness of autism and the need for autism research; and
WHEREAS, CycleUSA is the first ever national event for families affected by autism to present their stories to communities across America; and
WHEREAS, John will be traveling across Route 15 from Mount Carmel, Illinois, to St. Louis, Missouri, and down Route 3 from Columbia, Illinois to Cape Girardeau, Missouri;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 1, 2001, as CYCLEUSA DAY in Illinois.
Issued by the Governor May 16, 2001.
Filed by the Secretary of State May 17, 2001.

2001-304
GYMNASTICS DAY

WHEREAS, USA Gymnastics is celebrating National Gymnastics Day on August 25, 2001, to unite the millions of children who participate in the sport; and
WHEREAS, National Gymnastics Day seeks to introduce the value of physical fitness for every age, race, gender, and ability level; and
WHEREAS, gymnastics provides a strong foundation developing physical and mental skills that enrich the quality of life; and
WHEREAS, the participation in gymnastics is a fun way to build strength, flexibility and coordination and enhance self-esteem and goal setting abilities; and
WHEREAS, on National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and
WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people, helping them all to become champions in life;
Issued by the Governor May 16, 2001.
Filed by the Secretary of State May 17, 2001.

2001-305
INTERNATIONAL CHIROPRACTORS ASSOCIATION DAY

WHEREAS, chiropractors throughout the United States and the world improve the health and well-being of our citizens; and
WHEREAS, the science, art and philosophy of chiropractic and the chiropractors that practice it have contributed to the better health of some two million of our state’s citizens; and
WHEREAS, chiropractic is the third largest doctoral level health care profession, behind medicine and dentistry; and
WHEREAS, chiropractic is a recognized healing art; and
WHEREAS, the International Chiropractors Association (ICA) is the chiropractic profession’s oldest association serving and protecting the rights of chiropractors worldwide; and
WHEREAS, the ICA was founded in 1926 and is celebrating its 75th anniversary on June 6, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2001, as INTERNATIONAL CHIROPRACTORS ASSOCIATION DAY in Illinois.
Issued by the Governor May 16, 2001.
Filed by the Secretary of State May 17, 2001.

2001-306
JEREMY NEWTSON DAY

WHEREAS, Jeremy Newtson, a sophomore at Pleasant Plains High School, has been selected as one of the 43 finalists from Illinois in the Library of Congress’ annual Letters About Literature Contest; and
WHEREAS, Jeremy’s entry was a moving letter to baseball legend Henry Aaron and author Scott Wheeler about their book: I Had a Hammer: The Hank Aaron Story; and
WHEREAS, in his letter, Jeremy wrote that Aaron’s book had changed his “outlook on life in a way so profound that it cannot be expressed in words” by exposing him to different points of view and a description of the life of a famous person that he thought he knew, but didn’t; and
WHEREAS, Jeremy related that he wants his children to know and understand what kind of leader and great man Henry Aaron is; and
WHEREAS, Jeremy’s letter was selected from among 5,000 entries nationwide to be a finalist in the LAL contest; and
WHEREAS, Jeremy placed 1st in his division, a feat that’s truly remarkable because Illinois had more entries in the LAL contest than any other state; and
WHEREAS, Jeremy accepted his award and the hearty congratulations of state officials at a ceremony for all finalists held at the Illinois State Library; and
WHEREAS, Jeremy was accompanied to this ceremony by his very proud parents, Robert and Amy; and
WHEREAS, an accomplishment of this magnitude should be celebrated and cherished by Jeremy, his family, friends and teachers because his work is a shining example for all students in Illinois,
THEREFORE, I, George H. Ryan, join Jeremy Newtson’s family, friends and teachers in heartily congratulating him on his First Place achievement in the Library of Congress’ nationwide Letters About Literature Contest and further proclaim July 8, 2001, as JEREMY NEWTSON DAY in Illinois.
Issued by the Governor May 16, 2001.
Filed by the Secretary of State May 17, 2001.

2001-174 (REVISED)
STROKE AWARENESS MONTH

WHEREAS, the American Stroke Association, a division of the American Heart Association, is celebrating May 2001 as Stroke Awareness Month throughout the state; and
WHEREAS, acknowledging the month of May as Stroke Awareness Month offers advocates for stroke awareness an opportunity to educate the public and policymakers about the devastating effects of stroke; and
WHEREAS, stroke is the third leading cause of death in the United States striking over 600,000 Americans each year; and
WHEREAS, stroke is a leading cause of disability in adults, with over 4.5 million stroke survivors today; and
WHEREAS, the majority of Americans are not aware of their risk factors for a stroke, nor are they aware of the signs and symptoms of an impeding stroke; and
WHEREAS, symptoms of stroke include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion; trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and sudden severe headache with no known cause; and
WHEREAS, stroke kills more women each year than breast cancer, and the stroke death rate is greater among African Americans and seniors; and
WHEREAS, stroke leads to the death and disability of more than 14 percent of Illinois citizens each year; and
WHEREAS, new and effective treatments have been developed to treat and ease the severity and damaging effects of strokes, but much more research is needed;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as STROKE AWARENESS MONTH in Illinois.
Issued by the Governor May 17, 2001.
Filed by the Secretary of State May 31, 2001.

2001-307
FIREFIGHTER DAY

WHEREAS, Illinois will honor some its bravest members of the firefighting profession for their heroic actions at the Fallen Firefighter Medal of Honor Ceremony; and
WHEREAS, the Illinois Firefighter Memorial stands on the lawn of the Illinois State Capitol and symbolizes our gratitude to the men and women who risk their lives everyday to protect people and their property; and
WHEREAS, at the site of the memorial, final respects will be paid to the five firefighters who lost their lives in the line of duty in 2000: Firefighter Don R. Wilson of the Herrick Fire Department, Lt. L. C. Merrell of the Chicago Fire Department, Captain Steven Wilmot of the Springfield Fire Department, Captain Thomas Gotkowski of the Tinley Park Volunteer Fire Department, and Lt. Scott Gillen of the Chicago Fire Department; and
WHEREAS, the families of these fallen heroes will receive the Line of Duty Death Gold Badge Award; and
WHEREAS, Firefighter Joseph Jay, Kankakee Fire Department and Firefighter Patrick McDermott, Chicago Fire Department will receive the Medal of Honor, the highest award given by the State of Illinois to a firefighter for an act of outstanding bravery; and
WHEREAS, the Medal of Valor, the second highest award given to a firefighter for an act of heroism will be awarded to Captain Thomas Sutkus, Chicago Fire Department; Firefighter Tim Pogue, Aurora Fire Department; Firefighter Daniel Tasso, Downers Grove Fire Department; Firefighter Robert Padgett, Downers Grove Fire Department, and Firefighter Ronald Rains, Jr., West Frankfort Fire Department;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 2001, as FIREFIGHTER DAY in Illinois.

Issued by the Governor May 10, 2001.
Filed by the Secretary of State May 31, 2001.

2001-308
HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK

WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS), the 52nd Fatemi Dai al-Mutiaq, is invested with full and absolute authority to be the sole deputy and vicegerent of the Fatimi Imam in seclusion and is the spiritual head of the Dawoodi Bohras; and
WHEREAS, his many followers benefit from his experience, wise guidance, deep erudition and purposeful direction in temporal and spiritual matters; and
WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) is an accomplished leader with the legacy of 875 years and the beloved son and chosen successor of Al Muqaddas Syedna Taher Saifuddin Saheb (RA); and
WHEREAS, as a zealous devotee of Islam, he has constantly and unshakably practiced the precepts of the faith and dedicated a lifetime to the study of Islam, Arabic, literature and philosophy; and
WHEREAS, His Holiness Syedna Mohammed Burhanuddin (TUS) remains the inspiration and anchor of hope for his followers; and
WHEREAS, he has established many organizations, trusts, and institutions for the benefit of all, and he has built a magnificent Raudat Tahera and many other mazaars, zarih and masjids;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21-25, 2001, as HIS HOLINESS SYEDNA MOHAMMED BURHANUDDIN (TUS) WEEK in Illinois.

Issued by the Governor May 11, 2001.
Filed by the Secretary of State May 31, 2001.

2001-309
BETHEL A.M.E. CHURCH DAY

WHEREAS, Historic Bethel African Methodist Episcopal Church in Chicago, Illinois, is hosting its 139th Anniversary Celebration this year; and

WHEREAS, many activities, such as a bus tour and narration of past Bethel sites, a recognition and appreciation ceremony, the annual Bethel Y.P.D. Block Party, and a worship service have been planned over two weekends in June; and

WHEREAS, the history of Bethel begins at the close of the Civil War, during which many African American people were migrating to Chicago; and

WHEREAS, responding to the petition of organizers in 1862 who were seeking another A.M.E. Church, Bishop William Paul Quinn formally organized the Bethel A.M.E. Church; and

WHEREAS, during the 139 years of its existence, members of Bethel have worshipped at 16 different sites, including the first site at Griswold between Jackson and Van Buren; and

WHEREAS, in 1946, the church purchased a splendid old mansion, known affectionately as the Parish House, at the corner of 45th and Michigan Avenue to house part of the Bethel congregation, and on June 10, 1951, the current site at South Michigan Avenue was dedicated; and

WHEREAS, Bethel has had a long list of outstanding pastors over the years, including Rev. Reverdy C. Ransom, who served from 1895-1900 and is recorded in several history books as one of America’s most eloquent speakers, Rev. A. Wayman Ward who held the congregation together and kept it strong from 1928-1949, Rt. Rev. Robert Thomas, Jr., who served from 1963-1973, Rev. David C. Coleman, Jr., who served from 1972-1987, and the current pastor, Rev. Michael K. Hurst; and

WHEREAS, Presiding Elder David C. Coleman, Jr., will speak at the worship service on Sunday, June 24, 2001, to celebrate Bethel’s 139th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2001, as BETHEL A.M.E. CHURCH DAY in Illinois.

Issued by the Governor May 17, 2001.
Filed by the Secretary of State May 31, 2001.

2001-310
CHILD CARE BUSINESS EXPO 2001 DAY

WHEREAS, the Third Annual Child Care Business Expo, which focuses on the business of child care, will be held on June 23, 2001, in Chicago; and
WHEREAS, the Child Care Business Expo is a unique event to Chicago women, and one that speaks to the heart of the child care crisis;

WHEREAS, the Child Care Business Expo is an opportunity for women interested in the child care industry to gain information, resources, and training on various aspects of becoming a child care provider. The Expo includes workshops for new and existing child care providers and an exhibit area for child care resource and support organizations to showcase their programs, products and services; and

WHEREAS, the Women’s Business Development Center, a not-for-profit organization dedicated to assisting women start or expand their businesses, launched a major initiative in partnership with Child Care Initiatives of Hull House Association in early 1999 to support women in the child care industry and has assisted over 700 women start or expand their child care businesses; and

WHEREAS, child care is of critical need in our state, and the women who attend the Expo provide service and equality to the families of Chicago, and because the fastest growing segment in the population of Chicago is among Hispanics, the Expo will be presented in Spanish and English; and

WHEREAS, the Expo participants include women interested in the child care industry, as well as current home-based and center-based child care providers;


Issued by the Governor May 17, 2001.
Filed by the Secretary of State May 31, 2001.

2001-311
HERITAGE GAMES DAY

WHEREAS, the Heritage Games, sponsored by the Illinois Council on Long Term Care, will be held in Chicago on June 6, 2001; and

WHEREAS, this exciting and unique sporting event provides hundreds of residents from dozens of nursing and rehabilitation centers the opportunity to compete in a variety of skill-appropriate athletic activities; and

WHEREAS, the purpose of the Heritage Games is to help residents retain or expand their skills through participation in physical fitness activities with other residents at the same level of ability; and

WHEREAS, the Heritage Games enable residents from Chicago and other areas of the state to socialize with each other; and

WHEREAS, the Heritage Games offer residents the opportunity to experience a sense of pride, achievement, and recognition for their efforts, which impacts their sense of independence and feelings of well-being;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2001, as HERITAGE GAMES DAY in Illinois.

Issued by the Governor May 17, 2001.
Filed by the Secretary of State May 31, 2001.
AMERICAN GI FORUM WEEK

WHEREAS, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedoms for which they had fought so hard; and

WHEREAS, the American GI Forum is the nation’s largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

WHEREAS, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and

WHEREAS, the American GI Forum is a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

WHEREAS, the American GI Forum is holding its annual conference August 6-12, 2001, at the Tinley Park Convention Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 6-12, 2001, as AMERICAN GI FORUM WEEK in Illinois.

Issued by the Governor May 18, 2001.
Filed by the Secretary of State May 31, 2001.

CHILDREN’S VISION AND LEARNING MONTH

WHEREAS, promoting the education of children concurrently supports the development of each child’s human potential, societal productivity and personal pursuit of happiness; and

WHEREAS, vision plays a major role in the learning process because the ability to learn is largely dependent upon visual learning pathways; and

WHEREAS, 80 percent of the learning that takes place in the educational environment is dependent upon vision; and

WHEREAS, researchers estimate that approximately 25 percent of school children may have vision-related learning problems; and

WHEREAS, the American Foundation for Vision Awareness serves the nation and its children by funding research grants and scholarships and by providing vision-related educational programs and materials to librarians, school and public nurses, and public service agencies and educators; and

WHEREAS, the American Foundation for Vision Awareness is dedicated to increasing public awareness of the importance of vision care and the crucial relationship between vision and learning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as CHILDREN’S VISION AND LEARNING MONTH in Illinois.

Issued by the Governor May 18, 2001.
Filed by the Secretary of State May 31, 2001.
WHEREAS, Dorothy Delores Wrincik was born in Springfield, the state capitol of Illinois, on January 2, 1932; and
WHEREAS, she graduated from St. John's School of Nursing in September 1953; and
WHEREAS, Dorothy Wrincik began her married life with Leonard E. Ferguson on August 27, 1955; and
WHEREAS, Dorothy and Leonard Ferguson brought six children (Ann, Leonard, Jean, David, Jo and Gail) into the world between 1956 and 1967, four of whom were born May 17 of different years, thereby missing inclusion in the Guinness record book by one child; and
WHEREAS, during the time she was rearing her family, she continued to maintain her nursing skills by working at St. John's Hospital and in other nursing positions; and
WHEREAS, in the mid-1970s, Dorothy started to work as an occasional relief nurse at the Capitol; and
WHEREAS, on January 1, 1977, as a staff member of the Illinois Department of Public Health's Division of Emergency Medical Services and Highway Safety, she became the full-time first aid nurse at the Capitol; and
WHEREAS, Dorothy spent the next 24 years serving the first-aid needs of thousands of legislators, state employees and visitors to the Capitol; and
WHEREAS, she helped many in state government monitor their weight, their cholesterol levels, their blood pressure and their blood glucose levels; and
WHEREAS, she educated all with whom she came in contact about healthy lifestyles, including the benefits of nutritious meals and regular physical activity; and
WHEREAS, Dorothy plans to retire on May 31, 2001, to spend more time with her nine grandchildren, Stacy, Kevin, Robert, Katie, Andrew, Jessica, Max and Lindsey, and to pursue her interests in horses, dogs, travel, fitness and garage sales;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Tuesday, May 22, 2001, as DOROTHY FERGUSON DAY in Illinois.

Issued by the Governor May 18, 2001.
Filed by the Secretary of State May 31, 2001.

2001-315
INTERNATIONAL SNOWMOBILE CONGRESS WEEK

WHEREAS, the importance of snowmobiling as a winter recreation activity cannot be understated; and
WHEREAS, snowmobiling is beneficial to northern Illinois' economy during the winter months; and
WHEREAS, the Department of Natural Resources and the Illinois Association of Snowmobile Clubs work cooperatively to enhance the sport of snowmobiling in the state; and
WHEREAS, the Department of Natural Resources has provided in excess of $3.1 million in grant assistance during the last 20 years to improve snowmobiling opportunities in Illinois; and
WHEREAS, the Illinois Association of Snowmobile Clubs has helped raise the level of awareness of the importance of safe snowmobiling; and

WHEREAS, the International Snowmobile Congress is gathering in Itasca on June 5-9, 2001; and

WHEREAS, this is the largest annual gathering of snowmobile enthusiasts, industry representatives and state and provincial officials in North America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3-9, 2001, as INTERNATIONAL SNOWMOBILE CONGRESS WEEK in Illinois.

Issued by the Governor May 21, 2001.
Filed by the Secretary of State May 31, 2001.

2001-316

KENNETH G. MENSING DAY

WHEREAS, Kenneth G. Mensing inspected and closed down dozens of old landfills that continuously violated environmental requirements and ensured that current landfills seldom have operational violations; and

WHEREAS, he was instrumental in securing state funds and providing oversight for one of the first state-funded environmental emergency cleanups involving a huge Lehmkuhl demolition debris disposal site that caught fire and adversely impacted St. Louis and nearby interstate highways; and

WHEREAS, Kenneth G. Mensing is known throughout the Illinois EPA and the metro east area as “Mr. East St. Louis” for his extensive efforts in dealing with a broad spectrum of environmental problems and violations in the region and for his development of an effective rapport with city officials and others to make improvement in waste-related issues confronting the citizens of East St. Louis; and

WHEREAS, Kenneth G. Mensing and his staff worked long and hard days monitoring the effects of the great Mississippi River flood of 1993 as two major landfills and several large industrial sites were impacted by the rising waters, and the guidance and direction provided by Ken and his staff kept environmental damage to a minimum and was well-received by the affected facilities and citizens; and

WHEREAS, he was an instrumental force in working closely with USEPA (Region 5) and local governments and citizens groups in the early implementation of the comprehensive environmental Gateway initiative that resulted in the improvement of environmental conditions in the East St. Louis area; and

WHEREAS, Kenneth G. Mensing was the first person to identify and investigate environmental problems associated with Dead Creek and the Sauget area where extensive contamination led to further studies and the identification of serious environmental problems resulting in the area becoming one of the largest and most complex Superfund sites in the state; and

WHEREAS, he has worked closely with two major metro east counties through the delegated county program to mitigate solid waste landfill and open dumping problems that the Illinois EPA could not have accomplished alone; and

WHEREAS, Kenneth G. Mensing was instrumental in working with county officials to secure a joint funding agreement in a $3 million
project to properly and permanently close a major Belleville landfill; and

WHEREAS, Kenneth G. Mensing will retire from the Illinois Environmental Protection Agency on May 25, 2001, after 32 years of service; and

WHEREAS, he will be honored by friends, coworkers and family at a reception on May 24, 2001.

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24, 2001, as KENNETH G. MENSING DAY in Illinois.

Issued by the Governor May 21, 2001.
Filed by the Secretary of State May 31, 2001.

2001-317
PHILIPPINE 103 YEARS OF INDEPENDENCE DAY

WHEREAS, the Filipino American community in Illinois is celebrating a milestone in the history of the Philippines; and

WHEREAS, the Filipino American community is sharing the celebration of 103 years of Philippine Independence from colonial rule with people from all over the world; and

WHEREAS, the commemoration of 103 years of freedom demonstrates the strength and cohesiveness of the people and the energy of the Filipino spirit; and

WHEREAS, the achievements of Filipino Americans have contributed to our nation’s social, economic and political progress;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12, 2001, as PHILIPPINE 103 YEARS OF INDEPENDENCE DAY in Illinois.

Issued by the Governor May 21, 2001.
Filed by the Secretary of State May 31, 2001.

2001-318
FAMILY HISTORY WEEK

WHEREAS, the Federation of Genealogical Societies, the Blackhawk Genealogical Society of Rock Island and Mercer Counties Illinois, and the Scott County Iowa Genealogical Society are hosting the annual FGS/Quad Cities Conference, September 12-15, 2001, in Davenport, Iowa; and

WHEREAS, in conjunction with the conference, the Federation of Genealogical Societies is celebrating its 25th anniversary; and

WHEREAS, the Federation now has more than 550 member societies, representing nearly 500,000 genealogists in North America; and

WHEREAS, the conference is designed to provide help to the local genealogical societies to grow and better meet the needs of their members; and

WHEREAS, many exciting speakers and lecture series are planned for this conference to motivate and inspire genealogists to take a look at the value of their own lives and learn how they can leave a meaningful record for their descendants;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12-15, 2001, as FAMILY HISTORY WEEK in Illinois.

Issued by the Governor May 22, 2001.
Filed by the Secretary of State May 31, 2001.
WHEREAS, for over two centuries, the American Flag has been a banner of hope for generation after generation of Americans; and
WHEREAS, the flag is the symbol of a country that has grown from 13 colonies to a united nation of 50 sovereign states; and
WHEREAS, the Pledge of Allegiance to the flag was first used in 1892 and was made official by the Congress of the United States in 1945; and
WHEREAS, the first flag of the United States was authorized by Congressional Resolution on June 14, 1877; and
WHEREAS, in 1949, the United States Congress officially designated June 14th of each year as National Flag Day to be observed by the display of the flag and by appropriate ceremonies;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14 - July 14, 2001, as FLAG MONTH in Illinois.
Issued by the Governor May 22, 2001.
Filed by the Secretary of State May 31, 2001.

2001-320
PALATINE CHILDREN’S CHOIR DAYS

WHEREAS, the Palatine Children’s Choir has been selected to represent the State of Illinois in the 2001 Canterbury International Children’s Choir Festival; and
WHEREAS, the Children’s Choir Festival will take place in the historic Canterbury Cathedral, and David Flood, a well-known organist and choirmaster of the Cathedral, will serve as festival consultant and clinician; and
WHEREAS, the choir will participate in the Canterbury International Children’s Choir Festival July 12-21, 2001, in Great Britain; and
WHEREAS, the Palatine Children’s Choir is directed by Susan Falbo and was selected based upon recommendations of state music officials and audition tapes; and
WHEREAS, a complete program of scheduled workshops, rehearsals, sightseeing in and around Canterbury, together with performances in the Cathedral, will offer unique and stimulating opportunities for the Palatine Children’s Choir;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 12-21, 2001, as PALATINE CHILDREN’S CHOIR DAYS in Illinois.
Issued by the Governor May 22, 2001.
Filed by the Secretary of State May 31, 2001.

2001-321
POLIO WEEK

WHEREAS, the last epidemic outbreak of polio (poliomyelitis, infantile paralysis) in Illinois was in 1954, leaving an estimated 10,000 to 12,000 polio survivors; and
WHEREAS, rehabilitation had proven successful until new symptoms, including fatigue, muscle weakness, joint and muscle pain, cold intolerance, and breathing and swallowing difficulty, began to surface
within the polio population 25 to 30 years after the original onset of the disease; and
WHEREAS, approximately 25 percent of all polio survivors will fall victim to these new, debilitating symptoms referred to as post polio syndrome, including 3,000 to 4,000 citizens of Illinois; and
WHEREAS, the 2001 observance of "National Polio Week" provides a unique opportunity for the citizens of Illinois to join together to promote research into the cause and eventual cure of post polio syndrome;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5-11, 2001, as POLIO WEEK in Illinois.
Issued by the Governor May 22, 2001.
Filed by the Secretary of State May 31, 2001.

2001-322
MIKE YAGER DAYS

WHEREAS, Tweeks was founded in Indianapolis, Indiana, in 1976 to meet the needs of Porsche® enthusiasts who wished to maintain, customize or enhance the performance of their automobiles; and
WHEREAS, Mike Yager, purchased the assets of Tweeks to become a subsidiary of Mid America Direct, Inc. in June 1999; and
WHEREAS, Tweeks now serves as a national sponsor for PCA Club Racing and Rennlist events across the nation; and
WHEREAS, in Mr. Yager's willingness to share his hobby and his profession with both seasoned and future enthusiasts, he has opened his research and development facility to the public; and
WHEREAS, in the spirit of volunteerism, Mr. Yager has selflessly given his time and energy to the Effingham area, paying special attention to the needs of young people; and
WHEREAS, Tweeks has become a major force in the Porsche® aftermarket with unprecedented growth following its incorporation into the Mid America Direct Inc. family of automotive catalogs; and
WHEREAS, Tweeks will celebrate its Silver Anniversary on July 21-22, 2001;

Issued by the Governor May 23, 2001.
Filed by the Secretary of State May 31, 2001.

2001-323
THE CHICAGO DEFENDER CHARITIES’ BUD BILLIKEN DAY

WHEREAS, for 72 years, the annual Chicago Defender Charities’, Bud Billiken® Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and
WHEREAS, the Bud Billiken® observance gives adults an opportunity to share fun and fellowship with youth; and
WHEREAS, this year’s Bud Billiken® Parade marks the 72nd year of this noteworthy and neighborly celebration; and
WHEREAS, the Bud Billiken® Parade and Picnic has been one of the most distinguished and outstanding events in Illinois, worthy of the wholehearted support of all citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 11, 2001, as THE CHICAGO DEFENDER CHARITIES’ BUD BILLIKEN® DAY in Illinois.

Issued by the Governor May 23, 2001.
Filed by the Secretary of State May 31, 2001.

2001-324

UNITED STATES SUBMARINE VETERANS OF WORLD WAR II DAYS

WHEREAS, although submarines constituted only three percent of the Navy’s ships and crewman made up only 1.6 percent of Naval personnel, the submarine played an important role in World War II, sinking 55 percent of the Japanese and naval merchant fleets; and

WHEREAS, while the submarine made a tremendous impact during World War II, the cost to America was high. The Submarine Service complement lost 52 boats and 3,505 men—the highest casualty rate of any military unit; and

WHEREAS, the purpose of the U.S. Submarine Veterans organization is to “perpetuate the memory of those shipmates who gave their lives in submarine warfare, to further promote and keep alive the spirit and unity that existed among United States Navy submarine crewmen during World War II, to promote sociability, general welfare and good fellowship among its members, and to pledge loyalty and patriotism to the United States government”; and

WHEREAS, Jack Tolliver of Edwardsville, Illinois, is this year’s National President of U.S. SubVets WWII; and

WHEREAS, the United States Submarine Veterans of World War II will hold its 47th Annual National Convention August 22-26, 2001, alongside the mighty Mississippi River in St. Louis, Missouri; and

WHEREAS, the Illinois-Missouri Rebel Squadron, with members from Illinois and Missouri, will host the convention, with between 1,500 and 2,500 SubVets, wives and widows expected to attend;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 22-26, 2001, as UNITED STATES SUBMARINE VETERANS OF WORLD WAR II DAYS in Illinois.

Issued by the Governor May 23, 2001.
Filed by the Secretary of State May 31, 2001.

2001-325

MEMORIAL DAY

WHEREAS, Memorial Day has been officially celebrated in this country since May 1868 as a way of honoring and remembering the sacrifices of those brave soldiers who gave their lives in defense of their country; and

WHEREAS, in our hectic daily lives, we often fail to remember those who fought and died for our country; and

WHEREAS, Memorial Day should be made relevant to both present and future generations of Americans; and

WHEREAS, a law was passed by Congress creating the White House Commission on the National Monument of Remembrance to create greater understanding of the meaning of Memorial Day; and

WHEREAS, a statewide Moment of Remembrance should be observed on Memorial Day with all citizens pausing at 3:00 p.m.; and
WHEREAS, wherever they happen to be, all citizens of Illinois, whether alone or with others, should be encouraged to participate in a Moment of Remembrance and respect, including persons at public and recreational facilities open on Memorial Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 28, 2001, as MEMORIAL DAY in Illinois and designate 3:00 p.m. as a time to simultaneously pause and unite in reflection to honor those Americans who gave their lives in securing the blessings of our liberty.

Issued by the Governor May 24, 2001.
Filed by the Secretary of State May 31, 2001.

2001-326

AMTRAK OFFICER OF THE YEAR DAY

WHEREAS, Amtrak is committed to the safety of its passengers, and thanks to the efforts of the Amtrak Police Department, serious incidents involving passengers and staff are infrequent; and
WHEREAS, each year, the Amtrak Police Department conducts an Officer of the Year Ceremony to honor an individual for especially meritorious and courageous conduct in their service to the railroad; and
WHEREAS, Amtrak Police Investigator Eric Romano has been chosen to receive this prestigious award for his extraordinary act of courage involving the risk of imminent personal danger to himself and others; and
WHEREAS, on December 12, 2000, Investigator Romano became involved in a struggle with an armed suspect while conducting a drug interdiction operation at Chicago Union Station;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 31, 2001, as AMTRAK OFFICER OF THE YEAR DAY in Illinois and recognize Investigator Eric Romano for his bravery and swift call to action.

Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-327

FATHER GINO DALPIAZ, C.S. DAY

WHEREAS, Father Gino Dalpiaz, C.S. is celebrating his 50th Anniversary of Priesthood on June 24, 2001; and
WHEREAS, Father Dalpiaz is the eldest of ten children of Firmino and Gelinda Dalpiaz, who came to this country from Northern Italy in the mid 1920s; and
WHEREAS, Father Gino Dalpiaz, C.S. studied at Sacred Heart Seminary, a Scalabrinian Preparatory Seminary in Melrose Park, and after his novitiate he was in Rome six years for graduate and postgraduate studies in philosophy and theology where he was ordained on July 8, 1951; and
WHEREAS, Father Gino Dalpiaz, C.S. returned to the United States from Rome and served as professor, spiritual director and novice master in Scalabrinian seminaries and later as an associate pastor and pastor in various Scalabrinian churches. He returned to Rome to serve as a member of the general secretariat at the General House of the Scalabrinian Missionaries; and
WHEREAS, for the past 12 years, Father Gino Dalpiaz, C.S. has been the Director of the Italian Cultural Center in Stone Park, Illinois; and

WHEREAS, a Solemn Mass of Thanksgiving will be offered in Father Dalpiaz’s honor at Our Lady of Mount Carmel Church in Melrose Park, Illinois, followed by a banquet at the Alta Villa Banquets in Addison, Illinois, on June 24, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2001, as FATHER GINO DALPIAZ, C.S. DAY in Illinois.

Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-328
FATHER JAROSLAW SWYCHUK DAY

WHEREAS, Msgr. Canon Jaroslaw Swyschuk is celebrating his 50th Anniversary of Priesthood on June 9, 2001; and

WHEREAS, Father Jaroslaw Swyschuk was an assistant at St. Nicholas Cathedral from 1962-1982, and afterwards he spent part of his active missionary life in Nazareth, South America, India and Ukraine establishing missions, a seminary and a museum in Ukraine; and

WHEREAS, Father Jaroslaw Swyschuk returned to St. Nicholas Cathedral in 1999 and was assigned by Bishop Michael Wiwchar, CSsR as rector-pastor; and

WHEREAS, in Father Swyschuk’s honor, the Divine Liturgy of Thanksgiving will be offered at St. Nicholas Ukrainian Catholic Church followed by a banquet in the St. Nicholas Ukrainian Catholic School Auditorium on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as FATHER JAROSLAW SWYSCHUK DAY in Illinois.

Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-329
MDA FIREFIGHTER APPRECIATION MONTH

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

WHEREAS, their immense contributions, both of personal risk and time devoted to public service, should be acknowledged; and

WHEREAS, last year, firefighters in 170 Illinois communities raised and donated more than $400,000 to the Muscular Dystrophy Association (MDA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as MDA FIREFIGHTER APPRECIATION MONTH in Illinois.

Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-330
FOSTER PARENT MONTH

WHEREAS, foster parents throughout Illinois perform a crucial service to the state by providing love, safety, and a caring home for tens of thousands of abused or neglected children; and
WHEREAS, foster parents provide a crucial transitional parenting role for such children until permanent adoptive homes can be found for them; and

WHEREAS, the Illinois Foster Parent Association continues to work closely with the Illinois Department of Children and Family Services to create a foster care system that will provide the most efficient process for moving children out of dangerous home environments and into safe and loving foster families; and

WHEREAS, the great majority of adoptions of foster children are by the foster parents with whom they have lived and bonded; and

WHEREAS, the month of May 2001 has been declared as Foster Parent Month throughout the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as FOSTER PARENT MONTH in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-331

GREGORY R. KLEMM DAY

WHEREAS, the Order of DeMolay International is an organization dedicated to preparing young men to lead successful, happy, and productive lives; and

WHEREAS, DeMolay teaches young men between the ages of 12 and 21 how to become better persons and leaders by building character and leadership skills; and

WHEREAS, the Order of DeMolay International combines a serious mission with a fun approach that builds important bonds of friendship among members in more than 1,000 chapters worldwide; and

WHEREAS, masonry strives to make good men better, and the Masonic advisors to the DeMolay chapters strive to help young men become better persons as they grow into adulthood; and

WHEREAS, over the years, the Order of DeMolay International has had many distinguished members, including Walt Disney, John Wayne, Walter Cronkite, Fran Tarkenton, Tom Osborne, David Goodnow, and many others; and

WHEREAS, during the 81st International Supreme Council Session held in Anaheim, California, from June 13-16, 2001, Gregory R. Klemm of Elgin, Illinois, will be officially elected to the office of Grand Master;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16, 2001, as GREGORY R. KLEMM DAY in Illinois.

Issued by the Governor May 25, 2001.

Filed by the Secretary of State May 31, 2001.

2001-332

QUEBEC WEEK

WHEREAS, Illinois’ links with Quebec extend back to the colonial period with the explorations of Pere Jacques Marquette and Louis Joliet, whose names are commemorated in the streets and towns of our state; and

WHEREAS, La Saint-Jean-Baptiste, the national Holiday of the Quebec people, falls each year on June 24, the feast day of Saint John the Baptist; and
WHEREAS, La Saint-Jean-Baptiste is a day marked by family celebrations, including parades, fireworks, and popular concerts; and
WHEREAS, symbolizing its historic, commercial links with the Midwest, Quebec is an associate member in the Council of Great Lakes Governors and the Great Lakes Commission; and
WHEREAS, Quebec is an important and growing business partner of Illinois; and
WHEREAS, the Governor’s Office of Ethnic Affairs, along with the Quebec Delegation in Chicago will sponsor a Quebec exhibit at the James R. Thompson Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24 - 30, 2001, as QUEBEC WEEK in Illinois.
Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-333
VETERANS’ WIDOWS DAY

WHEREAS, for more than 200 years veterans’ widows have served the United States of America selflessly in support of our country’s armed forces and our state’s national guard; and
WHEREAS, veterans’ widows often give up their own careers and interests to serve our country and state; and
WHEREAS, veterans’ widows make great personal sacrifices to ensure that our armed forces are well supported on the local and national levels;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as VETERANS’ WIDOWS DAY in Illinois.
Issued by the Governor May 25, 2001.
Filed by the Secretary of State May 31, 2001.

2001-334
CHICAGO JOBS COUNCIL DAY

WHEREAS, the Chicago Jobs Council has provided 20 years of outstanding community service in the area of welfare and workforce advocacy, working to enhance the quality of life for unemployed and low-income individuals residing in Illinois; and
WHEREAS, the Chicago Jobs Council has grown, its membership to include over 100 community-based organizations, civic groups, businesses and individuals committed to its mission of increasing job opportunities for all residents with an emphasis on those in poverty, racial minorities, the long-term unemployed, women and others who experience systemic exclusion from employment and career mobility; and
WHEREAS, the Chicago Jobs Council has garnered the respect of policymakers, business leaders and the media, all of whom regularly seek the Chicago Jobs Council’s viewpoints and rely on the Chicago Jobs Council staff as a key information resource; and
WHEREAS, over the past 20 years, the Chicago Jobs Council has learned to effectively leverage its knowledge to influence city and state plans for implementing new federal welfare and workforce legislation, and it has created resources to build the capacity of effective job training organizations and has strengthened its role as an information clearinghouse; and
WHEREAS, since its founding in 1981, the Chicago Jobs Council has demonstrated unequalled leadership and dedication in expanding job and economic opportunities for disadvantaged individuals and families in Illinois; and

WHEREAS, the Chicago Jobs Council has broadened its coalition and influence far beyond its original vision and now stands as a model for several U.S. cities that are working to establish their own versions of the Chicago Jobs Council; and

WHEREAS, on June 13, 2001, the Chicago Jobs Council will celebrate its 20th anniversary and honor the contributions of those who have made its work possible over the years with a reception and dinner at the Chicago Historical Society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 13, 2001, as CHICAGO JOBS COUNCIL DAY in Illinois.


Filed by the Secretary of State May 31, 2001.

2001-335

EAST ST. LOUIS LINCOLN MIDDLE SCHOOL DAY

WHEREAS, East St. Louis Lincoln Middle School, coached by Barry Malloyd, won the IESA Class 7AA and 8AA Boys Track and Field Championships 2001; and

WHEREAS, East St. Louis Lincoln Middle School became the second school in IESA history to win both 7th and 8th grade divisions; and

WHEREAS, the 7th grade IESA Champion Lincoln Tigers scored 92 points, the most points ever scored in IESA history; and

WHEREAS, the East St. Louis Lincoln Tigers set six new IESA state records; and

WHEREAS, the East St. Louis Lincoln Tigers went undefeated all track season; and

WHEREAS, the East St. Louis Tigers continue in the school’s rich history and legacy of producing state champions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2, 2001, as EAST ST. LOUIS LINCOLN MIDDLE SCHOOL DAY in Illinois.


Filed by the Secretary of State May 31, 2001.

2001-336

HARTLAND “HOP” CONNER DAY

WHEREAS, Hartland “Hop” Conner was born on Flag Day; and

WHEREAS, this year he will celebrate his 80th birthday; and

WHEREAS, Hartland served his country during WWII as a member of the Marine Corps stationed in the Philippines; and

WHEREAS, upon returning home, he started raising the flag at home high school football games and has continued this tradition for 52 straight years without missing a game; and

WHEREAS, Hartland worked with the local Little League program for over 15 years; and

WHEREAS, in the last 10 years, he has purchased more than 50 flags out of his own pocket for use at local businesses and organizations; and
WHEREAS, Hartland is very active in every local service and
fraternal organization in the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim June 14, 2001, as HARTLAND “HOP” CONNER DAY in Illinois.
Filed by the Secretary of State May 31, 2001.

2001-337
LANGHAM FAMILY REUNION DAYS

WHEREAS, Samuel Alvin Langham was born August 22, 1891, in Bond
County, Illinois, and Helen Agnes Wise was born March 11, 1899, in
Tamalco Township, Bond County, Illinois; and
WHEREAS, Alvin and Helen met at the Palmer School House where she
was one of his students; and
WHEREAS, Alvin and Helen were married on January 28, 1917, in
Greenville, Illinois; and
WHEREAS, their union produced eight children: Helen Wisene
(Yzie), Joyce, Alvin Junior (A.J.), Virginia (Ginny), Dolores (Mummy),
Dode, Max, and Ruth (Peach); and
WHEREAS, the Langham family established its roots in Tamalco,
Illinois, where Alvin supported his family as a farmer and rural mail
carrier; and
WHEREAS, each of Alvin and Helen’s children eventually married
and among them had 26 children; and
WHEREAS, the eight Langham siblings, their spouses and children
regularly gathered at the family farm in Tamalco, and later in
Greenville, until the deaths of Helen in November 1970 and Alvin in
March 1972; and
WHEREAS, in July 1972, the Langham family established a new
tradition with a reunion in Clinton, Illinois, where the Langham
brothers and sisters gathered with their families to socialize, eat and
play their favorite card game, Shanghai; and
WHEREAS, the Langham family members reside all over the United
States, and to keep in touch, have continued that tradition by taking
turns hosting reunions every few years in their home states; and
WHEREAS Langham family reunions have been held in Casper, WY
(1973); Gainesville, FL (1975); St. Charles, IL (1977); Tacoma, WA
(1980); Keyesport, IL (1982); Camarillo, CA (1985); Springfield, IL
(1988); Gainesville, FL (1992); Minneapolis, MN (1995); and
Indianapolis, IN (1998); and
WHEREAS, the Langham family, which has now grown to include over
50 great-grandchildren and 6 great-great-grandchildren is again
returning to the family farm in Keyesport for their 12th reunion July
27-29;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
Filed by the Secretary of State May 31, 2001.
WHEREAS, Mae Ruth Wadlington Carr is retiring after more than 34 years as a dedicated teacher, scientist and administrator with the Chicago Public Schools; and
WHEREAS, she has served with great distinction in positions of leadership at the Nancy Jefferson Alternative School, Corliss High School, Lane Technical High School, Simeon Vocational High School and Herzel Elementary School; and
WHEREAS, Mae Ruth Wadlington Carr has also been affiliated with several organizations, including the Illinois Association of Chemistry Teachers, the Illinois and National Science Teachers Associations, the National Alliance of Black Educators Association, the Illinois Computer Educators Association, the National Association of Black Chemists and Chemical Engineers, the National Council of Negro Women, the Chicago Urban League, the National Association of Black Educators and the American Chemical Society; and
WHEREAS, she has been nominated for the Presidential Award for Excellence in Science and Mathematics teaching; and
WHEREAS, Mae Ruth Wadlington Carr is a recipient of the Principal Scholars Program Outstanding Science Teach Award, the University of Chicago’s Blum-Kovier Educational Award, the Beatrice Caffery Youth Services Volunteer Service Award and the United Negro College Fund Outstanding Citizen Award; and
WHEREAS, she will be honored by educators, friends and family on June 22, 2001, at the Crystal Light Ballroom for her outstanding and dedicated service to children and education;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 22, 2001, as MAE RUTH WADLINGTON CARR DAY in Illinois.

Filed by the Secretary of State May 31, 2001.

WHEREAS, John Bower arrived at Orangeville, Illinois, in 1846, and helped found the growth of the community by rebuilding the defunct grist mill and planning the growth of the community; and
WHEREAS, Bower named the town after the Pennsylvania town of Orangeville in an attempt to attract additional settlers from the Keystone State; and
WHEREAS, during the mid 1800s, area farmers settled in Orangeville, and the town grew rapidly in the late 1800s due to the arrival of the railroad; and
WHEREAS, in the past two years, the Ritzman House, Union House and Central House have been listed on the National Register of Historic Places, and more than a dozen historically and architecturally significant buildings still stand, including the brick buildings in the downtown built between 1887 and 1888 and the State Bank of Orangeville built in 1926; and
WHEREAS, the railroad is once again playing an important role in the community, as a 14-mile section of the Illinois Central Railroad bed is being converted to the Jane Addams Recreation Trail; and
WHEREAS, one of the most scenic paths in the Illinois Trail System passes through Orangeville and requires almost all users to start in, pass through, or turn around in Orangeville; and
WHEREAS, Orangeville is celebrating its 150th anniversary June 7-10, 2001; and
WHEREAS, the Orangeville sesquicentennial will honor the founders and current residents who have set the stage for the village’s movement into the next 150 years;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 7-10, 2001, as ORANGEVILLE SESQUICENTENNIAL DAYS in Illinois.
Filed by the Secretary of State May 31, 2001.

2001-340
SWEDISH FLAG DAY

WHEREAS, the Swedish Flag Day has been celebrated on June 6 since 1916, and the same day also became Sweden’s National Day in 1983; and
WHEREAS, Swedish Flag Day has traditionally been celebrated on this day because the election of Gustav Vasa as the king of Sweden took place on June 6, 1523, and on this same date in 1809, Sweden adopted a new constitution which included the establishment of civil rights and liberties; and
WHEREAS, in 1846, the first Swedes came to Illinois and settled in Bishop Hill, and over one million Swedes migrated to the United States with many of them settling in the Quad Cities, Rockford and Chicago; and
WHEREAS, Swedish Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and
WHEREAS, the Swedish Central Committee of Chicago will sponsor a Swedish Flag Day program at North Park University; and
WHEREAS, Wayne Peterson, President of the Swedish Central Committee, and Janet Nelson, Secretary, will present the "2001 Swede of the Year Award" to Rey Carlberg;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 2001, as SWEDISH FLAG DAY in Illinois.
Filed by the Secretary of State May 31, 2001.

2001-341
MARK W. GREGORY DAY

WHEREAS, Mark W. Gregory was born October 13, 1937, in Moweaqua, Illinois, to Lloyd and Helen Gregory; and
WHEREAS, he graduated as valedictorian from Moweaqua High School in 1955, and went on to Eastern Illinois University where he earned a Bachelor of Science in Education Degree; and
WHEREAS, Mark continued his education by earning a Master of Arts Degree from the University of Northern Colorado in 1963, and a Certificate of Advanced Study from the University of Illinois in 1981; and
WHEREAS, Mark began his career in education as a band instructor at Moweaqua High School, where he worked for 11 years; and
WHEREAS, he continued his role of educator as Principal of Moweaqua Elementary School for two years before becoming Superintendent of Moweaqua Community Unit District 6A for 20 years; and
WHEREAS, in 1992, Mark became Superintendent of Central A&M Community Unit District 21; and
WHEREAS, Mark also serves as moderator, deacon, youth sponsor and choir director of the First Baptist Church in Moweaqua; and
WHEREAS, he belongs to many different organizations, including the Illinois Association of School Administrators, the Moweaqua Rotary Club, Phi Delta Kappa Educational Honorary Fraternity, Kappa Delta Pi National Honor Society in Education, and the American Baptist Churches of the Great Rivers Region; and
WHEREAS, Mark is a loving husband to his wife Von Arlene and devoted father to his three sons, Jason, Nathan and Caleb; and
WHEREAS, Mark is retiring after 42 years of dedicated service to children and education; and
WHEREAS, the Central A&M Board of Education is honoring Mark on June 3, 2001, in the Central A&M High School Library in Moweaqua;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2001, as MARK W. GREGORY DAY in Illinois.

Issued by the Governor May 31, 2001.
Filed by the Secretary of State June 7, 2001.

2001-342
MSGR. CANNON JAROSLAW SWYSCHUK DAY

WHEREAS, Msgr. Canon Jaroslav Swyschuk is celebrating his 50th Anniversary of Priesthood on June 9, 2001; and
WHEREAS, Msgr. Canon Jaroslav Swyschuk was an assistant at St. Nicholas Cathedral from 1962-1982, and afterwards he spent part of his active missionary life in Nazareth, South America, India and Ukraine establishing missions, a seminary and a museum in Ukraine; and
WHEREAS, Msgr. Canon Jaroslav Swyschuk returned to St. Nicholas Cathedral in 1999 and was assigned by Bishop Michael Wiwchar, CSsR as rector-pastor; and
WHEREAS, in Msgr. Canon’s honor, the Divine Liturgy of Thanksgiving will be offered at St. Nicholas Ukrainian Catholic Church followed by a banquet in the St. Nicholas Ukrainian Catholic School Auditorium on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as MSGR. CANNON JAROSLAW SWYSCHUK DAY in Illinois.

Issued by the Governor May 31, 2001.
Filed by the Secretary of State June 7, 2001.

2001-343
WAYNE A. BLAKENEY DAY

WHEREAS, Wayne Blakeney was born September 22, 1916, in Ridge Farm, Illinois, to Fred and Bessie Blakeney; and
WHEREAS, Wayne Blakeney was a member of the 33rd Division of the National Guard and was activated into the United States Army, where he served as a mess sergeant in the 99th Division; and
WHEREAS, he was stationed in Europe during World War II and fought in the Battle of the Bulge; and
WHEREAS, Wayne Blakeney was the past owner and operator of the Shady Rest, the Hut Restaurant and the Ridge Farm Drug Store, and in 1960 he built, owned, and operated Ridgeway Lanes Bowling Alley in Ridge Farms until he retired in 2000; and
WHEREAS, Wayne Blakeney was a leading citizen of the community and a member of Ridge Farm Church of the Nazarene, Ridge Farm Lions Club, Illiana Antique Auto Club and the American Legion; and
WHEREAS, he joined the Ridge Farm Lions Club in 1946, six years after the club was formed, and served as First Vice President, President and Director; and
WHEREAS, the Lions Club is honoring Wayne Blakeney by naming the community building the Wayne A. Blakeney Community Center on August 18, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 18, 2001, as WAYNE A. BLAKENEY DAY in Illinois.
Issued by the Governor May 31, 2001.
Filed by the Secretary of State June 7, 2001.

2001-344
AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the state is committed to increasing the opportunities for Illinois citizens with disabilities so they can be fully included in employment, transportation, education, communication and community opportunities; and
WHEREAS, Illinois has promoted independence, equal opportunity and self-sufficiency for people with disabilities as full participants in our society through the passage of ADA; and
WHEREAS, Illinois continues to be a leader in promoting accessibility and independence by implementing civil rights legislation; and
WHEREAS, the year 2001 marks the 11th anniversary of ADA's civil rights guarantee for individuals with disabilities; and
WHEREAS, this year's theme, "ADA Works," illustrates the progress that has been made in opening doors for people with disabilities to public access, communication, employment, recreation, government and transportation; and
WHEREAS, the year 2001 marks the 26th anniversary of the Individuals with Disabilities Education Act;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26, 2001, as AMERICANS WITH DISABILITIES ACT DAY in Illinois.
Issued by the Governor June 1, 2001.
Filed by the Secretary of State June 7, 2001.

2001-345
MAKE A DIFFERENCE DAY

WHEREAS, each year USA WEEKEND magazine and the Points of Light Foundation challenge Americans to spend their Saturday "making a difference" in their communities and in the lives of those in need; and
WHEREAS, Make a Difference Day was founded to promote volunteer efforts that make our community a better, cleaner, safer place to live, work and play; and,
WHEREAS, last year more than 2.2 million people volunteered on this one day and millions of people benefited from their efforts; and
WHEREAS, this year marks the 11th annual Make A Difference Day and millions of volunteers, corporations, government leaders and charitable organizations are expected to be participating in the Make a Difference Day activities; and
WHEREAS, a day of volunteerism and community service is valuable to the community and gives a feeling of accomplishment and compassion to every participant;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as MAKE A DIFFERENCE DAY in Illinois.
Issued by the Governor June 1, 2001.
Filed by the Secretary of State June 7, 2001.

2001-346
MARY JAROS ASTROTH DAY

WHEREAS, Mary Jaros Astroth was born September 10, 1901, in Olesna, Czechoslovakia, to John Jaros and Catherine Hapet Jaros; and
WHEREAS, in 1906, Mary came to America with her mother, brother, and sister, where they met her father in Valley Park, Missouri; and
WHEREAS, after attending school for only four years, Mary continued to teach herself, eventually learning spelling and arithmetic at a genius level; and
WHEREAS, Mary and her family moved to Alton, Illinois, when Mary was 12 years old, and she started working at the Tannery in Hartford; and
WHEREAS, at age 18, Mary met August “Whitey” Henry Stroth at a carnival in Alton, and they were married on October 4, 1919, at St. Patrick’s Catholic Church in Alton; and
WHEREAS, two years later, Mary became a United States citizen, and she and Whitey moved to Roxana, Illinois, where they raised six children, including a set of twin boys; and
WHEREAS, after moving to Alton in 1939, Mary and Whitey bought a tavern on Belle Street and operated it until October 1970; and
WHEREAS, Mary’s greatest loves are her family, church, sports and pinochle, which she played with her grandchildren, sometimes into the early hours of the morning; and
WHEREAS, Mary has 25 grandchildren, 75 great-grandchildren, five great-great-grandchildren, and four step-great-great-grandchildren; and
WHEREAS, Mary is celebrating her 100th birthday on September 10, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10, 2001, as MARY JAROS ASTROTH DAY in Illinois.
Issued by the Governor June 1, 2001.
Filed by the Secretary of State June 7, 2001.

2001-347
PARKS AND RECREATION MONTH

WHEREAS, Illinois has long been recognized as a state with a strong commitment and dedication to providing park and recreational opportunities for all its citizens; and
WHEREAS, Illinois park districts, forest preserves, conservation districts and recreation agencies are the backbone of this outstanding
park system which has been nationally recognized for its excellence; and

WHEREAS, it is the goal of this state to make sure that all Illinoisans are able to pursue recreational opportunities and enjoy the beauty of park land in proximity to where they work and live; and

WHEREAS, the benefits of these activities are health, vitality, longevity, productivity and the development of social, athletic and creative skills; and

WHEREAS, Illinois is recognized as a great place to work and play because of the emphasis and priority we place on creating park and recreational opportunities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 2001 as PARKS AND RECREATION MONTH in Illinois.

Issued by the Governor June 1, 2001.
Filed by the Secretary of State June 7, 2001.

2001-348
ZETA BETA TAU FRATERNITY DAYS

WHEREAS, founded in 1898, Zeta Beta Tau originally served as a Zionist youth organization for collegiate men in New York City, but soon provided a Greek fraternal experience for Jewish men who were otherwise barred from admission into other fraternities due to the common sectarian practices of the time; and

WHEREAS, since the time of its founding, Zeta Beta Tau has been a leader in the interfraternity community; and

WHEREAS, in 1954, all religious and ethnic stipulations were removed from the fraternity’s policies, and since that time, Zeta Beta Tau has been known as the oldest and largest Jewish fraternity with over 50 years of non-sectarian Brotherhood; and

WHEREAS, to end hazing practices, Zeta Beta Tau became the first fraternity to eliminate pledging, and now offers a comprehensive educational program to its undergraduates and alumni brothers; and

WHEREAS, Zeta Beta Tau is represented in Illinois by over 3,200 alumni members and successful undergraduate chapters at the University of Illinois, Champaign-Urbana, Northwestern University and Monmouth College; and

WHEREAS, Zeta Beta Tau Fraternity will host the annual meeting of its membership at the campus of Northwestern University in Evanston, Illinois, July 26-29, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26-29, 2001, as ZETA BETA TAU FRATERNITY DAYS in Illinois.

Issued by the Governor June 1, 2001.
Filed by the Secretary of State June 7, 2001.

2001-349
GULF, MOBILE & OHIO HISTORICAL SOCIETY DAY

WHEREAS, the Gulf, Mobile & Ohio Railroad had a long history of service to Illinois dating back to 1847; and

WHEREAS, in 1847, the Alton and Sangamon Railroad was incorporated to build a railroad from Alton to Springfield; and

WHEREAS, in 1947 through acquisitions and mergers, the Gulf, Mobile & Ohio Railroad emerged as a major railroad connecting the
gateways of Chicago, Peoria, St. Louis, and Kansas City with the Gulf ports of New Orleans and Mobile; and
WHEREAS, in 1972, the Gulf, Mobile & Ohio Railroad ended its corporate life, but had provided the State of Illinois with dependable rail freight and passenger service; and
WHEREAS, Illinois had the second highest number of track miles per state on the Gulf, Mobile & Ohio Railroad; and
WHEREAS, the railroad ran two passenger trains between St. Louis and Chicago which have been identified as the ABRAHAM LINCOLN and the ANN RUTLEDGE; and
WHEREAS, in 1972 the Gulf, Mobile & Ohio Railroad merged with the Illinois Central Railroad, another railroad with strong ties to the State of Illinois, and went out of existence; and
WHEREAS, in that same year, the Gulf, Mobile & Ohio Historical Society was organized by former employees and railroad enthusiasts in Illinois to continue the memory of the Gulf, Mobile & Ohio Railroad; and
WHEREAS, the Gulf, Mobile & Ohio Historical Society has been devoted to preserving historical materials related to the Gulf, Mobile & Ohio Railroad and facilitating the research of the history and operation of the Gulf, Mobile & Ohio and its predecessors; and
WHEREAS, the Gulf, Mobile & Ohio Historical Society have joined together to preserve a part of history;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 2001, as GULF, MOBILE & OHIO HISTORICAL SOCIETY DAY in Illinois.

Issued by the Governor June 5, 2001.
Filed by the Secretary of State June 7, 2001.

2001-350
PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY

WHEREAS, paralegals facilitate access to legal services and improve the quality of legal services that can be afforded by the citizens of Illinois; and
WHEREAS, the Illinois Paralegal Association promotes and maintains high standards in the paralegal profession and offers and encourages continuing education for paralegals since 1972; and
WHEREAS, the Illinois Paralegal Association establishes and maintains mutually beneficial working relationships with other paralegal organizations and with local, state, and national associations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY in Illinois.

Issued by the Governor June 5, 2001.
Filed by the Secretary of State June 7, 2001.

2001-351
PRIMARY CARE WEEK

WHEREAS, the American Medical Student Association (AMSA), a 51-year old independent organization, represents nearly 30,000 physicians-in-training at 150 allopathic and osteopathic medical schools; and
WHEREAS, the AMSA Foundation manages the American Medical Student Association’s community outreach, research, and innovative educational programming; and

WHEREAS, AMSA seeks to introduce medical and other health profession students to the importance of community-responsive primary care and to encourage their collaboration as members of future health care teams; and

WHEREAS, primary care physicians play a vital role in modern medicine; and

WHEREAS, the American Medical Student Association Foundation is celebrating National Primary Care Week 2001: Healthy People 2010—Mobilizing Interdisciplinary Teams at nearly every one of the country’s medical schools to introduce health profession students to the importance of community-responsive primary care and to encourage their collaboration as members of future health care teams;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2001, as PRIMARY CARE WEEK in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.

2001-352

SOY CAPITAL BANK AND TRUST COMPANY DAY

WHEREAS, in 1955, Walter T. Morey began discussing the formation of a new bank in Decatur, Illinois, and on June 9, 1956, Soy Capital Bank opened its doors for business at 1501 East Eldorado Street; and

WHEREAS, Soy Capital Bank became Soy Capital Bank and Trust Company in January 1970, and in November 1983 the Board of Directors of Soy Capital Bank and Trust approved the formation of multi-bank holding company; and

WHEREAS, from the beginning, the Soy Capital Bank and Trust Company has believed in being a strong community bank with the interest of people in mind, and the directors of the bank have played an active role in their communities and believe strongly in the value of building lasting relationships with people; and

WHEREAS, on December 28, 1999, the Soy Capital Bank and Trust purchased the National City Ag Services Group, increasing its management to 200,000 acres of Illinois farmland, more than any other bank in Illinois and in the top 10 farm management groups nationwide; and

WHEREAS, along with farm management, the Soy Capital Ag Services Group performs real estate brokerage services, farmland appraisals and consultation services; and

WHEREAS, Bob Smith is the President of Soy Capital Bank and Trust, working with Walter T. Morey, who continues to serve as the Chairman of the Board, and the Board of Directors, which includes Jeffrey S. Black, Carl C. Curry, Dr. Thomas Flynn, Dean E. Madden, Bruce Nims, Joseph Schrodt, M.D., Philip T. Thompson, Frank C. Tyrolt, William P. Shado III, and Robert C. Smith; and

WHEREAS, the Soy Capital Bank and Trust Company is celebrating its 45th anniversary on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as SOY CAPITAL BANK AND TRUST COMPANY DAY in Illinois.

Issued by the Governor June 5, 2001.
WHEREAS, the Women’s Business Development Center and the Women’s Business Enterprise National Council presents Women in Business 2001: Sharing the Vision, WBDC’s 15th Annual Entrepreneurial Women’s Conference, and WDENC’s 2nd Annual National Conference on September 4-6, 2001, at Chicago’s Navy Pier; and

WHEREAS, the Women’s Business Development Center (WBDC) is a nationally organized nonprofit women’s business assistance organization devoted to providing services and programs that support and accelerate women’s business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women’s Business Enterprise National Council (WBENC) is dedicated to enhancing opportunities for women’s business enterprises. In partnership with the WBDC and women’s business organizations throughout the United States, WBENC provides a national standard of certification and serves as the nation’s leading third-party certifier of business owned and operated by women; and

WHEREAS, this conference marks the 17th year of the WBDC’s commitment to the needs of women entrepreneurs for greater opportunities for success in business ownership and economic empowerment; and

WHEREAS, the WBDC has put forth creative and innovative approaches to empowering women and their families and striving to influence the larger political and economic environment; and

WHEREAS, the WBDC was founded in 1986 by Carol Dougal and Hedy Ratner, and since then more than 35,000 women business owners have used its programs and services, which include counseling, workshops, entrepreneurial training, financial assistance, the Women’s Business Enterprise certification program, Child Care Business Initiatives and the Women’s Tech and Venture Program; and

WHEREAS, there are now over nine million women-owned businesses in the United States employing over 27.5 million workers, and over 350,000 of those businesses are in Illinois; and

WHEREAS, minority-owned businesses are growing faster than all firms, and one in eight women-owned firms in the United States is owned by a woman of color. Women-owned businesses nationally generate over $4 trillion in sales, an increase of 161 percent from 1987;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 4-6, 2001, as WOMEN’S BUSINESS DEVELOPMENT DAYS in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.
blocks stretching from Dan Ryan at 55th Street, east along Garfield Avenue to South Cottage Street, the site of the International Festival of Life; and

WHEREAS, the objective of the “Hands of Love” is for an end to crime in the state and the rest of the country and a call for zero crime tolerance among and against children, teenagers, young adults, women and other victimized groups; and

WHEREAS, at 11:59 a.m., a Minister of the Gospel at both ends of the chain will start a two minute prayer, which the entire line will pray aloud in their own words until 12:01 p.m., at which time everyone will gather in Washington Park to celebrate “Life and Happiness” at the International Festival of Life; and

WHEREAS, the African/Caribbean International Festival of Life was founded in 1993 by Ephraim M. Martin, a Jamaican born photojournalist and entrepreneur based in Chicago; and

WHEREAS, the International Festival of Life, which runs July 4-8, will feature entertainment, exhibits, crafts, food, and the “Hands of Love” moment of prayer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 4-8, 2001, as INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois.

Issued by the Governor June 6, 2001.

Filed by the Secretary of State June 7, 2001.

2001-355
YMCA 150TH ANNIVERSARY DAYS

WHEREAS, the year 2001 marks the 150th anniversary of the YMCA movement in the United States and is being commemorated by the YMCAs of Illinois; and

WHEREAS, the YMCA is dedicated to building strong kids, strong families and strong communities; and

WHEREAS, the YMCAs of Illinois reach out to youth and families by offering diverse groups of youth sports leagues, water safety and aquatic programs, teen leadership, youth at-risk programs and parent/child programs; and

WHEREAS, the YMCA serves people of all ages, incomes, and abilities through a wide variety of programs and services designed to meet changing community needs; and

WHEREAS, the YMCA movement in the United States serves nearly 18 million members per year as an organization that is volunteer-founded, volunteer-based and volunteer-led; and

WHEREAS, the YMCAs of Illinois provide programs that offer a spirit of adventure that challenges members to learn new skills, try new activities, and explore other cultures while being good citizens in the community; and

WHEREAS, the YMCAs of Illinois provide parents with high-quality, affordable child care and teens with a safe place to go after school; and

WHEREAS, the YMCAs of Illinois are part of a national movement that serves nine million children per year, is the nation’s largest child care provider, serves one in ten teens, and incorporates the values of caring, honesty, respect and responsibility into all of its programs; and
WHEREAS, the YMCA movement has a long history of partnerships with other community organizations, such as schools, hospitals, and police departments; and
WHEREAS, the 150th anniversary of the YMCA movement celebrates the distinguished history of the organization and benefits that the people of Illinois have enjoyed as a result of the proud tradition of this organization;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28-July 1, 2001, as YMCA 150th ANNIVERSARY DAYS in Illinois.

2001-356
CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of students suffer from learning delays. These learning delays impair students’ progress throughout their educational careers and further impair their abilities to become employed gainfully; and
WHEREAS, the Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States of America; and
WHEREAS, the Foundation is committed to raising funds for scholarships or research treatments for learning delays and the sponsorship of professional development opportunities for those educating the learning delayed; and
WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts of learning delayed children;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-14, 2001, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor June 7, 2001.
Filed by the Secretary of State June 14, 2001.

2001-357
CHICAGO DERMATOLOGICAL SOCIETY DAY

WHEREAS, on February 9, 1901, a group of physicians, with particular interest in diseases of the skin, met informally for dinner at the University Club of Chicago for the purpose of organizing the Chicago Dermatological Society; and
WHEREAS, a constitution and by-laws were written in longhand and adopted by a unanimous vote with the object of the Society to be “the cultivation of dermatology in all its branches”; and
WHEREAS, the Society was founded as a clinical organization whose purpose was the presentation and discussion of cases for the continuing education of the members with the first clinical meeting being held on March 4, 1901, in Dr. James Nevins Hyde’s office; and
WHEREAS, the same purpose remains unchanged, and dermatologists in Chicago, Illinois, the Midwest, and the nation have all benefited from the Society membership for the past 100 years; and
WHEREAS, the Chicago Dermatological Society was recognized for continuing education by receiving the Excellence in Education Award by the American Academy of Dermatology; and
WHEREAS, due in part to the continuing education of the Society, the people of Chicago and Illinois have had the highest standard of dermatological care; and
WHEREAS, the members of the Chicago Dermatological Society will celebrate its 100th anniversary on October 6, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as CHICAGO DERMATOLOGICAL SOCIETY DAY in Illinois.

Issued by the Governor June 7, 2001.
Filed by the Secretary of State June 14, 2001.

2001-358
LIONS CANDY DAY

WHEREAS, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and
WHEREAS, presently, 24,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing impaired; and
WHEREAS, Lions have expended millions of dollars in recent years for diabetic eye centers, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and
WHEREAS, on Friday, October 12, 2001, Lions are observing Candy Day, their primary fund-raising event of the year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2001, as LIONS CANDY DAY in Illinois.

Issued by the Governor June 7, 2001.
Filed by the Secretary of State June 14, 2001.

2001-359
NATIONAL ASSOCIATION MEDICAL STAFF SERVICES WEEK

WHEREAS, the Illinois Association Medical Staff Services consists of a dedicated group of professionals who help protect the consumer from error prone or negligent healthcare providers employed by managed care plans, IPAs, group practices and hospitals; and
WHEREAS, the Illinois Association of Medical Staff Services was founded in 1981 by enthusiastic medical staff service professionals throughout the state to provide professional and personal development, networking opportunities, communication resources, career advancement and education for medical staff services professionals; and
WHEREAS, the Joint Commission on Accreditation of Healthcare Organizations and the National Committee for Quality Assurance require any healthcare facility desiring accreditation to utilize the Illinois Association Medical Staff Services; and
WHEREAS, the Illinois Association Medical Staff Services is celebrating the 25th anniversary of the national organization and the 20th anniversary of the Illinois Association Medical Staff Services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2001, as NATIONAL ASSOCIATION MEDICAL STAFF SERVICES WEEK in Illinois.
2001-360
SMILES TAG DAYS

WHEREAS, throughout the past 42 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and
WHEREAS, on October 4-6, 2001, Little City Foundation will hold its annual “Smiles for Little City” Tag Days throughout the state; and
WHEREAS, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort under the leadership of the Little City Foundation Parent/Family/Guardian Group; and
WHEREAS, the Little City Foundation has remained dedicated to helping individuals reach their full potential and live meaningful and productive lives with dignity and respect; and
WHEREAS, they are ably supported by government, business and labor leaders across the state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4-6, 2001, as SMILES TAG DAYS in Illinois.
Issued by the Governor June 7, 2001.
Filed by the Secretary of State June 14, 2001.

2001-361
DR. CURTIS J. KROCK DAY

WHEREAS, Dr. Curtis J. Krock has been practicing medicine for 40 years, spending the last 29 years at Carle Clinic in Urbana, Illinois, where he is a critical care and pulmonary specialist; and
WHEREAS, in addition to his staff responsibilities at Carle Clinic, Dr. Krock is also an associate professor at the University of Illinois School of Medicine; and
WHEREAS, Dr. Krock is a very caring and devoted doctor who makes his patients his number one priority, treating them with the utmost compassion and respect and making free house calls to patients who cannot leave their homes; and
WHEREAS, in January 1998, Dr. Krock was chosen by President Clinton as a “Local Hero” and was among 15 area residents to be recognized by the former President when he came to the University of Illinois; and
WHEREAS, Dr. Krock was listed in “The Best Doctors in America” 1999 edition on the basis of his professional and clinical expertise and named one of the best doctors in the nation; and
WHEREAS, to thank him for his dedicated service and extraordinary care, Dr. Krock is being honored by the community and his colleagues at the Carle Clinic on July 22, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 2001, as DR. CURTIS J. KROCK DAY in Illinois.
Issued by the Governor June 8, 2001.
Filed by the Secretary of State June 14, 2001.
2001-362

FAMILY HERITAGE DAYS

WHEREAS, family heritage is the backbone of today’s society, for it allows us to see where we have been and shapes the way we view the world; and
WHEREAS, the State of Illinois is richly endowed with historic places, museums and parks that can help us appreciate our family heritage; and
WHEREAS, more than one hundred of these historic places, museums and parks from all areas of the state are participating in Family Heritage Days on June 23-24, 2001, an event organized by the Illinois Association of Museums and the Illinois Heritage Association, and funded by the Illinois Historic Preservation Agency, Institute of Museum and Library Sciences, and Illinois Department of Commerce and Community Affairs - Bureau of Tourism; and
WHEREAS, Family Heritage Days will help us to celebrate and preserve our unique, diverse heritage, and visiting one or more of the participating historic places, museums and parks during Family Heritage Days will provide education and enjoyment;
Issued by the Governor June 8, 2001.
Filed by the Secretary of State June 14, 2001.

2001-363

LIMESTONE TOWNSHIP FIRE PROTECTION DISTRICT DAY

WHEREAS, the Limestone Fire Township Fire Protection District began in January 1951 when residents of the township established the District and set up a fund to cover expenses; and
WHEREAS, in 1951, the District trustees purchased a fire engine, and with the help of the town citizens the old town hall was converted into the fire station; and
WHEREAS, in 1957, a new fire station was built and included three truck bays, a meeting room, and a kitchen; and
WHEREAS, after five years of planning, the community and fire department have built a new fire station, which includes six drive-through bays, administrative offices, high tech training facilities, and day crew staff accommodations; and
WHEREAS, the 50th anniversary of the Limestone Township Fire Protection District is being celebrated this year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2001, as LIMESTONE TOWNSHIP FIRE PROTECTION DISTRICT DAY in Illinois.
Issued by the Governor June 8, 2001.
Filed by the Secretary of State June 14, 2001.

2001-364

MEN’S HEALTH WEEK

WHEREAS, National Men’s Health Week is sponsored each year to raise public awareness of the importance of a healthy lifestyle, and of early detection and treatment of health problems affecting men and their families; and
WHEREAS, Illinoisans value their health as well as that of their families and their fellow citizens, making them proud to support observances such as Men’s Health Week; and
WHEREAS, the Illinois Department of Public Health is committed to the prevention of illness and to the promotion of good health among all residents of the state; and
WHEREAS, despite advances in medical technology and research, men continue to live an average of seven years less than women, and African-American men have an even lower life expectancy; and
WHEREAS, although prevention is the key to maintaining good health, many men are reluctant to visit their health care provider or physician for regular screening examinations due to such reasons as fear of gender-related health problems, lack of information, and cost factors; and
WHEREAS, each year, thousands of men needlessly die from heart disease, prostate cancer, lung cancer, testicular cancer, diabetes and other health problems even though preventive health checkups and screenings might have detected the early warning signs of these diseases during their treatable stages and extended the lives of these men; and
WHEREAS, screening methods - including the prostate specific antigen (PSA) exam and blood pressure and cholesterol checks - in conjunction with clinical examinations and self-exams for problems such as testicular cancer can detect many health concerns in their early stages, thereby increasing survival rates to nearly 100 percent; and
WHEREAS, educating men to recognize and prevent men's health problems is not just a man's issue, since poor health also has an impact on all family members;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11-17, 2001, as MEN’S HEALTH WEEK in Illinois.
Issued by the Governor June 8, 2001.
Filed by the Secretary of State June 14, 2001.

2001-365

OWASIPPE SCOUT RESERVATION DAY

WHEREAS, A. Stanford White’s vision of a camp outside of Whitehall, Michigan, helped create the first Boy Scout camp in the United States, Camp Owasippe; and
WHEREAS, the Owasippe Scout Reservation encompasses 5,000 acres in Twin Lake, Michigan, and has developed the character, trained in citizenship and promoted the mental, emotional and physical fitness of scouts from throughout the United States; and
WHEREAS, as the oldest continuously operating camp in the country, Owasippe stands as a unique monument to boys and the scouting program; and
WHEREAS, Owasippe Scout Reservation continues to be a premier camping experience which allows youth the opportunity to sail, swim, fish, camp, cook and learn other scout craft skills; and
WHEREAS, for 90 years, approximately half a million boys have camped at Camp Owasippe; and
WHEREAS, this year marks the 90th anniversary of the Owasippe Scout Reservation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16, 2001, as OWASIPPE SCOUT RESERVATION DAY in Illinois.
WHEREAS, as the only national fundraiser for Alzheimer’s disease, Memory Walk has helped raise money for local Alzheimer Association chapters since its inception in 1989; and
WHEREAS, Memory Walk is held by nearly 200 Association chapters and is attended by more than 150,000 participants across the country; and
WHEREAS, proceeds benefit local chapters, supporting vital programs for people with Alzheimer’s disease, their families, and caregivers; and
WHEREAS, Memory Walk is a team effort that grows each year, and while each chapter’s Memory Walk is unique, the goal is the same—to generate funds for the Alzheimer’s Association; and
WHEREAS, the Southern Illinois Area Chapter of the Alzheimer’s Association is hosting the Alzheimer’s Memory Walk September 22, 2001, at the Southern Illinois University, Carbondale Campus Lake; and
WHEREAS, last year, the Southern Illinois chapter raised $74,542, which benefited 12,000 Alzheimer patients, their caregivers, and family members from 23 Southern Illinois counties;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as ALZHEIMER’S ASSOCIATION MEMORY WALK DAY in Illinois.

Issued by the Governor June 11, 2001.
Filed by the Secretary of State June 14, 2001.

2001-367
BATON TWIRLING WEEK

WHEREAS, the baton twirling movement has affected the lives of American girls and boys, and now has nearly one-half million active participants; and
WHEREAS, baton twirling has been instrumental in building the confidence and character of these young people, and has provided guidance and training so that they might become better qualified citizens; and
WHEREAS, the art of baton twirling plays an important part in children’s hospitals as a unique and effective method of physical therapy; and
WHEREAS, baton twirlers lend so much color and inspiration to our community; and
WHEREAS, champion twirlers from all over the United States will gather at the University of Notre Dame July 24-28, 2001, to conduct a colorful youth pageant called “America’s Youth on Parade”; and
WHEREAS, the Grand National Baton Twirling Championships will be conducted as part of the big Notre Dame festival;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22-28, 2001, as BATON TWIRLING WEEK in Illinois.

Issued by the Governor June 11, 2001.
Filed by the Secretary of State June 14, 2001.
2001-368
CHILDREN’S FILM WEEK

WHEREAS, the 18th annual Chicago International Children’s Festival (CICFF) will run October 25 through November 4, 2001; and

WHEREAS, during the past 18 years, the Festival has become the foremost festival of children’s films in the United States; and


WHEREAS, receiving over 600 international entries, the Chicago International Children’s Film Festival invites over 100 celebrities and filmmakers from around the globe to the Festival each year. Many of these honored guests, as part of the Festival, will lead workshops for the children, which range from question and answer sessions, to hands-on workshops where the children learn about an aspect of filmmaking or animation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 25-November 4, 2001, as CHILDREN’S FILM WEEK in Illinois.

Issued by the Governor June 11, 2001.

Filed by the Secretary of State June 14, 2001.

2001-369
WOMEN’S ADVISORY COMMITTEE DAY

WHEREAS, the National Women’s Advisory Committee (NWAC) will be holding its first National Training Conference in Chicago, Illinois, on August 16-18, 2001; and

WHEREAS, over 300 people from across the nation are expected to attend the conference, “Women: United and Diverse”; and

WHEREAS, the NWAC was chartered in 2000 to encompass the Women’s Advisory Affairs Committee enrollments and to advise the commissioner of Social Security on issues and concerns affecting women; and
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WHEREAS, NWAC is an organization of federal employees, mostly females, who provide information and education on issues of concern to women; and
WHEREAS, the goal of the NWAC is to promote recruitment, training, job enrichment, and upward mobility of women by our government agency, as well as promote women’s equal access to programs administered by government agencies, a work environment sensitive to the needs of women, and assist in providing better service to the public; and
WHEREAS, NWAC is committed to making the Social Security Administration a model agency that is culturally diverse and recognizes the value of recruiting, developing and promoting females;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 16-18, 2001, as WOMEN’S ADVISORY COMMITTEE DAY in Illinois.

Issued by the Governor June 11, 2001.
Filed by the Secretary of State June 14, 2001.

2001-370

CHICAGO FED VISITORS CENTER DAY

WHEREAS, The Chicago Fed Visitors Center, the new interactive public space at the Federal Reserve Bank of Chicago, opened to the public on June 28, 2001, at 230 South LaSalle Street in the heart of Chicago’s financial district and is being dedicated to the memory of long-time, devoted employee, Nancy Goodman; and
WHEREAS, The Chicago Fed Visitors Center is designed to communicate information and educate visitors, particularly the citizens of the Seventh District, about the Chicago Fed’s mission to foster a healthy, growing economy and a sound financial system by setting monetary policy, supervising banks, and providing financial services to banks and the U.S. government; and
WHEREAS, The Chicago Fed Visitors Center is part of the Chicago Fed’s commitment to actively meet the needs of its customers and stakeholders by encouraging financial empowerment and helping individuals participate fully in sound, competitive financial markets; and
WHEREAS, The Chicago Fed Visitors Center has enhanced its building to make the Chicago Fed more open and welcoming to employees, customers, and stakeholders, with its investment in the new Visitors Center, a renovated lobby, and art acquisitions; and
WHEREAS, The Chicago Fed Visitors Center assists and supports these goals, and the Bank will complement the Visitors Center with a series of new and existing programs under the banner of Your Chicago Fed, which will not only represent the Bank’s clear commitment to public outreach, but will also explain in an entertaining and educational way the Fed’s impact on peoples’ lives;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as CHICAGO FED VISITORS CENTER DAY in Illinois.

Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.
WHEREAS, Illinois recognizes that our children are our future, and their well-being is our highest priority; and
WHEREAS, the Department of Public Aid, Division of Child Support Enforcement has been given the responsibility of providing child support services to all Illinois families; and
WHEREAS, Illinois recognizes that children need strong family support, and the Illinois Division of Child Support Enforcement works to focus attention on the needs of fathers as well as mothers; and
WHEREAS, the Illinois Division of Child Support Enforcement is working in collaboration with Head Start and Child Care agencies statewide to assure that children receive the emotional and financial support of both parents, their extended families, and their communities so that they can grow up in a nurturing environment; and
WHEREAS, the Illinois Division of Child Support Enforcement is taking the lead in many national child support initiatives to help Illinois families gain independence; and
WHEREAS, the Department of Public Aid, Division of Child Support Enforcement is working closely with the Departments of Human Services, Public Health and Children & Family Services and other state agencies, as well as community groups to increase the number of children for whom paternity is established;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as CHILD SUPPORT AWARENESS MONTH in Illinois.
Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.

2001-372
MUSLIM AMERICAN SOCIETY DAYS

WHEREAS, the Muslim American Society of Harvey, Illinois, is presenting the first annual Juneteenth New Africa Tribute June 19-24, 2001; and
WHEREAS, the New Africa Tribute recognizes the legacy of some of the most outstanding African-American leaders, including the Reverend Dr. Martin Luther King Jr., W.E. DuBois, Malcolm X Shabazz, Honorable Elijah Muhammed, Marcus Garvey, Harriet Tubman, Sojourner Truth, Booker T. Washington, Clara Muhammad, Frederick Douglass, and George Washington Carver; and
WHEREAS, many well-known leaders, professionals and educators are participating in this historic occasion; and
WHEREAS, Imam W. Deen Mohammed, Muslim American Society Leader, is presiding as Keynote Speaker on the subject “The Need to Strengthen Our Traditional Sense of African-American History and Its Purpose”; and
WHEREAS, the New Africa Tribute offers many different activities, including entertainment, workshops and a cultural night;
Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.
WHEREAS, the Puerto Rican Parade Committee is celebrating its 35th year of service and commitment to the Puerto Rican community of the State of Illinois; and

WHEREAS, the Puerto Rican community, an important force in the State of Illinois, is a community that enriches Illinois economically, culturally and provides political leadership; and

WHEREAS, the Puerto Rican Parade Committee of 2000-2002, under the leadership of President Efrain Malave, has chosen the theme “Añorando a Puerto Rico” as the Committee undertakes the mission of renovating the headquarters facility known as “La Casa Puertorriqueña;” therefore, planting the seed for the development of educational and cultural programs for children of the community; and

WHEREAS, the Fiestas Puertorriqueñas, one of the largest ethnic celebrations in the State of Illinois, promotes community cohesion and cultural development; and

WHEREAS, the State of Illinois honors the Puerto Rican Parade Committee and welcomes the dignitaries who form the official delegation from Puerto Rico visiting Illinois for the purposes of participating in the different activities of Fiestas Puertorriqueñas which will culminate with a stately and colorful parade that takes place on Saturday, June 16 at 12:00 p.m. on Columbus Drive in Chicago, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16-20, 2001, as PUERTO RICAN DAYS in Illinois.

Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.

WHEREAS, The Monarch Awards Foundation of Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc., will host its 19th annual Monarch Awards Gala, “A Tribute to Black Men,” in Chicago on Saturday, November 3, 2001; and

WHEREAS, The Monarch Awards Foundation was established in 1988 by Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc. as a tax-exempt organization through which all programs and fundraising efforts are sponsored; and

WHEREAS, all monies raised through fundraising efforts are channeled back into the community for scholarships and donations to not-for-profit organizations; and

WHEREAS, the Foundation is currently implementing programs targeting the areas of Arts, Black Family, Education, Economics, and Health and Leadership Development; and

WHEREAS, The Monarch Gala is sponsored annually by The Monarch Awards Foundation to salute outstanding African-American men in the Chicagoland area whose contributions to their profession, society and mankind have long merited special recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as THE MONARCH AWARDS FOUNDATION DAY in Illinois.

Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.
2001-375
WIC, NUTRITION AND FAMILY CASE MANAGEMENT APPRECIATION WEEK

WHEREAS, the integration of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) with the Family Case Management (FCM) program has improved the health outcomes of women and children in Illinois and has resulted in serving more eligible clients; and
WHEREAS, the primary mission of both programs is to improve the health status of women, infants and children, to reduce the incidence of infant mortality, premature births and low birth weight and to aid in the development of children; and
WHEREAS, the Illinois Department of Human Services’ (DHS) Birth Outcome Study, which examined data collected through Cornerstone, matched Illinois birth certificates with Medicaid Program data and highlighted a reduction in the number of premature births and infant deaths for those families that participated in both programs, showing that DHS and its many support programs are making a difference; and
WHEREAS, the study found that women enrolled in both programs had a 50 percent lower infant mortality rate, a 62 percent lower premature birth rate, and were 33 percent less likely to have a low-birth weight infant than women not in the programs; and
WHEREAS, through integration and outreach of these programs, Illinois families are receiving better customer service and are ensured a more efficient delivery of services that is holistic and personal to their needs; and
WHEREAS, as a result of these improved pregnancy outcomes, Illinois is saving lives and reducing Medicaid expenditures, while at the same time serving more eligible participants;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 18-22, 2001 as WIC, NUTRITION AND FAMILY CASE MANAGEMENT APPRECIATION WEEK in Illinois.

Issued by the Governor June 12, 2001.
Filed by the Secretary of State June 14, 2001.

2001-376
DR. ARTHUR M. BRAZIER DAY

WHEREAS, Dr. Arthur M. Brazier entered the U.S. Army during World War II and was discharged with the rank of Staff Sergeant. He also served in the China Burm a India Theater of Operations and received as citations, a Good Conduct Medal, the Victory Medal and two Battle Stars for the Central Burma and the North Burma Campaigns; and
WHEREAS, in 1955, while still employed by the U. S. Postal Service as a letter carrier, Dr. Arthur M. Brazier enrolled in the Moody Bible Institute evening school to acquire formal training, and after six years of continuous studies he received his graduating certificate in 1961; and
WHEREAS, between 1960 and 1969, Dr. Brazier founded the Temporary Woodlawn Organization, now known as TWO, and through the years, TWO has become one of the most effective grassroots community organizations in the nation, and a major force for community development on the south side of Chicago; and
WHEREAS, Dr. Brazier emerged as a key civil rights leader in the Chicago area, working directly with Dr. Martin Luther King to protect the rights of Blacks and Hispanics in Chicago; and
WHEREAS, Dr. Brazier is the pastor of the Apostolic Church of God, whose members have grown from 100 to 15,000; and
WHEREAS, during his tenure, Dr. Brazier has led his congregation through two remodeling programs and the construction of two new church buildings, all which helped accommodate his growing membership; and
WHEREAS, Dr. Brazier was invited to serve as visiting instructor at the North Park College and Seminary during the 1969-1970 school year, and his role was to teach the church’s role in community organizations; and
WHEREAS, in 1970, Dr. Brazier, in addition to his pastoral work, joined the staff of the center of Community Change, a Washington-based institution that gave technical assistance to community organizations in various parts of the country, and he later became vice president in charge of Major Projects; and
WHEREAS, in addition to his many accomplishments, Dr. Brazier also serves as Chairman of the Board for the Woodlawn Preservation and Investment Corporation and Coordination Council of Community Organizations, Advisory Board member for the U.S. Commission on Civil Rights, member of the Woodlawn Social Service Center, the Woodlawn Mental Health Center, the National Council on Crime and Delinquency, the Citizen’s Advocating Center, and Vice President of the Chicago Conference on Religion and Race, and he currently serves as Commissioner and Treasurer of the Public Building Commission of Chicago; and
WHEREAS, Dr. Arthur M. Brazier will celebrate his 80th Birthday on July 13, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, July 13, 2001, as DR. ARTHUR M. BRAZIER DAY in Illinois.

Issued by the Governor June 13, 2001.
Filed by the Secretary of State June 14, 2001.

2001-377
SIDNEY L. PORT DAY

WHEREAS, Sidney L. Port was born in Chicago, Illinois, on March 7, 1911; and
WHEREAS, he attended the University of Illinois and earned a BA degree in 1933, and went on to DePaul University Law School from 1934-1935, where he earned his JD degree; and
WHEREAS, after practicing law for several years and launching a brief publishing venture, Sidney Port entered the automotive parts and distribution industry in 1941 as a purchasing agent and salesman for Lion Auto Parts and Manufacturing Co., where he eventually served as executive vice-president of the firm; and
WHEREAS, in 1952, he founded Lawson Products, Inc., named after the late Victor Lawson, and today the firm is a publicly owned international distributor of expendable maintenance parts and supplies; and
WHEREAS, Sidney has made Lawson a successful company by emphasizing American-made product quality combined with superior customer service; and
WHEREAS, Sidney served as President and Chairman of the Board for the first 25 years, and in 1977, he became Chairman of the Executive Committee; and
WHEREAS, Sidney is highly regarded by all those who are associated with him in business, including Lawson employees, sales agents and suppliers; and
WHEREAS, while successfully building his business, he deepened his commitment to social responsibility by developing a wide variety of non-business interests, including helping youth, giving money to charitable fundraisers, and supporting major medical centers, universities, cultural and art organizations; and
WHEREAS, he has received many awards and much recognition for his continued community involvement, including the Distinguished Alumni Award from DePaul University in 1985, the 1994 “I Will” award by the Central Michigan Avenue Association, the 1997 Distinguished Philanthropist Award from the National Society of Fundraising Executives Chicago Chapter, and an honorary degree in 2000 from Columbia College of Chicago; and
WHEREAS, in 1992, the Port Academic Center opened at the University of Illinois, Chicago’s Department of Intercollegiate Athletics to provide athletes advising, tutoring, scheduling assistance, eligibility monitoring, and scholarship support; and
WHEREAS, in honor of all his achievements, successes and dedicated work to the community, Sidney Port is having a street named after him on June 14, 2001, on the corner of Lake Shore Drive and Bellevue Place;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2001, as SIDNEY L. PORT DAY in Illinois.
Issued by the Governor June 13, 2001.
Filed by the Secretary of State June 14, 2001.

2001-378
THE JOHN HOWARD ASSOCIATION DAY

WHEREAS, the John Howard Association was founded in Chicago in 1901 for the purpose of prison and jail reform and was named for John Howard, the High Sheriff of Bedford County, England; and
WHEREAS, since 1901, the John Howard Association has served the State of Illinois as the state’s premier prison watchdog, monitoring, and advocacy organization; and
WHEREAS, the John Howard Association is recognized nationally as one of the oldest and most respected voluntary, non-profit prison reform groups; and
WHEREAS, the John Howard Association has worked with state, county and municipal governments throughout the State of Illinois in advancing humane and effective jails, prisons, lock-ups, and juvenile detention centers; and
WHEREAS, the John Howard Association has advocated in the General Assembly for improved policies, practices, and programs regarding sentencing, alternatives to incarceration, and a variety of program services of residents of correctional facilities; and
WHEREAS, the John Howard Association, since its inception, has been led by a diverse group of dedicated volunteer board members; and
WHEREAS, the John Howard Association has served on a variety of gubernatorial appointed boards and commissions; and
WHEREAS, the John Howard Association has participated in and provided leadership to the Legislative Task Force on Released Offenders; and
WHEREAS, the John Howard Association, on behalf of the citizens of Illinois, closely monitors the expenditure of tax dollars on correctional facilities; and
WHEREAS, the John Howard Association, as a member of the United Way of Metropolitan Chicago, is supported by private dollars from individuals, foundations and corporations; and
WHEREAS, the John Howard Association is celebrating its 100th Anniversary of service to the State of Illinois in 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 27, 2001, as THE JOHN HOWARD ASSOCIATION DAY in Illinois.
Issued by the Governor June 13, 2001.
Filed by the Secretary of State June 14, 2001.

2001-379
WHITE RIBBON AGAINST PORNOGRAPHY CAMPAIGN AWARENESS WEEK

WHEREAS, the U.S. Supreme Court has repeatedly ruled that obscenity is not protected speech under the First Amendment; and
WHEREAS, pornography can inflict tremendous suffering and damage to individuals, families, business districts, communities, and our nation; and
WHEREAS, there are state and federal anti-obscenity laws on the books to protect public safety, public morality, and public health; and
WHEREAS, the obscenity laws are uniquely grounded in community standards;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27-November 3, 2001, as WHITE RIBBON AGAINST PORNOGRAPHY CAMPAIGN AWARENESS WEEK in Illinois.
Issued by the Governor June 13, 2001.
Filed by the Secretary of State June 14, 2001.

2001-310 (REVISED)
CHILD CARE BUSINESS EXPO 2001 DAY

WHEREAS, the Third Annual Child Care Business Expo, which focuses on the business of child care, will be held on June 23, 2001, in Chicago; and
WHEREAS, the Child Care Business Expo is an unique event that speaks to the heart of child care issues; and
WHEREAS, the Child Care Business Expo is an opportunity for women interested in the child care industry to gain information, resources, and training on various aspects of becoming a child care provider. The Expo includes workshops for new and existing child care providers and an exhibit area for child care resource and support organizations to showcase their programs, products and services; and
WHEREAS, the Women’s Business Development Center, a not-for-profit organization dedicated to assisting women start or expand their businesses, launched a major initiative in partnership with Child Care Initiatives of Hull House Association in early 1999 to support women in the child care industry and has assisted over 700 women start or expand their child care businesses; and
WHEREAS, child care is of critical need in our state, and the women who attend the Expo provide service and equality to the families of Chicago, and because the fastest growing segment in the population of Chicago is among Hispanics, the Expo will be presented in Spanish and English; and
WHEREAS, the Expo participants include women interested in the child care industry, as well as current home-based and center-based child care providers;
Issued by the Governor June 19, 2001.
Filed by the Secretary of State June 21, 2001.

2001-380
ATOMIC VETERANS REMEMBRANCE DAY

WHEREAS, over 50 years ago, the United States began testing nuclear weapons while the full effects of radioactive fallout on the human body were still unknown; and
WHEREAS, from 1945 to 1962, groups of American Servicemen were exposed to nuclear radiation near atmospheric nuclear test sites, sometimes marching onto ground zero after the all-clear signal, as well as on ships being sent back into radioactive harbors; and
WHEREAS, it is estimated that over 200,000 American Servicemen were subjected to unknown levels of radiation as well as an additional 195,000 members of our Armed Forces as part of the occupation of Hiroshima and Nagasaki were also placed at radiation risk; and
WHEREAS, we now know that extreme sacrifices their service engendered, and like troops wounded on the battlefield, they too have been wounded by the array of lethal medical conditions that sometimes take as long as 30 years to appear; and
WHEREAS, July 16, 2001, marks the birth of the Atomic Age with the 56th anniversary of Trinity Shot, the first atomic detonation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16, 2001, as ATOMIC VETERANS REMEMBRANCE DAY in Illinois.
Issued by the Governor June 14, 2001.
Filed by the Secretary of State June 21, 2001.

2001-381
CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, the proper education of today’s youth is a concern of all Americans; and
WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America’s youth; and
WHEREAS, for than 23 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced the awareness of the importance and technical student organizations as an integral part of the educational curriculum; and
WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community
Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA, Illinois Association of DECA, Illinois Postsecondary Agricultural Student Organizations (PAS), Phi Beta Lambda, Illinois Association of SkillsUSA-VICA, and Technology Student Association (TSA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2001, as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois.

Issued by the Governor June 14, 2001.
Filed by the Secretary of State June 21, 2001.

2001-382
GERALD M. SULLIVAN DAY

WHEREAS, Gerald M. Sullivan is the Business Manager of the Chicago Journeymen Plumbers’ Local Union 130, which represents approximately 5,300 union plumbers in the Chicago area; and

WHEREAS, throughout the years, he has subscribed to the American ideal of hard work, supplemented by a strong education; and

WHEREAS, Gerald Sullivan earned a bachelor’s degree from DePaul University and a master’s degree form Governor’s State University; and

WHEREAS, starting with his apprenticeship in 1957, he has been active in the plumbing industry and the union movement for more than 40 years; and

WHEREAS, for 16 years, he worked as a teacher, helping educate thousands of apprentice plumbers; and

WHEREAS, before assuming the top job of Business Manager, Gerald Sullivan served on Local 130’s Examining Board and was Secretary-Treasurer from 1984 to 1990; and

WHEREAS, Gerald Sullivan is one of Chicago’s most respected labor leaders, and his advice has been sought by numerous government and civic organizations; and

WHEREAS, he was a member of Mayor Daley’s Gaming Commission, Mayor Washington’s Central Library Advisory Committee, and serves on the executive boards of the Chicago Federation of Labor and the Chicago and Cook County Building Trades Council; and

WHEREAS, Gerald Sullivan is currently a sitting commissioner on the Chicago Park District Board and the Northeastern Illinois Planning Commission, and serves as chairman of eight employee benefit funds, the General Chairman of the St. Patrick’s Day Parade Committee of Chicago, Vice-President of the Irish Fellowship Club, and the Board of Directors of the Amalgamated Bank of Chicago; and

WHEREAS, Gerald Sullivan is receiving the Man of the Year Award at the Coalition for United Community Action’s 29th Annual Unity Testimonial Awards Banquet on Saturday, June 23, 2001; and

WHEREAS, he is recognized for his many years of outstanding leadership and dedication, his industry-wide respect, and service to the city, state, and nation above and beyond the call of duty;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as GERALD M. SULLIVAN DAY in Illinois.

Issued by the Governor June 14, 2001.
Filed by the Secretary of State June 21, 2001.
2001-383
QUARLES & BRADY DAY

WHEREAS, Wilson & McIlvaine was one of the original law firms in Chicago, Illinois, having commenced the practice of law in 1867; and
WHEREAS, Wilson & McIlvaine merged with QUARLES & BRADY LLP on February 1, 1999, thereby ensuring a continuation of more than a century-long legacy of commitment to the City of Chicago and the State of Illinois; and
WHEREAS, throughout this 134-year period, QUARLES & BRADY and its predecessor firm have enjoyed an outstanding reputation for the highest quality legal services to their clients and the communities they serve; and
WHEREAS, QUARLES & BRADY has committed, and will continue to commit, substantial investment in, and provide legal services to, the citizens of the City of Chicago and the State of Illinois; and
WHEREAS, it is vital to the State of Illinois that professional institutions which have had a long-standing exemplary and profound impact on the communities they serve be encouraged to continue and be recognized for continuing their commitment to their employees, the State of Illinois, and the communities they serve; and
WHEREAS, the Chicago office of QUARLES & BRADY will be hosting the firm’s annual meeting for its over 450 attorneys from its offices throughout the country on July 13-14, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 14, 2001, as QUARLES & BRADY DAY in Illinois.

Issued by the Governor June 14, 2001.
Filed by the Secretary of State June 21, 2001.

2001-384
FESTA ITALIANA DAYS

WHEREAS, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and
WHEREAS, Festa Italiana will be a celebration of Italian folk dancing, singing entertainment, crafts, and food and will include a Bocce tournament; and
WHEREAS, Chair Brad Messina has announced that the year 2001 marks the 23rd anniversary of the Festa Italiana. The theme of the Festival is “The Colors and Tastes of the Italian Marketplace;” and
WHEREAS, Festa Italiana will be held at Boylan Catholic High School grounds; and
WHEREAS, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois on August 3-5, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3-5, 2001, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor June 18, 2001.
Filed by the Secretary of State June 21, 2001.
2001-385
KEITH KESLER DAY

WHEREAS, Keith Kesler, farmer, manager and president of Champaign County Fair, has been involved with the Fair for 60 years; and
WHEREAS, starting as a ticket taker at age 16, Keith has been in charge for 36 years; and
WHEREAS, Keith is known on a state and national level for his expertise, dedication, organization and management skills; and
WHEREAS, Keith was selected “Illinois Fair Person of the Year” and was awarded certification as a Certified Executive by the International Association of Fairs and Expositions; and
WHEREAS, as a presenter and contributor to the International Association of Fairs and Expositions for the past 38 years, Keith has bestowed his expertise and love for youth enrichment on a new generation of fair management; and
WHEREAS, Keith has served the Illinois Department of Agriculture in Advisory Board positions; and
WHEREAS, besides his involvement with the fair, Keith has served his church and community and held numerous elected positions; and
WHEREAS, for the last 29 years, Keith has served the Illinois Association of Agricultural Fairs with distinction; and
WHEREAS, Keith’s “labor of love” and devotion to the fair industry have made him known and respected by legislative leaders during his quest for increased funding of County Fairs in Illinois; and
WHEREAS, Keith is a devoted husband, father, grandfather and accomplished farmer who is recognized as Champaign’s Farm Family of the Year and Prairie Farmers “Master Farmer”;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 25, 2001, as KEITH KESLER DAY in Illinois.

Issued by the Governor June 18, 2001.
Filed by the Secretary of State June 21, 2001.

2001-386
BURNELL D. KRAFT DAY

WHEREAS, Burnell D. Kraft was born in Chester, Illinois, and attended Chester High School. He went on to further his education at Southern Illinois University, graduating with a Bachelor of Science degree; and
WHEREAS, during his school years, he worked in a family-owned dairy, and is presently a part owner and vice president of Chester Dairy Company; and
WHEREAS, in 1956, he joined Tabor & Co., becoming vice-president in 1959, executive vice-president in 1961, and president in 1970, a position that he continues to hold today; and
WHEREAS, from 1976 to 1986, Burnell Kraft held the position of president for Smoot Grain Company, a subsidiary of ADM Company, and from 1980 to 1984, he was president of Archer Daniels Midland International S.A. (ADMISA); and
WHEREAS, Burnell Kraft continued to acquire leadership positions throughout his career, serving as president of Collingwood Grain Company (1989-1994); group vice-president for Grain and Oilseed Merchandising and Hedging (1994-1997); and senior vice-president, Archer Daniels Midland Company (1997-present); and
WHEREAS, Burnell Kraft belongs to numerous professional memberships, including the Chicago Board of Trade, the Chicago Mercantile Exchange, the National Grain and Feed Association, and the National Feed Grain Council; and
WHEREAS, he served as past director for the Metro Decatur Chamber of Commerce, the Decatur Club, and Decatur Memorial Hospital, and has served as Trustee of Millikin University for four years, is currently a Director of Toepfer International GmbH and serves on the Board of Directors of the United Grain Growers, Canada; and
WHEREAS, in 1998, Burnell Kraft received Southern Illinois University’s Distinguished Alumni Award, and in March 2001, he was awarded the Grain and Elevator Processing Society Industry Leader Award; and
WHEREAS, this year, Burnell Kraft will celebrate 45 years with Archer Daniels Midland Company;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as BURNELL D. KRAFT DAY in Illinois.
Issued by the Governor June 19, 2001.
Filed by the Secretary of State June 21, 2001.

2001-387
Y.P.W.W. DEPARTMENT YOUTH DAYS

WHEREAS, the 63rd Annual Y.P.W.W. Department Youth Congress of Northern Illinois Jurisdiction Church of God In Christ was held June 4-8, 2001; and
WHEREAS, Y.P.W.W. Department President Edwin M. Walker has done an excellent job helping the youth in the community and giving them a feeling of self-worth, while simultaneously instilling in them Christian beliefs; and
WHEREAS, Church of God In Christ is a not-for-profit religious organization consisting of several congregations in the city of Chicago and surrounding suburbs; and
WHEREAS, the church has caused many men, women, boys, and girls to seek, receive, and exemplify a higher level of moral and spiritual conduct;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 4-8, 2001, as Y.P.W.W. DEPARTMENT YOUTH DAYS in Illinois.
Issued by the Governor June 21, 2001.
Filed by the Secretary of State June 28, 2001.

2001-388
MARJORIE A. FEENEY DAY

WHEREAS, Marjorie A. Peeney has served Seguin Services in different capacities over the years, including serving on the Board of Directors from 1988-1997, during which she served as Vice President and Secretary; and
WHEREAS, she has served on a variety of Board Committees, which include the Program Committee, Awards Committee Co-Chair, Education and Training Committee Chair and the Personnel Committee Chair; and
WHEREAS, while serving on the Program Committee, she worked tirelessly to ensure the highest quality of service in Seguin’s community employment, training, and residential programs for adults and the children’s foster care program; and
WHEREAS, due to her leadership in the area of programs and services, Seguin vastly expanded services to many new adults and initiated services to children in the foster care program; and
WHEREAS, she faithfully attended open houses for homes that were initiated during her service on the Board of Directors, graciously greeting visitors, including neighbors, local officials and representatives of funding entities; and
WHEREAS, to honor Marjorie for her dedication and commitment to Seguin Services, the Volunteer of the Year Award has been named after her so that her legacy will remain through the Marjorie A. Feeney Volunteer of the Year Award; and
WHEREAS, Marjorie A. Feeney is being honored at the Seguin Services Annual Meeting and Awards Dinner on June 28, 2001, and is the recipient of the 2001 President’s Award;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as MARJORIE A. FEENEY DAY in Illinois.
Issued by the Governor June 26, 2001.
Filed by the Secretary of State June 28, 2001.

2001-389
NEW FREEDOM BAPTIST CHURCH DAY

WHEREAS, the New Freedom Baptist Church in Belleville, Illinois, is celebrating its 6th anniversary on Sunday, July 1, 2001; and
WHEREAS, Pastor William Morris Meanes leads the New Freedom Baptist Church in their spiritual growth and faith; and
WHEREAS, members of the church have been actively involved in statewide activities such as Neighbors United for Progress Community Housing Development Organization, Village Investment Project, One Church One Child, St. Louis Area Food Bank Feeding Program, and the Get Out the Vote Drive; and
WHEREAS, the New Freedom Baptist Church offers outreach programs, training to enhance learning and growing, arts and recreation activities and weekly services that provide worship, praise and prayer;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 1, 2001, as NEW FREEDOM BAPTIST CHURCH DAY in Illinois.
Issued by the Governor June 26, 2001.
Filed by the Secretary of State June 28, 2001.

2001-390
COVENANT OF PEACE MINISTRIES DAY

WHEREAS, established on May 12, 1901, as a religious corporation, Covenant of Peace Ministries, formerly known as Peace Church of Bellwood, is the oldest Protestant church in Bellwood; and
WHEREAS, the original founders of the church were German immigrants who felt led by God to establish a church in Bellwood that would meet the specific cultural needs of the community at that time; and
WHEREAS, the church has undergone many transitions over the past 100 years, including changing from a predominantly German-American congregation to a predominantly African-American congregation; and
WHEREAS, the church’s denomination has transitioned from Evangelical Free to United Church of Christ, and most recently to a non-denominational status; and
WHEREAS, Covenant of Peace Ministries partners with various community and educational institutions to serve the needs of the community and add to the quality of life of its members; and
WHEREAS, in celebration of 100 years of service to the Proviso Township community, particularly the Village of Bellwood, Covenant of Peace Ministries has planned a centennial celebration banquet on Sunday, July 15, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 15, 2001, as COVENANT OF PEACE MINISTRIES DAY in Illinois.
Issued by the Governor June 27, 2001.
Filed by the Secretary of State June 28, 2001.

2001-391
KOREAN AMERICAN ASSOCIATION OF CHICAGO DAY

WHEREAS, the Korean American Association of Chicago (KAAC) was organized in 1962 as a human service agency to provide various assistance to new Korean immigrants adjusting to the new way of life in the United States; and
WHEREAS, the KAAC has been recognized as the leading umbrella social service organization in the Korean American community by promoting the interest of Korean American communities in the Chicagoland area; and
WHEREAS, the purpose of the KAAC is to represent and promote the interests and rights of the Korean American community, assist newly arrived immigrants adjusting to new cultural and social environment and strengthen the Korean American community through advocacy and education; and
WHEREAS, the KAAC has been focused on education issues for the second generation of Korean Americans to instill in them a sense of national identity, dignity and pride; and
WHEREAS, the KAAC is celebrating its 39th anniversary and the 25th anniversary of their inauguration ceremony;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 2, 2001, as KOREAN AMERICAN ASSOCIATION OF CHICAGO DAY in Illinois.
Issued by the Governor June 27, 2001.
Filed by the Secretary of State June 28, 2001.

2001-392
PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

WHEREAS, according to a 1996 study by the C.D.C. 16 percent of 6 million-plus pregnancies ended in either a miscarriage or a stillbirth. That is almost one million prenatal losses. Of those 6 million plus pregnancies, 62 percent (3,720,000) ended in live births, and 26,784 of those births ended in infant deaths from 11 months and younger. This does not reflect the 22 percent who are lost to abortion; and
WHEREAS, the availability of information and support is of the utmost importance to families who suffer from Pregnancy and Infant Loss to better help them cope; and
WHEREAS, a public that is informed and educated about Pregnancy and Infant Loss can better learn how to respond with compassion to affected families; and
WHEREAS, professionals who come in contact with families who have suffered Pregnancy or Infant Loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of Pregnancy and Infant Loss; and

WHEREAS, Pregnancy and Infant Loss Remembrance Day, October 15, 2001, is set aside to remember all of the Pregnancies and Infants lost in order to heal and be comforted in a time of pain and heartache, and to have hope for the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 2001, as PREGNANCY AND INFANT LOSS REMEMBRANCE DAY in Illinois.

Issued by the Governor June 28, 2001.
Filed by the Secretary of State July 5, 2001.

2001-393
SIGN LANGUAGE INTERPRETER AWARENESS MONTH

WHEREAS, there are about 986,648 deaf and hard of hearing people in Illinois; and
WHEREAS, statewide, interpreters provide hundreds of thousands of hours of interpreting service every year; and
WHEREAS, interpreting enables deaf, hard of hearing and hearing people to communicate effectively in a wide range of situations: hospitals, schools, businesses, government offices, courts, police departments, theaters, museums, parks and many other settings; and
WHEREAS, the need to create an awareness of the interpreting profession is imperative because the need for qualified interpreters exceeds the supply;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.

Issued by the Governor June 28, 2001.
Filed by the Secretary of State July 5, 2001.

2001-394
UNITED PRESBYTERIAN CHURCH OF NEOGA DAY

WHEREAS, the United Presbyterian Church of Neoga will celebrate 150 years as a congregation on July 22, 2001; and
WHEREAS, on April 5, 1851, the Presbyterian Church of Long Point was formed near the pioneer community of Long Point; and
WHEREAS, in 1854, the Presbyterian Church of Long Point relocated to the new town of Neoga and became the First Presbyterian Church of Neoga; and
WHEREAS, in 1857, a different branch of the church developed in Long Point; and
WHEREAS, in 1866, the two branches decided to unite; and
WHEREAS, in 1901, the present church building was dedicated in the presence of dignitaries and a large crowd; and
WHEREAS, many members of the United Presbyterian Church of Neoga have been community leaders and have been involved in various community and fraternal organizations;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 2001, as UNITED PRESBYTERIAN CHURCH OF NEOGA DAY in Illinois.

Issued by the Governor June 28, 2001.
Filed by the Secretary of State July 5, 2001.

2001-395
ROSEMARY MULLIGAN DAY

WHEREAS, Rosemary Mulligan was first elected to the General Assembly in 1992, and her commitment, service and leadership to her community has been instrumental in her many accomplishments; and
WHEREAS, Rosemary Mulligan has been a strong advocate for a women and families including her success in passing health-care legislation that impacts women in particular, and the Great START program, which assists in our children’s preschool education; and
WHEREAS, Rosemary Mulligan has worked on numerous gun control measures including the Safe Neighborhoods Act and Truth in Sentencing Bills; and
WHEREAS, Rosemary Mulligan is active on a number of legislative committees including, Appropriations – Human Services, Children and Youth, Health Care Availability and Access, Human Services, and Registration and Regulation; and
WHEREAS, Rosemary Mulligan was named 1996 Legislator of the Year by both the Illinois Association of Community Mental Health Agencies and the National Council on Problem and Compulsive Gambling; and
WHEREAS, Rosemary Mulligan was profiled in “Today’s Chicago Woman” as one of the ‘One Hundred Women Making a Difference,’ in 1997; and
WHEREAS, Rosemary Mulligan was a program chair of the White House Women’s Economic Leadership Summit and in 1999 she was part of a 24-member delegation representing the United States at “Women in the New Economy: The Downing Street Summit,” held in England and Northern Ireland;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2001, as ROSEMARY MULLIGAN DAY in Illinois.

Issued by the Governor June 29, 2001.
Filed by the Secretary of State July 5, 2001.

2001-396
ELLEN FELDHAUSEN DAY

WHEREAS, Ellen Louise Feldhausen has dedicated her life to keeping the public informed on matters related to public policy and political events and has earned a reputation for accuracy, honesty, responsiveness and the ability to explain complex issues in simple understandable terms; and
WHEREAS, Ellen Louise Feldhausen developed her skills at Kansas State University, receiving a Bachelor of Arts, and at the American University in Washington, receiving a Master of Arts in Journalism; and
WHEREAS, Ellen Louise Feldhausen worked as a reporter, anchorwoman, producer, managing editor, and broadcaster for local news, public affairs, and Statehouse broadcasting in Kansas, Missouri and Illinois; and
WHEREAS, Ellen Louise Feldhausen joined state service in 1981, eventually becoming the Director of Communications for the Office of the Secretary of State; and

WHEREAS, Ellen Louise Feldhausen joined the Bureau of the Budget on February 1, 1991, and has since graced the Statehouse and Bureau with her presence, setting unmatchable standards for integrity, hard work, patience and discipline in the production and negotiation of 11 budgets while handling countless press calls, constituency requests, and responses to federal, state and local officials; and

WHEREAS, Ellen Louise Feldhausen has accepted a position with the Illinois Department of Public Aid and will apply her considerable skills, legendary work ethic and charming sense of humor as Director of Communications;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 9, 2001, as ELLEN FELDHAUSEN DAY in Illinois

Issued by the Governor July 3, 2001.
Filed by the Secretary of State July 12, 2001.

2001-397
PERU DAY

WHEREAS, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

WHEREAS, it is further recognition as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world; and

WHEREAS, Peruvians and Peruvian-Americans make significant contributions to the strength, diversity, and prosperity of Illinois, as friendly relations exist between Peru and Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2001, as PERU DAY in Illinois

Issued by the Governor July 3, 2001.
Filed by the Secretary of State July 12, 2001.

2001-398
BATTEN DISEASE AWARENESS WEEK

WHEREAS, Batten Disease is an inherited, degenerative, neurological disease which may affect a person of any age, but primarily strikes infants, toddlers and school-age children; and

WHEREAS, Batten Disease is rarely diagnosed immediately and is often mistaken for epilepsy, mental retardation, retinitis pigmentosa, even schizophrenia in adults; and

WHEREAS, there is no known cure for Batten Disease but there are recent medical breakthroughs; and

WHEREAS, the Batten Disease Support and Research Association (BDSRA) was created to provide information, medical referrals and support along with furthering the efforts of research to find a viable treatment and eventual cure; and

WHEREAS, BDSRA is the primary organization supporting families affected by this disease in the United States, Canada and other regions of the world; and

WHEREAS, the BDSRA is hosting the Thirteenth Annual International Family Conference in Oak Brook, Illinois, to inform and educate the
general public, the medical community, and individuals with Batten Disease and their families; and

WHEREAS increased understanding and awareness of Batten Disease will ensure hope of a better future for people affected, as well as provide a stimulus for increased research to identify a cure;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 23-29, 2001, as BATTEN DISEASE AWARENESS WEEK.

Issued by the Governor July 10, 2001.

Filed by the Secretary of State July 12, 2001.

2001-399


WHEREAS, children face decisions about using alcohol, tobacco, and other drugs as early as their elementary school years; and

WHEREAS, it is critical to reach adolescents between the ages of 10 and 14 with anti-drug messages and encouragement to remain drug-free; and

WHEREAS, research shows that this age group wants positive reinforcement for their decisions to avoid drugs; and

WHEREAS, parents, teachers and community leaders play an important role in keeping youth real to themselves and drug-free; and

WHEREAS, Illinois’ Futures for Kids program has developed the innovative Be Real campaign to capture the attention of 10-14-year-olds and help them believe that it is cool to be drug-free; and

WHEREAS, Be Real is the theme of the 2001 Illinois Red Ribbon Campaign, sponsored by the Illinois Drug Education Alliance (IDEA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20-28, 2001, as Be Real Red Ribbon Week, and October 22, 2001 as Be Real Day in Illinois, and urge all citizens to do what they can to help our youth “be real” and drug-free.

Issued by the Governor July 10, 2001.

Filed by the Secretary of State July 12, 2001.

2001-400

CENTENNIAL CELEBRATION OF THE CITY OF ZION

WHEREAS, the unique history of the City of Zion as one of the most representative religious utopias and planned industrial communities established in the Twentieth Century affords the City an interesting heritage with the necessary prerequisites for historic preservation; and

WHEREAS, the City of Zion was founded in 1900 by Dr. John Alexander Dowie, who was for several years prior a minister in Melbourne, Australia; and

WHEREAS, the City of Zion was established by Dowie as a city for God’s people and religious industrial community, located seven miles north of Waukegan on the shore of Lake Michigan; and

WHEREAS, according to Judge V.V. Barnes in his book History of Lake County, the original plan for the structure of the City of Zion was the first equal Elicott and L’Enfant’s design of Washington D.C.; and

WHEREAS, the unique history of Zion, its religious background and the continuing presence of the Christian Catholic Church, the recent
plans and development of the city, the number of existing original buildings, the public awareness of the history of the city and the institution of the Zion historical society all lend credibility to the idea of preserving the historical areas of the City of Zion;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 25 as the CENTENNIAL CELEBRATION OF THE CITY OF ZION in Illinois.

Issued by the Governor July 10, 2001.
Filed by the Secretary of State July 12, 2001.

2001-401
DAY FOR THE CENTENNIAL CELEBRATION OF THE VILLAGE OF WINTHROP HARBOR

WHEREAS, this area was settled by early settlers in search of farmlands, primarily from the Eastern United States and Western Europe; and

WHEREAS, these settlers came to Illinois in order to escape difficult situations, such as financial panic and decline in agriculture, naming the area Spring Bluff; and

WHEREAS, the name for the village was changed in 1894 to Winthrop Harbor, derived from the Winthrop Harbor & Dock Company that purchased 2,700 acres of land platted the area for development; and

WHEREAS, in 1899 Simpson Manufacturing Company was established as the first industry in the community, producing all types of brick forming and handling machinery on the North side of Main Street, east of the Northwestern tracks; and

WHEREAS, in 1902 the first Village Hall was constructed in Winthrop Harbor on Main Street between College and Kirkwood Avenues; and

WHEREAS, also at this time the Chicago, Waukegan and North Shore Electric Railroad received permission to operate within the Village, and maintained their presence in the community until 1963; and

WHEREAS, Carl Swanson, a resident of the area, flew the first airmail from Winthrop Harbor to Waukegan; and

WHEREAS, today the Village is a “bedroom” community of small businesses and residential homes, located between Chicago and Milwaukee; and

WHEREAS, the Village has continued to experience steady residential growth in recent years, which can be attributed to the lovely tree-lined streets, parks, bike trails and strict enforcement of zoning ordinances; and

WHEREAS, the Village of Winthrop Harbor has endured and survived a rich history, and is the “cornerstone of Illinois”;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 15, 2001 as the DAY FOR THE CENTENNIAL CELEBRATION OF THE VILLAGE OF WINTHROP HARBOR in Illinois.

Issued by the Governor July 10, 2001.
Filed by the Secretary of State July 12, 2001.

2001-402
DRS. ROBERT AND VIRGINIA LEWIS DAY

WHEREAS, societal solidarity comes from individual understanding and tolerance among members of all races and cultures; and
WHEREAS, in a state that is fortunate to be diverse in population, all citizens of Illinois are indebted to the pioneers who fought to bring awareness to the forefront; and
WHEREAS, Dr. Robert E. Lewis, a Harvard graduate and son of a former slave, persevered in his dreams of a multi-racial educational system, defying prejudices and becoming the first African American male principals appointed in the Chicago public school system; and
WHEREAS, his wife of 62 years, Dr. Virginia Lewis, also helped to establish a more multi-cultural learning environment as principal of the Wendall Phillips High School Academy in Chicago;
WHEREAS, Dr. Robert Lewis’ passing on May 7th, 2001 at the age of 98 deprives our state and nation of a great visionary and leader;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2001 as DRS. ROBERT AND VIRGINIA LEWIS DAY in Illinois.
Issued by the Governor July 10, 2001.
Filed by the Secretary of State July 12, 2001.

2001-403
SIGN LANGUAGE INTERPRETER AWARENESS MONTH

WHEREAS, there are about 986,648 deaf and hard hearing people in Illinois; and
WHEREAS, statewide, interpreters provide hundreds of thousands of hours of interpreting service every year; and
WHEREAS, interpreting enables deaf, hard of hearing and hearing people to communicate effectively in a wide range of situations: hospitals, schools, businesses, government offices, courts, police departments, theaters, museums, parks and many other settings; and
WHEREAS, the need to create an awareness of the interpreting profession is imperative because the need for qualified interpreters exceeds the supply;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001, as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.
Issued by the Governor July 10, 2001.
Filed by the Secretary of State July 12, 2001.

2001-404
BREASTFEEDING PROMOTION MONTH

WHEREAS, breastfeeding plays an important role in protecting and promoting the health of infants as well as strengthening the bond between mother and child; and
WHEREAS, physicians, dietitians, nurses, lactation consultants, public health officials and other health professionals recognize breastfeeding as the normal and preferred infant feeding method; and
WHEREAS, communities, employers, families, friends and health professionals are encouraged to support breastfeeding; and
WHEREAS, the federal government, through the "Healthy People 2010" program, has set a national goal to increase the number of breastfed babies to 75 percent by the year 2010; and
WHEREAS, during the month of August, the Illinois Department of Human Services, in conjunction with regional breastfeeding task forces,
public and private organizations, physicians and hospital throughout Illinois, will be promoting the importance of breastfeeding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as BREASTFEEDING PROMOTION MONTH in Illinois.

Issued by the Governor July 17, 2001.
Filed by the Secretary of State July 19, 2001.

2001-405
DOLORES A. CAMPAGNOLO DAY

WHEREAS, Dolores A. Campagnolo began her employment with the State of Illinois, Department of Financial Institutions, Consumer Credit Division, on September 27, 1982; and
WHEREAS, Dolores A. Campagnolo has provided professional, dedicated and loyal services to the people of the State of Illinois and to the Illinois Department of Financial Institutions; and
WHEREAS, the work ethic demonstrated by Dolores A. Campagnolo served as an example to all employees of the Illinois Department of Financial Institutions; and
WHEREAS, Dolores A. Campagnolo’s hard work and conscientious efforts directly contributed to many of the Illinois Department of Financial Institution’s successes;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26, 2001, as DOLORES A. CAMPAGNOLO DAY in Illinois

Issued by the Governor July 17, 2001.
Filed by the Secretary of State July 19, 2001.

2001-406
MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and
WHEREAS, our state’s growth and prosperity depend on the full participation of all Illinois citizens; and
WHEREAS, it is the policy in Illinois to promote and encourage the economic development of minority owned businesses; and
WHEREAS, for the past 19 years, this state has made great advances in increasing the participation of the minority community in state business; and
WHEREAS, on September 20, business and professional leaders from across the region will join together at the 19th Annual Minority Enterprise Development Week awards ceremony to honor Chicago’s outstanding minority business entrepreneurs throughout the state for 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-21, 2001, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois.

Issued by the Governor July 17, 2001.
Filed by the Secretary of State July 19, 2001.
2001-407

JPMORGAN CHASE CORPORATE CHALLENGE DAY

WHEREAS, JPMorgan Chase will sponsor the JPMorgan Chase Corporate Challenge 25th Annual 5-Mile Run & Walk in Chicago on Thursday, August 9th, 2001; and
WHEREAS, the purpose of the Corporate Challenge is to promote goodwill within the corporate community while providing fitness opportunities in the corporate environment; and
WHEREAS, the Corporate Challenge is the largest corporate road race in the State of Illinois, with over 18,000 runners representing over 700 companies; and
WHEREAS, the Chase Corporate Challenge is a four-continent international series holding events in 15 different U.S. cities and internationally in London, England, Frankfurt, Germany, and Sydney, Australia, with over 200,000 participants from over 70,000 companies; and
WHEREAS, the Chicago event, consisting of 3.5 miles, starting at 7:00 p.m. for the White Start and 7:20 p.m. for the Yellow Start, will take place in the heart of downtown Chicago, beginning at the corners of Columbus and Balbo Drives and utilizing the roadways around Grant Park; and
WHEREAS, in addition to JPMorgan Chase, this international event is sponsored nationally by American Airlines, Business Week, The New York Times, Saucony, and Tiffany & Co. and locally by the Hilton Chicago and Towers and Sparkling Spring Water;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 9, 2001, as JPMORGAN CHASE CORPORATE CHALLENGE DAY in Illinois.

Issued by the Governor July 18, 2001.
Filed by the Secretary of State July 19, 2001.

2001-408

MINORITY WOMEN’S NETWORK DAYS

WHEREAS, the Illinois Minority Women’s Network is striving to provide high quality forums for employment and leadership activities to help individuals address regional and state issues; and
WHEREAS, Networking Together XXII, a Minority Women’s Conference “For Women of the 21st Century: Knowledge is a Powerful Medicine,” will be held August 2-4, 2001, in Chicago at the Hyatt-University Inn; and
WHEREAS, the issues of employment, personal and professional growth, health, diversity, family and other related matters will be explored at the conference; and
WHEREAS, the conference recognizes the significant role that minority women play in our society and the importance of their economic and personal development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2–4, 2001, as MINORITY WOMEN’S NETWORK DAYS in Illinois.

Issued by the Governor July 18, 2001.
Filed by the Secretary of State July 19, 2001.
2001-409

100TH ANNIVERSARY OF THE GRAND TEMPLE DAUGHTERS OF THE IMPROVED BENEVOLENT PROTECTIVE ORDER OF THE WORLD

WHEREAS, the Daughters of Elks was formed on June 13, 1902, to become affiliated with and work in harmony with all the brother elks within the Grand Lodge; and
WHEREAS, the Daughters of Elks was formed by Mrs. Emma V. Kelly, an educator who taught in the rural schools of Virginia, who was inspired with a vision of enhancing and promoting growth and development of women during her era; and
WHEREAS, the Grand Lodge Brothers and the Grand Temple Daughters of Elks Subordinate Lodges and Temples are located throughout the territorial range of the United States of America, Canada, Panama, the Bahamas, Barbados, and the Virgin Islands; and
WHEREAS, under the exceptional dynamic leadership of Dr. Jean C.W. Smith, Daughter Ruler and Dr. Donald P. Wilson, Grand Exalted Ruler of the I.B.P.O.E. of W., the Elks have soared to over 350,000 members;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 8, 2001 as the 100TH ANNIVERSARY OF THE GRAND TEMPLE DAUGHTERS OF THE IMPROVED BENEVOLENT PROTECTIVE ORDER OF THE WORLD in Illinois.

Issued by the Governor July 18, 2001.
Filed by the Secretary of State July 19, 2001.

2001-410

A SOCCER ODYSSEY DAY

WHEREAS, the purpose of the Illinois State Soccer Association is to serve its membership in providing for the development, promotion, supervision and administration of adult amateur soccer in the State of Illinois; and
WHEREAS, aside from promoting the game, the Illinois State Soccer Association’s administrative duties include, but are not restricted to, registration, player discipline, insurance administration and record keeping. Other responsibilities include the organization of various cups, the Illinois Select Teams and the promotion of international games; and
WHEREAS, the Illinois State Soccer Association has been in existence for more than 85 years and is the governing body of adult soccer in Illinois; and
WHEREAS, the Illinois State Soccer Association is affiliated with the United States Amateur Soccer Association (USASA) and the United States Soccer Federation (USSF); and
WHEREAS, the Illinois State Soccer Association is comprised of over 22 affiliated soccer leagues overseeing approximately 18,000 players. Its committees include referee and coaching units which license thousands of people annually; and
WHEREAS, the members of the Illinois State Soccer Association are located throughout Chicago, its suburbs, and central and southern Illinois. Members are men and women, young adults through veterans, competitive and recreational, indoor and outdoor;
WHEREAS, the Ghana National Council of Metropolitan Chicago was registered as a not-for-profit corporation with the Illinois Secretary of State’s Office on January 4, 1984; and
WHEREAS, the corporation is community based and seeks to promote general welfare and unity, establish and maintain friendly relations, promote better understanding and educate the general community about Ghanaian, other African, African American and the Caribbean cultures; and
WHEREAS, volunteer members of the Ghana National Council of Metropolitan Chicago organize an annual festival to promote and educate the general public about the Ghanaian and African cultural heritage, featuring programs that educate and enlighten the public and youth; and
WHEREAS, on Saturday, July 28, 2001, the Ghana National Council of Metropolitan Chicago will celebrate the 12th annual Ghanafest in Washington Park;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2001, as GHANAFEST DAY in Illinois.
Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

WHEREAS, the City of Chicago, Illinois, on August 3-5, is the site of the 2001 Annual and North American Regional Meetings of Lex Mundi, the world’s leading association of independent law firms; and
WHEREAS, Lex Mundi is composed of 158 member law firms with 14,000 attorneys located in 375 offices in 150 countries, states and provinces; and
WHEREAS, the host law firm for the 2001 Lex Mundi meetings is Sonnenschein Nath & Rosenthal, the exclusive Illinois member of Lex Mundi; and
WHEREAS, Sonnenschein Nath & Rosenthal, a 500-member law firm headquartered in Chicago, Illinois, since its founding in 1906, is host to the 300 Lex Mundi members and guests from throughout the Americas, Europe, Asia and Africa who will attend the meetings in Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3-5, 2001, as LEX MUNDI DAYS in Illinois.
Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

WHEREAS, since 1986, over 70 countries have joined the Sri Chinmoy Peace-Blossoms program to symbolize the worldwide hope for peace; and
WHEREAS, transcending national, racial, religious, social and cultural barriers, the Sri Chinmoy Peace Blossoms serve as daily
reminders to millions of people that as human beings we have far more in common to unite us than we have differences to divide us; and

WHEREAS, the Peace-Blossoms take their name from Sri Chinmoy, an international peace advocate who has been spreading a message of peace by fostering peace within the hearts and lives of individuals in many nations through his creative literary, musical and artistic offerings; through his inspirational Oneness-Home Peace Run; and through his encouragement of the spirit of self-improvement and mutual harmony among world luminaries and local citizens alike; and

WHEREAS, the Sri Chinmoy Oneness-Home Peace Run is an international relay run whose runners carry an Olympic-style Peace Torch through communities worldwide offering each person the chance to join and take a step for peace; and

WHEREAS, the Peace Run began on April 14, 2001, in New York and will enter the State of Illinois at Richmond on July 23 and reach Chicago on July 24; and

WHEREAS, the role of a Sri Chinmoy Peace-Blossom State is to encourage its citizens and neighbors to foster humanity’s most precious resource of peace, thereby ensuring that this land will be both fruitful and fulfilling for all of our citizens and for all those who succeed us;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the State of Illinois as a SRI CHINMOY PEACE STATE.

Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

2001-414
CHITRAHAR NIGHT 2001: A REUNION

WHEREAS, Chitrahar Broadcasting is holding its much-anticipated 18th annual cultural community event at the Chicago Hilton & Towers, International Ballroom at 7 p.m. on Saturday, July 21, 2001; and

WHEREAS, Chitrahar is the only television program that caters to the social, cultural and political needs of the entire South Asian community in the Midwest for the past two decades; and

WHEREAS, to further preserve the South Asian culture among future generations, Chitrahar presents Chitrahar Night, an extravaganza of music, food, pageantry, dramas, exotic fashions, and folk, film, and classical dances from South Asia; and

WHEREAS, Chitrahar also recognizes the efforts of individuals who work with the community and who have excelled within the fields of medicine, science and business with an awards presentation at each event;


Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

2001-415
HEATHER’S LAW DAY

WHEREAS, the State of Illinois is committed to the safety of all its citizens, communities and visitors; and

WHEREAS, this commitment encompasses the driving and riding public; and

...
WHEREAS, House Bill 2161, known as Heather’s Law, amends the Illinois Vehicle Code to allow the Secretary of State to deny the issuance or renewal of a permit to a minor driver who has pending charges of causing an accident that resulted in a fatality or other serious injury; and
WHEREAS, this bill will protect our young drivers and help eliminate injuries and deaths caused by negligent behavior, such as the death of Heather Rae Sandstrom, for whom this bill is named; and
WHEREAS, Heather was on the Honor Roll throughout her years at Springfield Public Schools; and
WHEREAS, Heather was an active member of Springfield Southeast High School’s cheerleading squad; and
WHEREAS, Heather was voted by her peers as a member of Springfield Southeast High School’s Homecoming Court her freshman year 1999-2000; and
WHEREAS, the students, faculty and staff of Springfield Southeast High School deserve a special thanks for their successful support of this bill;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 24, 2001, as HEATHER’S LAW DAY in Illinois in honor of Heather Rae Sandstrom.
Issued by the Governor July 23, 2001.
Filed by the Secretary of State July 26, 2001.

2001-416
BUFFALO GROVE HIGH SCHOOL FITNESS CENTER DAY

WHEREAS, perseverance, teamwork, self-discipline, commitment to a goal and the belief in racial, gender and ethnic equality are fostered by and promoted by both academic and athletic pursuits; and
WHEREAS, it takes tremendous dedication and hard work for a student to be successful both in the classroom and in fitness objectives; and
WHEREAS, the integration of modern technology into exercise and health studies, combined with the opportunity, supervision and equipment works to provide students with the best possible environment to gain the benefits that regular exercise can offer; and
WHEREAS, the dedication of two years toward planning and fund raising by the school for its new fitness center has resulted in a state-of-the-art facility;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17, 2001, as BUFFALO GROVE HIGH SCHOOL FITNESS CENTER DAY in Illinois.
Issued by the Governor July 25, 2001.
Filed by the Secretary of State July 26, 2001.

2001-417
NATIONAL BLACK PROSECUTOR ASSOCIATION DAYS

WHEREAS, the National Black Prosecutors Association (NBPA) is the only professional membership organization dedicated to the advancement of blacks as prosecutors; and
WHEREAS, NBPA is emerging as the international association of black law enforcement professionals with a reputation for providing
education and leadership in the legal profession through its intensive training sessions and multi-disciplined networking; and

WHEREAS, the Association’s membership is comprised of more than 800 prosecutors nationwide and in Canada, and includes current and former prosecutors, law students and law enforcement personnel; and

WHEREAS, the goal of the NBPA is to ensure not only retention of blacks in prosecution, but also to correct the dramatic inequity that exists with respect to black representation in the executive ranks of prosecutors’ offices; and

WHEREAS, a further goal is to recruit, train and mentor younger aspiring lawyers for leadership roles in the years ahead; and

WHEREAS, NBPA will hold its 18th annual convention from August 19-25, 2001, in Chicago; and

WHEREAS, the theme of this year’s convention is “Saving Children, Protecting Victims and Serving Justice”;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19-25, 2001, as NATIONAL BLACK PROSECUTOR ASSOCIATION DAYS in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-418

POLISH SOLDIER DAY

WHEREAS, in 1921, Poland proclaimed August 15 as Polish Soldier Day to celebrate the victory over the Red Army at the Battle on Vistula on August 15, 1920; and

WHEREAS, in pre-war Poland, Polish Soldier Day was an important and popular holiday, commemorating the glorious past of the military in the country’s struggle for independence and serving as an occasion to grant distinctions to Poland’s servicemen; and

WHEREAS, although the communists ceased observing Polish Soldier Day, it was re-established as a state holiday by the new government in 1990, thus carrying on a pre-war tradition; and

WHEREAS, Polish Americans contribute greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government and public services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 15, 2001, as POLISH SOLDIER DAY in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-419

SCHWABEN VEREIN DAYS

WHEREAS, the Schwaben Verein will be celebrating its 124th Schwaben Fest (Cannstatter Volksfest) this year on August 17-19, 2001, at the Schwaben Center in Buffalo Grove, Illinois; and

WHEREAS, thanks to the hard work of President George Boehm and the Board of Directors of the Schwaben Verein, as well as the individual members who donate their time, the Festival will be successful; and

WHEREAS, the Schwaben Verein was founded in the year 1878 in Chicago to promote and protect the Schwaben heritage and culture; and
WHEREAS, the Schwaben Verein is still promoting their heritage today by sponsoring many functions each year;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17-19, 2001, as SCHWABEN VEREIN DAYS in Illinois.
Issued by the Governor July 25, 2001.
Filed by the Secretary of State July 26, 2001.

2001-420
UKRAINIAN INDEPENDENCE DAY

WHEREAS, Ukrainian Americans are exemplary citizens who still preserve their traditions, take pride in the history of freedom, and believe in equality and human rights; and
WHEREAS, Ukrainian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and
WHEREAS, the Ukrainian community of the Chicago metropolitan area will be commemorating the 10th anniversary of Ukraine’s declaration of independence; and
WHEREAS, the program will include a religious service, dignitaries will speak and Ukrainian American singing and dancing groups will perform; and
WHEREAS, there will be a Ukrainian independence memorial plaque unveiling at the Ukrainian Cultural Center; and
WHEREAS, we are grateful for their significant contributions to the advancement of the arts, science, business, medicine, and education to our state and its citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2001, as UKRAINIAN INDEPENDENCE DAY in Illinois.
Issued by the Governor July 25, 2001.
Filed by the Secretary of State July 26, 2001.

2001-421
FAMILY DAY

WHEREAS, communication among family members is an important component in preventing substance abuse and addiction; and
WHEREAS, research conducted by the National Center on Addiction and Substance Abuse at Columbia University has demonstrated a correlation between the frequency that children eat dinner with their parents and the likelihood they are to smoke, use illegal drugs, or abuse alcohol; and
WHEREAS, reserving time to be spent each day as a family has shown to discourage illegal substance and alcohol abuse by more than 30 percent of adolescents; and
WHEREAS, teens from families who do not regularly eat dinner together are 70 percent more likely to engage in such behavior;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 24, 2001, as FAMILY DAY in Illinois.
Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.
2001-422

ILLINOIS CHIROPRACTIC SOCIETY DAY

WHEREAS, the Governor of Illinois is pleased to recognize milestone events in the history of organizations in the State of Illinois; and
WHEREAS, the Illinois Chiropractic Society is celebrating its 75th anniversary this year; and
WHEREAS, the Illinois Chiropractic Society has been an ever present organization representing chiropractic physicians throughout the state; and
WHEREAS, since its incorporation on September 20, 1926, the Illinois Chiropractic Society has been an outspoken proponent of the science of chiropractic and the physicians who practice this health care delivery system; and
WHEREAS, under the Illinois Chiropractic Society's legislative and educational leadership, chiropractic has contributed greatly to the better health care of our state’s citizens; and
WHEREAS, the Illinois Chiropractic Society has celebrated 75 years of progressive advocacy for both its member physicians and the health of the general public;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 20, 2001, as ILLINOIS CHIROPRACTIC SOCIETY DAY in Illinois.

Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.

2001-423

JEFFREY M. VER STEEG

WHEREAS, Jeffrey M. Ver Steeg joined the Department of Conservation, now the Department of Natural Resources, in 1979 as a District Wildlife Biologist housed in Antioch and also in Charleston until 1990; and
WHEREAS, Jeffrey M. Ver Steeg served with distinction as Chief of the Division of Wildlife Resources from February 1990 to the present; and
WHEREAS, Jeffrey M. Ver Steeg is highly respected by IDNR staff, colleagues across the country and constituency groups for his honesty, integrity and professionalism; and
WHEREAS, Jeffrey M. Ver Steeg has greatly contributed to the proper management of our wildlife resources, has been a strong advocate for hunting and trapping and has been instrumental in strengthening hunting and trapping opportunities for Illinois citizens; and
WHEREAS, during Jeffrey M. Ver Steeg's tenure he reorganized the Private Lands Habitat Management Program which improved the state's wildlife restoration efforts, oversaw a modernization of Illinois' deer management program and concluded the restoration phase of Illinois' wild turkey project; and
WHEREAS, Jeffrey M. Ver Steeg's involvement on the International Association of Fish and Wildlife Agencies' President's Ad Hoc Committee on Baiting changed the strict liability law on waterfowl baiting, and subsequently the Migratory Bird Treaty Act; and
WHEREAS, Jeffrey M. Ver Steeg served as the Department's point person with numerous organizations such as the Mississippi Flyway...
Council, Association of Midwest Fish and Wildlife Agencies, International Association of Fish and Wildlife Agencies; and WHEREAS, Jeffrey M. Ver Steeg served as a dedicated member and leader of various professional organizations including: President of the North Central Section of The Wildlife Society, Past-President of the Illinois Chapter-The Wildlife Society, National Bow Hunter Education Foundation, and College of Sciences Advisory Board of Eastern Illinois University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, offer a sincere thank you for your outstanding accomplishments and wish you my heartiest congratulations on your future endeavors.

Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.

2001-424
MONSANTO’S STONINGTON, ILLINOIS, SEED PRODUCTION PLANT DAY

WHEREAS, Monsanto’s Stonington, Illinois, seed production site received the top safety classifications bestowed by the U.S. Occupational Safety and Health Administration (OSHA); and WHEREAS, the Stonington site, which prepares soybean seeds for distribution to farmers, is the latest of several Monsanto seed sites to receive recognition as OSHA Voluntary Protection Program (VPP) Star sites; and WHEREAS, to earn the star designation, a plant must undergo a rigorous OSHA audit showing that its safety programs and practices reach high levels of excellence. The plant must also have an accident rate that is below the rest of the industry; and WHEREAS, the overall assessment of the team is that the Monsanto site is an outstanding facility. The company demonstrated the great commitment necessary to create a highly effective safety and health environment; and WHEREAS, achieving VPP Star status was a group effort and that the support and work of all employees at the site was necessary to achieve certification;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 23, 2001, as MONSANTO’S STONINGTON, ILLINOIS, SEED PRODUCTION PLANT DAY in Illinois.

Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.

2001-425
MURPHYSBORO BARBECUE COOKOFF DAYS

WHEREAS, Illinois State Murphysboro Barbecue Cookoff is being held September 20-22, 2001; and WHEREAS, the State of Illinois Cookoff is the largest and most distinguished cookoff in the State of Illinois; and WHEREAS, the Murphysboro Barbecue Cookoff honors its ambassadors;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 20-22, 2001, as MURPHYSBORO BARBECUE COOKOFF DAYS in Illinois.

Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.
2001-426
PROSTATE CANCER AWARENESS MONTH

WHEREAS, prostate cancer is the most commonly diagnosed non-skin form of cancer and the second leading cause of cancer-related deaths among men; and
WHEREAS, the American Cancer Society estimates that 56,800 new cancer cases will be diagnosed this year in Illinois and 9,000 will involve cancer of the prostate, resulting in an estimated 1,400 deaths from prostate cancer; and
WHEREAS, this issue needs to be brought to the forefront, not only in educating men about the disease, but reminding them of the importance of early screening;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as PROSTATE CANCER AWARENESS MONTH in Illinois.
Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.

2001-427
RAY WILLAS DAY

WHEREAS, on September 8, 2001, the Village of Harwood Heights will be honoring its former mayor, Ray Willas; and
WHEREAS, Mr. Willas served as mayor for 28 years in the community of Harwood Heights, from 1973 until 2001; and
WHEREAS, under his stewardship, the Village of Harwood Heights was fiscally conservative; and
WHEREAS, Mr. Willas had a major hand in getting free public transportation for residents in the form of a Helper Bus; and
WHEREAS, Mr. Willas also worked with local schools to make them more community-based, and expanded the police department; and
WHEREAS, in addition, Mr. Willas helped to oversee a responsive Public Works Department and secured two parcels of property, virtually for free, for the Village;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 15, 2001, as RAY WILLAS DAY in Illinois.
Issued by the Governor August 1, 2001.
Filed by the Secretary of State August 2, 2001.

2001-428
DIABETES PREVENTION MONTH

WHEREAS, approximately 499,700 adults in Illinois have been diagnosed with diabetes and an additional 3 million people in Illinois are at increased risk of undiagnosed diabetes because they have the risk factors of age, obesity and sedentary lifestyles; and
WHEREAS, total annual costs of diabetes, both direct and indirect, in Illinois are at least $7 billion and direct medical costs for hospitalizations, amputations and ketoacidosis are $998 million; and
WHEREAS, type 2 diabetes can be prevented in those at high risk by such changes in lifestyle and improved diet, increased physical activity, and/or modest weight loss; and
WHEREAS, numerous studies support that people with diabetes can prevent or delay the progression of complications by practicing goal-
oriented management of blood glucose, lipids and blood pressure; receiving diabetes self-management education; ensuring proper food intake and physical activity to help achieve target values; maintaining a healthy body weight; and receiving annual eye and foot exams; and

WHEREAS, during the month of September 2001 the Illinois Department of Human Services, in coordination with the Diabetes Control Program’s “Nutrition and Physical Activity in the Prevention and Control of Type 2 Diabetes” workshop, will be promoting the importance of preventing diabetes and its complications;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as DIABETES PREVENTION MONTH in Illinois.

Issued by the Governor August 2, 2001.
Filed by the Secretary of State August 2, 2001.

2001-429
EDO NATIONAL ASSOCIATION DAY

WHEREAS, during its nine years of existence, the Edo Association of the Americas, Inc. has purchased medicine, chairs, books and computers for the schools in Edo state; and

WHEREAS, these supplies have benefited all grade levels from elementary schools to universities; and

WHEREAS, the association is also responsible for boring water holes for the Edo people located in communities that were in desperate need of fresh water sources; and

WHEREAS, the members of the Edo National Association are volunteering to share their multi-cultural heritage with schools in Chicago as well as throughout the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 1, 2001, as EDO NATIONAL ASSOCIATION DAY in Illinois.

Issued by the Governor August 2, 2001.
Filed by the Secretary of State August 2, 2001.

2001-430
GYNECOLOGIC CANCER AWARENESS MONTH

WHEREAS, despite the fact that more than 80,000 women are diagnosed with gynecologic cancer each year, the disease remains shrouded in mystery and misunderstanding; and

WHEREAS, in an effort to dispel some of those myths and misunderstandings, the Gynecologic Cancer Foundation has established September as Gynecologic Awareness Month; and

WHEREAS, the Gynecologic Cancer Foundation is a not-for-profit charitable foundation committed to advancing the care of women who are at risk or have been diagnosed with cancer of the reproductive organs; and

WHEREAS, the Gynecologic Cancer Foundation exemplifies this commitment through gynecologic cancer research grants and programs, readily accessible information and resources, and by spreading the message of prevention, early detection, and empowerment through knowledge to the public; and

WHEREAS, the lack of awareness about ovarian cancer often contributes to late diagnoses of the disease’s progression; and
WHEREAS, late stage diagnoses can cut a woman’s survival rate in half, demonstrating that increased awareness and education is crucial; and

WHEREAS, the Gynecologic Cancer Foundation was formed under the philanthropic arm of the Society of Gynecologic Oncologists, a professional society of physicians who specialize in gynecologic oncology; and

WHEREAS, the Society of Gynecologic Oncologists is the only U.S. medical organization dedicated to the prevention, detection and cure of reproductive cancers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 2, 2001.
Filed by the Secretary of State August 2, 2001.

2001-431
GUBERNATORIAL PROCLAMATION

A severe storm system accompanied by heavy rainfall on August 2, 2001 moved through the City of Chicago and Cook County. This rainfall caused flash flooding, which resulted in sewer backup and water in basements causing damage to personal property, disruption of commerce, and damage to public property.

In the interest of responding to the threat imposed to public health and safety as a result of this flash flooding, I hereby declare that a disaster exists in the City of Chicago and Cook County, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist in disaster response and recovery operations. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor August 6, 2001.
Filed by the Secretary of State August 6, 2001.

2001-432
CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce work with Illinois businesses, merchants, and industry to advance the civic, economic, industrial, professional, and cultural life of our state; and

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 163 years, since the Galena Chamber of Commerce was founded in 1838; and

WHEREAS, this year marks the 82nd anniversary of the founding of the Illinois State Chamber of Commerce, the state’s leading broad-based business organization; and

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, schools, and the business community; and
WHEREAS, this year marks the 86th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for chamber of commerce professionals; and

WHEREAS, Illinois is the home to international chambers of commerce, the Great Lakes Region of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 350 local chambers of commerce;


Issued by the Governor August 3, 2001.
Filed by the Secretary of State August 9, 2001.

2001-433
CONSTITUTION WEEK

WHEREAS, September 17, 2001, marks the 214th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and

WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American Colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, the National Society of the Daughters of the American Revolution will be celebrating Constitution Week from September 17 through 23, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2001, as CONSTITUTION WEEK in Illinois.

Issued by the Governor August 3, 2001.
Filed by the Secretary of State August 9, 2001.

2001-434
DELTA SIGMA THETA 44TH ANNUAL EBONY FASHION SHOW DAY

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc., is welcoming the 44th Annual Premier Showing of the Ebony Fashion Fair; and

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 210,000 women around the world, of which 5,000 are active in the State of Illinois; and

WHEREAS, these 5,000 college educated Sorors hold key leadership positions and are dedicated to public service throughout the state; and

WHEREAS, Joliet Area South Suburban Chapter remains committed to today's youth and the 44th Annual Ebony Fashion Show will provide scholarships and continuous involvement in the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12, 2001, as DELTA SIGMA THETA 44th ANNUAL EBONY FASHION SHOW DAY in Illinois.
Issued by the Governor August 3, 2001.
Filed by the Secretary of State August 9, 2001.

2001-435
MARVIN AND CAROLYN QUNELL’S 50TH WEDDING ANNIVERSARY

WHEREAS, successful and lasting marriages are dependent upon solid foundations; and
WHEREAS, Marvin and Carolyn Qunell’s enduring commitment is a testimony to their special bond; and
WHEREAS, over the course of 50 years of marriage there have surely occurred many happy times and difficult challenges that have strengthened their love and friendship;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 8, 2001, as MARVIN AND CAROLYN QUNELL’S 50TH WEDDING ANNIVERSARY, and wish them many more years of happiness.
Issued by the Governor August 3, 2001.
Filed by the Secretary of State August 9, 2001.

2001-436
GET FOCUSED! CHILDREN’S VISION AWARENESS DAY

WHEREAS, vision disorders are the fourth most common disability in the U.S. and the most prevalent handicapping condition in childhood; and
WHEREAS, only about 14 percent of children under the age of six receive an eye exam; and
WHEREAS, one of every six children is two or more grade levels behind in reading, and 80 percent of these children have difficulty in eye control and coordination; and
WHEREAS, 25 percent of junior high school age children can’t read the blackboard because of near-sightedness; and
WHEREAS, it is important to inform parents and teachers who may have difficulty recognizing some vision problems in children; and
WHEREAS, untreated eye problems can affect learning ability, personality, adjustment in school, athletic ability and self-esteem; and
WHEREAS, the importance of education is a key national focus today, but the essential role of good vision is often overlooked; and
WHEREAS, Sight for Students with Prevent Blindness, Head Start and other community benefit programs with a focus on vision are conducting screenings at the U.S. Capitol, State Capitol and/or major cities across the nation September 26;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26, 2001, as GET FOCUSED! CHILDREN’S VISION AWARENESS DAY in Illinois.
Issued by the Governor August 6, 2001.
Filed by the Secretary of State August 9, 2001.
WHEREAS, the Illinois State Council of the Knights of Columbus will celebrate and conduct the 32nd annual fund drive for their Departmental Disabilities Program. This 32nd Anniversary Drive will be held September 21-22 to benefit our citizens with developmental disabilities. Last fall, the Knights of Columbus raised more than $1.7 million, which was distributed to more than 300 organizations throughout Illinois; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to allow youngsters to participate in the local and statewide Special Olympics program; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided more than $5 million to build or reconstruct 37 homes for citizens with developmental disabilities in all six Diocese in Illinois; and

WHEREAS, since the Illinois State Council of the Knights of Columbus initiated this program, 47 other states have activated similar campaigns to provide much needed financial assistance for the developmentally disabled;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 21-22, 2001, as HELP CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois.

Issued by the Governor August 6, 2001.
Filed by the Secretary of State August 9, 2001.

2001-438
PUBLIC LANDS DAY

WHEREAS, Illinois’ system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the good will, cooperation and active support of citizens, community, city, and state officials, business leaders, children and adults; and

WHEREAS, the Civilian Conservation Corps gave our nation a magnificent legacy of stewardship of our treasured natural resources that is being passed to younger generations; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, an alliance between private citizens, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2001, as PUBLIC LANDS DAY in Illinois.
WHEREAS, the Illinois State Fair is recognized for its excellent promotion and award presentations of Illinois products, 4-H educational projects, and local, state, and national animal husbandry; and
WHEREAS, the Illinois State Fair is grateful to the various corporate sponsors who continue to provide financial assistance; and
WHEREAS, the Illinois State Fair continues its commitment to provide quality family entertainment for all ages, which enabled Kids Korner to begin in 1989; and
WHEREAS, Brian Raney, along with his sister Lynette, became involved with Kids Korner in assisting with the various free programs including story-telling, toys, face-painting, infant changing stations, and cartoon drawing; and
WHEREAS, Brian created his S.T.A.R.S. character for the Students Together Are Really Spectacular club at Franklin Middle School, Springfield; and
WHEREAS, Brian was elected Treasurer of his Freshman class 2001 at Springfield Southeast High School; and
WHEREAS, Brian enjoyed growing and selling pumpkins for his church's youth group as well as his family's annual Pumpkin House display; and
WHEREAS, a special thanks to Brian's classmates, relatives, doctors, nurses and friends for their assistance to Brian and his family during his three-year challenge with cancer;
THEREFORE, due to Brian's dedication to the Illinois State Fair and friends alike, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, August 10, 2001, as BRIAN RANEY DAY in Illinois as we name this street, BRIAN RANEY AVENUE, on the Illinois State Fairgrounds, in his honor.

Issued by the Governor August 7, 2001.
Filed by the Secretary of State August 9, 2001.

2001-440

AMERICAN EGG BOARD

WHEREAS, the American Egg Board is an Illinois entity that was founded in July 1976 to promote the consumption of eggs and egg products to customers, foodservice establishments and food processors; and
WHEREAS, the American Egg Board has faithfully and consistently executed its mission, maintaining an esteemed quality of ethical and promotion standards; and
WHEREAS, the American Egg Board's efforts have resulted in a steadily growing acceptance of eggs as a staple in homes, restaurants and processed foods throughout the United States;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois do hereby commend the American Egg Board in the State of Illinois, and call up on all to recognize July 1, 2001, as the 25th anniversary of this valued Illinois association.

Issued by the Governor August 7, 2001.
WHEREAS, children all across the state are beginning a new school year; and
WHEREAS, motorists need to remember that students will be walking or biking to school in neighborhoods on sidewalks and streets, approaching or waiting at school bus stops, and boarding or alighting from buses; and
WHEREAS, AAA School Safety Patrol members in bright orange patrol belts will be on duty, guiding their fellow students as they cross busy intersections near schools, and
WHEREAS, members of the AAA School Safety Patrol will also be safeguarding students as they arrive in school buses and private vehicles; and
WHEREAS, the AAA School Safety Patrol members perform a valuable community service everyday of the school year in a responsible and effective manner, selflessly devoting their time to safeguard the lives of fellow classmate walking to and from school and the school bus stop; and
WHEREAS, the AAA School Safety Patrols service program has been credited with helping to achieve a dramatic decrease in pedestrian death rates for children between the ages of five and 14 in the United States; and
WHEREAS, motorists can help protect children by being especially careful near schools and in residential areas, watching their speed, observing traffic control devices and obeying school crossing guards; and
WHEREAS, it is important to increase all motorists’ awareness of the need to be alert for children at school crossings, to review and follow the rules of the road as they apply to school zones and school buses, and to be respectful of the AAA School Safety Patrol members as they perform their important duties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 27-September 2, 2001, as SCHOOL’S OPEN SAFETY WEEK in Illinois.

Issued by the Governor August 10, 2001.
Filed by the Secretary of State August 16, 2001.

2001-442
SHIP WEEK

WHEREAS, aging and disabled populations in Illinois are growing dramatically each year; and
WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the Illinois Insurance Department’s efforts to educate and assist Medicare beneficiaries; and
WHEREAS, more than 800 volunteers have contributed nearly 150,000 hours to assist over 115,000 clients, thereby saving Illinois citizens an excess of $6 million; and
WHEREAS, SHIP volunteers are valuable citizens who contribute both their time and talents to improve the lives of Illinois’ Medicare beneficiaries;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10-14, 2001, as SHIP WEEK in Illinois.
Issued by the Governor August 10, 2001.
Filed by the Secretary of State August 16, 2001.

2001-443
65TH ANNIVERSARY OF THE GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUES

WHEREAS, the George Khoury Association of Baseball Leagues strives to provide an avenue for young boys and girls to play baseball, and
WHEREAS, since the establishment of the Khoury League International in St. Louis, Missouri, in 1936 by the late George M. Khoury, a great number of young boys and girls ages 5 to 17 in Illinois, across the nation, and abroad have benefited from youth development rules that the Association provided for baseball, softball, T-ball, and umpire programs; and
WHEREAS, the Association has helped to build strong character and solid values among our youth by promoting sportsmanship that exemplifies the Golden Rule in their baseball programs; and
WHEREAS, the dedication and commitment of the great body of men and women who have volunteered their time and talent to the Association over the years have helped to mold better citizens;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize the year of 2001 as the 65th anniversary of the George Khoury Association of Baseball Leagues.
Issued by the Governor August 10, 2001.
Filed by the Secretary of State August 16, 2001.

2001-444
HUNTING AND FISHING DAY

WHEREAS, conserving Illinois’ natural and wildlife resources is one of the most important responsibilities we have to this and future generations; and
WHEREAS, hunters and anglers were among the first to realize this responsibility near 100 years ago when they saw firsthand how unregulated exploitation had caused disastrous declines in wildlife populations; and
WHEREAS, they also suggested and supported laws to establish special hunting and fishing license fees and special taxes on their equipment to pay for resource conservation programs; and
WHEREAS, hunters and anglers have contributed more than $21 billion for conservation through these fees and taxes as well as through private contributions of time, labor, and money; and
WHEREAS, the resource conservation programs supported and financed by Illinois hunters and anglers have benefited hundreds of wildlife species including deer, wild turkeys, otters, bald eagles and songbirds for the people of Illinois to enjoy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as HUNTING AND FISHING DAY in Illinois
Issued by the Governor August 13, 2001.
Filed by the Secretary of State August 16, 2001.
2001-445

ASSYRIAN MARTYR’S DAY

WHEREAS, the Assyrian-American community of Illinois is commemorating the 68th Anniversary of the Assyrian Genocide; and
WHEREAS, the extermination of over 750,000 Assyrians and the forced deportation of countless others during the early 20th Century is recognized every year; and
WHEREAS, the Assyrian-American community of Illinois holds several commemorative events including a special tribute by the Assyrian Martyrs Monument at Montrose Cemetery, a ceremony at the Assyrian Social Club, and a cultural display at the James R. Thompson Center; and
WHEREAS, Assyrians continue to be a people of faith and pride working side-by-side for the future of the Assyrian community; and
WHEREAS, Assyrian-Americans have been forthright in their efforts to preserve their culture, heritage, and language; and
WHEREAS, the Assyrian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government, and public service in Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 7, 2001, as ASSYRIAN MARTYR’S DAY in Illinois in remembrance of the 68th Anniversary of the Assyrian Genocide.
Issued by the Governor August 14, 2001.
Filed by the Secretary of State August 16, 2001.

2001-446

LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH

WHEREAS, the Illinois Environmental Health Association represents licensed environmental health practitioners in the State of Illinois; and
WHEREAS, licensed environmental health practitioners, who are trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and
WHEREAS, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and
WHEREAS, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 15-16, 2001, in Peoria;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH in Illinois.
Issued by the Governor August 14, 2001.
Filed by the Secretary of State August 16, 2001.
WHEREAS, schools make substantial contributions to the future of America and to the development of our nation’s young people as knowledgeable, responsible, and productive citizens; and
WHEREAS, excellence in education is dependent on safe, secure, and peaceful school settings; and
WHEREAS, the safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism in our schools; and
WHEREAS, it is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make school safe and secure; and
WHEREAS, all leaders—especially those in education, law enforcement, government, and business—should eagerly collaborate with each other and the National School Safety Center, the U.S. Department of Education, and the U.S. Department of Justice to focus public attention on school safety and identify, develop, and promote innovative answers to these critical issues; and
WHEREAS, numerous schools and school districts throughout the country, along with national programs are among those innovative answers; and
WHEREAS, the observance of America’s Safe Schools Week will substantially promote efforts to provide all our nation’s schools with positive and safe learning climates;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2001, as SAFE SCHOOLS WEEK in Illinois.

Issued by the Governor August 14, 2001.
Filed by the Secretary of State August 16, 2001.

2001-448
YOUNG ADOLESCENTS MONTH

WHEREAS, the period of early adolescence (ages 10-15) is a distinct, developmental period between childhood and full adolescence; and
WHEREAS, this period has been little understood, nor has its importance been recognized; and
WHEREAS, youth between the ages of approximately 10-15 years undergo more extensive physical, mental, social, moral, and emotional changes than at any other time of life, with the possible exception of infancy; and
WHEREAS, the attitudes and values that young adolescents develop during these formative years largely determine their later behavior; and
WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and
WHEREAS, the community itself is also a “classroom” in which young adolescents learn many lessons; and
WHEREAS, much valuable information and research about this important age group now exists and Illinoisans should celebrate by
extending their knowledge about these critical years and support the health development of young adolescents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as YOUNG ADOLESCENTS MONTH in Illinois.

Issued by the Governor August 14, 2001.
Filed by the Secretary of State August 16, 2001.

2001-449
LONG TERM CARE OMBUDSMAN DAY

WHEREAS, Long Term Care Ombudsmen work daily to uphold their commitment to protect and promote the individual rights and quality of life for 125,000 Illinois citizens residing in nursing homes and other long term care facilities; and

WHEREAS, 480 volunteers and staff are involved in the Illinois Department on Aging’s Long Term Care Ombudsman Program; and

WHEREAS, ombudsmen regularly visit almost 1,300 nursing homes and other long term care facilities, offering a helping hand to Illinois’ more vulnerable citizenry; and

WHEREAS, ombudsmen routinely provide assistance with specific resident and family concerns and problems; and

WHEREAS, ombudsmen educate communities about many issues facing residents; and

WHEREAS, we wish to honor the commitment and valuable service of the Long Term Care Ombudsmen across Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4, 2001, as LONG TERM CARE OMBUDSMAN DAY in Illinois.

Issued by the Governor August 16, 2001.
Filed by the Secretary of State August 16, 2001.

2001-450
RESIDENTS’ RIGHTS WEEK

WHEREAS, residents of long term care facilities are members of the “greatest generation,” the citizens who fought the wars and built the economy to create the wealth, peace and prosperity which we now enjoy; and

WHEREAS, long term care residents are our mothers, fathers, grandparents, siblings and other loved ones; and

WHEREAS, persons in nursing homes, sheltered care, assisted living and other long term care facilities retain all their rights as U.S. citizens and citizens of this great state; and

WHEREAS, family members continue as important caregivers to, and protectors of the rights of their loved ones in long term care facilities; and

WHEREAS, strong and independent family councils and resident councils are among the most effective means to insure that residents in long term care facilities receive the high quality care to which they are entitled, and are allowed the full exercise of their rights; and

WHEREAS, the Illinois Department on Aging Long Term Care Ombudsman Program works with residents and their families to protect and promote the rights and quality of life for long term care residents, and to encourage the development of independent resident and family councils;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, encourage all Illinois citizens to join me in honoring the lives and contributions of these Illinois citizens and proclaim October 7-13, 2001, as RESIDENTS’ RIGHTS WEEK in Illinois.
Issued by the Governor August 16, 2001.
Filed by the Secretary of State August 16, 2001.

2001-451
RUSSIAN DAY

WHEREAS, there are several thousand Russian Americans who reside in Illinois and more than one million throughout the United States; and
WHEREAS, the proud Russian American community of Illinois has made contributions in research, teaching, medicine, law, business, art, and public service; and
WHEREAS, Russian Americans have proudly shared their culture, heritage and talents with our state; and
WHEREAS, the State of Illinois is a diverse community composed of many ethnic cultures including rich Russian heritage; and
WHEREAS, every third Sunday in August we celebrate the Russian Community Day in Illinois and the Russian Picnic —2001 will be held August 19, 2001 in the Harms Woods Forest Preserve;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19, 2001, as RUSSIAN DAY in Illinois.
Issued by the Governor August 16, 2001.
Filed by the Secretary of State August 16, 2001.

2001-452
GERMAN AMERICAN DAY

WHEREAS, the first German immigrants arrived in the United States in October 1683; and
WHEREAS, today more than 60 million Americans trace at least a part of their ancestry to Germany; and
WHEREAS, the German American community accounts for the largest ethnic group in Illinois; and
WHEREAS, Erich Himmel, President of the United German American Societies of Greater Chicago announces that the Annual German Heritage Ceremony and Program will take place at St. Benedict’s Church, Sunday, October 7, 2001; and
WHEREAS, German Americans contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as GERMAN AMERICAN DAY in Illinois.
Issued by the Governor August 17, 2001.
Filed by the Secretary of State August 23, 2001.

2001-453
NATIVITY OF THE BLESSED VIRGIN MARY UKRAINIAN CATHOLIC CHURCH DAY

WHEREAS, the Nativity of the Blessed Virgin Mary Ukrainian Catholic Church located in Palos Park, Illinois, is celebrating its 90th Anniversary October 14, 2001; and
WHEREAS, the Church has several organizations including, the Holy Name Society, St. Mary Society, Ukrainian Society of the Blessed Virgin Mary and Brotherhood of St. Peter & Paul; and
WHEREAS, members of the Nativity of the Blessed Virgin Mary Ukrainian Catholic Church have been involved in many charitable causes; and
WHEREAS, the Nativity of the Blessed Virgin Mary Ukrainian Catholic Church continues to promote the rich Ukrainian heritage and culture including worship services in the Ukrainian language and spiritual-liturgical tradition that dates over a thousand years; and
WHEREAS, Pastor Fr. Walter Rybicky, OSBM and Associate Pastor Fr. Demetrius Wysochansky, OSBM are to be commended for their commitment and dedication to the Nativity of the Blessed Virgin Mary Ukrainian Catholic Church and the Ukrainian American community; and
WHEREAS, the Congregation’s Centennial Committee announces that the Commemoration Eucharist and the Banquet will be held October 14, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, October 14, 2001, as NATIVITY OF THE BLESSED VIRGIN MARY UKRAINIAN CATHOLIC CHURCH DAY in Illinois.

Issued by the Governor August 17, 2001.
Filed by the Secretary of State August 23, 2001.

2001-454

PHARMACY WEEK

WHEREAS, pharmacy is one of the oldest of health professions concerned with the health and well-being of all people; and
WHEREAS, today, over 195,000 pharmacists practicing in the United States are providing services to assure the rational and safe use of all medications; and
WHEREAS, currently, over 12,000 registered pharmacists are practicing in Illinois; and
WHEREAS, the use of medication as a cost-effective alternative to more expensive medical procedures is becoming a major force in moderating overall health care costs; and
WHEREAS, today’s powerful medications require greater attention to the manner in which they are used by different patient population groups, both clinically and demographically; and
WHEREAS, it is important that all caregivers and consumers of prescription and non-prescription medications be knowledgeable about and share responsibility for their own drug therapy; and
WHEREAS, the American Pharmaceutical Association, the Illinois Pharmacists Association, and the Joint Commission of Pharmacy Practitioners have declared the final week of October as National Pharmacy Week with the theme “Educate Before You Medicate—Knowledge is the Best Medicine—Talk With Your Pharmacist”;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2001, as PHARMACY WEEK in Illinois.

Issued by the Governor August 17, 2001.
Filed by the Secretary of State August 23, 2001.
2001-455
PHYSICAL THERAPY MONTH

WHEREAS, the practice of physical therapy involves a variety of aspects, from injury prevention to general health and fitness to rehabilitation following injury, disease or surgery; and
WHEREAS, physical therapy helps improve the quality of life and physical well-being of people of all ages, including cardiac patients, children, athletes, and the elderly; and
WHEREAS, the Illinois Physical Therapy Association represents more than 3,000 physical therapists, physical therapy assistants, and physical therapy students in the state and promotes the importance of physical therapy education and research; and
WHEREAS, through physical therapy practice, education, and research, physical therapists are able to prevent disease, promote health, reduce pain and enhance the quality of life; and
WHEREAS, it is appropriate that we recognize those individuals who dedicate their time and talent to caring for the physical health of the people of our state and the nation, and extend our appreciation to them for making Illinois a healthier place to live, work, and raise a family;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as PHYSICAL THERAPY MONTH in Illinois.

Issued by the Governor August 17, 2001.
Filed by the Secretary of State August 23, 2001.

2001-456
ADULT DAY SERVICES WEEK

WHEREAS, adult day services are a viable option for care for older adults; and
WHEREAS, adult day services enable functionally and cognitively impaired adults to receive needed care and services in a community setting; and
WHEREAS, adult day centers provide a coordinated program of services including restorative and functional maintenance rehabilitation, and individual and group activities; and
WHEREAS, adult day centers offer participants an opportunity for enriching educational, therapeutic and social experiences outside the home; and
WHEREAS, adult day centers provide much-needed assistance and respite for caregivers, family members and concerned others; and
WHEREAS, these centers must be recognized and supported as a key component in the continuum of long term care;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-24, 2001, as ADULT DAY SERVICES WEEK in Illinois.

Issued by the Governor August 20, 2001.
Filed by the Secretary of State August 23, 2001.

2001-457
LIGHTS ON AFTER SCHOOL DAY

WHEREAS, the Illinois After-School Alliance is a coalition that strives to raise awareness about the importance of quality after school
programs, promote best practices, expand access, and increase coordination of after-school programs in Illinois; and

WHEREAS, the Illinois After-School Alliance has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality after school programs are a critical link to helping our children become successful adults; and

WHEREAS, “Lights on After School!”, a national celebration of after school programs on October 11th, promotes the critical importance of quality after school programs in the lives of children, their families and their communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11, 2001, as LIGHTS ON AFTER SCHOOL DAY in Illinois.

Issued by the Governor August 20, 2001.
Filed by the Secretary of State August 23, 2001.

2001-459
80TH ANNIVERSARY OF THE CRYSTAL LAKE PARK DISTRICT

WHEREAS, 1,178 Crystal Lake residents cast ballots on November 21, 1921, that approved of and formed the Crystal Lake Park District; and

WHEREAS, the Crystal Lake Park District now serves a population of 55,000; and

WHEREAS, the Crystal Lake Park District began with 22 acres of land on the east shore of Crystal Lake; and

WHEREAS, the Crystal Lake Park District now provides 1,200 acres of park and open space for the residents of the Crystal Lake community; and

WHEREAS, the Crystal Lake Park District hired the first lifeguard at the beach in 1930; and

WHEREAS, the Crystal Lake Park District now employs more than 60 lifeguards; and
WHEREAS, the Crystal Lake Park District recreational programming has grown from 30 programs in the Fall and Winter of 1966 to more than 550 programs in 2001; and
WHEREAS, the Crystal Lake Park District has been accredited for 10 years for its high safety and risk management standards; and
WHEREAS, the Crystal Lake Park District is one of the largest employers of teenagers in McHenry County; and
WHEREAS, the Crystal Lake Park District has continually worked toward expanding parks and recreational programs and events, and leisure opportunities for the community; and
WHEREAS, the Crystal Lake Park District has protected hundreds of acres of natural and threatened areas, during several decades of booming growth; and
WHEREAS, the Crystal Lake Park District is celebrating 80 years of service to the Crystal Lake community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 21, 2001, as the 80th ANNIVERSARY OF THE CRYSTAL LAKE PARK DISTRICT in Illinois.
Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-460
FIRST DAY OF SCHOOL DAY

WHEREAS, Illinois families and communities have been working to improve the educational system through parent involvement and community support for schools; and
WHEREAS, the Partnership for Family Involvement in Education (PFIE) has been working to support learning right from the beginning of the school year and to strengthen family-school partnerships in Illinois; and
WHEREAS, the Partnership for Family Involvement in Education has been working to expand the FIRST DAY OF SCHOOL HOLIDAY to a state-wide initiative; and
WHEREAS, the State of Illinois will be leading the way as the first state to promote the FIRST DAY OF SCHOOL HOLIDAY on a state-wide basis; and
WHEREAS, the State of Illinois is a leader in strengthening the educational system in this country and in ensuring that the education of our children involves both schools and parents;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim each first day of each school as FIRST DAY OF SCHOOL DAY in Illinois.
Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-461
ILLINOIS SOCIETY FOR PREVENTION OF BLINDNESS DAY

WHEREAS, the Illinois Society for the Prevention of Blindness was officially founded in 1916; and
WHEREAS, the Illinois Society for the Prevention of Blindness and its predecessor organizations originated to eradicate trachoma and ophthalmia neonatorum, diseases that rob both children and adults of their sight; and
WHEREAS, the Illinois Society for the Prevention of Blindness has supported research in prevention of blindness at Illinois educational institutions; initiated EYE SPY and Vocational Eye Safety classroom programs; provided eye glasses and vision aids for needy Illinois youths; and initiated cooperative grants and ventures to aid blindness prevention efforts; and

WHEREAS, the Illinois Society for the Prevention of Blindness has initiated the Age-Related Macular Degeneration Program to educate and to support those diagnosed with this disease; and

WHEREAS, the Illinois Society for the Prevention of Blindness has established an internet web site to further their efforts to prevent needless blindness through education and information; and

WHEREAS, 2001 marks the 85th year of service the Illinois Society for the Prevention of Blindness has provided to our citizens. The Society is holding a state-of-the-art symposium and a dinner on Wednesday, October 17, 2001, to celebrate this anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 2001, as ILLINOIS SOCIETY FOR PREVENTION OF BLINDNESS DAY and commend the organization on the efforts it has made to improve and preserve the eyesight of our citizens.

Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-462
PRINCIPALS’ WEEK, OCTOBER 21-27, 2001 AND PRINCIPAL APPRECIATION DAY
OCTOBER 26, 2001

WHEREAS, the Principal is the recognized educational leader of a school; and

WHEREAS, the Principal communicates the vision and sets the expectation for a high level of student achievement and faculty performance; and

WHEREAS, the Principal keeps a positive climate for learning and the attainment of educational goals; and

WHEREAS, the State of Illinois recognizes and salutes the accomplishments, skills and commitment to the excellence of its Principals; and

WHEREAS, the Illinois Principals Association, under the leadership of its President, Dr. Carter Burns, will hold its annual Principals Professional Conference in Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2001, as PRINCIPALS’ WEEK and Friday, October 26, 2001, as PRINCIPAL APPRECIATION DAY in Illinois.

Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-463
RAF CROUGHTON 50TH ANNIVERSARY DAY

WHEREAS, this year commemorates the 50th year that the United States Air Force has maintained a base at Royal Air Force Croughton in Northamptonshire, England; and

WHEREAS, Royal Air Force Croughton is the premier communications base for the United States Air Force in Europe and has a long and proud
legacy of global communications and excellence in British-American relations over those 50 years; and
WHEREAS, much has changed since 1951, but the special relationship between our two nations remains as strong as ever and our communication capabilities provide a greater global link than ever before; and
WHEREAS, the common history our two nations share both in war and peace make our 50 years worth celebrating;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as RAF CROUGHTON 50th ANNIVERSARY DAY in Illinois.

Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-464
STS. PETER & PAUL EVANGELICAL LUTHERAN CHURCH DAY

WHEREAS, Sts. Peter & Paul Evangelical Lutheran Church, located in Riverside, Illinois, is celebrating its 100th Anniversary on October 20, 2001; and
WHEREAS, the Church has several organizations including the Dorcas Society and the Ladies’ Altar Guild; and
WHEREAS, members of the Sts. Peter & Paul Evangelical Lutheran Church have been involved in many charitable causes including sponsoring a Mission Family in Russia and the Teaching Missionary in the Slovak Republic; and
WHEREAS, Sts. Peter & Paul Evangelical Lutheran Church continues to promote the rich Slovak heritage and culture including worship services in the Slovak language; and
WHEREAS, the Pastor Rev. Dennis Lauritsen is to be commended for his commitment and dedication to the Sts. Peter & Paul Evangelical Lutheran Church and the Slovak American community; and
WHEREAS, the Commemoration Eucharist and Banquet will be held October 28, 2001. Ruth Hurbanis and Donna Tuider will be Co-Chairpersons of the Congregation’s Centennial Committee; and
WHEREAS, there are monthly events including a Confirmation Reunion commemorating the 100th Anniversary of Sts. Peter & Paul Evangelical Lutheran Church;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2001, as STS. PETER & PAUL EVANGELICAL LUTHERAN CHURCH DAY in Illinois.

Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-465
WORLD FOOD DAY

WHEREAS, every year since 1981 government officials at all levels have given special attention to an annual worldwide endeavor to alleviate hunger and insure food security for all; and
WHEREAS, the U.S. National Committee for the World Food Day and their 450 national sponsors are involved in planning World Food Day; and
WHEREAS, a World Food Day Teleconference will be held on October 16, 2001, with the theme being “World Food System: Serving All or Serving Some?”; and
WHEREAS, the program will feature Dr. Wenche Barth Eide, professor of nutrition at the University of Norway;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 2001, as WORLD FOOD DAY in Illinois.
Issued by the Governor August 21, 2001.
Filed by the Secretary of State August 23, 2001.

2001-466
GRUPO LIMITE DAY

WHEREAS, the Mexican musical group Grupo Limite sold over 1,000,000 copies around the world and over 200,000 copies in the United States of their first album “Por Puro Amor”; and
WHEREAS, Grupo Limite received the “Disco de Diamante” or Diamond Record Award in Mexico for their first album; and
WHEREAS, Grupo Limite also earned the “Furia Musical” award in 1996; and
WHEREAS, nearly 80,000 fans gathered together in the city of Monterrey, Mexico, to hear their favorite band play and to see them receiving their second Golden Record award for selling more than 200,000 albums; and
WHEREAS, Grupo Limite received six Golden Records for their second album, “Partiendome El Alma”, which sold over 600,000 copies; and
WHEREAS, Grupo Limite has collected many awards since 1998 including, both the Tejano Music Award and the Premio Lo Nuestro Award twice; and
WHEREAS, Grupo Limite will be performing at this year’s Viva Chicago Festival;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 26, 2001, GRUPO LIMITE DAY in Illinois and encourage the citizens of Illinois to attend the event.
Issued by the Governor August 22, 2001.
Filed by the Secretary of State August 23, 2001.

2001-467
ROBERTA WESTON DAY

WHEREAS, Roberta Weston was born August 9, 1887 in Nuxbee, Mississippi; and
WHEREAS, she is one of America’s oldest living citizens; and
WHEREAS, she now lives in the West Pullman community in Chicago; and
WHEREAS, an historic event will take place at the New Fellowship United Methodist Church in Chicago where she will be celebrating her 114th birthday;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 12, 2001, as ROBERTA WESTON DAY in Illinois.
Issued by the Governor August 22, 2001.
Filed by the Secretary of State August 23, 2001.
2001-468
THE INDEPENDENT ORDER OF SVITHIOD GRAND LODGE CONVENTION DAYS

WHEREAS, the Independent Order of Svithiod, a 120 year-old Scandinavian Fraternal organization, is having its 97th Grand Lodge Convention; and

WHEREAS, the convention will take place at Hilton Hotel in Northbrook, Illinois, and its goal is to conduct business for the continuance of the Svithiod society; and

WHEREAS, Independent Order of Svithiod is to be commended for their charitable work, providing scholarships to the youth and for promoting the rich Scandinavian culture, heritage and tradition; and

WHEREAS, Scandinavian Americans contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24-25, 2001, as THE INDEPENDENT ORDER OF SVITHIOD GRAND LODGE CONVENTION DAYS in Illinois.

Issued by the Governor August 22, 2001.
Filed by the Secretary of State August 23, 2001.

2001-469
THOMAS AND CAROL TROKA DAY

WHEREAS, Thomas and Carol Troka celebrated their 25th Wedding Anniversary on July 31, 2001, by renewing their vows at St. Anne’s Church in Barrington, Illinois, with Fr. Britto Berchmans officiating and in attendance were their two sons, Christopher and Matthew, and daughter-in-law, Shelly; and

WHEREAS, Thomas and Carol Troka understand for everything there is a season - all that is important in life - the love and respect of family and friends and their health - is theirs to treasure on their 25th Wedding Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31, 2001, as THOMAS AND CAROL TROKA DAY in Illinois.

Issued by the Governor August 22, 2001.
Filed by the Secretary of State August 23, 2001.

2001-470
WORLD YATRA DAY

WHEREAS, a worldwide Yatra traveling to 40 countries and 50 cities will also hold its celebration in the State of Illinois on August 24; and

WHEREAS, this Yatra is a major event to the large Hindu community in Illinois, which approximates 250,000 people; and

WHEREAS, some of the most renowned spiritual leaders of India will be arriving here for an afternoon of discussion and celebration; and

WHEREAS, Yatras are pilgrimages that have been taking place throughout India since ancient times; and

WHEREAS, world Yatras are very rare, as one has not taken place for hundreds of years, making this one even more special and exciting; and
WHEREAS, the Yatra is being arranged in Bensenville, Illinois, to celebrate the contributions that Hinduism and local Hindus in the area have made to the community, while celebrating global cultural diversity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2001, as WORLD YATRA DAY in Illinois.

Issued by the Governor August 22, 2001.
Filed by the Secretary of State August 23, 2001.

2001-471
HONEY MONTH

WHEREAS, the Illinois Beekeepers Association is an exemplary organization providing hands-on educational opportunities to the citizens of Illinois to promote an awareness of beekeeping; and

WHEREAS, the Beekeepers Association sponsors the Heart of Illinois Honey Princess and Beekeeping Ambassador program for the development of leadership skills and the promotion of bees and honey; and

WHEREAS, the Beekeepers Association has many devoted members who travel to various organizations and agencies across the State of Illinois to discuss the importance of beekeeping; and

WHEREAS, the Beekeepers Association has made significant contributions to increasing the awareness of beekeeping and the advancement of the Illinois honey industry;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as HONEY MONTH in Illinois.

Issued by the Governor August 23, 2001.
Filed by the Secretary of State August 23, 2001.

2001-472
SAFE KIDS COALITION DAY

WHEREAS, unintentional injury annually claims the lives of 6,000 children ages 14 and younger, making it the number one killer of children in this age group; and

WHEREAS, each year, nearly 120,000 children are permanently disabled and one out of every four children sustains injuries requiring emergency medical attention; and

WHEREAS, 90 percent of these injuries are preventable; and

WHEREAS, emergency departments experience nearly 3 million visits from children ages 14 and younger each summer; and

WHEREAS, the National SAFE KIDS Campaign promotes childhood injury prevention by uniting diverse groups into local and state coalitions, by developing innovative educational tools and strategies, by initiating public policy changes, by promoting new technology and by raising awareness through the media; and

WHEREAS, the Illinois SAFE KIDS Coalition, led by the Illinois Department of Public Health, provides year-long childhood injury prevention awareness and education through its 23 local chapters and coalitions; and

WHEREAS, the Illinois SAFE KIDS Coalition is this year celebrating its 10th anniversary;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17, 2001, as SAFE KIDS COALITION DAY in Illinois and I urge all Illinoisans to join together to prevent childhood injuries. 
Issued by the Governor August 23, 2001.
Filed by the Secretary of State August 23, 2001.

2001-473
SILAS PURNELL DAY

WHEREAS, Silas Purnell, a mentor, role model, counselor, leader, and father, is best known for his stellar leadership as the Director of the Educational Services Division of Ada S. McKinley Community Services, Inc. for more than 34 years; and
WHEREAS, Mr. Purnell founded the program in 1967 from meager beginnings and always maintained a “bare bones” approach; and
WHEREAS, his office operated for 34 years out of a basement level unit in the Dearborn Homes public housing development; and
WHEREAS, Mr. Purnell assisted more than 50,000 young men and women to enroll in colleges and universities throughout the country; and
WHEREAS, the retention rate of the students he assisted is well over 50 percent, with many going on to graduate and professional schools; and
WHEREAS, Mr. Purnell retired from Ada S. McKinley Community Services in February 2001 and many of his colleagues will be present at his September 6th Recognition Dinner;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6, 2001, as SILAS PURNELL DAY in Illinois.
Issued by the Governor August 23, 2001.
Filed by the Secretary of State August 23, 2001.

2001-433 (REVISED)
CONSTITUTION WEEK

WHEREAS, September 17, 2001, marks the 214th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and
WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and
WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and
WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and
WHEREAS, the National Society of the Daughters of the American Revolution will be celebrating Constitution Week from September 17-23, 2001; and
WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as Constitution Week;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2001, as CONSTITUTION WEEK in Illinois and ask our citizens to reaffirm the ideas the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Issued by the Governor August 27, 2001.
Filed by the Secretary of State August 30, 2001.

2001-474
EDNA MERLE GETZENDANNER SCHIERHOLZ CHINSKI DAY

WHEREAS, Edna Merle Getzendanner Schierholz Chinski lives in Bourbonnais, Illinois; and
WHEREAS, Edna is a mother of four, grandmother of 13, great grandmother of 15, and great great grandmother of one; and
WHEREAS, Edna is a well-known, life-long local Illinois prairie artist and is a charter member of the Kankakee Valley Art League; and
WHEREAS, Edna has taught for many years at Bishop MacNamara High School and the Catholic Youth Center; and
WHEREAS, Edna has been active in civic affairs for many years as she served as Republican committee woman for Kankakee County; and
WHEREAS, Edna has been active in parish and statewide church activities for many years as she served as president of the National Council for Catholic Women in the Kankakee District, as well as President of Altar and Rosary Sodality for Immaculate Conception Church in Kankakee; and
WHEREAS, Edna will be celebrating her 87th birthday on September 7;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2001, as EDNA MERLE GETZENDANNER SCHIERHOLZ CHINSKI DAY and wish her many more in the years to come.
Issued by the Governor August 27, 2001.
Filed by the Secretary of State August 30, 2001.

2001-475
HISPANIC HERITAGE MONTH

WHEREAS, Southern Illinois University at Carbondale has made a commitment to diversity; and
WHEREAS, the Hispanic population at SIUC is approximately 3 percent; and
WHEREAS, the campus shows that commitment through the local commemoration and celebration of the 2001 National Hispanic Heritage Month from September 15 through October 15, 2001; and
WHEREAS, to recognize and celebrate the Hispanic population on the SIUC campus the National Hispanic Heritage Month committee would like to encourage students, faculty, staff, and others to take advantage of the opportunity to learn more about Hispanic culture through the lectures, movies, discussions, art displays, and cultural performances that fill the month;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-October 15, 2001, as HISPANIC HERITAGE MONTH in Illinois.
Issued by the Governor August 27, 2001.
Filed by the Secretary of State August 30, 2001.

2001-476
OLDER WORKER WEEK

WHEREAS, older workers bring stability to the workforce and serve as role models to their younger counterparts; and
WHEREAS, employers benefit from the older worker’s maturity, life experience, productivity and dependability; and
WHEREAS, older workers are conscientious, have much patience and low absenteeism; and
WHEREAS, older workers have high morale and job satisfaction; and
WHEREAS, Illinois and the nation cherish the contribution of older workers, and the state celebrates the work ethics and examples set by our elders, and
WHEREAS, the theme of National Employ the Older Worker Week is "Harvesting Experience!";
THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim September 23-29, 2001, as OLDER WORKER WEEK in Illinois.
Issued by the Governor August 27, 2001.
Filed by the Secretary of State August 30, 2001.

2001-477
OVARIAN CANCER AWARENESS MONTH

WHEREAS, ovarian cancer is the sixth most common cancer among women, excluding non-melanoma skin cancers; and
WHEREAS, the American Cancer Society estimate that about 23,100 new cases of ovarian cancer will be diagnosed in the United States during 2001; and
WHEREAS, ovarian cancer is the fifth most common cause of cancer deaths among women, causing more deaths than any other cancer of the female reproductive system; and
WHEREAS, it is estimated there will be about 14,000 deaths from ovarian cancer in the United States during 2001; and
WHEREAS, about 78 percent of ovarian cancer patients survive one year after diagnosis and over 50 percent survive longer than five years after diagnosis; and
WHEREAS, if diagnosis and treatment begins before the cancer spreads outside the ovary, the five-year survival rate is 95 percent; and
WHEREAS, only 25 percent of all ovarian cancers are found at an early stage;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 2001 as OVARIAN CANCER AWARENESS MONTH in Illinois.
Issued by the Governor August 27, 2001.
Filed by the Secretary of State August 30, 2001.

2001-478
AMERICAN INDIAN DAY

WHEREAS, the State of Illinois realizes the impact of Native American Indians on state history and culture; and
WHEREAS, the Native American Indian population in Illinois is approximately 73,000 people; and
WHEREAS, historically, Illinois was a major center of trade for numerous tribes and the development of the state is a history of interaction with these various tribes; and
WHEREAS, Illinois is the home of members of more than 133 different tribal nations and Chicago has one the largest urban concentration of Native American Indians in the country; and
WHEREAS, in contemporary times, Illinois continues as a major population center for Native American Indians who continue to make important contributions to the life of the state; and
WHEREAS, Native American Indians have proudly served in the US Armed Forces including the Congressional Gold Medal of Honor Recipients, Navajo Code Talkers; and
WHEREAS, the American Indian Center will celebrate on September 1, 2001, American Indian Day in the Diane Maney Tribal Hall;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 1, 2001, as AMERICAN INDIAN DAY in Illinois.
Issued by the Governor August 28, 2001.
Filed by the Secretary of State August 30, 2001.

2001-479
CHILDREN’S CULTURE, HEALTH AND SAFETY DAY

WHEREAS, the Moraine Valley Community College Foundation was established in 1982 to assist the College in meeting the ever-expanding need of the southwest suburbs; and
WHEREAS, the purposes for which the Moraine Valley Community College Foundation was organized are to benefit and promote the charitable, scholastic, educational, literacy, athletic, benevolent, civic, research, and scientific functions of the College; and
WHEREAS, the Moraine Valley Community College Foundation Board of Directors is comprised of 30 members and, along with its staff, is dedicated to the educational and cultural betterment of the community; and
WHEREAS, the Moraine Valley Community College Foundation recognizes that introducing children to the educational, cultural, and health-related opportunities available at the College will help them develop into productive and well-rounded members of the community; and
WHEREAS, a healthy childhood and promising adulthood are predicated on deeply rooted positive lifestyles learned through interactive education; and
WHEREAS, the Moraine Valley Community College Foundation believes in promoting good health and safety for children by providing the community with comprehensive information;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2001, as CHILDREN'S CULTURE, HEALTH AND SAFETY DAY in Illinois.
Issued by the Governor August 28, 2001.
Filed by the Secretary of State August 30, 2001.

2001-480
ILLINOIS’ AMBASSADORS OF MUSIC

WHEREAS, student musicians from the width and breadth of the State of Illinois will be selected as members of the Illinois
Ambassadors of Music and will be involved in a two-and-a-half week tour of the Europe in the summer of 2002; and

WHEREAS, students nominated for membership in the Illinois Ambassadors of Music can be proud of the their musical excellence and high record of achievement that led to membership in the prestigious group; and

WHEREAS, high school band and chorus students are selected by their high school music directors for the honor of participation based upon their citizenship, character, and musicianship;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the students selected for the 2002 European Concert Tour as ILLINOIS’ AMBASSADORS OF MUSIC, calling upon these students to represent the spirit of friendship and goodwill that is characteristic of the State of Illinois.

Issued by the Governor August 28, 2001.
Filed by the Secretary of State August 30, 2001.

2001-481
PATRICK A. WINFREY AND SAMUEL L. PARKS DAY

WHEREAS, the State of Illinois, through the Illinois Department of Employment Security (IDES), operates one of the most effective Veterans Employment and Training Service programs in the nation; and

WHEREAS, the State of Illinois has served as a model in conducting numerous pilot programs for initiatives developed by the United States Department of Labor-Veterans Employment and Training Service (USDOL-VETS); and

WHEREAS, IDES Veterans Employment staff generously volunteer their services in many humanitarian efforts, including co-sponsorship of two annual “Stand-Downs” to offer respite to homeless and less fortunate veterans; and

WHEREAS, IDES veterans staff that assist with “Stand-Down” give their personal time and reach to provide food, shelter, and clothing to veterans; and

WHEREAS, Illinois Disabled Veterans Outreach Programs Specialists and Local Veterans Employment Representatives engage in frequent education and training activities to strive to improve their own capabilities to provide the highest quality service possible to veterans; and

WHEREAS, these accomplishments have been achieved under the leadership of Patrick A. Winfrey, as IDES Veterans Coordinator since 1985, and the guidance and oversight of Samuel L. Parks, as USDOL’s Illinois Director of Veterans Employment and Training since 1980; and

WHEREAS, Mr. Winfrey, who served in the U.S. Air Force, and Mr. Parks, who served in both the U.S. Marines and U.S. Air Force, understand and empathize with the feelings and needs of U.S. men and women following their years of military service; and

WHEREAS, these two men have found ways to instill in all of the IDES employees the dedication to assisting those who have served their country; and

WHEREAS, the dedication and commitment of these two men cast a bright reflection on their co-workers, their superiors and the entire State of Illinois; and

WHEREAS, Mr. Winfrey and Mr. Parks are especially deserving of the gratitude and commendation of all persons engaged in veterans’ service
in the State of Illinois and those who enjoy the privilege of their service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 20, 2001, as PATRICK A. WINFREY AND SAMUEL L. PARKS DAY in Illinois.
Issued by the Governor August 28, 2001.
Filed by the Secretary of State August 30, 2001.

2001-482
PATRICK E. REA DAY

WHEREAS, Patrick E. Rea was appointed as Village Trustee in the Village of Tinley Park on October 18, 1971, and elected to that position on April 23, 1973; and
WHEREAS, after three decades of public service, Patrick E. Rea still serves in that capacity; and
WHEREAS, there will be a reception hosted by Mayor Edward J. Zabrocki and the Tinley Park Village Board honoring Mr. Rea on Thursday, August 30, 2001, at the Tinley Park Convention Center;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 30, 2001, as PATRICK E. REA DAY in Illinois.
Issued by the Governor August 28, 2001.
Filed by the Secretary of State August 30, 2001.

2001-483
5-A-DAY WEEK 2001

WHEREAS, the prevention of cancer and heart disease are two of the most urgent health challenges of our day, with heart disease being the leading cause of death in Illinois; and
WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recommend that people should reduce their intake of fats and increase their consumption of high fiber foods, such as fruits and vegetables, to help reduce the risk of cancer and heart disease; and
WHEREAS, only 24 percent of Illinoisans eat five fruits and vegetables a day and only 33 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and
WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program; and
WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health support the 5-A-Day goal;
Issued by the Governor August 29, 2001.
Filed by the Secretary of State August 30, 2001.

2001-484
JOSEPH LEE LANENGA DAY

WHEREAS, on September 7, 1976, Joseph Lee Lanenga entered the doors of Elim Christian School. Joe was to teach 16-21 year-olds in a classroom/workshop combination. From that moment on, services for
Adults with Disabilities on the southside of Chicago would never be the same; and
WHEREAS, in 1978, at the age of 24, Joseph Lanenga became the Director of Elim Workservices. It was during this period that he also served as a consultant to Bethshan Association in matters of Public Aid and state relations; and
WHEREAS, Bethshan Association, a residential facility for adults with disabilities, recruited Joe to serve as Interim Director in 1983. Here Joe continued to serve many of the same adults whom he had taught at Elim; and
WHEREAS, Joe assumed leadership as Executive Director of Bethshan Association in 1984, when the organization served 45 adults in an ICF/DD setting and employed a staff of 20. The following 17 years would see Bethshan grow to its current capacity of 122 adults with disabilities in 12 programs scattered in the south suburbs of Chicago; and
WHEREAS, under Joe’s direction, Bethshan has earned statewide recognition for its leadership, its vision and its commitment to quality services for adults with disabilities; and
WHEREAS, Joe has encouraged independence, advocated for change, and demanded accountability from everyone under his leadership. It is Joe’s unique style, his generous spirit, his dedication, and his loyalty to everyone he serves that provides the atmosphere and environment that continues to empower adults with disabilities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2001, as JOSEPH LEE LANENGA DAY in Illinois.

Issued by the Governor August 29, 2001.
Filed by the Secretary of State August 30, 2001.

2001-435 (REVISED)
MARVIN AND CAROLYN QUNELL’S 50TH WEDDING ANNIVERSARY

WHEREAS, Marvin and Carolyn Qu nell met while attending Bloom High School; and
WHEREAS, they were married in 1951; and
WHEREAS, the two are parents to four children and grandparents to six grandchildren; and
WHEREAS, Marv has made many significant contributions to the community as President of the Little League, a member of Steger Volunteer Fire Department, a member of Elementary School Board member for over 20 years and currently president of that Board; and
WHEREAS, Marv has also been recognized for his accomplishments when he received the “Those Who Excel in Education Award”; and
WHEREAS, Carol has also been invaluable to the community in her work as Vice President of the Elementary School Board, a member of Kwansis, and a member of the Steering Committee for the Village Bi-Centennial; and
WHEREAS, Carol has been a recipient of the “PTA Lifetime Member Award” and given the “Citizens’ Award from Steger Centennial” for her service; and
WHEREAS, Marv and Carol will be celebrating their 50th wedding anniversary on September 8;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois proclaim September 8, 2001, as MARVIN AND CAROLYN QUNELL’S 50TH WEDDING ANNIVERSARY, and wish them many more years of happiness.
WHEREAS, doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and
WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development and health maintenance; and
WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some two million of our state’s citizens; and
WHEREAS, the Illinois Chiropractic Society and the Illinois Prairie State Chiropractic Association will hold fall conventions to further enhance the quality of chiropractic health care available to the public;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.
Issued by the Governor August 30, 2001.
Filed by the Secretary of State September 6, 2001.

2001-486
EARTH SCIENCE WEEK

WHEREAS, geology and the other earth sciences are fundamental to society; and
WHEREAS, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and
WHEREAS, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and
WHEREAS, the earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal; and
WHEREAS, geological factors of resources, hazards, and environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and
WHEREAS, the earth sciences contribute critical pieces to our understanding of Nature;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2001, as EARTH SCIENCE WEEK in Illinois.
Issued by the Governor August 30, 2001.
Filed by the Secretary of State September 6, 2001.

2001-487
GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK

WHEREAS, the GFWC Illinois Federation of Women’s Clubs Junior Organization has served the communities of Illinois for over 54 years; and
WHEREAS, the GFWC Illinois Federation of Women’s Clubs Junior Organization has over 2,600 members in 100 clubs spread throughout the State of Illinois; and
WHEREAS, during 2000, clubs reported 354,751 volunteer hours on 3,506 projects and programs and donated more than $1.3 million dollars; and
WHEREAS, in the past 20 years, more than $310,000 has been donated to the Children’s Research Foundation; and
WHEREAS, during this administration the focus is on prevention of child abuse and a safe place for every child, very special arts, youth literacy, safety for older Americans and Libraries 2000; and
WHEREAS, special emphasis is on Organ/Tissue Donation Awareness implemented through the “Life Goes On” project; and
WHEREAS, the goal is to improve awareness across the state to make waiting lists a thing of the past and to educate our communities of the serious need for organ donors and the importance of sharing their wishes with family members;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2001, as GFWC ILLINOIS JUNIOR WOMEN’S CLUB WEEK in Illinois.
Issued by the Governor August 30, 2001.
Filed by the Secretary of State September 6, 2001.

2001-488
LASALLE BANK CHICAGO MARATHON WEEK

WHEREAS, the LaSalle Bank Chicago Marathon has been in existence annually since 1977; and
WHEREAS, the Chicago Marathon is a world class event sponsored by LaSalle Bank and more than 30 other sponsors; and
WHEREAS, as the race approaches, excitement builds around Chicagoland as street banners are displayed around the Loop, as well as O’Hare International Airport; and
WHEREAS, during race weekend, more than 6,000 volunteers, including 1,200 men and women from Chicago Police, Park District, Public Works, and Streets and Sanitation departments will assist in producing a safe event; and
WHEREAS, an estimated 900,000 spectators will line 26.2 miles of Chicago’s city streets from Grant Park to Lincoln Park to South Commons; and
WHEREAS, music and cheers will greet runners passing though neighborhoods like Greektown, Chinatown, Pilsen, and the Gap District; and
WHEREAS, the 24th running of the LaSalle Bank Chicago Marathon is to be held Sunday, October 7, 2001, at 7:30 a.m. starting in Grant Park;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1-7, 2001, as LASALLE BANK CHICAGO MARATHON WEEK in Illinois.
Issued by the Governor August 30, 2001.
Filed by the Secretary of State September 6, 2001.
WHEREAS, Mr. Bob Harris joined the University of Illinois Extension after he earned his B.S. from the University of Illinois in 1964, and his M.S. in 1966; and
WHEREAS, in 1969, Mr. Harris married Clenda; and
WHEREAS, Mr. Harris received the Action Award in 1971; and
WHEREAS, in 1976, Mr. Harris received the Achievement Award; and
WHEREAS, Mr. Harris received the Distinguished Service Award in 1983; and
WHEREAS, Mr. Harris may be the only person in Extension history to be awarded all three awards by the Illinois Extension Agricultural Association; and
WHEREAS, he has received the Program Excellence Award and the Search for Excellence Award three times; and
WHEREAS, Mr. Harris was awarded the NACAA Ciba-Geigy "Crop Production" Award in 1985; and
WHEREAS, he brought the two counties of Moultrie and Douglas together as one unit and has been its Unit Leader since 1990, cumulating 34 years of dedicated service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2001, as BOB HARRIS DAY in Illinois.
Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.

WHEREAS, the Illinois Drug Education Alliance (IDEA) is presenting its 19th Annual Drug Prevention Conference, "Be Real + Play Life to Win + Be Drug Free!" on Sunday, November 18, and Monday, November 19, in Chicago; and
WHEREAS, the Illinois Drug Education Alliance feels strongly + "it is better to build children than to repair men and women"; and
WHEREAS, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco, and other drug problems before they start and provides hope affecting individual and community change to support healthy behaviors; and
WHEREAS, more than 1,200 Illinois young people, dedicated to the DRUG-FREE lifestyle, will participate in two days of drug prevention education and leadership training. These young people will carry the DRUG-FREE message back to their schools and communities, and become role-models to their peers; and
WHEREAS, educators, parents, volunteers, and other adults will attend and participate in the 19th Annual Illinois Drug Education Alliance Conference. These adults will train, encourage, and support young people in their choice of the DRUG-FREE lifestyle; and
WHEREAS, the Illinois Drug Education Alliance stands firmly with the Illinois Department of Human Services, Division of Community Health and Prevention and all of its Partners in Prevention + Office of the Governor, Futures for Kids + Office of the Lieutenant Governor, Office of the Attorney General, Office of the Secretary of State, Office of the State Treasurer, Illinois Department of Transportation, Division of
Public Safety, Illinois State Board of Education, Illinois National
Guard, Drug Enforcement Administration, U.S. Customs Service,
University of Illinois Extension, Students Against Destructive
Decisions, Operation Snowball, Inc., Illinois Elks Association,
Alliance Against Intoxicated Motorists and Illinois Principals
Association - and with many other state and national organizations that
encourage the promotion of sound drug prevention programs; and
WHEREAS, the Illinois Drug Education Alliance (IDEA) is
presenting its 18th Annual Drug Prevention Conference, "Celebrating
Drug-Free Youth", on Sunday, November 18, and Monday, November 19, in
Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim November 18-19, 2001, as DRUG-FREE YOUTH DAYS in Illinois.
Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.

2001-490 (REVISED)

DRUG-FREE YOUTH DAYS

WHEREAS, the Illinois Drug Education Alliance (IDEA) is
presenting its 19th Annual Drug Prevention Conference, "Be Real + Play
Life to Win + Be Drug Free!" on Sunday, November 18 and Monday,
November 19 in Chicago; and
WHEREAS, the Illinois Drug Education Alliance feels strongly +
"it is better to build children than to repair men and women"; and
WHEREAS, the Illinois Drug Education Alliance believes prevention
offers individuals and communities an opportunity to stop alcohol,
tobacco, and other drug problems before they start and provides hope
affecting individual and community change to support healthy behaviors;
and
WHEREAS, more than 1,200 Illinois young people, dedicated to the
DRUG-FREE lifestyle, will participate in two days of drug prevention
education and leadership training. These young people will carry the
DRUG-FREE message back to their schools and communities, and become
role-models to their peers; and
WHEREAS, educators, parents, volunteers, and other adults will
attend and participate in the 19th Annual Illinois Drug Education
Alliance Conference. These adults will train, encourage, and support
young people in their choice of the DRUG-FREE lifestyle; and
WHEREAS, the Illinois Drug Education Alliance stands firmly with
the Illinois Department of Human Services, Division of Community Health
and Prevention and all of its Partners in Prevention + Office of the
Governor, Futures for Kids - Office of the Lieutenant Governor, Office
of the Attorney General, Office of the Secretary of State, Office of
the State Treasurer, Illinois Department of Transportation, Division of
Public Safety, Illinois State Board of Education, Illinois National
Guard, Drug Enforcement Administration, U.S. Customs Service,
University of Illinois Extension, Students Against Destructive
Alliance Against Intoxicated Motorists and Illinois Principals
Association - and with many other state and national organizations that
encourage the promotion of sound drug prevention programs; and
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim November 18-19, 2001, as DRUG-FREE YOUTH DAYS in Illinois in
recognition of the Illinois Drug Education Alliance and its Partners in Prevention in bringing a DRUG-FREE message to the youth of our state.
Issued by the Governor September 5, 2001.
Filed by the Secretary of State September 6, 2001.

2001-491
FOOD SAFETY AWARENESS MONTH

WHEREAS, the United States has one of the safest food supplies in the world; and
WHEREAS, safe food handling by employees is emphasized on a continual basis in the retail sector at a tremendous cost to the retailer; and
WHEREAS, such training has gone on for decades; and
WHEREAS, retailers have been at the cutting edge of the development of safe food handling procedures; and
WHEREAS, despite the constant training and evolution of safe food handling procedures, as many as 5,000 deaths and 76 million cases of food-borne illnesses occur each year in the U.S.; and
WHEREAS, 250,000 food-borne illnesses occur in Illinois each year; and
WHEREAS, the vast majority of these food-borne illnesses occur in the home and might be avoided with appropriate consumer education; and
WHEREAS, the retail sector in Illinois continues to work with the appropriate state and local health agencies to better educate consumers on good food safety procedures, as well as develop even better food handling procedures; and
WHEREAS, September has been designated as National Food Safety Awareness Month; and
WHEREAS, the citizens of Illinois are encouraged to join the Illinois Retail Merchants Association and its members, the Illinois Food Retailers Association and its members, the Illinois Department of Public Health and Illinois’ local health departments, the Illinois Department of Agriculture, the Illinois Press Association and its members, the Illinois Association of Convenience Stores and its members and the Illinois Restaurant Association and its members in recognizing September 2001 as Food Safety Awareness Month in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as FOOD SAFETY AWARENESS MONTH in Illinois.
Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.

2001-492
KEVIN AND SUE BREHENY DAY

WHEREAS, Kevin and Sue Breheny have been active leaders and contributors to their community for many years; and
WHEREAS, Kevin has served on the Board of Directors for the Decatur & Macon County Chamber of Commerce (1993, 1998-2001), President and General Chairman of the Decatur Celebration (1998-1999), Director of Junior Achievement (2000), Chairman of the Millikin/Decatur Executive Association (1998-1999), Chairman of the Richland Community College Foundation Board (1995-1998), and President of the Decatur Club (1991); and
WHEREAS, Kevin currently serves as the Chairman of the Quincy University Foundation, Director of the Country Club of Decatur, Director of Quincy University, Director of the Central Illinois Advisory Board at Union Planters Bank, Director and President of the Foundation Board at St. Teresa High School, Director of St. Mary’s Hospital Board, Chairman of the Associated General Contractors of Illinois, and Vice-Chairman of the Economic Development Corporation of Decatur/Macon Country; and

WHEREAS, Kevin has been the recipient of many awards including President of the Decatur Club (1991), City of Decatur Mayor’s Recognition for Community Service Award (2000), Sam Walton Business Leader Award (1999), Business Quarterly Macon County Top Business Leaders Award (1998), Orb Award (1998), Chamber of Commerce for Decatur and Macon County Public Relations Award (1991), Young Insurance Agent of the Year in Illinois (1991), and Chamber of Commerce for Decatur and Macon County Small Business of the Year Award (1990); and

WHEREAS, Sue has also been active in the community with her participation as a lifetime member of the Junior Welfare Association, Co-Chair Junior Welfare Association Futures Gold Tournament (1994), a volunteer at Our Lady of Lourdes School and Church, and a Parish Council member of Our Lady of Lourdes Church; and

WHEREAS, both Kevin and Sue are social chairs for Country Club of Decatur, chairpersons for the Springfield Diocesan Campaign for Bishop George Lucas, and members of the Equestrian Order of the Knights of the Holy Sepulchre; and

WHEREAS, Easter Seals Central Illinois has chosen to honor Kevin and Sue Breheny in its third “Seal of Excellence” Tribute Dinner on Saturday, August 25, 2001;


Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.

2001-493

KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, the health and well being of Illinois children is our responsibility; and

WHEREAS, the safety of our children is a significant concern for parents, community leaders and health care givers; and

WHEREAS, environmental welfare is of universal concern and deserves the utmost attention; and

WHEREAS, if started during childhood, proper habits and values can be maintained for a lifetime, producing a valued member of society and enhancing our community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as KIDS DAY AMERICA/INTERNATIONAL in Illinois.

Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.
2001-494
SONOGRAPHY AWARENESS MONTH

WHEREAS, the health of all citizens is a major concern and responsibility of healthcare professionals serving the citizens of the State of Illinois; and
WHEREAS, qualified professionals who specialize in the use of diagnostic medical ultrasound to aid the physician in the diagnosis of disease share a commitment to provide quality healthcare for the people of this state; and
WHEREAS, professionals in sonography are dedicated to the highest standards of professionalism and maintain these standards through continuing education, credentialing and a personal commitment; and
WHEREAS, October 2001 has been designated Sonography Awareness Month to focus on the use of diagnostic medical ultrasound examinations provided through the skilled and conscientious efforts of Diagnostic Medical Sonographers in the state;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as SONOGRAPHY AWARENESS MONTH in Illinois.
Issued by the Governor September 4, 2001.
Filed by the Secretary of State September 6, 2001.

2001-484 (REVISED)
JOSEPH LEE LANENGA DAY

WHEREAS, on September 7, 1976, Joseph Lee Lanenga entered the doors of Elim Christian School. Joe was to teach 16-21 year-olds in a classroom/workshop combination. From that moment on, services for Adults with Disabilities on the southside of Chicago would never be the same; and
WHEREAS, in 1978, at the age of 24, Joseph Lanenga became the Director of Elim Workservices. It was during this period that he also served as a consultant to Bethshan Association in matters of Public Aid and state relations; and
WHEREAS, Bethshan Association, a residential facility for adults with disabilities, recruited Joe to serve as Interim Director in 1983. Here Joe continued to serve many of the same adults whom he had taught at Elim; and
WHEREAS, Joe assumed leadership as Executive Director of Bethshan Association in 1984, when the organization served 45 adults in an ICF/DD setting and employed a staff of 20. The following 17 years would see Bethshan grow to its current capacity of 122 adults with disabilities in 12 programs scattered in the south suburbs of Chicago; and
WHEREAS, under Joe’s direction, Bethshan has earned statewide recognition for its leadership, its vision and its commitment to quality services for adults with disabilities; and
WHEREAS, Joe has encouraged independence, advocated for change, and demanded accountability from everyone under his leadership. It is Joe’s unique style, his generous spirit, his dedication, and his loyalty to everyone he serves that provides the atmosphere and environment that continues to empower adults with disabilities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 9, 2001, as JOSEPH LEE LANENGA DAY in Illinois.
Issued by the Governor August 29, 2001.
2001-495
ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

WHEREAS, the Department of Human Services/Office of Alcoholism and Substance Abuse celebrates September 2001 as National Alcohol and Drug Addiction Recovery Month; and
WHEREAS, acknowledging September 2001 offers advocates of substance abuse treatment an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and
WHEREAS, substance abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities and which has a huge medical, societal, and economic cost; and
WHEREAS, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois and encourage all citizens to support this year’s theme – “We Recover Together: Family, Friends, and Community.” – by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery.

Issued by the Governor September 10, 2001.
Filed by the Secretary of State September 13, 2001.

2001-496
HAVE A HEART FOR SICKLE CELL ANEMIA AWARENESS MONTH

WHEREAS, on Thursday, September 27, 2001, the “Have A Heart for Sickle Cell Anemia Foundation” will hold its 14th Annual Gala at Chicago’s Millennium Steakhouse, located at 832 West Randolph, 2nd Floor Dining Room; and
WHEREAS, Illinois Secretary of State Jesse White will serve as Honorary Chairperson; and
WHEREAS, sickle cell anemia is an inherited, genetic condition that interferes with the ability of red blood cells to carry oxygen throughout the body; and
WHEREAS, presently there is no cure for sickle cell anemia, but with improved care, most patients are living long and very productive lives; and
WHEREAS, this condition is most common in Africans and African-Americans, however, persons who originate from the Caribbean, Latin America, some parts of the Far East and southeast Asia, the Mediterranean, Italy, and some Middle Eastern areas out also effected by this illness; and
WHEREAS, since 1982, Linda Collins, who herself has sickle cell disease, has been a well known statewide advocate for those with chronic medical problems, especially with Sickle Cell Anemia; and
WHEREAS, the “Have a Heart for Sickle Cell Foundation” was established by Linda Collins, and has provided support for research, as
well as providing education and helping others with sickle cell anemia become empowered to cope with her illness; and

WHEREAS, the Have A Heart for Sickle Cell Anemia Foundation was able to successfully lobby for $1.9 million to support a Sickle Cell Anemia Comprehensive Treatment and Research Center, which will be located at the University of Illinois at Chicago Hospital; and

WHEREAS, a Purple and Fuchsia ribbon is The Have A Heart for Sickle Cell Anemia Foundation symbol for the disorder;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as HAVE A HEART FOR SICKLE CELL ANEMIA AWARENESS MONTH in Illinois.

Issued by the Governor September 11, 2001.

Filed by the Secretary of State September 13, 2001.

2001-497

LEUKEMIA & LYMPHOMA AWARENESS MONTH

WHEREAS, blood-related cancers currently afflict more than 620,000 Americans with an estimated 108,000 new cases diagnosed each year; and

WHEREAS, leukemia, lymphoma, and myeloma will kill an estimated 60,500 people in the United States this year; and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated finding cure for these diseases through research efforts and the support for those that suffer from them; and

WHEREAS, The Leukemia & Lymphoma Society maintains an office in Chicago, Illinois, to support patients with these diseases and their family members in the State of Illinois; and

WHEREAS, the State of Illinois is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them; and

WHEREAS, the State of Illinois encourages private efforts to enhance research funding and education programs that address these diseases;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2001 as LEUKEMIA & LYMPHOMA AWARENESS MONTH in Illinois to enhance the understanding of blood-related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

Issued by the Governor September 11, 2001.

Filed by the Secretary of State September 13, 2001.

2001-498

GRAND EXCURSION 2004

WHEREAS, the concept of the Grand Excursion 2004 was born in 1994 when Saint Paul, Minnesota, began a campaign to reclaim its relationship with the Mississippi River; and

WHEREAS, in order to accomplish this, city leaders created a 10-year timeline with goals for accomplishing major city improvement projects; and

WHEREAS, the Grand Excursion 2004 will coincide with the 150th Anniversary of the Grand Excursion Event of 1854, a magnificent Upper Mississippi steamboat flotilla of 1,200 passengers led by former
President Millard Fillmore from Rock Island, Illinois, to the Falls of
Saint Anthony, Minnesota; and
WHEREAS, Grand Excursion 2004 will commemorate the rich heritage
of the Upper Mississippi region, while providing a forum for new and
enhanced Upper Mississippi River historical, natural resource, cultural
and educational activities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim support for the Grand Excursion 2004 event concept.
Issued by the Governor September 12, 2001.
Filed by the Secretary of State September 13, 2001.

2001-499
REHABILITATION AWARENESS WEEK

WHEREAS, Marianjoy Rehabilitation Hospital in Wheaton is
committed to providing rehabilitation care to people in the Chicagoland
community; and
WHEREAS, rehabilitation services are a vital component in modern
health care; and
WHEREAS, health care employees such as physicians, nurses,
physical and occupational therapists, social services personnel,
administrators, support staff and others involved in providing
rehabilitation services are an integral part of the health care team; and
WHEREAS, these individuals’ hard work and dedication help people
recover from illness or injury and improve the quality of life in the
community; and
WHEREAS, Marianjoy Rehabilitation Hospital salutes rehabilitative
care personnel and the important role they play in maintaining the
Chicagoland area as a healthy and productive community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim September 16-22, 2001, as REHABILITATION AWARENESS WEEK in
Illinois.
Issued by the Governor September 12, 2001.
Filed by the Secretary of State September 13, 2001.

2001-500
A DAY OF PRAYER AND REMEMBRANCE IN ILLINOIS

WHEREAS, the United States suffered the most heinous terrorist
attack in its history on Tuesday, September 11, 2001; and
WHEREAS, these acts of violence committed by faceless cowards
have resulted in thousands of deaths and injuries to innocent people,
including hundreds of heroic rescue personnel responding to the
disaster at New York's World Trade Center; and
WHEREAS, these terrorist attacks are cowardly attempts to break
the will of the American people. But, those attacks failed to break
the spirit of the American people and our democracy; and
WHEREAS, the will and spirit of the American people is strong and
it cannot break; and
WHEREAS, leaders and citizens of other nations around the world
have come forward to denounce the terrorist actions and to offer
support for Americans; and
WHEREAS, the people of Illinois, while sharing the sense of
outrage and resolve, are also embracing each other in this time of
sorrow and shock and not allowing terrorism to blind our faith in
democracy, where everyone's rights as citizens are protected; and

WHEREAS people across the globe, across the country and in
Illinois in particular are pouring their hearts out to the victims and
their families whose pain and suffering is beyond imagination; and

WHEREAS, in recognition of those who suffered and died at the
hands of terrorists, President George W. Bush has requested the
citizens and people of the America to come together for a national day
of prayer and remembrance; and

WHEREAS, President Bush has asked all Americans to mark the
importance of this event at NOON by participating in prayer and
remembrance ceremonies in their church or at a public gathering or to
privately observe the moment in their home or place of business;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim September 14, 2001, as A DAY OF PRAYER AND REMEMBRANCE IN
ILLINOIS. I ask that all citizens of Illinois mark this occasion as a
tribute to the victims of these attacks and as a testament to the
strength of the American people

Issued by the Governor September 13, 2001.
Filed by the Secretary of State September 20, 2001.

2001-501
LITHUANIAN-AMERICAN COMMUNITY, INC. DAYS

WHEREAS, Lithuanian’s history as a nation dates back to the 13th
century; and
WHEREAS, Lithuanian-Americans have played a significant part in
the progress of Illinois and have proudly shared their culture,
heritage, and talents with our state; and
WHEREAS, Chicago is home to a large Lithuanian community that is
still strongly connected to its homeland; and
WHEREAS, Lithuanian-American Community, Inc. is celebrating its
50th Anniversary from October 11th through October 14th, 2001; and
WHEREAS, Lithuanian-American Community, Inc. has established and
supported Lithuanian heritage groups, folk dance and song festivals,
sports events and various cultural activities throughout the United
States; and
WHEREAS, Lithuanian-American Community, Inc. is to be commended
for its charitable work and help promoting Lithuanian causes;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim October 11-14, 2001, as LITHUANIAN-AMERICAN COMMUNITY, INC.
DAYS in Illinois.
Issued by the Governor September 13, 2001.
Filed by the Secretary of State September 20, 2001.

2001-502
TWO RIVERS FESTIVAL DAY

WHEREAS, Aroma Park is a community that has demonstrated through
the years a nurturing commitment to its residents; and
WHEREAS, United Methodist Church has always been a positive
influence in and outside of its parish, demonstrating good will towards
all; and
WHEREAS, Aroma Park and the United Methodist Church have demonstrated the strength that lies in unity by committing themselves to work together in order to provide a festival of celebration; and
WHEREAS, the 2nd Annual Two Rivers festival provides an outlet and source of pride for residents of the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15, 2001, as TWO RIVERS FESTIVAL DAY in Illinois and encourage all citizens to recognize the significance of this festival in the history of Aroma Park and surrounding communities.
Issued by the Governor September 13, 2001.
Filed by the Secretary of State September 20, 2001.

2001-503
CHRISTOPHER COLUMBUS DAY

WHEREAS, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and
WHEREAS, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our state and its citizens; and
WHEREAS, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and
WHEREAS, the Joint Civic Committee of Italian Americans, founded in 1950, is an umbrella organization for more than 75 organizations dedicated to charitable causes and promoting Italian heritage and culture; and
WHEREAS, Vito P. Cali, President of the Joint Civic Italian American Committee, announces the annual 49th Christopher Columbus Day Parade will be held October 8, 2001, in Chicago; and
WHEREAS, Paul Butera is the General Chairperson of Christopher Columbus Day Parade; and
WHEREAS, State Senator James De Leo, who is commended for his many years of dedication and commitment to the Italian American community, will precede the 2001 Christopher Columbus Day Parade as Grand Marshal;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 8, 2001, as CHRISTOPHER COLUMBUS DAY in Illinois.
Issued by the Governor September 14, 2001.
Filed by the Secretary of State September 20, 2001.

2001-504
BOB AND VIRGINIA WEAVER DAY

WHEREAS, Bob and Virginia Weaver started with a humble farm beginning in Peoria; and
WHEREAS, through hard work the Weaver family has been able to cultivate a legacy of the Weaver Angus Farm; and
WHEREAS, the Weaver success story was featured early on in a publication of Farm and Rural Interests in 1943; and
WHEREAS, since then, the Weaver Angus Farm has grown into an internationally respected source of Angus genetics and Angus promotion; and

WHEREAS,
WHEREAS, the Weaver Angus Farm is the only Angus operation that has exhibited cattle at every North American International Livestock Exposition over the past 25 years; and
WHEREAS, the list of Angus winners for Weaver Angus Farm in state and national competition is, without question, the longest and most impressive for any ongoing family operation over a period of more than six decades; and
WHEREAS, the Weaver family makes great contributions to the Angus farming industry; and
WHEREAS, the Weaver family hosted the very first Illinois Angus Field Day and have hosted three more field days since then; and
WHEREAS, the Weaver family has supported both the Illinois Junior Angus Association and the National Junior Angus Association; and
WHEREAS, Bob Weaver is always happy to provide financial assistance and incentives to young people and the Weaver Angus Farm junior incentive program is among the most lucrative in the industry; and
WHEREAS, Bob Weaver has recently retired as president of the family corporation so he and Virginia can devote their time to their grandchildren, their cattle, and their carriage collection; and
WHEREAS, each year Easter Seals–UCP hosts a dinner and honors a citizens of Peoria; and
WHEREAS, this year, the honorees at the November 2nd dinner will be Bob and Virginia Weaver;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2001, as BOB AND VIRGINIA WEAVER DAY in Illinois.
Issued by the Governor September 17, 2001.
Filed by the Secretary of State September 20, 2001.

2001-505
CHIEF JOHN EVERSOLE DAY

WHEREAS, John Eversole joined the Chicago Fire Department in February of 1969; and
WHEREAS, he is a certified Master Instructor through the State Fire Marshal’s Office and is a fire service instructor for the Chicago City Wide Colleges and the University of Illinois; and
WHEREAS, he is also a lecturer and instructor for fire departments throughout the US and has taught in Canada, Japan, and South America; and
WHEREAS, he has served in a number of special projects, such as the Deep Tunnel Project and Hazardous Incident Team and has aided in development of the confined space/collapse rescue operations; and
WHEREAS, he served on the Firefighter Safety Act Panel of the US Fire Administration which resulted from the Kansas City explosion and has served as a member of the America Burning Recommissioned group; and
WHEREAS, he has recently retired from the Chicago Fire Department as the Chief of Special Functions which included hazardous materials, technical rescue, specialty apparatus, air sea rescue, and Office of Fire Investigations; and
WHEREAS, he chairs the Hazardous Materials Committee of the International Association of Fire Chiefs as well as the Hazardous Materials Professional Competency Standards Committee of the National Fire Protection Association; and
Whereas, he is a member of the InterAgency Board for equipment Standardization and InterOperability as well as various committees for the International Fire Service Training Association; and

Whereas, he has also been the recipient of many awards including: Instructor of the Year (IL Society of Fire Service Instructors); Partnership Award for Hazmat Safety (US DOT); President’s Award (International Association of Fire Chiefs); Industrial Safety Achievement Award – Safety in the Public Interest (National Chemical Safety Associations); Mason Lankford Fire Service Leadership Award (Congressional Fire Service Institute) and the “Level A Award” (Hazardous Materials Committee of the International Fire Chiefs Association); and

Whereas, John Eversole’s retirement party will celebrate his life-long dedication to making a positive difference in fire safety;


Filed by the Secretary of State September 20, 2001.

2001-452 (REVISED)

German American Day

Whereas, the first German immigrants arrived in the United States in October 1683; and

Whereas, today more than 60 million Americans trace at least a part of their ancestry to Germany; and

Whereas, the German American community accounts for the largest ethnic group in Illinois; and

Whereas, German Americans contributed greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;

Therefore, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as German American Day in Illinois. Issued by the Governor August 17, 2001.

Filed by the Secretary of State September 20, 2001.

2001-506

Joyce Turner Hilkevitch

Whereas, Joyce Turner Hilkevitch has faithfully served as the executive director and president of Mostly Music since its founding in 1973; and

Whereas, in the past Joyce Turner Hilkevitch, has tirelessly dedicated her efforts as a community activist for urban renewal in Hyde Park, and on the Governor’s Commission for the Advancement of Women; and

Whereas, Mostly Music provides quality performances and opportunities for young and emerging artists to showcase their talents; and

Whereas, Mostly Music reaches out to young people through its Teen Art Apprenticeship in African-American Studies, and through its Magic Carpet Series has presented more than 80 concerts this season to senior citizens; and

Whereas, Mostly Music has made significant contributions to the success of music within Chicago, and has diligently worked with local
universities and other arts organizations to promote the understanding and appreciation of music; and

WHEREAS, Mostly Music’s 20-year partnership with Northeastern Illinois University will result in the continuation of outstanding chamber music performances and educational programs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, wish to congratulate Joyce on her retirement and 30 years of success in bringing quality music to the State of Illinois.

Issued by the Governor September 17, 2001.

Filed by the Secretary of State September 20, 2001.

2001-507

STEVE NEAL DAY

WHEREAS, Steve Neal has been an active member of politics within the City of Chicago since 1979; and

WHEREAS, he is a devoted husband to Susan, and father to daughters Erin and Shannon; and

WHEREAS, since 1987 Steve Neal has been a popular and insightful columnist for the Chicago Sun-Times, with the ability to capture the attention of a wide spectrum of readers; and

WHEREAS, Steve Neal has received recognition for his ability to weave historical detail with present day politics on both a national and local level; and

WHEREAS, a former White House correspondent, Steve Neal is among the elite reporters who have participated in discussions with former Presidents Richard M. Nixon and Harry Truman, and is one of the few journalists who has interviewed former President Ronald Reagan across four decades; and

WHEREAS, Steve Neal is the author of an authoritative political history, “Dark Horse: a Biography of Wendell L. Wilkie,” cited by American Heritage magazine as one of the most notable books of 1984; and

WHEREAS, Steve Neal is also the author of “Rolling on the River,” a rich compilation of his Chicago Sun-Times body of work; and

WHEREAS, Steve Neal is celebrating the release of his new book, “Harry & Ike,” an examination of the political relationship between former Presidents Harry Truman and Dwight Eisenhower; and

WHEREAS, Steve Neal is a favorite son of Illinois and Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17, 2001, as STEVE NEAL DAY in Illinois.

Issued by the Governor September 17, 2001.

Filed by the Secretary of State September 20, 2001.

2001-508

AMERICAN BUSINESS WOMEN’S ASSOCIATION DAY

WHEREAS, the American Business Women’s Association was formed in 1949 in Kansas City, Missouri, by a small group of dedicated working women; and

WHEREAS, the American Business Women’s Association has grown to include 70,000 members and 1,500 chapters; and

WHEREAS, the American Business Women’s Association is recognized for its commitment to learning as well as personal and professional growth; and
WHEREAS, through its support of educational endeavors, the American Business Women's Association has awarded more than $12 million in scholarships; and

WHEREAS, the American Business Women's Association is dedicated to expanding a network of long-term, lasting relationships; and

WHEREAS, the members of this organization provide resources and services to each other in order to achieve success and financial security; and

WHEREAS, the dedication and commitment of American Business Women's Association members has propelled the organization's reputation to be known as being able to truly change women's lives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as AMERICAN BUSINESS WOMEN'S ASSOCIATION DAY in Illinois.

Issued by the Governor September 18, 2001.
Filed by the Secretary of State September 20, 2001.

2001-509
GOLD STAR MOTHER DAY

WHEREAS, the American Gold Star Mothers, Inc. is an organization of mothers whose sons or daughters served and died so that this world might be a better place in which to live; and

WHEREAS, on May 28, 1918, President Wilson approved a suggestion made by the Women's Committee of the Council of National Defenses that, instead of wearing conventional mourning for relatives who have died in the service of their country, American women should wear a black band on the left arm with a gilt star on the band of each member of the family who has given his/her life for the nation; and

WHEREAS, American Gold Star Mothers was incorporated in Washington, DC, and granted a Federal Charter by the 98th Congress. That was in 1929, and in the years since, through times of war and times of peace, this organization of American mothers has changed, grown, and always been there when needed; and

WHEREAS, as the war progressed and men and women were killed in combat and others who were wounded and died of their wounds or disease, there came about the accepted usage of the Gold Star; and

WHEREAS, American Gold Star Mothers, Inc. is registered in the United States Patent Office, Legislative Branch of the United States Congressional Library and the United States World Book Almanac; and

WHEREAS, the American mother is doing so much for the home and for the moral and spiritual uplift of the people of Illinois and hence so much for the good of government and humanity that the Office of the Lieutenant Governor and the Illinois Department of Veterans' Affairs will co-host the Gold Star Mothers Recognition Day ceremony;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 2001, as GOLD STAR MOTHER DAY in Illinois.

Issued by the Governor September 18, 2001.
Filed by the Secretary of State September 20, 2001.
2001-510

BREAST CANCER AWARENESS MONTH, OCTOBER AND MAMMOGRAPHY DAY, OCTOBER 19, 2001

WHEREAS, nearly 9,000 Illinois women will be diagnosed in 2001 with breast cancer and approximately 2,000 women in Illinois will die from the disease; and
WHEREAS, breast cancer can be cured if detected early; and
WHEREAS, only about 68 percent of breast cancer cases in Illinois are detected at the earliest and most curable stages, which can increase the survival rate to 96 percent to 98 percent; and
WHEREAS, research shows that deaths from breast cancer could be reduced if women follow breast cancer screening recommendations and obtain routine mammography, regular examinations by a physician and monthly self-examinations; and
WHEREAS, the Illinois Department of Public Health’s Office of Women’s Health strives to promote public awareness of breast health; and
WHEREAS, October is National Breast Cancer Awareness Month;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as BREAST CANCER AWARENESS MONTH in Illinois and October 19, 2001, as MAMMOGRAPHY DAY in Illinois, and I encourage women throughout the state to protect themselves through early detection.

Issued by the Governor September 19, 2001.
Filed by the Secretary of State September 20, 2001.

2001-511

DAY OF REMEMBRANCE

WHEREAS, the Third Annual Parents of Murdered Children, Inc. National Day of Remembrance will be held September 25, 2001; and
WHEREAS, Parents of Murdered Children, Inc. is the only national self-help organization devoted solely to the aftermath and prevention of murder; and
WHEREAS, Parents of Murdered Children, Inc. provides the ongoing emotional support needed to help parents and other survivors facilitate the reconstruction of a “new life” and promote a healthy resolution; and
WHEREAS, the National Day of Remembrance brings its members together for a day of remembering their loved ones who have died by violence; and
WHEREAS, Parents of Murdered Children, Inc. provides an opportunity for public awareness of the need to stop violence; and
WHEREAS, the National Day of remembrance is open to all survivors, advocates, professionals and the general public;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 25, 2001, as DAY OF REMEMBRANCE in Illinois.
Issued by the Governor September 19, 2001.
Filed by the Secretary of State September 20, 2001.
2001-512
CHILD HEALTH MONTH

WHEREAS, the protection and development of the health of children is a fundamental necessity to the future progress and welfare of Illinois; and
WHEREAS, the conservation and promotion of child health issues is of the utmost importance and places upon us a grave responsibility; and
WHEREAS, it is appropriate that a day should be set apart each year for the direction of our thoughts towards the health and well-being of our children; and
WHEREAS, the Illinois Department of Human Services and the University of Illinois at Chicago’s Division of Specialized Care for Children, through their unique community-driven approach to meeting the needs of children including those with special health care needs and their families, has made it considerably easier for parents to get their children the care they need today to ensure their children a better tomorrow;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as CHILD HEALTH MONTH in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-513
CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

WHEREAS, Chronic Obstructive Pulmonary Disease, or COPD, refers to a number of chronic lung disorders that obstruct the airways, the most common of which include chronic bronchitis and emphysema; and
WHEREAS, an estimated 16 million Americans have COPD, with approximately 80 to 90 percent of cases caused primarily by cigarette smoking; and
WHEREAS, COPD claims the lives of approximately 107,000 Americans annually, and is the fourth leading cause of death in the United States; and
WHEREAS, the estimated cost to the nation for COPD is approximately $30 billion annually; and
WHEREAS, the purpose of designating October as COPD Awareness Month is to increase public awareness of these conditions and their risk factors, and improve early diagnosis and treatment;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-514
COLLISION REPAIR INDUSTRY PRIDE MONTH

WHEREAS, the Board of Directors of the National Auto Body Council has declared the month of October as Collision Repair Industry Pride Month; and
WHEREAS, the goal of Collision Repair Industry Pride Month is to generate interaction between the different segments of the collision...
repair industry and to help establish the positive image of an essential and professional industry; and
WHEREAS, through Collision Repair Industry Pride Month, members of the National Auto Body Council want to educate the public about collision repair shops, repair safety issues and what to look for when selecting a collision repair shop; and
WHEREAS, the State of Illinois commends the members of the National Auto Body Council for their efforts to educate our citizens about the collision industry and foster improved relations between the industry and consumers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as COLLISION REPAIR INDUSTRY PRIDE MONTH in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-515
DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent in spite of the Americans with Disabilities Act; and
WHEREAS, the U.S. Census Bureau estimates that there are more than 800,000 individuals with disabilities in the state who are of working age; and
WHEREAS, approximately 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work; and
WHEREAS, citizens with disabilities live in poverty at a rate roughly three times the state average; and
WHEREAS, the Illinois Department of Human Services' Office of Rehabilitation Services has helped more than 6,700 individuals find quality employment last year; and
WHEREAS, the Department has a goal of doubling the number of people they help in obtaining employment by June 30, 2003; and
WHEREAS, people and disabilities are dedicated, skilled employees who are a positive influence in the workforce; and
WHEREAS, there are numerous tax incentives for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and
WHEREAS, the Illinois Department of Human Services' Office of Rehabilitation Services is holding numerous statewide events to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-516
GENESIS AT THE CROSSROADS MONTH

WHEREAS, Genesis at the Crossroads, Inc., a Chicago-based non-profit organization founded in 1999, promotes and organizes annual
events showcasing the Middle East’s multi-faceted heritage through the performing, visual and culinary arts; and

WHEREAS, its mission is to promote awareness, appreciation and celebration of diversity and foster diversity education in the public and private school systems; and

WHEREAS, Genesis at the Crossroads, Inc. brings together Arab, Jewish, and Persian community members and leaders to embrace their rich cultural traditions and dialogue on an individual level; and

WHEREAS, Genesis at the Crossroads, Inc. will produce “A Cabaret of Middle Eastern Culture” at the Chicago Cultural Center on October 28, 2001; and

WHEREAS, the Governor’s Office of Ethnic Affairs will sponsor a Genesis at the Crossroads exhibit at the James R. Thompson Center October 8th to October 20th, 2001; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as GENESIS AT THE CROSSROADS MONTH in Illinois.

Issued by the Governor September 25, 2001.

Filed by the Secretary of State September 27, 2001.

2001-517
HISPANIC MENTAL HEALTH WEEK

WHEREAS, more than 40 million Americans of all ages, races and ethnic groups suffer from mental health problems; and

WHEREAS, mental illness is often perceived as a social stigma in the Hispanic community, and it is of the utmost importance to increase public awareness and understanding of mental wellness; and

WHEREAS, the Latino Family Institute and the Latin International Network of Mental Health have forged partnerships with the Illinois Department of Human Services, the Chicago Department of Public Health and other agencies, organizations and institutions at an international level to provide mental, emotional disorder screenings, lectures, consumer information and symposiums;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1-7, 2001, as HISPANIC MENTAL HEALTH WEEK in Illinois.

Issued by the Governor September 25, 2001.

Filed by the Secretary of State September 27, 2001.

2001-518
PEDIATRIC CANCER AWARENESS MONTH

WHEREAS, Pediatric Cancer is, by far, the number one cause of death by disease in our children and sadly diagnosis has grown to over 12,400 children annually; and

WHEREAS, Bear Necessities Pediatric Cancer Foundation, a not-for-profit organization, is dedicated to fight this devastating disease by improving the equality of life for pediatric cancer patients and their families; and

WHEREAS, Bear Necessities is furthering advancements in research and in general raising awareness of pediatric cancer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as PEDIATRIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor September 25, 2001.

Filed by the Secretary of State September 27, 2001.
2001-519
POLISH AMERICAN HERITAGE MONTH

WHEREAS, Polish immigrants sought freedom, democracy, and a better way of life in America and brought with them their cherished national customs, their love of closely knit family life, and their love for their adopted country; and
WHEREAS, October is a national observance focusing on the many contributions of Polish Americans to the fields of science, medicine, business, law, industry, public service, education, and the arts; and
WHEREAS, in October, we join Americans of Polish descent to celebrate their priceless heritage of humanitarianism, tolerance, and democracy; and
WHEREAS, the Polish Museum of America will sponsor a Polish American Heritage Celebration and Polish American Heritage Children’s Art Contest; and
WHEREAS, the Polish American Congress will sponsor several events including the Annual Heritage Award Banquet honoring Polish American Business and a Gala Opening Celebration of Polish American Heritage Month with a musical program and reception at the Chicago Cultural Center; and
WHEREAS, the Polish Women’s Alliance will sponsor Polish heritage events including “Wycinanki: Poland’s Art of Paper Cutting” workshop for students; and
WHEREAS, the Council of Educators in Polonia will sponsor a Polish heritage celebration at Northeastern Illinois University featuring the Lira Singers;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as POLISH AMERICAN HERITAGE MONTH in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-520
WILL McGAUGHY DAY

WHEREAS, Will McGaughy has served the East St. Louis community for more than 40 years; and
WHEREAS, Will McGaughy was involved in local civil rights efforts which helped break down barriers to employment for East St. Louis residents; and
WHEREAS, Will McGaughy assisted East St. Louis residents in finding jobs in banking and public institutions; and
WHEREAS, Will McGaughy, as Director of the Health, Education and Welfare Department of the City of East St. Louis, was instrumental in bringing much needed services to low-income families; and
WHEREAS, Will McGaughy was recognized by the Metro-East Health Services Council for his outstanding leadership and dedicated services by naming the Will McGaughy Health Center in his honor; and
WHEREAS, the citizens of East St. Louis have continuously benefited from Will McGaughy’s representation on the St. Clair County Board; and
WHEREAS, Will McGaughy served as East St. Louis Township Supervisor for 12 years, from 1989 to 2001, providing important township services to the people of East St. Louis; and
WHEREAS, Will McGaughy chose to retire in the year 2001 as East St. Louis Township Supervisor and County Board Member; and
WHEREAS, a retirement banquet honoring Will McGaughy was held September 7, 2001, at the Clyde C. Jordan Senior Citizens Center in East St. Louis;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 2001, as WILL McGAUGHY DAY in Illinois.
Issued by the Governor September 25, 2001.
Filed by the Secretary of State September 27, 2001.

2001-521
ENRICO FERMI DAY

WHEREAS, Enrico Fermi was born on September 29, 1901, in Italy; and
WHEREAS, Enrico Fermi received his doctorate from the University of Pisa in 1922; and
WHEREAS, Enrico Fermi was elected the first professor of theoretical physics at the University of Rome; and
WHEREAS, Enrico Fermi, a physicist, made immense and lasting contributions to the birth of modern physics, carrying out experiments and theoretical studies that ushered in the atomic age; and
WHEREAS, Enrico Fermi’s observations have led to the discovery of nuclear fission and the production of artificial elements; and
WHEREAS, Enrico Fermi was awarded the prestigious Nobel Prize in Physics in 1938 for his Neutron research; and
WHEREAS, Enrico Fermi immigrated to the United States and conducted a series of experiments that eventually led to the atomic pile and the first controlled nuclear chain reaction which was observed by his team on December 2, 1942 in Chicago; and
WHEREAS, Enrico Fermi became a United States citizen in 1944; and
WHEREAS, Enrico Fermi served as Associate Director of the Los Alamos Scientific Laboratory in New Mexico; and
WHEREAS, Enrico Fermi, at the end of the World War II, accepted a position at the Institute for Nuclear Studies at the University of Chicago, where he established a world renown school of physics; and
WHEREAS, on Saturday, September 29, 2001, 100 years after his birth, the U.S. Postal Service is dedicating a stamp to honor the great University of Chicago scientist, Enrico Fermi;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2001, as ENRICO FERMI DAY in Illinois.
Issued by the Governor September 26, 2001.
Filed by the Secretary of State September 27, 2001.

2001-522
SAINT GILES PARISH DAY

WHEREAS, the Parish of Saint Giles is celebrating its 75th anniversary of service to the Oak Park community; and
WHEREAS, the Parish of Saint Giles was founded by Cardinal Mundelein who named the parish after Saint Giles the “Patron Saint of the Handicapped”; and
WHEREAS, Cardinal Mundelein appointed Reverend Lawrence Frawley as the first pastor of Saint Giles on June 17, 1927; and
WHEREAS, in 1928 the Parish of Saint Giles had built its church and school building in which to provide parochial services to the growing community; and
WHEREAS, Saint Giles Parish has grown and developed at a steady pace from its founding in 1927 through the depression years, the war years, and the post war boom; and
WHEREAS, Saint Giles Parish complex currently consists of six buildings, housing preschool through 8th grade classes, a religious education office, the rectory and convent; and
WHEREAS, Saint Giles Parish is currently led by the Reverend Thomas Dore and serves a community of over 2,000 households in the Oak Park and the Galewood communities; and
WHEREAS, Saint Giles Parish’s commitment to community growth and development through its educational and parochial services has helped to build a healthier society and future for the citizens of Illinois; and
WHEREAS, on October 13, 2001, the members of the community will join together to celebrate their church’s 75th Anniversary at the Rosemont Convention Center;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 2001, as SAINT GILES PARISH DAY in Illinois.
Issued by the Governor September 26, 2001.
Filed by the Secretary of State September 27, 2001.

2001-523
SISTER CITY OF GEDERN, GERMANY DAY

WHEREAS, German immigrants have made significant contributions to our country; and
WHEREAS, German-American Day is celebrated annually on October 6, in honor of those contributions; and
WHEREAS, this year on October 5, Sister Cities of Columbia will welcome 80 visitors from their sister city of Gedern, Germany, for a 10-day stay; and
WHEREAS, the Sister Cities of Columbia will host a welcome dinner and dance for their guests on October 6 at the American Legion Hall in Columbia; and
WHEREAS, the visiting band, Seementaler Musikanten, composed of visitors from the sister city of Gedern, Germany, will be providing the music for the dance; and
WHEREAS, representatives of the respective sister city organizations of Belleville, Millstadt, and Waterloo will be in attendance at the welcoming dance;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as SISTER CITY OF GEDERN, GERMANY DAY in Illinois and wish our visitors an enjoyable stay.
Issued by the Governor September 26, 2001.
Filed by the Secretary of State September 27, 2001.

2001-524
SOUTHWEST WOMEN WORKING TOGETHER DAY

WHEREAS, Southwest Women Working Together (SWWT) is a community-based, not-for-profit organization that serves women and children primarily from the south and southwest sides of Chicago; and
WHEREAS, the mission of SWWT is to recognize and free the potential of women; and
WHEREAS, SWWT works to empower women, expand their options and promote the fundamental rights of women and children; and
WHEREAS, SWWT serves the economically, racially, and ethnically diverse south side of Chicago; and
WHEREAS, each year, SWWT serves over 12,000 women, children, and community members; and
WHEREAS, SWWT provides a full continuum of programs that allow women to address life-crisis issues, set goals, and achieve self-determination; and
WHEREAS, SWWT uses collaborative and complementary ties with community organizations and city/state agencies to strengthen program operations, attain goals of empowerment for women, and educate the public on issues facing women today; and
WHEREAS, in recognizing October as Domestic Violence Month and honoring the agency’s 25 years of service to women and children, SWWT will hold a 25th Anniversary Gala on October 4, 2001; and
WHEREAS, SWWT was founded on October 17, 25 years ago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 2001, as SOUTHWEST WOMEN WORKING TOGETHER DAY in Illinois.

Issued by the Governor September 26, 2001.
Filed by the Secretary of State September 27, 2001.

2001-525

VILLAGE OF OAK PARK DAY

WHEREAS, Oak Park’s roots as a community stretch back 150 years; and
WHEREAS, Oak Park was an independent municipality until November 1901 when it broke away from Cicero Township by referendum; and
WHEREAS, the independent Village of Oak Park opened its doors in January 1902; and
WHEREAS, the Village of Oak Park will celebrate its 100th birthday in the fall of 2001 and continue the Century of Promise celebration through 2002;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as VILLAGE OF OAK PARK DAY in Illinois.

Issued by the Governor September 26, 2001.
Filed by the Secretary of State September 27, 2001.

2001-526

DAY TO CELEBRATE THE 40TH REUNION OF THE LAKEVIEW HIGH SCHOOL CLASS OF 1961

WHEREAS, the Lakeview High School Class of 1961 of Chicago is holding its 40th Reunion on October 13, 2001, at the Radisson Hotel in Rosemont, Illinois; and
WHEREAS, the graduating class, consisting of both the January and June classes of 1961 are more than 400 strong; and
WHEREAS, more than 50 percent of the graduating class is expected to participate, with classmates coming from all over the United States; and
WHEREAS, friendships that are created from that important period in life often last a lifetime, and the memories from those times always do;


Issued by the Governor September 27, 2001.
Filed by the Secretary of State October 4, 2001.

2001-527
LEIF ERIKSON DAY

WHEREAS, the Norwegian National League of Chicago is sponsoring Annual Leif Erikson Celebrations including a special ceremony at the Leif Erikson Statue in Humboldt Park in Chicago honoring the 100th anniversary of the unveiling of the statue, followed by a reception at the Norwegian Lutheran Memorial Church and a Leif Erikson Fest will be held at the new Des Plaines Public Library; and

WHEREAS, the discovery of the North American mainland by Leif Erikson is one of the best documented historical events from the Viking age; and

WHEREAS, today we are not only paying tribute to a dangerous voyage made by a courageous Norwegian-Greenlander, but to all of the exploits of the Viking voyagers of the past one-thousand years and to their descendants who made the first settlements and explorations of the North American continent; and

WHEREAS, Norwegian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 9, 2001, as LEIF ERIKSON DAY in Illinois.

Issued by the Governor September 27, 2001.
Filed by the Secretary of State October 4, 2001.

2001-528
STUDS TERKEL HUMANITIES SERVICE AWARDS DAY

WHEREAS, in honor of its 25th anniversary, the Illinois Humanities Council launched the Studs Terkel Humanities Service Award in 1999 in which mayors are asked to nominate those individuals, primarily volunteers, who have championed the humanities in their communities; and

WHEREAS, the purpose of the award is to recognize the exemplary efforts of individuals from all over the state who have furthered public understanding of the humanities in their communities; and

WHEREAS, the program brings statewide recognition for the IHC on a yearly basis and educates civic leaders about the role the humanities play in community development; and

WHEREAS, the response from state officials, civic leaders, recipients, and Board members and staff who attend these ceremonies has been overwhelmingly positive and usually quite emotional; and

WHEREAS, recipients are deeply honored to receive these awards; and

WHEREAS, the educational aspect of the program has also become quite clear as these communities gather together to learn more about
what constitutes a “humanities hero” and how they might identify one in their community; and
WHEREAS, a celebratory reception honoring the 1999 and 2000 recipients of the Studs Terkel Humanities Award will be held at the Illinois State Library in Springfield;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18, 2001, as STUDS TERKEL HUMANITIES SERVICE AWARDS DAY in Illinois.
Issued by the Governor September 27, 2001.
Filed by the Secretary of State October 4, 2001.

2001-529
THE HUNDRED CLUB OF COOK COUNTY DAY

WHEREAS, the Hundred Club of Cook County was founded 35 years ago to provide immediate and substantial financial assistance to the surviving spouses and children of law enforcement officers, fire fighters and paramedics killed in the line of duty in Cook County; and
WHEREAS, the Hundred Club of Cook County is comprised solely of civilians and has no connection with any political or governmental organization and is funded entirely by private monies; and
WHEREAS, responding to each such tragedy, the Hundred Club of Cook County swiftly offers cash assistance and follows up by paying or reducing mortgages, rent obligations and other family debts, and in addition provides educational assistance to the surviving spouses and to the children of such families for vocational or trade school, college, university or graduate school education; and
WHEREAS, to date, the Hundred Club of Cook County has expended more than $5,500,000 to assist 219 families in Cook County, of which more than $2,200,000 has been in the form of educational assistance; and
WHEREAS, having grown to more than 840 members, it also recognizes the service of law enforcement officers, fire fighters and paramedics by conferring the Hundred Club Valor Award on those men and women selected by their peers and not by the Club to recognize their courage and devotion to the public they serve;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, in recognition of 35 years of contributions made by it and the fulfilling of the obligation the public has to honor the memory of those who have given their lives for us, proclaim October 11, 2001, as THE HUNDRED CLUB OF COOK COUNTY DAY in Illinois.
Issued by the Governor September 27, 2001.
Filed by the Secretary of State October 4, 2001.

2001-530
CENTERS FOR NEW HORIZONS

WHEREAS, Centers for New Horizons helps Bronzeville’s lowest-income residents overcome many barriers to employment, including minimal work experience and insufficient education with its workforce development program; and
WHEREAS, during the past three years more than 400 participants of this program have been placed in jobs with wages averaging $9 per hour; and
WHEREAS, Centers takes a “whole family” approach to workforce development by helping school-aged children envision a future in the work world by connecting them with successful adult mentors; and
WHEREAS, Centers also provides pre-school education to low-income children, and participates in tutoring, leadership training, parenting classes, housing rehabilitation, senior services and job preparation and placement; and
WHEREAS, to address many low-income children’s lack of basic educational skills, Centers for New Horizons provides high-quality pre-school education to about 2,000 children ages 3 and 4 annually through its nine locations, all of which have computers and are accredited by the Council on Accreditation of Services for Families and Children Centers; and
WHEREAS, in addition, Centers provides extended night care, because many parents who work non-traditional hours have a difficult time finding safe and affordable childcare; and
WHEREAS, because keeping teenagers who have children in school is a major problem, Centers offers on-site daycare for infants and toddlers of teen parents who attend Martin Luther King, Jr. High School;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, commend the Centers for New Horizons on the 30th anniversary of their devoted community service to Chicago’s South Side.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.

2001-531
DYSTONIA AWARENESS WEEK

WHEREAS, dystonia is a neurological disorder in which powerful, involuntary muscle spasms twist parts or all of the body; and
WHEREAS, such spasms are always disabling and often very painful; and
WHEREAS, the cause of dystonia is unknown and there is no cure; and
WHEREAS, those who suffer from dystonia, their families, and their friends have formed the Dystonia Medical Research Foundation to help one another and to seek a cause and cure; and
WHEREAS, the public knows little about dystonia, which may affect as many as 300,000 people in North America; and
WHEREAS, many citizens react to the physical manifestations of dystonia by avoiding those who have this disorder, causing them to experience isolation and often deep psychological distress; and
WHEREAS, greater recognition and understanding of dystonia, both in the medical and the lay communities, is highly desirable; and
WHEREAS, widespread public support of efforts to find the causes and cure of dystonia is needed;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-21, 2001, as DYSTONIA AWARENESS WEEK in Illinois.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.
2001-532
PERIODONTAL DISEASE AWARENESS MONTH

WHEREAS, a major message of the United States Surgeon General’s Report on Oral Health is that oral health is integral to the general health and well-being of all Americans; and

WHEREAS, many Americans are affected by disparities in oral health status and access to care; and

WHEREAS, periodontal disease is one of the most prevalent chronic diseases in America affecting more than 50 million, there is a underutilization of new medical and mechanical innovations to treat and prevent the disease; and

WHEREAS, periodontal disease not only causes pain and suffering for the individual but costs the State of Illinois significant amounts of money in direct medical costs as well as absenteeism and lost productivity; and

WHEREAS, there is a need to educate and provide information to all Illinois citizens on these important oral health facts related to the prevention and treatment of periodontal disease; and

WHEREAS, in conjunction with Oral Hygiene Month, Illinois is pleased to join with healthcare providers and professional organizations throughout the state to increase the public’s awareness and understanding of periodontal disease and new methods for its treatment;

THEREFORE, I, George H. Ryan, Governor of Illinois, proclaim October 2001 as PERIODONTAL DISEASE AWARENESS MONTH in Illinois, and do commend this observance to all of our citizens.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.

2001-533
POLISH AMERICAN CULTURAL SOCIETY OF METROPOLITAN ST. LOUIS, INC. DAY

WHEREAS, Polish immigrants sought freedom, democracy, and a better way of life in America and brought with them their cherished national customs, their love of closely knit family life, and their love for their adopted country; and

WHEREAS, October is a national observance focusing on the many contributions of Polish Americans to the fields of science, medicine, business, law, industry, public service, education, and the arts; and

WHEREAS, in October, we join Americans of Polish descent to celebrate their priceless heritage of humanitarianism, tolerance, and democracy; and

WHEREAS, the Polish American Cultural Society of Metropolitan St. Louis, Inc. was founded in 1976 as a educational and cultural organization; and

WHEREAS, members of the Polish American Cultural Society of Metropolitan St. Louis, Inc. promote the rich Polish heritage and culture by dance and music performances, lectures, art and photographic exhibits, Polish classes, festivals, folk art instruction and sponsor a Polish library; and

WHEREAS, officers Marianne Szydlowski, President; Eleanor Brzezinski, 1st Vice President; Stanley Konieczny, 2nd Vice President; Irene Higgins, Treasurer; Bernadine Sadko, Recording Secretary; Andrew Knopek, Sergeant at Arms; and Donald Lachowicz, Chaplain announce that
the 25th anniversary celebration “Polonaise Ball” will take place at the Frontenac Hilton Hotel in St. Louis, October 27, 2001; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as POLISH AMERICAN CULTURAL SOCIETY OF METROPOLITAN ST. LOUIS, INC. DAY in Illinois.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.

2001-534
RADIOLOGIC TECHNOLOGISTS WEEK

WHEREAS, expanding health services and advancing knowledge are creating an ever-increasing demand for the services of qualified radiologic technologists; and
WHEREAS, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and
WHEREAS, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and
WHEREAS, the Illinois State Society of Radiologic Technologists is holding its 66th Annual State Conference September 28-29;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 24-30, 2001, as RADIOLOGIC TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.

2001-535
WHITE CANE DAY

WHEREAS, all people, including persons who are blind or visually impaired, have the right to fully participate in all aspects of life; and
WHEREAS, more than 75,000 Illinois citizens are either blind or legally blind; and
WHEREAS, the white cane is a tool used by persons who are blind or visually impaired to safely navigate through their environment; and
WHEREAS, the first legal recognition of the white cane came in 1930, when a white cane ordinance was passed by the City of Peoria, Illinois; and
WHEREAS, raising awareness about the needs of persons who are blind or visually impaired is an important step to ensure that everyone can enjoy the right of full participation in Illinois’ economic, cultural, and social circles;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 2001, as WHITE CANE DAY in Illinois.

Issued by the Governor October 2, 2001.
Filed by the Secretary of State October 4, 2001.
WHEREAS, foreign language skills help promote the economic
development of the State of Illinois through international trade and
cultural understanding; and
WHEREAS, foreign languages substantially help to further the
careers of Illinois citizens as a skill that is used in many employment
environments; and
WHEREAS, knowledge of a foreign language helps to enhance
understanding among the diverse ethnic and cultural groups of Illinois
citizens; and
WHEREAS, the study of the French language helps to bring together
people from the United States and people from French-speaking parts of
the world who might otherwise never recognize their similarities; and
WHEREAS, Illinois is connected to a strong French heritage with
explorers such as Marquette and Joliet, Chicago’s sister city
relationship with Paris, and many historical sites around the state
such as Starved Rock;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim November 4-10, 2001, as FRENCH WEEK in Illinois.
Issued by the Governor October 3, 2001.
Filed by the Secretary of State October 4, 2001.

2001-537
R.C. SMITH DAY

WHEREAS, the foundation of our republic is based on public
service as a noble and admirable pursuit; and
WHEREAS, Mr. R.C. Smith of Macon County took his first step into
the realm of public service in 1961 with his election as Assistant
Township Supervisor for Long Creek Township and held that post until
1970; and
WHEREAS, in 1971 Mr. Smith was elected Supervisor of Mt. Zion
Township, becoming the first Democrat to win election to that post in
two decades; and
WHEREAS, Mr. Smith’s career or public service has also included
28 years of service on the Macon County Board, where he served as
Chairman from 1985-1986 and six terms as Vice Chairman; and
WHEREAS, Mr. Smith has worked diligently on behalf of the people
of Macon County for most of his adult life and, as a result, has no
doubt contributed to an improved quality of life for his family, his
many friends and his neighbors; and
WHEREAS, despite his tireless efforts on behalf of the people he
served, R.C. Smith never allowed his career of public service to
interfere with his loving responsibilities as a husband and a father; and
WHEREAS, Mr. Smith has been married to the former Wanda Jones
since 1964 and their marriage produced three children—Bryan, Randy and
Patty—and are the grandparents of Brett, Nicole, Patti, Ashley and
Courtney; and
WHEREAS, on October 19, 2001, the people of Long Creek Township
and Macon County honor the public service and the life of one of their
most dedicated and honorable public servants, Mr. Richard Carol “R.C.”
Smith, who for 40 years has made the people of his township, his
county, his state and his nation the beneficiaries of his unswerving loyalty and hard work;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2001, as R.C. SMITH DAY in Illinois, in recognition of his 40 years of devoted public service.
Issued by the Governor October 3, 2001.
Filed by the Secretary of State October 4, 2001.

2001-538
DIVERSITY WEEK

WHEREAS, diversity is the backbone of our Commonwealth and our nation and it is essential that we, as individuals and communities, continue to advance and promote our time-honored traditions, cultures, and heritages; and
WHEREAS, as we strive for a future in which all people recognize and appreciate the invaluable treasure of diversity and the intrinsic capacity of difference, let us remember that the future lies in the unity of our vision; and
WHEREAS, at the dawn of the 21st Century, we seek to increase awareness, educate and celebrate the diversity of America;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15-21, 2001, as DIVERSITY WEEK in Illinois in special recognition of the diversity of Illinois, and encourage all citizens to recognize this important observance.
Issued by the Governor October 4, 2001.
Filed by the Secretary of State October 11, 2001.

2001-539
GERMAN AMERICAN NATIONAL CONGRESS DAYS

WHEREAS, the German American community accounts for the largest ethnic group in Illinois; and
WHEREAS, the D.A.N.K. (German American National Congress) was founded in Chicago in 1959 to bring German Americans together and to promote German heritage and culture; and
WHEREAS, the D.A.N.K. Fox Valley Chapter and Fox Valley GATES (German American Team of Educational Sponsors) will host the D.A.N.K. Biannual National Convention 2001; and
WHEREAS, the convention will consist of business meetings, workshops, seminars, cultural programs and a banquet featuring the famous singer “Mona” from Germany; and
WHEREAS, proceeds from the convention are for educational programs and German Language Scholarships; and
WHEREAS, German Americans contribute greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government, education and public services;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18-21, 2001, as GERMAN AMERICAN NATIONAL CONGRESS DAYS in Illinois.
Issued by the Governor October 4, 2001.
Filed by the Secretary of State October 11, 2001.
2001-540
TEMPORARY HELP WEEK

WHEREAS, the temporary help industry is a major contributor to a strong U.S. economy; and
WHEREAS, the temporary help industry provides millions of people with diversified, flexible employment and job training; and
WHEREAS, the temporary help industry provided more than 2.5 million jobs daily in 2000; and
WHEREAS, the temporary help industry was responsible for a payroll that was approximately $43.5 billion in 2000; and
WHEREAS, temporary help companies provide our state’s businesses with efficient, qualified people to solve temporary staff shortages; and
WHEREAS, this immediacy in solving staff shortages is so important that nine out of ten companies, ranging from small local businesses to major corporations, use temporary help services for their additional staffing needs; and
WHEREAS, the temporary help industry provides tens of thousands of full-time jobs by acting as a bridge to those jobs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15-21, 2001, as TEMPORARY HELP WEEK in Illinois.

Issued by the Governor October 4, 2001.
Filed by the Secretary of State October 11, 2001.

2001-541
JOEL HALL DANCERS AND JOEL HALL DANCE CENTER DAY

WHEREAS, the Chicago City Theatre Company and its subsidiaries, the Joel Hall Dancers and the Joel Hall Dance Center, continue to inspire dancers and non-dancers alike in the State of Illinois; and
WHEREAS, the Joel Hall Dancers is celebrating 27 continuous years of outstanding creativity and service to the field; and
WHEREAS, the Joel Hall Dancers and the Joel Hall Dance Center have achieved an international reputation as a quintessential contemporary American jazz ballet company -- urban, sophisticated and accessible;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 2001, as JOEL HALL DANCERS and JOEL HALL DANCE CENTER DAY in Illinois, and encourage all citizens of Illinois to appreciate excellence in dance performance and dance training in our great state.

Issued by the Governor October 5, 2001.
Filed by the Secretary of State October 11, 2001.

2001-542
NATIONAL COUNCIL OF NEGRO WOMEN DAY

WHEREAS, the National Council of Negro Women (NCNW) Chicago Midwest Section will hold its Third Annual Purple Reflections Award Ceremony on October 27, 2001; and
WHEREAS, this year’s theme for the event is “Honoring Men for the Progression of the Family,” and will honor the many contributions and achievements that have been made by African-American men; and
WHEREAS, the National Council of Negro Women was founded in 1935 by the legendary educator and civil rights leader Mary McLeod Bethune; and

WHEREAS, the National Council of Negro Women is considered the voice of over four million women of color throughout Illinois and the United States of America; and

WHEREAS, the mission of the NCNW is “To Leave No One Behind, working for self-reliance, unity and commitment,” as declared by their founders and current leadership;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as NATIONAL COUNCIL OF NEGRO WOMEN DAY in Illinois.

Issued by the Governor October 5, 2001.
Filed by the Secretary of State October 11, 2001.

2001-543
NATIONAL PANHELLENIC CONFERENCE YEAR

WHEREAS, the 26 member groups of the National Panhellenic Conference contribute to the academic achievement and mission of colleges and universities; and

WHEREAS, the alumnae and collegiate chapter members support their campus and area communities through service and philanthropic endeavors; and

WHEREAS, members of women’s fraternities foster life-long friendships through chapter and Panhellenic activities and impact the lives of others as alumnae advisors and mentors; and

WHEREAS, as a result of the opportunities for growth and development provided by the collegiate and alumnae fraternity and Panhellenic experience, members assume roles as productive citizens and make significant contributions to society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 to October 2002 as NATIONAL PANHELLENIC CONFERENCE YEAR in Illinois.

Issued by the Governor October 5, 2001.
Filed by the Secretary of State October 11, 2001.

2001-544
PLANO VISION DEVELOPMENT CENTER DAY

WHEREAS, the Plano Vision Development Center is a multi-disciplinary, not-for-profit optometric service organization that provides comprehensive vision and vision-perception care whose aim is to assess and treat visual deficiencies in at-risk residents on an ability-to-pay fee basis; and

WHEREAS, the Plano Vision Development Center was founded in 1959 by Drs. Robert L. Johnson and Henry R. Moore; and

WHEREAS, the mission of Plano is to identify, evaluate, and treat educationally disadvantaged children who have an underdeveloped and/or inefficient vision information processing system; and

WHEREAS, Plano has served more than 1 million people in the Chicago Metropolitan area for more than 40 years; and

WHEREAS, Plano will hold its 26th Annual Vision Care Benefit Dinner & Show on October 19, 2001, in Evergreen Park, Illinois; and
WHEREAS, this year’s theme for the affair will be “Enhancing Behavioral Vision Care...Now and Tomorrow”;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2001, as PLANO VISION DEVELOPMENT CENTER DAY in Illinois.

Issued by the Governor October 5, 2001.
Filed by the Secretary of State October 11, 2001.

2001-545
CHIEF MINISTER SHEILA DIKSHIT DAY

WHEREAS, the City of Chicago and the City of Delhi will sign a Sister Cities agreement; and
WHEREAS, in attendance at the signing will be Her Excellency Chief Minister Sheila Dikshit, National Capital Territory of Delhi and the Honorable Mayor Shanti Desai with a delegation; and
WHEREAS, the Sister City relationship will increase the trade and cultural exchange between the National Capital Territory of Delhi, India, and the State of Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 2001, as CHIEF MINISTER SHEILA DIKSHIT DAY in Illinois, in honor of the visit to the State of Illinois and signing of the Sister Cities agreement.

Issued by the Governor October 9, 2001.
Filed by the Secretary of State October 11, 2001.

2001-546
CREDIT UNION DAY

WHEREAS, credit unions are individual, independent cooperatives founded by people working together towards economic advancement, uniting people seeking a way to improve their future; and
WHEREAS, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit when it is required; and
WHEREAS, credit unions empower people to improve their economic situations in 84 nations around the world through 37,623 credit unions, currently serving the financial needs of 100.7 million members, including 2.5 million members in Illinois who are associated through local, state, regional, and international organizations sharing the same commitment to serving credit union members; and
WHEREAS, credit unions are developing strong alliances that make financial democracy possible in many countries such as China, Poland, Russia, Ghana, Argentina, Ukraine, and the rest of the world;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18, 2001, as CREDIT UNION DAY in Illinois and encourage all citizens to recognize the many contributions credit unions have made to the communities in this state, both tangible and intangible, through the years, and honor and express appreciation for the service and commitment of Illinois’ credit unions.

Issued by the Governor October 9, 2001.
Filed by the Secretary of State October 11, 2001.
WHEREAS, children are all too often the unfortunate victims of gun and gang violence; and
WHEREAS, a Day of Unity to promote awareness of gun and gang violence will help people of all faiths and cultures contemplate peace and together seek a resolution to this problem; and
WHEREAS, in commemoration of the Day of Unity, citizens of Illinois should wear a purple ribbon to symbolize their common goal to end violence, especially against children; and
WHEREAS, on October 14, the families of fallen Chicago Police officers Eric Lee and Brian Strause will be awarded the first Peacemaker Awards;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14, 2001, as a DAY OF UNITY in Illinois.

Issued by the Governor October 9, 2001.
Filed by the Secretary of State October 11, 2001.

2001-548
LIFE DIRECTIONS DAY

WHEREAS, Life Directions started with four concerned adults that wanted to encourage young people to discover the values that lead to a productive, drug-free, non-violent life; and
WHEREAS, the goal of Life Directions has been, and continues to be, to work as motivators, encouraging young adults to choose responsible behavior while providing them with support and guidance; and
WHEREAS, unlike traditional approaches of dealing with problems that youth face, Life Directions addresses the cause: the sense of hopelessness resulting from the belief that one has no control over the course of one’s life; and
WHEREAS, Life Directions believes that establishing positive values is the solution to problems that young adults face; and
WHEREAS, Life Directions works primarily through programs established through peer motivation, neighborhood enrichment, and life search weekends; and
WHEREAS, through contributions by schools, the community, and by a core group of dedicated corporate sponsors and the young adults themselves, Life Directions developed programs that helped over 50,000 young adults and became a model for other youth-orientated organizations throughout the Midwest; and
WHEREAS, WGN-TV Children’s Charities and Life Directions will be hosting the annual “Salute to Chicago’s Guiding Lights” gala on October 18, 2001; and
WHEREAS, Michael W. Scott, president of the Chicago School Board, and Hermene Hartman, founder and publisher of N’DIGO, will be honored at the gala for their strong commitment to public service and the youth of Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18, 2001, as LIFE DIRECTIONS DAY in Illinois.
Issued by the Governor October 9, 2001.
Filed by the Secretary of State October 11, 2001.
2001-549
CHIEF DEPUTY ROGER OLIVER DAY

WHEREAS, on October 19, 2001, Chief Deputy Roger Oliver will retire from the Macomb Police Department after 30 years of service to the community; and

WHEREAS, Roger dedicated much of his professional life in the detective division and later promoted through several ranks obtaining a promotion to Operations Captain; and

WHEREAS, the rank of Captain was later eliminated with a rank change to Deputy Chief; and

WHEREAS, Roger has been quite active with the Fraternal Order of Police and an active participant and representative in police pension issues;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2001, as CHIEF DEPUTY ROGER OLIVER DAY in Illinois, in recognition of the 30 years he has devoted to the community of Macomb.

Issued by the Governor October 11, 2001.
Filed by the Secretary of State October 18, 2001.

2001-550
NORTHERN ILLINOIS LIBRARY SYSTEM DAY

WHEREAS, the Northern Illinois Library System (NILS) is one of the 12 regional library systems in the state; and

WHEREAS, NILS serves more than 675,000 people; and

WHEREAS, NILS has undergone a major revamping of its physical facilities and is planning a grand opening, dedication and ribbon cutting on October 23, 2001, at 4:00 p.m.;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 2001, as NORTHERN ILLINOIS LIBRARY SYSTEM DAY in Illinois.

Issued by the Governor October 11, 2001.
Filed by the Secretary of State October 18, 2001.

2001-551
PROVIDENT HOSPITAL DAY

WHEREAS, the Provident Foundation was founded in 1994 to promote the history and legacy of the renowned Provident Hospital; and

WHEREAS, Provident Hospital was the first hospital to provide internships for African American doctors and services for African Americans and others during the segregation era; and

WHEREAS, on Saturday, October 20, the many friends and supporters of the Provident Foundation will celebrate the 110th anniversary and founding of the Provident Hospital by sponsoring the Helping Hands, Healing Hearts: A Salute to Chicago’s Miracles in Medicine Gala; and

WHEREAS, the Provident Foundation will present Living Legacy Awards to six individuals who have exemplified excellence in the field of medicine while unselfishly giving their time and resources to serve their communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as PROVIDENT HOSPITAL DAY in Illinois in celebration of its 110th anniversary.
WHEREAS, the Republic of Turkey will be celebrating the 78th Anniversary of the Turkish Republic on October 29, 2001; and
WHEREAS, this event has a special significance for all Turks and the Turkish American community in Illinois; and
WHEREAS, there will be several events celebrating the significance of this day throughout Illinois, including a “Republic’s Day Ball” in Chicago and events at the Turkish American Cultural Center; and
WHEREAS, Turkish Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts and entertainment; and
WHEREAS, Turkish Americans have proudly shared their culture, heritage and talents with our state; and
WHEREAS, members of the Turkish American community that have contributed to science and technological advances include the late Dr. Tuncer Kuzay, Dr. Ercan Alp and Dr. Ali Erdemir of Argonne National Laboratory; and
WHEREAS, the Founder of the Turkish Republic, Kemal Ataturk, has contributed to world peace; and
WHEREAS, the Republic of Turkey is the only secular democratic Moslem country, providing a working model to show how democracy, secularism, and free market economies can flourish in a Moslem country;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 2001, as REPUBLIC OF TURKEY DAY in Illinois.

Issued by the Governor October 11, 2001.
Filed by the Secretary of State October 18, 2001.

2001-553
SLOVENIAN DAY

WHEREAS, on October 20, 2001, Slovenians in Illinois will celebrate the 10th anniversary of the independence of the Republic of Slovenia and the 50th anniversary of Slovenian American Radio Club; and
WHEREAS, 2001 marks the 50th anniversary of the Slovenian Day Festival in Illinois; and
WHEREAS, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and
WHEREAS, thousands of Slovenian Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and
WHEREAS, a special Independence Day program will be shared by all Illinois citizens on October 20, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as SLOVENIAN DAY in Illinois.

Issued by the Governor October 11, 2001.
Filed by the Secretary of State October 18, 2001.
2001-554

UNITED HELLENIC AMERICAN CONGRESS DAY

WHEREAS, November 3, 2001, marks the 26th Annual Banquet of the United Hellenic American Congress; and
WHEREAS, the United Hellenic American Congress was founded in 1975 to serve as the umbrella and unifying organization for Hellenic Americans; and
WHEREAS, the organization functions on local, regional and national levels to promote Greek heritage and culture, enhance relations between Greece and the United States and improve communications and unity between Greek Americans and fellow Americans; and
WHEREAS, Andrew A. Athens, National Chairman of United Hellenic American Congress, announces that banquet’s theme will be “Honoring the Olympics and the Olympic Truce”; and
WHEREAS, the United Hellenic American Congress will honor and recognize His Excellency Evangelos Venizelos, Greece Minister of Culture, and His Eminence Archbishop Demetrios, Primate of the Greek Orthodox Archdiocese of America, for their commitment and contributions to the Hellenic community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as UNITED HELLENIC AMERICAN CONGRESS DAY in Illinois and urge all citizens to be cognizant of the special events arranged for this time.

Issued by the Governor October 11, 2001.
Filed by the Secretary of State October 18, 2001.

2001-555

CAREER DEVELOPMENT MONTH- FEBRUARY 2002 AND GROUNDHOG/JOB SHADOW DAY- FEBRUARY 1, 2002

WHEREAS, the State of Illinois recognizes the importance of career development and provides rigorous and relevant career awareness, exploration and development opportunities for each and every individual; and
WHEREAS, career development helps individuals understand, select and prepare for those occupations that will provide careers in the increasingly challenging labor market in the future; and
WHEREAS, individuals may change careers or need to be retrained several times, making career development a life-long process that reaches far beyond the schools; and
WHEREAS, the State of Illinois continues to emphasize career development for all people to assist them in preparing for the future through programs of the State Board of Education, the welfare to work initiative and the Illinois Employment and Training Center network; and
WHEREAS, the State of Illinois recognizes and celebrates the importance of individuals experiencing the workplace firsthand through mentoring and job shadowing programs; and
WHEREAS, private industry also recognizes the importance of partnerships between schools and businesses to ensure the economic prosperity of Illinois today and the ability of our students to participate in the global workplaces of tomorrow; and
WHEREAS, stakeholders in local communities must collaborate and cooperate to ensure each and every individual in Illinois receives
equal opportunity education and training that will meet their career goals;

THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, proclaim February 2002 as CAREER DEVELOPMENT MONTH and February 1, 2002 as GROUNDHOG/JOB SHADOW DAY in Illinois.

Issued by the Governor October 12, 2001.
Filed by the Secretary of State October 18, 2001.

2001-556
DR. MARY DOCHIOS-KAMBEROS DAY

WHEREAS, Dr. Mary Dochios-Kamberos was born in Colfax, Washington, the third of four daughters born to Christ and Helen Dochios; and

WHEREAS, Mary attended the University of Idaho, graduating Phi Beta Kappa with a Bachelor of Science degree in Bacteriology. She went on to Hahnemann Medical College in Philadelphia where she earned her MD; and

WHEREAS, as a board-certified pediatrician and Fellow of the American Academy of Pediatrics, Dr. Dochios-Kamberos ran a solo practice for more than 50 years until her retirement two years ago; and

WHEREAS, today she is an active member of the Hellenic College/Holy Cross Greek Orthodox School of Theology Board of Trustees and a generous benefactor of St. Nicholas Greek Orthodox Church in Oak Lawn, Illinois; and

WHEREAS, Mary is well known in the Chicagoland community as a supporter of numerous philanthropic organizations that provide scholarships for inner-city and handicapped children in addition to the scholarship funds that she supports for other American youth;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as DR. MARY DOCHIOS-KAMBEROS DAY in Illinois.

Issued by the Governor October 12, 2001.
Filed by the Secretary of State October 18, 2001.

2001-557
JEWSISH BIG SISTER DAY

WHEREAS, Jewish Big Sisters (JBS) is one of the oldest Big Sister organizations in the area and it has evolved to fit the needs of Chicago’s girls over the years; and

WHEREAS, during its 85 years, Jewish Big Sisters has provided continuing friendship and support to more than 4,000 underprivileged Jewish girls in Metropolitan Chicago; and

WHEREAS, through JBS, Big Sisters interact with Little Sisters at group activities as well as through one-on-one relationships; and

WHEREAS, group activities include cultural, educational, recreational, and religious events; and

WHEREAS, when appropriate, JBS may provide referral resources to Little Sisters and their families as well as financial assistance for specific needs; and

WHEREAS, Jewish Big Sisters is volunteer-based and all services are financed through fundraising and donations; and

WHEREAS, the Jewish Big Sisters organization will be celebrating its 85th anniversary;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2001, as JEWISH BIG SISTER DAY in Illinois.
Issued by the Governor October 12, 2001.
Filed by the Secretary of State October 18, 2001.

2001-558
LAMBS FARM 40TH ANNIVERSARY DAY

WHEREAS, Lambs Farm is celebrating 40 years as a premier non-profit organization dedicated to the empowerment of people with developmental disabilities; and
WHEREAS, Lambs Farm began in 1961 when it opened a small pet shop on North State Street in Chicago to provide employment opportunities for people with developmental disabilities; and
WHEREAS, today, Lambs Farm is a thriving 70-acre campus in Libertyville where 250 adults with developmental disabilities live and work to their fullest potential; and
WHEREAS, the organization provides vocational training and has its own on-site businesses open to the public which includes a petting zoo, a pet shop, a restaurant, a country store, a thrift shop, and a miniature golf course; and
WHEREAS, the on-site businesses and attractions employ many of the men and women of Lambs Farm; and
WHEREAS, the organization provides a variety of residential and vocational options to empower the people of Lambs Farm to live and work in neighboring communities; and
WHEREAS, Lambs Farm is dedicated to providing the most independent environment possible based on each person's interests, strengths and needs; and
WHEREAS, Lambs Farm is known worldwide for its innovative programs, has been visited by families and professionals from every state and more than 25 countries and is an outstanding model of services for persons with developmental disabilities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, October 20, 2001, as LAMBS FARM 40TH ANNIVERSARY DAY in Illinois to recognize the outstanding contribution the organization has made and continues to make to the citizens of Illinois.
Issued by the Governor October 12, 2001.
Filed by the Secretary of State October 18, 2001.

2001-559
RUTH PAGE AWARDS DAY

WHEREAS, the memory of the late Ruth Page continues to inspire dancers in the Chicago area; and
WHEREAS, Chicago Dance Arts Coalition created the Ruth Page Awards in 1986 to honor excellence in dance and significant contributions to the field; and
WHEREAS, Chicago Dance and Music Alliance, as the successor to Chicago Dance Arts Coalition, continues the tradition of presenting the Ruth Page Awards; and
WHEREAS, the dance community has presented its nominees for the best of dance in the 2000-2001 season; and
WHEREAS, the 2001 Ruth Page Awards for excellence in dance will be presented at the Dance Center of Columbia College on Sunday, October 21, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2001, as RUTH PAGE AWARDS DAY in Illinois.

Issued by the Governor October 12, 2001.
Filed by the Secretary of State October 18, 2001.

2001-560

BRACHIAL PLEXUS INJURY AWARENESS WEEK

WHEREAS, brachial plexus injuries affect the network of nerves that control the muscles of the shoulder, arm, elbow, wrist, hand, and fingers and can result in full to partial paralysis of one or both arms; and

WHEREAS, brachial plexus injuries can occur as a result of trauma from automobile, motorcycle or boating accidents, sports injuries, animal bites, and gunshot or puncture wounds; and

WHEREAS, persons affected by brachial plexus injuries experience pain in muscles, joints and ligaments, as well as weakness, atrophy, numbness of the affected limb, and respiratory difficulties; and

WHEREAS, those affected by brachial plexus injuries often experience delayed diagnosis and lack of access to information related to current and groundbreaking treatment options, including surgical procedures available that could enhance function of the affected limb; and

WHEREAS, early intervention by specialized physicians and experienced occupational and physical therapists is essential for optimum functional improvement related to a brachial plexus injury; and

WHEREAS, the Chicago Brachial Plexus Injury Support Group, Inc. is planning various activities to promote, inform and educate the general public, the medical community, and individuals with brachial plexus injuries and their families during Brachial Plexus Injury Awareness Week 2001; and

WHEREAS increased understanding and awareness of brachial plexus injuries will ensure hope of a better future for people affected, as well as possibly prevent this injury from occurring;

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2001, as BRACHIAL PLEXUS INJURY AWARENESS WEEK in Illinois.

Issued by the Governor October 15, 2001.
Filed by the Secretary of State October 18, 2001.

2001-561

CATS DAY

WHEREAS, the poems comprising Old Possum’s Book of Practical Cats by T.S. Eliot were first published by Faber & Faber in 1939, set to music by Lord Lloyd-Webber, are performed in the production as songs; and

WHEREAS, the London, United Kingdom production of “CATS” originated May 11, 1981, presented by Cameron Mackintosh Limited and the Really Useful Theatre Company Limited; and

WHEREAS, the Really Useful Theatre Company Limited, Cameron Mackintosh Limited, and the London cast and company of “CATS” exemplify
high standards through collaborative team work, respect for all, celebration of cultural diversity, demonstration of positive self-esteem, determination and consistent hard work essential for success; and

WHEREAS, the London cast and company of "CATS" perform various and many humanitarian acts including participating in benefits, contributing personal resources to the wider community and inspiring and educating youth; and

WHEREAS, Cameron Mackintosh Limited and the Really Useful Theatre Company Limited, under the leadership of John Scarborough, Education Liaison Officer, sponsor the "Classroom Around the Stage" program, provide educational resources aligned to the national curriculum, and instill in youth of all ages a love and appreciation for the performing arts; and

WHEREAS, the cast and company members of the London production of "CATS" as positive role models motivate, inspire and improve the personal, social and academic growth of youth as future productive citizens of the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2001, as CATS DAY in Illinois.

Issued by the Governor October 15, 2001.
Filed by the Secretary of State October 18, 2001.

2001-562
COUNTRY MUSIC DAY

WHEREAS, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music, along with square and clog dancing in our state; and

WHEREAS, the ICMA believes in the entertainment of fans and the recognition of Illinois artists; and

WHEREAS, the ICMA is celebrating its 12th anniversary with a show and concert on October 21. During the show, the Illinois Country Music Entertainer of the Year, along with 35 other awards will be announced;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2001, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 15, 2001.
Filed by the Secretary of State October 18, 2001.

2001-563
ILLINOIS SOCIETY FOR RESPIRATORY CARE WEEK

WHEREAS, the Illinois Society for Respiratory Care is a well-known, prestigious organization of respiratory care practitioners who practice throughout our state; and

WHEREAS, respiratory care practitioners are involved, in an extensive number of lifesaving and life-supporting activities, including care for patients diagnosed with asthma, emphysema, pneumonia, and various lung disorders, as well as for seriously ill patients who have suffered cardiac or respiratory arrest; and

WHEREAS, Respiratory Care Practitioners are a vital and important link in our nation's health care delivery system;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2001, as ILLINOIS SOCIETY FOR RESPIRATORY CARE
WEEK in Illinois, in recognition of the many years of service this selfless group of medical professionals has provided to our citizens.

Issued by the Governor October 15, 2001.
Filed by the Secretary of State October 18, 2001.

2001-564
FOOD DAY

WHEREAS, Springfield Mayor Karen Hasara, legislators and community members will join the Central Illinois Foodbank Board of Directors at a ceremony recognizing World Food Day (October 16) and National Food Bank Week (October 14-20); and
WHEREAS, the purpose of the event is to honor food pantry, soup kitchen and shelter volunteers from around the state for their work to feed people in need; and
WHEREAS, the number of people requesting food assistance in central Illinois during the past five years has increased dramatically. Larger food pantries that previously served 200 or 300 people each month now serve as many as 900 or 1,000 people each month; and
WHEREAS, the mission of the Central Illinois Foodbank is to collect donated food and grocery items from growers, manufacturers, processors, wholesalers and retailers for distribution to charitable agencies serving those in need; and
WHEREAS, the Central Illinois Foodbank distributes 4 million pounds of food each year to 219 nonprofit food programs in 21 counties; and
WHEREAS, Illinois’ First Lady Lura Lynn Ryan is the Chairman of the Illinois Cooperative Extension Service's "4H CAN Make a Difference" Program, which raises more than 80 tons of food for the Illinois Food Bank each year; and
WHEREAS, Mrs. Ryan also partners with the "Food Rescue" program for the Illinois Food Bank;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16, 2001, as FOOD DAY in Illinois.

Issued by the Governor October 16, 2001.
Filed by the Secretary of State October 18, 2001.

2001-565
AYDIN GONULSEN DAY

WHEREAS, Aydin Gonulsen has played the game of soccer for more than 50 years and coached, promoted, organized and administered soccer programs for 26 years; and
WHEREAS, Aydin Gonulsen is considered the “founding father” of organized soccer in Illinois’ state capital of Springfield, having founded the soccer program at Sangamon State University in 1977 and the city’s first semi-pro indoor team in 1981; and
WHEREAS, in the quarter century of dedication to Sangamon State and its successor, the University of Illinois at Springfield, Aydin Gonulsen has guided the Prairie Stars to three National Association of Intercollegiate Athletics championships in 1986, 1988 and 1993; and
WHEREAS, two Prairie Star teams coached by Aydin Gonulsen have qualified for the World Collegiate Championship in 1987 and 1988; and
WHEREAS, all of Aydin Gonulsen’s Prairie Star teams have had winning records and have established an international standard for collegiate soccer; and

WHEREAS, Aydin Gonulsen has the most wins of any active soccer coach in the country with 411 victories, and Aydin Gonulsen has received numerous coach of the year awards, special citations and has been inducted into the NAIA Hall of Fame; and

WHEREAS, Aydin Gonulsen has announced his retirement from coaching at the University of Illinois at Springfield; and

WHEREAS, his presence in the Springfield community - and statewide - has been an inspiration to young people and their families for many years and will continue to be a source of pride for our state; and

WHEREAS, Aydin Gonulsen now takes his place on the roll of great athletic coaches in the long and storied history of the University of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as AYDIN GONULSEN DAY in Illinois and encourage everyone to cheer on the Prairie Stars.

Issued by the Governor October 18, 2001.
Filed by the Secretary of State October 25, 2001.

2001-566
BISHOP RAY LLARENA DAY

WHEREAS, Bishop Ray Llarena is currently the pastor at Faith Tabernacle Church in Chicago; and

WHEREAS, Faith Tabernacle Church is composed of 30 different nationalities, with over 2,000 members; and

WHEREAS, in addition, Bishop Llarena oversees many churches and pastors in the Philippines, Hong Kong, and Canada; and

WHEREAS, Bishop Llarena is also an active member of the Ministerial Association of God Church in the United States; and

WHEREAS, Bishop Llarena has also traveled to five continents doing missionary work; and

WHEREAS, he has helped build a school, managed an orphanage, and organized medical teams to serve those in need in the Philippines; and

WHEREAS, Bishop Llarena also hosts four radio and one television program; and

WHEREAS, Bishop Llarena also serves his local community though his participation in marches against crime and drugs, the hosting of CAPS’ monthly meetings in Faith Tabernacle Church, and the feeding and distribution of clothes to the homeless twice a week; and

WHEREAS, October 26, 2001, is Pastor Appreciation Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2001, as BISHOP RAY LLARENA DAY in Illinois.

Issued by the Governor October 18, 2001.
Filed by the Secretary of State October 25, 2001.

2001-567
BRIGADIER GENERAL WAYNE ROSENTHAL DAY

WHEREAS, Colonel Wayne Rosenthal has served in the United States Air Force for more than 30 years; and
WHEREAS, Colonel Rosenthal has served in various capacities including Active Duty in Germany, and with the Illinois Air National Guard; and
WHEREAS, he currently serves as Logistics Group Commander for the 183rd Fighter Wing; and
WHEREAS, he survived a near fatal plane crash wherein he and the pilot ejected; and
WHEREAS, Colonel Rosenthal was instrumental in the 183rd Fighter Wing’s conversion to F-16s; and
WHEREAS, Colonel Rosenthal has led the men and women of the 183rd Fighter Wing’s Logistics Group Squadron to achieve excellence and world-wide recognition by the United States Air Force; and
WHEREAS, he has earned the highest respect of the airmen and officers of the 183rd Fighter Wing and his colleagues throughout the world; and
WHEREAS, this great military leader has always exhibited the highest professional standards of an Air Force officer; and
WHEREAS, Colonel Rosenthal has been an excellent model and mentor for the men and women of the 183rd Fighter Wing; and
WHEREAS, Colonel Rosenthal contributed greatly to the excellence that the 183rd Fighter Wing has achieved; and
WHEREAS, Colonel Rosenthal is being promoted to Brigadier General of the Illinois Air National Guard; and
WHEREAS, the men and women of the Illinois Air National Guard and the 183rd Fighter Wing will sorely miss Colonel Rosenthal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as BRIGADIER GENERAL WAYNE ROSENTHAL DAY in Illinois.

Issued by the Governor October 18, 2001.
Filed by the Secretary of State October 25, 2001.

2001-568
ENTREPRENEURSHIP EDUCATION DAY

WHEREAS, the future of our state and nation are dependent on the health and strength of our economy; and
WHEREAS, economic understanding and entrepreneurship skills for all citizens are essential to assuring a strong economy; and
WHEREAS, entrepreneurship education has been proven to provide the knowledge and skill sets necessary for the understanding of business ownership; and
WHEREAS, entrepreneurship education works to prepare both adults and youth across the state to be creative business owners and workers, prudent savers and investors, as well as wise consumers and productive citizens in our economy; and
WHEREAS, for the past 13 years, the Illinois Institute for Entrepreneurship Education (IIEE) has provided Illinois citizens with entrepreneurship preparation through programs, research, and access to a variety of information and resources; and
WHEREAS, IIEE also works to build strong linkages and partnerships between education, business and government;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 2001, as ENTREPRENEURSHIP EDUCATION DAY in Illinois.

Issued by the Governor October 18, 2001.
WHEREAS, Down Syndrome is a genetic condition that occurs in approximately one out of every 800 to 1,000 births and affects people of all ages, races and economic levels; and
WHEREAS, people with Down Syndrome, despite health problems, possess many strengths and talents, attend school, develop friendships, maintain jobs, participate in important personal decisions and make positive contributions to their communities; and
WHEREAS, The National Down Syndrome Society was established in 1979 to help all people with Down Syndrome achieve their full potential in life; and
WHEREAS, The National Down Syndrome Society developed the “Buddy Walk” in 1995 as a way for communities around the country to promote awareness and inclusion for people with Down Syndrome; and
WHEREAS, the number of “Buddy Walks” in the United States has grown from 17 in 1995 to more than 120 in 2001, with more than 50,000 walkers in 48 states; and
WHEREAS, a new “Buddy Walk” will take place in Illinois’ state capitol of Springfield on October 20, 2001, following many hours of hard work by parents, family and friends of people with Down Syndrome in Springfield; and
WHEREAS, everyone needs a buddy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as the FIRST ANNUAL SPRINGFIELD BUDDY WALK DAY in Illinois and encourage everyone in our state to walk on behalf of people with Down Syndrome.

Issued by the Governor October 18, 2001.
Filed by the Secretary of State October 25, 2001.

2001-569
FIRST ANNUAL SPRINGFIELD BUDDY WALK DAY

2001-570
LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY

WHEREAS, the Mission of Alternatives in Education for the Hearing Impaired (AEHI) is to foster literacy and empower people with hearing impairments to achieve their potential through unique educational options; and
WHEREAS, literacy is the single greatest key to productive citizenship and adult economic self-sufficiency; and
WHEREAS, children who are deaf or hard of hearing are taught using Cued Speech to achieve levels of literacy equivalent to what would have been achieved if the child was not deaf or hard of hearing; and
WHEREAS, through its 15-year history, AEHI demonstrated Cued Speech at the Alexander Graham Bell Montessori School improving education and literacy outcomes for children who are deaf or hard of hearing; and
WHEREAS, AEHI offers a range of services to children who are deaf or hard of hearing and their families, including early intervention, Cued Speech workshops, advocacy and group support programs; and
WHEREAS, AEHI supports access to literacy for a statewide population of people who are deaf or hard of hearing through teacher training and consulting activities; and

WHEREAS, AEHI supports the development of new practices, technologies and techniques in education for the hearing impaired; and

WHEREAS, AEHI will be hosting an event at the Chicago Cultural Center to promote literacy for children who are deaf or hard of hearing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 6, 2001, as LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-571
ORA HIGGINS’ YOUTH FOUNDATION DAY

WHEREAS, the Ora Higgins’ Youth Foundation was founded in 1976 by Ora Higgins, a lady of great vision and dedication to the cause of higher education for academically gifted students; and

WHEREAS, the Foundation will present a $1,500 Scholarship Award to each of nine high school graduates pursuing post-secondary study at institutions of higher education; and

WHEREAS, the Foundation will present Leadership Awards to seven outstanding local professionals who have distinguished themselves through their contributions to the growth and development of today’s urban youth; and

WHEREAS, the Foundation strives to convey to its annual Scholarship Award recipients that the elements of good-will, productive labor, mutual respect and law and order are the foundation upon which to establish and maintain a stable society; and

WHEREAS, the Foundation will commemorate the 25th Anniversary of its annual Scholarship Awards Dinner on Sunday, October 28, 2001, at the Lexington House in Hickory Hills;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28, 2001, as ORA HIGGINS’ YOUTH FOUNDATION DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-572
PHI KAPPA OMEGA DAY

WHEREAS, the Alpha Kappa Alpha Sorority, Inc. was established in 1908 at Howard University in Washington, D.C. and is the oldest Greek black sorority in the United States; and

WHEREAS, Phi Kappa Omega was the first chapter chartered under the new millennium on January 8, 2000, in Evergreen Park, Illinois; and

WHEREAS, Doris B. Powell is President and Yolanda M. Douglas is Chairperson 2001; and

WHEREAS, their motto is “Supreme in service to youths, adults, senior citizens”; and

WHEREAS, they have adopted highway 12/20 from 95th and Western Avenue to Kedzie Avenue in Evergreen Park; and
WHEREAS, their main goal is to offer academic scholarships to deserving youths in the southwest suburbs and to one urban high school student on a yearly basis; and

WHEREAS, the State of Illinois supports the mission of the Phi Kappa Omega chapter of Alpha Kappa Alpha Sorority’s “Blazing New Trails” targets of the arts, black family, economic development, education and health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 2001, as PHI KAPPA OMEGA DAY in Illinois, in recognition of the organization’s devoted efforts to improve the quality of life for Illinois’ citizens.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-573
WEATHERIZATION DAY

WHEREAS, the average American family spends more than $1,300 annually on utility bills; and

WHEREAS, that figure represents nearly 20 percent of a low-income family’s income and could approach 25 percent as fuel costs steadily rise; and

WHEREAS, the average energy cost savings for each home weatherized is more than $300 annually, allowing families to spend the money saved on groceries, doctor bills, prescriptions, and other needs, thereby making them more self-sufficient; and

WHEREAS, carbon dioxide emissions are reduced by an average of one ton per weatherized household, reducing pollution levels here in Illinois by an average of 6,100 tons annually; and

WHEREAS, 52 direct jobs are created within the nation’s communities for each $1 million invested, resulting in 1,248 jobs in Illinois in the past 10 years; and

WHEREAS, for every $1 invested by the federal Department of Energy, another $3.39 is leveraged from other sources; and

WHEREAS, the Illinois Weatherization Assistance Program works with partners such as the statewide network of 35 community action agencies to help reduce the energy burden of the state’s low income families; and

WHEREAS, 244,000 homes have been weatherized in Illinois since the problem began in 1977;


Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-574
ADOPTION AWARENESS MONTH

WHEREAS, adoption is a rewarding and enriching experience for all involved; and

WHEREAS, an adoptive family provides a child with a stable and loving home; and
WHEREAS, Illinois has led the nation in the growth of completed adoptions in fiscal years 1998 and 1999, an in fiscal year 2000 achieved a record rate of children in substitute care moved to permanency through adoptions, subsidized guardianships and reunifications; and

WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption guardianship placements than in substitute care; and

WHEREAS, the Illinois Department of Children and Family Services, One Church One Child, the Child Care Association of Illinois, the Freddie Mac Foundation’s Wednesday’s Child program, the Adoption Information Center of Illinois, Corporate Partnership for the Recruitment of Adoptive Families, the Illinois Adoptive Parent Organization, and many Illinois adoptive parent groups encourage all families to consider adopting a child in need of a home; and

WHEREAS, on any given day, approximately 900 children are awaiting adoption;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-575
AMERICAN INDIAN HERITAGE MONTH

WHEREAS, Southern Illinois University at Carbondale has made a commitment to diversity; and

WHEREAS, the American Indian population at SIUC is approximately 0.3 percent; and

WHEREAS, the campus shows that commitment through the local commemoration and celebration of American Indian Heritage Month in November 2001; and

WHEREAS, to recognize and celebrate the American Indian population on the SIUC campus, students, faculty, staff, and others should take advantage of the opportunity to learn more about the American Indian culture through the lectures, movies, discussions, art displays, and cultural performances that fill the month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as AMERICAN INDIAN HERITAGE MONTH in Illinois.

Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-576
ILLINOIS ASSOCIATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION AND DANCE

WHEREAS, the Illinois Association for Health, Physical Education, Recreation and Dance is celebrating its 70th anniversary this year; and

WHEREAS, the Association has, through the years, been a leader in providing strong direction to students at all grade levels in directing them into healthy lifestyles; and

WHEREAS, the organization has long supported quality physical education programs in schools on a daily basis; and
WHEREAS, the Association now has more than 3,000 members in school districts and universities across the state; and
WHEREAS, the Association continues to develop innovative and effective physical education programs;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate the Illinois Association for Health, Physical Education, Recreation and Dance on its 70 years of effective leadership in providing quality physical education to students in the state’s schools and education.

Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-577
JUNIOR LEAGUES OF ILLINOIS

WHEREAS, the State of Illinois is home to nine Junior Leagues: Greater Alton, Champaign-Urbana, Chicago, Greater DuKane, Evanston-North Shore, Kankakee County, Peoria, Rockford and Springfield; and
WHEREAS, the Junior Leagues are committed to promoting voluntarism, developing the potential of women and improving the community through effective action and leadership of trained volunteers; and
WHEREAS, the Junior Leagues of Illinois have made a profound contribution to our community through their leadership in voluntarism and ongoing service to our citizens; and
WHEREAS, the Association of Junior Leagues International, of which the nine Junior Leagues of Illinois are members, is celebrating its centennial anniversary during the year 2001; and
WHEREAS, the State of Illinois is pleased to recognize this milestone in the history of the Junior Leagues of Illinois; and
WHEREAS, an exhibit commemorating the Junior Leagues Centennial, "100 Years of Women Improving Communities," will be on display at the Richard J. Daley Center in Chicago during the month of November;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate the Junior Leagues of Illinois on the celebration of the Centennial of the Junior League movement, and encourage all citizens to extend their best wishes to these organizations for their continued success.

Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-578
PANCREATIC CANCER AWARENESS MONTH

WHEREAS, November 2001 will be observed in the State of Illinois as Pancreatic Cancer Awareness Month to create awareness of pancreatic cancer, the number four cause of cancer death of men and women in the United States; and
WHEREAS, over 29,000 people in the United States will be diagnosed this year alone with pancreatic cancer, and only four percent will survive beyond five years; and
WHEREAS, currently, there are no early detection methods and only minimal treatment options for pancreatic cancer; therefore, by the time symptoms generally present themselves, it is too late for a positive
prognosis, the life expectancy after diagnosis with metastatic disease is just 3-6 months; and
WHEREAS, pancreatic cancer does not discriminate by age, gender, or race, and 99 percent of those diagnosed will die; and
WHEREAS, the federal government invests less money in pancreatic cancer than in any other leading cancer; and
WHEREAS, the Pancreatic Cancer Action Network, Inc. (PanCAN), the premier voice of advocacy for pancreatic cancer, exists to create awareness, education, and funding to ultimately find the cure for pancreatic cancer. PanCAN works to focus national attention on the need to find the cure for pancreatic cancer by providing public and professional education that embraces the urgent need for more research, effective treatment, prevention programs, and early detection methods;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as PANCREATIC CANCER AWARENESS MONTH in Illinois.
Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-579
THE 45TH ANNIVERSARY OF THE REV. JOHNNIE COLEMON AND CHRIST UNIVERSAL TEMPLE

WHEREAS, the Reverend Dr. Johnnie Colemon, the First Lady of New Thought, founded Christ Universal Temple on October 17, 1956, to teach people how to live a healthy, happy, prosperous life; and
WHEREAS, Christ Universal Temple has divinely grown from the dining room table of the founder/leader to 32 acres at Ashland Avenue and Reverend Johnnie Coleman Drive (119th Street); and
WHEREAS, the Christ Universal Temple "campus" includes the world’s largest new thought church with a seating capacity of 4,000, an extensive resource center of books for better living, the Johnnie Coleman Institute and the Johnnie Colemon Academy. The Johnnie Coleman Institute teaches Universal Truth Principles to teachers and counselors, and prepares for ordination those whom God has chosen to minister his people; and
WHEREAS, the globally recognized organization ministers to more than 20,000 members, teaching a message of hope, peace, joy and happiness to be lived seven days a week;
Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-580
THE FULL MONTY NATIONAL TOUR DAY

WHEREAS, Fox Searchlight Pictures, The Charlotte Wilcox Company, Lindsay Law, Thomas Hall, Liz Woodman Casting, Matthew Markoff, Kimberly Fisk and Aurora Productions present the U.S. National Tour of the musical production of “The Full Monty”; and
WHEREAS, the cast and company members of the U.S. National Tour of “The Full Monty” exemplify the highest personal and professional
standards, respect for all individuals, and celebration of cultural
diversity; and

WHEREAS, the cast and company members of the U.S. National Tour
of "The Full Monty" perform various and many humanitarian acts
including participating in benefits and contributing personal resources
to the wider community; and

WHEREAS, the cast and company members of the U.S. National Tour
of "The Full Monty" instill in youth of all ages a love and
appreciation for the performing arts; and inspire and educate the youth
of America in various ways; and

WHEREAS, the cast and company members of "The Full Monty," as
positive role models, motivate, inspire and improve the personal,
social and academic growth of youth as future productive citizens of
the world; and

WHEREAS, the cast and company members of the U.S. National Tour
of "The Full Monty" understand that if it takes teamwork to accomplish
their goals, and therefore, each member demonstrates collaborative team
work, positive self-esteem, determination and consistent hard work
essential success; and

WHEREAS, Rod Weber has consistently been an inspiration to all
who aspire to be successful in the entertainment profession, gives
limitlessly to his audiences, and values all who have contributed to
his success;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim November 1, 2001, as THE FULL MONTY NATIONAL TOUR DAY in
Illinois.

Issued by the Governor October 22, 2001.
Filed by the Secretary of State October 25, 2001.

2001-581
DISABILITY MENTORING DAY

WHEREAS, in recognition of National Disability Employment
Awareness Month, Disability Mentoring Day was formed as a public-
private partnership between the U.S. Department of Labor, the White
House Domestic Policy Council, the Office of Disability of Employment
Policy, and the American Association of People with Disabilities; and

WHEREAS, new generations of young people with disabilities are
growing up in Illinois-- graduating from high school, going to college,
and preparing to participate fully in the workplace; and

WHEREAS, on October 24, 2001, Disability Mentoring Day will
provide an opportunity for young people with disabilities to gain
insight into career options by spending part of their day in the
workplace "shadowing" an employee as he or she goes through a normal
day on the job; and

WHEREAS, to recognize the enormous potential of individuals with
disabilities and to encourage everyone to work toward their full
integration into the workforce, the State of Illinois salutes those
committed to this worthwhile effort;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois,
proclaim October 24, 2001, as DISABILITY MENTORING DAY in Illinois, and
call upon all businesses, labor leaders, and educators to include
people with disabilities in their standard practices or career
preparation training; to tell their colleagues about the skills and
diversity people with disabilities bring to the workplace; to recruit
and employ Illinoisans with disabilities, and to recognize the enormous potential of individuals with disabilities and to work toward their full integration into our state’s workforce.

Issued by the Governor October 24, 2001.
Filed by the Secretary of State October 25, 2001.

2001-582

CHICAGO ASSOCIATION OF BLACK JOURNALISTS DAY

WHEREAS, on November 2, 2001, the Chicago Association of Black Journalists will be celebrating its 25th Anniversary with the theme "Preserving Our Heritage, Securing Our Future"; and

WHEREAS, the Chicago Association of Black Journalists was formed January 15, 1976, to promote the concerns and interests of African-American reporters, editors, broadcasters, photographers and others in media-related fields in addition to the larger black community; and

WHEREAS, the Chicago Association of Black Journalists has committed itself to ensuring local media remain focus to reflecting our fair city in all its diversity, urging balanced reporting about the African-American community, praising the best of coverage and protesting the worst; and

WHEREAS, the Chicago Association of Black Journalists has encouraged young African-Americans to consider entry into the field of media through scholarship and mentoring programs; and

WHEREAS, the Chicago Association of Black Journalists has served as a clearinghouse of information about the media industry and helped provide opportunities for skills development and career advancement; and

WHEREAS, the Chicago Association of Black Journalists has arranged newsmaker panels to create a greater understanding of issues facing the news industry, the black community and the city as a whole; and

WHEREAS, the Chicago Association of Black Journalists has included an array of distinguished members who have become part of the city's fabric by helping inform, entertain and enlighten Chicagoans in print, on television, on radio and through the Internet;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2001, as CHICAGO ASSOCIATION OF BLACK JOURNALISTS DAY in Illinois, and encourage all Illinoisans to be aware of the fine efforts of the Chicago Association of Black Journalists and the events planned for that day.

Issued by the Governor October 25, 2001.
Filed by the Secretary of State November 1, 2001.

2001-583

CHICAGO WOMEN IN TRADES DAY

WHEREAS, Chicago Women in Trades (CWIT) will celebrate its 20th anniversary on November 8, 2001; and

WHEREAS, CWIT began as a small group of women carpenters sharing potluck dinners, stories and friendship; and

WHEREAS, 20 years later, CWIT has achieved enormous gains, expanding from an association of grassroots, organizing volunteers to a membership-based, community organization with 14 full-time and three part-time staff; and
WHEREAS, CWIT’s goals of breaking down the obstacles surrounding women’s careers in the trade, shattering stereotypes and challenging myths surrounding high-wage, high-skill career opportunities for women remains the same as when it began 20 years ago; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as CHICAGO WOMEN IN TRADES DAY in Illinois. 
Issued by the Governor October 25, 2001. 
Filed by the Secretary of State November 1, 2001.

2001-584

MS. ILLINOIS BELLEZA LATINA AND MISS ILLINOIS TEEN BELLEZA LATINA DAY

WHEREAS, Ms. Belleza Latina, Ms. Latin Beauty, is one of only a handful of pageants in the United States exclusively for Hispanic women; and 
WHEREAS, Ms. Belleza Latina’s mission is to create pride in the Hispanic community, recognize the achievements of Latin women worldwide in a positive and rewarding environment that also celebrates their beauty, not only on the outside but on the inside; and 
WHEREAS, Ms. Illinois Belleza Latina 2001 is Tanya Crespo, a 26-year-old from Chicago, whose platform of choice is the prevention of child abuse; and 
WHEREAS, Ms. Crespo attended Roosevelt University and is currently working on her degree in Paralegal Studies and plans to enter the field of Law; and 
WHEREAS, Miss Illinois Teen Belleza Latina 2001 is Damaressa Quiles, a 15-year-old, whose charity of choice is the AIDS foundation and will be making charitable appearances on their behalf; and 
WHEREAS, Ms. Crespo and Miss Quiles will represent Illinois at the national pageant on November 4th in Orlando, Florida; and 
WHEREAS, both have been outstanding state queens during their reign; 
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 4, 2001, as MS. ILLINOIS BELLEZA LATINA AND MISS ILLINOIS TEEN BELLEZA LATINA DAY in Illinois. 
Issued by the Governor October 25, 2001. 
Filed by the Secretary of State November 1, 2001.

2001-585

75TH ANNIVERSARY OF THE MOUNT PROSPECT CHAMBER OF COMMERCE DAY

WHEREAS, the Mount Prospect Chamber of Commerce was formed in 1926; and 
WHEREAS, today, the Chamber has grown to a business membership of 400; and 
WHEREAS, the Mount Prospect Chamber has built a reputation for building goodwill and better friendships in the community through open communication, honest work and understanding the ever-changing business world we live in; and 
WHEREAS, the Chamber of Commerce began many of the traditions still practiced in Mount Prospect, including decorating the downtown area for the holidays and the annual Fourth of July Parade which was started in 1956;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as the 75th ANNIVERSARY OF THE MOUNT PROSPECT CHAMBER OF COMMERCE DAY in Illinois.
Issued by the Governor October 25, 2001.
Filed by the Secretary of State November 1, 2001.

2001-586
GOOD DEEDS WEEK

WHEREAS, good deeds can make children better human beings and future leaders of our beautiful country; and
WHEREAS, through performing good deeds and random acts of kindness, children can help their fellow classmates to learn and grow in a friendly environment; and
WHEREAS, concerned and caring people can and do make a difference in the lives of the handicapped, the elderly, the lonely, and those who need special attention from time to time; and
WHEREAS, good deeds can make people more caring, loving, and kind;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11-17, 2001, as GOOD DEEDS WEEK in Illinois.
Issued by the Governor October 26, 2001.
Filed by the Secretary of State November 1, 2001.

2001-587
HISPANOCARE DAY

WHEREAS, formed in 1988 by the Illinois Masonic Medical Center, HISPANOCARE is a not-for-profit PPO network of nearly 300 bilingual providers; and
WHEREAS, the goal of HISPANOCARE is to provide quality, cost-effective healthcare to Chicago’s Latino community in a culturally sensitive manner; and
WHEREAS, to fulfill its mission of community outreach and provide health care in a bilingual, bicultural, user friendly and quality atmosphere, HISPANOCARE coordinates community health fairs where preventative services such as mammography, HIV testing, diabetes testing, cholesterol checks, eye exams, foot exams, and thyroid screenings are offered free of charge; and
WHEREAS, another major component of HISPANOCARE’s community outreach effort is educating the Latino community about health and means of promoting wellness and disease prevention; and
WHEREAS, HISPANOCARE’s success is based upon an intimate understanding of Chicago’s diverse Latino community and its ability to partner with hospitals, physicians, and other health care providers; and
WHEREAS, on November 10, 2001, HISPANOCARE, Inc. will celebrate its 13th annual gala “Nuestro Compromiso” at the Chicago Downtown Marriott;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2001, as HISPANOCARE DAY in Illinois.
Issued by the Governor October 26, 2001.
Filed by the Secretary of State November 1, 2001.
2001-588
SCHOOL BUS SAFETY WEEK

WHEREAS, because school buses are a common sight on Illinois’ roads, people often forget the rules of school bus safety; and
WHEREAS, in the last 25 years there have been 974 fatalities involving school buses; and
WHEREAS, most accidents occur during daylight hours, when weather conditions are clear; and
WHEREAS, most fatalities are children under the age of 10, and nearly half of those are between the ages of 5 and 7; and
WHEREAS, children on their way home from school made up 67.4 percent of all fatalities;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 12-16, 2001, as SCHOOL BUS SAFETY WEEK in Illinois.

Issued by the Governor October 26, 2001.
Filed by the Secretary of State November 1, 2001.

2001-589
SELECTIVE SERVICE SYSTEM ON-LINE REGISTRATION AWARENESS DAYS

WHEREAS, people throughout Illinois and the United States take great pride in our country, our freedoms, and our democratic ideals and wish to safeguard these blessings; and
WHEREAS, the Selective Service System has served our nation for more than half a century by providing a time-proven and cost-effective insurance policy for the American people—the rapid mobilization of the armed forces during times and threats of war; and
WHEREAS, our nation must maintain the capability to mobilize rapidly during times of national emergency, therefore, the continuation of registration of young men to provide a necessary manpower pool is essential; and
WHEREAS, with the introduction of the on-line registration, a young man can now register quickly and with minimum effort via the Internet at http://www.sss.gov; and
WHEREAS, Selective Service System On-Line Registration Awareness Days serve to remind all men—born after January 1, 1962—of the requirement to register their name, address, date of birth, and Social Security number within 30 days of their 18th birthday;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 5-7, 2001, as SELECTIVE SERVICE SYSTEM ON-LINE REGISTRATION AWARENESS DAYS in Illinois.

Issued by the Governor October 26, 2001.
Filed by the Secretary of State November 1, 2001.

2001-590
DR. DONALD SPENCER DAY

WHEREAS, Dr. Donald Spencer currently serves as President of Western Illinois University and as the state’s Senior Public University President; and
WHEREAS, Dr. Spencer and his wife, Dr. Sue Spencer, recently announced his retirement as President of Western Illinois University; and
WHEREAS, Dr. Spencer has provided outstanding leadership and advocacy to the entire Western Illinois Region in pursuit of the university’s public service mission; and
WHEREAS, Dr. Spencer has initiated many innovative programs at Western Illinois University, such as Grad Track which has positioned WIU to be one of the state’s premiere undergraduate universities; and
WHEREAS, this great university leader was instrumental in transitioning WIU to a new form of governance from the Board of Governors to the Western Illinois University Board of Trustees; and
WHEREAS, he responded to the needs of the Quad Cities area by expanding WIU’s educational offerings through the new Quad City Center; and
WHEREAS, Dr. Spencer is truly committed to serving the students and constituencies of Western Illinois University; and
WHEREAS, he has exhibited his unique, engaging, and delightful leadership approach which has created a sense of community, family and tradition at Western Illinois University; and
WHEREAS, Dr. Spencer has contributed greatly to the excellence of Western Illinois University and leaves the University in a much better place than he found it; and
WHEREAS, he has always been, and will continue to be, a history professor who has shared his knowledge with audiences so that they walk away with greater knowledge; and
WHEREAS, Dr. Donald and Dr. Sue Spencer have been integral members of the Macomb community; and
WHEREAS, Dr. Donald and Dr. Sue Spencer will be sorely missed by the Macomb community and the faculty, staff, students and alumni of Western Illinois University;
WHEREAS, National Fraternal Congress of America (NFCA), the Association of America’s Fraternal Benefit Societies, was organized on November 16, 1886; and
WHEREAS, National Fraternal Congress of America has united the nation’s fraternal benefit societies—unique membership organizations offering individuals not only social and leadership opportunities, but also the dimension of financial security; and
WHEREAS, National Fraternal Congress of America is a bright thread in the fabric of our country, promoting patriotism, boosting community pride and celebrating family values; and
WHEREAS, National Fraternal Congress of America is a leader in community service, having developed Join Hands Day—the only national day of youth and adult volunteering on the national calendar—and assisting its members in achieving a record 80 million hours of community service in 2000 alone; and
WHEREAS, National Fraternal Congress of America continues to engage representatives of more than 80 diverse fraternal benefit societies in charting a secure future for the more than 10 million people who belong to these organizations;
Issued by the Governor October 29, 2001.
Filed by the Secretary of State November 1, 2001.

2001-592
PARALYZED VETERANS OF AMERICA RECOGNITION DAY

WHEREAS, America would not be the great, free nation it is today if not for the citizens who came to its defense in times of conflict; and
WHEREAS, no one who serves his or her country ever forgets the experience, but some made sacrifices that forever altered their lives; and
WHEREAS, special events are observed to recognize the men and women who have served in the Armed Forces and have experienced paralysis; and
WHEREAS, in Illinois, the Vaughan Chapter of Paralyzed Veterans of America is holding a celebration at Hines Medical Center in conjunction with the national Veterans Day observance; and
WHEREAS, it is important to remember those who have served our country and suffered irreparable harm and recognize them at this time;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2001, as PARALYZED VETERANS OF AMERICA RECOGNITION DAY in Illinois.
Issued by the Governor October 29, 2001.
Filed by the Secretary of State November 1, 2001.

2001-593
RAMONA BASS DAY

WHEREAS, Ramona Bass began her career in state government as a Dunn Fellow in Governor Jim Thompson’s office; and
WHEREAS, Ms. Bass worked on House Republican staff from 1988 to 1995, working for both the Chief of Staff and Republican Leader Lee Daniels; and
WHEREAS, Ms. Bass worked under Governor Jim Edgar as a Legislative Liaison, monitoring, lobbying and reviewing key pieces of legislation for the Governor; and
WHEREAS, Ms. Bass performed the duties of Executive Assistant to the Chief of Staff of the Illinois Department of Human Services (DHS), helping oversee the functions of the Division of Administrative Services; and
WHEREAS, Ms. Bass works for the Illinois Guardianship and Advocacy Commission, serving disabled persons in need of assistance; and
WHEREAS, Ms. Bass has been dedicated employee of the state for 17 years;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 2001, as RAMONA BASS DAY in Illinois.
Issued by the Governor October 29, 2001.
Filed by the Secretary of State November 1, 2001.
WHEREAS, Bishop (elect) W.L. Jordan was born on June 8 in Summit, Mississippi; and
WHEREAS, he is married to Belle Shannon Jordan and has six children, eight grandchildren and one great-grandchild; and
WHEREAS, Bishop (elect) W.L. Jordan received a degree in education at the Lutheran School of Theology; and
WHEREAS, in 1976, he accepted his calling to preach the gospel at St. Mark Missionary Baptist Church in Harvey, Illinois, where he started with 47 members and now has 8,000; and
WHEREAS, he established the Willie L. Jordan Community Service Center and the St. Mark Professional Medical Center in Harvey, Illinois; and
WHEREAS, Bishop (elect) W.L. Jordan sits on the Board of Directors for Cook County Board of Ethics, serves Director of the African American National Fellowship for Southern Baptist Convention, and is a member of the Chicago Metropolitan Baptist Association and Illinois Baptist State Convention; and
WHEREAS, Bishop (elect) W.L. Jordan is an Honorary Professor of St. Mark/Howard University Distant Learning Center, in Harvey, Illinois, and has acquired a place in “Who’s Who Among Leaders”; and
WHEREAS, he has preached the gospel throughout the world and was recognized among clergymen as he was asked to serve in the Office of Presiding Bishop for numerous churches in the U.S. and Africa;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 17, 2001, as BISHOP (ELECT) W.L. JORDAN DAY in Illinois.

Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

WHEREAS, Carl Suter has dedicated his career to improving the quality of life of persons with disabilities; and
WHEREAS, Carl Suter has shared his passion, vision, and knowledge as an invaluable member of the Illinois Office of Rehabilitation Services leadership team for 13 years; and
WHEREAS, Carl Suter has served as Director of the Illinois Office of Rehabilitation Services for four years; and
WHEREAS, Carl Suter has been the driving force behind the successful organizational transformation of the Illinois Department of Human Services’ Office of Rehabilitation Services into a 21st Century World Class Organization; and
WHEREAS, the Illinois Department of Human Services’ Office of Rehabilitation Services helped a record 6,757 people with disabilities enter competitive employment during fiscal year 2001; and
WHEREAS, Carl Suter’s leadership has resulted in Illinois’ Vocational Rehabilitation program leading the nation in the number of competitive outcomes this past year; and
WHEREAS, Carl Suter will broaden his efforts to spearhead improvements in programs and services for people with disabilities in his new position as Chief Executive Officer and Executive Director of
the Council of State Administrators of Vocational Rehabilitation (CSAVR); and

WHEREAS, Carl Suter is a die-hard Illini fan and will continue to arrange his professional calendar to attend as many Illini games as possible; and

WHEREAS, Carl Suter has captured the respect and admiration of the rehabilitation community across the nation; and

WHEREAS, Carl Suter will be sincerely missed by his staff, co-workers, his peers and professional associates, and members of the disability community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 9, 2001, as CARL SUTER DAY in Illinois.

Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-596
FUTURES AND OPTIONS DAYS

WHEREAS, the City of Chicago is a world leader in futures and options trading; and

WHEREAS, Chicago has been a center of futures and options trading almost since the city’s founding; and

WHEREAS, Chicago was the birthplace of financial futures and options, which have helped transform the global economy; and

WHEREAS, today, Chicago’s futures and options exchanges are powerful forces of economic development, generating trillions of dollars in capital to Illinois and providing thousands of jobs; and

WHEREAS, Chicago’s futures and options exchanges contribute tremendously to Illinois’ reputation as a global financial center; and

WHEREAS, The Futures Industry Association, a professional group representing the futures and options industry for the 17th consecutive year, will hold its "Futures and Options Expo 2001" in Chicago, Illinois, during the week of November 26, 2001; and

WHEREAS, the Futures and Options Expo is the largest futures industry event in the world, with more than 4,000 trade participants from around the world in attendance;


Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-597
SCOTT GARDNER DAY AND NATIONAL APARTMENT ASSOCIATION DAY

WHEREAS, the apartment industry is one of the largest industries in the United States, with over 30 million apartment homes generating billions of dollars nationally; and

WHEREAS, nearly one-third of the population depends on rental housing, some by choice and some by economic necessity; and

WHEREAS, the National Apartment Association (NAA) is the largest organization dedicated solely to multifamily housing, representing the interests of approximately 28,000 rental housing professionals holding responsibility for more than 4.3 million apartment homes nationwide; and
WHEREAS, since 1939, the NAA and its 155 state and local affiliates have played an important role in ensuring that there is always an available supply of affordable housing; and
WHEREAS, the NAA is holding its annual Assembly of Delegates in Chicago on November 8-10, 2002, at which time Scott T. Gardner will be installed as the 2002 NAA President; and
WHEREAS, Scott has been in the multifamily housing industry for over two decades, and is currently president of the property firm he founded in 1979, Crosshaven Properties, Inc., which manages properties providing housing for low-income families, conventional apartments and homeowners associations; and
WHEREAS, through his experience and dedication to the multifamily housing industry, Scott is eminently qualified to lead the NAA in its continuing efforts to promote industry professionalism and provide quality, affordable housing for the citizens of Illinois and the United States;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2001, as SCOTT GARDNER DAY and NATIONAL APARTMENT ASSOCIATION DAY in Illinois.

Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-598
WENDY’S HIGH SCHOOL HEISMAN PROGRAM AWARD FINALISTS

WHEREAS, student athletes who find the balance between academics and athletics use these fundamental skills to become leaders in business, community, education and government; and
WHEREAS, student participation in athletic activities fosters teamwork, self-discipline and perseverance, values that guide their development as productive and caring members of their communities; and
WHEREAS, the Wendy’s High School Heisman Program was created to recognize high school seniors who exhibit excellence in academics, athletics and community service; and
WHEREAS, Wendy’s High School Heisman Program contributes to the continued success of the young people of this state by acknowledging the dedication, determination and desire to succeed of our citizen-student athletes; and
WHEREAS, twenty Illinois high school seniors have been named Award Finalists in the state competition;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize the efforts of these twenty finalists, and commend their commitment to scholarship, citizenship and athletics.
Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-599
DISASTER AREA- STATE OF ILLINOIS

As a result of the September 11, 2001, terrorist attacks on the United States and the intermittent warnings coming out of Washington, D.C., regarding the potential for further attacks, I hereby declare that the threat of a disaster exists within the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.
I am making this declaration so that the State may take protective measures, including increased security at key sites throughout the State to minimize the threat to public safety, health, welfare and the public confidence by utilizing the Illinois National Guard or any other State asset or resource deemed necessary. This declaration of the threat of a disaster will aid the Illinois Emergency Management Agency in coordinating State resources and assets to take necessary protective actions.

Issued by the Governor November 2, 2001.
Filed by the Secretary of State November 2, 2001.

2001-600
A DAY OF PRAYER AND FASTING

WHEREAS, on Tuesday morning, September 11, 2001, terrorists attacked America in a series of despicable acts of war; and
WHEREAS, terrorists continue to wage their war of fear through tainted mail and threats of future attacks; and
WHEREAS, our sons and daughters have answered the call of duty and are now engaged in operations in and around Afghanistan; and
WHEREAS, President Bush must make daily decisions regarding the safety of our nation and our troops; and
WHEREAS, our nation’s leaders are in need of prayer for safety, guidance, wisdom and discernment; and
WHEREAS, America is the world’s sanctuary for people of any faith—a place where religious differences are recognized and tolerated, resulting in national unity; and
WHEREAS, civilized citizens of every faith condemn this evil violence and mourn with those who have suffered loss; and
WHEREAS, our nation has been called to a focused time of prayer; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as A DAY OF PRAYER AND FASTING in Illinois.
Issued by the Governor November 1, 2001.
Filed by the Secretary of State November 8, 2001.

2001-601
EFFINGHAM STATE BANK DAY

WHEREAS, in 1881, Dr. Henry Eversman, Hon. Benson Wood, Gerhard H. Engbring, and Virgil Wood established the private bank of Eversman, Wood and Engbring; and
WHEREAS, Eversman, Wood, and Engbring later became a state bank; and
WHEREAS, the historical path of honor, integrity, and stability, along with the financial products and services to support the Effingham community, is not replicated by any other community bank in the area; and
WHEREAS, in November 2001, Effingham State Bank will celebrate its 120th Anniversary; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as EFFINGHAM STATE BANK DAY in Illinois.
Issued by the Governor November 1, 2001.
Filed by the Secretary of State November 8, 2001.
WHEREAS, Etta Moten was born in 1901 in Antonio, Texas, and attended schools in Waco, Texas, Los Angeles and Kansas City, Kansas, before receiving her bachelor of arts degree from the University of Kansas in 1931; and
WHEREAS, during her senior year at the University of Kansas, Ms. Moten was discovered while performing in a recital and invited to join the prestigious Eva Jessy Choir in New York, which she promptly did after graduation; and
WHEREAS, she went on to achieve stardom in the theater, performing in legendary Broadway productions of Sugar Hill, Lysistrata, and Porgy and Bess; and
WHEREAS, Ms. Moten was successful in breaking down major motion picture barriers for black actresses in 1933 when she appeared in an uncredited cameo role in “Gold Diggers of 1933”; and
WHEREAS, the undocumented appearance marked one of the first times a black actress portrayed a beautiful young woman, not a cook, maid or other domestic; and
WHEREAS, in 1934 Ms. Moten married Claude Barnett, founder and first director of the Associated Negro Press, the nation’s first news-gathering organization for the American black press; and
WHEREAS, with her husband, Etta Moten Barnett was an Ambassador of Good Will for the United States at the independence celebrations of Ghana, Nigeria, and Zambia, and at the 1960 inauguration of the first president of Ghana; and
WHEREAS, after her husband’s death in 1967, Ms. Barnett became more active in domestic affairs, including working with Chicago's DuSable Museum and Lyric Opera; and
WHEREAS, Ms. Barnett is a Trustee of the African American Institute in New York City, a member of the National Council for Community Services to International Visitors, a founding member of the Women’s Board of the Field Museum of Natural History, a member of the Board of Directors of the National Association of Negro Musicians, and a board member for other Chicago-area organizations and institutions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11, 2001, as ETTA MOTEN BARNETT DAY in Illinois.
Issued by the Governor November 1, 2001.
Filed by the Secretary of State November 8, 2001.

2001-603

SCHOOL BREAKFAST WEEK

WHEREAS, for more than 30 years the School Breakfast Program has contributed to the health and educational development of Illinois students by making nutritious morning meals available in schools; and
WHEREAS, almost 54 percent of Illinois schools - more than 2,400 - offer school breakfast to help their students start the day right; and
WHEREAS, in order to reach our educational goals - especially the goal of having all Illinois children reading at grade level by the end of the third grade - we must make sure they have all the resources they need, including good nutrition; and
WHEREAS, students must arrive at school ready to learn, and breakfast is an important element in giving students the energy they need to think, learn and grow; and
WHEREAS, research has repeatedly shown that school breakfast can help boost student performance while cutting absenteeism; and
WHEREAS, the School Breakfast Program can benefit students of all ages and economic classes; and
WHEREAS, the number of schools and children participating in the School Breakfast Program nationwide has doubled over the past decade;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11-17, 2001, as SCHOOL BREAKFAST WEEK in Illinois.

Issued by the Governor November 1, 2001.
Filed by the Secretary of State November 8, 2001.

2001-604
TIMOTHY N. SPREITZER DAY

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our state’s precious values of freedom, civility, and equality; and
WHEREAS, the State of Illinois shall provide for an effective and efficient system of high quality public educational institutions and services, and a coordinated workforce development system; and
WHEREAS, Timothy N. Spreitzer, a native of Des Plaines, Illinois, a 1995 graduate of Elk Grove High School, and a 1998 Western Illinois University graduate has served in state government for nearly four faithful and dedicated years; and
WHEREAS, Timothy has risen from the ranks of a Dunn Fellow and worked as an Education and Workforce Policy Advisor for two Governors, a feat that most people never accomplish; and
WHEREAS, Timothy has earned a reputation for accuracy, responsiveness, and the ability to explain complex issues in simple, understandable terms; and
WHEREAS, Timothy’s witty charm, eloquent prose, and open heart have touched thousands of people throughout Illinois; and
WHEREAS, like the Citizens of Illinois, Timothy N. Spreitzer is one of Illinois’ “most precious resources”; and
WHEREAS, although it is a tragedy to lose a young man of his caliber, his impact will be felt by generations to come; and
WHEREAS, true success lies in the journey, and Timothy’s has just begun;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2001, as TIMOTHY N. SPREITZER DAY in Illinois.

Issued by the Governor November 1, 2001.
Filed by the Secretary of State November 8, 2001.

2001-605
ANDE YAKSTIS DAY

WHEREAS, Ande Yakstis is retiring from a distinguished 41-year career as senior reporter at The Telegraph, accounting for nearly one-fourth of that historic Alton newspaper’s 165-year history; and
WHEREAS, Yakstis began covering Alton and Madison County in 1960 and developed a reputation as an investigative reporter who exposed organized crime operations; and
WHEREAS, Yakstis and Ed Pound were nominated for a Pulitzer Prize and won the national Associated Press Managing Editors Award for their 1969 stories on corruption in the Illinois Supreme Court; and
WHEREAS, Yakstis has been awarded the Illinois Associated Press first place award for news and feature writing 10 different times; and
WHEREAS, Yakstis used his writing and reporting ability to champion many humanitarian efforts and was presented the Brotherhood Award from African-American churches in the Alton area for his stories promoting justice and racial harmony; and
WHEREAS, Yakstis was awarded the Elijah P. Lovejoy Award in 1997 for a lifetime of compassionate reporting and community involvement on behalf of all races and nationalities; and
WHEREAS, Yakstis is a veteran of the Korean War who has spent a lifetime as an advocate for the rights of men and women who served in the armed forces;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as ANDE YAKSTIS DAY in Illinois, in honor of his service to the readers of the Alton Telegraph and offer best wishes for his continued success.

Issued by the Governor November 5, 2001.
Filed by the Secretary of State November 8, 2001.

2001-606
ARAB AMERICAN MONTH

WHEREAS, there are more than 400,000 Illinois residents of Arab descent, both Muslim and Christian faiths, who have chosen Illinois as their home and have proudly shared their culture, heritage and talents with our state; and
WHEREAS, citizens of Arab descent have contributed in all walks of life, including government, education, science, culture, business medicine and the civic well-being of our nation and of our community; and
WHEREAS, Arab Americans have made contributions to our society and have included among their ranks such notable Americans as: Michael DeBakey, the first heart transplant surgeon; John Sununu, Chief of Staff to President Bush; Senator George Mitchell, former majority leader and chief negotiator for Ireland’s Peace Conference; the late Sharon Christa McAuliffe, teacher and American patriot who was among the victims of the Space Shuttle Challenger disaster; Casey Kasem, popular music radio host; Danny Thomas, well known TV sitcom actor, entertainer and founder of St. Jude Children’s Research Hospital; Kathy Najimy, movie actress; and many other Arab Americans who serve as positive role models in our society; and
WHEREAS, many Arab Americans have also served in the Armed Forces of the United States, including World War II, the Korean War and the Vietnam War; and
WHEREAS, the State of Illinois is a diverse community composed of many ethnic cultures including the rich Arab American culture;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as ARAB AMERICAN MONTH in Illinois.
Issued by the Governor November 5, 2001.
Filed by the Secretary of State November 8, 2001.
2001-607
CHIEF A. LEWIS LANDRY DAY

WHEREAS, A. Lewis Landry has served the Countryside Fire Protection District for more than 28 years; and
WHEREAS, A. Lewis Landry has dedicated his professional life and career to the preservation of life and property; and
WHEREAS, A. Lewis Landry has led the Countryside Fire Protection District as its Fire Chief for 16 years providing emergency fire, rescue, hazardous materials response and emergency medical services to the Villages of Hawthorn Woods, Indian Creek, Long Grove, and Vernon Hills as well as areas of Unincorporated Lake County; and
WHEREAS, under the leadership of A. Lewis Landry, the Countryside Fire Protection District developed a strong core of officers, paramedics, firefighters and administrative staff; and
WHEREAS, under the leadership of A. Lewis Landry, the Countryside Fire Protection District improved its delivery of emergency and non-emergency services to the residents, villages and business community; and
WHEREAS, under the leadership of A. Lewis Landry, the Countryside Fire Protection District reduced its taxing rate by more than 35 percent while increasing its services; and
WHEREAS, under the leadership of A. Lewis Landry, the Countryside Fire Protection District became the first fire protection district to be recognized as an accredited agency by the Commission on Fire Accreditation International; and
WHEREAS, under the leadership of A. Lewis Landry, the Countryside Fire Protection District became the first emergency medical service provider in the State of Illinois to be recognized as an accredited agency by the Commission on Accreditation of Ambulance Services; and
WHEREAS, A. Lewis Landry supported the Lake County Fire Chiefs Association as a member, its President and liaison to the Lake County 100 Club; and
WHEREAS, A. Lewis Landry supported the Northeast Fire Chiefs Association as a member, and its President; and
WHEREAS, A. Lewis Landry supported the Mundelein and Vernon Hills Rotary International as a member and its President;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 30, 2001, as CHIEF A. LEWIS LANDRY DAY in Illinois.
Issued by the Governor November 5, 2001.
Filed by the Secretary of State November 8, 2001.

2001-608
DRUG-FREE YOUTH DAYS

WHEREAS, the Illinois Drug Education Alliance (IDEA) is presenting its 19th Annual Drug Prevention Conference, “Be Real – Play Life to Win – Be Drug Free!” on Sunday, November 18 and Monday, November 19 in Chicago; and
WHEREAS, the Illinois Drug Education Alliance feels strongly – “it is better to build children than to repair men and women”; and
WHEREAS, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco, and other drug problems before they start and provides hope
WHEREAS, more than 1,200 Illinois young people, dedicated to the DRUG-FREE lifestyle, will participate in two days of drug prevention education and leadership training. These young people will carry the DRUG-FREE message back to their schools and communities, and become role-models to their peers; and
WHEREAS, educators, parents, volunteers, and other adults will attend and participate in the 19th Annual Illinois Drug Education Alliance Conference. These adults will train, encourage, and support young people in their choice of the DRUG-FREE lifestyle; and
WHEREAS, the Illinois Drug Education Alliance stands firmly with the Illinois Department of Human Services, Division of Community Health and Prevention and all of its Partners in Prevention – Office of the Governor, Futures for Kids – Office of the Lieutenant Governor, Office of the Attorney General, Office of the Secretary of State, Office of the State Treasurer, Illinois Department of Transportation, Division of Public Safety, Illinois State Board of Education, Illinois National Guard, Drug Enforcement Administration, U.S. Customs Service, University of Illinois Extension, Students Against Destructive Decisions, Operation Snowball, Inc., Illinois Elks Association, Alliance Against Intoxicated Motorists and Illinois Principals Association -- and with many other state and national organizations that encourage the promotion of sound drug prevention programs;
Issued by the Governor November 6, 2001.
Filed by the Secretary of State November 8, 2001.

WHEREAS, each child represents hope for our future; and
WHEREAS, the connections which foster hope are strengthened or weakened by the family interactions that occur every day; and
WHEREAS, we sometimes need to be reminded to stop and recognize the value of the simple moments in our lives; and
WHEREAS, at Thanksgiving, we celebrate the opportunity to gather with our loved ones; and
WHEREAS, we dedicate ourselves to appreciate the moments we share with those we love on holidays and throughout the year; and
WHEREAS, the Scottish Rite Masons are recognized for their many years of Family Life programs and their current year-long campaign, Family Life: Little Things Matter;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18-24, 2001, as FAMILY LIFE WEEK in Illinois.
Issued by the Governor November 6, 2001.
Filed by the Secretary of State November 8, 2001.
2001-610

FAMILY LIFE WEEK FOR THE SCOTTISH RITE-VALLEY OF PEORIA

WHEREAS, the Scottish Rite Masonic Family Life program is intended to strengthen all families within the Peoria community; and
WHEREAS, the program for this year is entitled “Family Life: Little Things Matter”; and
WHEREAS, Masonic and community families will be honored during this special event; and
WHEREAS, the Scottish Rite-Valley of Peoria will celebrate Family Life Week from November 18-24, 2001;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18-24, 2001, as FAMILY LIFE WEEK FOR THE SCOTTISH RITE-VALLEY OF PEORIA in Illinois.
Issued by the Governor November 6, 2001.
Filed by the Secretary of State November 8, 2001.

2001-611

FAMILY WEEK

WHEREAS, Illinois recognizes strong families are at the center of strong communities; and
WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofits, policymakers, and of course, families themselves; and
WHEREAS, during Thanksgiving week we all should take time to honor the importance of families and recognize the special connections that support and strengthen families year-round; and
WHEREAS, we all should recommit to enhancing and extending all families’ connections; and
WHEREAS, with the assistance and resources of agencies and organizations such as the Alliance for Children and Families and its 350 local member agencies, we can help families of all shapes and sizes create a better future for all of Illinois and America;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18-24, 2001, as FAMILY WEEK in Illinois.
Issued by the Governor November 6, 2001.
Filed by the Secretary of State November 8, 2001.

2001-612

PERIOPERATIVE NURSE WEEK

WHEREAS, surgery today is highly technical, sophisticated, and exacting; and
WHEREAS, the perioperative registered nurse in the operating room is highly skilled in providing nursing care and managing the operating room environment; and
WHEREAS, the surgical patient is experiencing a major event in their life; and
WHEREAS, the perioperative registered nurse is an expert in allaying the patient’s fears, preparing the patient for what will happen in the operating room during surgery, discussing how the patient will feel afterwards, and understanding the patient as a total person; and
WHEREAS, a perioperative registered nurse serves as the patient’s advocate during surgery;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11-17, 2001, as PERIOPERATIVE NURSE WEEK in Illinois.

Issued by the Governor November 6, 2001.
Filed by the Secretary of State November 8, 2001.

2001-613
ANN B. PAINTER DAY

WHEREAS, Ann B. Painter has held numerous positions in her community, including a math and U.S. History teacher in Atwood, Illinois, and a weather observer for the U.S. Government; and

WHEREAS, Ms. Painter has also been a volunteer member of several organizations, including the LaGrange Highlands Civic Association, the West Suburban Homemaker Association, and the West Central Business Association; and

WHEREAS, among her many accomplishments, Ms. Painter has helped get sewers and water for the LaGrange Highlands, and spearheaded the implementation of paramedics throughout Lyons Township; and

WHEREAS, in 1986 Ms. Painter was named Woman of the Year by the West Suburban Chamber of Commerce;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15, 2001, as ANN B. PAINTER DAY in Illinois, in recognition of her 50 years of community service.

Issued by the Governor November 7, 2001.
Filed by the Secretary of State November 8, 2001.

2001-614
HIGH TECH WEEK

WHEREAS, the State of Illinois supports the creation of a climate for business growth so that Illinois citizens will enjoy more jobs, better pay, and a stronger economy; and

WHEREAS, Illinois ranks fourth in employment in high tech industries, fourth in number of high tech establishments, and sixth in the export of technology; and

WHEREAS, the Chicago metropolitan region has more high tech jobs than any other urban area in the country, lending credence to Illinois’ leadership role and the driving force behind the rising technology economy in the Midwest; and

WHEREAS, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, University of Chicago and Argonne National Laboratory; and

WHEREAS, on November 19, 2001, the annual High Tech Awards ceremony will be held;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 19-23, 2001, as HIGH TECH WEEK in Illinois.

Issued by the Governor November 7, 2001.
Filed by the Secretary of State November 8, 2001.
WHEREAS, the Governor of the State of Illinois is pleased to congratulate school districts as they celebrate major accomplishments; and

WHEREAS, the Joliet Public School District 86 will receive $16,082,725 from the State of Illinois’ School Construction Fund for the purpose of constructing two new elementary schools; and

WHEREAS, Joliet Public School District 86, in partnership with the City of Joliet, raised $6,197,146 as the required match funding for the construction of two new elementary schools; and

WHEREAS, Joliet Public School District 86 has established the locations for and approved the designs of two new elementary schools buildings to open in the fall of 2004; and

WHEREAS, Joliet Public School District 86 will break ground for two new elementary schools on November 15, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15, 2001, as JOLIET PUBLIC SCHOOL DISTRICT 86 DAY in Illinois.

Issued by the Governor November 7, 2001.
Filed by the Secretary of State November 8, 2001.

AND

WHEREAS, Sandi Lynn began government service on Feb. 16, 1969; and

WHEREAS, Ms. Lynn’s career spans 32 years of diverse and extensive service starting as a caseworker at the Illinois Department of Public Aid and continuing through many different positions, ultimately as Public Service Administrator in the Office of Fiscal Service, Bureau of Collections; and

WHEREAS, Sandi Lynn became the first person in government in Illinois to attain the meeting and convention industry’s highest designation, the Certified Meeting Professional (CMP); and

WHEREAS, she was instrumental in planning the first Governor’s Conference on Long Term Care, in conjunction with five state agencies and 14 health care associations, and many other successful conferences; and

WHEREAS, in 1986, in New York, in an unprecedented acknowledgement of the government sector, as liaison to the Department of Public Aid’s Public Awareness campaign, Ms. Lynn received the highest recognition awarded by the Public Relations Society of America, the Silver Anvil, in the area of Marketing Communications, for the campaign, Child Support: It’s Their Birthright; and

WHEREAS, in 1989, Ms. Lynn was honored, along with Norman Ross, then Vice President of the First National Bank of Chicago, and Wally Phillips, WGN radio host, for 20 years of providing cash gifts to tens of thousands of Chicagoland families through the program, The Neediest Families Christmas Fund; and

WHEREAS, Sandi Lynn has ended this long and rewarding career in government service as of September 30, 2001, and the Department of Human Services, friends and family celebrate with her;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as SANDI LYNN DAY in Illinois.
Issued by the Governor November 7, 2001.
Filed by the Secretary of State November 8, 2001.

2001-489 (REVISED)
BOB HARRIS DAY

WHEREAS, Mr. Bob Harris joined the University of Illinois Extension after he earned his B.S. from the University of Illinois in 1964, and his M.S. in 1966; and
WHEREAS, in 1969, Mr. Harris married Glenda; and
WHEREAS, Mr. Harris received the Action Award in 1971; and
WHEREAS, in 1976, Mr. Harris received the Achievement Award; and
WHEREAS, Mr. Harris received the Distinguished Service Award in 1983; and
WHEREAS, Mr. Harris may be the only person in Extension history to be awarded all three awards by the Illinois Extension Agricultural Association; and
WHEREAS, he has received the Program Excellence Award and the Search for Excellence Award three times; and
WHEREAS, Mr. Harris was awarded the NACAA Ciba-Geigy “Crop Production” Award in 1985; and
WHEREAS, he brought the two counties of Moultrie and Douglas together as one unit and has been its Unit Leader since 1990, cumulating 34 years of dedicated service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2001, as BOB HARRIS DAY in Illinois.
Issued by the Governor September 4, 2001.
Filed by the Secretary of State November 15, 2001.

2001-617
HISPANIC STATE EMPLOYEE DAY

WHEREAS, by the year 2010 the Hispanic population has been projected to become the largest minority group in the United States; and
WHEREAS, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and
WHEREAS, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, employment, and training opportunities; and
WHEREAS, the Illinois Association of Hispanic State Employees is sponsoring the 14th Annual Conference on Hispanic State Employment at The Palmer House Hilton in Chicago on November 30. The theme of this year’s conference is “Building Bridges of Opportunities;”
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 30, 2001, as HISPANIC STATE EMPLOYEE DAY in Illinois.
Issued by the Governor November 8, 2001.
Filed by the Secretary of State November 15, 2001.
2001-618
MARINE CORPS BIRTHDAY CELEBRATION DAY

WHEREAS, the United States Marine Corps has protected citizens and guarded their freedom for the past 226 years; and
WHEREAS, our country has established a position of world leadership, and the Marines have proven themselves as dedicated professionals willing to defend lives and protect the rights valued by Americans; and
WHEREAS, a Marine is trained to hold his ground against any odds and to always be faithful to God, Country and Corps, standing ready to fight anytime, anywhere the President or Congress may designate; and
WHEREAS, the term "Marine" has been associated with courage and military efficiency since its creation on November 10, 1775, in Philadelphia; and
WHEREAS, the people of Illinois are proud of its rich contribution to the Marine tradition and salute the Marines serving around the globe;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2001, as MARINE CORPS BIRTHDAY CELEBRATION DAY in Illinois.

Issued by the Governor November 8, 2001.
Filed by the Secretary of State November 15, 2001.

2001-619
SANTA MARIA ADDOLORATA "LA CASA DEL MARIACHI" DAY

WHEREAS, the art of music enlightens and stimulates the mind, creating a universal harmony that breaks barriers among all ethnic groups; and
WHEREAS, traditional folklore music brings out the culture of those individuals who immigrate to this country in search of prosperity and hope for future generations; and
WHEREAS, the art of music in Illinois deserve recognition and support so they may continue to flourish in abundant variety and to advocate for heritage awareness through music; and
WHEREAS, the Continental Community Center and Santa Maria Addolorata are two organizations that play a vital role in bringing the Musical Festival to our citizenry; and
WHEREAS, November 22 is recognized as the day of the Mariachi in which our sole purpose is to promote heritage and tradition by educating our youth to continue to learn about their heritage as well to preserve their cultural traditions; and
WHEREAS, since 1993, the Continental Community Center has celebrated November 22 as an important day of the year to commemorate our musicians; and
WHEREAS, on this day, musicians honor Saint Celia patriot of the musicians worldwide; and
WHEREAS, this year marks Continental Community Center’s eighth annual Musical Festival;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 22, 2001, as SANTA MARIA ADDOLORATA "LA CASA DEL MARIACHI" DAY in Illinois.

Issued by the Governor November 8, 2001.
Filed by the Secretary of State November 15, 2001.
WHEREAS, nearly 1 million motorists in Illinois will become “winter casualties” this year; and
WHEREAS, preparing your car for winter and using good judgement can help save your life; and
WHEREAS, “Ice Pack” is a coalition of state, federal, and private-sector agencies whose mission is saving lives by increasing public awareness about winter preparedness; and
WHEREAS, each agency has a specific safety message to motorists; and
WHEREAS, the Chicago Motor Club urges motorists to prepare their vehicles for cold weather; and
WHEREAS, the American Red Cross encourages motorists to prepare a winter car emergency kit to keep in the vehicle; and
WHEREAS, the Illinois Department of Transportation advises motorists to be cautious when driving around snow plows and salt trucks; and
WHEREAS, the Illinois Emergency Management Agency warns against unnecessary travel when winter storms threaten; and
WHEREAS, the Illinois State Police publicizes emergency road condition telephone numbers and advises motorists to stay in the car if stranded until help arrives; and
WHEREAS, the Illinois State Toll Highway Authority reminds motorists to drive defensively and to reduce speed to accommodate traffic and roadway conditions; and
WHEREAS, the National Weather Service suggests motorists become familiar with winter weather watch/warning terminology; and
WHEREAS, “Ice Pack” is instrumental in keeping the public aware, informed, and ready for the winter driving season;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 25--December 2, 2001, as WINTER WEATHER PREPAREDNESS WEEK in Illinois.
Issued by the Governor November 8, 2001.
Filed by the Secretary of State November 15, 2001.
WHEREAS, Bill has demonstrated a breadth of vision and a depth of humanity that has touched so many throughout the years; and
WHEREAS, Bill has always maintained a sense of balance centered around the pride of his life, his wife and daughters and grandson; and
WHEREAS, Bill has recently announced his retirement from State service;
THEREFORE, BE IT PROCLAIMED that Bill Ghesquiere is to be sincerely commended for thirty-one years of dedicated public service; and that Bill has our sincere appreciation for his expert legal service in each of our Administrations.
Issued by the Governor November 9, 2001.
Filed by the Secretary of State November 15, 2001.

2001-622
REVEREND EUGENE WINKLER DAY

WHEREAS, Rev. Eugene H. Winkler has been the senior pastor of the First United Methodist Church at the Chicago Temple since July 1989; and
WHEREAS, he is a devoted husband to Marilyn and they are the proud parents of three children: Jim, who serves on the staff of the Board of Church and Society of the United Methodist Church in Washington, DC; Chris, a staff member of Gary Memorial United Methodist Church in Wheaton, Illinois; and Grace Winkler Cranley, an attorney with the Chicago firm of Pretzel and Stouffer; and
WHEREAS, an accomplished scholar of the St. Paul School of Theology, Rev. Winkler has also completed graduate work at Yale Divinity School and Princeton Theological Seminary; and
WHEREAS, he currently serves as an adjunct faculty member at the Divinity School at the University of Chicago and has also held teaching positions at Garrett-Evangelical Theological Seminary and the Methodist Theological School in Ohio; and
WHEREAS, his outstanding commitment to global ministries, such as Heifer Project International and the Methodist Church of Cuba, have given him the opportunity to minister to people around the world as well as to study other people and their culture; and
WHEREAS, a prolific reader and writer, Rev. Winkler wrote a book review column for 10 years for seven suburban Chicago newspapers while serving as senior pastor of Community United Methodist Church in Naperville, Illinois; and
WHEREAS, a devoted public servant, Gene Winkler has served on numerous boards in Chicago, including the American Civil Liberties Union, the Better Government Association and the Interfaith Council for the Homeless and Inspired Partnerships; and
WHEREAS, he presently serves as a trustee of Garrett-Evangelical Theological Seminary in Evanston, Illinois, and Wiley College in Marshall, Texas; and
WHEREAS, Rev. Winkler is celebrating his retirement from years of successful ministry to the city of Chicago and abroad;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18, 2001, as REVEREND EUGENE WINKLER DAY in Illinois.
Issued by the Governor November 13, 2001.
Filed by the Secretary of State November 15, 2001.
WHEREAS, Snug Hugs for Kids is an annual event designed to help underprivileged children obtain much-needed winter clothing and outerwear; and
WHEREAS, this effort has donated as much as 25,000 pounds of new coats, gloves, mittens, hats, scarves, and boots to these children through the Children’s Home and Aid Society of Illinois, which serves more than 40,000 families in the Chicagoland area; and
WHEREAS, the Society provides adoption, foster care, day care, residential treatment, child and family counseling, research, and professional training programs in the Chicago area and 40 counties throughout Illinois; and
WHEREAS, Snug Hugs for Kids challenges employees and volunteers, as well as leaders to participate in this cause, thereby furthering the efforts to help those in need within our own communities; and
WHEREAS, drop boxes will be located at different locations throughout the Chicago area and throughout Illinois from November 1-December 12, 2001, in order for people to donate clothing;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1-December 12, 2001, as SNUG HUGS FOR KIDS DAYS in Illinois.
Issued by the Governor November 13, 2001.
Filed by the Secretary of State November 15, 2001.

2001-624
INTERNATIONAL EDUCATION DAY

WHEREAS, advances in communication and transportation continue to shrink the distances that separate the United States and the State of Illinois from other countries around the globe; and
WHEREAS, one out of every eight jobs in Illinois is dependent on foreign trade, and exports from Illinois to other countries tops $40 billion annually, making the understanding of foreign cultures and governments a necessity in the global marketplace; and
WHEREAS, the global nature of the economy and recent events in the United States continue to point out the need to better emphasize the study of foreign languages, cultures, histories and geographies in Illinois’ elementary and high schools; and
WHEREAS, for the past decade, Illinois has been one of the nation’s leaders in promoting and making available opportunities for international education through the Illinois Consortium for International Education; and
WHEREAS, the consortium has 114 member institutions, including public and private colleges, universities and community colleges; and should be commended for its ground-breaking work on behalf of Illinois’ future; and
WHEREAS, Illinois convened the state’s first-ever International Career Academy during 2001 to encourage and supplement the study of other countries by high school and college-bound students and intends to make the Academy an important part of the state’s education system; and
WHEREAS, Illinois also has created the state’s first-ever International High School Program, which allows participating schools
to carry a special “international” designation if they enhance, coordinate and promote the study of other countries and languages;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2001, as INTERNATIONAL EDUCATION DAY in Illinois and encourage students everywhere to enhance their knowledge of foreign cultures, history and current events in order to make Illinois a leader around the globe.

Issued by the Governor November 14, 2001.
Filed by the Secretary of State November 15, 2001.

2001-625
GERALD CHARLES DICKENS DAY

WHEREAS Charles Dickens is known the world over as the prolific author of classic masterpieces that include "Oliver Twist," "Nicholas Nickelby," "Bleak House," "A Tale of Two Cities," "Great Expectations" and "David Copperfield"; and

WHEREAS the work of Mr. Dickens not only reflects the work of a literary genius, but has done much over the centuries to raise public ire against poverty and injustice, as well as kindness toward those who are less fortunate in society; and

WHEREAS Mr. Dickens captivated audiences in England, the United States and other ports of call by reading aloud his famous works - especially his timeless "A Christmas Carol"; and

WHEREAS Mr. Dickens traveled to the United States more than 150 years ago to advocate for the creation of international copyrights and to champion the abolition of slavery; and

WHEREAS his great-great-grandson, Gerald Charles Dickens, is currently visiting Illinois to carry on his family's legacy by performing his ancestors legendary works on stage; and

WHEREAS his performances in Springfield will include the first major attraction at the city's new Springfield Center for the Arts and will benefit literacy and numerous libraries throughout the area; and

WHEREAS Gerald Charles Dickens will help the people of Illinois initiate the holiday season by evoking the magic of his great-great grandfather's famous characters and images of Victorian England;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 17, 2001, as GERALD CHARLES DICKENS DAY in Illinois.

Issued by the Governor November 16, 2001.
Filed by the Secretary of State December 10, 2001.

2001-626
HOMECARE AND HOSPICE MONTH

WHEREAS, Illinois Home Care Council is the nation's first home care association; and

WHEREAS, the Illinois Home Care Council has been a part of the growth and change in home health care throughout the last 41 years; and

WHEREAS, Illinois Home Care Council represents the needs of more than 160 providers of home health care; and

WHEREAS, the Illinois Home Care Council is dedicated to shaping and supporting the entire spectrum of home health care providers and related services; and

WHEREAS, home health care has grown in scope over the past 41 years and is now available for a wide variety of services including
skilled nursing, hospice care, physical therapy, speech therapy, occupational therapy, infusion services, private duty, and durable medical equipment, as well as traditional bathing and general care; and

WHEREAS, these services are a tremendous savings to the state and provide access to care for people who are homebound; and

WHEREAS, if not for home health, many of these patients would be in state-funded hospitals and institutions, creating an additional burden on an already over-burdened budget; and

WHEREAS, November is National Home Care Month, recognizing the important role that home health care plays in the American health care system; and

WHEREAS, November is National Hospice Month, recognizing the important contributions of those who care for the terminally ill; and

WHEREAS, November is National Family Caregivers Month, recognizing the value of people who care for sickly family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as HOMECARE AND HOSPICE MONTH in Illinois.

Issued by the Governor November 16, 2001.

Filed by the Secretary of State December 10, 2001.

2001-627
CONGRATULATE JET MAGAZINE

WHEREAS, Jet Magazine began its fine tradition of journalism 50 years ago; and

WHEREAS, throughout the years, Jet Magazine has played an important role in solidifying the African-American community; and

WHEREAS, Jet provides relevant news stories not reported in the mainstream media; and

WHEREAS, despite Jet's impressive circulation of one million copies per week and a readership of ten million, the magazine continues to expand due to its unique coverage of the issues of interest to the African-American community; and

WHEREAS, Jet has reported on the many successes and triumphs of the National Association for the Advancement of Colored People, which has been an integral part of the NAACP's prosperity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Jet Magazine and Publisher John H. Johnson for 50 years of hard work and dedication to the African American community.

Issued by the Governor November 16, 2001.

Filed by the Secretary of State December 10, 2001.

2001-628
TERESA HUBKA DAY

WHEREAS, the Illinois Osteopathic Medical Society will host its annual President's Reception on Saturday, December 1, 2001, at the Oak Brook Hills Resort; and

WHEREAS, the purpose of the banquet is to honor outgoing President Teresa Hubka, DO; and

WHEREAS, in addition to president, Dr. Hubka has served the Illinois Osteopathic Medical Society over the years as vice chairperson of the Illinois Osteopathic Educational Foundation, a trustee on the IOMS Board of Trustees, and as a resident representative;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2001, as TERESA HUBKA DAY in Illinois, in recognition of her outstanding and distinguished service as President of the Illinois Osteopathic Medical Society.
Issued by the Governor November 26, 2001.
Filed by the Secretary of State December 10, 2001.

2001-629
2001 TIMOTHY CHRISTIAN HIGH SCHOOL GIRLS CROSS COUNTRY TEAM DAY

WHEREAS, the 2001 Timothy Christian High School Girls Cross Country Team and Coach Dick Zylstra are to be commended and congratulated on their first State Championship Title; and
WHEREAS, the Lady Trojans won the Class A Team Championship with 115 points, with the aid of all-state runners Rachel Reed and Jenny Zylstra, placing four runners in the top 35; and
WHEREAS, team members Rachel Reed, Jenny Zylstra, Jenny Loerop, Ashley Afman, Jessica Verlare, Jodi Verlare, Michelle Pruim, Stefanie LeRoy, Tami Wieringa, Christine Snoeyink, Danielle Riley, Emily Carwell, Alexandra Hegel, Kristin Raley, Hannah Wagle, and Amy Dirkse have demonstrated extraordinary determination and commitment in their quest to be the best runners in the state; and
WHEREAS, the hard work and dedication of Coach Dick Zylstra, whose leadership has inspired these young athletes to excel to record levels, is recognized here; and
WHEREAS, these outstanding young women, who have served as role models to their fellow students and who have worked together as a team all season, encouraged and helped one another reach their final goal; and
WHEREAS, we recognize this victory is a source of great pride to the school and the entire community, and is shared by the families, friends, and the student body of Timothy Christian, who have supported the team all season;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 28, 2001, as the 2001 TIMOTHY CHRISTIAN HIGH SCHOOL GIRLS CROSS COUNTRY TEAM DAY in Illinois.
Issued by the Governor November 26, 2001.
Filed by the Secretary of State December 10, 2001.

2001-630
WINNETKA COMMUNITY HOUSE DAY

WHEREAS, the Winnetka Community House was established in 1911; and
WHEREAS, since its establishment, the House has been a gathering place that facilitates conversation, volunteerism and harmony within the community; and
WHEREAS, throughout its nine decades of history as a North Shore institution, this facility has provided wonderful experiences and memories; and
WHEREAS, the House provides a wide variety of educational, recreational and cultural programs for children and adults; and
WHEREAS, the House offers the highest quality of guidance, equipment and programs on the North Shore for adults seeking their
optimal level of fitness; and
WHEREAS, the House furnishes the community with clean, appropriately appointed and accessible space for meetings, events and celebrations; and
WHEREAS, on Saturday, December 1, 2001, more than 400 residents from Glencoe, Winnetka/Northfield, Kenilworth and Wilmette will gather at the Community House for a full afternoon of birthday festivities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2001, as WINNETKA COMMUNITY HOUSE DAY in Illinois.

Issued by the Governor November 26, 2001.
Filed by the Secretary of State December 10, 2001.

2001-631
AARON M. SCHMIDT DAY

WHEREAS, Aaron M. Schmidt was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and
WHEREAS, he served as Secretary of the Commission; and
WHEREAS, Mr. Schmidt works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and
WHEREAS, Mr. Schmidt is the Chair and CEO of The Packaging House, Inc., a former Chair of a task force to aid persons with physical and developmental disabilities in Chicago, served as a member of Mayor Richard Daley's Sister Cities Program, has been a leader in the Jewish Federation of Metropolitan Chicago, and has served as a North Side Small Business Crusader for United Way, Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as AARON M. SCHMIDT DAY in Illinois.

Issued by the Governor November 27, 2001.
Filed by the Secretary of State December 10, 2001.

2001-632
CHRISTOPHER A. DEANGELIS DAY

WHEREAS, Christopher A. dingles was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and
WHEREAS, he served as Chairperson of the Commission; and
WHEREAS, Mr. dingles works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and
WHEREAS, Mr. dingles is a Senior Vice President for An Re Inc., a past President of the Board of Directors of National Runaway Switchboard, a Staff Member of Operation Snowball, and is on the Board of Directors of Our Children's Place;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as CHRISTOPHER A. DEANGELIS DAY in Illinois.

Issued by the Governor November 27, 2001.
Filed by the Secretary of State December 10, 2001.
2001-633
FREE ENTERPRISE WEEK

WHEREAS, it has never been the American tradition to sit around when times turn rough and watch them get rougher; and
WHEREAS, the free enterprise system is a vital part of the American way of life; and
WHEREAS, the terrorist attacks of September 11th have attempted to jeopardize free enterprise, but will not prevail;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 3-9, 2001, as FREE ENTERPRISE WEEK in Illinois.
Issued by the Governor November 27, 2001.
Filed by the Secretary of State December 10, 2001.

2001-634
JOSEPH LASSNER, PH.D. DAY

WHEREAS, Dr. Joseph Lassner was appointed on August 27, 1993, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and
WHEREAS, Dr. Lassner served as Secretary, Vice Chairperson and chairperson of the Commission; and
WHEREAS, he was also a volunteer member of the Commission's Human Rights Authority and was Chairperson of the South Suburban Regional Human Rights Authority; and
WHEREAS, Dr. Lassner works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and
WHEREAS, Dr. Lassner is a Professor Emeritus of Social Work from Loyola University, is the founding co-chair of TALE (The Adult Learning Exchange) and a consultant and trainer in many schools, hospitals, and social agencies in Metropolitan Chicago;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as JOSEPH LASSNER, PH.D. DAY in Illinois.
Issued by the Governor November 27, 2001.
Filed by the Secretary of State December 10, 2001.

2001-635
SUSAN SUTER DAY

WHEREAS, Susan Suter was appointed on February 24, 1994, by Governor Jim Edgar to the Illinois Guardianship and Advocacy Commission; and
WHEREAS, Ms. Suter served as Secretary and Treasurer of the Commission; and
WHEREAS, she currently holds the position of Chairperson, overseeing the Director, staff and volunteers of the Commission; and
WHEREAS, Ms. Suter works diligently to ensure disabled persons receive nothing but the highest quality of care, reach their greatest level of independence and are treated with dignity and respect; and
WHEREAS, Ms. Suter currently oversees Suter and Associates, is the former Director of the Springfield Office for the Rehabilitation Institute of Chicago, is former Director of the Illinois Department of Children and Family Services, former Director of the Illinois...
Department of Public Aid, former Director of the Illinois Department of Rehabilitation Services, and former Commissioner of Rehabilitation Services Administration, U.S. Department of Education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 5, 2001, as SUSAN SUTER DAY in Illinois.

Issued by the Governor November 27, 2001.
Filed by the Secretary of State December 10, 2001.

2001-636
PEARL HARBOR REMEMBERANCE DAY

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 United States citizens were killed, and more than 1,000 wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II, and all other people of the United States commemorate December 7th in the remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the United States Armed Forces during World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2001, as PEARL HARBOR REMEMBERANCE DAY in Illinois.

Issued by the Governor November 28, 2001.
Filed by the Secretary of State December 10, 2001.

2001-637
THE NATIONAL D-DAY MUSEUM IN NEW ORLEANS

WHEREAS, the National D-Day Museum opened on June 6, 2000, in New Orleans, Louisiana. Through numerous records, films, exhibits, and artifacts the Museum honors the citizens soldiers of World War II of all branches of military service, who made the victory possible by their courage, perseverance, and sacrifice during the allied and amphibious invasions in all theaters of the war; and

WHEREAS, the Museum additionally honors Andrew Jackson Higgins and the Higgins Boat, the landing craft vehicle designed and built by Higgins Industries, Inc. of New Orleans, used in the amphibious invasions of World War II and credited by General Dwight David Eisenhower as the "boat" that won the war for the allies; and

WHEREAS, the purpose of the Museum is to educate and provide a legacy of understanding to future generations of the World War II experience. Future generations must not be allowed to forget that during one of history's darkest hours, there was a generation of Americans who united together to stand as a Nation and confront and defeat the horrific evils of fascism; and

WHEREAS, the wing of the Museum devoted particularly to the amphibious operations of the Pacific Theater is scheduled to open on December 7, 2001, the 60th anniversary of the Japanese surprise attack on Pearl Harbor; and
WHEREAS, the dedication of the Pacific Wing will include numerous ceremonies, military events, the "Gathering of Eagles" and a parade that will require military units and equipment, drill teams, bands, color guards, and ceremonial units from each branch of the armed services, including a naval visit by ships of the U.S. Navy, Coast Guard, and Merchant Marine services; and

WHEREAS, the Museum, with the assistance of the United States Department of Defense and Veterans Administration, is attempting to identify and invite to the dedication events, all living veterans of the D-Days of World War II, particularly those who served in the Pacific Theater; and

WHEREAS, it is proper to preserve the memories and instances of the association of our veterans in the wars; and

WHEREAS, it is proper for the State of Illinois to support and promote the efforts of The National D-Day Museum at New Orleans, Louisiana, to assist in the preservation of these memories which honors America's Veterans, to include notification to all citizens of the State of Illinois of the existence and mission of the Museum, and the events surrounding the dedication of the Pacific Wing, December 6-9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim to endorse and support the mission of The National D-Day Museum in New Orleans which seeks to preserve the memories and instances of veterans in the Great Wars, particularly the amphibious landings of the Allied Forces in World War II, and in particular the events surrounding the dedication of the Pacific Wing of the Museum, December 6-9, 2001.

Issued by the Governor November 28, 2001.
Filed by the Secretary of State December 10, 2001.

EYES OF CHRISTMAS THEATREVISION AUDIO DESCRIPTION DAY

WHEREAS, The Eyes of Christmas is representative of the audio needs of the nation's blind and vision impaired; and

WHEREAS, the more than 31 million people who cannot read ordinary print can be included in print holiday cards and other printed materials; and

WHEREAS, RP International has been at the forefront of the medical research and quality of life programs, such as, The Eyes of Christmas, for more than 29 years; and

WHEREAS, Helen Harris and her family lead us all with hope for a cure for blindness, and persistence and faith in bringing audio described programming and audio greeting cards to the blind in our communities; and

WHEREAS, the State of Illinois is proud to be included and to have its visually impaired citizens made aware of, and the ability to participate in, The Eyes of Christmas audio greeting cards and TheatreVision's description programs whenever possible;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 24, 2001, as EYES OF CHRISTMAS THEATREVISION AUDIO DESCRIPTION DAY in Illinois.

Issued by the Governor November 30, 2001.
Filed by the Secretary of State December 10, 2001.
WHEREAS, Linda M. White, one of the Social Security Administration's most valued employees, is retiring on December 28, 2001; and
WHEREAS, Ms. White is a lifelong resident of Chicago, who began her career in public service in 1965 as a Claims Authorizer; and
WHEREAS, since 1989, Ms. White supervises more than 600 employees in her role as Area Director for Northern Ohio, based in Chicago; and
WHEREAS, Mrs. White received her BA degree from Clark University in Atlanta, her MA from the University of Chicago, and one year of post-graduate study at Stanford University;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2001, as LINDA M. WHITE DAY in Illinois.
Issued by the Governor November 30, 2001.
Filed by the Secretary of State December 10, 2001.

2001-640
S.A. MAXWELL DAY

WHEREAS, the S. A. Maxwell Company has provided home dwellers with creative and pleasing wall coverings throughout the State of Illinois for 150 years; and
WHEREAS, the company's salesmen have traveled through the State of Illinois proclaiming at each stop, "Elegance has arrived!" and has produced quality wall coverings for all homes; and
WHEREAS, while the firm has moved from Lacon to Bloomington to Chicago and on to Mundelein, it has remained in the State of Illinois during its 150- year history; and
WHEREAS, the management is dedicated to conducting its worldwide business solely from the great State of Illinois during its extraordinary history;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 15, 2001, as S.A. MAXWELL DAY in Illinois, in recognition of this corporate citizen's sesquicentennial anniversary.
Issued by the Governor November 30, 2001.
Filed by the Secretary of State December 10, 2001.

2001-641
BERNARD NABER DAY

WHEREAS, Bernard Naber and his wife have eight children and seventeen grandchildren; and
WHEREAS, Bernard credits his Franciscan education at Roger Bacon in developing the discipline and integrity to be successful in business and life; and
WHEREAS, in 1959, he joined his father in land development and home building, which led him to enter the real estate sales field; and
WHEREAS, Mr. Naber was with Doyle Pharmaceutical Company as a sales representative from 1962 to 1966; and
WHEREAS, in 1967, he joined Frank Tyrolt, his former sales manager at Doyle Pharmaceutical, in acquiring Dunn Company in Decatur, Illinois; and
WHEREAS, at that time Dunn Company was a fledging asphalt paving contractor and over the next 34 years it grew to be a major contractor serving residential, commercial, industrial and governmental customers throughout the State of Illinois; and
WHEREAS, in 1999, Frank Tybolt retired and Mr. Naber became the majority stockholder of the company, and at his retirement, employees of the company are purchasing his interest; and
WHEREAS, Dunn Company and its employees have provided funds to renovate a Roger Bacon classroom in honor of Mr. Naber at his retirement;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, BERNARD NABER DAY in Illinois.
Issued by the Governor December 03, 2001.
Filed by the Secretary of State December 10, 2001.

2001–642

CECILE A. GAGAN DAY

WHEREAS, Cecile A. Gagan has served as the Chief Executive Officer of the American Cancer Society, Illinois Division, Inc. since 1990; and
WHEREAS, Cecile has led the Illinois Division to become on of the largest and most innovative American Cancer Society Divisions in the nation, with 117,000 volunteers statewide; and
WHEREAS, Cecile A. Gagan has served the American Cancer Society for 48 years in other capacities such as the Illinois Division's Associate Director of Public Information, as Director of Public Information/Public Affairs and as Senior Director of Communications; and
WHEREAS, Cecile A. Gagan, along with teams of American Cancer Society volunteers, pioneered campaigns such as the Great American Low Fat Pig-Out, "Tell A Smoker Where to Go," "Smoking Stinks," "Smoking is Glamorous," "Fry Now - Pay Later" and "Definitely A 15"; and
WHEREAS, Cecile A. Gagan was instrumental in developing and navigating the American Cancer Society's role in passing legislation, including the Illinois Clean Indoor Air Act and legislation relating to the Pap test, mammography and not-for-profit organizations; and
WHEREAS, Cecile A. Gagan has served as President of the Welfare Public Relations Forum of Chicago, Chair of the Public Service Committee of the Public Relation Society of America, Chair of the Forestry Commission in Oak Park and is a member of the Economic Club of Chicago, the Rotary Club of Chicago and the Hemingway Foundation;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 4, 2002, as CECILE A. GAGAN DAY in Illinois.
Issued by the Governor December 03, 2001.
Filed by the Secretary of State December 10, 2001.

2001–643

CIVIL AIR PATROL WEEK

WHEREAS, Civil Air Patrol is a non-profit, humanitarian organization established in 1941 and charted by Congress in 1946; and
WHEREAS, Civil Air Patrol is represented in Illinois by the Illinois Wing-Civil Air Patrol; and
WHEREAS, under the command of Colonel Joseph S. King, Jr., his staff and a membership of 718 seniors and 595 cadets, they have stood ready to assist in any local state of national emergencies; and
WHEREAS, Civil Air Patrol flies 75 percent of the inland search and rescue missions assigned by the United State Air Force Rescue Coordination Center at Langley AFB; and
WHEREAS, even in the aftermath of the terrorist attacks they have performed numerous missions of assistance to those who have felt the physical and emotional stress of September 11th; and
WHEREAS, on Saturday, December 1, 2001, the Civil Air Patrol and the Illinois Wing will celebrate its 60th anniversary of service to our nation, our state, and to the people who live and work here;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1-8, 2001, as CIVIL AIR PATROL WEEK in Illinois.
Issued by the Governor December 03, 2001.
Filed by the Secretary of State December 10, 2001.

2001-644
HENRY L. JACKSON

WHEREAS, Henry L. Jackson, Manager of Economic Information and Analysis at the Illinois Department of Employment Security was named recipient of the 2001 Vladimir Chavrid Award at the awards luncheon during the Labor Market Information (LMI) Directors' Annual Conference in Myrtle Beach, South Carolina; and
WHEREAS, Mr. Jackson has more than 25 years of experience in LMI in Illinois, and has made significant contributions to the LMI program at the local, state, national and international levels; and
WHEREAS, Mr. Jackson has been a moving force in the innovation, advancement and promotion of the use of labor market information in Illinois and throughout the nation as a Region V representative to both the NASWA LMI Committee and the Workforce Information Council; and
WHEREAS, under his direction, Illinois has undertaken an extensive effort to make labor market information more user-friendly and accessible. He is a national leader in his marketing efforts of labor market information; and
WHEREAS, the Chavrid Award recognizes excellence in the field of labor market information and employment security operations research. Recipients exemplify those making significant contributions to the operations and understanding of labor market information. The award was designed to memorialize Mr. Vladimir Chavrid, an early pioneer in the labor market;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate Henry L. Jackson on receiving this significant award.
Issued by the Governor December 03, 2001.
Filed by the Secretary of State December 10, 2001.

2001-645
JOHN M. "JACK" BARRY

WHEREAS, early on the morning of December 7, 1941, a surprise attack was launched on the U.S. Navy fleet stationed at Pearl Harbor; and
WHEREAS, this unprecedented attack on U.S. soil marked the entry
of the United States into World War II; and
WHEREAS, 2,395 Americans were killed in this brutal attack, more than 1,100 were injured, and countless other lives were changed forever due to the tragic events of that day; and
WHEREAS, John M. "Jack" Barry was serving as a Seaman First Class in the U.S. Navy in Pearl Harbor at the time of the attack; and
WHEREAS, we as Americans wish to express our gratitude and appreciation to John M. "Jack" Barry and all of those who bravely fought at Pearl Harbor to defend American shores and the American way of life; and
WHEREAS, the people of Illinois wish to honor John M. "Jack" Barry for his service as Assistant Vice Chairman of the Pearl Harbor Survivors Association of Illinois and as the President of Illinois Chapter 1 of Survivors of Pearl Harbor; and we appreciate his efforts to keep the memory of Pearl Harbor alive and insure we never forget the great sacrifices made by so many on that day; and
WHEREAS, during these difficult and uncertain times, we are more mindful than ever about the contributions that veterans such as John M. "Jack" Barry make in the name of democracy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize and honor John M. "Jack" Barry with our most sincere gratitude and highest respect for his courageous service at Pearl Harbor. Our prayers and thoughts are with him as he travels to Hawaii for the commemoration of the 60th anniversary of the attack on Pearl Harbor.
Issued by the Governor December 03, 2001.
Filed by the Secretary of State December 10, 2001.

2001-646
CRIME STOPPERS MONTH IN LAKE COUNTY

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and
WHEREAS, during the month of January, Crime Stoppers will be involved in fundraising ventures and will provide information to increase public awareness of crime prevention and community safety; and
WHEREAS, Crime Stoppers of Lake County is a non-profit organization, funded primarily by private donations of money, goods or services from the public, corporations, clubs, associations, retailers and organizations. The incredible success of Crime Stoppers is due to the support of all who contribute to the program. Cash rewards are paid to people who provide information leading to the arrest of felony crime offenders and to the capture of felony fugitives. Callers always remain anonymous; and
WHEREAS, Crime Stoppers of Lake County has been in existence for more than 18 years. With the cooperation of Citizens and the Police Departments, Crime Stoppers has proven to be successful in combating crime and has made more than 3,750 arrests for recovery of stolen property and illicit narcotics. It should be noted, that since the program's inception on April 26, 1983, Lake County Crime Stoppers has led Law Enforcement Officers to more than $12 million worth of contraband and recovered stolen property throughout Lake County, Northern Illinois and Wisconsin; and
WHEREAS, Gun Stoppers is another program that has been
established to remove illegal guns from public places, such as schools, school buses and playgrounds; and

WHEREAS, Lake County benefits when concerned citizens look out for each other and report crime to the appropriate authorities. It is this type of support between concerned citizens and the law enforcement agencies that improve the quality of life and safety for all communities within Lake County;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2002 as CRIME STOPPERS MONTH IN LAKE COUNTY in Illinois.

Issued by the Governor December 06, 2001.
Filed by the Secretary of State December 10, 2001.

2001-647
CRITICAL CARE NURSES WEEK

WHEREAS, Critical Care Nurses are registered professional nurses who make their optimal contribution as a part of a health care system driven by the needs of the critically ill patients; and

WHEREAS, Critical Care Nurses have a commitment to excellence in education and an awareness that education is fundamental to professional growth an excellence in critical practice; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in keeping abreast with the technical advancements of the critical care environment; and

WHEREAS, AACN currently has approximately 65,000 members nationwide including more than 2,750 in Illinois; and

WHEREAS, in addition to basic preparation, Critical Care Nurses must have advance knowledge of the psycho social, physiological, and therapeutic components specific to the care of the critically ill. The CCRN certification, obtained only after passing a comprehensive examination and acquiring professional experience, is a national recognition of professional proficiency in critical care nursing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 10-16, 2002, as CRITICAL CARE NURSES WEEK in Illinois.

Issued by the Governor December 06, 2001.
Filed by the Secretary of State December 10, 2001.

2001-648
DAN CAMPBELL DAY

WHEREAS, the Illinois Department of Public Health is responsible for licensing all long-term care facilities in the state and ensuring that the elderly in Illinois are properly cared for in these facilities; and

WHEREAS, Dan Campbell has administered the department's Licensure Section since March 1, 1988; and

WHEREAS, Dan Campbell first joined the Department of Public Health's Division of Health Facilities Surveillance, which was responsible for licensing nursing homes, in October 1972; and

WHEREAS, Dan Campbell has served as acting chief of the Division of Quality Assurance several times during his years with IDPH's long-term care program; and
WHEREAS, Dan Campbell's many contributions during his tenure with the department have undoubtedly made a difference in the quality of care for the elderly; and
WHEREAS, Dan Campbell is well respected by his peers and by the nursing home industry; and
WHEREAS, Dan Campbell is now retiring after 29 years of dedicated service to the Department of Public Health and to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, as DAN CAMPBELL DAY in Illinois and wish him success and happiness in all of his future endeavors.

Issued by the Governor December 06, 2001.
Filed by the Secretary of State December 10, 2001.

2001-649
MARIBETH FARNHAM DAY

WHEREAS, the Illinois Department of Public Health is responsible for licensing all long-term care facilities in the state and ensuring that the elderly in Illinois are properly cared for in these facilities; and
WHEREAS, Maribeth Farnham has been assistant to the administrator of the department's Licensure Section since July 1980; and
WHEREAS, Maribeth Farnham has been a valuable career public servant with the department since September 16, 1970, working in its long-term care program in the agency's Edwardsville Regional Office and in its central office in Springfield; and
WHEREAS, Maribeth Farnham has served on many committees with the Illinois Public Health Association; and
WHEREAS, Maribeth Farnham has served as secretary and president of the Quarter Century Club, which honors Illinois Department of Public Health employees who have worked with the agency for 25 or more years; and
WHEREAS, Maribeth Farnham's many contributions have undoubtedly made a difference in the quality of care for the elderly; and
WHEREAS, Maribeth Farnham is well respected by her peers and by the nursing home industry; and
WHEREAS, Maribeth Farnham is now retiring after 31 years of dedicated service to the Illinois Department of Public Health and to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2001, as MARIBETH FARNHAM DAY in Illinois and wish her success and happiness in all of her future endeavors.

Issued by the Governor December 06, 2001.
Filed by the Secretary of State December 10, 2001.

2001-650
SEED MONTH

WHEREAS, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high quality seeds; and
WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and
WHEREAS, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and
WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, the state's official seed-certifying agency, an independent, nonprofit organization; and
WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation;
THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 2002 as SEED MONTH in Illinois in appreciation of the seed industry's contribution to supplying food and fiber to the world through the production of Illinois crops.
Issued by the Governor December 11, 2001.
Filed by the Secretary of State December 13, 2001.

2001-651
BACK HEALTH WEEK

WHEREAS, the Back Rehab Institute is observing January 14-18, 2002, as National Back Health Week; and
WHEREAS, the goal of the Back Rehab Institute is to promote back health and to prevent back injury through community education, medical practice and research; and
WHEREAS, the Back Rehab Institute plays an integral role in continued efforts to provide care and assistance, coordinate activities, and disseminate information to promote good back health, prevention of injury and wellness;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 14-18, 2002, as BACK HEALTH WEEK in Illinois.
Issued by the Governor December 11, 2001.
Filed by the Secretary of State December 13, 2001.

2001-652
ENGINEER'S WEEK

WHEREAS, the engineering community of this state has provided a wealth of innovation in the fields of agriculture industry, transportation, construction, and education; and
WHEREAS, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and
WHEREAS, in order to emphasize the role of professional engineers in our society, the 2002 theme for National Engineers Week is "Zoom Into Engineering";
THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 17-23, 2002, as ENGINEER'S WEEK in Illinois.
Issued by the Governor December 11, 2001.
Filed by the Secretary of State December 13, 2001.
WHEREAS, Martin Luther King, Jr. devoted his life to civil rights and public service; and
WHEREAS, Dr. King recognized that everybody can be great because everybody can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and
WHEREAS, the citizens of Illinois honor Dr. King's legacy each year in January; and
WHEREAS, this day focuses on bringing people together and breaking down the barriers that have divided us as a nation; and
WHEREAS, thousands of Illinois residents use Martin Luther King Day as a "day on, not a day off," by spending it performing community service;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 21, 2002, as MARTIN LUTHER KING DAY in Illinois and recognize it as a Day of Service throughout Illinois, and further encourage each citizen to take part in service that will benefit communities and neighborhoods and provide a fitting memorial to the life of Martin Luther King, Jr.
Issued by the Governor December 11, 2001.
Filed by the Secretary of State December 13, 2001.
# COMPiled Statutes Amended

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State of Illinois

) ss.
United States of America, )

Office of the Secretary of State.

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Second General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 31st day of January 2002.

(SEAL)

JESSE WHITE
Secretary of State